



Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
Chapters 3 and 4 – Zoning and Land Use Advisory Committee
April 7, 2014
3:30 p.m.
Conference Room 3

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 Chapter 3 (Zoning) and Chapter 4 (Land Use) with Planning Commission Prep Team
- 7. Adjournment**

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

Cover Letter to CH 3 and CH 4 Prep Teams Package

We are scheduled to meet at 3:30pm on Monday April 8 in Town Hall Conf room 3 to walk through these two critical chapters of the proposed LMO.

The attached package captures the objectives, issues, logic and approach to how the LMO Re-Write Committee reached the conclusions it is recommending to the Planning Commission and Town Council. Rather than trying to consolidate onto fewer pages, we concluded it would be more readable to maintain a structure of separate pages for each district - hence the size of this briefing package.

The contents of the package include:

- A copy of the full island zoning map
- An introductory section which covers guiding principles, the charter from Town Council and the general approach
- A multi-page section for each zoning district
 - Zoning district character and the objectives of revision to that District
 - Map of the district
 - Detailed comparison of uses in the proposed District vs the current LMO
- Copy of the full Ch 3 and Ch 4 of the proposed LMO for your reference

As indicated in my earlier note the objectives for this meeting are:

- Preview LMO Re-Write Presentation on CH 3 Zoning and CH 4 Uses and Conditions
 - Ensure messages and conclusions are clear
 - Enable better understanding of Re-Write approach and conclusions
 - Answer detailed questions

The LMO Prep Team looks forward to meeting with you

Jim Gant
LMO Re-Write Committee

Teri Lewis
LMO Official

**LMO Re-Write / Planning Commission Prep Team Meeting
April 7 2014
3:30 p.m. Conference Room 3**

Attendees:

David Bennett	Planning Commission
Brian Hughes	"
David Ames	LMO Re-Write Committee
Jim Gant	"
Chris Darnell	"
Irv Campbell	"
Teri Lewis	Town Staff - LMO Official

Objectives for this meeting:

- **Preview LMO Re-Write Presentation on CH 3 Zoning and CH 4 Uses and Conditions**
 - **Ensure messages and conclusions are clear**
 - **Enable better understanding of Re-Write approach and conclusions**
 - **Answer detailed questions**

Guiding Principles for LMO Re-Write

- **Living in Harmony with Nature, Protecting the Natural Beauty, and Creating a Unique Sense of Place**
- **Sustaining Community Prosperity Through a Diversified, Strong Local Economy Based Upon Resort, Retirement, and Non-Hospitality Businesses**
- **Providing a Serene, Safe, and Healthy Living Environment for Residents, Guests and Visitors**

LMO Re-Write Committee Charter from Town Council

Zoning Districts:

- *Review recent rezoning requests.*
- *Evaluate current and future market trends.*
- *Evaluate and identify appropriate land uses and densities with attention to market trends and past rezoning requests.*
- *Develop a new zoning scheme to replace existing zoning districts outside existing PD-1s.*

Uses and Conditions

- **Evaluate policy on non-conformities**
- **Develop framework to facilitate improvement of existing non-conforming sites**

Zoning Districts

Problem Statement

- **There are too many zoning districts, each with specific uses. These specific uses are, in some cases, too narrow, restricting development of new property and redevelopment of existing non-conforming properties, and do not allow for adjustment to a variety of mixed uses (retail, office industrial).**
- **Density regulations appear to be limiting the ability to attract a variety of businesses.**
- **Central gathering spaces should be identified and encouraged in zoning districts.**

Revision Objectives

- **Reduce the number of Zoning Districts (take a more generalized approach).**
- **Allow for integration and mixes of uses while protecting the edge conditions.**
- **Reduce use restrictions to allow for market influence.**
- **Guide uses to logical places.**
- **Prescribe appropriate density allocation for Zoning Districts.**
- **Identify Town Center areas and craft zoning text to reflect desired outcome. Codify and implement.**
 - **Define zoning requirements for specific focused redevelopment areas**
 - **Bridge to Beach, including Coligny Walking District through to Marriott Grand Ocean**
 - **Shelter Cove including Shelter Cove Mall**
- **Be sensitive to impacts of a proposed rezoning approach – minimize resulting non-conformities.**

Uses and Conditions

Problem Statement

- Requirements on three types of non-conformities (use, density, site features) are confusing. These regulations limit the ability for redevelopment in that they require conformance to the extent possible.
- The number of zone types, specific uses and development history create many non-conformities.
- Non-conforming uses do not qualify for the existing waiver process, requiring exceptions to use the floating redevelopment zone process which is complex.
- Commercial owners need the assurance that in the event of a single building disaster (fire, explosion, tornado etc.) they will be allowed to rebuild the “as is” building in the same manner they would if the building were destroyed in a major declared disaster.

Revision Objectives

- Create an environment that enables improvement of existing non-conforming properties.
- Minimize nonconforming uses through a more comprehensive integrated zoning approach that reduces specificity of uses and employs a mix of uses.
- Improve communication on what property owners can do to improve nonconforming site features.
- Implement incentives to reduce or eliminate nonconforming site features.

Approach to Zoning and Uses

- **Zoning is a balance between community vision and rights of property owners**
- **Zoning is not static – it must reflect realities of public sector and perceived opportunities of private citizens**
- **Enhancing special character of different areas will better meet resident and visitor expectations**
 - **e.g. Coligny as a beach and tourist center**
 - **e.g. Mathews/278 as drive-to commercial center**
- **Regional economy significantly different today than in 80's and 90's**
 - **e.g. Reduced demand for commercial office space**
 - **e.g. Much regional business shifting off island**

Summary of Changes Proposed in LMO

Zoning

○ Changed Boundaries/Characteristics

- Coligny
- Waterfront Mixed Use
- Resort Development
- RM-4
- RM-8

○ New Zoning Districts

- Sea Pines Circle
- Main Street
- Medical
- Light Commercial
- Community Commercial
- Mitchelville
- Initiative Areas Proposed
 - Sq Pope/Port Royal Sound
 - Skull Creek
 - Cross Island Parkway
 - Stoney

Uses and Conditions

- Expanded compatible uses in zones to reduce nonconformities
- Previously there were 130 special exceptions in the Use Table – the new Use Table takes this number down to 32
- Eliminated outdated and unnecessary conditions for many uses

Overlay Districts

- **Minimal changes were made to the overlay districts with the exception of the Critical Storm Protection and Dune Accretion Area and Transition Area. The list of permitted activities in the Transition Area was simplified in an effort to encourage redevelopment and make the code easier to read.**

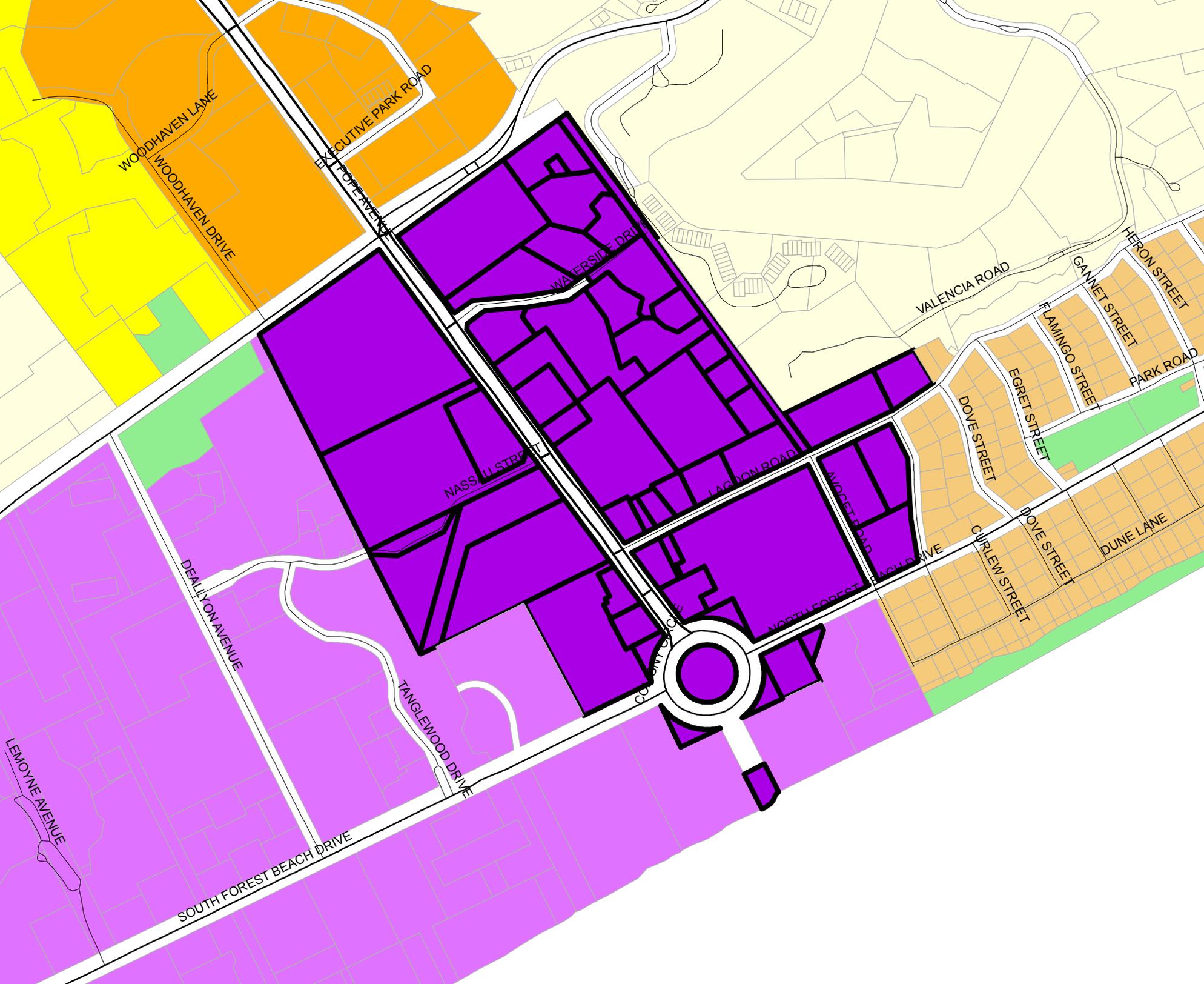
Coligny Resort District

- **Character**
 - **Densest area of Island**
 - **Prime Activity center**
 - **Pedestrian friendly and human scale with high intensity of mixed uses**

- **Zoning Objectives and Major Changes**
 - **Increase density to encourage creation of higher energy redevelopment**
 - **Modest Increase in height to encourage living units above commercial space**
 - **Addition of resort accommodations use to encourage stay and walk activities**
 - **Encourage use of outdoor spaces for dining, plazas, courtyards**

