



Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
February 14, 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 – January 24, 2013 Meeting**
- 5. New Business**
 - a) Discussion of Specific Use Conditions
- 6. Adjournment**

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

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

DRAFT

January 24, 2013 Minutes

8:30a.m. – Benjamin M. Racusin Council Chambers

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

Committee Members Absent: None

Planning Commissioners Present: None

Town Council Members Present: Bill Harkins and John McCann

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

1) CALL TO ORDER

Chairman Crews called the meeting to order at 8:30a.m.

2) FREEDOM OF INFORMATION ACT

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

3) APPROVAL OF THE AGENDA

The committee **approved** the agenda as presented by general consent.

4) APPROVAL OF THE MINUTES

The committee **approved** the minutes of the December 10, 2012 meeting as presented by general consent.

5) NEW BUSINESS

Discussion of Module 1A of LMO Rewrite Draft (Chapters 1, 2, 8, 9, and 10 and Appendix A

Chairman Crews presented opening comments and welcomed the public. Chairman Crews stated that the committee and the staff will review Module 1A of the LMO Rewrite Draft, Chapters 1, 2, 8 and 9. Chairman Crews stated that Chapter 10 contains LMO definitions and is not quite ready. The consultant is still working on refining and updating the definitions. Chairman Crews stated that comments and questions from the

committee to the staff continue to be very important to the success of the project, particularly from this point forward. Chairman Crews also encouraged continued participation by the public. The public is encouraged to visit the Town's website for regular updates to the draft LMO Rewrite. Comments should be directed to Ms. Teri Lewis or Ms. Kathleen Carlin for follow up. Following this introduction, Chairman Crews requested that Ms. Teri Lewis make her presentation.

Ms. Lewis stated that staff has reviewed all of the comments that have been received from the committee in preparation for today's discussion. Staff has organized some of the broader questions from the committee. There are several issues that the committee will need to make a decision on.

Ms. Lewis began her presentation on LMO Rewrite Draft, Page 1-2, *Sec. 16-1-104, Applicability and Jurisdiction, B. Development Activities Constituting Development*. Ms. Lewis stated that one of the questions received by the staff was regarding the definition of development. Section B contains everything that constitutes development. The committee needs to decide if this definition is too broad of a category. Ms. Lewis stated that the definition tries to capture everything that could be reviewed for development under the Town's permitting process.

The committee discussed the definition of development with the staff. Chairman Crews stated that a repair may constitute development. The committee discussed item B. e., regarding the use of land ~ the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors, or emissions of waste material. The committee briefly discussed specific standards for lighting and noise. Vice Chairman Quick stated the importance of regulating excessive noise in residential neighborhoods. Following their discussion, the committee stated that requirements for regulation should be sent to the consultant for their input.

Mr. Lewis then reviewed *Page 1-5, Sec. 16-1-105. Relationship to Comprehensive Plan and Planning Policies, B. General Planning Policies, Item 4*. In considering applications for the development of land, the advisory and decision-making bodies shall be guided by the following general planning policies. Development shall be encouraged and permitted only through the preservation of trees throughout all developed areas in the Town.

The committee and staff discussed the preservation of single trees, taking a forest management approach, and the preservation of trees' canopies. In conclusion, the committee decided to add Preservation of Tree Canopy to this section.

Chet Williams, Esq., presented public comments regarding the South Carolina Code of Laws 6-29-1145, Relationship to Restrictive Covenants or Deed Restricts. Mr. Cousins requested that Mr. Williams present his legal questions in writing all at one time so that they can be forwarded to the Town's attorney for review. Chairman Crews agreed with this recommendation.

Ms. Lewis then reviewed *Chapter 2: Administration, Sec. 16-2-102, Standard Review Procedures, C. Neighborhood meetings*. Mr. Bachelder discouraged adding neighborhood meetings to the standard review procedures. The process needs to be kept as simple as possible. The other committee members agreed. In conclusion, the committee stated that neighborhood meetings should be eliminated from the draft.

Ms. Lewis then reviewed the proposed changes to *Sec. 16-2-102 F.2 Public Hearing Notice Requirements*. Mr. Lewis stated that the Town currently exceeds the State's

public notice requirements. The proposed change is for the Town to mirror the State's public hearing notice requirements. Mr. Cousins and the committee discussed the reasons for the proposed change. In conclusion, the committee decided to approve the change in public notice requirements to mirror the State code with the exception of mailed notice requirements. Mailed public notice requirements to remain as they are.

Chet Williams, Esq., the committee, and the staff discussed the requirements for public meetings and for public hearings as well as the 350-ft. public notice retirement. Based on the number of absentee property owners, the committee decided to keep the public notice requirement for properties located within 350-feet.

Ms. Lewis then reviewed page 2-36, *Sec. 16-2-103. Application Specific Review Procedures, b. Minor and Major Corridor Review. Minor*. Ms. Lewis stated that the committee had several questions on this section. Should this section be broadened? Does the committee believe more should be included in this section? Ms. Lewis discussed the existing procedure and the committee and staff discussed the intent of the proposed language.

The committee stated that if the change cannot be viewed from the corridor, why is an applicant required to request a waiver from review by the Design Review Board? A request for waiver from review by the DRB is an unnecessary step in the process. Ms. Lewis stated that if the requirement is eliminated, the project still needs to go through the regular permitting process. In conclusion, the committee decided that if the change cannot be viewed from the corridor, a request for waiver from the Design Review Board should not be necessary. The committee recommended delegating some Corridor Overlay District Review authority to staff level.

