



Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
December 18, 2013

8:30 a.m.

Benjamin M. Racusin Council Chambers

AGENDA

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

- 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**
- 5. Unfinished Business**
- 6. New Business**
 - a. Review of LMO Rewrite Draft Chapters 4 & 10
- 7. Adjournment**

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

Chapter 16-4: Use Standards

COMMENTARY:

Chapter 16-4: Use Standards, contains specific standards for the uses allowed in each zoning district established in the LMO. It builds on Chapter 4-Zoning District Regulations of the current LMO, and carries forward and builds on Chapter 4, Article XII-Use Regulations, Article XIII-Specific Use Standards, Article XIV-Accessory Uses, and Article XV-Temporary Uses. Chapter 16-4 is composed of four sections.

Section 16-4-101, Organization, outlines the chapter's organization and the relationship among its sections.

Chapter 16-4-102, Principal Uses, includes a Principal Use Table that builds on the use table in the current LMO, but restructures it to conform to the changes in zoning district structure discussed in the Response to LMO Committee Comments. It also consolidates, modernizes, and makes the classification of uses more general and flexible, which should simplify the use table. The table is organized as a matrix with a column for each base zoning district and a row for each principal use permitted by right or subject to use-specific conditions. The intersecting cell depicts whether each use is permitted by right, permitted subject to use-specific conditions, permitted as a Special Exception, or prohibited in the corresponding zoning district. The table also references any use-specific conditions applicable to particular principal uses—which are set forth later in the section. The description of the use classifications and relevant uses is found in Section 16-10-104, Use Classifications Types, and Definitions in Chapter 10. Use-specific conditions for many of the principal uses follow the Principal Use Table.

Chapter 16-4-103, Accessory Uses and Structures, includes a table that lists common accessory uses and structures, designates which are allowed in each zoning district, and references any applicable conditions specific to particular accessory uses and structures. It builds on Chapter 4, Article XIV-Accessory Uses, of the current LMO.

Chapter 16-4-104, Temporary Uses and Structures, includes conditions specific to a number of particular temporary uses. It builds on Chapter 4, Article XV-Temporary Uses, of the current LMO.

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Chapter 16-4: Use Standards²⁰⁷

Sec. 16-4-101. Organization²⁰⁸

- A. Section 16-4-102, Principal Uses, sets out the uses allowed as principal uses in the zoning districts, what type of permit or review is required to establish them, and any special conditions applicable to particular principal uses.
- B. Section 16-4-103, Accessory Uses and Structures, identifies the uses and structures commonly allowed as accessory to principal uses and sets out where they are allowed, what type of permit or review is required to establish them, general standards applicable to all accessory uses and structures, and any special conditions applicable to particular accessory uses and structures.
- C. Section 16-4-104, Temporary Uses and Structures, sets out which uses or structures are allowed on a temporary basis, and the general standards applicable to all temporary uses and structures, and any special conditions applicable to particular temporary uses and structures.

Sec. 16-4-102. Principal Uses²⁰⁹

A. Principal Use Table

1. Structure of Principal Use Table²¹⁰

a. Organization and Classification of Principal Uses

- i. The Principal Use Table organizes allowable principal uses with the following hierarchy of classifications:
 - 01. Use Classifications are relatively broad and general and represent major groups of use types that have common functional or physical

²⁰⁷ Chapter 16-4: Use Standards, builds on Chapter 4-Zoning District Regulations, of the current LMO. As is discussed in Chapter 16-3: Zoning Districts, specifically, it carries forward and builds on Chapter 4, Article XII-Use Regulations, Article XIII-Specific Use Standards, Article XIV-Accessory Uses, and Article XV-Temporary Uses. In each of these sections are changes to simplify and modernize regulations and to modify them to reflect the policy direction for the LMO Rewrite. These changes are described in the footnotes of each section in the chapter.

²⁰⁸ This new section generally describes how the chapter is organized into three major sections: 16-4-102, Principal Uses, Chapter 16-4-103, Accessory Uses and Structures, and Chapter 16-4-104, Temporary Uses and Structures.

²⁰⁹ Section 16-4-102, Principal Uses, builds on Chapter 4, Article XII-Use Regulations and Article XIII-Specific Use Standards, of the current LMO. As discussed above, even though the draft builds on the Use Table in Section 16-4-1204 of the current LMO (modifying, modernizing, and refining the table to conform it to the modifications in the district structure discussed in the Response to LMO Rewrite Committee Comments), the use descriptions and definitions are modified to allow for a more general description of the uses, which simplifies and shortens the Use Table. The Use Classification and Use Category structure used in the current use table set out in Sections 16-4-1211 through 16-4-1215 of the current LMO is simplified and moved to Sec. 16-10-104, Use Classifications, Use Types, and Definitions (in Chapter 10). The use-specific conditions in Chapter 4, Article XIII-Use Specific Standards, are carried forward, and modified, as noted. Specifically, the footnotes identify when provisions are carried forward or modified. Additionally, some new use-specific conditions are proposed to be added.

²¹⁰ This new subsection builds on Sections 16-4-1201 through 16-4-1203, and 16-4-1205 through 16-4-1208 of the current LMO. It begins by describing the organization and classification of principal uses in the Principal Use Table. The organization of uses into Use Classifications and Use Types is a simplified version of the organization used in the use table in the current LMO. The current categorization of uses as permitted, conditional, or special exception is also carried forward.

characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics.

02. Use Types are a mix of relatively broad uses and specific uses within the various use classifications. They represent uses that this Ordinance treats differently in terms of where they are permitted, what use-specific conditions apply to them, what parking requirements apply to them, and, to a lesser extent, what development standards apply to them. All principal use types are defined and many accessory and temporary use types are also defined.
- ii. The Use Classifications and Use Types that make up the Principal Use Table are identified and described in Sec. 16-10-104, Use Classifications, Use Types, and Definitions.

2. Designation of Principal Uses as Permitted Use, Permitted Use Subject to Conditions, Special Exception Use, or Prohibited Use

The Principal Use Table uses the following abbreviations to designate whether and how a principal use is allowed in a particular zoning district:

- a. A "P" indicates that the use is allowable as a principal use by right in the corresponding base zoning district, subject to all other applicable regulations of this Ordinance.
- b. A "PC" indicates that the use is allowable as a principal use in the corresponding base zoning district, subject to referenced use-specific conditions and all other applicable regulations of this Ordinance.
- c. An "SE" indicates that the principal use is allowed in the corresponding base zoning district only if reviewed and approved as a special exception use, in accordance with Sec. 16-2-103.E, Special Exception, and subject to any referenced use-specific conditions and all other applicable regulations of this Ordinance.
- d. A blank cell indicates that the use is prohibited as a principal use in the corresponding base zoning district.
- e. With its limited land area, sensitive lands, and resort character, the Town of Hilton Head Island is primarily suited for residential, recreational, and some commercial uses. Although it is essential to the community to allow certain uses with a light industrial character, few industrial or heavy commercial uses are appropriate in the Town. Thus, only industrial and heavy commercial uses expressly set forth in the Principal Use Table and accompanying definitions shall be permitted in the Town. All other industrial and heavy commercial uses are otherwise expressly prohibited.

3. Reference to Use-Specific Conditions

As noted above, a particular use allowable as a principal use in a zoning district may be subject to additional conditions that are specific to the particular use. The applicability of such use-specific conditions is noted through a section reference in the last column of the Principal Use Table titled "Use-Specific Conditions." References refer to standards in Sec. 16-4-102.A.7, Use-Specific Conditions for Principal Uses.

4. Development with Multiple Principal Uses

When all principal uses of a development fall within one Use Type, the entire development is assigned to that Use Type. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified as Other Commercial Services because all of the development's principal uses are in that Use Type. When the principal uses of a development fall within different Use Types, each principal use is classified in the applicable Use Type and is subject to all applicable regulations for that Use Type. Development with multiple principal uses, such as shopping centers, shall incorporate only those uses allowed in the underlying district.

5. Interpretation of Unlisted Uses²¹¹

a. Procedure for Interpreting Unlisted Uses as Permitted

The Official may interpret a particular use not expressly listed in the Principal Use Table as allowed in a particular zoning district, in accordance with the procedure in Sec. 16-2-103.R, Written Interpretation, and based on the standards in subparagraph b below.

b. Standards for Interpreting Unlisted Uses as Permitted

The Official shall interpret an unlisted use as permitted in a particular zoning district only after determining that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a Use Type allowable in the zoning district that the unlisted use should be deemed allowable in the same manner as the similar Use Type. In making such determination, the Official shall consider the purpose and intent statements in this Ordinance concerning the zoning district, the character of uses allowable in the district, and all relevant characteristics of the unlisted use, including but not limited to the following:

- i. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use Type;
- ii. The relative amount of site area or floor space and equipment devoted to the activity;
- iii. The relative amounts of sales from each activity;
- iv. The customer type for each activity;
- v. The relative number of employees in each activity;
- vi. The hours of operation;
- vii. The building and site arrangement;
- viii. The vehicles used with the activity;
- ix. The relative number of vehicle trips generated by the use; and
- x. Whether the activity is likely to be found independent of the other activities on the site.

²¹¹ This new section sets out a specific procedure for the Official to interpret a particular use that is not expressly identified in the Principal Use Table, to determine whether it is similar to an identified use, or falls into one of the Use Categories. The considerations in making such a determination identified in Section 16-4-1207 of the current LMO are carried forward in this subsection.

Chapter 16-4: Use Standards
 Sec. 16-4-102. Principal Uses
 A. Principal Use Table

c. Unlisted Use Not Permitted

If, after applying the criteria in subparagraph b above, the Official determines that a proposed unlisted use is not similar to a listed Use Type, the proposed use shall be prohibited.

d. Effect of Approval of Unlisted Use

- i. After interpreting an unlisted use as permitted in a particular zoning district, the Official shall determine whether the unlisted use is likely to be common or will recur frequently, or whether its omission from the Principal Use Table is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common or would lead to confusion if unlisted, the Official shall ask the Planning Commission to initiate a text amendment to list the use in the Principal Use Table. Until final action is taken on the text amendment application, the Official's interpretation shall be binding.
- ii. If after interpreting an unlisted use as permitted in a particular zoning district, the Official determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Sec. 16-2-103.R.6, Effect of Interpretation, without further action or amendment of this Ordinance.
- iii. The Official's interpretation may be appealed in accordance with Sec. 16-2-103.U, Appeal of Official's Decision to Board of Zoning Appeals.

6. Principal Use Table²¹²

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																					
SE = ALLOWED AS A SPECIAL EXCEPTION BLANK CELL = PROHIBITED																					
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED USE AND BUSINESS DISTRICTS										USE-SPECIFIC CONDITIONS			
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	LC	RD	IMED	IL	
RESIDENTIAL USES [1]																					
Duplexes						P	P	P													
Group Living Uses						P	P	P								P	P				
Mixed Use									PC	PC		PC	PC		PC	PC	PC	PC		Sec. 16-4-102.A.7.a.i	
Multifamily Dwellings						P	P	P	P	P		P	P	P	P	P	P	P			
Recreation Vehicle (RV) Parks																	P				

²¹² As discussed earlier, the Principal Use Table builds on the use table in Section 16-4-1204 of the current LMO, modifying, modernizing, and refining it to conform to the modifications in the zoning district structure discussed in the Response to LMO Rewrite Committee Comments, as well as establishing a more general and flexible set of Use Classifications and use type definitions, which simplify the Principal Use Table. The designation of permitted uses for the various districts reflects recommendations by the LMO Rewrite Committee. As discussed in previous footnotes, the Principal Use Table is organized around a structure of Use Classifications and use types. The Use Classifications and relevant use type definitions are described and defined in Sec. 16-10-104, Use Classifications, Use Types, and Definitions. The use-specific conditions that apply to the uses are referenced in the far right column in the table, and set down in Sec. 16-4-102.A.7, Use-Specific Conditions for Principal Uses.

Chapter 16-4: Use Standards
 Sec. 16-4-102. Principal Uses
 A. Principal Use Table

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	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	LC	RD	MED	IL		
Single-Family Dwellings [2]			P	P	P	P	P	P						P	P		P		P			
PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATIONAL USES																						
Aviation and Surface Transportation Uses																					PC	Sec. 16-4-102.A.7.b.i
Aviation Services Uses																					PC	Sec. 16-4-102.A.7.b.ii
Cemeteries		P				P							P			P						
Community Service Uses		P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Education Uses						P			P	P	P	P				P	P		P			
Government Uses		PC	PC	PC	PC	PC	PC	PC	P	P	P	P		P	P	P	P	P	P	P	Sec. 16-4-102.A.7.b.iii	
Major Utilities		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P		
Minor Utilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Parks		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious Institutions		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Telecommunication Antenna, Collocated or Building-Mounted		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-102.A.7.b.iv	
Telecommunication Towers, Monopole		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-102.A.7.b.iv	
HEALTH SERVICES																						
Hospitals																				P		
Nursing Homes																				P		
Other Health Services										P	P	P					P		P			
RESORT ACCOMMODATIONS																						
Bed and Breakfasts						PC			PC	PC		PC	PC	PC				PC			Sec. 16-4-102.A.7.d.i	
Hotels, Inns, and Motels [3]									P	P		P	P				P	P				
COMMERCIAL RECREATION USES																						
Indoor Commercial Recreation Uses									P	P		P	P		P		P	P				
Outdoor Commercial Recreation Uses Other than Water Parks									PC				PC				PC	PC			Sec. 16-4-102.A.7.e.i	
Water Parks									P										P			
OFFICE USES																						
Office Uses									P	P	P	P		P	P	P	P	P	P			
COMMERCIAL SERVICES																						
Adult Entertainment Uses										SE											Sec. 16-4-102.A.7.f.i	
Animal Services										PC	PC			PC			PC			PC	Sec. 16-4-102.A.7.f.ii	
Bicycle Shops									PC	PC	PC	PC	PC		PC		PC	PC			Sec. 16-4-102.A.7.f.iii	
Convenience Stores						PC			PC	PC	PC			PC	PC	PC	PC			PC	Sec. 16-4-102.A.7.f.iii.02	

Chapter 16-4: Use Standards
 Sec. 16-4-102. Principal Uses
 A. Principal Use Table

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
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USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED USE AND BUSINESS DISTRICTS										USE-SPECIFIC CONDITIONS			
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	LC		RD	MED	IL
Eating Establishments									PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	Sec. 16-4-102.A.7.f.v
Grocery Stores									P	P	PC	P		P			P				Sec. 16-4-102.A.7.f.vi
Landscape Businesses														PC						P	Sec. 16-4-102.A.7.f.vi
Liquor Stores									SE	SE	SE	SE	SE	SE	SE		SE	SE			Sec. 16-4-102.A.7.f.viii
Nightclubs or Bars									PC	PC	PC		PC		PC		PC	PC			Sec. 16-4-102.A.7.f.ix
Open Air Sales		PC					PC		PC	PC		PC	PC	PC	PC						Sec. 16-4-102.A.7.f.x
Shopping Centers									PC	PC	PC	PC		PC	PC		PC				Sec. 16-4-102.A.7.f.xi
Tattoo Facilities																	PC				Sec. 16-4-102.A.7.f.xii
Other Commercial Services Uses							PC		P	P	PC	P	P	P	P	P	P	P	P		Sec. 16-4-102.A.7.f.xiii
VEHICLE SALES AND SERVICES																					
Auto Rentals									PC	PC	P		PC		P		P	PC		P	Sec. 16-4-102.A.7.g.i
Auto Repairs											PC						PC			PC	Sec. 16-4-102.A.7.g.ii
Auto Sales											P						P			P	
Car Washes										P	P				P		P			P	
Gas Sales									PC	PC	PC			PC	PC		PC			PC	Sec. 16-4-102.A.7.g.iii
Taxicab Services											P						P			P	
Towing Services or Truck or Trailer Rentals																				P	
Watercraft Sales, Rentals, or Services													PC							P	Sec. 16-4-102.A.7.g.iv
INDUSTRIAL USES																					
Light Industrial, Manufacturing, and Warehouse Uses																	PC			P	Sec. 16-4-102.A.7.h.i
Seafood Processing Facilities													PC	PC							Sec. 16-4-102.A.7.h.ii
Self-Service Storage																	PC			PC	Sec. 16-4-102.A.7.h.iii
Waste-Related Services Other than Waste Treatment Plants																				P	
Waste Treatment Plants																	SE				
Wholesale Sales																	PC			PC	Sec. 16-4-102.A.7.h.iv
OTHER USES																					
Agriculture Uses		P	P	P	P	P	P	P			P		P	P	P		P				
Boat Ramps, Docking Facilities, and Marinas	PC	P	PC	PC		PC	PC						P								Sec. 16-4-102.A.7.i.i

Chapter 16-4: Use Standards
 Sec. 16-4-102. Principal Uses
 A. Principal Use Table

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																				
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USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED USE AND BUSINESS DISTRICTS									USE-SPECIFIC CONDITIONS		
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	LC	RD	MED	IL

NOTES:
 [1] The conversion of any residential dwelling unit to a vacation time-sharing plan is subject to the conditions in Sec. 16-4-102.A.7.a.ii, Interval Occupancy Conversion (Time-Sharing).
 [2] A single-family dwelling is a single dwelling unit within a freestanding or detached structure. Two single-family dwellings may exist on a single lot if the applicable density standard can be met. More than two single-family dwellings on a lot constitute a multifamily dwelling use.
 [3] The conversion of any hotel or motel unit to a vacation time-sharing plan is subject to the conditions in Sec. 16-4-102.A.7.d.ii, Interval Occupancy Conversion (Time-Sharing)

7. Use-Specific Conditions for Principal Uses²¹³

a. Residential Uses²¹⁴

i. Mixed Use

Mixed use development shall designate separate parking spaces for use by the residential units. The parking spaces designated for residential use shall not be included as part of a shared parking plan.

ii. Interval Occupancy Conversion (Time-Sharing)²¹⁵

- 01.** No single family residence on an individual lot, and no duplex two-family residence may be converted to a vacation time-sharing plan use as defined by this Ordinance or pursuant to South Carolina Code of Laws, 32-27 (1976), if the residence or duplex is located on an individual lot and conveyed subject to land use covenants restricting the use of the property to single family or duplex residences, and such original covenants do not expressly authorize timeshare or interval ownership in the initial recorded covenants.
- 02.** No unit which is subdivided by timesharing or other forms of interval ownership may be sold or subjected to use or occupancy for more than 51 weeks per year. The remaining week of time shall be

²¹³ This subsection builds on and carries forward most of the use-specific conditions in Chapter 4, Article XIII-Specific Use Standards, of the current LMO. Some new use-specific conditions are also proposed to be added. The footnotes identify where standards are carried forward or new standards are added. Where standards are carried forward, there are no substantive changes to them, unless changes are noted in the footnotes. Language in some of the use-specific conditions that are carried forward are refined, to ensure they conform to the language and format of the updated LMO.

