



Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Workshop
June 18, 2012
9:00 a.m. – 12:00 p.m.
Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Workshop.

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of the Agenda**
- 4. Approval of the Minutes** – April 6, 2012 meeting
- 5. New Business**
 - a. Discussion of Code Assessment Changes
 - i) Zoning and Community Character
 - ii) Design Standards
 - iii) Redevelopment and Nonconformities

Note that some of the above items may be carried over to LMO Rewrite Committee workshop on June 19, 2012
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this workshop.

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

April 6, 2012 Minutes

1:00p.m. – Benjamin M. Racusin Council Chambers

DRAFT

Committee Members Present: Chairman Tom Crews, Vice Chairman Gail Quick, David Ames, Jim Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio*; and Charles Cousins, *Ex-Officio*

Committee Members Absent: David Bachelder, Irv Campbell and Chris Darnell

Planning Commissioners Present: None

Town Council Members Present: None

Town Staff Present: Teri Lewis, LMO Official
Jill Foster, Deputy Director of Community Development
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

Chairman Crews stated that a quorum of committee members is not present at 1:00p.m to call the meeting to order. While the committee waited for a quorum to arrive, Chairman Crews briefly discussed transfer of density rights (TDR), and gave an example of one on the island. Two more committee members arrived at 1:15p.m and Chairman Crews called the meeting to order at that time.

2) FREEDOM OF INFORMATION ACT

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.

3) APPROVAL OF THE AGENDA

The agenda was approved as presented by general consent.

4) NEW BUSINESS

Review of Code Assessment – Design Standards

Before beginning the review of Design Standards, the committee asked Ms. Lewis about the status of the consultant's response to the committee's first round of comments. Ms. Lewis stated that staff has not heard back from the consultant yet. A couple of committee members stated their frustration with the consultant's lack of understanding of Hilton Head Island and with what the committee is trying to accomplish. The committee agreed that they will need to provide a good deal of feedback to the consultant to keep the process moving forward in the right direction. Mr. Cousins stated that staff will work closely with the consultant to educate them on policy guidelines for Hilton Head Island. The committee stated that the consultant needs to gain a much better understanding of Hilton Head Island.

Ms. Lewis stated that following today's meeting on Design Standards, the staff will forward the committee's comments to the committee for their review and input. And, just as they did last week, the staff will then email the comments to the consultant. Following this discussion, Chairman Crews requested that Ms. Lewis make her presentation on Design Standards.

Ms. Lewis stated that the staff went back and reviewed Chapter 5 – Design Standards; we need to determine what the committee would like to accomplish with Design Standards. Design standards tend to be 'one size fits all' which limits creativity and flexibility. We also want to review the consultant's recommendations for Design Standards to see if they are appropriate.

Roads:

Ms. Lewis stated we have certain limitations because of general highway standards that we follow and the requirements of Fire and Rescue. Ms. Lewis asked the committee if the consultant should look at progressive communities to look for ways to increase flexibility, particularly in areas where we want to encourage non-vehicular traffic. The committee agreed with this idea. Chairman Crews presented brief comments regarding "Complete Streets" which is intended to encourage best uses in non-vehicular areas (pedestrian/bike traffic). We want to encourage a better balance of uses on roads. We need to design more compatibility and reduce conflicts to the extent possible. Mr. Cousins stated that we want our road standards to have emergency access, pedestrian access, and vehicular access.

We would like to look at what some other communities are doing to see if some of those ideas might work on Hilton Head Island.

Buffers:

Ms. Lewis stated that buffer requirements are based on road type. Should they be based on something else? Staff is looking for some specifics from the committee – some policy standards that the staff can give to the consultant. The staff and the committee discussed edge conditions. Is it important to protect edge conditions everywhere on the island? We do want to maintain buffers along the roadways and along the waterways. Are internal buffers important, too?

The committee and the staff discussed the internal buffers on New Orleans Road, as an example. The committee agreed that we should maintain open space standards within the sites. Perhaps we can reduce the adjacent use buffers on internal sites which have a 20-foot buffer on each side of the property (40-foot total). Do we need or want 40-feet between parcels? Green space (open space) should always be protected. Adjacent use buffers may not be necessary between like or similar uses.

Parking:

Parking has always been on site. Should we consider changing that to allow some on-street parking? Should it be the same in all districts? What about shared parking, deferred parking and off-site parking? We should incent connectivity with the goal of increasing walking/biking. The staff discussed the term 'function jointly'. Should we modify some of the requirements if other types of requirements are met? The committee agreed that we need to provide more flexibility. Hopefully, the consultant can offer some good ideas on Parking Standards.

The committee discussed encouraging an incentive to decrease parking in a fun way such as the Palmetto Dunes Buggy or Sea Pines trolley to shuttle people around. The committee discussed increasing an interest in walking. People need to be better educated and encouraged to walk. It was recognized that this is not really an LMO issue.

Height:

Staff and the committee discussed a height limitation of five stories over parking (75-feet above grade level). Ms. Lewis reviewed a zoning map showing the different zoning districts and the limitations on height in each zoning district.

The committee is concerned about height on the oceanfront and, at the same time, we want to encourage redevelopment with incentives. We need to preserve the character of the island by keeping limitations on height. We may want to enable a height of 75-feet in some walking areas; however, we do not want to allow this in isolated pods. We want to avoid seeing an isolated five-story building that is not in an urban context.

Staff and the committee discussed Central Forest Beach Zoning. The committee is concerned about the height of development on the oceanfront. A limit of five stories over parking should be maintained. The committee discussed the need to facilitate redevelopment. What are the criteria for redevelopment?

The committee discussed the idea of lowering the height of five stories over parking. There are some areas on the island that can handle this height. Lower heights work to the island's advantage aesthetically. Are we going to try to guide by market forces where people will want to redevelop? A height limit of 45-feet in some areas does not make a lot of sense.

Site Lighting:

The staff and the committee discussed site lighting. Is current site lighting appropriate? Some older sites are non-conforming. The committee discussed the issue of safety in walkable areas. Do we want to encourage additional lighting in certain areas for safety reasons? The committee agreed that different areas of the island need to be treated differently. The Coligny area needs night-lighting. The area of Northridge Plaza may need additional lighting for safety reasons.

5) ADJOURNMENT

Following final comments, the meeting was adjourned at 2:40pm.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

Town of **HILTON HEAD
ISLAND**

**Response to
LMO Rewrite Committee
Comments on Code Assessment**

June 2012



CLARION



Table of Contents

Part 1: Response to Comments on Code Assessment 1

Part 2: Diagnosis 2

 2.1 Improve User-Friendliness 2

 2.2 Update, Clarify, and Streamline Review Procedures 2

 2.3 Modify and Consolidate Zone Districts and Encourage More Use Mixing 2

 2.3.1 Suggested Zone District Consolidation 5

 2.4 Encourage Redevelopment in Targeted Areas 19

 2.5 Address Nonconformities 21

 2.6 Revise Design Standards Related to Targeted Issues and Areas 28

 2.7 Modify Natural Resource Regulations 33

Part 1: Response to Comments on Code Assessment

This document consists of the Clarion team's response to the LMO Rewrite Committee's comments on the Code Assessment. It follows the organizational structure of the Code Assessment, which includes the following sections.

- 2.1 Improve User-Friendliness**
- 2.2 Update, Clarify, and Streamline Review Procedures**
- 2.3 Modify and Consolidate Zone Districts and Encourage Use Mixing**
- 2.4 Encourage Redevelopment in Targeted Areas**
- 2.5 Address Nonconformities**
- 2.6 Revise Design Standards Related to Targeted Issues and Areas**
- 2.7 Modify Natural Resource Regulations**

Under each section heading, we place in a comment box the LMO Rewrite Committee comments. This is followed by a response to the comments, which outlines how the comments would be addressed in the LMO Rewrite. Because there is a significant restructuring of the zone districts in response to the LMO Rewrite Committee comments, the entirety of Section 2.3 of the Code Assessment is included in this section of the response, in its edited and restructured form.

This response to comments on Code Assessment is being made available to the LMO Rewrite Committee and public in early June, 2012. The Clarion team will be conducting meetings with the LMO Rewrite Committee on the response in mid to late June, 2012.

Part 2: Diagnosis

2.1 IMPROVE USER-FRIENDLINESS

LMO Rewrite Committee Comments:

“Overall excellent approach to improving structure. We want the neighborhood meeting to be strongly encouraged vs legally required.”

Response:

The draft LMO Rewrite will incorporate the structural modification recommended in Section 2.1.1 of the Code Assessment. It will strongly encourage rather than mandate pre-application neighborhood meetings for all development applications (see Section 2.2.10 of the Code Assessment, on page 2-15).

2.2 UPDATE, CLARIFY, AND STREAMLINE REVIEW PROCEDURES

LMO Rewrite Committee Comments:

“Overall excellent approach to improving structure. We want the neighborhood meeting to be strongly encouraged vs legally required.”

Response:

See response to Section 2.1 above.

2.3 MODIFY AND CONSOLIDATE ZONE DISTRICTS AND ENCOURAGE MORE USE MIXING

LMO Rewrite Committee Comments:

“We asked you to help us reduce the number of zoning districts, and your proposal to go from 24 to 14 certainly does that. However in that process you have combined several districts that to us do not have anything in common and do not belong together.

In a community survey taken in 2010 for the Comprehensive Plan, Town residents feel that they “like the Island pretty much the way it is now”. (This may be interpreted to mean they would like to retain the existing character, spirit and experience of the island. That said, the committee acknowledges the creative tension between “like it pretty much as it is” and the need to update the island’s built environment to meet expectations of today’s and tomorrow’s guests and residents.) For anyone who has spent time on Hilton Head Island, the Coligny Beach area feels different than Shelter Cove and Northridge (Commercial Center District), Stoney and the WMU district are also dissimilar to Coligny.

Your proposed zoning does not take these differences into account and in fact places most of them in the same classification, with the same form based code standards proposed. This is not what we want for Hilton Head Island.

We believe you have also missed the importance of "edge" conditions in our environment. It is much more than the edge which separates commercial and residential development. Hilton Head is widely known and respected for the natural and landscaped vegetation that lines our major roadways and connectors between activity centers, as well as our protection of trees. Your proposed standards in the new zones appear to threaten the long term preservation of those important edge conditions."

Actions Needed:

1. Develop an understanding of the guiding principle defined in the attachment
2. Understand the importance of and provide for continued enhancement of edge conditions along connections between development nodes while improving flexibility within development sites
3. Rework proposed new zones (I-MX-C, I-MX-M and N-MX) to reflect the different characteristics as outlined in the attachment
4. Recognize that the OL district is critical and identify approaches to address it
5. Determine the applicability of a hotel/resort district to incent redevelopment of beachfront hotels
6. Do not use the existing zoning map as a base map for starting the process
7. The new zoning districts should have imbedded in them where we want to end up
8. Zoning needs to be unique for HHI and keep the parts that people really like – with possible exceptions, this means buildings set back from the street, landscaping along major roads
9. Need to do a better job looking at what the new districts will be – not just the form – and what uses will work best in those areas
10. Need to provide more advice about what tools will work for Hilton Head Island (density transfers, etc.)

Response: In response to these comments, we have conducted follow-up meetings with town staff, done additional reconnaissance, and conducted additional evaluation of the LMO. Based on that and the LMO Rewrite Committee comments, we have significantly revised Section 2.3 of the Code Assessment, which is set down below in its entirety.

The heart or foundation of a development code is its zone districts, allowable uses, and related regulations. Currently the LMO consists of 24 base zone districts and eight overlay districts. They are set-down in Table 2.3: Town’s Current Zone District Structure.