Ms. Lewis then briefly reviewed Chapters 8 and 9. Ms. Lewis stated that the committee did not have any major comments on these two chapters and neither did the staff. Have the procedures been streamlined enough? The staff and the committee agreed that they like the flowcharts and diagrams very much. The committee recommended that the flow charts and diagrams be used as much as possible. Ms. Lewis stated the success of the new process improvements. Input from the public has been very positive. The committee stated that the new format is organized and easy to follow.

The committee discussed the issue of an applicant requesting the deferral of a public hearing. How is good cause for granting the deferral determined? What is the requirement for an applicant who states that he is not ready to go before a public hearing?

Chet Williams, Esq., presented public comments on this issue. The committee requested that staff follow up on Mr. Williams' comments.

At the completion of final comments, the committee and the staff briefly reviewed next steps for future meetings. The next LMO Rewrite Committee meeting will be held on Thursday, February 14, 2013 at 8:30a.m. Following final comments, the meeting was adjourned.

6) ADJOURNMENT

The meeting was adjourned at 9:55a.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: LMO Rewrite Committee
FROM: Teri Lewis, *LMO Official*
DATE: February 8, 2013
SUBJECT: Specific Use Conditions and Recommended Changes

At the LMO Rewrite Committee meeting on February 14th staff will go over the existing uses in the Land Management Ordinance (LMO) that currently have conditions associated with them. The following table [Attachment A] outlines each use and the recommendations for the existing conditions. The recommendations are color coded as follows:

- Yellow – Keep all existing conditions
- Blue – Eliminate all conditions
- White – Eliminate some conditions but not all

The specific conditions as they existing in the current LMO are included with this packet [Attachment B].

Please review the existing conditions and the staff recommendations in preparation for the discussion on February 14th. At that time staff will go over each use, the associated condition(s) and the reason for the associated recommendations.

ATTACHMENT A	
USE	RECOMMENDATION ON CONDITIONS
Adult Entertainment	Eliminate B.4, C and E.
Active Sports Complex	Eliminate conditions
Auto Rental	Keep as is
Auto Sales	Eliminate conditions
Aviation Services	Keep as is
Aviation Surface/Passenger Terminal	Keep as is
Banks	Eliminate conditions
Bed and Breakfast	Keep A and B
Bicycle Shop with outdoor storage	Eliminate conditions
Central Reception/Check-in Facility	Eliminate conditions
Community Theater Company	Eliminate conditions
Contractor's Materials	Eliminate conditions
Contractor's Office	Eliminate use, if keep as separate use then only outdoor storage in IL
Convenience Store	Eliminate 'only' in condition A. Eliminate other conditions
Dance Studio	Eliminate conditions
Day Care	Keep A
Department or Discount Store	Eliminate conditions
Divisible Dwelling Unit (lock out unit)	Keep as is
Docking Facility or Boat Ramp	Keep as is
Eating Establishment with seating	Eliminate conditions
Eating Establishment without seating	Eliminate conditions
Gas Sales	Eliminate 'only' in condition A. Keep B and F. Change C from '8 pumps' to '14 pumps'. Add 2 new conditions related to proximity to arterial roads. [Note: These new proposed new conditions will be discussed in greater detail at the meeting.]
Government Facilities	Keep as is
Group Living	Eliminate conditions
Health Club or Spa	Eliminate conditions
Hotel	Eliminate conditions
Indoor Entertainment	Eliminate conditions
Inn	Keep B
Institutions	Eliminate conditions
Interval Occupancy (Timeshare)	**Eliminate as separate use**
Kennel, Boarding/Pet Store/Vet Hospital	Keep A
Light Industrial	Eliminate conditions
Limited Manufacturing	Eliminate conditions
Liquor Store***	Eliminate conditions
Manufactured Housing Park	Keep (A)1, 3, 6, (B)1, 2
Marina	Eliminate conditions
Mixed Use	Keep B

Motel	Keep B
Nightclub or Bar***	Keep A
Open Air Sales	Keep as is
Other Retail Sales and Services	Eliminate conditions
Outdoor Entertainment	Keep A and C
Pharmacies	Eliminate conditions
Residential, Multifamily	Eliminate conditions
Seafood Processing Facility	Keep A and B
Shopping Center	Keep A and D
Souvenir or T-Shirt Store	Eliminate conditions
Supermarket	Eliminate conditions
Tattoo Facility	Keep A and C and add playground (all of these are required by State Law)
Telecommunications Facility	Meet recommendations of Telecommunication Task Force
Truck or Trailer Rental	Keep A
Water Oriented Facilities	Keep as is
Water Parks	Eliminate conditions
Watercraft Sales, Rental or Service	Keep as is
Wholesale Business with Accessory Retail Outlet	Keep as is

***Legal is conducting research related to this use

Attachment B

Sec. 16-4-1301. - Application of Standards

The following specific use standards apply to the approval and development of each specified use through either the conditional use or special exception review process. Where the use is listed in the Use Table in Sec. 16-4-1204 as permitted by right, the following standards shall not apply. Please refer to Chapter 10, Definitions, for additional information on uses.

(Revised 1/6/04—Ordinance 2004-01)

Sec. 16-4-1302. - Active Sports Complexes

- A. Active Sports Complexes are permitted subject to the following standards.
- B. The site shall not exceed 6 acres.
- C. The site shall not be located within 750 feet of any other active sports complex or any RS-2, RS-3, RS-4, RS-5, RS-6, RM-8 or RM-12 zoning district.
- D. The site shall have access to a minor arterial only as defined in Sec. 16-5-503. Seating for spectators shall not exceed 100 seats.
- E. Is clearly designed to serve the needs of Island residents or tourists utilizing Island overnight accommodations.