²¹⁴ At the request of Town staff and the LMO Rewrite Committee, the manufactured housing park use and related use-specific standards are deleted and such parks are proposed to be treated as multifamily development; also, standards for group living uses are deleted.

²¹⁵ This carries forward that part of Chapter 5, Article X (Interval Occupancy Conversion) of the current LMO that pertains to residential uses, except that provisions restricting the conversion of condominiums to vacation-time timeshares and prohibiting the conversion of residential uses that are nonconforming due to excess density are deleted at the request of the Town

reserved by all of the owners of said unit for maintenance and repair. This provision shall apply to any applicable new unit created after [insert appropriate date]. This provision shall not apply to a quarter-sharing or other applicable program as defined by State law, provided that adequate maintenance provisions are included in the covenants.

b. Public, Civic, Institutional, and Education Uses²¹⁶

i. Aviation and Surface Transportation Uses²¹⁷

The length of the runway at an aviation/surface passenger terminal shall be no longer than 5,000 linear feet.

ii. Aviation Services ²¹⁸

Aviation services are allowed if the site is located within 2,460 linear feet of the airport runway.

iii. Government Uses²¹⁹

Government facilities in the Residential (RSF- and RM-) districts shall be related to the provision of public safety facilities such as fire stations, police stations, and emergency medical and ambulance stations.

²¹⁶ At the request of Town staff and the LMO Rewrite Committee, day care uses and related use-specific standards are deleted and such uses are proposed to be treated as Other Commercial Services; also, standards for institutions are deleted.

²¹⁷ This subsection carries forward Section 16-4-1307 of the current LMO.

²¹⁸ This subsection carries forward Section 16-4-1306 of the current LMO.

²¹⁹ This subsection carries forward Section 16-4-1324 of the current LMO.

iv. Telecommunications Facilities²²⁰

01. Applicability

All new telecommunications facilities, whether a principal or accessory use, shall comply with these conditions unless specifically exempted in subparagraph 02 below.

02. Exemptions

The following telecommunication facilities shall be exempt from the conditions in this section (but shall be required to comply with other relevant standards in this Ordinance):

- (A) Satellite dish antennas less than 39 inches in diameter.
- (B) Wireless communications equipment and antennas located entirely within an enclosed nonresidential, mixed-use, or multifamily building.
- (C) Receive-only television or radio antennas for noncommercial use.
- (D) Antennas legally operated by FCC-licensed amateur radio operators, provided the antenna meets all FAA regulations and is less than 150 feet high.
- (E) Modifications of an existing telecommunications tower—including the collocation, removal, or replacement of transmission equipment on the tower—or its base station (i.e.,

²²⁰ This section replaces the current telecommunications facility standards in Section 16-4-1351 (as amended by text amendment 2012-15 related to tower setbacks) and Section 16-3-306, related to preparation of a Telecommunications Facility Plan as part of an application to establish a new facility. The current standards allow new towers as a permitted use subject to use-specific conditions in all zoning districts except the single-family districts, "walking " districts, and the RM-8 district (new towers require a special exception in the current PR district). The current use-specific conditions establish a minimum separation distance of 10,500 feet between new and current towers; a series of different tower setbacks from lot lines, public rights-of-way, and residential structures; maximum tower heights of 180 feet; requirements for engineering new towers to accommodate collocated equipment; obstruction lighting standards; and abandonment provisions.

The current regulations were drafted several years ago and did not contemplate the increased need and desire for wireless communications brought about by use of "smart phones" as well as the natural evolution in wireless communications systems as the number of users increase (this evolution is marked by a shift from a few, relatively tall towers to a much higher number of towers and building-mounted antenna, each with considerably shorter heights). The Greater Island Council Telecommunications Task Force was convened and directed with the task of exploring necessary changes to the Town's telecommunications regulations to address this problem. A number of the Taskforce's recommendations are incorporated into these proposed changes to the use-specific conditions.

Some of the key changes proposed in these standards are limiting towers to monopole towers (no guy or lattice towers) and increasing requirements for such towers are increased. To limit speculative construction of new monopole towers, applicants must be approved FCC license holders or demonstrate proof of a lease agreement with an FCC-approved wireless communications provider.

These proposed standards require new towers to be set back from major arterials and the OCRM base line and critical line by the height of the tower, from minor arterials by 80% of the tower's height, from other streets by the fall zone plus 20 feet, and from adjacent uses by the fall zone plus the applicable adjacent use setback.

Separation requirements are removed as they are intended to disperse telecommunications equipment – a provision inconsistent with actual patterns of wireless device usage, which tend to be higher in retail centers, near major street intersections, and in areas proximate to residences.

The standards include modifications to screening and setback standards for ground-based equipment, including removal of setback requirements from perimeter facility fences and requirements for a vegetative area between the compound and adjacent lot lines.

Finally, several provisions related to telecommunication facility plans are proposed for relocation into a separate administrative manual with other submittal requirements, as suggested in the Code Assessment.

a building at the base of the tower that houses equipment associated with the telecommunications facility) that do not substantially change the physical dimensions of the tower or base station.²²¹

03. Conditions Applicable to All Telecommunications Facilities

All telecommunications facilities, including collocated facilities and monopole telecommunication towers, shall comply with the following conditions:

- (A) No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio, television, or similar reception.
- (B) No signage shall be allowed on any tower, antennae, accessory structure, or equipment except that provided for in Sec. 16-5-113, Sign Standards.

04. Additional Conditions for Collocated Telecommunications Facilities

Telecommunication antennas may be collocated on existing telecommunications towers, water tanks, electrical transmission towers, or similar utility structures, or mounted on nonresidential or mixed-use principal buildings subject to the following conditions:

- (A) Any ground-based equipment shall be placed within an existing equipment building or screened in accordance with Sec. 16-4-102.A.7.b.iv.06(J).
- (B) Any antenna mounted on a building facade visible from a public right-of-way or residentially-zoned land shall be painted or otherwise camouflaged to minimize its appearance.

05. Timely Action on Telecommunications Facility Applications²²²

The Town shall process all applications for a telecommunications facility in a timely manner in accordance with the review procedures in Chapter 16-2: Administration, and shall make a decision on such applications within a reasonable period of time after the application is submitted and determined complete (see Sec. 16-2-102.C, Application Submittal), taking into account the nature and scope of the application. Specifically, the Town shall decide all applications for collocation of a telecommunications facility on an existing telecommunications tower or other existing structure within 90 days after acceptance of a complete application, and shall decide applications for telecommunications towers within 150 days after acceptance of a complete application.

²²² This new provision reflects the requirement of the Telecommunications Act of 1996 that action be taken within a reasonable period of time. It also incorporates specific time frames deemed reasonable by the FCC in a November 2009 ruling, which was upheld by the U.S. Supreme Court this past summer.

06. Additional Conditions for Monopole Telecommunication Towers

Monopole telecommunication towers, whether as a principal or accessory use, shall be reviewed by the Design Review Board, and shall comply with the following conditions:

- (A) The maximum overall height of the tower and all associated equipment shall be 180 feet above grade.²²³
- (B) No tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.
- (C) New towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users.
- (D) All towers with a height of 150 feet or more shall be lighted. Lighting shall be in accordance with FAA Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red strobe lights (L-864) at night and medium-intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. All commercial communication towers approved by the Town and by the South Carolina State Historic Preservation Office prior to February 3, 2009 and operating in conformance with those approvals shall be deemed to be a lawful nonconforming use and structure and are not subject to these lighting requirements. Status as a lawful nonconforming use or structure under this provision shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower.
- (E) The tower shall be set back from all major arterials, the OCRM critical line, and the OCRM base line by a minimum distance equal to the overall height of the tower.
- (F) The tower shall be set back from all minor arterials by a minimum distance equal to 80 percent of the height of the tower.
- (G) The tower shall be set back from all other streets by a minimum distance equal to the fall zone of the tower plus twenty feet.
- (H) The tower shall be set back from all adjacent uses by a minimum distance equal to the fall zone plus the required adjacent use setback.
- (I) The tower shall be set back from any structures located on the subject property outside the tower and associated equipment area by a minimum distance equal to the tower's fall zone, unless the property owner waives this requirement.

²²³ The current regulations limit tower heights to 160 feet, but allow an additional 20 feet if the tower is designed for collocation. However, the regulations also require all towers be designed for collocation. As a result, these standards simply cap tower heights at 180 feet (in addition to requiring collocation).

- (J) The tower and its associated equipment areas shall be surrounded by a fence or wall with a minimum height of seven feet and a 15-foot-wide vegetated area. Equipment buildings shall not be required to be set back from fencing surrounding the compound. The Design Review Board may waive this requirement upon finding existing vegetation or other screening techniques will provide more effective screening.

07. Discontinued Use

If a telecommunications facility is not used for a period of six consecutive months, the Official shall provide the facility owner notice indicating that the facility must be removed within six months from the date of notice. An interruption of operations due to repair work on the facility shall not be deemed a cessation of the telecommunications facility use.

c. Health Services²²⁴

[reserved]

d. Resort Accommodations²²⁵

i. Bed and Breakfasts²²⁶

A bed and breakfast shall contain no more than ten guest rooms.

ii. Hotels

Hotels located in the CR District shall have guest rooms with gross floor area no smaller than 100 square feet.²²⁷

iii. Interval Occupancy Conversion (Time-Sharing) ²²⁸

No unit which is subdivided by timesharing or other forms of interval ownership may be sold or subjected to use or occupancy for more than 51 weeks per year. The remaining week of time shall be reserved by all of the owners of said unit for maintenance and repair. This provision shall apply to any applicable new unit created after July 21, 1998. This provision shall not apply to a quarter-sharing or other applicable program

²²⁴ This is a new use classification. Although it contains no uses for which use-specific conditions are proposed, this provides a placeholder location that allows such conditions to be inserted in the future without the need to renumber all subsequent subsections.

²²⁵ At the request of Town staff and the LMO Rewrite Committee, current use-specific standards for hotels, inns, and motels are deleted. Also, interval occupancy is no longer treated as a separate use, but rather as an allowable characteristic of residential uses.

²²⁶ This subsection carries forward Section 16-4-1309 of the current LMO, but without the standard prohibiting B&Bs in existing residential subdivisions.

²²⁷ This standard is added in response to the LMO Rewrite Committee's request that a minimum room size apply in the CR District. According to a survey by Hotel & Leisure Advisors of 6,000 hotels sales, the size of hotel rooms among the dominant hotel chains ranges from 68 square feet to 355 square feet, with an average size of 170 square feet. We suggest a minimum size of 100 square feet to reflect the higher room sizes probable in resort communities.

²²⁸ This carries forward that part of Chapter 5, Article X (Interval Occupancy Conversion) of the current LMO that pertains to interval occupancy of hotels or motels, except that a provision prohibiting the conversion of resort accommodations that are nonconforming due to excess density is deleted at the request of the Town.

as defined by State law, provided that adequate maintenance provisions are included in the covenants.

e. Commercial Recreation Uses

i. Outdoor Commercial Recreation Uses other than Water Parks

The site of an outdoor commercial recreation use shall have access to a minor arterial in accordance with Sec. 16-5-105.B, Street Hierarchy.

f. Commercial Services²²⁹

i. Adult Entertainment Uses²³⁰

01. Types of Adult Entertainment Uses

An adult entertainment use is classified as follows (see definitions in Section 10-7-20 of the Municipal Code):

- (A) Adult arcades.
- (B) Adult bookstores or adult video stores.
- (C) Adult cabarets.
- (D) Adult motion picture theaters.
- (E) Nude dancing establishments.
- (F) Nude model studios
- (G) Sexual encounter centers.
- (H) Other similar uses or businesses.

02. Locational Restrictions

An adult entertainment use shall comply with the following locational restrictions:

- (A) It shall not be operated within 750 feet of:
 - (1) A religious institution;
 - (2) Publicly owned land;
 - (3) The boundaries of a residential (RS-, RM-) zoning district;
 - (4) A daycare or youth activity center, public or private elementary or secondary school; or
 - (5) Another adult entertainment use.
- (B) These distances shall be measured from the nearest property line of the affected use to the nearest property line of the proposed adult entertainment use.
- (C) An adult entertainment use shall not be approved or established if it has frontage on a major arterial as defined in Sec. 16-5-105.B, Street Hierarchy.

²²⁹ At the request of Town staff and the LMO Rewrite Committee, use-specific standards for banks, pharmacies, department and discount stores, grocery stores, souvenir and T-shirt stores, and general retail sales and service uses are deleted.

²³⁰ This subsection carries forward Section 16-4-1303 of the current LMO, with little change.

03. Additional Exhibition-Related Requirements

A person who operates, or causes to be operated, an adult entertainment use that exhibits on the premises, in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply fully with the applicable portions of Section 10-7-30 of the Municipal Code, but shall additionally comply with the following requirements:

- (A) Upon application for an adult entertainment permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan specifying:
 - (1) The location of one or more manager's stations that does not exceed 32 square feet in area and that is designed so there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms.
 - (2) The location of all overhead lighting fixtures.
 - (3) Areas on the premises designating where patrons will be permitted.
 - (4) Areas within the premises where the permit will be conspicuously posted, if granted.
 - (5) The location within the premises that will be equipped with overhead lighting fixtures with illumination of not less than one foot-candle as measured at the floor level.
- (B) Assurances shall be provided by the owner(s) and operator(s) of the premises that:
 - (1) At least one employee will be on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - (2) They and any agents and employees present will ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times, and that no patron is permitted access to any area of the premises that is designated as an area where patrons are not permitted.
 - (3) No patron viewing room will be occupied by more than one person at any time.
 - (4) The illumination of the lighting in the plan is maintained at all times that any patron is present in the premises.
- (C) A professionally prepared diagram in the nature of an engineer's or architect's blueprint is not required. However, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

- (D) The Official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared and approved in accordance with this Ordinance and the Municipal Code.
- (E) No alteration in the configuration or location of a manager's station shall be made without the prior approval of the Official.
- (F) Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations.
- (G) A person having a duty under this subparagraph commits a misdemeanor if that person knowingly fails to fulfill that duty.

04. Exemptions

- (A) Any adult entertainment use lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a religious institution, public land, residential district, daycare or youth activity center, or public or private elementary or secondary school within 750 feet. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.
- (B) Exempted from the provision of this section, and prosecution in accordance with the provisions of this Ordinance are persons in a state of nudity or semi-nudity appearing in a modeling class operated:
 - (1) By a proprietary school licensed by the state of South Carolina or a college, junior college or university supported entirely or partly by taxation;
 - (2) By a private college or university that maintains and operates educational programs where credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or any other school defined and regulated by Title 59 of S.C. Code Ann.; and
 - (3) In a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class, a student must enroll at least three days in advance of the class; and where no more than one nude model is on the premises at one time.

ii. Animal Services²³¹

A boarding facility, pet store, or veterinary hospital shall comply with the following conditions:

01. Those parts of structures in which animals are received (e.g., receiving area), boarded (e.g., cages, pens, kennels), groomed, treated (e.g., treatment rooms, recovery rooms), or bred (e.g., mating, birthing, and nursing areas) shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
02. Runs or areas for the training or periodic exercise of animals may be located outside provided:
 - (A) They are not used for regular boarding of animals;
 - (B) They are not used between the hours of 10:00 p.m. and 8:00 a.m.; and
 - (C) A Type D buffer is provided between them and a lot line.

iii. Bicycle Shops²³²

A bicycle shop shall comply with the following conditions.

01. Outdoor storage is permitted only in the CR, SPC, and RD Districts.
02. Vegetation, fences, and walls shall be installed to screen outdoor storage areas.

iv. Convenience Stores²³³

A convenience store shall comply with the following conditions:

01. The site shall have direct access to a minor arterial in accordance with Sec. 16-5-105.B, Street Hierarchy. There shall not be direct access onto a major arterial.
02. Convenience stores located in the RM-4 District shall not have a maximum gross floor area of more than 1,200 square feet.
03. Convenience stores located in the MMU District shall not have a maximum gross floor area of more than 3,000 square feet.

v. Eating Establishments²³⁴

An eating establishment may have drive-through service only if it is located in a CC District.

vi. Grocery Stores

Grocery stores located in the CC District shall have a gross floor area no greater than 50,000 square feet.