TABLE 2.3: TOWN’S CURRENT ZONE DISTRICT STRUCTURE	
CONSERVATION AND RECREATION DISTRICTS	
	CON Conservation District
	PR Parks and Recreation District
RESIDENTIAL DISTRICTS	
	RS-2 Residential Single-Family District (2 units/acre)
	RS-3 Residential Single-Family District (3 units/acre)
	RS-4 Residential Single-Family District (4 units/acre)
	RS-5 Residential Single-Family District (5 units/acre)
	RS-6 Residential Single-Family District (6 units/acre)
	RM-4 Low to Moderate Density Residential District (4 to 8 units per acre)
	RM-8 Residential Moderate Density District (8 units/acre)
	RM-12 Moderate to High Density Residential District (12 units/acre)
BUSINESS DISTRICTS	
	OL Office/Institutional Low Intensity District
	OM Office/Institutional Moderate Intensity District

TABLE 2.3: TOWN'S CURRENT ZONE DISTRICT STRUCTURE

NC Neighborhood Commercial District
CC Commercial Center District
CCW Coligny Commercial Walking District
DCW Dunnagans Commercial Walking District
RD Resort Development District
CFB Central Forest Beach District
IL Light Industrial/Commercial Distribution District
OCIL Office/Light Commercial/Light Industrial District
MIXED USE DISTRICTS
PD-1 Planned Development Mixed Use District
SMU Stony Mixed Use District
WMU Water Front Mixed Use District
MMU Marsh Front Mixed Use District
OVERLAY DISTRICTS
AZ Airport Overlay District
COR Corridor Overlay District
PD-2 Planned Development Overlay District
FB-NCOD Forest Beach Neighborhood Character Overlay District
FF-NCOD Folly Field Neighborhood Character Overlay District
HH-NCOD Holiday Homes Neighborhood Character Overlay District
RO Redevelopment Overlay District
CSPDAA&TAOD Critical Storm Protection and Dune Accretion Area and Transition Area Overlay District

The town's goals for the LMO Rewrite include consolidating the zone districts to simplify the LMO and encouraging more mixed-use opportunities. Our review of the current zone district structure in light of these goals make clear the need for zone district consolidation, as well as other modifications to the zone district structure and format. In undertaking the evaluation, several other considerations are also important to factor into the analysis.

- First, maintaining and protecting the character of established single-family neighborhoods;
- Second, ensuring consolidation does not increase nonconformities, but reduces them;
- Third, ensuring continued enhancement of the edge conditions important in defining the character of the town:
 - The edge conditions along the roads (established by road setbacks and buffers);
 - The edge conditions between single-family residential and non-residential development; and
 - The edge conditions between the water and development.
- Fourth, recognizing that while there are some similarities between the town's activity centers, there are also differences in character that are important to recognize and reflect in the LMO Rewrite; and
- Fifth, ensuring consolidation does not affect the development approvals received by the current PUDs.

2.3.1 Suggested Zone District Consolidation

With these additional considerations in mind, we evaluated the current zone district structure and the zone district map, reviewed more closely the zone district regulations in the LMO, and had further discussions with town staff about related zone district and development issues. This analysis resulted in a revised zone district structure which reduces the current base zone districts from 24 to 15 districts. Of the 15 base districts, four would be mixed-use districts. Two are new and two are carried forward from the current LMO. The key new mixed use district, which is proposed to apply to the town's major activity centers, includes four subdistricts in order to adequately recognize and accommodate the distinct character in each activity center. The overlay districts are carried forward, even though changes are suggested for the RO Redevelopment Overlay District.

The suggested zone district structure for the LMO rewrite is outlined in Table 2.3.1: Zone District Structure in LMO Rewrite. It shows the zone district structure in the current LMO on the left side of the table, as compared to the zone district structure proposed for the LMO rewrite, on the right side of the table. More detail about the proposed consolidation of districts, proposed new districts, and other changes to the base districts follows the table.

TABLE 2.3.1: ZONE DISTRICT STRUCTURE IN LMO REWRITE

ZONE DISTRICT IN CURRENT LMO	ZONE DISTRICT IN LMO REWRITE
CONSERVATION AND PARKS/RECREATION DISTRICTS	
CON Conservation District	CON Conservation District
PR Parks and Recreation District	PR Parks and Recreation District
RESIDENTIAL DISTRICTS	
RS-2 Residential Single-Family District (2 units/acre)	RSF-3 Residential Single-Family District (3 units/acre)
RS-3 Residential Single-Family District (3 units/acre)	[CONSOLIDATED]
RS-4 Residential Single-Family District (4 units/acre)	RSF-6 Residential Single-Family District (6 units/acre) [CONSOLIDATED]
RS-5 Residential Single-Family District (5 units/acre)	
RS-6 Residential Single-Family District (6 units/acre)	
RM-4 Low to Moderate Density Residential District (4 units/acre)	RM-4 Low to Moderate Density Residential District (4 units/acre)
RM-8 Residential Moderate Density District (8 units/acre)	RM-8 Residential Moderate Density District (8 units/acre)
RM-12 Moderate to High Density Residential District (12 units/acre)	RM-12 Moderate to High Density Residential District (12 units/acre)
MIXED USE AND BUSINESS DISTRICTS	
	I-MX Island Activity Center Mixed Use District [NEW MIXED USE DISTRICT WITH FOUR SUBDISTRICTS]
CCW Coligny Commercial Walking District	I-MX-Coligny Island Activity Center Mixed Use-Coligny
	I-MX-Shelter Cove Island Activity Center Mixed Use-Shelter Cove
CC Commercial Center District	I-MX-Mathews Island Activity Center Mixed Use-Mathews
DCW Dunnagans Commercial Walking District	I-MX-C Island Activity Center Mixed Use-Commercial
OL Office/Institutional Low Intensity District	
OM Office/Institutional Moderate Intensity District	COM-MX Community Mixed Use District [NEW MIXED USE DISTRICT]
OCIL Office/Light Commercial/Light Industrial District	
NC Neighborhood Commercial District	
WMU Water Front Mixed use District	WMU Water Front Mixed Use District
SMU- Stoney Mixed Use District	SMU Stoney Mixed Use District
RD Resort Development District	HR Hotel and Resort District [NEW DISTRICT]
CFB Central Forest Beach District	
MMU Marsh Front Mixed Use District	MW Marsh and Waterfront
IL Light Industrial/Commercial Distribution District	IL Light Industrial
PD-1 Planned Development Mixed Use District	PD-1 Planned Development Mixed Use District
OVERLAY DISTRICTS	
AZ Airport Overlay District	AZ Airport Overlay District

TABLE 2.3.1: ZONE DISTRICT STRUCTURE IN LMO REWRITE

ZONE DISTRICT IN CURRENT LMO	ZONE DISTRICT IN LMO REWRITE
COR Corridor Overlay District	COR Corridor Overlay District
PD-2 Planned Development Overlay District	PD-2 Planned Development Overlay District
FB-NCOD Forest Beach Neighborhood Character Overlay District	FB-NCOD Forest Beach Neighborhood Character Overlay District
FF-NCOD Folly Field Neighborhood Character Overlay District	FF-NCOD Folly Field Neighborhood Character Overlay District
HH-NCOD Holiday Homes Neighborhood Character Overlay District	HH-NCOD Holiday Homes Neighborhood Character Overlay District
RO Redevelopment Overlay District	RO Redevelopment Overlay District
CSPDAA&TAOD Critical Storm Protection and Dune Accretion Area and Transition Area Overlay District	CSPDAA&TAOD Critical Storm Protection and Dune Accretion Area and Transition Area Overlay District

As outlined in Table 2.3.1: Zone District Structure in LMO Rewrite, above:

- The **CON Conservation District** and the **PR Parks and Recreation District** will be carried forward in their current form.
- Some consolidation is proposed for the **Residential districts**, which simplifies the district structure while continuing to maintain the character of the town's residential districts and encourage residential options in the highest density RM district. Specifically:
 - The RS-2 and RS-3 Districts are proposed to be consolidated into a new **RSF-3 Residential Single Family-3 District**, with a maximum density of three units an acre. The allowed uses in the current RS-2 and RS-3 districts are the same¹ and would be carried forward. Except for density, the standards from the current RS-2 and RS-3 districts are the same; they would be carried forward and the density in RS-3 would be the maximum density in the new district (to ensure consolidation does not create nonconformities).
 - The RS-4, RS-5, and RS-6 Districts are proposed to be consolidated into a new **RSF-6 Residential Single Family-6 District**, with a maximum density of six units an acre. Currently the allowed uses in the RS-4, RS-5, and RS-6 districts are the same² and would be carried forward. The standards from the RSF-6 District would be used to ensure consolidation does not create nonconformities. One modification the town should consider in the district is to also allow by right small-scale attached residential development of four or fewer units, where it is designed to appear as a single-family home (the maximum density limitation of six units an acre would apply to this type of development).
 - The **RM-4 Low to Moderate Density Residential District** would be carried forward in its current form.
 - The **RM-8 Residential Moderate Density District** and **RM-12 Moderate to High Density Residential District** are proposed to also be carried forward in their current form.
- The **Business and Mixed Use districts** represent the primary focus of the restructuring efforts.

¹ Single-family, agriculture, and several different types of parks are allowed as permitted uses; minor utilities and cemeteries are allowed as special exceptions.

² Single-family, agriculture, and several different types of parks are allowed as permitted uses; minor utilities and cemeteries are allowed as special exceptions.

- The primary proposed modification is the addition of a new **I-MX Island Activity Center Mixed Use District** that would be applied to the five activity centers identified by the town as the locations where there should be higher concentrations of mixed-use development and activity. Because a number of these activity centers is distinct in character and the type of development they should support, the **I-MX District** includes four subdistricts.

The four subdistricts in the new **I-MX Island Activity Center Mixed Use District** would be:

- The **I-MX-Coligny Island Activity Center Mixed Use–Coligny Subdistrict**.

- This subdistrict would generally take the place of the current CCW district, and may include other immediately adjacent lands between Coligny Circle and the intersection of Pope Avenue and Cordillo Parkway (currently zoned CFB or CC) that make up or could contribute to the area’s function as an activity center.
- The purpose and intent of the I-MX-Coligny Subdistrict would be to recognize and promote further growth of the area near Coligny Circle as a core high-energy and tourist-oriented place that encourages people to live, work, and play within a relatively compact area. The district would be intended to accommodate relatively high-intensity mixed-use development that is pedestrian-friendly and human-scale, and integrates civic and public spaces into the development.
- The subdistrict would take a more general and flexible approach to uses and allow a wide range of retail sales and services, eating establishments, recreation and entertainment businesses, and hotels—as well as various types of residential development (including live/work units and residential above ground-floor retail). Drive-thru facilities and vehicular sales and service uses would not be allowed in the subdistrict. Accessory uses like open air markets, produce stands, etc. would be encouraged to activate outdoor civic spaces. Vertical mixed use, including residential and office over ground floor retail, would be encouraged and possibly incentivized.
- Development form (and standards) would emphasize and establish:
 - Strong pedestrian features (e.g., sidewalks or other pedestrianways, a build-to-line that brings buildings closer to the street, but encourages and allows for the location of outdoor dining and other civic spaces between the building and the sidewalks).
 - Modestly higher densities/intensities. For example:
 - A height limit of 45 feet or four stories with stepped down height requirements at the edge of the district, if height requirements are lower in



Current development patterns in proposed I-MX-Coligny Subdistrict

adjacent districts (height is currently 45 feet or three stories in the CCW district, and 35 feet and two stories for residential and 45 feet or three stories for nonresidential in the CC district).

- Maximum impervious surface coverage of 65% (it is currently 55% in the CCW district, and 40% for residential and 65% for nonresidential in the CC district).
- Residential densities of six dwelling units an acre (they are currently four dwelling units an acre in the CCW and CC districts), and hotel densities of 15 rooms an acre.
- The town might also want to consider allowing an additional story of density, for certain sustainable development practices.
- Reduced minimum parking standards and additional flexibility provisions that allow parking reductions for shared parking, deferred parking, and transportation demand management practices. Bicycle parking requirements would also be added.
- Parking location provisions that require parking to be located either behind or on the side of buildings.
- Elimination of the adjacent use buffer requirements (except on the edge of the district), as well as a substantial reduction in the street setback and buffer standards.
- An increase of parking lot interior landscaping to ensure the subdistrict continues to maintain the tree canopy so important to the Island character.
- **The I-MX-Shelter Cove Island Activity Center Mixed Use-Shelter Cove Subdistrict.**
 - This subdistrict would generally take the place of the lands currently “outside the gate” of the Palmetto Dunes Plantation PUD where the current Shelter Cove Mall and Plaza at Shelter Cove are located, as well as lands between Shelter Cove Lane and Broad Creek.