Map/Picture of zone - next page

Shown in Dark Purple



WOODHAVEN LANE
WOODHAVEN DRIVE

EXECUTIVE PARK ROAD

WATERSIDE DRIVE

VALENCIA ROAD

GANNET STREET
HERON STREET

FLAMINGO STREET

PARK ROAD

EGRET STREET

DOVE STREET

NASSAU STREET

LACON ROAD

ANGEL ROAD

DEALYON AVENUE

TANGLEWOOD DRIVE

NORTH FOREST BEACH DRIVE

DOVE STREET
CURLEW STREET

DUNE LANE

COUNTY ROAD

SOUTH FOREST BEACH DRIVE

LEMOYNE AVENUE

	Proposed District	Current District
Coligny District	CR (Coligny Resort)	CCW (Coligny Commercial Walking)
USES		
<i>Residential Uses</i>		
Mixed-Use	X	
Multifamily	X	
<i>Public, Civic, Institutional and Educational Uses</i>		
Community Service	X	
Education	X	
Government	X	X
Major Utilities	X	
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	
Telecommunication Antenna, Collocated or Building Mounted	X	
Telecommunication Towers, Monopole	X	
<i>Resort Accommodations</i>		
Bed and Breakfasts	X	
Hotels	X	
<i>Commercial Recreation</i>		
Indoor Commercial Recreation	X	X
Outdoor Commercial Recreation Uses Other than Water Parks	X	
Water Parks	X	
<i>Office</i>		
Contractor Offices	X	
Other Offices	X	X
<i>Commercial Services</i>		
Bicycle Shop w/outdoor storage	X	X
Convenience Store	X	X
Eating Establishment	X	X
Grocery Store	X	X
Liquor Store	X	X
Nightclub or Bar	X	X
Open Air Sales	X	X
Shopping Center	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Auto Rentals	X	
Gas Sales	X	X
DENSITY		
Residential	Undefined but limited by applicable design and performance	4 du/acre

	standards	
Bed & Breakfast	10 rooms	
Hotel	Undefined but limited by applicable design and performance standards	
Non Residential	Undefined but limited by applicable design and performance standards	8000 sf/acre
HEIGHT	60'	45'

Notes:

- o 'X' denotes that the use is allowed in the district either by right or with conditions

Sea Pines Circle District

- **Character**
 - **Vehicular and pedestrian oriented**

 - **Secondary activity center, especially in the evening**

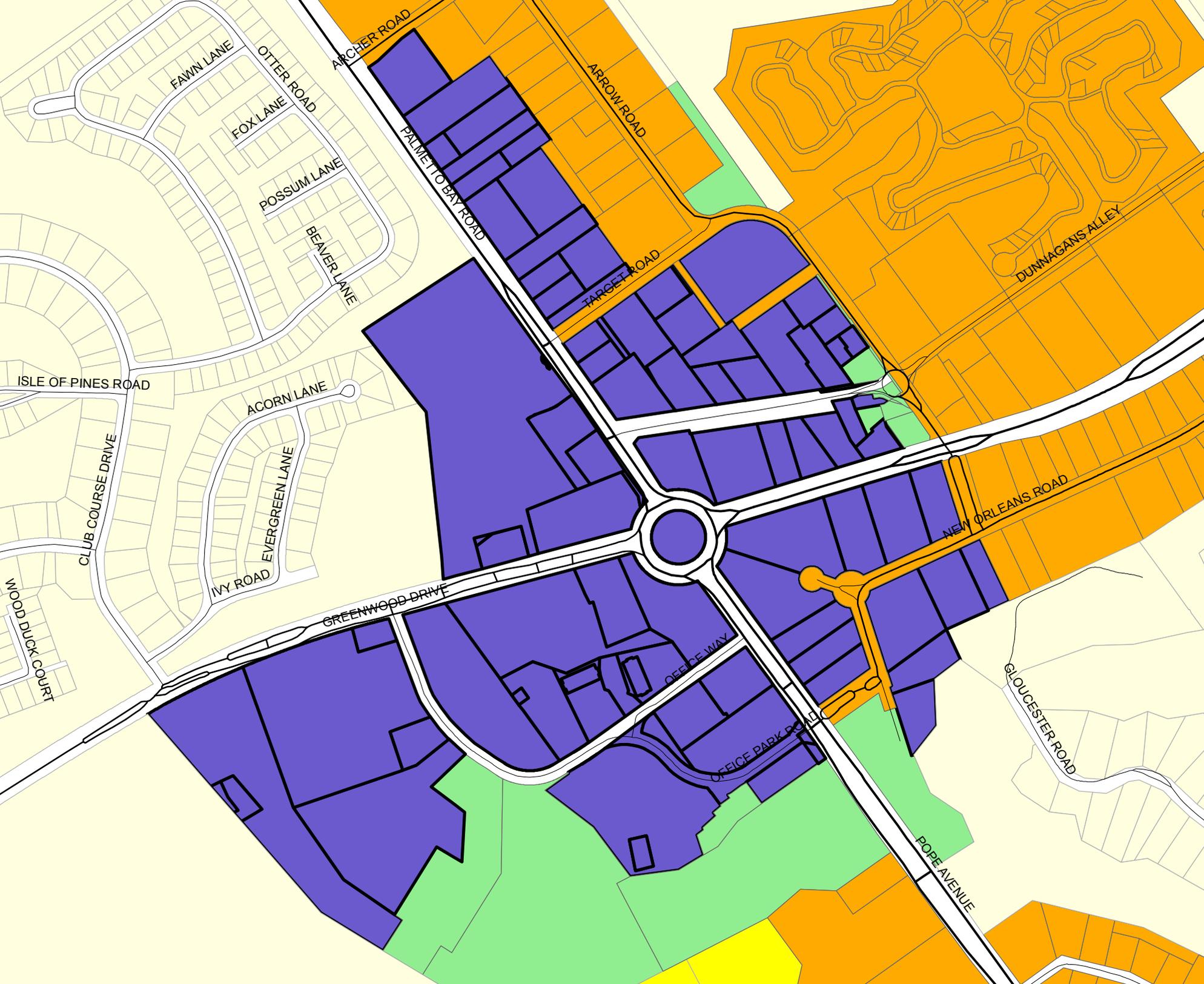
- **Zoning Objectives**
 - **Increase density to encourage mixed use development**

 - **Allow a variety of uses to encourage retail, dining and entertainment nighttime activities**

 - **Addition of resort accommodations to encourage more energy in the area**

Map/Picture of zone - next page

****Shown in Dark Blue****



FAWN LANE

OTTER ROAD

FOX LANE

POSSUM LANE

BEAVER LANE

ARCHER ROAD

ARROW ROAD

PALMETTO BAY ROAD

TARGET ROAD

DUNNAGANS ALLEY

ISLE OF PINES ROAD

ACORN LANE

EVERGREEN LANE

IVY ROAD

CLUB COURSE DRIVE

WOOD DUCK COURT

GREENWOOD DRIVE

NEW ORLEANS ROAD

OFFICE WAY

OFFICE PARK ROAD

POPE AVENUE

GLoucester ROAD

	Proposed District	Current District
Sea Pines Circle District	SPC (Sea Pines Circle)	DCW (Dunnagan's Commercial Walking) and CC (Central Commercial)
USES		
<i>Residential Uses</i>		
Mixed-Use	X	X
Multifamily	X	X
<i>Public, Civic, Institutional and Educational Uses</i>		
Community Service	X	X
Education	X	X
Government	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	X
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Health Services</i>		
Other Health Services	X	X
<i>Resort Accommodations</i>		
Bed and Breakfasts	X	
Hotels	X	
<i>Commercial Recreation</i>		
Indoor Commercial Recreation	X	X
<i>Office</i>		
Contractor Offices	X	X
Other Offices	X	X
<i>Commercial Services</i>		
Adult Entertainment	X	X
Animal Services	X	X
Bicycle Shop w/outdoor storage	X	X
Convenience Store	X	X
Eating Establishment w/drive thru	X	X
Grocery Store	X	X
Liquor Store	X	X
Nightclub or Bar	X	X
Open Air Sales	X	X
Shopping Center	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Auto Rentals	X	X
Car Washes	X	X
Gas Sales	X	X
<i>Industrial Services</i>		

Self-Service Storage	X	X
DENSITY		
Residential	12 du	4 du
Bed & Breakfast	10 rooms	
Hotel	35 rooms	
Non Residential	10,000 GFA	10,000 – Office 8,000 - Other
HEIGHT	45'	35' residential (CC district only) 45'

Notes:

- o 'X' denotes that the use is allowed in the district either by right or with conditions
- o In new districts made up of more than one zoning district, some uses may have only been allowed in one of the old districts

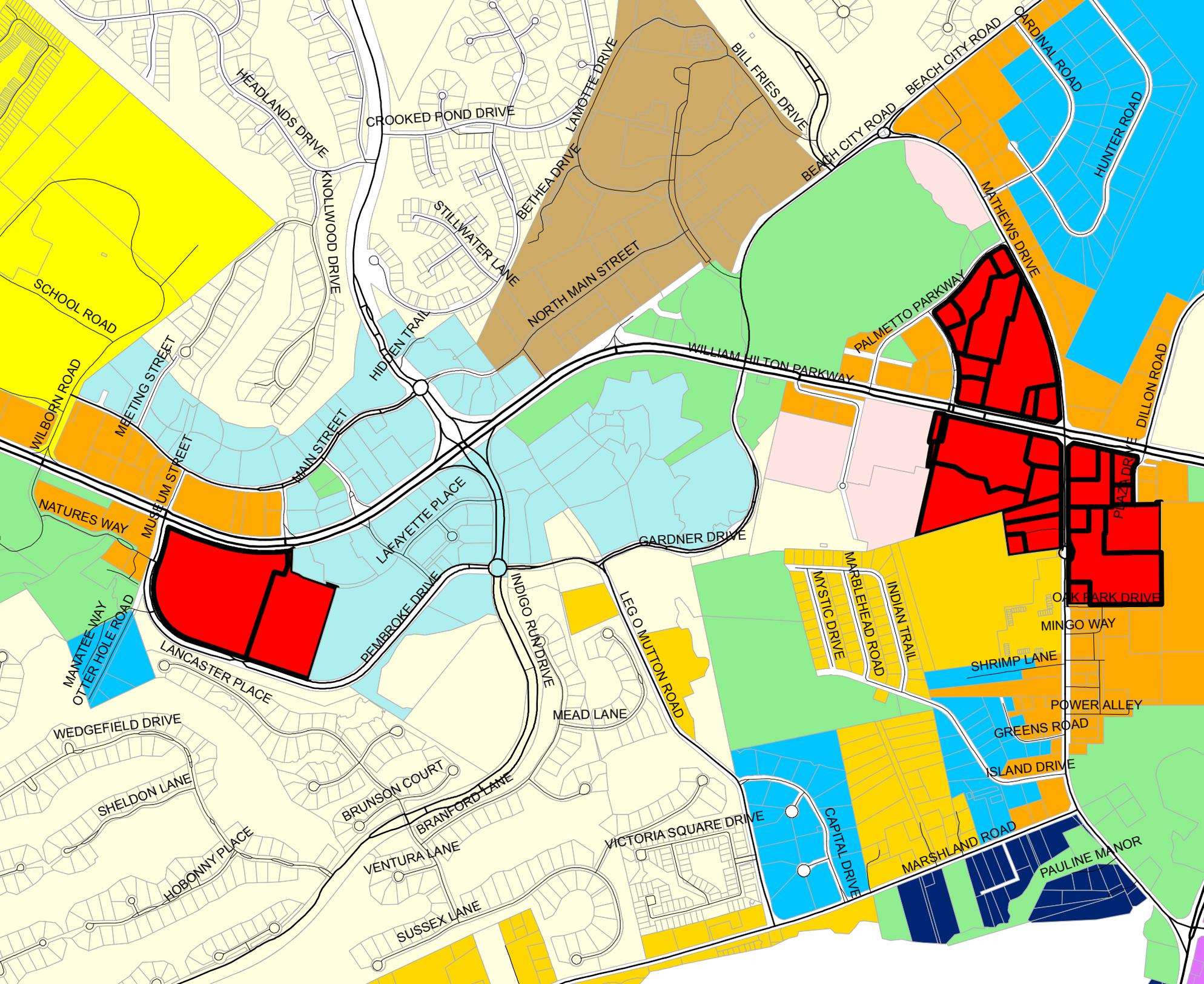
Community Commercial District

- **Character**
 - **Strongly auto oriented**
 - **Everyday uses located in this district**