²³¹ This expands Sec. 16-4-1332 of the current LMO to allow areas for periodic exercise of animals, subject to restrictions intended to minimize adverse impacts on adjoining properties.

²³² This subsection carries forward Section 16-4-1310 of the current LMO.

²³³ This subsection carries forward Section 16-4-1315 of the current LMO, adding a size limit for the MMU District, as requested by the LMO Rewrite Committee.

²³⁴ This carries forward the current LMO's prohibition of drive-through service except in the CC District.

vii. Landscape Businesses²³⁵

Landscape businesses that involve frequent deliveries by large trucks or substantial outdoor storage areas for equipment or nonliving landscaping materials shall not have frontage on a major arterial.

viii. Liquor Stores²³⁶

A liquor store shall comply with the following locational restrictions:

01. It shall not be located within 200 feet of:
 - (A) A religious institution; or
 - (B) A public or private elementary or secondary school.
02. These distances shall be measured from the nearest property line of the affected use to the nearest property line of the proposed liquor store.

ix. Nightclubs or Bars²³⁷

A nightclub or bar shall comply with the following locational restrictions:

01. It shall not be located within 200 feet of:
 - (A) A religious institution;
 - (B) A public or private elementary or secondary school; or
 - (C) The boundary of a residential (RS- or RM-) district.
02. These distances shall be measured from the nearest property line of the affected use to the nearest property line of the proposed nightclub or bar.

x. Open Air Sales²³⁸

Open air sales at Retail Sales and Service uses shall comply with the following conditions.

01. Temporary open air sales shall comply with all of the requirements of Sec. 16-4-104, Temporary Uses and Structures.
02. Open air sales that are not considered temporary uses in accordance with Sec. 16-4-104, Temporary Uses and Structures, shall occur only out of a structure that is allowed by this Ordinance.

xi. Shopping Centers²³⁹

A shopping center shall comply with the following conditions:

01. The site shall have direct access to a major or minor arterial, in accordance with Sec. 16-5-105.B, Street Hierarchy.
02. Shopping centers located in the SMU and MMU Districts shall not have a maximum gross floor area of more than 100,000 square feet.

²³⁵ This is a new standard requested by the LMO Rewrite Committee.

²³⁶ This subsection carries forward Section 16-4-1335 of the current LMO.

²³⁷ This subsection carries forward Section 16-4-1340 of the current LMO.

²³⁸ This subsection carries forward Section 16-4-1341 of the current LMO.

²³⁹ This subsection carries forward Section 16-4-1347 of the current LMO, continuing to apply the standards currently applicable in the RD District, and adding a size limit in the SMU and MMU Districts, as requested by the LMO Rewrite Committee.

xii. Tattoo Facilities²⁴⁰

A tattoo facility shall comply with the following locational restrictions:

01. The site shall not be located within 1,000 feet of:
 - (A) A religious institution;
 - (B) A daycare or youth activity center or public or private elementary or secondary school; or
 - (C) A playground; or
 - (D) A place that is provided by the public for recreation; or
 - (E) Publicly owned land.
02. This distance shall be measured from the nearest property line of the affected use to the nearest property line of the proposed tattoo facility.

xiii. Other Commercial Services

Other commercial services shall comply with the following conditions:

01. Other commercial services located in the RM-4 District shall have a gross floor area no greater than 1,200 square feet.
02. Other commercial services located in the CC District shall have a gross floor area no greater than 50,000 square feet.

g. Vehicle Sales and Services²⁴¹

i. Auto Rentals²⁴²

An auto rentals use in the CR, SPC, WMU, and RD Districts shall comply with the following conditions:

01. The auto rental use shall be co-located with a Resort Accommodation use.
02. No more than ten rental vehicles shall be stored on the site at any one time.

ii. Auto Repairs²⁴³

An auto repairs use shall comply with the following conditions:

01. The site shall not be located within 200 feet of the boundary of a residential (RS- or RM-) district. This distance shall be measured from the nearest boundary of a residential district to the nearest property line of the proposed auto repair use.
02. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area located behind or to the side of the principal structure that is screened from public view.

²⁴⁰ This subsection carries forward Section 16-4-1350 of the current LMO.

²⁴¹ At the request of Town staff and the LMO Rewrite Committee, use-specific standards for auto sales are deleted.

²⁴² This subsection carries forward Section 16-4-1304 of the current LMO.

²⁴³ These are new standards for auto repair uses. They are intended to minimize visual, noise, and odor impacts on adjoining properties.

03. All automobile parts and similar materials shall be stored within an enclosed building or totally screened from view by an opaque or privacy fence.

iii. Gas Sales²⁴⁴

A gas station shall comply with the following conditions:

01. The site shall have direct access to a minor arterial, in accordance with Sec. 16-5-105.B, Street Hierarchy. No direct access to a major arterial shall be permitted.
02. The site shall be located at the intersection of at least two streets, one of which shall be a minor arterial.
03. If the site is within 500 feet of an intersection of any street with a major arterial, there shall be a traffic signal at that intersection. The distance shall be measured using the shortest distance a vehicle could travel from the site to the intersection.
04. No more than two uses offering gas sales shall be located at the intersection of a major arterial with a minor arterial. The two uses shall be located on opposite sides of the major arterial.
05. No more than 16 pumps (defined as a fueling area for an individual vehicle) shall be permitted at a gas sales establishment.
06. No signs shall be located on any canopy over the pumps.

iv. Watercraft Sales, Rental or Service²⁴⁵

In the WMU District, watercraft sales, rental, or services shall be located at the site of a boat ramp, docking facility, or marina.

h. Industrial Uses

i. Light Industrial, Manufacturing, and Warehouse Uses²⁴⁶

Light Industrial, manufacturing, and warehouse uses in the LC District shall comply with the following conditions:

01. No outdoor storage shall be permitted.
02. There shall be no frontage on a major arterial.

ii. Seafood Processing Facilities²⁴⁷

A seafood processing facility shall have direct access to a navigable waterway.

iii. Self-Service Storage²⁴⁸

Self-service storage facilities shall comply with the following conditions:

²⁴⁴ This subsection carries forward Section 16-4-1323 of the current LMO.

²⁴⁵ This carries forward the condition in Sec. 16-4-1355 of the current LMO.

²⁴⁶ At the request of Town staff and the LMO Rewrite Committee, use-specific standards for light industrial and limited manufacturing are substantially reduced to these standards.

²⁴⁷ This subsection carries forward Section 16-4-1346 of the current LMO.

²⁴⁸ These are new standards for a current allowable use.

Chapter 16-4: Use Standards
Sec. 16-4-103. Accessory Uses and Structures
A. Purpose

01. The only uses allowed on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage, and limited incidental sales of storage materials (e.g., boxes, tape).
 02. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- iv. **Wholesale Sales²⁴⁹**
- Accessory retail operations associated with a wholesale business are permitted if they use no more than 15 percent of the gross floor area of the building.
- i. **Other Uses**
- i. **Boat Ramps, Docking Facilities, and Marinas²⁵⁰**
 01. A boat ramp, docking facility, or marina in the CON District shall be associated with an approved use in the adjacent zoning district.
 02. A boat ramp is allowed in the RSF-3, RSF-5, RM-4, or RM-8 District only if the purpose is to serve the adjacent neighborhood.

Sec. 16-4-103. Accessory Uses and Structures ²⁵¹

A. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. Specific accessory uses are also considered incidental and subordinate accessory uses, if they comply with all relevant provisions of this Ordinance. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands, and all requirements under this Ordinance for the principal use to which it is accessory, and all other relevant provisions of this Ordinance.²⁵²

B. Applicability

1. Any use that is customarily incidental and subordinate to a principal use on the same lot is allowed as an accessory use to the principal use, and any structure that is

²⁴⁹ This is a new standard for a current allowable use.

²⁵⁰ At the request of Town staff and the LMO Rewrite Committee, current use-specific standards for these uses are not carried forward except for the requirement applicable in the Conservation district.

²⁵¹ This section on Accessory Uses and Structures builds on but substantially restructures Chapter 4, Article XIV, Accessory Uses, of the current LMO. It includes a table of permitted accessory uses and structures, which identifies the general accessory uses allowed in each zoning district. The table is followed by the general standards that apply to all accessory uses, and then the specific conditions that apply to certain types of accessory uses. In many instances, the specific standards for accessory uses build on or carry forward the current provisions. In other instances specific provisions for additional accessory uses are proposed to be added. Footnotes identify where current provisions are carried forward, and new provisions are proposed to be added.

²⁵² This provision builds on Section 16-4-1209 of the current LMO.

Chapter 16-4: Use Standards
Sec. 16-4-103. Accessory Uses and Structures
C. General Standards for All Accessory Uses and Structures

detached from a principal structure on the same lot and incidental and subordinate in use and size to the principal structure and the principal use of the lot is allowed as an accessory structure to the principal structure and use. The Accessory Use/Structure Table in Sec. 16-4-103.D.2 does not list all allowable accessory uses and structures. If a use or structure proposed as an accessory use or structure is not listed in the Accessory Use/Structure table, the characteristics of the particular use or structure relative to the principal use or structure will be considered to determine if the use or structure is an allowable accessory use or structure.

2. Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, establishes general standards that apply to all allowed accessory uses and structures. Sec. 16-4-103.D.2, Accessory Use/Structure Table, shows whether certain types of accessory uses or structures are permitted or prohibited within the various zoning districts. Sec. 16-4-103.E, Use-Specific Conditions for Accessory Uses and Structures, establishes conditions that apply to certain types of accessory uses or structures regardless of the zoning district in which they are allowed, unless expressly stated to the contrary.

C. General Standards for All Accessory Uses and Structures

1. An accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
2. If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.

D. Accessory Use/Structure Table²⁵³

1. Abbreviations Used In Accessory Use/Structure Table

- a. In the table designating the zoning districts in which an accessory use or structure is allowed, the following abbreviations apply:
- b. A "P" indicates that the use or structure is allowable as an accessory use or structure by right in the corresponding zoning district, subject to compliance with Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, and all other applicable regulations of this Ordinance.
- c. A "PC" indicates that the use or structure is allowable as an accessory use or structure in the corresponding base zoning district, subject to compliance with Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, Sec. 16-4-103.E, Use-Specific Conditions for Accessory Uses and Structures, and all other applicable regulations of this Ordinance.
- d. A blank cell indicates that the use or structure is prohibited as an accessory use or structure in the corresponding zoning district.

²⁵³ As discussed in the introductory footnote to this section, this subsection generally explains how the Accessory Use/Structure table operates, and how it is to be interpreted.

Chapter 16-4: Use Standards
 Sec. 16-4-103. Accessory Uses and Structures
 D. Accessory Use/Structure Table

2. Accessory Use/Structure Table

TABLE 16-4-103.D.2: ACCESSORY USE/STRUCTURE TABLE																				
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																				
BLANK CELL = PROHIBITED																				
ACCESSORY USE/ STRUCTURE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED USE AND BUSINESS DISTRICTS											USE-SPECIFIC CONDITIONS
	CON	PR	RSF-3	RSF-5	RSF-6	RM4	RM8	RM12	CR	SPC	CC	MS	WMU	SMU	MMU	MV	LC	RD	MED	
Amateur radio antenna ²⁵⁴			PC	PC	PC	PC	PC	PC					PC	PC		PC				Sec. 16-4-103.E.1
Automatic teller machine (ATM) ²⁵⁵									P	P	P	P	P	P	P		P	P	P	
Crematory (as accessory to funeral homes) ²⁵⁶											P								P	
Divisible Dwelling Unit ²⁵⁷									PC									PC		Sec. 16-4-103.E.2
Home Occupation ²⁵⁸			PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC		Sec. 16-4-103.E.3
Outdoor display and sale of merchandise ²⁵⁹									PC	PC	PC	PC	PC	PC			PC			Sec. 16-4-103.E.4
Outdoor storage (as an accessory use) ²⁶⁰									PC	PC	PC			PC			PC		PC	PC
Satellite dish ²⁶¹	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Small wind energy conversion system (WEC) ²⁶²			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Solar collection device ²⁶³			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Telecommunications Facility, Collocated	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

²⁵⁴ The current LMO does not identify amateur radio antenna as an accessory use. It is included in this draft, along with use specific standards, because FCC regulations require local zoning regulations to reasonably accommodate amateur radio antennas.

²⁵⁵ The current LMO does not expressly identify ATMs as an accessory use. They are included in this draft.

²⁵⁶ The current LMO allows crematories as accessory to a funeral home. This provision codifies that practice.

²⁵⁷ The current LMO treats a divisible dwelling unit as a permitted use. This draft treats it as an accessory use.

²⁵⁸ These provisions are carried forward from Section 16-4-1402. - Home Occupations, of the current LMO.

²⁵⁹ This is a new accessory use regulating the sale and display of merchandise outside the fronts of retail sales and service uses and wholesale sales establishments (see Sec. 16-4-103.E.4).

²⁶⁰ This is a new accessory use regulating outdoor storage as an accessory use. Standards address the location of storage areas, screening, and height limitations (see Sec. 16-4-103.E.5).

²⁶¹ Satellite dishes as an accessory use are carried forward from Section 16-4-1404. - Satellite Dishes, of the current LMO.

²⁶² The current LMO is silent about whether a small wind energy conversion system can be used in the Town as a source of alternative energy, where, and subject to what standards. This new provision allows small WEC systems subject to their compliance with a specific set of standards to mitigate their external impacts.

²⁶³ Solar collection devices are carried forward from Section 16-4-1405. - Solar Collection Devices Standards, of the current LMO. Revisions to the standards are made to further ensure they are visually compatible with the surrounding environment (see Sec. 16-4-103.E.8).

E. Use-Specific Conditions for Accessory Uses and Structures

1. Amateur Radio Antenna²⁶⁴

Amateur radio (ham radio) antennas shall comply with the following conditions:

- a. The antenna shall not exceed a height of 150 feet above grade.
- b. An antenna attached to a principal structure shall be located on a side or rear elevation of the structure.
- c. A freestanding antenna shall be located to the rear of the principal structure on the lot, but shall be set back from any lot line by a distance equal to or exceeding its height.
- d. The Official may grant modifications of the above standards if the amateur radio operator can satisfactorily demonstrate that the modification is necessary to reasonably accommodate the operator's amateur radio communications needs, as guaranteed by federal law.

2. Divisible Dwelling Unit²⁶⁵

A divisible dwelling unit incorporating lock-out rooms is allowed as an accessory use to a multifamily dwelling if it complies with the following conditions:

- a. The unit shall not have a separate outside entrance serving the lock-out rooms.
- b. The lock-out rooms may not exceed 75 percent of the gross floor area of the entire dwelling.
- c. Each lock-out room in a divisible dwelling unit shall count as ½ dwelling unit in addition to the one dwelling unit counted for the entire divisible dwelling.

3. Home Occupation²⁶⁶

Home occupations are allowed as accessory to a dwelling unit in accordance with the following conditions:

- a. The home occupation is conducted entirely within a single-family dwelling or integral part thereof and has no outside storage of any kind related to the home occupation or in the case where activities take place away from the dwelling such activities are in full compliance with the provisions of this Ordinance.
- b. The home occupation is clearly incidental and secondary to the principal use of the dwelling. It shall not occupy an area exceeding 25 percent of the floor area of the dwelling unit.²⁶⁷
- c. The home occupation is conducted only by persons residing on the premises (nonresident employees are not permitted).

²⁶⁴ These are new conditions for a new use.

²⁶⁵ This subsection carries forward Section 16-4-1319 of the current LMO.

²⁶⁶ These provisions are carried forward from Section 16-4-1402. - Home Occupations, of the current LMO.

- d. The home occupation does not necessitate or cause the exterior appearance of any structure to be other than residential and is not disruptive of the residential character of the neighborhood.
- e. There is no advertising of the home occupation on the site.
- f. The home occupation creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic or parking problem.

4. **Outdoor Display and Sale of Merchandise**²⁶⁸

Where the outdoor display and sales of merchandise is allowed as accessory to retail sales and service uses and wholesale sales establishments, it shall comply with the following conditions, which are intended to allow such outdoor display and sales to the extent it does not impede the flow of pedestrian or vehicular traffic or create an unsafe condition:

- a. Outdoor display/sales areas shall be depicted on any Site Plan or photograph for the principal use.
- b. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.
- c. Outdoor display/sales areas shall be limited to no more than one-half of the length of the front or side of the principal building. In the case of a multitenant building, the total amount of outdoor display/sales area for all the in-line tenants combined shall not exceed one-half the aggregate length of the front of the building.
- d. Outdoor display/sales areas shall be located to maintain a clearance area in front of primary building entrances for a depth of at least ten feet, projected straight out from the width of entrance doors.
- e. An obstruction-free area at least five feet wide shall be maintained through the display/sales area or between it and adjacent parking areas for the length of the front building facade, so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building, or along the front of the building, without having to detour around the display/sales area.
- f. No goods shall be attached to a building's wall surface.
- g. The height of the outdoor display shall not exceed six feet.

5. **Outdoor Storage (as an accessory use)**²⁶⁹

Outdoor storage may be allowed as an accessory use in accordance with the following conditions:

²⁶⁸ As discussed earlier, this is a new accessory use regulating the sale and display of merchandise outside the fronts of retail sales and service uses and wholesale sales establishments. Standards address the locations of these areas and protecting vehicular and pedestrian accessways.