The purpose and intent of the I-MX-Shelter Cove Subdistrict would be to support an island center that is a well connected place for arts, cultural, retail, entertainment, business, living, and guest accommodation activities for both islanders and guests, in a location that serves as a “creek to the ocean” with a sense of vistas to the water and sky.
 - Generally the subdistrict would incorporate the standards necessary to establish a pedestrian-friendly, walkable, mixed use environment. At the same time, development forms would continue to recognize that reliance on the automobile is also important in generating retail traffic and other



Current development patterns in proposed I-MX-Shelter Cove Subdistrict

residents and visitors to the area, and accommodate this mode of mobility.

- Current street buffer standards along the Highway 278 corridor would be carried forward to maintain the aesthetic along this main town corridor. Street buffer standards within the subdistrict beyond Highway 278, however, would be reduced to approximately 15 feet in width, consistent with that proposed for the Shelter Cove Mall PUD amendment. Additionally, to maintain a strong aesthetic and walkable and pedestrian-friendly public realm within the subdistrict, streets beyond Highway 278 would be encouraged to have sidewalks or other pedestrianways on both sides of the street, with street trees spaced approximately 40 feet apart. Adjustments would be made to the adjacent use buffers by the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained), and provisions added that do not require use buffers between similar uses.
- The subdistrict would take a general and flexible approach to uses and allow a wide range of retail sales and services, eating establishments (with drive thrus), offices, banks (with drive-thrus), institutional and civic uses, recreation and entertainment businesses, health/medical offices, assisted living facilities, institutional and civic uses,—as well as various types of residential development (including residential above ground-floor retail and interval occupancy).
- Development form (and standards) would:
 - Require pedestrian features and cross access as discussed above.
 - Allow densities/intensities that are generally similar to the current CC district. (four and one-half dwelling units an acre for residential development (the CC district allows four units an acre), 10,000 square feet an acre for office/institutional development and 8,000 square feet an acre for other nonresidential development); maximum impervious coverage of 40% for residential development and 65% for nonresidential development; and a maximum building height of 45 feet/three stories for nonresidential development and 35 feet/two stories for residential development, except in the area where the HarbourSide condominium developments are located, which will allow maximum heights of 75 feet/five stories.³ Stepped down height requirements are proposed to be included at the edge of this area, to ensure there will be a smooth transition in heights.

³ The proposed Palmetto Dunes Plantation PUD amendment would comply with these development parameters.

- Modernize the minimum parking standards, but recognize parking is being provided for more auto-oriented development. (The flexibility provisions generally recommended for parking will also apply in the district.) Bicycle parking requirements would be added.

- **The I-MX-Mathews Island Activity Center Mixed Use-Mathews Subdistrict.**



Current development patterns in proposed I-MX-Mathews Subdistrict

- This subdistrict would generally take the place of the current CC district lands along Mathews Drive, where Port Royal Plaza, Pineland Station Shopping Center, Northridge Plaza, and Mid Island Plaza are currently located.
- The purpose and intent of the I-MX-Mathews Subdistrict would be to recognize and provide lands for a community-scale commercial and mixed use activity center that would attract people from the island and the mainland. The district would be more auto-oriented than the other mixed use subdistricts, and provide lands for large retail developments that have been locating on the mainland in recent years. The subdistrict would also provide opportunities for limited vehicle sales and service uses, and residential development.
- Current street buffer standards would be carried forward in the subdistrict to ensure continued enhancement of the edge conditions that are important to the town's character. Use buffers would be modified to allow for the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained); additionally, adjacent use buffers would not be required between similar uses.
- The subdistrict would take a general and flexible approach to land uses and allow a wide range of retail sales and services (including large retail development), eating establishments (with drive thrus), offices, banks (with drive-thrus), institutional and civic uses, recreation and entertainment businesses, hotels/motels, institutional and civic uses, and limited vehicular sales and service uses (gas sales, auto rental, auto sales (and repairs))—as well as various types of residential development.
- Development form (and standards) would:
 - Require pedestrian features and cross access between lots, but not bring buildings up to the street (buildings would be set behind the street buffers).
 - Allow densities/intensities that are generally consistent with and possibly a modestly bit more intense than the current CC district (four dwelling units an acre for residential development and 10,000 square feet an acre for office/institutional development and 8,000 square feet an acre for other nonresidential development); maximum impervious coverage of 40%

for residential development and 65% for nonresidential development; and a maximum building height of 45 feet/three stories for nonresidential development and 35 feet/two stories for residential development.

- Modernize the minimum parking standards, but recognize parking is being provided for more auto-oriented development. The flexibility provisions generally recommended for parking will also apply in the subdistrict.
- Establish standards to increase the functionality and reduce the visual impact of large parking lots (e.g., over 200 spaces), such as:
 - Requiring the lot to have a clear vehicular circulation system of access drives and parking aisles;
 - Functionally dividing the lots into smaller well-landscaped parking clusters; and
 - Providing landscaped pedestrianways through the parking lot and to and from adjacent building entrances.



- Establish specific design standards for large retail development, that:
 - Establish a connected, well-linked internal street network;
 - Establish pedestrianways to connect buildings and parking areas to building entrances;
 - Encourage the provision of spaces between buildings for use as plazas and gathering places; and
 - Add standards for outdoor storage.

■

- The **I-MX-C Island Activity Center Mixed Use–Commercial Subdistrict.**

- This subdistrict would be used in several locations:
 - It would take the place of the current CC and DCW district lands that exist around Sea Pines Circle and extend outwards from the circle south along Pope Avenue to the I-MX-Coligny Subdistrict, west along Greenwood Drive to the Sea Pines Plantation PUD gate, north along Palmetto Bay Road and Arrow Road, and east along William Hilton Parkway. (Currently these lands include a patchwork quilt of development forms, including shopping centers, small strip retail centers, stand-alone businesses and restaurants, gas stations, and office buildings.)
 - It would also take the place of the lands currently “outside the gate” of the Hilton Head Plantation PUD along both sides of North Main Street and in a southerly direction to William Hilton Parkway.
- The purpose and intent of the I-MX-C Subdistrict would be to recognize and provide lands for commercial and mixed use development at moderate to relatively high intensities. In the Main Street area, it would recognize, carry forward, and allow for development that is similar in character to the development currently “outside the gate” of the Hilton Head Island Plantation PUD. Generally, the subdistrict would place an emphasis on moderate-scale buildings and quality design.
- While the district would place some emphasis on pedestrian features by requiring sidewalks or pedestrianways, the emphasis will not be as strong as in the I-MX-Coligny or I-MX-Shelter Cove subdistricts.
- Current street buffer standards would be carried forward to ensure continued enhancement of the edge conditions that are important to the town’s character. Like in the other subdistricts, use buffers would be modified to allow for the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained); additionally, adjacent use buffers would not be required between similar uses.⁴
- The subdistrict would take a more general and flexible approach to uses and allow a wide range of retail sales and services, eating establishments, offices, banks, recreation and entertainment businesses, hotels and motels, medical offices, assisted living facilities, institutional and civic uses—



⁴ In the Sea Pines Circle area this would ensure continued enhancement of the roadways along Pope Avenue and Palmetto Bay Road, and the cross streets (Target, Archer, Arrow, etc.). It would also ensure continued enhancement of the roadways in the Main Street area.



Current development patterns in the - Sea Pines Circle area, which is proposed to be included in the I-MX-C Subdistrict

as well as various types of residential development (including live/work units and residential above ground-floor retail). Drive-thru facilities and vehicular sales and service uses would be allowed. Accessory uses like open air markets, produce stands, etc. would be encouraged to activate outdoor civic spaces. Vertically mixed uses, including residential and office over ground floor retail, would also be allowed.

- Development form (and standards) would establish:
 - Pedestrian features and cross access between lots, but not bring buildings up to the street (buildings would be set behind the street buffers).
 - Densities/intensities that are generally consistent with the current CC district (four dwelling units an acre for residential development and 10,000 square feet an acre for office/institutional development and 8,000 square feet an acre for other nonresidential development); maximum impervious coverage of 40% for residential development and 65% for nonresidential development; and a maximum building height of 45 feet/three stories for nonresidential development and 35 feet/two stories for residential development.
 - A change in parking standards that would modernize the minimum standards, broaden the types of parking flexibility provisions available, and add bicycle parking requirements.

- The current **OL Office/Institutional Low Intensity**, **OM Office/Institutional Moderate Intensity District**, **NC Neighborhood Commercial District**, and **OCIL Office/Light Commercial/Light Industrial District** would be consolidated into a new **COM-MX Community Mixed Use District**. This new district would build on the current OL and OM Districts.
 - The purpose and intent of the COM-MX District would be to recognize and provide lands for office, banking, restaurant, lower intensity retail sales and services, and residential uses that are generally auto-oriented and easily accessed.
 - Current street buffer standards would be carried forward. Use buffers would be modified to allow for the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained); additionally, adjacent use buffers would not be required between similar uses.
 - The district would take a general and flexible approach to land uses and allow a range of retail sales and services that are lower in intensity, eating establishments (with drive thrus), offices, banks (with drive-thrus), religious institutions, day care, government facilities, and civic uses—as

well as various types of residential development and mixed use development.⁵

- Development form (and standards) would:
 - Require pedestrian features and cross access between lots, but not bring buildings up to the street (buildings would be set behind the street buffers).
 - Allow densities/intensities that are generally consistent with the current OM district (four dwelling units an acre for residential development and 8,000 square feet an acre for nonresidential development);⁶ maximum impervious coverage of 40% for residential development and 60% for nonresidential development;⁷ and a maximum building height of 35 feet/two stories for nonresidential and residential development.⁸
 - Modernize the minimum parking standards, but recognize parking is being provided for more auto-oriented development. The flexibility provisions generally recommended for parking will also apply in the district.
- The **WMU Waterfront Mixed Use District** would be generally carried forward in its current form, with stepped down height requirements at the edge of the district, if height requirements are lower in adjacent districts, as well as other minor refinements to ensure it conforms to the other general changes made to the LMO.
- The **SMU Stoney Mixed Use District** would be carried forward generally in its current form, with some refinements to provide flexibility for redevelopment, while at the same time ensuring the island character in this gateway area is maintained.
 - The district would generally carry forward the current range of allowed uses (single family, multifamily, and mixed uses, day care, religious institutions, parks and open areas, eating establishments, medical, real estate, and other offices, inns, hotels (as a special exception use), banks, retail and service uses (including shopping centers), and limited vehicle sales and service uses).
 - Current street buffer standards for properties bordering Highway 278 in the district would be carried forward, given that Highway 278 serves as a gateway to the community and a road corridor where it is important to maintain and preserve the island's character. Beyond Highway 278 in the district, it is proposed there be provisions that allow reduction of the street setback/buffer standards by up to 30 percent (with additional tree planting requirements), and provision for administrative adjustments and

⁵ When consolidated, lands in the OCIL District would lose the following types of uses: light industrial, vehicle sales and services, manufacturing and production, industrial, warehouse and freight movement. Additionally, residential would be allowed in what is the old OCIL district, which is not currently allowed. To accommodate some of these uses, it is proposed the district permit some of these uses as PC uses, subject to conditions related to street type.

⁶ The current OL district establishes a maximum intensity of 8,000 square feet for office/institutional and 6,000 square feet for all other nonresidential uses.

⁷ These are the maximum impervious surface standards in the OL district; the current standard in the OCIL district is 60%; in the OM district, it is 65% for nonresidential and 40% for residential.

⁸ Building height in all districts being consolidated is 35 feet/two stories, except in the OM, where the maximum height for nonresidential development is 45 feet/3 stories.

administrative waivers for street setbacks/buffers in these areas. Additionally, adjacent use buffers are also proposed to be modified to allow for the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained). Finally administrative adjustments and administrative waivers are proposed for adjacent use buffers to provide additional flexibility.

- Development form (and standards) would:
 - Generally carry forward current densities/intensities (10 dwelling units per acre for residential; 20 rooms per acre for hotels and inns; 7,000 square feet an acre for nonresidential intensity; height of 45 feet/three stories for residential and mixed use and 35 feet/two stories for nonresidential; impervious surfaces of 45% for residential and nonresidential development and 50% for mixed use development.
 - Require pedestrian features and cross access between lots, but not bring buildings up to the street (buildings would be set behind the street buffers).
 - Modernize the minimum parking standards, but recognize parking is being provided for more auto-oriented development. The flexibility provisions generally recommended for parking will also apply in the district.
- The **RD Resort Development District** and **CFB Central Forest Beach District** are proposed to be consolidated into a new **HR Hotel and Resort District**.