- **Zoning Objectives**
 - **Encourage 'little' big box development**
 - **Modest increase in density to enable the above**

Map/Picture of zone - next page

****Shown in Dark Red****



HEADLANDS DRIVE

CROOKED POND DRIVE

STILLWATER LANE

NORTH MAIN STREET

WILLIAM HILTON PARKWAY

GARDNER DRIVE

SCHOOL ROAD

WILBORN ROAD

MEETING STREET

MUSLIM STREET

NATURES WAY

MANATEE WAY
OTTER HOLE ROAD

LANCASTER PLACE

LAFAYETTE PLACE
PEMBROKE DRIVE

INDIGO RUN DRIVE

MEAD LANE

LEO MUTTON ROAD

MYSTIC DRIVE

MARBLEHEAD ROAD

INDIAN TRAIL

SHRIMP LANE

MINGO WAY

POWER ALLEY

GREENS ROAD

ISLAND DRIVE

WEDGEFIELD DRIVE

SHELDON LANE

HOBONNY PLACE

BRUNSON COURT

BRANFORD LANE

VENTURA LANE

SUSSEX LANE

VICTORIA SQUARE DRIVE

CAPITAL DRIVE

MARSHLAND ROAD

PAULINE MANOR

BEACH CITY ROAD

CARDINAL ROAD

HUNTER ROAD

MATHEWS DRIVE

DILLON ROAD

PLAZA DRIVE

OAK PARK DRIVE

Community Commercial District	Proposed District	Current District
	CC (Community Commercial)	CC (Central Commercial) and PD-1 (Planned Development Mixed Use)
USES		
<i>Public, Civic, Institutional and Educational Uses</i>		
Community Service	X	X
Education	X	X
Government	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	X
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Health Services</i>		
Other Health Services	X	X
<i>Office</i>		
Contractor Offices	X	X
Other Offices	X	X
<i>Commercial Services</i>		
Animal Services	X	X
Bicycle Shop	X	X
Convenience Store	X	X
Eating Establishment w/drive thru	X	X
Grocery Store	X	X
Liquor Store	X	X
Nightclub or Bar	X	X
Shopping Center	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Auto Rentals	X	X
Auto Repairs	X	X
Auto Sales	X	X
Car Washes	X	X
Gas Sales	X	X
Taxicab Services	X	X
DENSITY		
Residential	12 du	4 du
Non Residential	10,000 GFA	10000 – Office/Institutional 8000 - Other

HEIGHT	45'	35' residential 45' other

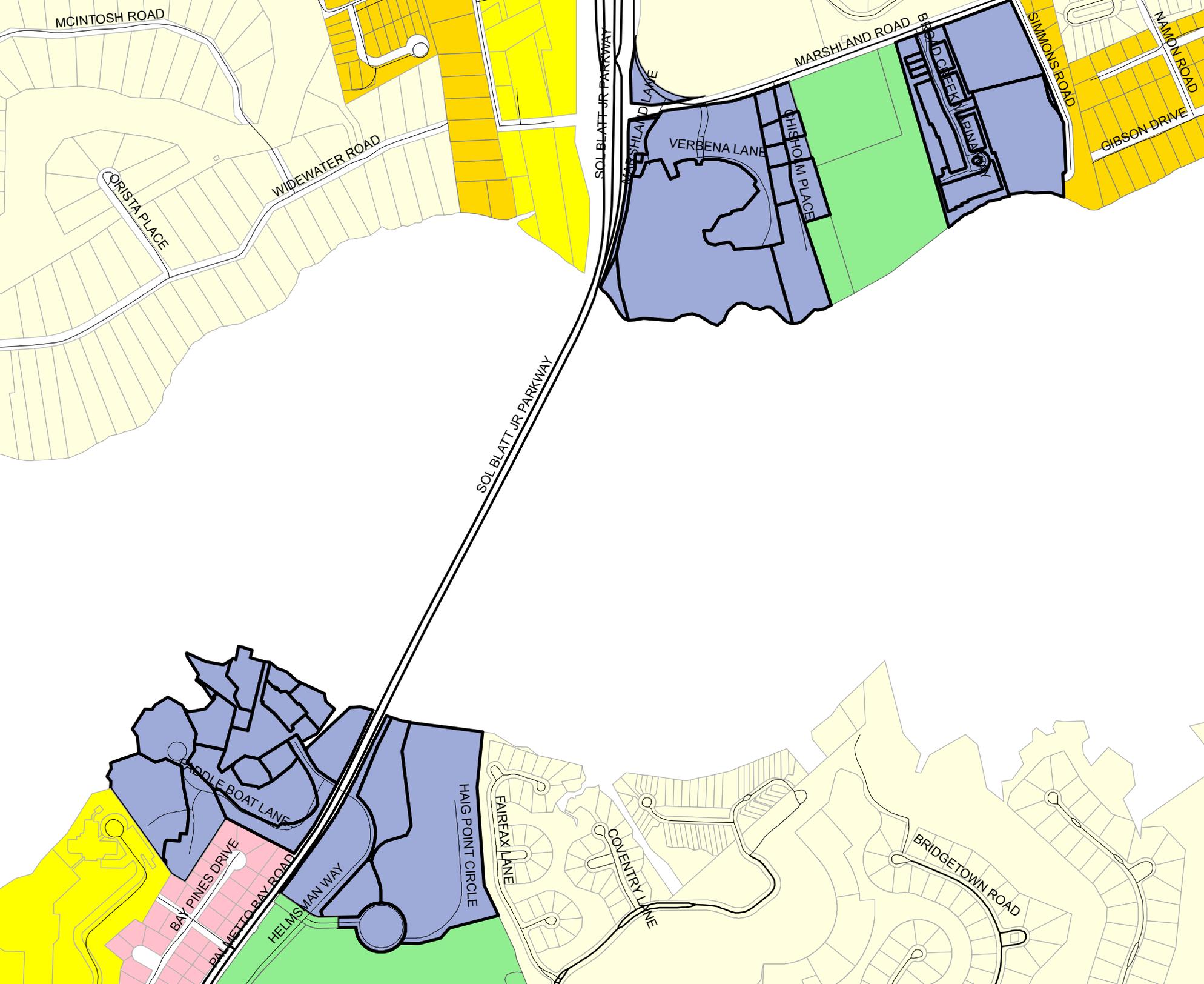
Waterfront Mixed Use

- **Character**
 - Water oriented
 - Secondary activity center

- **Zoning Objectives**
 - Encourage an environment that is conducive to water-oriented commercial and residential development
 - Increase in resort accommodation density and residential density to encourage stay and walk activities and mixed use development

Map/Picture of zone - next page

****Shown in Blue on 2 Maps****



MCINTOSH ROAD

CRISTA PLACE

WIDEWATER ROAD

SOL BLATT JR PARKWAY

SOL BLATT JR PARKWAY

MARSHLAND LAKE

VERBENA LANE

CHISHOLM PLACE

MARSHLAND ROAD

BRIDGEWAY

SIMMONS ROAD

GIBSON DRIVE

NAMON ROAD

MIDDLE BOAT LANE

BAY PINES DRIVE

BALMETTO BAY ROAD

HELMSMAN WAY

HAIG POINT CIRCLE

FAIRFAX LANE

COVENTRY LANE

BRIDGETOWN ROAD

Waterfront Mixed Use	WMU (Waterfront Mixed Use)	WMU (Waterfront Mixed Use)
USES		
<i>Residential Uses</i>		
Mixed-Use	X	X
Multifamily	X	X
Single-Family	X	X
<i>Public, Civic, Institutional and Educational Uses</i>		
Cemeteries	X	X
Community Service	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Resort Accommodations</i>		
Bed and Breakfasts	X	X
Hotels	X	X
<i>Commercial Recreation</i>		
Indoor Commercial Recreation	X	X
Outdoor Commercial Recreation uses Other than Water Parks	X	
Water Parks	X	
<i>Office</i>		
Contractor Offices	X	
Other Offices	X	
<i>Commercial Services</i>		
Bicycle Shop w/outdoor storage	X	X
Convenience Store	X	X
Eating Establishment	X	X
Liquor Store	X	
Nightclub or Bar	X	X
Open Air Sales	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Auto Rental	X	
Watercraft Sales, Rentals or Services	X	X
<i>Industrial Services</i>		
Seafood Processing	X	X
<i>Other Uses</i>		
Agriculture	X	X
Boat Ramps, Docking Facilities and Marinas	X	X

DENSITY		
Residential	16 du	12 du
Bed & Breakfast	10 rooms	10 rooms
Hotel	35 rooms	25 rooms
Non Residential	8,000	8,000
HEIGHT	75'	75'

Resort Development District

○ Character

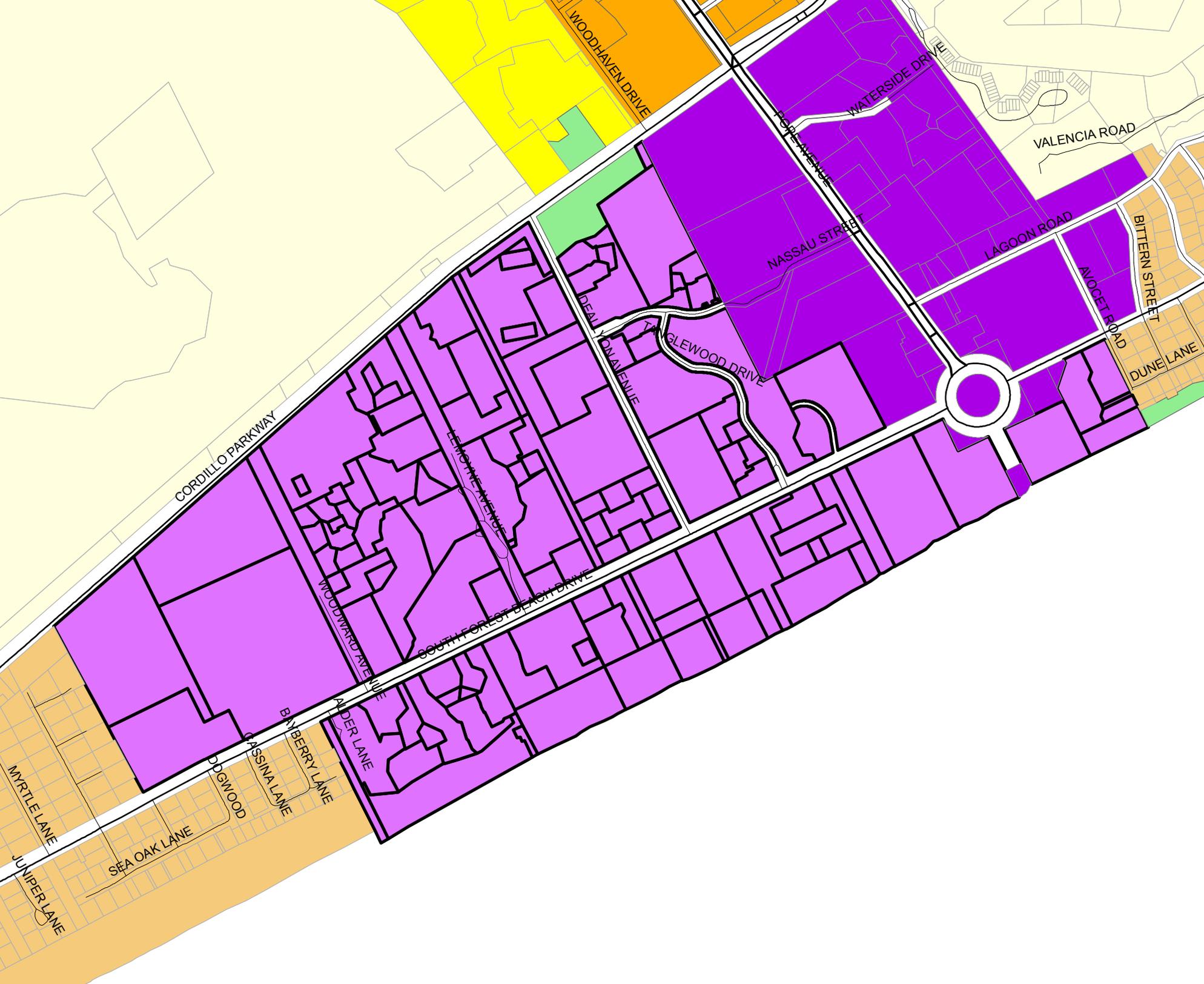
- **Visitor-oriented**
- **Pedestrian and vehicular-oriented**
- **Mix of some commercial, generally more multi-family and timeshare developments**