²⁶⁹ As discussed earlier, this is a new accessory use regulating outdoor storage as an accessory use. Standards address the location of storage areas, screening, and height limitations.

- a. Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site, and shall be located to the side or rear of the principal structure.
- b. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by any combination of an opaque fence, wall, or landscaped berm that is at least six feet high.
- c. Materials in outdoor storage areas shall not be stored higher than the height of the primary structure.

6. Satellite Dish

Satellite dishes are allowed as accessory to any principal use or structure, provided they are no more than 39 inches in diameter.

7. Small Wind Energy Conversion (WEC) System²⁷⁰

Small-scale wind energy conversion (WEC) systems are allowed as accessory to any principal use or structure in accordance with the following conditions.

a. Location and Setback

- i. Tower-mounted WEC systems shall not be located within a front setback.
- ii. A small WEC system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

b. Height

The maximum extended height of a small WEC system shall be the maximum height allowed in the zoning district plus 70 feet.

c. Blade Clearance

The blade tip or vane of any small WEC system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

d. Access to Tower

On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

²⁷⁰ As noted earlier, these are standards for a new accessory use, reflecting growth in the use and promotion of alternative energy systems as a means of reducing fuel costs for property owners. The standards address height, blade clearance, and access to tower. The height standard is intended to provide wind turbines sufficient clearance above surrounding buildings and trees to ensure the unobstructed wind flow needed to operate efficiently. The 70-foot extension of the generally applicable height limit should provide sufficient clearance above buildings, but perhaps not tall trees.

8. Solar Collection Devices²⁷¹

Solar collection devices are allowed as accessory to any principal use or structure in accordance with the following conditions:

- a. The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground.
- b. The system shall comply with all the requirements of this Ordinance, except that the maximum height standards for the zoning district may be varied by up to eight feet for a roof-mounted system if it can be demonstrated that the system needs to be extended above the height limit to properly operate.
- c. In no case shall the device deprive an adjacent property owner of direct sunlight.

9. Telecommunications Facility, Collocated

Telecommunications facilities collocated on an existing telecommunications tower or other existing building or structure are allowed as accessory to such tower, building, or structure in accordance with the applicable standards in Sec. 16-4-102.A.7.b.iv, Telecommunications Facilities.

Sec. 16-4-104. Temporary Uses and Structures²⁷²

A. Purpose

This section allows for the establishment of temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

B. Applicability

Sec. 16-4-104.C, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all temporary uses and structures. Sec. 16-4-104.D, Use-Specific Conditions for Temporary Uses and Structures, establishes conditions that apply to certain types of temporary uses or structures regardless of the zoning district in which they are allowed unless expressly stated to the contrary. Sec. 16-4-104.D, does not list all allowable temporary uses and structure. If a use or structure proposed as a temporary use or structure is not listed in Sec. 16-4-104.D, the characteristics of the particular use or structure will be considered to determine if the use or structure is an allowable temporary use or structure.

²⁷¹ As noted earlier, these standards build on the provisions in Section 16-4-1405. - Solar Collection Devices Standards, of the current LMO. They are intended to ensure solar collection devices are visually compatible with the surrounding environment. The one significant modification is that the provisions are modified to allow the solar collection device to exceed the height limit by eight feet if it can be demonstrated the system needs to be extended above the height limit to properly operate.

²⁷² This section on Temporary Uses and Structures builds on but restructures Chapter 4, Article XV, Temporary Uses, of the current LMO. It includes general standards that apply to all temporary uses, and then the specific conditions that apply to certain types of temporary uses. Most of the currently-identified temporary use standards are carried forward. Where there are proposed changes, they are identified in the footnotes.

C. General Standards for All Temporary Uses and Structures

Unless otherwise specified in this Ordinance, any temporary use or structure shall:

1. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
2. Be compatible with the principal uses taking place on the site.
3. Not include permanent alterations to the site, including tree removal.
4. Meet all the buffer and setback requirements of the underlying base and overlay zoning districts.
5. Not violate the applicable conditions of approval that apply to a site or a use on the site.
6. Not interfere with the normal operations of any permanent use located on the property.
7. Not cause the elimination of required off-street parking.
8. Be located on a site containing sufficient land area to allow the temporary use or structure to occur and accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands.
9. In addition, temporary pervious parking will be required if sufficient parking does not exist on the site.

D. Use-Specific Conditions for Temporary Uses and Structures

1. Construction/Storage Trailer²⁷³

- a. A contractor's construction/storage trailer may be approved by the Official in conjunction with any approved development project for which a Building Permit has been issued, or a Minor Development Plan has been approved (if no Building Permit is required).
- b. The trailer shall be located on the same site as the permitted project, and shall be removed within one month of issuance of a final Certificate of Occupancy for the project.

2. Construction Staging and Storage²⁷⁴

Construction staging and storage of equipment and materials is permitted as a temporary use provided that it is located on the site of the approved project or in close proximity or adjacent to the approved project site if it can be demonstrated that it cannot be located on site. When the construction is not in conjunction with any approved Development Plan Review or Subdivision, the staging and storage shall be permitted on a case by case basis as approved by the Official, considering the following criteria and requirements:

- a. Adequate parcel size to accommodate the staging needs without impacts to buffers or protected natural resources.
- b. Property owner's notarized consent.

²⁷³ This subsection carries forward Section 16-4-1502 – Construction/Storage Trailers, of the current LMO.

²⁷⁴ This subsection carries forward Section 16-4-1503 – Construction Staging and Storage, of the current LMO.

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- c. The proposed use, anticipated noise levels of equipment and types of materials to be stored are all compatible with the adjacent uses.
- d. It is demonstrated the site shall have adequate vehicular access for deliveries and/or emergencies.
- e. Staging and storage will not interfere with access or take up any required off-street parking for the site.
- f. Staging and storage will be in an existing cleared area available for use (No tree removal shall be allowed for the purpose of construction staging).
- g. There is demonstration that measures will be taken to adequately protect the trees on the site.
- h. A sediment and erosion control plan is prepared and approved, if deemed necessary.
- i. Equipment and materials are removed prior to receiving Final Certificate of Compliance for the project, or if a Certificate of Compliance is not required, within two weeks of final completion of the project.
- j. Screening of the construction staging or storage area may be required at the discretion of the Official.

3. Fairs, Carnivals, and Public Gatherings²⁷⁵

Fairs, carnivals and other major public gatherings are allowed for up to three consecutive days on sites associated with an adjacent Institutional use. No more than two such events are allowed per calendar year.

4. Farmers' Market (as a temporary use)²⁷⁶

A farmers' market may operate as a temporary use in accordance with the following conditions:

- a. The market shall operate on a regular basis for no more than nine months per year on a single site.
- b. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses), incidental sales of crafts or similar home-made products made by the vendor/producer, and food and beverages from local restaurants and vendors.
- c. The market shall provide adequate ingress, egress, and off-street parking areas.
- d. Items for sale may not be displayed or stored within customer pathways.

²⁷⁵ This subsection carries forward Section 16-4-1504 – Fairs, carnivals, and Public Gatherings, of the current LMO.

²⁷⁶ This is a new provision for temporary farmer's markets.

- e. The market shall comply with applicable signage standards in Sec. 16-5-113, Sign Standards.

5. Model Sales Home/Unit²⁷⁷

A single model sales home/unit may be located on a new development site and temporarily used for sales or leasing uses associated with the development, subject to the following conditions:

- a. A model sales home shall be located on a lot or building site approved as part of the development, and a model sales unit shall be located within a building approved as part of the development.
- b. Adequate off-street parking for the real estate sales/leasing use of the model sales home/unit shall be provided, in accordance with the minimum standards for the number of off-street parking spaces in Sec. 16-5-106, Parking and Loading Standards.
- c. Upon termination of the temporary real estate sales/leasing use of a model sales home/unit, the home/unit shall be converted into a permanent permitted use, replaced with a permanent permitted use, or removed, and any excess parking shall be removed and landscaped in accordance with the requirements of this Ordinance.

6. Outdoor Seasonal Sales of Christmas Trees and Pumpkins²⁷⁸

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

- a. The property contains an area not currently used that will support the proposed temporary sale of Christmas trees or pumpkins without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, trees, traffic movements, parking-space availability, or pedestrian access.
- b. The display of the Christmas trees or pumpkins shall not occur in the public right-of-way.
- c. Any tent or other temporary structure shall be located so as not to interfere with the normal operations of any permanent use located on the property.
- d. The temporary display or sale of the Christmas trees or pumpkins shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.
- e. The sales activity shall not last longer than 45 days.
- f. The vendor, with the approval of the Official, may use a recreational vehicle to live on the site.

²⁷⁷ This subsection replaces Section 16-4-1506 – Temporary Sales/Leasing Offices, of the current LMO, and provides more detailed standards for the temporary use.

²⁷⁸ This subsection builds on Section 16-4-1505 – Open Air Sales, of the current LMO, and adds additional basic standards to ensure the temporary use does not have any adverse impacts on the Town and surrounding landowners.

7. Parking Lot/Sidewalk Sales

Parking lot/sidewalk retail sales are allowed for up to three consecutive days, provided no required off-street parking is eliminated and there is safe pedestrian flow.

8. Shipping Containers

Shipping containers are allowed only on a temporary basis and must be tied to a Building Permit.

9. Temporary Tents²⁷⁹

- a. Temporary tents may be utilized on any property for no more than four days per week.
- b. Tents used in connection with an approved Open Air Sales Permit may be used for the duration of the permit. Tents may be erected two days before the start of the open air sale and shall be removed within two days of the conclusion of the sale.
- c. Temporary tents located on hotel property and used for a convention may be utilized on that property for no more than 14 consecutive days. The location must be approved by the Official for compliance with the buffer standards and for adequate parking.
- d. Temporary tents approved in connection with a Special Event Permit or located at parks may be utilized for the duration of the permit and are exempt from the time restrictions of this section.

²⁷⁹ This subsection carries forward Section 16-4-1509 – Temporary Tents, of the current LMO, modifying current standards to eliminate days-per-year limits and a restriction on subsequent temporary tent approval

Chapter 16-10: Definitions, Interpretations, and Measurement

COMMENTARY:

Chapter 16-10: Definitions, Interpretation and Measurement, contains the standards for interpretation; rules for measurement; use classifications, categories, types, and definitions; and the general definitions used in the LMO. The chapter adds, consolidates, and refines definitions from the current LMO, and adds new definitions when appropriate. This draft includes definitions relevant to Chapters 1, 2, 3, 4, 8, and 9. Additional definitions will be included in the next Module. The chapter includes the following sections:

Section 16-10-101, General Rules for Interpretation, address the meanings and intent of words and commonly used phrases, clarifies that the text is the controlling factor when a diagram, table, or chart differs from the text, discusses how time is to be calculated, and includes provisions authorizing the delegation of authority from the Official to professional-level designees.

Section 16-10-102, Interpretation of Official Zoning District Map Boundaries, carries forward Section 16-1-104 of the current LMO. It clarifies that if any uncertainty arises with regard to the location of a particular property within a base or overlay district's boundaries, the Official, shall make a written determination of the applicable base or overlay district. The section also sets out the criteria the Official should use in making the decision.

Section 16-10-103, Rules of Measurement, sets out the rules for determining things like density, height, setback, and lot coverage requirements.

Section 16-10-104, Use Classifications, Types, and Definitions, sets out the use classifications and types, and the use definitions, used in the LMO.

Section 16-10-105, Table of Abbreviations, sets out a table of abbreviations used in the Ordinance. It carries forward Sec. 16-10-103 – Abbreviations – of the current LMO.

Section 16-10-106, General Definitions, includes the definitions used in the LMO, as discussed above.

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Chapter 16-10: Definitions, Interpretation, and Measurement

Sec. 16-10-101. General Rules for Interpretation

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Sec. 16-1-103, Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this Sec. 16-10-106, General Definitions, the specific section's meaning and application of the term shall control.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

1. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.
2. Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document via mailed delivery, three days shall be added to the prescribed period.

E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. Delegation of Authority

Any act authorized by this Ordinance to be carried out by the Official may be delegated by the Official to a professional-level subordinate.

G. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Hilton Head Island, unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words "shall," "must," "should" and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive in nature.

J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

K. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

L. Term Not Defined

If a term used in any chapter of this Ordinance, is not defined, the Official is authorized to provide a definition through the Interpretation procedure (see Sec. 16-2-103.R, Written Interpretation) based upon the definitions used in accepted sources—including, but not limited to, *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions* (all published by the American Planning Association), as well as general dictionaries such as *Merriam-Webster*, *American Heritage*, *Webster's New World*, and *New Oxford American* dictionaries.

Sec. 16-10-102. Interpretation of Zoning District Map Boundaries⁵⁰²

A. Interpretation of Official Zoning District Map

Should any uncertainty arise with regard to the location of a particular property within a base district, or within an overlay district, the Official, upon written request, shall make a written determination of the applicable base or overlay district in accordance with Sec. 16-2-103.R, Written Interpretation. The determination shall be made according to the following rules of interpretation:

1. Where any district boundary is indicated on the Official Zoning Map as following approximately the Town boundary line, then such Town boundary line shall be construed to be such district boundary line.
2. Where district boundary lines are so indicated that they approximately follow property or lot lines, such property or lot lines shall be reasonably construed to be such boundary lines.
3. Where a district boundary line divides a parcel or lot, the location of any such district boundary lines, unless indicated by dimensions shown on the Official Zoning Map or as may be more completely described in narrative form in this Ordinance, shall be measured according to the scale on the Official Zoning Map and land so divided shall be considered to be in separate districts.
4. Unless otherwise indicated, district boundaries follow natural features such as marsh edges, stream banks, wetlands, or the OCRM critical line or baseline.
5. District boundaries shall be the center lines of streets or highways or parallel to their rights-of-way, property lines, streams or other bodies of water or said lines extended at such distance there from as indicated on the Official Zoning Map. If no distance is given, such distances shall be measured according to the scale on the Official Zoning Map or as defined elsewhere in this Ordinance.

Sec. 16-10-103. Rules of Measurement

A. Measurements, Generally

1. Distance Measurements, Generally

Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points.

2. Irregular Shapes

The Official shall determine the applicable dimensional standards and setbacks for irregularly-shaped lots.

⁵⁰² This carries forward Section 16-1-104 of the current LMO.

B. Density

1. Density⁵⁰³

A measurement of intensity defined as the number of dwelling units or rooms per net acre of land or the square feet of gross floor area for nonresidential purposes.

2. Gross Acre⁵⁰⁴

All land under single title or ownership or one ownership entity and recorded with the property deed and consisting of contiguous acreage or noncontiguous acreage only if part of a noncontiguous Planned Development or Planned Unit Development.

3. Gross Floor Area⁵⁰⁵

The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky.

4. Net Acre⁵⁰⁶

The portion of contiguous acreage under single title or ownership and recorded with the property deed that is devoted to a specific primary use and its direct accessory uses such as traffic access, parking, buffers, setbacks, open space, and fresh water wetlands but excluding tidal wetlands. In mixed use projects, net residential acreage shall not be used for nonresidential acreage calculations, and hotel or motel net acreage shall not be used for other nonresidential acreage calculations. Where residential and nonresidential uses are combined in a building, densities of each use must be calculated separately.

C. Height

1. Calculation of Height⁵⁰⁷

- a. Maximum structure height for development in each zoning district shall be calculated from the base flood elevation. If the site does not lie within a flood zone with a designated base flood elevation, the maximum structure height shall be calculated from preconstruction grade.
- b. Calculations of the height limits shall be to the highest point of the structure.
- c. Equipment such as satellite dishes and heating and air conditioning equipment may be installed on top of buildings provided that they are screened from horizontal view and included in the height limitations.
- d. The height of fences shall be measured from preconstruction grade.

⁵⁰³ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵⁰⁴ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵⁰⁵ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵⁰⁶ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵⁰⁷ This carries forward Section 16-4-1702. - Calculation of Height, of the current LMO

2. Height in Excess of Limits⁵⁰⁸

- a. Certain facilities, due to their intrinsic functional nature, may require heights exceeding the specified limit. These include, but are not limited to, telecommunication antennae, water storage tanks, and utility transmission lines. These facilities shall require review and approval by the Official, who shall consider and determine that the location is appropriate and its height is no more than absolutely necessary to carry out its function.
- b. At the discretion of the Official, architectural elements such as church steeples, spires, and chimneys may exceed the otherwise allowable height by up to 20 percent.

3. Base Flood Elevation⁵⁰⁹

That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every one hundred years, or which is subject to a one percent or greater chance of flooding in any given year.

4. Grade⁵¹⁰

A plane representing the average ground level between a structure and points six feet from the structure, measured at one foot intervals.

5. Grade, Finish⁵¹¹

The resultant elevation of land following alteration as part of a development activity.

6. Grade, Preconstruction⁵¹²

The grade as determined by the natural topography that existed before alteration, as indicated by the best available historical data.

D. Setbacks

1. Exemptions⁵¹³

No setback is required for landscaping, lagoons, retaining walls, streets, parking, street lights, and other amenities that, in the opinion of the Official, would normally be considered as aesthetically acceptable.

2. Determination of Setback⁵¹⁴

- a. Required setbacks for any development shall be determined according to the relationship of the proposed use to the existing contiguous use on each

⁵⁰⁸ This carries forward Section 16-4-1703. - Height in Excess of Limits, of the current LMO

⁵⁰⁹ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵¹⁰ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵¹¹ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵¹² This carries forward the definition from Section 16-10-210 of the current LMO (in the definitions, the term used is "predevelopment grade.")

⁵¹³ This carries forward Section 16-5-702 of the current LMO.