The Marriott Grande Ocean Resort, which would be located in the proposed HR District

- The purpose and intent of the HR District would be to provide lands for development of moderate density/intensity resort-oriented development that includes a range of resort housing choices in a pedestrian-friendly environment and small-scale, neighborhood-oriented retail and service uses that are in close proximity to the resort housing choices.
- In addition, in designing the structure and parameters for this district, adjustments will be made and flexibility provisions added to encourage redevelopment of some of these lands, as long as the island character is maintained. Current street buffer standards would be carried forward to ensure continued enhancement of the edge conditions that are important to the town's character; however, because some sites in the former CFB district currently fail to comply with the street buffers, administrative adjustments and administrative waivers might be used to allow desired forms of redevelopment, with reduced street buffer standards in return for increased plantings (opacity) within the buffers and the provision of other public benefits in redevelopment of the site (e.g., public beach access, enhancement of the beachfront, and sustainable development practices, etc.).
- As in the other districts, use buffers would be modified to allow for the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained); additionally, adjacent use buffers would not be required between similar uses.

- The district would take a flexible approach to uses. Allowed uses would include single family, multifamily, interval ownership in the form of multifamily, group living, mixed use, government facilities, religious institutions, eating establishments (without drive-thrus), real estate and professional offices, indoor recreation, inns, hotel/motels (with interval ownership as a special exception), banks (with drive thrus), small-scale shopping centers, other small-scale retail sales and service uses, and auto rentals.
- Development form (and standards) would establish:
 - Pedestrian features like sidewalks or pedestrianways (but would not require cross access standards). Buildings would be set behind the street buffers.
 - Development parameters that are generally consistent with the current CFB and RD districts would be carried forward except for dwelling unit density, which is proposed to increase from eight to 15 dwelling units an acre for residential development. Other densities/intensities proposed would be 25 rooms an acre for inns/hotels (the RD currently allows 25 rooms an acre; the CFB allows 20 rooms/acre); and 8,000 square feet an acre for nonresidential development); maximum impervious coverage that is consistent with what is currently allowed in the RD district (50%) (the CFB District allows 55%); and a maximum building height of 75 feet/five stories within 600 feet of beach and 45 feet/three stories beyond 600 feet of the beach, for both residential and nonresidential development.
 - Modernization of the minimum parking standards, but recognizing parking is being provided for more auto-oriented development. The flexibility provisions generally recommended for parking will also apply in the subdistrict.
 - Some basic building form standards for nonresidential development in the district to ensure it remains small-scale, and that building facades are broken up.
- The current **MMU Marsh Front Mixed Use District**, which is designed to provide a mix of residential, commercial, and resort accommodation uses at a scale consistent with desired marsh front development along Broad Creek, is proposed to be carried forward and renamed **MW Marsh and Waterfront District**.
 - Allowed uses in the district would include single-family, attached residential, multifamily, community service, day care, government facilities, religious facilities, a variety of parks, telecommunication facilities, utilities, eating establishments (except with drive-thrus), offices, bed and breakfast inns, convenience stores without drive thrus or gas pumps, health clubs or spas, , water-oriented uses, and agriculture.
 - The densities/intensities and other related development standards would be carried forward.
- The current **IL Light Industrial/Commercial Distribution District** is proposed to be carried forward and renamed **IL Light Industrial District**.

- The purpose of the district is to allow lands for light industrial and service-related land uses, some auto-oriented uses, and seafood processing. The district will be auto-oriented in nature with limited pedestrian amenities.
- Allowed uses will include community services, government facilities, religious facilities, telecommunication facilities, minor and major utilities, eating establishments (except those with drive-thrus and low turnover seating), funeral homes, furniture stores, landscape nurseries, veterinary services, watercraft sales, rental, or services, vehicle sales and services, light industrial services, manufacturing and production, warehouse and freight movement, and wholesale sales.
- Current street buffer standards would be carried forward to ensure continued enhancement of the edge conditions that are important to the town's character, but provisions would be added that allow for a reduction of the street setback and buffer by up to 20 percent for additional tree plantings which would maintain opacity levels of the street buffers (while allowing a reduction in the street setback and buffer area). Like in the other subdistricts, use buffers would be modified to allow for the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained); additionally, adjacent use buffers would not be required between similar uses.
- The current **PD-1 Planned Development Mixed Use District** is proposed to be carried forward in its current form.
- Few modifications are suggested for the **Overlay districts**, except the RO District.
 - The current **AZ Airport Overlay District** is proposed to be carried forward, with minor changes to address the proposed new format and structure of the LMO.
 - The current **COR Corridor Overlay District** is proposed to be carried forward.
 - The current **PD-2 Planned Development Overlay District** is proposed to be carried forward, with minor changes to address proposed new format and structure of the LMO.
 - The current **FB-NCOD Forest Beach Neighborhood Character Overlay District** is proposed to be carried forward, with minor changes to address the proposed new format and structure of the LMO.
 - The current **FF-NCOD Folly Field Neighborhood Character Overlay District** is proposed to be carried forward, with minor changes to address the proposed new format and structure of the LMO.
 - The current **HH-NCOD Holiday Homes Neighborhood Character Overlay District** is proposed to be carried forward, with minor changes to address the proposed new format and structure of the LMO.
 - The current **RO Redevelopment Overlay District** is proposed to be carried forward in a different form, and used as a last resort for landowners who have nonconformities that cannot be addressed through the other flexibility mechanisms proposed in Section 2.5 Addressing

Nonconformities (alternative forms of compliance, the administrative adjustment, exceptions to restrictions on the expansion or alteration of nonconformities, or the administrative waiver—for a complete discussion of this issue see Section 2.5 Addressing Nonconformities).⁹ As today, it would involve the discretionary rezoning process under the RO District designation. Based upon the ultimate form of the administrative adjustment and administrative waiver provisions, some of the current modifications to design standards allowed in the RO District will be changed (e.g., setbacks, adjacent use buffers, impervious surface coverage, open space). In addition, provisions would be added to the RO District review criteria that require landowners who apply for and receive approval of an RO District to provide compensating public benefits as compensation for the modifications that are allowed. Compensating public benefits are elements proposed in the application by an applicant as a means to ensure the redevelopment maximizes its consistency with the requirements of the LMO, and enhances some standards on the site. Typically, a menu of options is included in the regulation that identifies the types of compensating public benefits that might be proposed by the landowner. It might include things like provision of environmentally sustainable and energy-efficient building design, provision of other green building incentives, provision of cultural facilities, permanent protection of scenic views to the water, enhanced environmental protection, and the like.

- The current **CSPDAA&TAOD Critical Storm Protection and Dune Accretion Area and Transition Area Overlay District** is proposed to be carried forward, with minor changes to address the proposed new format and structure of the LMO.

⁹ As part of the general strategy for addressing nonconformities in the town, it is proposed that the LMO rewrite include a broader range of provisions to provide additional flexibility to address nonconforming situations and encourage redevelopment. The range of provisions include:

- **Alternative forms of compliance**, which would allow a development applicant to submit alternative plans to comply with certain design/development standards (parking, landscaping, etc.);
- An **administrative adjustment**, which would allow town staff to review and make decisions about *prescribed modifications within prescribed ranges* (e.g., a 10% or 15% modification) to numerical standards related to parking, setbacks in targeted locations, and buffers. Whether the modification is allowed would depend upon whether the proposed modification complies with a specific set of review standards.
- **Exceptions to restrictions on the expansion and alteration of nonconformities**, where LMO provisions would expressly allow limited exceptions to restrictions prohibiting the expansion, reconstructions, repair, or alteration of nonconformities (e.g., allowing nonconforming uses to expand throughout the building in which they are located, or allowing nonconforming structures to be reconstructed within the existing floorplate);
- A **revised administrative waiver provision**, which would allow town staff to approve waivers to specified design/development standards beyond what is allowed by the administrative adjustment when use of the administrative waiver is accompanied by site enhancements that reduce nonconformities on the development site; and
- A **revised RO Overlay Redevelopment District**, that is available to a landowner whose nonconformities exceed those that could be reviewed as administrative adjustments or administrative waivers, that would require the landowner to provide compensating public benefits (including enhancing one or more nonconforming site features to bring the development closer into conformance with the LMO) in return for the modification to development standards, as part of the rezoning.

2.4 ENCOURAGE REDEVELOPMENT IN TARGETED AREAS

Section 2.4 of the Code Assessment notes the LMO Rewrite Committee Report's identification of several redevelopment/revitalization areas, based on their potential to leverage redevelopment and overall impact on the community. They include:

- Coligny;
- Shelter Cove and the Shelter Cove mall area;
- Mitchelville;
- The Mathews/Highway 278 intersection, including Pineland Mall and the Northridge areas; and
- The Stoney area.

It goes on to note the LMO Rewrite Committee's suggestion that the LMO rewrite create more flexibility and an easier process for redevelopment in these areas, remove barriers to redevelopment, and create incentives, if appropriate.

Section 2.4 then goes on to outline suggestions for regulatory changes for Coligny, the Mathews/Highway 278 intersection, and Ward 1.

LMO Rewrite Committee Comments:

Identify and prioritize revitalization and investment zones

Comment: "Lumps all revitalization areas together; does not address Mitchelville; does not address Shelter Cove—it's broader than the Shelter Cove Mall."

Comment: Develop recommendations on the Ward 1 issues listed in the LMO Rewrite Committee Final Report.

Response:

As is outlined in Section 2.3, Modify and Consolidate Zone Districts and Encourage Use Mixing, Coligny, the Shelter Cove area, and the Mathews/Highway 278 intersection (including Pineland Mall and Northridge Plaza areas) have all been identified as an I-MX District, and a subdistrict established for each of these areas to recognize their distinct character and unique attributes. Additionally, and as is discussed in Section 2.3, different development standards and uses are proposed to be applied to each of these areas to encourage revitalization and reinvestment. Additionally, the existing SMU district for the Stoney area is carried forward, and additional refinements to increase flexibility are proposed to be added.

Section 2.5 of the Code Assessment notes that both the LMO Rewrite Committee Report and stakeholders identified the need to remedy nonconformities created in the current LMO as another goal in the rewrite, primarily to remove obstacles to redevelopment. Section 2.5, Address Nonconformities, discusses a number of approaches to allowing redevelopment of nonconforming development.

The LMO Rewrite Committee Report identifies four issues with respect to Ward 1. They are outlined and responded to below:

- **Subdivision of property into 5 or fewer and related infrastructure issue creates problems with who puts in the infrastructure (title issues and other issues relating to heirs property). In some cases the need to subdivide is driven by estate settlement versus any desire to actually build on property at the current time. What infrastructure is actually needed during subdivision to avoid creating problems later when some lots want to develop?**

Many communities struggle with the issue of what infrastructure requirements should be imposed for heirs property/family subdivisions. Some require such subdivisions to comply with the

infrastructure requirements imposed on all similarly situated subdividers. This is the current rule in the town. Generally what this means is that landowners subject to minor subdivision (subdividing land into five or fewer parcels) are required to: (1) provide access via a minimum 20-foot wide unobstructed access easement with an all-weather driving surface approved by the Fire Marshall and turnarounds that comply with the latest edition of the International Fire Code (LMO Section 16-5-204); (2) provide a water supply capable of providing the required fire flow (LMO Section 16-5-1602); (3) provide for underground utilities (LMO Section 16-5-1704); and (4) provide appropriate documentation that basic services will be provided (for water supply, sewage disposal, electric power supply, telephone service, and gas) (LMO Section 16-5-1702).

Unlike the town, some communities, especially in rural areas, have created special provisions for family subdivisions/heirs properties that except or reduce the requirements for the provision of infrastructure (primarily roads), reasoning the subdivision of such properties will be used by family members of the owner and should have de minimus impacts. To some degree, the town has done this with minor subdivisions, since it allows the provision of limited road improvements for minor subdivisions (outlined above).