(Revised 3/6/01—Ordinance 2001-04)

Sec. 16-4-1303. - Adult Entertainment Uses and Businesses

- A. **Classification.** For the purposes of this article, adult entertainment uses and businesses are classified as follows (see definitions in Section 10-7-20 of the Municipal Ordinance):
 - 1. Adult arcades;
 - 2. Adult bookstores or adult video stores;
 - 3. Adult cabarets;
 - 4. Adult motion picture theaters;
 - 5. Nude dancing establishments;
 - 6. Nude model studios;
 - 7. Sexual encounter centers; and
 - 8. Other similar uses or businesses.
- B. **Locational Restrictions.** Adult entertainment uses and businesses shall be subject to the following locational restrictions:
 - 1. An adult entertainment use or business shall not be operated within 750 feet of:
 - a. A church, or
 - b. A public park or public building, or
 - c. The property line of a lot devoted to residential use; or

- d. A daycare center, daycare educational center, public or private elementary or secondary school.
2. No adult entertainment use or business shall be operated, established, substantially enlarged or transferred in ownership or control if within 750 feet of another adult entertainment business;
3. No adult entertainment use or business shall be approved or established with said use having frontage on a major arterial as defined in Sec. 16-5-503
4. No adult entertainment use or business located in the same building, structure, or portion thereof, with another adult entertainment use or business shall increase the floor area size of the business or use.
5. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, and from the nearest portion of the building or structure used as a part of the premises where adult entertainment is conducted, to the nearest property line of the premises of a church, public building, daycare center, daycare educational center or public or private elementary or secondary school, or to the nearest boundary of an affected public park, or residential lot.
6. For purposes of this section, the distance between any two adult entertainment uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

C. Nonconforming Use Based on Locational Restrictions. Any adult entertainment business operating on the effective date of this ordinance, which thereafter continuously lawfully operated, and which is in violation of Sec. 16-4-1303.B. above shall be deemed a nonconforming use and subject to the provisions of Chapter 7 of this Title. If two or more adult entertainment businesses are within 750 feet of one another and otherwise in a permissible location, both the adult entertainment use that was first established and continually operating at a particular location and the later established use are nonconforming, and the provisions of Chapter 7 shall apply.

D. Business with Viewing Room. A person who operates or causes to be operated an adult entertainment business, which 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 which depicts specified sexual activities or specified anatomical areas, shall comply fully with the applicable portions of Section 10-7-30 of the Municipal Ordinance but shall additionally comply with the following requirements:

1. Upon application for an adult entertainment permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will be permitted.
2. A manager's station may not exceed 32 square feet of floor area.
3. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted.
4. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should 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 6 inches.

5. The administrator 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.
6. No alteration in the configuration or location of a manager's station may be made without the prior approval of the administrator.
7. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
8. The interior of the premises shall be configured in such a manner that 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.
9. 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.
10. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present that the viewing area remain unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
11. No patron viewing room may be occupied by more than one person at any time.
12. The premises shall be equipped with overhead lighting fixtures of sufficient illumination of not less than one foot-candle as measured at the floor level.
13. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
14. A person having a duty under this subsection commits a misdemeanor if he or she knowingly fails to fulfill that duty.

E. Exemptions.

1. Any adult entertainment use lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public building, residential lot, daycare center, daycare educational center, 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.
2. Any adult entertainment use lawfully operating on the effective date of the enactment of this ordinance, but is in violation of subsections B. or C. of this section shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed one year. Such nonconforming uses shall be subject to all other provisions of Chapter 7 of this Title.
3. Exempted from the provision of this Title and prosecution in accordance with the provisions of this Title are persons in a state of nudity or semi-nudity appearing in a modeling class operated:

- a. By a proprietary school licensed by the State of South Carolina; a college, junior college or university supported entirely or partly by taxation; or
- b. By a private college or university which maintains and operates educational programs in which 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 the Code of Laws of South Carolina, 1976 as amended; and
- c. In a structure which 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 an one time.

Sec. 16-4-1304. - Auto Rental

Auto rental uses in the CC and RD Districts are permitted subject to the following standards.

- A. The auto rental use shall be co-located with a resort accommodation use.
- B. No more than 10 vehicles shall be stored on the site at any one time.

(Revised 5/4/04—Ordinance 2004-22; Revised 3/6/07—Ordinance 2007-05)

Sec. 16-4-1305. - Auto Sales

Auto sales are permitted subject to the following standards.

- A. No auto sales site shall exceed 7 acres in size.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- C. The site is not located within 1,500 feet of an existing residential use.
- D. The site is not located within 1,500 feet of an existing auto sales site.

Sec. 16-4-1306. - Aviation Service

Aviation service is permitted provided that the site lies within ½ mile of the airport runway.

(Revised 4/3/01—Ordinance 2001-17; Revised 3/19/02—Ordinance 2002-06)

Sec. 16-4-1307. - Aviation/Surface Passenger Terminal

The length of the runway is limited to 5,000 linear feet.

(Revised 12/18/07—Ordinance 2007-27; Revised 3/15/11—Ordinance 2011-04)

Sec. 16-4-1308. - Banks or Financial Institution

Banks or Financial Institutions are allowed in the OL and OM Districts provided no more than 25% of the gross floor area is utilized as a teller lobby and there are no more than 2 drive up stalls.