⁵¹⁴ This carries forward Section 16-5-703 of the current LMO.

property adjacent to the development and the requirements of Sec. 16-5-103, Adjacent Setback and Buffer Standards.

- b. For purposes of determining the appropriate setback distance where the adjacent property is vacant, it shall be classified as the use which would require the greatest setback allowed by right in that district.
- c. The required setback and setback angle as set in Sec. 16-5-103, Adjacent Setback and Buffer Standards, shall be measured inward from the property line to the closest portion of a structure located on the property.

E. Lot Coverage

1. Impervious Cover⁵¹⁵

The proportion or percent of a parcel of land or lot that is covered by an impervious surface.

2. Impervious Surface⁵¹⁶

A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include roofs, buildings, streets, driveways, parking areas, sidewalks, asphalt or concrete surfaces, compacted gravel surfaces, permanent ponding/storage areas, and permanent surface water bodies.

3. Open Space⁵¹⁷

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

Sec. 16-10-104. Use Classifications, Use Types, and Definitions

A. Residential Uses

1. Description

The Residential Uses classification is primarily characterized by the residential occupancy of a dwelling unit by a household. Such household living uses include single-family dwellings, duplexes, and multifamily dwellings (triplexes and other multifamily development, including townhouse development). The Residential Uses classification also includes group living uses (the residential occupancy of a group of living units by persons who do not constitute a single family), as well as recreational vehicle parks (providing spaces for overnight accommodation of people in a recreational vehicle). Accessory uses commonly associated with Residential Uses are recreational activities, raising of pets, hobbies, parking of the occupants' vehicles, and administrative offices in multifamily, group living, and RV park developments. Home occupations are accessory uses that are subject to additional regulations (see

⁵¹⁵ This is a new definition.

⁵¹⁶ At the request of Town staff, this is revised to incorporate wording from the Beaufort County BMP Manual and to add compacted gravel surfaces and permanent ponding/storage areas.

⁵¹⁷ This carries forward the definition from Section 16-10-210 of the current LMO.

Sec. 16-4-103.E.3, Home Occupation). Residential Uses may be offered for interval occupancy (timeshare).

2. Use Types and Definitions

Duplex⁵¹⁸

A structure containing two dwelling units.

Group Living Use⁵¹⁹

The residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Uses include group homes, assisted living facilities, and similar uses. Although continuing care retirement communities may include single-family and multifamily dwellings and health care uses, they are categorized as a Group Living use because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development. This Use Type does not include uses where persons generally occupy living units for periods of less than 30 days (e.g., hotels, motels, and inns), which are categorized as Resort Accommodation uses. It also does not include uses where residents or inpatients are routinely provided more than minor health care services (e.g., nursing homes) unless they are associated with a continuing care retirement community. These types of facilities are categorized as Health Services uses. Accessory uses common to Group Living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

Multifamily Dwelling⁵²⁰

A building, parcel, or development site containing three or more dwelling units. This use includes townhouse developments and manufactured housing parks.

Mixed Use⁵²¹

Development that includes two or more different uses, which shall include multifamily residential and one of the Commercial Services uses. Such uses should be functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

⁵¹⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵¹⁹ This definition characterizes a Group Living Use similarly to the way it is characterized in most modern development codes—a use that provides for the residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care (The language in the current LMO describes Group Living as Household Living).

⁵²⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵²¹ This is a new definition.

Recreational Vehicle (RV) Park⁵²²

An outdoor facility designed and intended for overnight accommodation of people in recreational vehicles for travel, recreational, or vacation purposes. Accessory uses include offices and limited retail sales and services oriented to the needs of park occupants.

Single-Family Dwelling⁵²³

A freestanding structure containing only one single-family dwelling unit. This use does not include a manufactured home. Nor does it include a townhouse or other single-family attached dwelling (which constitute a form of multifamily dwelling). Two single family homes may be located on the same lot if the applicable density standard is met. More than two single-family dwellings on a single lot constitute a multifamily dwelling.

B. Public, Civic, Institutional, and Educational Uses

1. Description

The Public, Civic, Institutional, and Educational Uses classification includes a wide range of uses generally operated by public or nonprofit organizations to provide governmental, educational, recreational, utility, transportation, communication, religious, and social services to the community.

2. Use Types and Definitions

Aviation and Surface Transportation⁵²⁴

Uses that provide facilities for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. These facilities may be improved or unimproved. An Aviation and Surface Transportation use also includes passenger terminals for bus service. Uses include airports, bus passenger terminals, and helicopter landing facilities. Accessory uses may include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.

Aviation Services⁵²⁵

Establishments that are engaged in storage, repair or servicing of airplanes, helicopters, and related aviation equipment, charter aviation services, flying-related education, and warehousing related to air shipping uses. Uses include Fixed Base Operators, flying schools, and air shipment warehouses. Accessory uses may include offices, parking, warehouses, and storage.

⁵²² This is a new definition.

⁵²³ This definition carries forward the definition of single-family detached residence from Section 16-10-201 – Defined Terms – of the current LMO, simplifying the wording and adding wording to clarify that it does not include manufactured homes or single-family attached dwelling. It replaces the provision in Sec. 16-4-1211.B.1's description of household living that limits the number of single-family detached homes on a parcel to one with a provision reflecting the Town's practice of allowing two single-family dwellings on a lot if the applicable density standard is met (but not three, which would constitute a multifamily dwelling use).

⁵²⁴ This derives from the same use category in Sec. 16-4-1212.A of the current LMO.

Cemetery⁵²⁶

Land used or intended for the burial of the dead and dedicated for such purposes. A cemetery may include a funeral home or mortuary or a mausoleum or columbarium, but shall not include a crematory.

Community Service Use⁵²⁷

A use of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, community service uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community service uses may provide special counseling, education, or training of a public, nonprofit or charitable nature. They may have membership provisions that allow the general public to join at any time (for instance, a senior center where a senior citizen could join at any time). Community service uses include libraries, museums, senior centers, community centers, youth club facilities, social service facilities, and nonprofit community theaters. Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, and athletic facilities.

Education Use⁵²⁸

A use that provides state-mandated basic education at the primary, elementary, middle, junior high, or high school level. Education uses also include colleges, universities, and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Education uses include public and private daytime schools, boarding schools, military academies, community colleges, nursing and medical schools not accessory to a hospital, seminaries, business, trade schools, and vocational schools. Accessory uses at schools include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Accessory uses at colleges and universities include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and supporting retail sales and services.

⁵²⁵ This derives from the same use category in Sec. 16-4-1212.A of the current LMO.

⁵²⁶ This is a new definition.

⁵²⁷ This carries forward Section 16-4-1212 B. of the current LMO, with minor changes.

⁵²⁸ This carries forward Section 16-4-1212 D. of the current LMO, with minor changes. Business, trade, and vocational schools are added.

Government Use⁵²⁹

A use providing for the general operations and functions of local, state, or federal governments. Government uses include courthouse facilities, government administrative offices, post offices, fire and EMS stations, fire training facilities, law enforcement facilities, correctional facilities, and government maintenance, storage, and distribution facilities. Government uses do not include passenger terminals for transportation services (which constitute an Aviation and Surface Transportation use type), or Town, county, or state parks (which constitute a Park use type), or water, wastewater, gas, electric, or other infrastructure services (which constitutes a Major Utility or Minor Utility use type). A wide range of accessory uses may be found, depending on the specific use.

Major Utility⁵³⁰

A major facility that provides public or private Infrastructure services providing Island-wide service. Major Utilities include water towers, electrical substations, and similar uses. Major Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided. Accessory uses may include parking and control, monitoring, data, or transmission equipment. Utility offices are classified as Offices.

Minor Utility⁵³¹

A minor facility that provides public or private infrastructure services and that needs to be located in or near the area where the service is provided. Minor Utilities include water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges, electrical transformers, and similar uses.

Public Park⁵³²

A use of land focusing on natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Parks tend to have few structures. Parks may be neighborhood parks (serving the active and passive recreational needs of a neighborhood), community parks (serving the active and passive recreational needs of several neighborhoods or large sections of the Town), or regional parks (serving the active and passive recreational needs of an even broader population). This use type also includes mini-parks (which address unique recreational needs such as landscaped public use areas or scenic vista areas), linear parks (greenways of open space that may offer scenic beauty and safe, uninterrupted pedestrian and bicycle movement along natural or man-made corridors), and special use parks (which offer the opportunity to highlight unique local historical, educational, cultural and natural resources). Examples include parks, beach accesses, publicly-owned golf courses, public squares, plazas, recreational trails, botanical gardens, and nature preserves. Accessory uses may include maintenance facilities, concessions, and parking.

⁵²⁹ This carries forward Section 16-4-1212 E. of the current LMO, with minor edits.

⁵³⁰ This is a new definition, based on language from Sec. 16-4-1212.I – Public and Civic Use Categories, Utilities of the current LMO.

⁵³¹ This carries forward a description in the current LMO, modified to add examples.

⁵³² This consolidates the current LMO's definitions of a variety of types of public parks, reflecting the consolidation of all public park types for purposes of the use standards.

Religious Institution⁵³³

A nonprofit establishment where worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and Group Living.

Telecommunication Tower, Monopole⁵³⁴

A telecommunications facility taking the form of a monopole tower. Monopole telecommunication towers include antenna placed on the tower as well as ground based equipment typically located in ground-mounted buildings or equipment cabinets.

C. Health Services⁵³⁵

1. Description

Health Services includes uses providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Uses include hospitals, nursing homes, and medical labs. Health Services uses do not include medical and dental offices and clinics (which constitute an Office use), assisted living facilities or group homes (which focus on providing personal care rather than medical care to residents, and constitute a Group Living use). Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

2. Use Types and Definitions

Hospital⁵³⁶

A facility organized and administered to provide overnight medical or surgical care or nursing care of illness, injury, or infirmity, and may provide obstetrical care. This use type does not include nursing homes. It also does not include medical clinics and doctors' or dentists' offices.

Nursing Home⁵³⁷

A facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period

⁵³³ This is a new definition.

⁵³⁴ This is a new definition.

⁵³⁵ This builds on the Hospital Use Category in the current LMO (Section 16-4-1212 F.). The primary uses in Health Services are hospitals, nursing homes, and medical labs.

⁵³⁶ This new definition derives from language in the S.C. Code provisions licensing hospitals.

⁵³⁷ This new definition derives from language in the S.C. Code provisions licensing nursing homes.

exceeding twenty-four hours, which is operated for the express or implied purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.

Other Health Services

A facility other than a hospital or nursing home that primarily provides clinically related, diagnostic, treatment, or rehabilitative services, including alcohol, drug abuse, and mental health services. This use type does not include medical clinics and doctors' or dentists' offices.

D. Resort Accommodations

1. Description

The Resort Accommodation use classification includes uses providing lodging units or rooms for short-term stays of less than 30 days for rent, lease, or interval occupancy. Uses include bed and breakfasts, hotels, inns, and motels. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting retail sales and services, meeting facilities, and offices. Resort Accommodations do not include RV Parks (which are considered Residential Uses). Resort Accommodations may be offered for interval occupancy (timeshare).

2. Use Types and Definitions

Bed and Breakfast⁵³⁸

A commercial establishment whose outside appearance is that of a residential property with no more than ten guest rooms designed for and occupied by transients renting rooms on a daily basis and usually staying less than seven days. The rooms are connected by internal corridors for access.

Hotel⁵³⁹

A building or group of buildings with guest rooms for sleeping designed for and occupied by transients renting rooms on a daily basis and usually staying less than seven days. Accessory uses include check-in and reception facilities, a dining room providing meals for guests, business and conference rooms, and guest amenities such as a swimming pool. A hotel is generally distinguished from a motel primarily because it provides direct access to guest rooms from interior corridors rather from the building exterior. It is distinguished from an inn primarily by the number of rooms.

⁵³⁸ This definition carries forward and consolidates the definitions from Section 16-10-201 – Defined Terms – of the current LMO.

⁵³⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO, modifying it to eliminate mandatory elements and distinguishing it from motels and inns.

Inn⁵⁴⁰

A building or group of buildings with no more than 25 guest rooms designed for and occupied by transients renting rooms on a daily basis and usually staying less than seven days. The rooms are connected by internal corridors for access.

Motel⁵⁴¹

A building or group of buildings with guest rooms for sleeping designed for and occupied by transients renting rooms on a daily basis and usually staying less than seven days. A motel is generally distinguished from a hotel primarily because it provides direct access to guest rooms from the building exterior rather than internal corridors and individual parking spaces near each room.

E. Commercial Recreation Uses⁵⁴²

1. Description

Commercial Recreational Uses involve providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. There are two types of Commercial Recreation uses: Indoor Commercial Recreation and Outdoor Commercial Recreation. These uses do not include banquet halls that are part of and accessory to a hotel, inn, or motel, restaurants (considered an Eating Establishment use), or recreational facilities that are part of and accessory to a Community Service Use or Religious Institution use, or uses reserved for use by a particular residential development's residents and their guests (and thus considered accessory to the Residential Use). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

2. Use Types and Definitions

Indoor Commercial Recreation⁵⁴³

An establishment that offers entertainment activities, events, or attractions to the general public on a commercial or fee basis. Indoor Commercial Recreation uses include: movie theaters, stage theaters, auditoriums, amusement and electronic game arcades (video games, pinball, etc.), pool or billiard tables, theme or amusement parks, boardwalks, midway type attractions such as rides, bumper cars, go-cart tracks, game booths, bowling alleys, pool halls, dance studios and dance halls, indoor firing ranges, health clubs and spas, indoor tennis and swimming pools, and indoor archery ranges.

⁵⁴⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁴¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO, modifying it to distinguish it from hotels.

⁵⁴² This is a new Use Classification that is based on Sections 16-4-1213 B. Indoor Recreation/Entertainment, and C. Outdoor Recreation/Entertainment) of the current LMO. It consolidates the concept of entertainment and recreation uses, and then distinguishes between indoor entertainment/recreation and outdoor entertainment/recreation. Each is defined.

⁵⁴³ This is a new definition.

Outdoor Commercial Recreation Other than a Water Park⁵⁴⁴

An establishment that offers entertainment and recreation activities, events, or attractions to the general public, outdoors, on a commercial or fee basis. Outdoor Commercial Recreation uses include golf courses; driving ranges; miniature golf courses; zip line courses, and active sports complexes with such uses as tennis courts, ball fields and basketball courts; and facilities that are available for the benefit of spectators like stadiums, amphitheaters, and band shells. This use does not include Water Parks.

Water Park⁵⁴⁵

A type of outdoor commercial recreation use that includes such uses as water slides, wave pools, and commercial swimming pools. Accessory uses may include food and beverage concessions, parking and maintenance facilities.

F. Office Uses⁵⁴⁶

1. Description

Buildings that primarily accommodate activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on professional offices or business service offices. Offices also include contractor offices and health services offices. Office Uses do not include offices that are a component of or accessory to a principal use in another use category, or government administration offices (considered a Government Use) or banks or financial institutions (considered a Commercial Services Use). Except for doctor's or dentist's offices, accessory uses may include cafeterias, child care facilities, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the business or building. In doctors' and dentists' offices, accessory uses may include support labs.

2. Use Types and Definitions

Business Service Offices⁵⁴⁷

Establishments providing direct services to consumers. Uses include: employment agencies; insurance agent offices; real estate offices; travel agencies; utility company offices; and elected official satellite offices.

⁵⁴⁴ This is a new definition.

⁵⁴⁵ This definition is based on Section 16-4-1213 J. of the current LMO.

⁵⁴⁶ This builds on Section 16-4-1213 D. of the current LMO, but recognizes and defines four different types of offices to help users understand the wide range of offices that fall within the classification.

Contractor Offices⁵⁴⁸

A contractor's office is a suite of rooms, or building used to house construction services, including builders and specialty contractors, such as firms involved in roofing, installing doors and windows, painting, flooring, heating and air conditioning, plumbing, electrical or other similar businesses where the majority of client contact occurs at the job site. No contractor materials are stored or housed at the site.

Health Services Offices⁵⁴⁹

Establishments that provide a variety of health care services, various types of medical treatment, nursing care, preventative care, diagnostic and support laboratory services, and physical therapy. A health service office does not include a hospital or outpatient facility. Examples of these uses include medical doctors and dental offices (with support labs), and other non-hospital medical treatment facilities.

Professional Offices⁵⁵⁰

Offices occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include: accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations; chambers of commerce; commercial art and design services; construction contractors (office facilities only); counseling services; court reporting services; design services, including architecture, engineering, landscape architecture, urban planning; detective agencies; doctors; dentists; educational, scientific and research organizations; financial management and investment counseling; literary and talent agencies; management and public relations services; media, postproduction services; news services; photographers and photography studios; political campaign headquarters; psychologists; secretarial, stenographic, word processing, and temporary clerical employee services; security and commodity brokers; and writers and artists offices.

G. Commercial Services⁵⁵¹

1. Description

Establishments involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Commercial Services may also include uses that provide personal services, or product repair, or services for consumer and business goods. Commercial Services does not include sales or service establishments related to vehicles (considered Vehicle Sales and Services), or establishments primarily selling supplies to contractors or retailers (considered Wholesale Sales), or the provision of financial, professional, or business services in an office setting (considered Office Uses), or uses

⁵⁴⁹ This new definition builds on the Office Use Category in Section 16-4-1213 D. of the current LMO.

⁵⁵⁰ This new definition builds on the Office Use Category in Section 16-4-1213 D. of the current LMO.