A concern raised by the LMO Rewrite Committee Report related to this issue involves situations where a person owning heirs property dies and, as part of settling the estate, the land must be divided among the heirs. Currently when this happens, the land is required to be subdivided, typically as a minor subdivision. If the heirs have no intent to develop the property, the result of this requirement is an added expense to those to whom the land is conveyed through the estate. Some communities have sought to address this issue by modifying their subdivision regulations to create exceptions for family subdivision/heirs properties when the division is required to settle an estate. Generally the exception allows the subdivision to occur without the specific subdivision infrastructure improvements, on the condition the required improvements will be made prior to development of the first lot (e.g., prior to issuance of a building permit for the first lot). The problem with this exception occurs, however, if only one or two persons owning lots in the subdivision want to develop, but others owning land in the subdivision do not. Under these circumstances, those wanting to develop are required to front-end the infrastructure costs for the entire subdivision. We are unaware of any codes where such exceptions apply that have been able to resolve this problem (some communities have looked at requiring performance guarantees, but that can also be expensive). The options available beyond the town's current treatment of the issue, neither of which we recommend is to: (1) further reduce some of the infrastructure requirements (something we cannot recommend because there should be adequate provision of infrastructure for all development in the town); or (2) create an exception for minor subdivisions required to be platted due to the settlement of an estate that allows approval to be conditioned on guarantees by the subdividers, assured by private covenants that are made part of the subdivision, that the specific subdivision infrastructure improvements will be made and paid for by each individual lot owner on a proportional basis, prior to development of the first lot (e.g., prior to issuance of a building permit for the first lot) (something we cannot recommend because it is an option the town has tried in the past but found to be unworkable because of the difficulty in gaining property owner agreement to provide the required improvements).

Given these considerations, we suggest the town maintain its current policy.

- **Existing road standards are viewed as too rigorous for family-based development**

As is discussed in the previous response, the current LMO distinguishes the type of road improvements that are required for minor (typically family-based) subdivisions versus other (major) subdivisions. Minor subdivisions require the subdivider provide access via a minimum 20-foot wide unobstructed access easement with an all-weather driving surface approved by the Fire Marshall and turnarounds that comply with the latest edition of the International Fire Code (LMO

Section 16-5-204). Major subdivisions are required to comply with the road design standards of LMO Section 16-5-504, as well as other requirements. Major subdivisions (as well as some minor subdivisions) are typically those where the traditional types of development found in the town occur, and need to be supported by adequate road infrastructure. We suggest the distinction in the current LMO on this issue is appropriate, unless there is a problem with respect to this distinction that we are unaware of.

- **Setback requirements in Stoney and Chaplin limit the ability to develop on the small, narrow lots located there.**

As is discussed in Section 2.3 of the response under the SMU District (page 14), current street buffer standards for properties bordering Highway 278 in the district would be carried forward, given that Highway 278 serves as a gateway to the community and a road corridor where it is important to maintain and preserve the island's character. Beyond Highway 278 in the district, it is proposed there be provisions that allow reduction of the street setback/buffer standards by up to 30 percent (with additional tree planting requirements), and provision for administrative adjustments and administrative waivers for street setbacks/buffers in these areas. Additionally, adjacent use buffers are proposed to be modified to allow for the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained);

A review of aerials and reconnaissance seems to indicate the lot depth issue is not nearly as problematic in the Chaplin area, where the lands border Highway 278 and provide vistas to Broad Creek. Only a handful of lots appear shallow, and none of them appear to be less than 120 feet in depth; it appears the majority of lots are over 250 feet deep. For this reason, no changes are proposed for the street setbacks/buffers in this area. It is proposed adjacent use buffers be modified to allow for the application of performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained); additionally, adjacent use buffers would not be required between similar uses.

- **Need flexibility to remove trees from interior of active cemeteries**

The current tree protection provisions provide sufficient flexibility for a landowner to remove trees on a site, and if removal is requested and approved, the trees that are removed are required to be reforested/replaced. Based on conversations with Town staff, these provisions seem to be working fine, so no modifications are recommended.

2.5 ADDRESS NONCONFORMITIES

Section 2.5 of the Code Assessment notes that both the LMO Rewrite Committee Report and stakeholders identified the need to remedy nonconformities created in the current LMO as another goal in the rewrite, primarily to remove obstacles to redevelopment. The Code Assessment then goes on to suggest the following actions be taken in the LMO rewrite:

- Modify the allowed uses and dimensional standards in the zone districts, where appropriate and consistent with district character, to reduce nonconformities;
- Add an administrative adjustment procedure;
- Expand the use of alternative forms of compliance in the application of development and design standards; and
- Consider modifying the nonconformity rules to allow more flexibility in redeveloping nonconformities.

LMO Rewrite Committee Comments:

"The LMO regulations can be divided into two major areas: land use restrictions and design standards (dimensional requirements such as buffers, setbacks, open space, impervious, parking etc). Many existing non-conformities are created by the current LMO design standards. The community does not need the LMO to be replaced with another set of rigid standards that creates a new set of non-conforming sites.

We are concerned that the Code Assessment does not address how to reduce non-conforming site features and may introduce new ones. Your section 2.5.1 says "efforts will be made to broaden allowed uses to allow for and encourage use mixing." This may be a first step toward eliminating nonconforming uses, but the committee anticipates that most of those uses would be fixed with a new zoning map and a broader list of allowed land uses."

Actions Needed:

- 1. Education from Town Staff on dimensional issues and non-conformities and especially the Chapter 7 waiver process*
- 2. Create a replacement for the redevelopment floating zone that provides flexibility for redevelopment in a less cumbersome process. This is envisioned for large projects not small deviations. It should be done in a way that provides guidelines for staff to use to identify that providing flexibility for the subject project will be a benefit to the island.*
- 3. Implement incentives to reduce or eliminate nonconforming site features*
- 4. Proposed administrative adjustment process doesn't go far enough, need flexibility not hard and fast numbers*

Administrative waivers

Comments: "Not addressed."

Response:

In response to these comments, we visited some development sites containing nonconforming structures and site features. Those visits, along with discussions with town staff, confirm the comments above that while there are some nonconformities in the town due to inappropriate uses, many of the nonconforming situations are caused by inadequate buffers/setbacks, too much impervious surface coverage (and too little open space), and insufficient parking, primarily on sites that were developed prior to adoption of the LMO.

Addressing these nonconformities requires approaching the problem from three directions.

- **Evaluating Uses and Modifying Districts to Reduce Nonconformities.** First, and as is discussed in Section 2.5.1 of the Code Assessment and in the LMO Rewrite Committee's comments, by broadening the uses allowed in the districts and encouraging more use mixing, and the establishment of new districts, as appropriate (as is discussed in Section 2.3 of this response).
- **Evaluating Design Standards to Reduce Nonconformities.** Second, by evaluating the current buffer and setback requirements (both for streets and adjacent use), impervious surface requirements, open space requirements, and parking standards, and refining those standards to reduce nonconforming site features, where this can be done without compromising the town's character and development goals (see Section 2.6 of the Code Assessment).
- **Add Range of Flexibility Provisions, Several Of Which Incentivize Conformance with Site Features.** Third and finally, by adding stronger and more aggressive flexibility provisions, both in the form of:
 - Alternative forms of compliance;
 - An administrative adjustment;

- Exceptions to restrictions on the expansion and alteration of nonconformities;
- The administrative waiver; and
- A revised RO Overlay Redevelopment District.

Each of these suggested changes is discussed below.

Evaluating Uses and Modifying Districts to Reduce Nonconformities

As discussed in Section 2.5.1 of the Code Assessment, we recommend the rewrite consolidate and restructure the districts to simplify the code, address the town's planning and development goals, and encourage more use mixing. This district consolidation and restructuring is discussed in Section 2.3 of this response. As discussed in that section, as part of this effort, we will incorporate a broader range of allowed uses that should reduce the number of nonconforming uses, and will be careful to ensure the consolidation effort does not result in nonconforming densities/intensities.

Additionally, we also will consider the extent that use-specific standards in Chapter 4 of the current LMO create nonconformities and propose to eliminate or modify such standards to reduce nonconformities, where appropriate. For instance, some use-specific standards might be obsolete or no longer needed, and can be eliminated; other standards might be modified to achieve the intended purpose, but in a way that eliminates some existing nonconformities.

Evaluating Design Standards to Reduce Nonconformities

As highlighted above, a second action that will be undertaken in the rewrite is to evaluate the current parking, buffer and setback requirements (both for streets and adjacent use), and to a lesser degree the impervious surface and open space standards to see if they can be refined to address nonconforming site feature issues, without compromising the town's development goals. More specifically, we suggest doing the following:

a. Buffer and Setback Standards

Section 2.5.3 of the Code Assessment (p. 2-34), and particularly Section 2.6.2, suggest several modifications to the current buffer standards that should reduce the extent of existing buffer and setback nonconformities as well as allow a landowner the space needed to eliminate other nonconformities (e.g., insufficient parking). Suggested modifications include:

- Revising adjacent use buffer standards to better reflect a development's potential adverse impacts on adjacent existing uses, based on the nature and intensity of the adjacent use;
- Providing multiple options for each type of required adjacent use buffer that allow narrower buffers, provided they include denser (more opaque) vegetation or other screening, as specified by more precise planting standards; and
- Reducing adjacent use buffer requirements in mixed use districts—which are higher density and more pedestrian-oriented, which have an established character, and where developable space is at a premium (this is suggested for the I-MX-Coligny and I-MX-Shelter Cove Subdistricts).

The first suggested modification might result in no adjacent use buffer where adjacent developments consist of the same use and narrower and/or less dense buffers between adjacent uses that are very similar in terms of their intensity (e.g., a retail service use and an office use). The second suggested modification would allow the width of adjacent use buffers to be reduced (perhaps to as little as five feet) where the degree of screening opacity is comparably increased with denser vegetation and a fence or decorative wall.

Proposed reductions with respect to street setbacks and buffers is more limited, due to the importance the street setbacks/buffers play in maintaining the town's desired character.¹⁰ The only districts where street setbacks/buffer reductions are suggested are the I-MX-Coligny Subdistrict, the I-MX-Shelter Cove Subdistrict (beyond the Highway 278 corridor), and the IL District (see pages 7-10, 17). Other areas might be identified during the LMO drafting process where these targeted administrative adjustments and administrative waivers might be appropriate.

b. Parking Standards

Section 2.6.1 of the Code Assessment recommends that current parking requirements be adjusted to reflect current national best practices and studies. Although the current parking requirements are relatively up to date, requirements for some uses might be reduced, which might eliminate some parking nonconformities. Also, and as is discussed in Section 2.3 of this response, further parking reductions will also be made in the activity centers where there is justification for further parking reductions (e.g. the IM-Coligny Subdistrict).

Additionally, Section 2.6.1 of the Code Assessment, as well as Section 2.5.3 of the Code Assessment, recommends that the LMO Rewrite include more aggressive alternative forms of compliance that allows for individual projects to achieve parking reductions through:

- Alternative arrangements for meeting parking requirements in addition to shared and off-site parking (e.g., deferred parking, tandem and valet parking, on-street parking in certain locations);
- Parking reductions where an applicant can demonstrate reduced parking demand (e.g., due to proposed transit use, carpooling, work shifts, bicycle use, etc.); and
- Alternative configurations of parking areas reflecting deviations from LMO standards where the applicant can demonstrate that the intent of the standards is met.

These modifications should assist in reducing the number of existing developments that are nonconforming with respect to the amount of parking required and the design of parking areas, as well as the extent of any such parking nonconformities that continue to exist.

c. Impervious Surface and Open Space Standards

Generally, the existing developments in the town that fail to comply with maximum impervious surface coverage standards and minimum open space standards tend to be the same developments that fail to comply with buffer standards. The most obvious examples are developments in the Coligny area, where the percentage of impervious surface coverage apparently exceeds the current maximum of 55% in a number of cases. The recommended new I-MX-Coligny Subdistrict proposes to increase the impervious surface limit for that area to the 65% limit currently applicable in the CC district (see page 7-8). Minimum open space standards would be revised as needed to be consistent with the impervious surface limit.

We do not recommend greater increases of impervious surface limits in these districts (or increases of such limits in other districts) that might be necessary to eliminate all cases of nonconforming impervious surface. Any increase in impervious surface coverage increases stormwater runoff and substantial increases would do so to an extent requiring the town to significantly re-size and redesign its stormwater management plans and facilities for the affected areas. The modest increases recommended represent a trade-off between eliminating nonconformities and creating greater stormwater management needs. During the drafting process we will also explore options for modest reductions of other development/design standards in return for developer reduction of nonconforming impervious surface levels on a site.