○ Zoning Objectives

- **Increase resort accommodations density and residential density to encourage redevelopment**
- **Encourage commercial development aimed at serving the visitors in the district**

Map/Picture of zone - next page

****Shown in Light Purple on 2 Maps****



WOODHAVEN DRIVE

WATERSIDE DRIVE

VALENCIA ROAD

CORDILLO PARKWAY

NASSAU STREET

LAGOON ROAD

BITTERN STREET

DUNE LANE

GLEWOOD DRIVE

DEAL KONA LEMIE

LEMOINE AVENUE

SOUTH FOREST BEACH DRIVE

WOODWARD AVENUE

BANBERRY LANE

CASSINA LANE

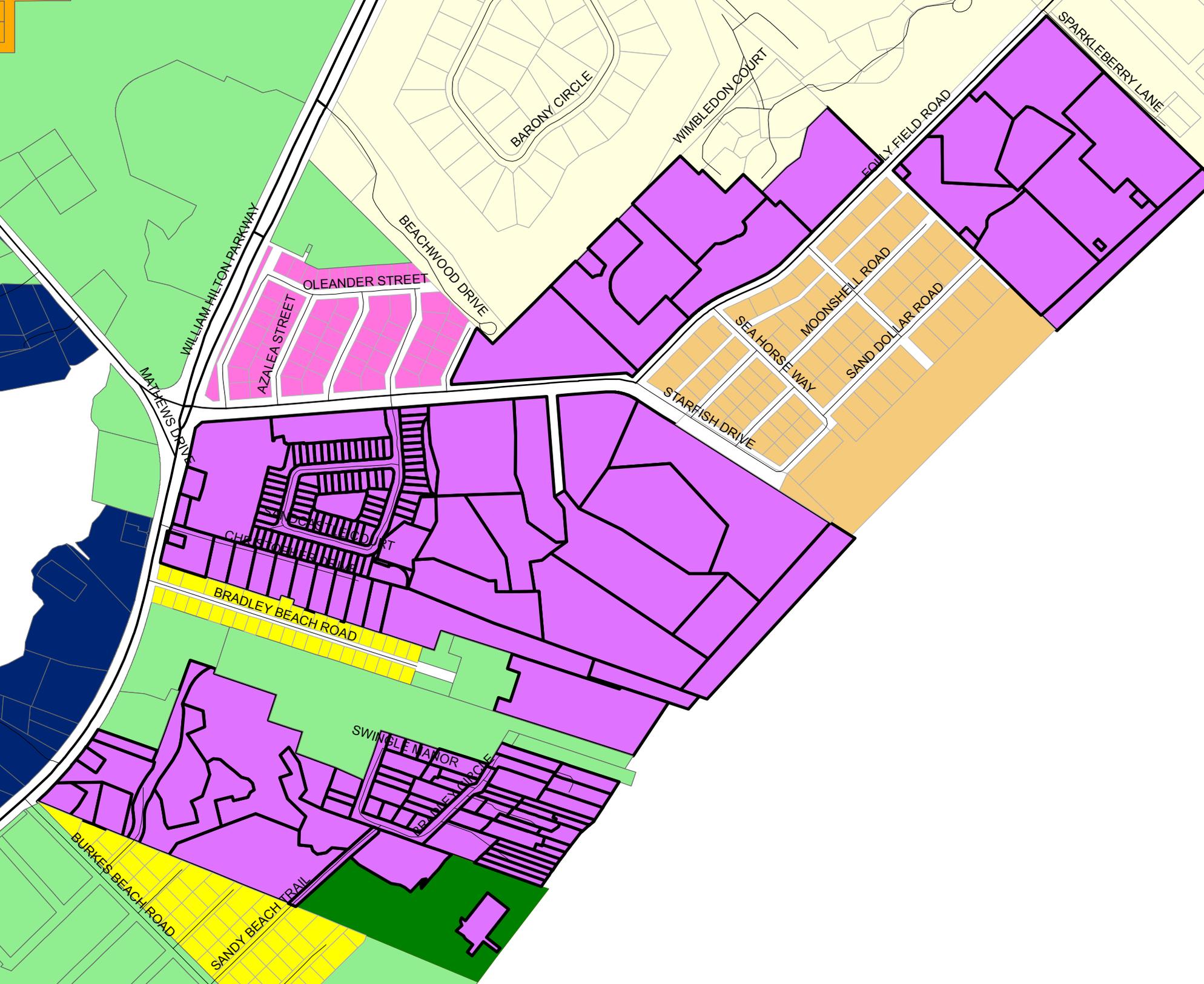
SEA OAK LANE

JUNIPER LANE

MYRTLE LANE

DUNGWOOD





BARONY CIRCLE

WIMBLEDON COURT

SPARKLEBERRY LANE

FOLLY FIELD ROAD

BEACHWOOD DRIVE

OLEANDER STREET

AZALEA STREET

WILLIAM HILTON PARKWAY

MATHEWS DRIVE

SEAHORSE WAY

MOONSHELL ROAD

SAND DOLLAR ROAD

STARFISH DRIVE

CHRISTOPHER DRIVE

BRADLEY BEACH ROAD

SWINGLE MANOR

BRADLEY BEACH ROAD

SANDY BEACH TRAIL

BURKES BEACH ROAD

SANDY BEACH TRAIL

Resort Development	Proposed District	Current District
	RD (Resort Development)	RD (Resort Development) and CFB (Central Forest Beach)
USES		
<i>Residential Uses</i>		
Mixed-Use	X	X
Multifamily	X	X
Single-Family	X	X
<i>Public, Civic, Institutional and Educational Uses</i>		
Community Service	X	X
Government	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	X
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Resort Accommodations</i>		
Bed and Breakfasts	X	X
Hotels	X	X
<i>Commercial Recreation</i>		
Indoor Commercial Recreation	X	X
Outdoor Commercial Recreation uses Other than Water Parks	X	X
Water Parks	X	X
<i>Office</i>		
Contractor Offices	X	
Other Offices	X	
<i>Commercial Services</i>		
Bicycle Shop w/outdoor storage	X	X
Eating Establishment	X	X
Liquor Store	X	X
Nightclub or Bar	X	X
Open Air Sales	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Auto Rental	X	X
DENSITY		
Residential	16 du	8 du
Bed & Breakfast	10 rooms	10 rooms
Hotel	35 rooms	Ranges from 20 - 25 rooms
Non Residential	8,000	8,000
HEIGHT	60' - Development on property landward	75'

	of South Forest Beach Drive 75' - All other development	
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Notes:

- o 'X' denotes that the use is allowed in the district either by right or with conditions
- o In new districts made up of more than one zoning district, some uses may have only been allowed in one of the old districts

Marshfront District

- **Character**
 - **Close proximity to headwaters of Broad Creek**

 - **Mix of residential and retail uses**

- **Zoning Objectives**
 - **Provide bonus density when there are property consolidations to encourage development and limit curb cuts along Hwy. 278**

 - **Allow a mix of retail sales and service uses so that this district can be a service area for the Resort Development area across Hwy. 278**

Map/Picture of zone - next page

****Shown in Dark Blue****



LEG O MUTTON ROAD

TRELLIS COURT
CAPITAL DRIVE

MARSHLAND ROAD

JUNIOR TRACKS

PAULINE MANOR

MARSDALE DRIVE

MATELVS DRIVE

WILLIAM TITTON PARKWAY

OLEANDER STREET

FOLLY FIELD ROAD

SANDCASTLE COURT

CHRISTOPHER DRIVE

BRADLEY BEACH ROAD

CANDY DOLL
BLUFF

BRADLEY CIRCLE

BURKES BEACH ROAD

SANDY BEACH TRAIL
SEA FRONT LANE

CORRINE LANE
CASTNET DRIVE

Marshfront District	Proposed District	Current District
	MF (Marshfront)	MMU (Marshfront Mixed Use)
USES		
<i>Residential Uses</i>		
Mixed Use	X	X
Multifamily	X	X
Single-Family	X	X
<i>Public, Civic, Institutional and Educational Uses</i>		
Community Service	X	X
Government	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	X
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Resort Accommodations</i>		
Bed and Breakfasts	X	X
<i>Commercial Recreation</i>		
Indoor Commercial Recreation	X	
<i>Office</i>		
Contractor Offices	X	
Other Offices	X	X
<i>Commercial Services</i>		
Animal Services	X	
Bicycle Shop w/outdoor storage	X	
Convenience Store	X	X
Eating Establishment	X	X
Liquor Store	X	X
Nightclub or Bar	X	
Open Air Sales	X	X
Shopping Center	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Auto Rentals	X	
Car Washes	X	
Gas Sales	X	X
<i>Other Uses</i>		
Agriculture	X	X
DENSITY		
Residential	<u>Along major arterial:</u> 4 du base (8 du if lot area is at least 3	4 du

	acres) <u>Along other streets:</u> 6 du base (10 due if lot area is at least 3 acres)	
Bed & Breakfast	10 rooms	10 rooms
Non Residential	7,000	7,000
HEIGHT	45'	35' – non residential 45' – residential 45' – mixed use

Notes:

- o 'X' denotes that the use is allowed in the district either by right or with conditions