⁵⁵¹ This builds on the current description of the Retail Sales and Services use category in Sec. 16-4-1212.G of the current LMO, modifying it to include eating establishments.

providing recreational or entertainment opportunities (considered Commercial Recreation Uses). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

2. Use Types and Definitions

Adult Entertainment Use⁵⁵²

See Section 10-7-20 of the Municipal Ordinance.

Animal Services⁵⁵³

An establishment that provides for the care and treatment of animals, primarily household pets and other domestic animals. This use includes veterinary facilities that provide medical care and treatment of animals, and may provide boarding and grooming services. It includes kennels that provide boarding, as well as establishments providing grooming services. Also included are retail pet stores that sell household pets and related goods.

Bicycle Shop⁵⁵⁴

An establishment that sells, services, and rents new or used bicycles, and accessories, with outdoor storage facilities permitted in certain zoning districts.

Convenience Store⁵⁵⁵

A retail establishment that offers for sale the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, general hardware articles, gasoline, and related petroleum products. Fast food may be offered, but only as a secondary activity of a convenience store. A convenience store may also provide gas sales (but not auto repair).

Eating Establishment⁵⁵⁶

A business that involves the preparation and selling of food and beverages for immediate or direct on- or off-premise sale and consumption. Examples include restaurants, fast food establishments, yogurt or ice cream stores, pizza establishments that deliver, and specialty eating establishments. Accessory uses may include kitchens for food preparation, decks and patios for outdoor seating, and drive-through facilities.

⁵⁵² This carries forward the current definition of adult entertainment from the Code of Ordinances.

⁵⁵³ This consolidates the current LMO's definitions of veterinary services, kennels, and pet stores.

⁵⁵⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁵⁵ This is a new definition, replacing the one from Chapter 10, Definitions, in the current LMO.

⁵⁵⁶ This builds on Sec. 16-4-1213.A of the current LMO, modernizing the example principal and accessory uses.

Grocery Store⁵⁵⁷

A retail store primarily engaged in the sale of a broad range of prepackaged and perishable foods, but may also sell other convenience and household goods. It is distinguished from a convenience store primarily by its size and the broader range of foods it sells.

Landscape Business⁵⁵⁸

An establishment that grows, stores, and/or sells garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials, either for retail or wholesale. Such uses may include greenhouses, outdoor storage of goods, materials, equipment, and irrigation systems.

Liquor Store⁵⁵⁹

An establishment licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

Nightclub or Bar⁵⁶⁰

An establishment that sells alcoholic beverages for consumption on the premises, and that may involve the provision of live or televised entertainment or dancing, but not the sale of food as a major source of revenue.

Open Air Sales⁵⁶¹

An establishment that sells, primarily at retail, goods, or products that are displayed or otherwise merchandised outdoors, and not in enclosed buildings.

Shopping Center⁵⁶²

A group of three or more architecturally unified commercial establishments located on a single site with common parking facilities which is planned, developed, and owned and/or managed as a single operating unit.

⁵⁵⁷ This definition carries forward the definition of Supermarket from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁵⁸ This is a new definition.

⁵⁵⁹ This is a new definition.

⁵⁶⁰ This consolidates definitions of nightclub and bar in Sec. 16-10-201 of the current LMO.

⁵⁶¹ This is a new definition. (The Current LMO regulates, but does not defined, this use.)

⁵⁶² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Tattoo Facility⁵⁶³

An establishment primarily engaged in the practice of tattooing—i.e., the indelible marking or coloring of human skin by subcutaneous introduction of nontoxic dyes or pigments.

Other Commercial Services

A Commercial Services establishment other than those listed and defined above that primarily involves the sale, rental, and incidental servicing of consumer goods and commodities, or the provision of personal services or business-related services to consumers. This use includes, but is not limited to, day care centers, banks and other financial institutions, clothing stores, department and discount stores, furniture stores, hair and nail salons, laundry and dry-cleaning establishments, funeral homes, home electronics and small appliance stores, shoe repair shops, and tanning salons.

H. Vehicle Sales and Services⁵⁶⁴

1. Description

The Vehicle Sales and Services classification includes uses involving the direct sales, leasing, and servicing of automobiles (including motorcycles and light trucks), whether for personal transport, commerce, or recreation. The uses include but are not limited to: auto rental, auto repair, auto sales, car wash, gas sales, taxicab service, towing service, truck or trailer rental, and commercial parking lots. Also included are gas sales, taxi service, and parking lots and structures. This use classification does not include airports (considered an Aviation and Surface Transportation use type) or the storage, recycling, and resale of inoperable vehicles or vehicle parts (considered a salvage and recycling facility and thus part of the Waste-Related Services Use Other than a Waste Treatment Plant). Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage.

2. Use Definitions

Auto Rental⁵⁶⁵

An establishment where new or used passenger automobiles are displayed for rental.

Auto Repair⁵⁶⁶

An establishment that repairs, rebuilds, or reconditions passenger automobiles, not including bodywork, framework, welding, and major painting service.

⁵⁶³ This carries forward and consolidates the definitions of tattoo facility and tattooing in Sec. 16-10-201 of the current LMO.

⁵⁶⁴ This uses Section 16-4-1213 I as a starting point, but refines the description of use characteristics and accessory uses.

⁵⁶⁵ This is a new definition.

⁵⁶⁶ This is a new definition.

Auto Sales⁵⁶⁷

An establishment where new or used passenger automobiles or light trucks in operating condition are displayed for sale or lease on a regular basis.

Car Wash⁵⁶⁸

An establishment containing special equipment and facilities for the washing, waxing, and cleaning of private motor vehicles, but not commercial fleets. The use may involve automatic operations whereby vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes, or self-service operations whereby vehicles are driven into a structure and their operators use equipment to wash, wax, and clean the vehicle themselves. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants.

Gas Sales⁵⁶⁹

An establishment where gasoline, oils, batteries, tires and automobile accessories may be supplied and sold. Uses permissible at a gas sales establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in a gas service station. A towing service may be allowed as an accessory use to a gas sales use.

Taxicab Service⁵⁷⁰

An establishment that offers transportation in passenger automobiles and vans to persons, in return for remuneration. The business shall not include facilities for servicing, repairing, and fueling the automobiles on-site.

Towing Service⁵⁷¹

An establishment engaged in the towing of vehicles or equipment from one location to another. Such an establishment may also include a storage component for the vehicles towed, but may not include junked, salvage, or inoperable vehicles or equipment.

Truck or Trailer Rentals⁵⁷²

An establishment where new or used light trucks or trailers are displayed for rental.

Watercraft Sales, Rentals, or Service⁵⁷³

An establishment that rents, sells, or services watercrafts.

⁵⁶⁷ This is a new definition.

⁵⁶⁸ This is a new definition.

⁵⁶⁹ This carries forward the definition of gas sales from Section 16-10-201 of the current LMO.

⁵⁷⁰ This is a new definition.

⁵⁷¹ This is a new definition.

⁵⁷² This is a new definition.

⁵⁷³ This is a new definition.

I. Industrial Uses

1. Description

The Industrial Uses classification includes uses primarily engaged in the manufacture, fabrication, processing, assembly, packaging, storage, and distribution of goods or commodities, where the end product is generally not acquired by the ultimate user on the premises. Industrial uses also include related uses that provide services to the above uses.

2. Use Types and Definitions

Light Industrial, Manufacturing, or Warehouse Use⁵⁷⁴

An establishment or business primarily engaged in the manufacturing, fabrication, processing, assembly, packaging of goods, or the provision of equipment, repair, storage, distribution, and other service related to industrial uses. This use type excludes uses involving the manufacturing, processing, or storage of significant amounts of materials that are flammable, explosive, or toxic, or create hazardous conditions. Relatively few customers come to the site and there is little on-site sales activity with the customer present.

A light industrial use is primarily engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products or by-products (light industrial uses). Examples of light industrial uses include: research and development facilities; welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; research, testing and development laboratories; laundry, dry-cleaning and carpet cleaning facilities; and photo-finishing laboratories.

A manufacturing use is primarily engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples of manufacturing uses include catering establishments; woodworking, cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of equipment, instruments, including musical instruments, appliances, precision items and other electrical items; production of artwork and toys; and sign making. This use type does not include seafood processing.

A warehouse use is primarily engaged in the storage or movement of goods for themselves or other businesses. Examples of warehouse uses include separate warehouses used by retail stores (such as furniture and appliance stores); household moving and general freight storage; food storage; cold storage plants, including frozen food lockers; parcel services; and the stockpiling of sand, gravel, or other aggregate materials.

⁵⁷⁴ This use consolidates and builds on the descriptions of the Light Industrial, Manufacturing and Production, and Warehouse and Freight Movement use categories in Sec. 16-4-1214.B, c, and D of the current LMO.

Seafood Processing⁵⁷⁵

A manufacturing establishment that processes seafood for human consumption through canning, curing, or byproduct processing.

Self Service Storage⁵⁷⁶

A use providing individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. This use is also called a “mini-warehouse.” The use does not include a transfer and storage business not involving individual storage areas and businesses where employees are the primary movers of property being stored or transferred (an Industrial, Manufacturing, and Warehouse Use). Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use.

Waste Treatment Plant⁵⁷⁷

An establishment that receives solid or liquid wastes from others for disposal on-site or for the transfer to another location.

Waste-Related Services Use Other than a Waste Treatment Plant⁵⁷⁸

Waste Related Services are uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Uses include: waste transfer or composting centers; salvage and recycling facilities; resource recovery facilities; recycling drop-off centers; and water treatment plants. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and transshipment of by-products. Disposal of dirt, concrete, asphalt, and similar non-biodegradable materials is considered fill.

⁵⁷⁵ This is a new definition.

⁵⁷⁶ This builds on the description of the Self Service Storage use category in Sec. 16-4-1213.H of the current LMO, modernizing the use characteristics and accessory uses.

⁵⁷⁷ This is a new definition of a use regulated by, but not defined in, the current LMO.

⁵⁷⁸ The Waste-Related Service Use Category carries forward Section 16-4-1214 E. of the current LMO.

Wholesale Sales

An establishment involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. This use emphasizes on-site sales or order taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Uses include the sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware. Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods. Businesses that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service. Businesses that are primarily storing goods with little on-site business activity are considered an Industrial, Manufacturing, and Warehouse Use.

J. Other Uses

1. Use Types and Definitions

Agriculture⁵⁷⁹

Activities that involve the noncommercial raising, producing, or keeping of plants or animals, including: the noncommercial breeding or raising of fowl or other animals; stables; riding academies; kennels; or other animal boarding places; and gardening. Accessory uses include produce stands, dwellings for proprietors and employees of the use, and animal training. Processing of animal or plant products are considered Light Industrial, Manufacturing, and Warehouse Uses. Plant nurseries that are oriented to retail sales are classified as Landscape Businesses.

Boat Ramp

A facility to launch and retrieve recreational boats from a trailer. Accessory uses may include parking and restrooms.

Docking Facility⁵⁸⁰

A structure built over or floating on the water used as a landing place for boats or other marine transport, fishing, swimming, and other recreational uses. Docks may include boat houses, seating areas, gazebos, boat lifts, and storage facilities.

Marina⁵⁸¹

A harbor, boat basin, or other facility that provides storage or docking facilities, supplies, or other services for water craft, including facilities for storing water craft in or out of the water, but excluding storage of water craft at a private dock associated with a residential unit or on private property where no fee is charged.

⁵⁷⁹ This section carries forward Section 16-4-1215 A. of the current LMO, with minor changes.

⁵⁸⁰ This is a new definition.

⁵⁸¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Sec. 16-10-105. Table of Abbreviations⁵⁸²

Table 16-10-105, Abbreviations, includes the abbreviations and their corresponding terms as used in this Ordinance.

TABLE 16-10-105: ABBREVIATIONS	
ABBREVIATION	COMPLETE TERM
ac	Acre
ADA	Americans with Disabilities Act
ADT	Average daily trips
ANSI	American National Standards Institute
AASHTO	American Association of State Highway and Transportation Officials
BFE	Base flood elevation
BMP	Best management practice
DBH	Diameter at breast height
DRB	Design review board
CIP	Capital improvements program
DHEC	South Carolina Department of Health and Environmental Control
du	Dwelling unit(s)
EV	Electric vehicle
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
ft	Feet
GFA	Gross floor area
HHI	Hilton Head Island
IBC	International Building Code
IESNA	Illuminating Engineering Society of North America
ITE	Institute of Transportation Engineers
LMO	Land Management Ordinance
LOS	Level of service
MSL	Mean sea level
NAD	North American Datum
NAVD	North American Vertical Datum
NPDES	National Pollutant Discharge Elimination System
OCRM	(DHEC) Office of Ocean and Coastal Resource Management
PD	Planned development
PSD	Public Service District
PUD	Planned unit development
SC	South Carolina
S.C. Code of Laws	Code of Laws of South Carolina
SCDOT	South Carolina Department of Transportation
sf	Square feet
USACOE	United States Army Corps of Engineers
WEC	Wind energy conversion

⁵⁸² This section carries forward Sec. 16-10-103 - Abbreviations of the current LMO.

Sec. 16-10-106. General Definitions

Except as specifically noted herein, each word or term used in this chapter has its customary dictionary definition or the definition from any other published source determined appropriate by the Official. For purposes of this chapter, certain words or terms are defined below and shall have the meanings ascribed to them.

Abutting⁵⁸³

The condition of two adjoining parcels of land having a common property line or boundary including cases where two or more parcels of land adjoin a corner, but not including cases where adjoining parcels of land are separated by a street or alley.

Access⁵⁸⁴

The right or ability of pedestrians, vehicles, and boats to enter and leave property.

Accessory Structure⁵⁸⁵

A building or structure subordinate and incidental to, and located on the same lot with, a principal building and use, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

Adjacent⁵⁸⁶

A parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.

Administrative Manual ⁵⁸⁷

A manual prepared by the Official to assist the administrators and users of this Ordinance. The manual may include, but is not limited to, application content requirements, fee schedules for applications, the application review schedules, details on the mechanics of the development review process, and development review application forms.

Adopted Traffic Service Level Standards

See Sec. 16-2-103.J.3, Traffic Impact Analysis Plan Standards.

Agricultural Activity

For purposes of stormwater management, any activity directly related to: (a) the production of crops, dairy products, poultry, or livestock; (b) the cultivation or harvesting of trees; or (c) fish farms.

⁵⁸³ This is a new definition.

⁵⁸⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁸⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁸⁶ This is a new definition.

⁵⁸⁷ This is a new definition.

Airport Runway Primary Surface Area⁵⁸⁸

A surface longitudinally centered on the runway which extends beyond the runway. The width and length of the primary surface area are set forth in Sec. 16-3-106.E.3, Delineation of the District. The elevation of any point on the primary surface area is the same as the elevation of the nearest point on the runway centerline.

All-Weather Driving Surface⁵⁸⁹

A driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.

Amenity⁵⁹⁰

A natural or man-made feature which enhances a particular property.

Applicant⁵⁹¹

A person who has submitted a development application for review under applicable provisions of this Ordinance.

Archaeological Resource or Archaeological Site⁵⁹²

Place of past human settlement or activity, where archaeological remains are present, whether known, suspected, or unknown. Sites vary in size and use; examples include burial and campsite (e.g., for temporary hunting or fishing), quarry, mine, industry, fort, pueblo, or rock shelter.

As-Built Survey⁵⁹³

A plat prepared by a South Carolina registered land surveyor that accurately identifies and depicts the location of all easements and on-site improvements—including, but not limited to, all structures, parking facilities, utilities, and detention/retention areas.

Assessed Value⁵⁹⁴

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the Tax Assessor's office for the purposes of taxation.

Authorized Agent⁵⁹⁵

A person with express written consent to act upon another's behalf.

⁵⁸⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁸⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁹⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁹¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁹² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁹³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁹⁴ This is a new definition.

⁵⁹⁵ This is a new definition.

Average Daily Traffic (ADT)

The number of vehicles passing a point on a traffic way during a 24-hour period, usually calculated as the average of two or more days of traffic, and based on trip generation rates taken from the latest edition of the Institute of Transportation Engineers *Trip Generation Manual (ITE Manual)*.

Base Flood Elevation⁵⁹⁶

That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

Beach⁵⁹⁷

Land subject to periodic inundation by tidal and wave action so that no nonlittoral vegetation is established.

Beach Nourishment (also Beach Renourishment)⁵⁹⁸

A process by which sand lost through longshore drift or erosion is replaced from sources outside of the eroding beach.

Beachfront Line⁵⁹⁹

Beachfront Line shall have the same location as the 1999 OCRM Baseline. The South Carolina State Plane coordinates which bound the 1999 OCRM Baseline are the same as those utilized to locate the Beachfront Line.

Best Management Practice (BMP)⁶⁰⁰

A practice, or a combination of practices, that is determined to be an effective and practical means (technological, economical, and institutional) of preventing or reducing the amount of pollution generated by nonpoint sources of stormwater runoff. Examples of BMPs include, but are not limited to, detention ponds, sediment basins, filter strips, and buffer zones.

Bike Lane⁶⁰¹

A corridor expressly reserved for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles.

Board of Zoning Appeals⁶⁰²

The Town of Hilton Head Island Board of Zoning Appeals. See Appendix A, Board of Zoning Appeals.

⁵⁹⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁹⁷ This is a new definition taken from the State's Coastal Tidelands and Wetlands Act.

⁵⁹⁸ This is a new definition.

⁵⁹⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁰⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁰¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁰² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Building⁶⁰³

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, process, equipment or goods. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Building Code⁶⁰⁴

The latest edition of the International Building Code (IBC) adopted by the South Carolina Building Codes Council.