¹⁰ Although the Code Assessment does not expressly address setback standards, we expect the adjacent use and street setback standards will continue to be closely tied to the adjacent use and street buffer standards, and thus should generally be modified to reflect any reduced buffer standards and/or additional buffer options.

Add Range of Flexibility Provisions, Several of Which Incentivize Conformance with Site Features

In addition to the modifications to the development standards discussed above, it is also proposed that the LMO rewrite include a range of provisions to provide additional flexibility to encourage redevelopment. Some would incentivize conformance with site features. The range of flexibility mechanisms include:

- **Alternative forms of compliance**, which would allow a development applicant to submit alternative plans to comply with development standards (e.g., through deferred parking, tandem and valet parking, on-street parking, or through transportation demand management), based on specific requirements and standards for the form of alternative compliance proposed;
- An **administrative adjustment**, which would allow town staff to review and make decisions about prescribed modifications to dimensional and numerical standards (related to parking, setbacks, and buffers) in the LMO;
- **Exceptions to restrictions on the expansion and alteration of nonconformities**, where LMO provisions would expressly allow limited exceptions to restrictions prohibiting the expansion, reconstructions, repair, or alteration of nonconformities;
- A **revised administrative waiver**, which would allow town staff to approve waivers to specified development standards beyond what is allowed by the administrative adjustment when use of the administrative waiver is accompanied by site enhancements that reduce nonconformities on the development site; and
- A **revised RO Overlay Redevelopment District**, that is proposed to be carried forward in a different form, that will be available to a landowner as a last resort when nonconformities exceed those that could be reviewed as administrative adjustments or where the nonconformities are so significant they cannot be addressed through administrative waivers. It would require the landowner to provide compensating public benefits (including enhancing one or more nonconforming site features to bring the development closer into conformance with the LMO) in return for the modification to development standards, as part of the rezoning. Because the RO Overlay District designation would involve the discretionary rezoning process, it would continue to be a time consuming process, particularly when compared to other recommended flexibility mechanisms (e.g., alternative forms of compliance, administrative adjustments, and administrative waivers), and would be expected to be used only as a last resort.

Each would serve a different purpose, and is discussed below.

a. Alternative Forms of Compliance

As described in Section 2.5.3 of the Code Assessment, alternative forms of compliance are provisions that allow a development applicant to submit alternative plans to comply with development standards. The plans for alternative compliance are reviewed and decided upon by town staff. Alternative plans of compliance could be used for the parking, landscaping, and possibly the buffer standards. They are based on specific review standards or concepts, and allow for development applicants to address variations from standards in a technical way.¹¹

b. Administrative Adjustments

¹¹ An example of an alternative form of compliance is deferred parking, which allows a development applicant to request reduced parking spaces because of the location or configuration of a development. The LMO would include specific standards that the applicant would have to meet before a parking reduction through deferred parking would be approved. The requirements typically include: (1) preparation of a parking demand study by a traffic engineer/planner that demonstrates the number of parking spaces needed for the site is less than the minimum required by the LMO; (2) the applicant's agreement to conduct a follow-up parking demand study one year after the development is built and operating to confirm whether additional parking spaces actually are not needed, and to build any additional parking shown to be needed; (3) a plan for development that sets aside a pervious area on the site where any additional parking shown as needed by the follow-up study can be placed (if no need for additional parking is shown, that portion of the site can be used for other allowed purposes); and (4) a limit on the total amount of parking that may be reduced through deferred parking (e.g., 15-20% of the minimum requirement).

As described in Section 2.5.2 of the Code Assessment and reflected in the example in Appendix 4.1 (p. 4-2), the administrative adjustment is a review procedure intended to allow staff approval of prescribed modifications to certain dimensional standards or numerical design standards (e.g., for parking, adjacent use buffers, street setbacks and buffers, tree protection) where doing so would avoid practical difficulties in allowing development that otherwise conforms to the purposes served by the deviated standard and provide some benefit to the community (e.g., allowing a building to be located to avoid removal of a tree). As noted in Section 2.5.2 of the Code Assessment, administrative adjustments are particularly helpful in allowing redevelopment to occur without costly relocation or reconstruction. In some instances they can be helpful in eliminating or reducing nonconforming site features. This is a second level of flexibility that we suggest the LMO include. Administrative adjustments would be reviewed and decided by town staff. The adjustment would include prescribed thresholds for which adjustments could be requested, and standards to review and decide whether an adjustment should be approved or approved with conditions.

If the Code Assessment gives the impression that the administrative adjustment would not go “far enough,” we do not mean to give that impression. In our use of the administrative adjustment in prior codes, we have tailored its use to the needs of the community. For example, in the Rock Hill SC and Portsmouth VA codes, where redevelopment was important (in targeted areas), use of the administrative adjustment was much broader and aggressive in the targeted areas. In Portsmouth, it was used in conjunction with several other procedures that also allowed varying degrees of modification.

The administrative adjustment could be used in a number of varying ways in the LMO, even though our experience has been that its use evolves during the drafting process. Examples, some of which are discussed in earlier parts of this response, might include administrative adjustments for the following:

- Up to a 30 percent reduction of the street setback/buffer standards in the SMU District beyond Highway 278 if the landowner demonstrates (1) there are no other reasonable options to lay-out an allowed use on the site and comply with all other LMO development standards, and (2) additional vegetation and trees will be planted in the reduced street setback to increase the opacity level of the vegetation in the buffer.
- Up to a 10 percent reduction in the minimum parking space standards (subject to certain review standards).
- Up to a 10 percent modification of landscaping standards (subject to certain review standards).

c. Exceptions to Restrictions on Expansion and Alteration of Nonconformities

Nonconformity regulations always reflect the balancing of conflicting objectives: bringing all development into conformance with current development regulations versus avoiding unfairly burdening the owners of nonconforming development. Most communities strike a balance where nonconformities are allowed to continue, but any expansion, enlargement, or alteration of the nonconformity is substantially restricted—in hope that such limitations will eventually result in disappearance of the nonconformity. Such limitations, however, rarely cause nonconformities to disappear, and may impede the improvements and redevelopment through which the degree of a development’s nonconformity might be reduced. Recognizing this, communities are increasingly allowing nonconformities to be expanded, enlarged, or altered under lesser restrictions.

One way to ease nonconformity restrictions is to provide limited exceptions. For example, Section 16-7-302 of the current LMO authorizes nonconforming structures damaged to an extent valued at less than 50 percent of its market value to be rebuilt or repaired to their previous condition. Similar exceptions could be provided, as has been done in other communities, to:

- Allow nonconforming uses to expand throughout the building in which they are located;

- Allow conversion of a nonconforming use to another nonconforming use that is more conforming in instances when specific standards are established (e.g., from a nonconforming industrial or light industrial use to a nonconforming retail service use in a specified district); and
- Allow the message of nonconforming signs to change with a change in business occupant (Section 16-7-402 currently provides that a change in use or business name triggers the requirement that nonconforming signs be made conforming).

These and other new or expanded exceptions to generally applicable restrictions should be considered to the extent that they pose an impediment to redevelopment or impose an unfair burden on property owners.

d. Administrative Waiver

The administrative waiver provisions in Section 16-7-106 of the current LMO represent another way to ease nonconformity restrictions. They authorize the Administrator to waive limitations on the expansion, relocation, redevelopment, repair, or reconstruction of nonconforming structures and requirements that nonconforming site features and signs be brought into compliance with the LMO when altered. To waive a provision, the Administrator must first determine that the waiver will not result in greater density or impervious surface coverage, a greater building footprint, greater encroachments into required buffers or setbacks, or adverse impacts on surrounding properties or the public. The Administrator must also determine that use of the waiver will be accompanied by site enhancements that bring the site into substantial conformance with the LMO, where feasible.

Revisions of district and development standards and allowance of alternative forms of compliance and administrative adjustments will do much to reduce nonconformities, but the additional flexibility afforded by the administrative waiver will continue to be needed to accommodate and encourage redevelopment of sites with nonconformities. Accordingly, the Code Assessment recommends carrying forward the general nonconforming provisions, including the administrative waiver (p. 3-15). In light of further discussions with town staff and the proposal to carry forward the Redevelopment Overlay District (see pages 17-18), we recommend that the procedure allowing administrative waivers of nonconformity regulations be carried forward, but be modified to make it more effective at encouraging redevelopment.

First, we recommend that the administrative waiver procedure be targeted to those nonconformities that pose the greatest impediment to redevelopment—nonconformities pertaining to street buffers, off-street parking, impervious surface, and open space. Restrictions on the expansion, enlargement, or alteration of nonconformities are intended to encourage the gradual disappearance of the nonconformity. Waiving such a restriction can undermine that intent and should be avoided unless doing so actually contributes more to elimination of nonconformities or otherwise provides the community greater benefits than application of the restriction. While redevelopment may maintain or even expand some nonconformities on a site, it also represents an opportunity to eliminate or reduce other nonconformities on the site. The principal nonconformities posing an impediment to redevelopment—and thus the nonconformities for which a waiver is most justified—pertain to the lack of adequate street buffers, insufficient off-street parking, excess impervious surface, and insufficient open space. Other nonconformities (e.g., inadequate landscaping or screening, excess exterior lighting, excess fence height) are important, but probably are best addressed as nonconformities to be eliminated or reduced in conjunction with redevelopment utilizing a waiver of restrictions pertaining to buffers, parking, impervious surface, or open space—rather than as the principal subject of a waiver.

Second, we recommend carrying forward the current prerequisite that use of a waiver be accompanied by site enhancements that reduce the nonconformity for which restrictions are waived and/or reduce or eliminate other nonconformities on the site. For example, restrictions prohibiting the expansion of a building or parking area because doing so would decrease the width of one part

of a sparsely vegetated nonconforming street buffer might be waived on condition that vegetation in the remaining street buffer is increased and that nonconforming landscaping on the site is upgraded to conform to current standards. Similarly, restrictions prohibiting relocating nonconforming impervious surface from one part of a site to another may be waived on condition that the amount of old impervious surface removed exceeds the amount of new impervious surface added.

e. Redevelopment Overlay District

As noted above and discussed in Section 2.3 (pages 17-18), the Redevelopment Overlay District currently provides the greatest degree of flexibility to accommodate redevelopment. Although the rezoning process is relatively cumbersome and time-consuming, we recommend that the RO district be carried forward as a means of providing flexibility for redevelopment. Instead of being the only option for relief from nonconformity restrictions outside the administrative waiver, however, RO zoning would serve as a last resort option for large projects with significant nonconformities—sought only if sufficient flexibility is not afforded by alternative forms of compliance, the administrative adjustment, exceptions to nonconformity restrictions, or the administrative waiver. As discussed earlier, it would require the provision of compensating public benefits. (As discussed earlier, typically, a menu of options is included that outlines the types of compensating public benefits that might be proposed by the landowner to offset modifications to development/design standards. They might include things like provision of environmentally sustainable and energy-efficient building design, provision of other green building incentives, provision of cultural facilities, permanent protection of scenic views to the water, enhanced environmental protection, enhanced tree protection, enhanced landscaping etc.).

2.6 REVISE DESIGN STANDARDS RELATED TO TARGETED ISSUES AND AREAS

The LMO Rewrite Committee Report states the current LMO was written primarily for new development instead of redevelopment, and takes a “one size fits all” approach. This has created a situation that limits creativity and flexibility to redevelop properties. Additionally, the report suggests there is no flexibility with the current standards to accommodate areas that support higher densities, mixed uses, and more pedestrian-oriented development, versus areas that are more auto-oriented, or other areas that have other specific circumstances. The report recommends that the LMO rewrite address these issues, specifically with respect to parking, buffers, lighting, signage, stormwater, setbacks, heights, and streets. The report also suggests development standards should be added to apply to edge conditions. Finally, it suggests the LMO rewrite should be drafted in such a way as to encourage sustainable, innovative, and smart growth development.

In response to the LMO Rewrite Committee Report, the Code Assessment discusses potential modifications or additions of the following development and design standards:

- Off-street parking and loading;
- Buffers;
- Sustainable development practices;
- Neighborhood compatibility (edge conditions); and
- Stormwater management.