Neighborhood Commercial District

o Character

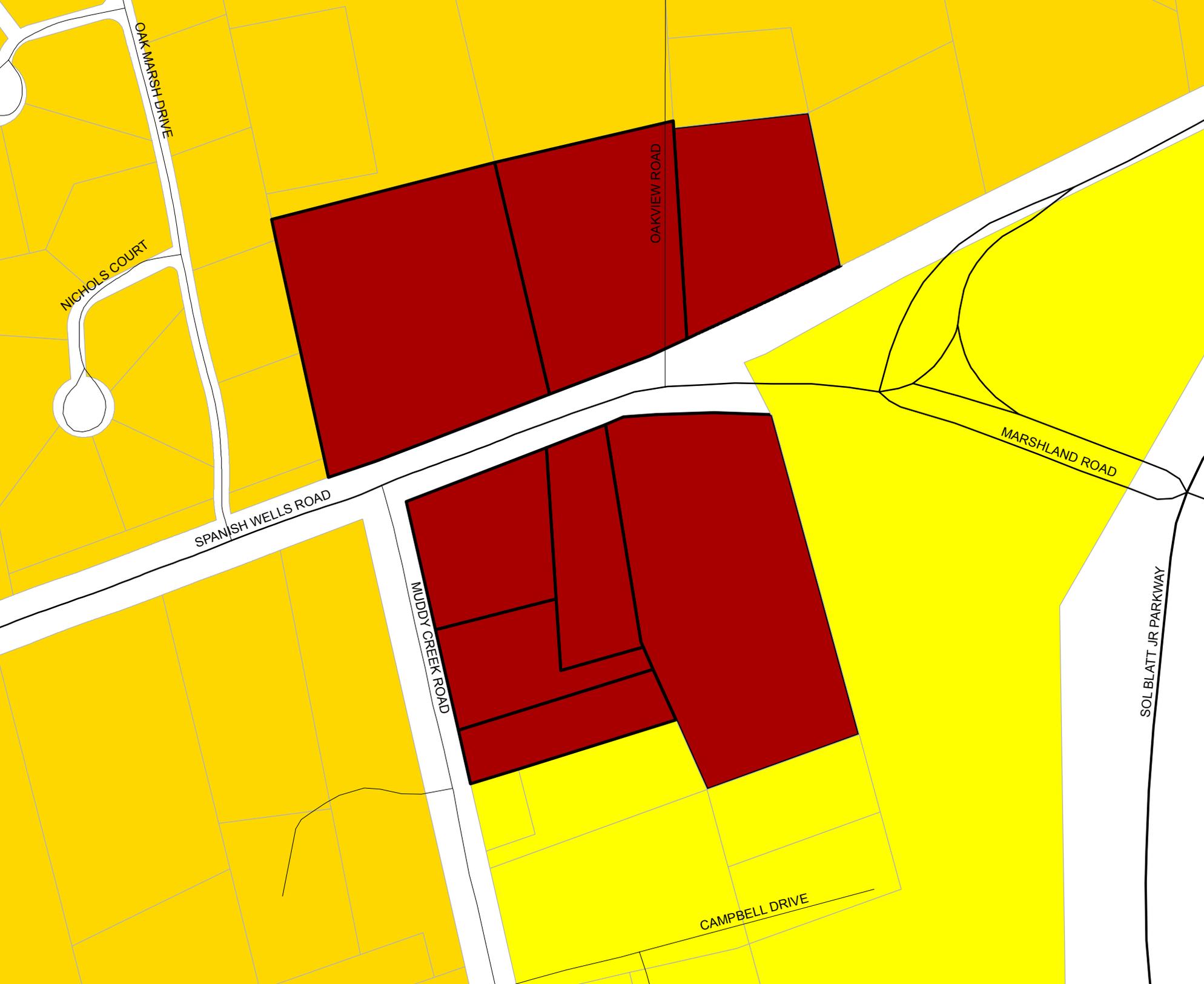
- **Neighborhood services**
- **Produce stands**
- **Existing district in Spanish Wells Area**

o Zoning Objectives

- **Preserve current allowable uses and location**

Map/Picture of zone - next page

****Shown in Maroon****



OAK MARSH DRIVE

NICHOLS COURT

SPANISH WELLS ROAD

MUDDY CREEK ROAD

OAKVIEW ROAD

MARSHLAND ROAD

SOL BLATT JR PARKWAY

CAMPBELL DRIVE

Neighborhood Commercial	Proposed District	Current District
	NC (Neighborhood Commercial)	NC (Neighborhood Commercial)
USES		
<i>Residential Uses</i>		
Mixed Use	X	X
Multifamily	X	X
Single-Family	X	X
<i>Public, Civic, Institutional and Educational Uses</i>		
Cemeteries	X	
Community Service	X	X
Government	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	X
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Health Services</i>		
Other Health Services	X	X
<i>Office</i>		
Contractor Offices	X	X
Other Offices	X	X
<i>Commercial Services</i>		
Convenience Store	X	X
Eating Establishment	X	X
Liquor Store	X	X
Open Air Sales	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Gas Sales	X	X
<i>Other Uses</i>		
Agriculture	X	X
DENSITY		
Residential	4 du	4 du
Non Residential	3,000	7,000 – public and civic 3,000 - other
HEIGHT	35'	35'

Notes:

- o 'X' denotes that the use is allowed in the district either by right or with conditions

Mitchelville District

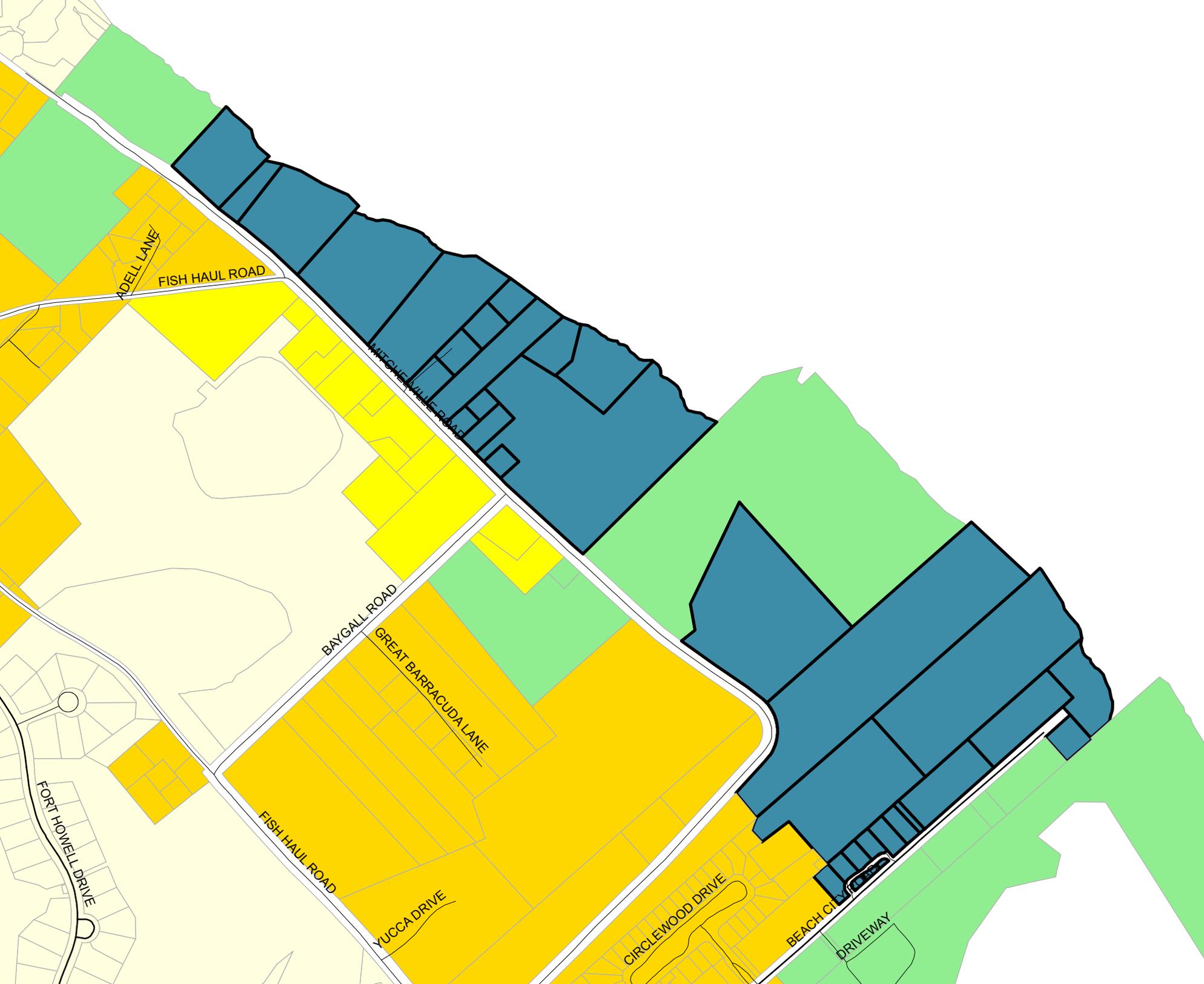
- **Character**
 - **Significant environmental, cultural and historical area**
 - **Water-oriented**

- **Zoning Objectives**
 - **Allow commercial and residential development at a scale that is suitable for the district given the desire to protect this historically sensitive area of the Island.**

 - **Encourage development to take advantage of the unique natural and historical surroundings.**

Map/Picture of zone - next page

****Shown in Blue****



ADELL LANE

FISH HAUL ROAD

MICHELE WALKER ROAD

BAYGALL ROAD

GREAT BARRACUDA LANE

FISH HAUL ROAD

YUCCA DRIVE

CIRCLEWOOD DRIVE

BEACH CITY DRIVEWAY

FORT HOWELL DRIVE

Mitchelville	Proposed District	Current District
	MV (Mitchelville)	WMU (Waterfront Mixed Use)
USES		
<i>Residential Uses</i>		
Mixed-Use	X	X
Multifamily	X	X
Single-Family	X	X
<i>Public, Civic, Institutional and Educational Uses</i>		
Cemeteries	X	X
Community Service	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Resort Accommodations</i>		
Bed and Breakfasts	X	X
Hotels	X	X
<i>Commercial Recreation</i>		
Indoor Commercial Recreation	X	X
Outdoor Commercial Recreation uses Other than Water Parks	X	
Water Parks	X	
<i>Office</i>		
Contractor Offices	X	
Other Offices	X	
<i>Commercial Services</i>		
Bicycle Shop w/outdoor storage	X	X
Convenience Store	X	X
Eating Establishment	X	X
Liquor Store	X	
Nightclub or Bar	X	X
Open Air Sales	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Auto Rentals	X	
Watercraft Sales, Rentals or Services	X	X
<i>Industrial Services</i>		
Seafood Processing	X	X
<i>Other Uses</i>		
Agriculture	X	X

Boat Ramps, Docking Facilities and Marinas	X	X
DENSITY		
Residential	12 du	12 du
Bed & Breakfast	10 rooms	10 rooms
Hotel	35 rooms	25 rooms
Non Residential	8,000	8,000
HEIGHT	75'	75'

Notes:

- o 'X' denotes that the use is allowed in the district either by right or with conditions