(Revised 5/4/04—Ordinance 2004-22)

Sec. 16-4-1309. - Bed and Breakfast

Bed and breakfast facilities on Hilton Head Island shall be considered resort accommodations, and are permitted subject to the following standards.

- A. The facility is not located within an existing residential subdivision.
- B. A maximum of 10 guest rooms shall be permitted.
- C. Unless otherwise expressly allowed, ancillary uses and activities shall be prohibited in conjunction with a Bed and Breakfast, including luncheons, banquets, parties, weddings or other gatherings.
- D. Food service shall be allowed provided that it is only offered to registered guests.

(Revised 10/5/99—Ordinance 1999-29; Revised 4/3/01—Ordinance 2001-17)

Sec. 16-4-1310. - Bicycle Shop (with outdoor storage)

Bicycle Shops with outdoor storage areas are permitted in the SMU, WMU, CFB, RD, CCW, DCW and CC Districts subject to the following standards.

- A. Vegetation and other buffer materials shall be installed to screen outdoor storage areas.
- B. Outdoor storage areas cannot occupy any required parking spaces, open space, or buffer areas.

(Revised 9/5/06—Ordinance 2006-19; Revised 3/6/07—Ordinance 2007-05)

Sec. 16-4-1311. - Central Reception or Check-in Facility

Central Reception or Check-in Facility are permitted within the WMU District, provided that it serves contiguous development.

(Revised 10/5/99—Ordinance 1999-29)

Sec. 16-4-1312. - Community Theater Company

Community theater productions and other related theatrical/repertory companies are permitted provided that the use is not located within 500 feet of any existing use classified as "Hazardous Occupancy, Group H," as defined by the International Building Code.

(Revised 2/7/06—Ordinance 2006-02)

Sec. 16-4-1313. - Contractor's Materials

Sale of contractor's materials is permitted in the DCW District provided that the sales be a mixture of wholesale sales and retail sales to the general public. The sale of contractor's materials is permitted in the OCIL District provided the on-site storage of materials is screened from the street and neighboring properties.

(Revised 3/6/07—Ordinance 2007-05; Revised 11/3/09—Ordinance 2009-35)

Sec. 16-4-1314. - Contractor's Office

Contractor's offices with on-site storage are allowed in the NC and OCIL Districts provided the on-site storage and construction vehicles are screened from the street and neighboring properties. Contractor's offices without on-site storage are allowed in the CC and DCW districts if equipment and materials are not stored on-site and fabrication or similar work is not carried on at the site.

(Revised 4/25/00—Ordinance 2000-13; Revised 6/21/05—Ordinance 2005-19; Revised 9/5/06—Ordinance 2006-19; Revised 3/6/07—Ordinance 2007-05; Revised 11/3/09—Ordinance

2009-35)

Sec. 16-4-1315. - Convenience Stores

Convenience stores are permitted subject to the following standards.

- A. The site shall have direct access to a minor arterial only, as defined in Sec. 16-5-503. No access to a major arterial shall be permitted.
- B. No more than two convenience stores shall be located at the intersection of a major arterial with a minor arterial. The two permitted stores shall be located on opposite sides of the major arterial.
- C. Any fuel sales on the site shall meet the requirements of Sec. 16-4-1323
- D. Gross floor area of a convenience store shall not exceed 3,500 square feet.

(Revised 4/3/01—Ordinance 2001-17)

Sec. 16-4-1316. - Dance Studio

Dance studios and other related schools of instruction are permitted provided that the use is not located within 500 feet of any existing use classified as "Hazardous Occupancy, Group H," as defined by the International Building Code.

(Revised 2/7/06—Ordinance 2006-02)

Sec. 16-4-1317. - Day Care

Day care facilities other than those permitted as a Home Occupation according to Sec. 16-4-1402 are permitted subject to the following standards.

- A. The facility is not located within an existing residential subdivision.
- B. Day care facilities shall comply with all applicable state regulations.
- C. Outdoor play areas shall be fenced in accordance with Sec. 16-5-706. No outdoor play area shall be located adjacent to a public or private street.

(Revised 10/5/99—Ordinance 1999-29; Revised 4/3/01—Ordinance 2001-17)

Sec. 16-4-1318. - Department or Discount Store

Department or Discount Stores are permitted subject to the following standards.

- A. Stores located in a shopping center in the CC District shall have a maximum gross floor area of 75,000 square feet.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- C. The store is not located within an existing residential neighborhood.
- D. Stores located in the CCW or DCW Districts shall have no more than 25,000 square feet of gross floor area.

(Revised 4/3/01—Ordinance 2001-17; Revised 1/6/04—Ordinance 2004-01; Revised 2/7/06—Ordinance 2006-02; Revised 3/6/07—Ordinance 2007-05)

Sec. 16-4-1319. - Divisible Dwelling Unit

Divisible dwelling units incorporating lock-out rooms are permitted in a multifamily residential development subject to the following standards.

- 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 for the entire dwelling.

(Revised 12/18/07—Ordinance 2007-07)

Sec. 16-4-1320. - Docking Facility or Boat Ramp

Docking facilities and boat ramps are permitted subject to the following standards.

- A. In the CON District, docking facilities (excluding marinas or those facilities that are associated with the sale or rental of personal watercraft) and boat ramps are permitted provided that they are associated with an approved water-oriented or recreational use in an adjoining zoning district.
- B. In the WMU District, docking facilities and boat ramps are permitted provided that they are associated with an approved water-oriented or recreational use.