LMO Committee Comments:

- **Roads**
 - Look at progressive communities and look for opportunities to recommend changes to our standards especially where there can be flexibility to improve nonvehicular travel. Look into including recommendations based on the Complete Streets movement.
- **Buffers**
 - Edge conditions along roads, water bodies, and different uses are important.
 - Encourage/require interconnectivity between adjacent parcels with like uses (related goals would be to encourage walking, have fewer curb cuts, encourage shared parking). If those are accomplished then offer decreasing (or no) adjacent use/side buffers as an incentive. Evaluate whether this is appropriate in all districts
 - Don't lose the overall pervious percentage required on the site—just make it up in areas other than the adjacent use buffer.
 - We are trying to reach a community goal of more walking, less vehicular traffic.
 - Should the buffers be different widths based on something other than street standards? Maybe based on zoning district—or desired walkability for the area.
 - In areas where we want to encourage walkability look at having a setback along the road instead of a buffer. Would allow seating, fountains, etc. but would keep the building from being right on the street.
- **Parking**
 - Some parking should be allowed off site – provide more ideas about how this can be realistically achieved, particularly in areas where the Town doesn't own property that could be used for public parking.
 - Consider on-street parking in some districts where we want to encourage walkable mixed use redevelopment.
 - The parking requirements should not be the same in all districts.
 - Parking requirements should not just be based on use, should be based on zoning district as well.
 - Make recommendations for bike parking to start to replace some of the required vehicular parking.
 - Not everyone wants to walk from site to site – provide ideas about incentivizing some sort of shared transportation system.
- **Impervious/Pervious/Stormwater**
 - The Town wants to be a leader in sustainability, water quality and being green. Review our pervious/impervious/stormwater standards and make recommendations for changes that accomplish the above.
- **Height**
 - 75' is the maximum height desired for HHI.
 - The max height should only be applied to walkable areas where all of the amenities and services are already located.
 - There should be no isolated 5 story buildings in a non-urbanized context.
 - If hotels are all inclusive of amenities where no need to travel then the max height is ok.
 - In the current WMU areas along Skull Creek and in the Mitchelville area—5 stories doesn't make sense with what currently exists in the area.
 - Need some transition for properties at the edge of zoning districts so there isn't a 75' building adjacent to a 45' or 35' building.
- **Site Lighting**
 - The current site lighting that is allowed is appropriate in most areas; however walkable areas should have more lighting. This is another area where the requirements may be different based on both use and zoning districts.

Response:

Roads

As part of the drafting process, we will review and incorporate mobility standards, as appropriate, from recent code updates nationally that address such issues as: encouraging a multimodal transportation system when a project is developed or redeveloped; public street connectivity; cross access between adjoining development; accessway layout and coordinating with bicycle and pedestrian access; pedestrian access and circulation; pedestrian connectivity; sidewalk design; and pedestrian cut-throughs.

The concept of complete streets is one that has been embraced by an increasing number of communities across the country, and one that the town should seriously consider incorporating into its plans and development policies and regulations. According to *Complete Streets: Policy Analysis 2010*, published by the National Complete Streets Coalition, approximately 23 states have some form of complete streets policies in place, as well as over 200 communities. In most instances, the policies and few regulations that have been adopted by local communities focus on requiring the local government to incorporate complete street elements into the planning and building of public street projects. We suggest that if the town is interested in pursuing a complete streets approach to growth and development, it is best to start by first creating a vision defining what constitutes “complete streets” in the town, developing context sensitive complete street guidelines for the different types of streets, and initiating policies to require public street projects to incorporate these policies—and then if the town is interested, it can encourage or require subdivision and individual development projects to comply with the different street guidelines. Charlotte NC has aggressively moved in this direction, and has developed such a set of Urban Street Design Guidelines (over several years). Such an effort is way beyond the scope of this project.

Buffers

Building on the suggestions in Section 2.6.2 of the Code Assessment on revisions to the buffer standards, the buffer standards in the LMO rewrite will:

- Maintain the current edge conditions along roads, water bodies, and different uses, with the following exceptions:
 - In the I-MX-Coligny Subdistrict, where it is recommended that the street setback and buffer standards be eliminated and replaced by increased site and parking lot landscaping and a landscape strip along the road. Additionally, it is recommended that outdoor eating areas and civic space be encouraged to locate between the building and the street.
 - In the I-MX-Shelter Cove Subdistrict, where it is recommended the current street setbacks/buffer standards along the Highway 278 corridor be carried forward to maintain the aesthetic along this main town corridor, and street setbacks/buffers within the subdistrict beyond Highway 278 be reduced to approximately 15 feet in width, consistent with that proposed for the Shelter Cove Mall PUD amendment. Street trees would also be strongly encouraged in this area, spaced approximately 40 feet apart.¹²
 - Modification of the adjacent use buffers to apply performance based buffer standards (allowing for reductions in buffer widths as long as opacity levels are maintained) at varying levels between conflicting uses, but requiring no buffers between similar uses.

¹² A question is raised in the comments – “Should the buffers be different widths based on something other than street standards? Maybe based on zoning district—or desired walkability for the area.” Because of the importance the community places on the edge conditions in maintaining the town’s character, and the importance, generally, the street setbacks/buffers play in this equation, we have assumed that generally, it is important to carry them forward. With that said, however, and as outlined above, there are several districts we recommend the street buffers be reduced or eliminated and replaced with other elements that should result in a more walkable, pedestrian-friendly district (e.g., the I-MX-Coligny and I-MX-Shelter Cove Subdistricts).

Additionally, Section 2.6.2 of the Code Assessment (p. 2-36) suggest adjacent use buffer standards be revised to performance-based standards that relates buffer width inversely to the opacity of vegetation and other screening within the buffer—i.e., the more opaque the vegetation and screening, the narrower the buffer.

- Establishment of an administrative adjustment to:
 - Allow a reduction of street buffers beyond Highway 278 by up to 30 percent in the SMU District and Chaplin area; and
 - Allow a reduction of street setbacks/buffers by up to 20 percent in the -Sea Pines Circle area of the IM-C Subdistrict If additional tree plantings are made which maintain opacity levels of the street buffers.
 - Allow a reduction of street setbacks/buffers by up to 20 percent in the IL District, If additional tree plantings are made which maintain opacity levels of the street buffers.
- Require cross access between adjacent parcels on which there is commercial or mixed use development.
- Provide incentives that allow further reduction or elimination of adjacent use buffers on developed sites, when as part of redevelopment they provide vehicular and pedestrian cross access in an appropriate location to adjacent parcels of similar character.
- Do not reduce the maximum pervious coverage requirements except in the::
 - COM-MX District, due to consolidation (a maximum impervious coverage of 40% for residential development and 60% for nonresidential development; is recommended¹³);
 - HR District, due to the consolidation (50% is recommended, which is consistent with the RD District; the standards in the CFB District is 55%);
 - I-MX –Coligny Subdistrict (maximum 65% impervious cover is recommended; the standard is currently 55% in the CWW district and 40% for residential and 65% for nonresidential in the CC district).

Parking

Building on the suggestions in Section 2.6.1 of the Code Assessment on revisions to the parking standards, the parking standards in the LMO rewrite will:

- Provide more specific provisions for off-site (off-premises) parking, identifying the types of uses where shared parking might be appropriate;
- Allow for a certain percentage of the parking to be provided on-street in I-MX Shelter Cove Subdistrict (beyond Highway 278 in the I-MX-Shelter Cove Subdistrict);¹⁴
- As is discussed in Section 2.3 of this response, establish different minimum parking standards in the I-MX-Coligny Subdistrict, and possibly the I-MX-Sea Pines Circle and I-MX-Shelter Cove Subdistricts (this will need further evaluation);
- Establish a minimum bicycle parking standard that will be required in the I-MX-Coligny, I-MX-Shelter Cove, and I-MX-C Subdistricts (which in turn will result in a reduction in the minimum parking standards in these districts (the bicycle parking standards might be at varying levels between these districts). Additionally, allow bicycle parking to be used in the I-MX-Mathews Subdistrict and the COM-MX District as an incentive which allows a reduction in the parking standards.
- Provide parking space reductions as an incentive for developments that locate within a certain distance of a bus transit stop, and emphasize that parking reductions can also be achieved for development that establishes and manages ride-share programs or some other form of shared

¹³ These are the maximum impervious surface standards in the OM district; the current standards in the OL and OCIL districts are 60%.

¹⁴ Such a provision already exists in the I-MX-Coligny Subdistrict, which will be carried forward.

transportation, through the alternative compliance option of transportation demand management (see Section 2.6.1 of the Code Assessment, p. 2-35).

Impervious/Pervious/Stormwater

- Largely because of the town's extensive buffer requirements, impervious surface coverage on the island is significantly less than in many other comparably developed communities. The LMO's limits on impervious surface coverage can be, and are, stricter than in most comparably developed communities. Furthermore, the town's strong tree preservation regulations maximize the effectiveness of buffers in mitigating stormwater runoff and maintaining water quality, and in establishing the island's "green" character. As noted earlier in Section 2.5 of this response (page 24), impervious surface limits are relied on by the town when sizing and designing its stormwater management systems.
- For the above reasons, we recognize the important role impervious surface limits play in maintaining the island water quality and character, and recommend generally avoiding any increase to those limits. The only exceptions we propose are modest increases to impervious surface limits in the few areas where redevelopment is desired and space is at a premium (e.g., the I-MX-Coligny Subdistrict)

Height

- As is discussed in Section 2.3 of this response, the only districts where there is a 75 foot maximum height are the two districts that currently allow this maximum—the WMU District and the new HR District—and the I-MX-Shelter Cove Subdistrict, where some of the buildings are currently five stories in height. The WMU District has a maximum height of 75 feet. The HR District allows a maximum height of 75 feet within 600 feet of the beach (the height limit in the HR District beyond this point is 45 feet/three stories). The lands proposed for a 75 foot height limit in the I-MX-Shelter Cove Subdistrict are the sites of the HarbourSide condominium development, where some of the buildings are currently five stories. Stepped down height requirements are proposed to be included at the edge of the WMU District, those areas of the HR and I-MX-Shelter Cove District with 75 foot height limits, and any other locations where there might be a significant height difference between districts. (It should also be noted that it is proposed that the maximum height in the I-MX-Coligny District be 45 feet/three stories, but that the town consider allowing an incentive of an additional story (and another 15 feet in height), for sustainable development practices..)
- As discussed above, the only districts where there is a 75 foot maximum height are the two districts that currently allow such heights: the WMU District and the new HR District within 600 feet of the beach. To ensure a smooth transition from these areas to districts with lower heights, it is also proposed that stepped down height requirements be included at the edge of the WMU District, and any other locations where there might be a significant height difference between districts. To protect single-family residential neighborhoods from height incompatibilities, neighborhood compatibility standards are proposed (Section 2.6.4 of the Code Assessment). Finally, the district structure proposed in Section 2.3 of this response applies maximum height requirements consistently across the district. These actions should address concerns raised that the LMO not result in isolated five story buildings.
- Although the current 5-story height limit in the WMU districts along Skull Creek and in the Mitchelville area does not reflect the heights of development currently existing in these areas, the application of WMU zoning and the 5-story height limit to these areas followed substantial discussions with area property owners and residents, who have expectations that allowable development intensities in those area will not be reduced. Furthermore, provisions for transition to the 5-story height limit along the edge of the WMU districts (see next paragraph) would ensure a smooth transition between development in these area and adjacent development. For these

reasons, we recommend that the current 75 feet/5-story height limit for these WMU districts be carried forward without change.

- The LMO rewrite will include provisions in the WMU and HR districts, where there is a maximum height limits of 75 feet (and any other district(s) that include a 75 feet height limit), that require new development on the edge of the district to transition height to maximum heights that are allowed in the contiguous district(s).

Site Lighting

- The current site lighting standards will be carried forward, except greater lighting levels will be allowed in the following districts, which are more walkable areas: I-MX-Coligny, I-MX-Sea Pines Circle, I-MX-Shelter Cove, WMU, and the HR District.

2.7 MODIFY NATURAL RESOURCE REGULATIONS

Section 2.7 of the Code Assessment notes that Chapter 6 of the current LMO (Natural Resource Protection) contains regulations pertaining to the protection of wetlands, beaches, dunes, and trees. The LMO Rewrite Committee reviewed these regulations and concluded that they create complex and costly impediments to redevelopment. The committee noted that the wetland buffer requirements are too strict in terms of uses allowed in the buffers, that dune protection requirements are confusing and may conflict with water views, and that tree protection requirements emphasize the number of individual trees at the expense of the context in which they apply and overall forest management goals. Section 2.7 of the Code Assessment then goes on to provide suggestions related to:

- Adding flexibility to wetland buffer regulations by tailoring them to wetland types and context and expanding activities allowed in wetland buffers;
- Dune protection; and
- Tree preservation and protection.