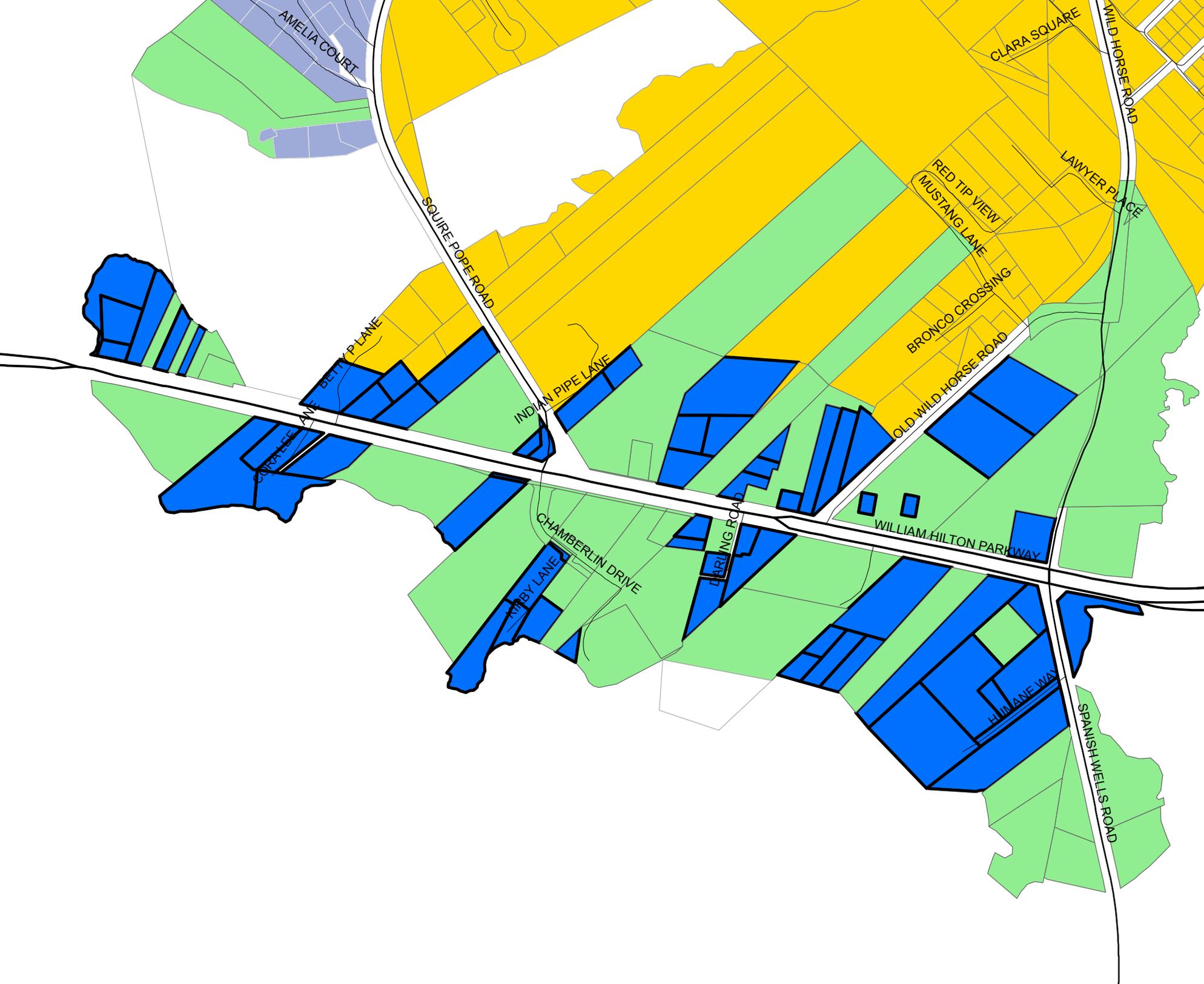
Stoney District

- **Character**
 - **Gateway area to the island**
 - **Most heavily traveled portion of Hwy. 278**
 - **Large amount of shoreline on tidal creeks**

- **Zoning Objectives**
 - **Encourage the development of secondary roads and connectivity between properties to alleviate traffic movements on Hwy. 278**
 - **Provide for a reduction in setbacks along secondary roads to provide flexibility for development**

Map/Picture of zone - next page

****Shown in Blue, Green is Town Land****



AMELIA COURT

CLARA SQUARE

WILD HORSE ROAD

SQUIRE POPE ROAD

LAWYER PLACE

RED TIP VIEW
MUSTANG LANE

BRONCO CROSSING
OLD WILD HORSE ROAD

INDIAN PIPE LANE

BETTY LANE

CHAMBERLIN DRIVE

WILLIAM HILTON PARKWAY

SPANISH WELLS ROAD

HUMANE WAY

DARLING ROAD

KIRBY LANE

Stoney District	Proposed District	Current District
	S (Stoney)	SMU (Stoney Mixed Use)
USES		
<i>Residential Uses</i>		
Multifamily	X	X
Single-Family	X	X
<i>Public, Civic, Institutional and Educational Uses</i>		
Community Service	X	X
Government	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	X
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Resort Accommodations</i>		
Bed and Breakfasts	X	X
Hotels	X	X
<i>Commercial Recreation</i>		
Indoor Commercial Recreation	X	X
<i>Office</i>		
Contractor Offices	X	
Other Offices	X	X
<i>Commercial Services</i>		
Animal Services	X	X
Bicycle Shop w/outdoor storage	X	X
Convenience Store	X	X
Eating Establishment	X	X
Grocery Store	X	
Landscape Business	X	
Liquor Store	X	
Nightclub or Bar	X	X
Open Air Sales	X	X
Shopping Center	X	
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Car Washes	X	X
Gas Sales	X	X
Taxicab Services	X	X
Watercraft Sales, Rentals or Services	X	X
<i>Industrial Services</i>		
Seafood Processing	X	X
<i>Other Uses</i>		
Agriculture	X	X

DENSITY		
Residential	10 du	10 du
Bed & Breakfast	10 rooms	10 rooms
Hotel	35 rooms	20 rooms
Non Residential	7,000	7,000
HEIGHT	45'	35' – non residential 45' – residential 45' – mixed use

Notes:

- o 'X' denotes that the use is allowed in the district either by right or with conditions

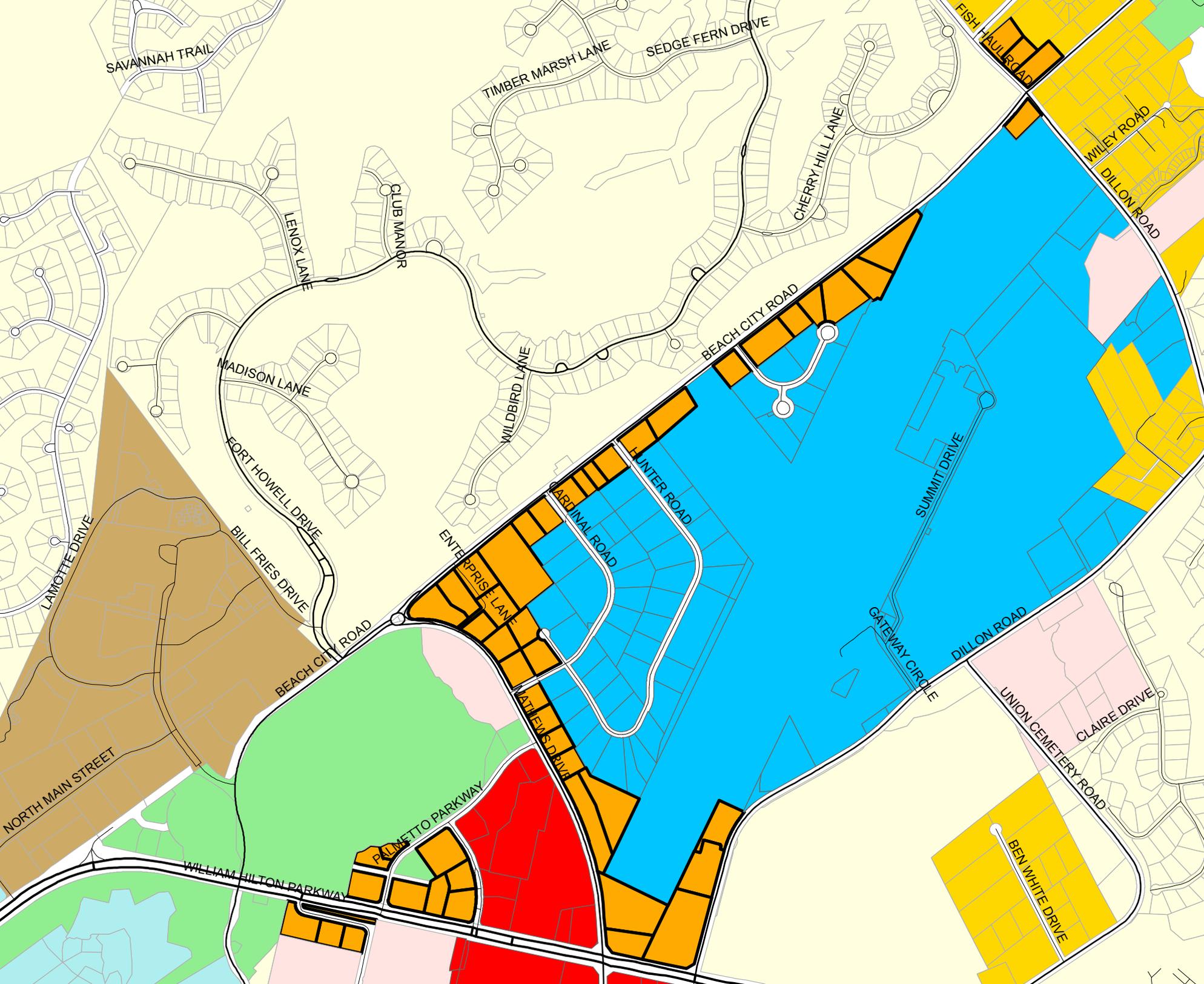
Light Commercial District

- **Character**
 - Largest commercial district on the Island, predominantly along Hwy. 278 and some of the minor arterial roadways
 - Predominantly retail uses
 - Auto-oriented development

- **Zoning Objectives**
 - Allow resort accommodations to encourage the development of more hotels/motels
 - Allow a mix of light commercial retail sales and service uses to accommodate the everyday user
 - Create easily accessible retail establishments

Map/Picture of zone - next page

****Light Commercial exists in many places on the Island (most predominantly along 278) and is shown in Orange on 3 Maps***