(Revised 12/18/07—Ordinance 2007-07)

Sec. 16-4-1321. - Eating Establishment With Seating

Eating establishments with seating in the OL, OM and IL Districts shall be of limited size and clearly designed to serve businesses in the immediate area.

(Revised 1/6/04—Ordinance 2004-01)

Sec. 16-4-1322. - Eating Establishment Without Seating

Eating establishments without seating in the OL, OM and IL Districts shall be of limited size and clearly designed to serve businesses in the immediate area.

(Revised 1/6/04—Ordinance 2004-01)

Sec. 16-4-1323. - Gas Sales

Gas sales are permitted subject to the following standards.

- A. The site shall have direct access to a minor arterial only, as defined in Sec. 16-5-503. No direct access to a major arterial shall be permitted.
- B. No more than two facilities offering gas sales shall be located at the intersection of a major arterial with a minor arterial. The two permitted facilities shall be located on opposite sides of the major arterial.
- C. No more than 8 pumps (defined as a fueling area for an individual vehicle) shall be permitted. In the NC district not more than 2 pumps will be allowed.
- D. If more than 4 pumps are proposed, the pumps shall be split and located on either side of the building.
- E. Pumps shall not be located between the building and the adjacent arterial, but shall be placed to either side of the building.

- F. No signs shall be located on any canopy over the pumps.
- G. All canopy lighting shall meet the requirements of Chapter 5, Article XIV.

(Revised 10/5/99—Ordinance 1999-29; Revised 4/3/01—Ordinance 2001-17)

Sec. 16-4-1324. - Government Facilities

Government Facilities are allowed in the RM-4, RM-8 and RM-12 Zoning Districts provided they are related to public safety such as fire stations, police stations and emergency medical and ambulance stations.

Sec. 16-4-1325. - Group Living

Group living is permitted subject to the following standards.

- A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- B. The site shall be a minimum of 1 acre in size.
- C. The group living facility shall be located on the same site as the associated religious institution or educational facility.

Sec. 16-4-1326. - Health Club or Spa

A health club or spa is permitted subject to the following standards.

- A. The gross floor area of the facility shall not exceed 10,000 square feet, except in the CCW District where the facility shall not exceed 4,000 square feet.
- B. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503. Sites located in the CCW District are not required to meet this standard.
- C. The facility shall not be located in an existing residential neighborhood.

(Revised 4/3/01—Ordinance 2001-17; Revised 3/6/07—Ordinance 2007-05)

Sec. 16-4-1327. - Hotel

Hotels are permitted subject to the following standards.

- A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- B. In the RD, WMU and CFB Districts, the site shall meet all of the following requirements:
 - 1. Adequate commercial services are available within walking distance; and
 - 2. Direct access to the beach by pedestrian walkway is provided; and
 - 3. Beach and dune preservation is required; and
 - 4. If the proposed project will generate more than 50 peak hour trips, the applicant must submit a traffic study that meets the requirements of Sec. 16-3-1304
- C. In the SMU District, the site must be located south of US Highway 278.

(Revised 1/6/04—Ordinance 2004-01; Revised 5/4/04—Ordinance 2004-22)

Sec. 16-4-1328. - Indoor Entertainment

Indoor Entertainment uses are permitted subject to the following standards.

- A. Shall not exceed 10,000 square feet in size per site.
- B. The site shall not be located within 250 feet of any other indoor entertainment use.

(Revised 4/3/01—Ordinance 2001-17; Revised 6/21/05—Ordinance 2005-19)

Sec. 16-4-1329. - Inn

Inns are permitted subject to the following standards.

- A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- B. Is not located in an existing residential subdivision;
- C. Adequate commercial services are available within walking distance; and
- D. If the proposed project will generate more than 50 peak hour trips, the applicant must submit a traffic study that meets the requirements of Sec. 16-3-1304

(Revised 10/5/99—Ordinance 1999-29; Revised 4/3/01—Ordinance 2001-17; Revised 1/6/04—Ordinance 2004-01; Revised 5/4/04—Ordinance 2004-22)

Sec. 16-4-1330. - Institutions

Institutions are permitted subject to the following standards.

- A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- B. The site shall be a minimum of 1 acre in size.

Sec. 16-4-1331. - Interval Occupancy Units (Time Shares)

Interval Occupancy Units are permitted subject to the following standards.

- A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503, except for those areas of the WMU zoning district located off of Mitchelville Road. Those areas shall be required to have direct access to a paved road that meets the standards of Sec. 16-5-504
- B. The site shall meet all of the following requirements:
 - 1. The number of bedrooms shall be limited to no more than two times the number of permitted units. Lock-out units are not permitted; and
 - 2. If the proposed project will generate more than 50 peak hour trips, the applicant must submit a traffic study that meets the requirements of Sec. 16-3-1304

(Revised 5/4/04—Ordinance 2004-22)

Sec. 16-4-1332. - Kennel, Boarding/Pet Store/Veterinary Hospital

Boarding Facilities, Pet Stores and Veterinary Hospitals are permitted in the CC, OCIL and DCW Districts subject to the following standards.

- A. All kennels and runs and other areas where animals are to be kept must be located within the

building and suitably insulated to prevent noise from reaching neighboring properties.

B. There shall be no objectionable odors generated by the use detectable from neighboring properties.

(Revised 11/17/98—Ordinance 1998-35; Revised 2/7/06—Ordinance 2006-02; Revised 3/6/07—Ordinance 2007-05; Revised 11/3/09—Ordinance 2009-35)

Sec. 16-4-1333. - Light Industrial

Light industrial uses are permitted subject to the following standards.