Building Permit⁶⁰⁵

A permit issued in accordance with the Building Code then in effect, and this Ordinance.

Building, Principal⁶⁰⁶

A structure on which the main or primary use of the lot is conducted, as contrasted to an accessory building in which uses subordinate to the primary use are conducted.

By Right⁶⁰⁷

Land uses that are permitted in a zoning district without being subject to use-specific conditions or requiring approval of a Special Exception.

Capital Improvements Program⁶⁰⁸

The plan for public capital improvements within the Town which has most recently been approved by the Town Council.

Change of Use⁶⁰⁹

The change in the use of a structure or land. Change of use shall include a change from one use type to another use type.

Changeable Copy

Any copy or graphics designed to be changed manually in the field.

Circuit Court⁶¹⁰

The Court of Common Pleas for Beaufort County, South Carolina.

⁶⁰³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁰⁴ This is a new definition.

⁶⁰⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁰⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁰⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁰⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁰⁹ This is a new definition.

⁶¹⁰ This is a new definition.

Clerk of Circuit Court⁶¹¹

The Clerk of the Court of Common Pleas for Beaufort County, South Carolina.

Coastal High Hazard Area⁶¹²

A velocity (v) zone as show on flood insurance rate maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA). Alternately, a flood hazard area subject to high velocity waters. (See also "Flood Hazard District").

Coastal High Velocity Area

See "Coastal High Hazard Area."

Code or Code of Ordinances⁶¹³

The Town of Hilton Head, South Carolina Code of Ordinances.

Community Garden⁶¹⁴

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, or family.

Comprehensive Plan⁶¹⁵

The Comprehensive Plan for the Town of Hilton Head Island, as amended, including the Transportation Element of said plan and other such adopted supplements.

Conditional Use⁶¹⁶

A use that is permitted by right subject to listed conditions.

Construction⁶¹⁷

The erection of any building or structure or any preparations (including land disturbing activities) for the same.

Construction/ Storage Trailers⁶¹⁸

A temporary mobile unit located at a development site to be used for construction or sales purposes.

⁶¹¹ This is a new definition.

⁶¹² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶¹³ This is a new definition.

⁶¹⁴ This is a new definition.

⁶¹⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶¹⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶¹⁷ This is a new definition.

⁶¹⁸ This is a new definition.

Contiguous⁶¹⁹

Abutting directly or immediately adjacent to a boundary or separated only by a street or public utility right-of-way.

Copy

Any letters, numerals or characters used in any combination and displayed on a sign.

Corner Lot

A lot abutting two or more streets at their intersection, where the interior angle of the intersection does not exceed 120 degrees.

County⁶²⁰

Beaufort County, South Carolina.

Cul-de-Sac

A street with only a single means of ingress or egress leading to a turnaround at the end.

Design Review Board⁶²¹

The Town of Hilton Head, Design Review Board. See Appendix A, Design Review Board.

Detention

The collection and storage of surface water for subsequent controlled discharge at a rate that is less than the rate of inflow. (See also "retention.")

Developer⁶²²

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or any other person having an enforceable proprietary interest in such land.

Development⁶²³

The use of a structure or land; or the construction, reconstruction or alteration of a structure; or an increase in land use intensity; or filling, excavating or dredging a parcel or intertidal or underwater land; or a change in effects or conditions of a site; or the alteration of a shore, bank or floodplain; or the construction or extension of a utility; or the subdivision of land.

⁶¹⁹ This is a new definition.

⁶²⁰ This is a new definition.

⁶²¹ This is a new definition.

⁶²² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶²³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Development Agreement⁶²⁴

An agreement entered into by the Town in accordance with Sec.6-31-10 of the S.C. Code of Laws.

Development Application⁶²⁵

The completed form or forms and all accompanying documents, exhibits, and fees required by this Ordinance to be submitted as part of the review of a request for a development permit or approval.

Diameter at Breast Height (DBH)

The diameter of a tree four and one-half (4.5) feet above ground level.

Disaster⁶²⁶

Any occurrence of widespread or severe damage, injury, or loss of life or property resulting from a natural, technological, or national security incident, including but not limited to earthquake, explosion, fire, flood, high water, hostile military action, hurricane, landslide, mudslide, storm, tidal wave, tornado, or wind-driven water, when a State of Emergency is declared by the Mayor in accordance with Section 7-7-20 of the Municipal Code.

Divisible Dwelling Unit⁶²⁷

A dwelling unit in a multifamily residential development that includes one or more lock-out bedrooms that can be physically closed or locked off from the remainder of the dwelling. Such units must have a bathroom, and may not have a separate outside entrance. Size is limited to 50 percent of the square footage of the remaining base unit.

Drainage Basin

A drainage area or watershed contributing to the flow of stormwater runoff into a receiving body of water.

Drive-Through⁶²⁸

An accessory facility designed to enable a motorist to drive up to a window or service point and quickly transact business or obtain service while remaining in the motor vehicle. Drive-throughs can be accessory to restaurants, banks, pharmacies, laundromats, ATMs, etc.

Dune Boardwalk⁶²⁹

A pedestrian walkway constructed of (generally wood) planking that crosses a dune system to the beach. Boardwalks may also be used for bicycle traffic.

⁶²⁴ This is a new definition.

⁶²⁵ This is a new definition.

⁶²⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶²⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶²⁸ This is a new definition.

⁶²⁹ This is a new definition.

Dune or Dune System

One or a series of hills or ridges of wind-blown sand exhibiting varied topography, but generally running parallel to the beach, or one or a series of hills or ridges of sand resulting directly or indirectly from restoration or beach renourishment. Dunes may or may not be anchored by vegetation (e.g., sea oats) and are in the vicinity of the beach.

Dwelling⁶³⁰

A building or part of a building designed and occupied exclusively for residential purposes by an individual or family unit, together with permitted accessory uses.

Dwelling Unit (DU)⁶³¹

A building or a portion of a building providing complete and independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Earth Tones

Colors shown on page 14 of the Town of Hilton Head Island Design Guide.

Easement⁶³²

An interest in land of another that entitles the holder to a specified limited use.

Electric Vehicle (EV)⁶³³

A vehicle that operates, either partially or exclusively, on electric energy stored in the vehicle's batteries. "Electric vehicle" includes a vehicle operating exclusively on electrical energy from its batteries (battery electric vehicle, or BEV), or a vehicle that is powered by both an internal combustion engine and an electric motor operating on electrical energy from on-board batteries charged primarily through connections to the electric grid or other off-board electrical source (plug-in hybrid electric vehicle, or PHEV).

Electric Vehicle (EV) Level 1 or 2 Charging Station⁶³⁴

An electric vehicle (EV) level 1 or 2 charging station is a vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle. A Level 1 charging station is a slow charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit. A Level 2 charging station is a medium charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current (AC) circuit.

⁶³⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶³¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶³² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶³³ This is a new definition.

⁶³⁴ This is a new definition.

Existing Tree Canopy

See Sec. 16-6-104.F.1.

Existing Tree Canopy Cover

The percentage of the area a development site covered by existing tree canopy before development or land disturbance of the site.

Expansion⁶³⁵

An increase in the floor area of an existing structure or building, or the increase of area of a use.

Facade

A structure's entire single elevation, including wall face, parapet, windows, doors, awnings, or canopies.

Factory Built Housing⁶³⁶

A structure that is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities, designed for long term residential use. For the purposes of this LMO, factory built housing consists of two types: modular homes and manufactured homes. (See definitions of those terms in this Section.)

Family⁶³⁷

One or more persons who are related by blood, marriage, or adoption and living together as a single household unit in a dwelling unit—provided, however, that “family” also includes nine or fewer mentally or physically handicapped persons provided care on a 24 hour basis and living together as a single household unit in a dwelling unit, where such arrangement is approved or licensed by a state agency or department or under contract with the agency or department.

Farmers' Market⁶³⁸

A public market held in a structure or open area where farmers primarily sell produce and other farm products they have grown, gathered, or raised directly to consumers. A farmers' market as a principal use occurs regularly for all or most of the year, whereas a farmers' market as a temporary use occurs occasionally or periodically for only a limited time period during the year.

Filling

Any activity that increases ground surface or substrate elevation—including, but not limited to, sedimentation and dumping.

⁶³⁵ This is a new definition.

⁶³⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶³⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO, adding wording from Sec. 6-29-770(E) of the S.C. Code of Laws, which requires licensed, approved, or contracted homes serving nine or fewer mentally or physically handicapped persons be treated as a family for zoning purposes.

⁶³⁸ This is a new definition.

Finish Grade

The elevation of land resulting from alteration as part of development activity. (See also "grade" and "pre-development grade.")

Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or from rain.

Flood Hazard District

That area designated by the Federal Flood Insurance Administration on any official flood hazard area map, subject to a one percent or greater chance of flooding in any given year. (See also "Coastal High Hazard Area.")

Foot-Candle

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Frontage⁶³⁹

The width in linear feet occupied by each separate business or other use or the width in linear feet of a lot that fronts on a public street. Each building or lot front shall, for purposes of sign copy area allowed, be separately calculated.

Fully Shielded⁶⁴⁰

Fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in a way that allows no direct or internally reflected light to shine above the fixture.

Garage or Yard Sale⁶⁴¹

The temporary use of the garage or yard of a residential dwelling for the casual sale of miscellaneous items of personal property to the general public.

Gate

A movable frame or solid structure which swings, slides, or rolls controlling ingress and egress through an opening in a fence, wall, or vegetation.

Governing Body⁶⁴²

The Town Council for the Town of Hilton Head Island, unless specified otherwise.

⁶³⁹ This is a new definition.

⁶⁴⁰ This is a new definition.

⁶⁴¹ This is a new definition.

⁶⁴² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Grade⁶⁴³

A plane representing the average ground level between a structure and points 6 feet from the structure, measured at one foot intervals.

Graphics⁶⁴⁴

For the purposes of Sec. 16-5-113, Sign Standards, any drawing, symbol, picture, motif, or logo displayed on a sign face.

Green Building Practices⁶⁴⁵

One or more development features voluntarily provided by an applicant or developer as a means of promoting green building development and/or taking advantage of available green building practice incentives.

Green Roof⁶⁴⁶

The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Greenhouse⁶⁴⁷

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

Ground Water⁶⁴⁸

That portion of water below the ground surface that is under greater pressure than atmospheric pressure.

Home Occupation⁶⁴⁹

Any use of principal and accessory buildings located within a residential area that is clearly incidental to their use for dwelling purposes and conducted for compensation by a resident thereof.

Housing Unit⁶⁵⁰

See Dwelling Unit.

Impervious Surface⁶⁵¹

See Sec. 16-10-103.E.2, Impervious Surface.

⁶⁴³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁴⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁴⁵ This is a new definition.

⁶⁴⁶ This is a new definition.

⁶⁴⁷ This is a new definition.

⁶⁴⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁴⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁵⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Improvement⁶⁵²

The construction of buildings and the establishment of basic services and amenities associated with development, including, but not limited to streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like) and other similar construction or establishment.

Interval Occupancy (Time Share)⁶⁵³

The use, occupancy or possession of real property whereby the use, occupancy, or possession circulates among individuals on a periodically recurring basis, is inherently transient, and is subject to either an interval occupancy sales or lease program and includes, but is not limited to, a vacation license, prepaid hotel reservation, club membership, limited partnership or vacation bond.

Interval Occupancy Lease Plan⁶⁵⁴

An arrangement, plan or similar device, whether by membership agreement, lease, rental agreement, license, use agreement, security or other means, whereby the purchaser or an individual receives a right to use residential accommodations or facilities, or both, but does not receive an undivided fee simple interest in the property, for a specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than one year.

Interval Occupancy Sales Plan⁶⁵⁵

Any arrangement, plan or similar device, whether by tenancy in common, sale, deed or by other means, which is subject to supplemental agreement or contract for use of the residential unit, whereby the purchaser receives an undivided occupancy interest in and the right to use the accommodations or facilities, or both, for a specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than one year.

Interval Occupancy Unit⁶⁵⁶

The actual accommodations and related facilities that are the subject of the interval occupancy, interval occupancy lease plan, or interval occupancy sales plan.

⁶⁵¹ At the request of Town staff, this is revised to incorporate wording from the Beaufort County BMP Manual and to add compacted gravel surfaces and permanent ponding/storage areas.

⁶⁵² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁵³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁵⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁵⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁵⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Land⁶⁵⁷

The earth, water, and air, above, below, or on the surface, and including any improvements or structures customarily regarded as land.

Land Disturbing Activity⁶⁵⁸

Any change of the land surface including, but not limited to, removing vegetative cover, excavation, filling, grading, and the construction of any structure.

Landowner⁶⁵⁹

A person who holds legal title to a property or the authorized agent of such a person.

Ldn

The A-weighted equivalent sound level for a 24 hour period with an additional 10 decibels (dB) imposed on the equivalent sound levels for night time hours of 10 p.m. to 7 am; expressed as dBA.

Legal Nonconformity⁶⁶⁰

Any land use, development, structure, or site, including any lot of record, that was legally established, but that is not presently in full compliance with the provisions of this Ordinance.

Legal Protection⁶⁶¹

A legally-binding agreement that specifically preserves a wetland mitigation area for a duration of time. Legal Protection includes, but is not limited to deed restriction, covenant, conservation easement, or gift to a conservation group or land trust.

Legally Established⁶⁶²

Any land use, development, building, structure or site, including any lot of record, which was established, constructed, used or recorded pursuant to, and in conformance with all relevant requirements of the Town Ordinances then in effect.

Legally Maintained⁶⁶³

As used in this Ordinance, the phrase "legally maintained" shall mean that any and all conditions, obligations, and requirements of any permit, development approval, or certificate of any description issued by Beaufort County, South Carolina, the Town of Hilton Head Island, the State of South Carolina, or other government entity shall have been met within the time frame, if any, required by such permit, approval, or certificate, or that the permit, development approval, or certificate has been fully executed according to its terms.

⁶⁵⁷ This is a new definition.

⁶⁵⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁵⁹ This is a new definition.

⁶⁶⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁶¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁶² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁶³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Level of Service (LOS)

A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Lock-Out Room⁶⁶⁴

See "Divisible Dwelling Unit".

Lot⁶⁶⁵

A legally described piece of contiguous land that has been or may be developed as a unit. This term is synonymous with "parcel."

Lot of Record ⁶⁶⁶

A lot that exists and is described and defined as part of a recorded subdivision or a lot otherwise recorded with the Beaufort County Register of Deeds before the date of the Town's adoption of subdivision regulations or subsequent to that date and in accordance with Town subdivision regulations applicable at the time of recordation.

Maintenance

Any activities required to assure successful restoration after a project has begun (i.e. erosion control, water level manipulations).

Manufactured Housing⁶⁶⁷

A factory-built, single-family structure that is manufactured under the authority of 42 USC Section 5401 and that is transportable in one or more sections, is built on a permanent chassis, but is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or axles permanently attached to its body or frame.

Material⁶⁶⁸

The adjective "material" as contained herein shall be construed to mean objective, substantive, tangible, and consequential.

⁶⁶⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁶⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO, revising it to clarify that "lot" and "parcel" have the same meaning.

⁶⁶⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO, revising it to clarify that lots of record also include lots created in accordance with the LMO since its adoption.

⁶⁶⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁶⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Maximum Practicable Extent⁶⁶⁹

No feasible or practical alternative exists, as determined by the Official, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

Mean High Water Line⁶⁷⁰

That line which intersects with the shore representing the average height of high waters over an 18.5-year tidal cycle. Benchmarks purporting to have established mean high or low water values must be verified by Town Hall as meeting State and National Ocean Survey Standards.

Mobile Home⁶⁷¹

A transportable, factory-built structure that was manufactured prior to enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401) and that is designed to be used as a single dwelling unit.

Model Sales Home/Unit⁶⁷²

A dwelling unit, or other marketable unit of a new development, that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development.

Modular Housing⁶⁷³

Factory built housing constructed in accordance with the standards set forth in the South Carolina Modular Buildings Act, and bearing a label of compliance with the Act (Title 23, Chapter 43). Modular homes shall be subject to the same standards as site-built homes.

Motorized Watercraft⁶⁷⁴

Any boat or other type vessel propelled by any type of electric, internal combustion or other type of engine.

⁶⁶⁹ This is a new definition.

⁶⁷⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁷¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁷² This is a new definition.

⁶⁷³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁷⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Multiple Use Developments⁶⁷⁵

Developments with more than one principal use.

Municipal Code

The Municipal Code of the Town of Hilton Head Island, South Carolina, 1983, as amended.

Natural Water Body⁶⁷⁶

Any pond, lake, channel, wetland, marsh, creek, sound, or ocean which ordinarily or intermittently contains water and which has a discernible shoreline and is not the result of development.

Neighborhood⁶⁷⁷

Sub-areas of the Town within which there are similarities in character, such as land use, development patterns, natural features or socio-economic attributes.

Nonconforming Building or Structure⁶⁷⁸

Any structure that fails to conform to any provision of this Ordinance, including height, bulk, setback from any lot line or from the street, building coverage, or building design. Also, any structure that fails to conform to any applicable provision of an approved Development Plan as to height, bulk, setback from any lot line or from the street, building coverage, building size, or building design.

Nonconforming Lot of Record⁶⁷⁹

Any lot of record which was legally established, but that fails to conform with the applicable size or dimensional requirements set forth in this Ordinance or in any applicable and approved Development Plan.

Nonconforming Sign⁶⁸⁰

Any sign that does not meet the standards of this Ordinance.