SAVANNAH TRAIL

TIMBER MARSH LANE

SEDGE FERN DRIVE

CHERRY HILL LANE

WILCOX LANE

CLUB MANOR

WILDBIRD LANE

MADISON LANE

FORT HOWELL DRIVE

BILL FRIES DRIVE

ENTERPRISE LANE

CARDINAL ROAD

HUNTER ROAD

SUMMIT DRIVE

GATEWAY CIRCLE

DILLON ROAD

UNION CEMETERY ROAD

CLAIRE DRIVE

BEN WHITE DRIVE

WILLIAM HILTON PARKWAY

PALMETTO PARKWAY

MATHEWS DRIVE

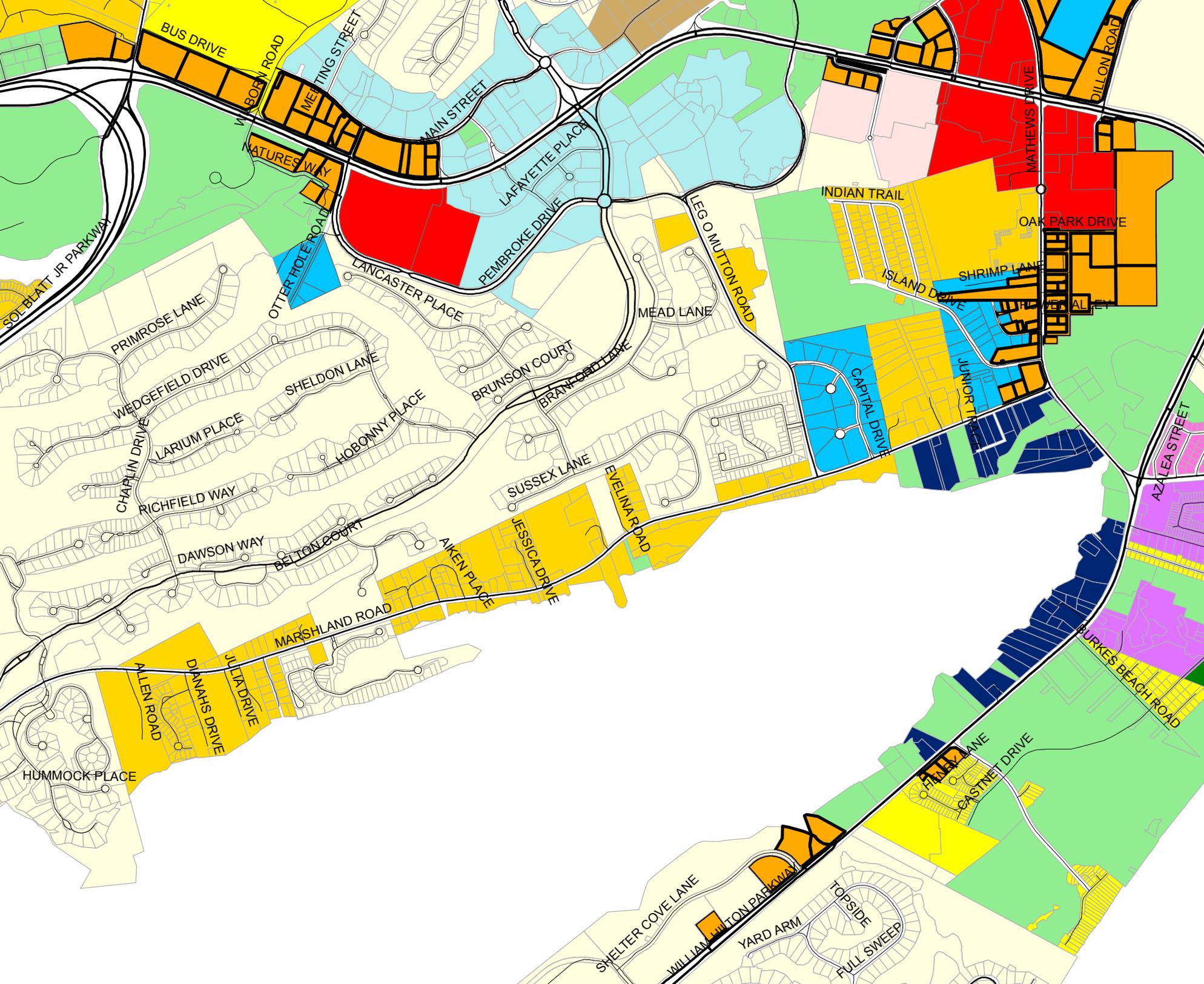
NORTH MAIN STREET

LAMOTTE DRIVE

FISH HAWK ROAD

WILLEY ROAD

DILLON ROAD



BUS DRIVE

NATURES WAY

MAIN STREET

LAFAYETTE PLACE

PEMBROKE DRIVE

LEG O MUTTON ROAD

INDIAN TRAIL

OAK PARK DRIVE

MATHEWS DRIVE

DILLON ROAD

SOL BEATT JR PARKWAY

OTTER HOLE ROAD

LANCASTER PLACE

MEAD LANE

ISLAND DRIVE

SHRIMP LANE

PRIMROSE LANE

WEDGEFIELD DRIVE

SHELDON LANE

BRUNSON COURT

BRANCO LANE

CAPITAL DRIVE

JUNIOR TRAIL

CHARLIN DRIVE

LARIUM PLACE

HOBOMY PLACE

SUSSEX LANE

EVELINA ROAD

AZALEA STREET

RICHFIELD WAY

DAWSON WAY

BELTON COURT

AIKEN PLACE

JESSICA DRIVE

ALLEN ROAD

DANAHS DRIVE

JULIA DRIVE

MARSHLAND ROAD

HUMMOCK PLACE

BURKES BEACH ROAD

HONEY LANE

CASTNET DRIVE

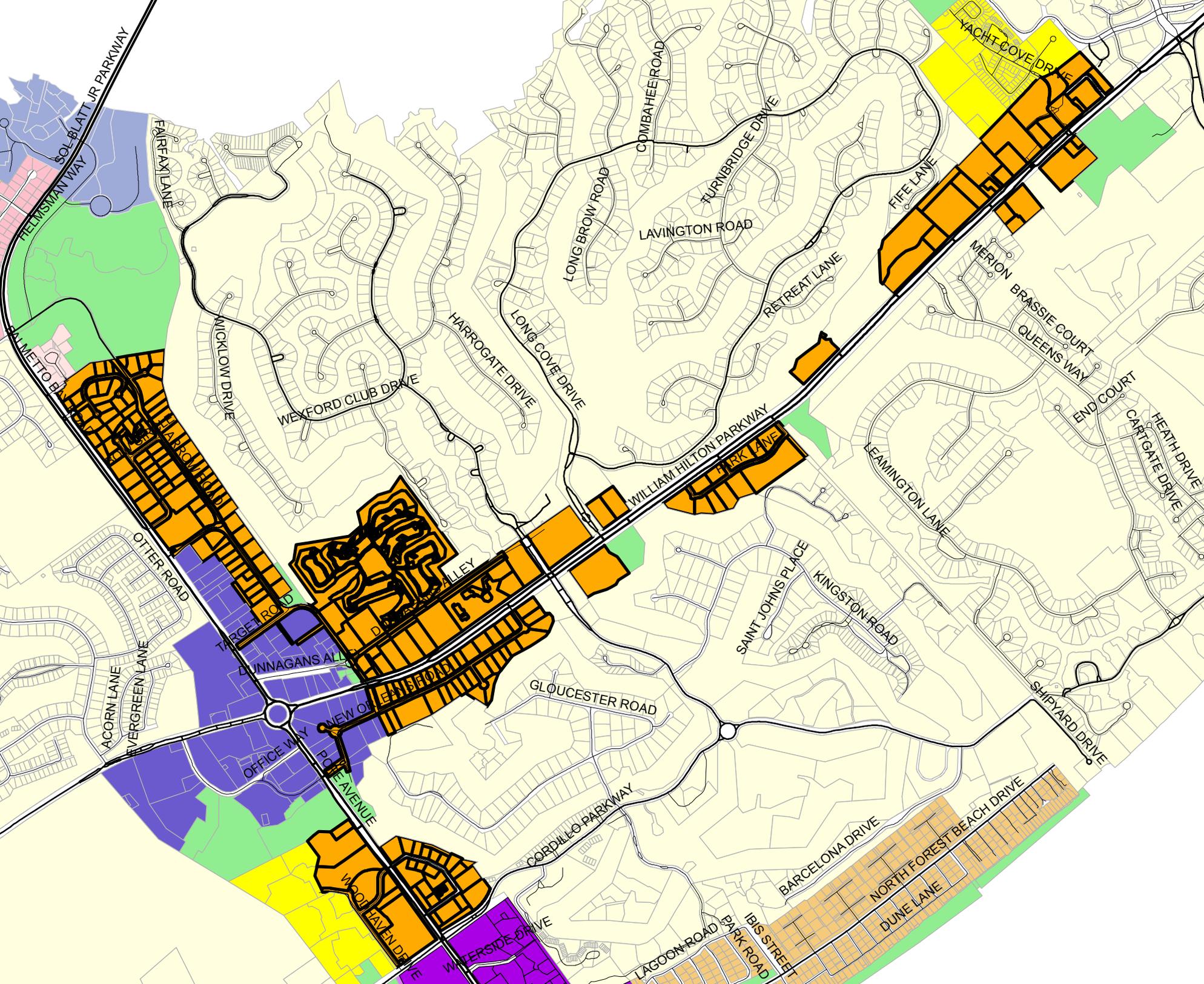
SHELTER COVE LANE

WILLIAM MUTTON PARKWAY

YARD ARM

TOPSIDE

FULL SWEEP



Light Commercial District	Proposed District	Current District
	LC (Light Commercial)	CC (Central Commercial), OL (Office/Institutional, low intensity), OCIL (Office /Light Commercial/Light Industrial), IL (Light Industrial), NC (Neighborhood Commercial), DCW (Dunnagan’s Commercial Walking)
USES		
<i>Residential</i>		
Group Living	X	
Mixed-Use	X	X
Multifamily	X	X
Recreational Vehicle (RV) Park	X	X
Single-Family	X	X
<i>Public, Civic, Institutional and Educational Uses</i>		
Community Service	X	X
Education	X	X
Government	X	X
Major Utilities	X	X
Minor Utilities	X	X
Public Parks	X	X
Religious Institutions	X	X
Telecommunication Antenna, Collocated or Building Mounted	X	X
Telecommunication Towers, Monopole	X	X
<i>Health Services</i>		
Other Health Services	X	X
<i>Resort Accommodations</i>		
Hotels	X	
<i>Commercial Recreation</i>		
Indoor Commercial Recreation	X	X
Outdoor Commercial Recreation Uses Other than Water Parks	X	
<i>Office</i>		
Contractor Offices	X	X
Other Offices	X	X

<i>Commercial Services</i>		
Animal Services	X	X
Bicycle Shop	X	X
Convenience Store	X	X
Eating Establishment w/drive thru	X	X
Grocery Store	X	X
Landscape Business	X	X
Liquor Store	X	X
Nightclub or Bar	X	X
Open Air Sales	X	X
Shopping Center	X	X
Tattoo Facility	X	X
Other Commercial Services	X	X
<i>Vehicle Sales and Services</i>		
Auto Rentals	X	X
Auto Repairs	X	X
Auto Sales	X	X
Car Washes	X	X
Gas Sales	X	X
Taxicab Services	X	X
Watercraft Sales, Rentals or Services	X	X
<i>Other Uses</i>		
Agriculture	X	X
DENSITY		
Residential	4 du	4 du
Motels	35 rooms	
Non Residential	12,000 Warehouse 10,000 Other *Condition that maximum square footage of a commercial or industrial building is 20,000 with a separation of at least 15' between buildings	Ranges between 3,000 – 12,000
HEIGHT	45'	Ranges between 35' – 45'

Notes:

- o 'X' denotes that the use is allowed in the district either by right or with conditions
- o In new districts made up of more than one zoning district, some uses may have only been allowed in one of the old districts