A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503, other than US Highway 278.

B. In the NC District, the site shall meet all of the requirements below:

1. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503, other than US Highway 278.

2. Located on the same side of an arterial road as the IL district; and

3. The area of the parcel zoned NC District must be greater than 2 acres.

C. In the OCIL District, the site shall meet all of the requirements below:

1. The light industrial use shall be located within the building and shall be suitably insulated to prevent noise from reaching neighboring properties.

2. The use shall not generate objectionable odors, noises or vibrations that are detectable by neighboring properties.

(Revised 10/5/99—Ordinance 1999-29; Revised 1/6/04—Ordinance 2004-01; Revised 11/3/09—Ordinance 2009-35)

Sec. 16-4-1334. - Limited Manufacturing

Limited Manufacturing uses are permitted subject to the following standards:

A. The limited manufacturing use shall be located within the building and shall be suitably insulated to prevent noise from reaching neighboring properties.

B. The use shall not generate objectionable odors, noises or vibrations that are detectable by neighboring properties.

(Revised 11/3/09—Ordinance 2009-35)

Editor's note— Ordinance 2009-35, adopted Nov. 3, 2009, added a new Section 16-4-1334 to the Code and renumbered the remainder of Art. XIII accordingly to maintain the alpha-numeric sequence of the Article.

Sec. 16-4-1335. - Liquor Store

Liquor stores are permitted subject to the following standards.

A. Is not located less than 200 feet from the nearest property line of any existing church or place of worship, public or private school, or residential district; and

B. Is not located within 500 feet of an existing liquor store.

(Revised 9/5/06—Ordinance 2006-19)

C. These distances shall be measured from the nearest property line of the affected use to the nearest property line of the proposed liquor store or any parking lot designated to be used by patrons of the store.

(Revised 4/3/01—Ordinance 2001-17)

Editor's note— See the editor's note following Section 16-4-1334

Sec. 16-4-1336. - Manufactured Housing Park

A manufactured housing park is permitted in the RM-4 or RM-12 districts subject to the following standards.

A. Dimensional Requirements:

1. A manufactured housing park shall contain a minimum of two (2) acres, exclusive of tidal wetlands.
2. The density of the manufactured housing park shall not exceed the density allowed for the underlying zoning district.
3. Each site within the manufactured housing park shall be a minimum of 5,000 square feet, with a minimum width of 50 feet. If the manufactured housing park is to be served by individual septic systems for sewage disposal, then the minimum site size shall be determined based on the area required for the septic systems, but in no case shall it be less than 5,000 square feet.
4. Each site within the manufactured housing park shall have a building setback from the street right-of-way of no less than 20 feet. For corner sites, the setback shall apply to both streets.
5. Each site within the manufactured housing park shall have a building setback from the side and rear lines in compliance with the separation requirements stated in the International Residential Code.

(Revised 9/5/06—Ordinance 2006-19)

6. Each site shall provide off-street parking space for two (2) vehicles, which shall be located a minimum of ten feet from the street right-of-way.

B. Design Requirements:

1. The streets and sites within the manufactured housing park shall be laid out in such a manner as to preserve and protect significant trees and other natural resources, as determined by the Natural Resources Administrator.
2. Manufactured housing parks shall comply with the following Articles of the Land Management Ordinance:

Chapter 5, Article III	Open Space Standards
Chapter 5, Article V	Street and Pathway Standards. In addition, no individual home site shall have direct access to any arterial street.

Chapter 5, Article VI	Stormwater Management Standards
Chapter 5, Article VIII	Buffer Standards. In addition, no site may be located in whole or in part within this buffer, the land area shall be common open space.
Chapter 5, Article XI	Traffic Analysis Standards
Chapter 5, Article XV	Flood Zone Standards
Chapter 5, Article XVII	Utility Standards
Chapter 5, Article XVIII	Impact Fees

3. A storage area shall be provided within the manufactured housing park for the storage of resident's boats, trailers, and recreational vehicles, which shall be a minimum of 100 square feet per site within the park, shall be screened by an opaque fence and/or landscaping, and shall include tie down anchors for securing stored items.

C. Operational Requirements:

1. All grounds and common buildings within manufactured housing parks are to be maintained in a clean, sanitary, and safe manner, the manufactured home sites are to be kept clear of refuse, debris, and unnecessary clutter, and all refuse shall be stored, collected, and disposed of in such a manner as not to create a nuisance, vector attractant, breeding, or harborage problem, in accordance with South Carolina DHEC Regulation 61.40. The owner of the manufactured housing park shall be responsible for ensuring compliance with these requirements, and the SCDHEC will be the enforcement agency for these requirements.

2. Each manufactured housing park shall receive DPR approval before any additional manufactured homes may be placed on the site, and before any driveways, streets, or tree clearing may take place.

(Revised 10/5/99—Ordinance 1999-29; Revised 2/8/00—Ordinance 2000-04; Revised 1/6/04—Ordinance 2004-01)

Editor's note— See the editor's note following Section 16-4-1334

Sec. 16-4-1337. - Marina

Marinas are permitted subject to the following standards.

- A. All required state and federal permits are issued by the appropriate agencies.
- B. No net loss of protected wetlands and/or other unique wildlife habitat shall be permitted. Dry-stack storage, in-stream marinas and inland facilities are preferred over those located in marshlands.
- C. Fueling facilities (including underground storage, pipelines and pumps) shall be permitted only at commercial marinas, not at communal or individual docks.
- D. Commercial marinas with fueling facilities shall ensure that no fuel is kept on non-commercial piers or docks (fuel must be kept in appropriate containers ashore or aboard).