Nonconforming Site Feature⁶⁸¹

Any site feature or attribute—including but not limited to, parking, buffering, landscaping, screening of mechanical equipment, or walls and fences—that was lawful at the time of development, but that does not conform to all the standards and regulations of this Ordinance.

⁶⁷⁵ This is a new definition.

⁶⁷⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁷⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁷⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁷⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁸⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁸¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Nonconforming Square Footage⁶⁸²

Any square footage that exists on a site that exceeds the maximum permitted density.

Nonconforming Use⁶⁸³

Any legally established activity using land, buildings, or structures which was legally established, but that fails to conform in any respect to an applicable use requirement set forth in this Ordinance, in any applicable and approved Development Plan or in any permit or development approval issued hereunder.

Non-Contiguous Planned Unit Development (PUD)⁶⁸⁴

Lands in more than one tract, not totally adjacent, or contiguous, that are controlled by one owner or one ownership entity, and are proposed for development as a PUD.

Nonprofit Organization⁶⁸⁵

Any person, partnership, association, corporation, or other group whose activities are conducted for civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group.

Notice of Violation⁶⁸⁶

An initial notice indicating a violation of this Ordinance, not associated with a fine.

Official⁶⁸⁷

The Town Official to whom the Town Manager has delegated the responsibility of administering and enforcing this Ordinance. See Appendix A, Official.

Off-Site⁶⁸⁸

Describing a location or an area of land which is not on site; outside the lot or parcel that is the subject of a given land use application.

One Hundred Year Flood⁶⁸⁹

The flood, or level of floodwater measured from mean sea level, that has a one percent chance of being equaled or exceeded in any given year.

⁶⁸² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁸³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁸⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁸⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁸⁶ This is a new definition.

⁶⁸⁷ This is a new definition.

⁶⁸⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁸⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

On-Site⁶⁹⁰

On or within the area specified in the development permit application or within other areas which, in accordance with this Ordinance, may be included in defining the site's said referenced purpose.

Ordinance⁶⁹¹

A legislative enactment of the Town.

Outdoor Display and Sale of Merchandise⁶⁹²

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

Outdoor Seasonal Sales⁶⁹³

A temporary outdoor business enterprise that is conducted primarily outdoors and offers for retail sale items that, by their nature, are in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, produce, and flowers.

Outdoor Storage⁶⁹⁴

The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Overlay Zoning District⁶⁹⁵

Zoning districts which extend on top of one or more base zoning districts and are intended to protect certain critical features and resources. Where the standards of the overlay and base zoning district differ, the more restrictive standard shall apply.

Overstory Tree

Trees that compose the top layer or canopy of vegetation.

Parcel

See "Lot."

Peak Hour

Both the AM and PM single hour on a weekday when the traffic volume reaches its maximum, measured for the AM peak hour between 7:00 a.m. and 9:00 a.m., and for the PM peak hour between 4:00 p.m. and 6:00 p.m.

⁶⁹⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁹¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO

⁶⁹² This is a new definition.

⁶⁹³ This is a new definition.

⁶⁹⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁹⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Pedestrian Accessway⁶⁹⁶

A walkway that provides pedestrian and/or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop.

Person⁶⁹⁷

A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicator, branch of government, or any group or combination acting as a unit.

Personal Watercraft⁶⁹⁸

A boat less than sixteen feet in length which is propelled by either an outboard or inboard motor that uses an internal combustion engine powering a water jet pump or propeller-driven motor as its primary source of propulsion and is designed to permit the operator and passenger to ride on the outside surfaces of the vessel.

Planned Unit Development⁶⁹⁹ (PUD)

A tract or tracts of land that are developed in a comprehensive, design-integrated manner according to an overall Master Plan. Generally a PUD will be phased and consist of two or more types, densities, or intensities of development. See Sec. 16-2-103.D, Planned Unit Development (PUD) District/Master Plan.

Planning Commission⁷⁰⁰

The Planning Commission of the Town of Hilton Head Island. See Appendix A, Planning Commission.

Pre-Development Conditions⁷⁰¹

Those conditions that existed before alteration, resulting from human activity, or the natural topography, vegetation and rate, volume or direction of surface or groundwater flow as indicated by the best available historical data.

Premises⁷⁰²

A lot, including the buildings or structures thereon.

Property Owner⁷⁰³

A person who holds legal title to land.

⁶⁹⁶ This is a new definition.

⁶⁹⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁹⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁹⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁰⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁰¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁰² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁰³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Public Way

Any street, highway, road, pathway, internal and external sidewalk, beach, or waterway, whether privately or publicly owned, that is designed or used for outdoor vehicular, watercraft, or pedestrian traffic, either by public right or custom, or by invitation of one or more owners.

Quorum⁷⁰⁴

The minimum number of Town Council, Planning Commission, Board of Zoning Appeals, or Design Review Board members that must be present in order to conduct official business or take official action.

Rainwater Cistern ⁷⁰⁵

A catchment device to capture rain water from a roof or other surface before it reaches the ground. Rainwater cisterns may be located underground or aboveground.

Recreational Vehicle⁷⁰⁶

Any of the following vehicles designed for travel, recreation, and vacation uses: motorhome or van (a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); pickup camper (a structure designed to be mounted on a truck chassis); recreational trailer (a portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); park trailer (a semi-portable structure built on a single chassis, which does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to USDHUD standards); or tent trailer (a canvas or synthetic fiber folding structure mounted on a hard body base and towed by a vehicle). Use of a recreational vehicle for residential or accommodation purposes is prohibited except in a Recreational Vehicle (RV) Park.

Repair⁷⁰⁷

The restoration to a good or sound condition of materials, systems and/or components of a structure that are worn, deteriorated, or broken using materials or components identical to or closely similar to existing materials or components.

Right-of-Way⁷⁰⁸

An area dedicated to public or private use for pedestrian and vehicular movement, which may also accommodate public utilities.

Satellite Dish⁷⁰⁹

A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and orbitally based uses.

⁷⁰⁴ This is a new definition.

⁷⁰⁵ This is a new definition.

⁷⁰⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO, adding the provision in Sec. 16-4-1211.B.1's description of household living.

⁷⁰⁷ This is a new definition.

⁷⁰⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁰⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Shared Parking⁷¹⁰

The use of parking spaces used or proposed to be used to meet the minimum number of off-street parking spaces required for one or more other uses.

Shipping Container⁷¹¹

A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted on a rail car, or mounted on a chassis for movement by truck trailer, or loaded on a ship.

Sight Triangle⁷¹²

A triangular area at each corner of the intersection of two streets or of a street and a driveway, where vision is required to be unobstructed.

Sign

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

Sign Area

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

Sign Face

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

Sign Structure

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

⁷¹⁰ This is a new definition.

⁷¹¹ This is a new definition.

⁷¹² This definition carries forward the definition from Sec. 16-10-201 (Defined Terms) of the current LMO, in simplified form.

Sign Structure Area

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

Sign, Dilapidated

Any sign that, in the Official's reasonable opinion, is structurally unsound, has defective parts, or is in need of painting or maintenance.

Sign, Directory

Any sign listing multiple businesses or services within a commercial development that is designed to direct pedestrian or vehicular traffic in the development to those businesses or services.

Sign, Facade

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

Sign, Freestanding

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

Sign, Illegal

Any existing sign that does not have a Sign Permit issued by the Town in accordance with Sec. 16-5-113, Sign Standards. Persons responsible for such signs are subject to the enforcement provisions in Chapter 16-8: Enforcement.

Sign, Illuminated

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

Sign, Inflatable

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

Sign, Internally Illuminated

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

Sign, Legal

Any permitted sign that complies with the provisions of Sec. 16-5-113, Sign Standards.

Sign, Off Premises

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

Sign, Permitted

Any sign for which a Sign Permit has been issued by the Town in accordance with Sec. 16-5-113, Sign Standards.

Sign, Political

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

Sign, Project

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

Sign, Public Utility

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

Sign, Real Estate

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

Sign, Roof

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

Sign, Special Event⁷¹³

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

Sign, Temporary

Any sign or information transmitting structure intended to be erected or displayed for a limited period.

Sign, Traffic Directional/Safety

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

Sign, Vehicle

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

⁷¹³ This carries forward the definition of special event sign in Section 16-10-201 of the current LMO.

Site⁷¹⁴

A lot or lots occupied or planned for occupation by a structure or a set of structures.

Site Plan⁷¹⁵

A detailed engineering plan, to scale, showing uses, and structures proposed for a parcel of land as required by this Ordinance.

Solar Energy Device⁷¹⁶

A system consisting of solar panels and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for on-site use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity for direct on-site use and transfer of excess electricity to an electric utility grid. Solar panels and equipment are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

Special Event⁷¹⁷

A planned, temporary activity subject to review and approval of a Minor Development Plan.

Specimen Tree

A tree that is an outstanding representative of its species in size, as listed in Sec. 16-6-104.G.1, Specimen Tree Defined.

Stand of Trees

a relatively uniform group of trees that form a continuous canopy.

State⁷¹⁸

The State of South Carolina.

State or Condition that Existed Prior to a Disaster⁷¹⁹

Any structure that existed prior to a disaster may be built back to the state or condition that existed prior to a disaster. Alterations or modifications to the structure that are required by local, state, or federal rules, regulations, or guidelines, such as elevating structures, are not considered a change in the state or condition.

Street⁷²⁰

A travelway within a right-of-way or easement that affords the principal means of access to abutting property.

⁷¹⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷¹⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷¹⁶ This is a new definition.

⁷¹⁷ This is a new definition, replacing the one in the current LMO.

⁷¹⁸ This is a new definition.

⁷¹⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Street, Private⁷²¹

A travelway within a right-of-way or easement that has not been dedicated and publicly accepted by any governmental entity.

Street, Public⁷²²

A travelway within a right-of-way that has been dedicated and publicly accepted by a governmental entity.

Structure⁷²³

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Subdivider⁷²⁴

Any person who subdivides or develops any land deemed to be a subdivision as herein described.

Subdivision⁷²⁵

Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development—including any division of land involving a new street or change in existing streets, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, any re-subdivision involving the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, and the combination of record lots—provided, however, that the following are excepted from this definition:

- 1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance;
- 2) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions are received as information by the Town, which shall indicate that fact on the plats; and
- 3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

⁷²⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷²¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷²² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷²³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷²⁴ This is a new definition.

Substantial Addition⁷²⁶

An addition where construction costs are greater than 50 percent of the existing structure's appraised value.

Swimming Pool, Spa, or Hot Tub⁷²⁷

An above- or below-ground structure that is filled with water and used for swimming (swimming pool) or for soaking, relaxation, massage, or hydrotherapy (spa or hot tub).

Tax Exempt Organization⁷²⁸

Any organization which has been granted tax exempt status by the Internal Revenue Service and which has a local membership that raises funds to be used to support the organization and its activities.

Telecommunications Facility

A telecommunications facility is the set of equipment and network components—including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment—necessary to provide wireless data and telecommunications services to a discrete geographical area. A telecommunications facility may consist of (a) telecommunications facility equipment and network components that are collocated (attached or mounted) on an existing telecommunications tower, or (b) telecommunications facility equipment and network components that are collated (attached or mounted) on an existing building or structure other than a telecommunications tower (such building or structure is not considered part of the telecommunications facility), or (c) a monopole tower whose sole or primary purpose is to support and elevate telecommunications facility equipment and network components above the ground, and including any ground-based accessory structures used to house associated equipment.

Television or Radio Antenna⁷²⁹

An omnidirectional antenna tuned to the broadcast frequencies assigned to television or commercial radio. This use does not include an amateur radio antenna or a satellite dish.

Timeshare or Timesharing⁷³⁰

See "Interval Occupancy."

⁷²⁵ This is a new definition, derived from Sec. 6-29-1110(4) of the S.C. Code of Laws.

⁷²⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷²⁷ This is a new definition.

⁷²⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷²⁹ This is a new definition.

⁷³⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Timeshare Unit⁷³¹

See "Interval Occupancy Unit".

Timesharing Lease Plan⁷³²

See "Interval Occupancy Lease Plan".

Timesharing Sales Plan⁷³³

See "Interval Occupancy Sales Plan".

Town⁷³⁴

The Town of Hilton Head Island, South Carolina.

Town Council⁷³⁵

The Town Council for the Town of Hilton Head Island, South Carolina. See Appendix A, Town Council.

Tract⁷³⁶

A defined area or parcel of land, the term itself not importing any precise dimension.

Travel Ready⁷³⁷

Any temporary dwelling or temporary nonresidential unit that can be removed entirely from the island or driven or pulled off the island in the event that a subsequent disaster occurs.

Tree⁷³⁸

Any living woody or fibrous (e.g., palm) perennial plant having one or several self-supporting stems. Trees may be classified as conifer, deciduous, evergreen, or ornamental.

Tree Crown

The branches, twigs, and leaves that make up the foliage portion of a tree.

Tree Inventory

An inventory of trees protected by Sec. 16-6-104, Tree Protection. See Sec. 16-6-104.E.

⁷³¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷³² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷³³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷³⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷³⁵ This is a new definition.

⁷³⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷³⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷³⁸ This is a slightly modified definition.

Tree Protection Zone

A defined area containing one or more healthy trees designated for preservation and protection in accordance with Sec. 16-6-104, Tree Protection, delineated generally by the outermost drip line of the tree(s).

Underbrushing⁷³⁹

The removal of the shrub layer and/or understory from a site by hand or machine (also known as bush-hogging).

Understory Trees

Trees that grow beneath the overstory.

Upland

For purposes of the wetland protection standards in Sec. 16-6-102 Wetland Protection, any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands. Such areas occurring within floodplains are more appropriately termed non-wetlands.

Use⁷⁴⁰

The purpose or activity of which the land or building is designed, arranged, or intended, or for which it is occupied or maintained. Accessory use is subordinate to the main or principal use of land or building.

Use, Accessory⁷⁴¹

A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

Use, Principal⁷⁴²

The primary purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

Vacant Land⁷⁴³

An undeveloped lot or parcel of land; or land which does not have a structure.

⁷³⁹ This is a new definition.

⁷⁴⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁴¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁴² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁴³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO

Vested Right⁷⁴⁴

The right to undertake and complete the development of property under the terms and conditions of a site specific development plan or phased development plan as provided in S.C. Code of Laws Ordinance 6 Chapter 29 Article II Section 6-29-1510 thru 1560 and Sec. 16-2-102.K.1, Vested Rights for Approvals of Site Specific Development Plans, of the LMO.

Wetland

An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. To be considered a wetland, the following three criteria must be met:

- 1) the presence of hydric soil;
- 2) the prevalence of hydrophytic vegetation; and
- 3) the presence of wetland hydrology.

Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland Alteration⁷⁴⁵

Any human activity that causes changes in the hydrology, vegetation, or other physical, biological or chemical characteristics of regulated wetlands—including, but not limited to: dredging or filling; drainage; diking; addition of impervious surfaces; addition of sediment and pollutants; removal of or damage to vegetation; and planting of non-native vegetation.

Wetland Buffer

A strip of upland area along the outer edge of a wetland intended to consist of undisturbed vegetation. See Sec. 16-6-102.D, Wetland Buffer Standards.

Wetland Creation

Construction of a wetland where one did not previously exist.

Wetland Functions

The physical, chemical, and biological process or attributes of a wetland without regard to their importance to society.

⁷⁴⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO

⁷⁴⁵ This is a new definition.

Wetland Mitigation Banking⁷⁴⁶

The restoration, creation, enhancement, or preservation of a wetland undertaken expressly for the purpose of compensating for unavoidable loss of wetland to a development project. The goal is to replace the exact function and value of wetlands that would be adversely affected by a proposed development project. Units of restored, created, enhanced, or preserved wetland are expressed as "credits" that may subsequently be withdrawn to offset "debits" occurring through the loss of wetland as a development site. Such credits may be bought and sold between those who restore, create, enhance, or preserve wetlands and those who must compensate or mitigate the loss of wetlands or wetland functions.

Wetland Preservation

Conservation of a wetland area in perpetuity through legal limitations on the use and disturbance of the area.

Wetland Restoration

Re-establishment of previously existing wetland functions at a site where they have ceased to exist, or exist only in a substantially degraded state.

Wetland Revegetation

The replanting of native vegetation in a wetland area where man-made changes have altered vegetation, but where hydrologic and soil conditions have been retained.

Wind Energy Conversion System, Small⁷⁴⁷

A wind energy conversion system consisting of a rotating wind turbine and related control or conversion equipment that converts the kinetic energy in wind into mechanical energy, has a rated capacity of not more than 100 kilowatts (kW), and is intended to primarily reduce on-site consumption of utility power for homes or businesses.

Xeriscape Landscaping⁷⁴⁸

A landscaping method that utilizes water-conserving techniques such as the use of drought-tolerant plants, mulch, and efficient irrigation.

Zero Lot Line Development⁷⁴⁹

The location of a building on a lot in such a manner that one of the building's sides rests directly on the common lot line of an adjacent lot.

Zoning District⁷⁵⁰

The various classification of zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped, where the regulations governing the use of land, density, height, and coverage of buildings and other structures are uniform.

⁷⁴⁶ This is a modified definition derived from various wetland mitigation programs.

⁷⁴⁷ This is a new definition.

⁷⁴⁸ This is a new definition.

⁷⁴⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Zoning District, Overlay⁷⁵¹

A zoning district that is superimposed over one or more underlying base zoning districts that imposes standards and requirements in addition to those required by the underlying base zoning district.

Zoning Map, Official⁷⁵²

The Official Zoning Map of the Town of Hilton Head Island, on which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

⁷⁵⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁵¹ This is a new definition.

⁷⁵² This is a new definition.