LMO Rewrite Committee Comments:

"In general the committee is pleased with your approach to natural resources. We do believe, however, that we need more help in the area of water quality—specifically, are there other/additional approaches to improved water quality than buffers?"

The canopy approach to tree management appears to be a positive approach, coupled with the Town's existing protection of specimen trees."

Actions Needed:

1. *Identify creative and flexible approaches to improving water quality (other than just buffers).*
2. *Review and incorporate Ballantine Summary Report recommendations where appropriate.*
3. *Identify ways to encourage redevelopment of beachfront properties while balancing protection of dunes.*

Response:

Water Quality

Section 2.6.5 of the Code Assessment (p. 2-41) notes that the town was planning to apply to the state for delegated authority to apply state stormwater management regulations rather than the combination of town and Beaufort County regulations, as currently required by the LMO. That plan, however, has

recently been placed on hold due to changes in state delegation regulations. As explained in the Assessment, delegation of authority to apply state stormwater management regulations benefits the town in two ways. First, the state regulations are much more adaptable to redevelopment and denser development that is expected to occur in targeted areas of the town than the current LMO and Beaufort County stormwater management regulations (which are geared towards rural and suburban types of development). Second, engineers designing stormwater management for developments in Hilton Head Island would be subject to a familiar single set of standards. The town plans to apply to the state for delegated authority in the next application cycle.

Whereas the current stormwater standards rely heavily on wetland buffers, the state standards allow a variety of measures and techniques to manage stormwater runoff—including both an assortment of low impact development techniques and engineered structural facilities.¹⁵ Combining retention of the town’s wetland buffer requirements with application of the state stormwater management regulations should enhance the level of water quality protection provided by the town. The state stormwater regulations are flexible enough to allow stormwater management to be tailored to the characteristics of specific sites and the specific development proposed on them so as to maximize the effectiveness of on-site pollutant removal. This, in turn, minimizes reliance on the wetland buffers as a primary means of water quality protection and allows the wetland buffers to serve instead as an extra level of pollutant control that better ensures the quality of the wetlands and water bodies that are so important to Hilton Head Island’s character.

In drafting the LMO rewrite, we will work with the town engineer and the stormwater management consultant on our team to determine if certain stormwater management techniques authorized by the state regulations are more appropriate to Hilton Head Island than others, and will propose supplemental standards as necessary to encourage or require such techniques. Such evaluation will focus on revisions and enhancements that encourage, and possibly incentivize, low impact development (LID)¹⁶ and other “green” stormwater management techniques—including, but not limited to, the following:

- Constructing infiltration devices under buildings and parking areas;
- Incorporating bioretention cells into buffers and parking lot landscaping;
- Using pervious paving materials in appropriate locations;
- Installing “green” or vegetated roofs;



Bioretention cell in parking lot.

¹⁵ For example, the South Carolina DHEC Storm Water Management BMP Handbook recognizes and provides guidelines for the use of both structural and nonstructural, low impact development (LID) stormwater controls such as wet and dry detention ponds, underground detention tanks and vaults, constructed stormwater wetlands, bioretention areas, infiltration trenches, enhanced dry swales, vegetated filter strips, grass pavers, porous pavement, vegetated conveyance systems, stream buffers, rooftop drainage to pervious surfaces, and natural infiltration.

¹⁶ The basic principles of low impact development (LID) are:

1. Optimize conservation—conserve natural resource areas, sensitive areas, vegetation and soils and wisely use them to reduce and treat runoff to maintain the site’s ability to retain and detain runoff.
2. Mimic the natural water balance—infiltrate water at the same manner and rate as predevelopment water infiltration.
3. Decentralize and distribute controls—the more LID techniques applied to a site, and the more uniformly those techniques are distributed throughout the landscape, the more effective LID will be.
4. Disconnect impervious surfaces—this approach prevents the adverse cumulative effects of concentrated flows.
5. Create multifunctional and multipurpose landscapes—every landscape feature should be designed with some beneficial hydrologic or water quality to store, retain, detain, or treat runoff.
6. Think small scale—integrate multiple, small systems into numerous aspects of the site so that the failure of one technique will only have a minor impact on the effectiveness of the entire system.
7. Install pollution prevention programs—make all efforts to reduce the introduction of pollutants into the environment, including effective public education and outreach to help ensure proper use, handling, and disposal of possible pollutants.
8. Account for cumulative impacts—reliance on any one technique for stormwater management ignores the cumulative beneficial impacts of an array of LID planning and design techniques.

- Redirecting roof runoff to bioretention areas and pervious surfaces; and
- Capturing and storing rooftop rain runoff for irrigation use or slow, managed dispersal.

We will also further evaluate the parking reduction provisions previously discussed in earlier parts of this response (page 31) to determine if there might be additional ways to reduce parking.



Redirection of roof runoff to bioretention cell.

The Ballantine Report includes general findings and recommendations pertaining to the protection of water quality, which focus on wetland buffers.¹⁷ The report recommends wetland buffer widths be based on wetland values and functions and recognizes that wetland buffers may be landscaped and still be effective in protecting water quality. These recommendations are reflected in Section 2.7.1 of the Code Assessment (p. 2-43). That section suggests tailoring wetland buffer regulations to wetland types and surrounding context. For example, narrower buffer widths might be required around isolated wetlands than required along other wetlands. Also, wetland buffer width requirements might vary with the extent and density of trees and other vegetation existing within the buffer, with wider buffers required where existing vegetation is sparse and narrower buffers allowed where existing vegetation is dense. For both of these suggestions, it is important to ensure that any additional flexibility and variation in buffer width requirements continue to meet the purposes of wetland buffers.

Section 2.7.1 of the Code Assessment also suggests evaluating the extent to which certain development (such as utility lines and pathways) might be allowed in buffers and buffer vegetation might be pruned or cleared (p. 2-44). It notes that the current LMO is not clear about the extent to which certain activities are allowed within wetland buffers. Such activities include those generally essential to most development (e.g., utility lines, drainage conveyances), those common to water-dependent development (e.g., docks,

¹⁷ The Ballantine Summary Report recognizes the current wetlands regulations were created to develop effective methods of protecting wetlands from the impacts of development and to “fill in the blanks” of the often-changing federal regulations. The key components of the current regulations, according to the report, is the science-based valuation of wetland types, and the protection of wetland quality, values, and functions by upland buffers. The report then goes on to find:

- Wetlands are valuable resources on the island, because they: are a significant old growth component of the Island Forest; provide critical habitat for neotropical migratory songbirds and colonial wading birds; provide significant opportunities for development of ecotourism programs; and provide open space and privacy buffers between developments;
- Even though the town regulations cannot supercede the federal laws, they can significantly benefit wetlands through regulating activities that may pollute or intrude upon wetlands.
- Wetlands on the island are connected through surface water flow and groundwater interchange, so even when wetlands don't look wet during dry periods, they are still valuable and perform important functions.
- Wetlands and their buffers are inseparable; well-designed buffers are necessary to protect and maintain island wetlands. by removing sediments and pollutants from water run-off, preserving surface and groundwater quality.

Based on these findings, the report recommends the town's wetland regulations should:

- Recognize and affirm that buffers are a valuable part of wetlands;
- Create a clear definition of a wetland buffer, that is objective and based on values and functions;
- Create a consistent application of buffer requirements;
- Consider methods of maintenance of buffers IF the buffers are landscaped with native non-invasive plant species;
- Require that pesticides, herbicides, and fertilizers not be allowed in wetland buffers;
- Consider adding a hardship variance to allow reasonable use of upland due to the size, dimensions, or slope of property adjacent to the wetland;
- Consider a “slope adjustment” when determining the size of the buffers; and
- Consider a value adjustment” factor for sizing buffers according to the town wetland evaluation system.

shoreline stabilization), and those generally desired for environmental purposes (e.g., removal of exotic or invasive vegetation). The section recommends LMO revisions to clearly identify activities allowed and prohibited in wetland buffers, to expand those activities allowed to include essential and water-dependent development activities (subject to appropriate limitations and standards), and to allow modest selective clearing and pruning as necessary to enhance the effectiveness of the buffer vegetation in protecting water quality and to establish limited view corridors.

Additionally, it is also recommended that the LMO Rewrite:

- Strengthen the language in the statement of purpose and intent section about the important role wetlands and wetlands protection plays to the environmental quality, economic viability, safety, and general welfare of the town and its residents, and the important role wetland buffers play in wetlands protection (LMO Section 16-6-201); and
- Prohibit the use of pesticides, herbicides, and fertilizers in wetland buffers.

Tree Preservation and Protection

The Ballantine Report also includes general recommendations for the preservation and protection of trees. Its main recommendation is that trees be managed as part of an island forest rather than on a tree-by-tree approach or on the basis of one property at a time, and that trees be managed in terms of tree canopy. The report also recommends that standards promote preservation of old-growth maritime forests and stands of bottomland hardwoods and that preservation of preferred trees be based on the aged stands of such trees. We will refer to the Ballantine Report when drafting the LMO Rewrite to incorporate recommendations appropriate to development regulations.

Section 2.7.3 of the Code Assessment recommends that the LMO's current tree preservation standards be supplemented by standards requiring the retention of existing tree canopy, with the required percentage varying along a sliding scale based on the existing tree canopy on the development site. As indicated by the example of tree canopy retention standards in Appendix 4.4 of the Assessment (p. 4-10), such standards recognize stands of trees as part of inventorying existing tree canopy.

The current LMO requires the preservation and protection of specimen trees (see Section 16-6-402.3). If future studies or surveys identify the locations of old-growth maritime forests and/or bottomland hardwood stands and classifies them by age, the LMO could be revised to include provisions targeted to the preservation and protection of such forests and stands. In the meantime, given that the LMO's definition of specimen trees already identifies and sets size thresholds for most tree species common to old-growth maritime forests and bottomland hardwoods, the specimen tree provisions indirectly provide substantial protection for old-growth maritime forests and older stands of bottomland hardwoods.

Because development generally occurs on a property by property basis, application of tree preservation standards in the LMO would necessarily continue to take place one property at a time—though the addition of tree canopy retention standards is more likely to result in preservation of whole stands of trees that extend across property lines.

Dune Protection and Redevelopment of Beachfront Property

Section 2.7.2 of the Code Assessment describes the current LMO's dune protection regulations, including their allowance of limited clearing and pruning to establish view corridors to the beach. The section goes on to recommend modifying the view corridor provisions to provide specific criteria that clarify that such corridors may be established, that highest priority is given to corridors established through removal of non-native invasive vegetation, that low-growing vegetation be provided to retain or establish the root systems so important to dune preservation. It also suggests that the width and spacing of view corridors could be established through standards setting the maximum percentage of beach frontage devoted to view corridors. Alternative means of controlling the width and spacing of view corridors include standards setting a maximum width for individual corridors, and/or the minimum spacing between view corridors.

Providing clear specific standards for view corridors can better ensure protection of the dunes while providing developers and owners of beachfront property a clearer understanding and expectation of the extent to which clearing beachfront vegetation is, and is not, permitted. In establishing view corridor standards, it is important to consider not only the view of the ocean they provide occupants of beachfront development, but also the view of beach front development they provide people enjoying the beach. Users of beaches on Hilton Head Island are unlikely to appreciate a landward view consisting of a long row of buildings not moderated by intervening vegetation.

Although specific standards for view corridors provide predictability, there is still a need for flexibility. Such flexibility might be incorporated into the standards themselves, or by providing procedures whereby alternative view corridor designs might be allowed. For example, view corridor standards could be tailored to allow greater views of the ocean in particular districts (like the proposed HR District) or particular types of development (e.g., hotels, interval occupancy, or multifamily uses), that contain high concentrations of dwelling or lodging units. They might also be tailored to particular stretches of beachfront, perhaps in recognition of the width of the dune system or the special views they afford. View corridor regulations also might authorize staff to approve alternative corridor designs that deviate from the specific standards, but are found to provide an equal or degree of dune protection and maintenance of attractive views from the beach.