Editor's note— See the editor's note following Section 16-4-1334

Sec. 16-4-1338. - Mixed Use

In the WMU, CFB, RD, NC, OL, OM and CC Districts, residential uses are permitted above commercial uses (excluding outdoor recreation, resort accommodations and vehicle sales and services uses) subject to the following standards.

- A. The residential use shall be clearly secondary to the primary commercial use. The gross floor area of the entire building shall include not more than 50 percent residential uses.
- B. Separate designated parking spaces for use by the residential units are required. Shared parking calculations shall not be permitted.

(Revised 2/7/06—Ordinance 2006-02)

Editor's note— See the editor's note following Section 16-4-1334

Sec. 16-4-1339. - Motel

Motels are permitted subject to the following standards.

- A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- B. Is not located in an existing residential subdivision;
- C. Adequate commercial services are available within walking distance; and
- D. If the proposed project will generate more than 50 peak hour trips, the applicant must submit a traffic study that meets the requirements of Sec. 16-3-1304
- E. In the SMU District, the site must be located south of US Highway 278.

(Revised 10/5/99—Ordinance 1999-29; Revised 4/3/01—Ordinance 2001-17; Revised 1/6/04—Ordinance 2004-01)

Sec. 16-4-1340. - Nightclub or Bar

Nightclubs and bars are permitted subject to the following standards.

- A. Is not located within 200 feet from the nearest property line of any existing church or place of worship, public or private school, or residential district.
- B. Is not located within 500 feet of an existing nightclub or bar.

(Revised 9/5/06—Ordinance 2006-19)

- C. 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 or any parking lot designated to be used by patrons of the nightclub or bar.
- D. In the SMU District, the site must be located south of US Highway 278.

(Revised 4/3/01—Ordinance 2001-17; Revised 1/6/04—Ordinance 2004-01)

Sec. 16-4-1341. - Open Air Sales

Open air sales are permitted subject to the following standards.

- A. Temporary open air sales shall meet all of the requirements of Article XV.

B. Open air sales that are not considered temporary uses in accordance with Article XV shall occur only from an approved structure.

Sec. 16-4-1342. - Other Retail Sales and Service

A. In the MMU District other retail sales and service are permitted provided they are clearly designed to serve the neighborhood.

B. Only service uses shall be permitted in the OL, OCIL and OM Districts.

(Revised 1/6/04—Ordinance 2004-01; Revised 3/6/07—Ordinance 2007095; Revised 11/3/09—Ordinance 2009-35)

Sec. 16-4-1343. - Outdoor Entertainment

A. The site shall not exceed 4 acres.

B. The site shall not be located within 750 feet of any other such facility or any RS-2, RS-3, RS-4, RS-5, RS-6, RM-8 or RM-12 zoning district.

C. The site shall have access to a minor arterial only as defined in Section 16-5-503

D. Seating for spectators shall not exceed 250 seats.

E. Is clearly designed to serve the needs of Island residents or tourists utilizing Island overnight accommodations.

(Revised 3/6/01—Ordinance 2001-04)

Sec. 16-4-1344. - Pharmacies

Pharmacies are permitted in the OL District provided that it is co-located with a doctor's office and shall not exceed 2,500 square feet in size.

(Revised 2/7/06—Ordinance 2006-02)

Sec. 16-4-1345. - Residential, Multifamily

Multifamily residential units in the NC, OL, OM and CC Districts provided the site not exceed 5 acres in size.

(Revised 5/4/04—Ordinance 2004-22)

Sec. 16-4-1346. - Seafood Processing Facility

Seafood processing facilities are permitted subject to the following standards.

A. The facility shall have direct access to a navigable waterway.

B. The facility is not located in an existing residential subdivision.

C. The gross floor area of the facility shall not exceed 5,000 square feet.

(Revised 10/5/99—Ordinance 1999-29; Revised 4/3/01—Ordinance 2001-17)

Sec. 16-4-1347. - Shopping Center

Shopping centers are permitted subject to the following standards.

A. All shopping centers shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503

B. New shopping centers are permitted provided they contain only uses permitted by right or as conditional uses within the District.

C. In the RD District, shopping centers not exceeding 50,000 square feet shall be permitted subject to conditional use review and centers not exceeding 75,000 square feet shall be permitted subject to special exception review.

D. In the SMU and MMU Districts, shopping centers shall contain no more than 15,000 square feet of gross building square footage.

E. In the CC District, shopping centers not exceeding 50,000 square feet shall be permitted subject to conditional use review and centers not exceeding 150,000 square feet shall be permitted subject to special exception review. Shopping centers shall contain less than 25 stores and no department store exceeds 75,000 square feet in gross floor area.

(Revised 1/6/04—Ordinance 2004-01; Revised 6/21/05—Ordinance 2005-19; Revised 3/6/07—Ordinance 2007-05)

Sec. 16-4-1348. - Souvenir or T-Shirt Store

Souvenir and T-shirt stores are permitted subject to the following standards.

A. The gross floor area of the store shall not exceed 2,500 square feet.

B. Except in the CCW District, stores shall be located either:

1. In an existing shopping center; or
2. If freestanding, no closer than 1,000 feet from another souvenir or T-shirt store.

(Revised 3/6/07—Ordinance 2007-05)

Sec. 16-4-1349. - Supermarket

Supermarkets are permitted subject to the following standards.

A. Supermarkets located in a shopping center in the CC District shall not have a maximum gross floor area of more than 75,000 square feet.

B. Supermarkets located in the CCW District shall not have a maximum gross floor area of more than 40,000 square feet.

A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503

B. The site shall not be located within an existing residential neighborhood.

(Revised 4/3/01—Ordinance 2001-17; Revised 1/6/04—Ordinance 2004-01; Revised 2/7/06—Ordinance 2006-02; Revised 3/6/07—Ordinance 2007-05)

Sec. 16-4-1350. - Tattoo Facility

Tattoo facilities are permitted subject to the following standards:

1. The site is not located within a minimum of 1,000 feet of:

- a. A church, or
- b. A daycare center, or
- c. A school, or
- d. A place that is provided by the public or members of a community for recreation, or
- e. Publicly owned land, or
- f. The property line of a residential zoning district.

This distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, daycare center, school, place that is provided by the public or members of a community for recreation or residential zoning district to the nearest point of the building in use as a tattoo facility.

2. Such use shall be located a minimum of 500 feet from any existing tattoo facility.
3. Such use shall be located a minimum of 500 feet from any major arterial.

(Revised 8/17/04—Ordinance 2004-32)

Sec. 16-4-1351. - Telecommunications Facility

Telecommunications facilities are permitted subject to the following standards.

A. The proposed tower, antenna or accessory structure and equipment will be placed in a location and in a manner which will minimize the visual impact on the surrounding area. Any tower, antenna or accessory structure shall be approved by the Design Review Board for compliance with this requirement. Accessory structures and equipment must meet all applicable standards of this Title.

B. Approval for a proposed tower within a radius of 10,500 feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner.

C. A tower must be set back from all lot lines a distance equal to the tower's fall zone, as certified by a registered engineer, plus 20 feet.

D. A tower must be setback from the OCRM critical line, the OCRM base line and all publicly owned right-of-way a distance equal to the tower height divided by 0.35. This provision may be waived by the administrator for towers located on town-owned property to provide for public safety communications equipment utilized by fire and rescue or law enforcement personnel and for towers designed as flag poles.

(Revised 2/7/06—Ordinance 2006-02)

E. A tower must be setback a distance of its height plus 50 feet from any residential structure unless the owner of the structure waives this requirement by a notarized affidavit.

F. The proposed tower must be designed to accommodate additional antennae equal in number to applicant's present and future requirements.

G. The height of a tower is limited to 160 feet as measured from existing grade at its base to the highest point of the tower or antenna. An additional 20 ft. of height may be approved if the tower is designed to accommodate twice the applicants antennae requirements. Antennae or equipment mounted on a building must meet the height requirements of Chapter 4, Article XVII.

H. Lighting shall be in accordance with Federal Aviation Administration (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. In addition, all towers 150 feet or taller shall be lighted. All commercial communication towers approved by The Town of Hilton Head Island and by the South Carolina State Historic Preservation Office prior to the adoption of this amendment [February 3, 2009] and operating in conformance with those approvals shall be deemed to be lawful nonconforming uses and structures and are not subject to these lighting requirements. Status as a lawful nonconforming use or structure under this subsection shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower.

I. The color of a tower and its antennae shall be one which will blend to the greatest extent possible with the natural surroundings and shall be approved by the Design Review Board.

J. No signage shall be allowed on any tower, antennae, accessory structure or equipment except that provided for in Sec. 16-3-902 G.

K. Existing towers may be replaced or modified providing that the existing height is not exceeded by more than 20 feet and the new or modified tower meets all of the above requirements except for the setback provisions.

L. Any tower, antennae, accessory structure or equipment that is not used for communication purposes for more than 120 days shall be considered as abandoned and shall be removed by the owner within 60 days.

(Revised 4/3/01—Ordinance 2001-17; Revised 11/6/02—Ordinance 2002-37; Revised 2/3/09—Ordinance 2009-02)

Sec. 16-4-1352. - Truck or Trailer Rental

Truck or trailer rental is permitted subject to the following standards.

A. The site shall be a minimum of 1 acre in size.

B. Any storage areas shall be screened from view from any street or adjacent property by a structural element that shall be located along the interior buffer line.

(Revised 1/15/08—Ordinance 2008-01; Revised 2/3/09—Ordinance 2009-02)

Sec. 16-4-1353. - Water Oriented Facilities

Water oriented facilities are allowed in the CON District provided they are associated with an approved use in the adjacent zoning district.

(Revised 4/25/00—Ordinance 2000-13)

Sec. 16-4-1354. - Water Parks

A. The site shall not exceed 4 acres.

B. The site shall not be located within 750 feet of any other water park or any RS-2, RS-3, RS-4, RS-5, RS-6, RM-8 or RM-12 zoning district.

C. The site shall have access to a minor arterial only as defined in Section 16-5-503

D. Is clearly designed to serve the needs of Island residents or tourists utilizing Island overnight accommodations.

(Revised 3/6/01—Ordinance 2001-04)

Sec. 16-4-1355. - Watercraft Sales, Rental or Service

Watercraft Sales, Rental or Service is allowed in the WMU District provided it is located at a water-oriented facility. Only non-motorized watercraft rentals are allowed in the SMU District.

(Revised 1/6/04—Ordinance 2004-01; Revised 5/4/04—Ordinance 2004-22)

Sec. 16-4-1356. - Wholesale Business with Accessory Retail Outlet

Accessory retail outlet associated with a wholesale business are permitted subject to the following standards. No more than 15 percent of the gross floor area of the building shall be devoted to the accessory retail outlet.