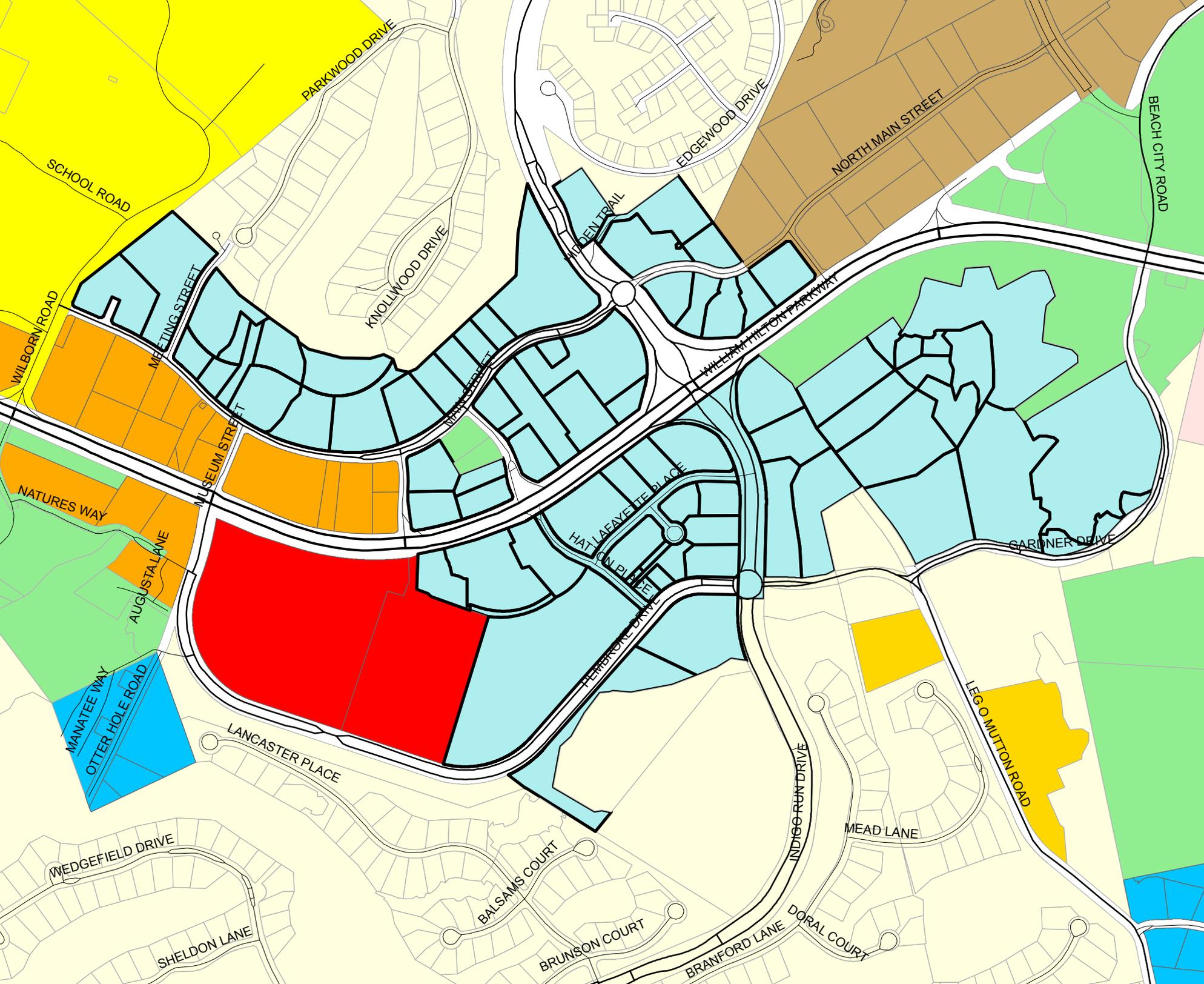
Main Street District

- **Character**
 - **Neighborhood Commercial Center**

- **Zoning Objectives**
 - **Moves parcels located outside the gates of Hilton Head Plantation and Indigo Run and currently zoned PD-1 (Planned Development Mixed Use) into a separate zoning district.**
 - **Allows uses conforming to what is in place**
 - **Create more flexibility for redevelopment**

Map/Picture of zone - next page

****Shown in Light Blue****



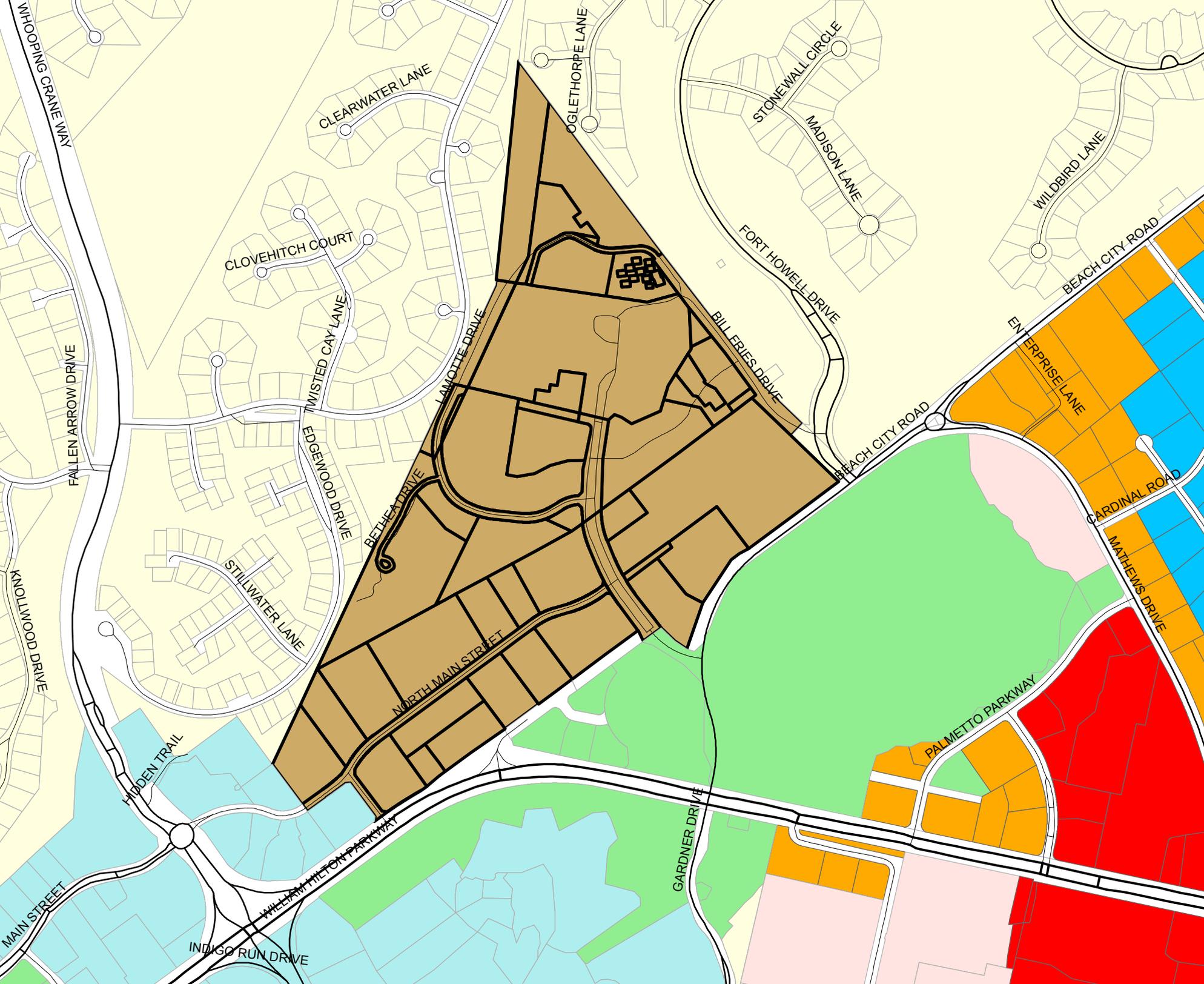
Medical District

- **Character**
 - **Medical services changed “campus” to meet Island needs**

- **Zoning Objectives**
 - **Pull together existing parcels providing medical services and open parcels for new medical services**

Map/Picture of zone - next page

Shown in Brown



Changes to the 'R' Residential Districts

- RS-2 and RS-3 have been combined into one RS-3 district
- RS-4 and RS-5 have been combined into one RS-5 district
- Convenience Stores, Open Air Sales and Other Commercial Services have been added to the RM-4 and RM-8 zoning districts as uses permitted by condition.
 - Convenience Stores and Other Commercial Services are limited to 1,200 GFA.

****Shown in shades of yellow and pink on the full zoning map****

Initiative Areas

Issues

- Many citizens in Ward 1 / RM4 want additional density as an economic opportunity for development of their property beyond single family housing as defined by RM4
- One single density across all areas of the RM-4 District discourages capital investment, and too, overlooks an opportunity for growing the island's economy.

Principles:

- The unique characteristics of neighborhoods should be reflected in land uses and density
- Should strive to capitalize on and leverage a neighborhood's special qualities, thereby enhancing property values and the richness of the island's human environment.

Options

- Range of Options for Density Discussed
 1. Up-Zone all RM4 to 8 units/acre (requested by some in the community)
 2. Conditional Density for family compounds(requested by some in the community)
 3. Conditional density for larger lot sizes(requested by some in the community)
 4. Implement Initiative Areas
 - Target specific areas currently zoned RM-4 for specific types of development that capitalize on special neighborhood qualities
 - Possible Initiative Areas
 - Mitchellville/Port Royal Sound Initiative Area
 - Squire Pope/Wild Horse/Gum Tree Initiative Area
 - Skull Creek Frontage along Squire Pope Initiative Area
 - Stoney Initiative Area

- **Cross Island Parkway Initiative Area**

Assessment

1. Up Zone all existing RM4 properties to 8 d/u per acre

▪ Pros

- **Maximizes opportunity (or perceived opportunity) for individual owners**
- **Treats Ward 1 consistently with other areas that are granted additional density through LMO Re-Write**
- **Recognizes changes that have occurred in Ward 1 since 1999**

▪ Cons

- **Does not take into account existing development , single family neighborhoods**
- **Potential negative impact to storm water and other infrastructure not understood without study**

2. Grant Conditional Density - Family Compounds

- **Develop an approach to allow additional density for family compounds to address need defined by citizens**
- **There are legal issues with granting rights based solely on ownership that must be addressed**

3. Conditional Density - Larger Lot Sizes

- **Provide mechanism to allow more density for larger properties consistent with Ward 1 Master Plan provided water and sewer systems in place**
- **3 acre parcels - up to 6 dwelling units/acre**
- **5 acre parcels - up to 8 dwelling units/ac**

4. Implement Initiative Areas

Mitchellville/Port Royal Sound Initiative Area

Leverage its history during and after the Civil War. Land uses should encourage people to learn, to have a meal, to buy a gift, and to stay overnight. Given this scenario, sound views and transition areas within the Initiative Area might have higher densities where FAA regulations permit.

- **Increase density for RM4 properties along Port Royal Sound by moving them to Mitchelville District**
- **Create a transition density area west of those parcels of 8 units/acre**
- **Allow some commercial activity at a limited square footage in the transition area**

Squire Pope/Wild Horse/Gum Tree Initiative Area

This area has significant public investment and a variety of housing options. No other area on the island has the same concentration of family-oriented amenities: the school campus, Rec Center, Boys and Girls Club, Taylor Park, bike paths and easy access to Jarvis Creek Park and the Children's Center. Our recommendations could stimulate more affordable housing for working families. This suggests a modest increase in density (to spread land costs) and perhaps broader land use options (to accommodate some of the needs of the neighborhood).

- **Create RM 8 district near schools to create a walkable affordable housing area for working families in the area between Chinaberry Ridge and Allenwood and the area to the south of Carolina Isles and west of Gumtree Rd. (This should include all the parcels within 1/2 mi of the school campus)**
- **Existing PD-2 designation at Gum Tree/Squire Pope Circle provides commercial opportunity**

Skull Creek Frontage along Squire Pope Initiative Area

Given its impressive views, Green's Shell Park and the expected Rowing & Sailing Center, this stretch of Squire Pope Road could become an important point of public access to water, environmental education and education around traditional

Gullah life on the water. Even without a cohesive theme, the views, the location and the neighborhood suggest that a higher density than RM-4 is reasonable.

- **Extend WMU District south/west along Squire Pope Rd from the Fuller Pointe development to marsh adjacent to Heritage Trust property**

Stoney Initiative Area

Probably requires a public/private partnership to resolve land use patterns and traffic concerns. The committee may conclude that the existing density of 10 du/ac be retained while acknowledging access onto 278 must be limited.

Therefore, we probably will want to recommend a neighborhood/Town partnership to determine alternate ways of providing access and development. This might result in land swaps, density swaps and/or new secondary roads.

Cross Island Parkway Initiative Area

Existing light industrial uses adjacent to the Parkway are logical. On the other hand, RM-4 density, where land cost cannot be distributed broadly, conflicts with normal marketplace economics: high land cost, low intrinsic market appeal because of noise. Therefore, we might recommend a slightly higher residential density backing up to the highway, perhaps 400'-500' in depth.

- **Rezone the area west of the parkway and east of Muddy Creek Rd to 8 units/acre**

Rezone the triangular shaped area between the Cross Island Parkway and Spanish Wells Rd to 8 units/acre

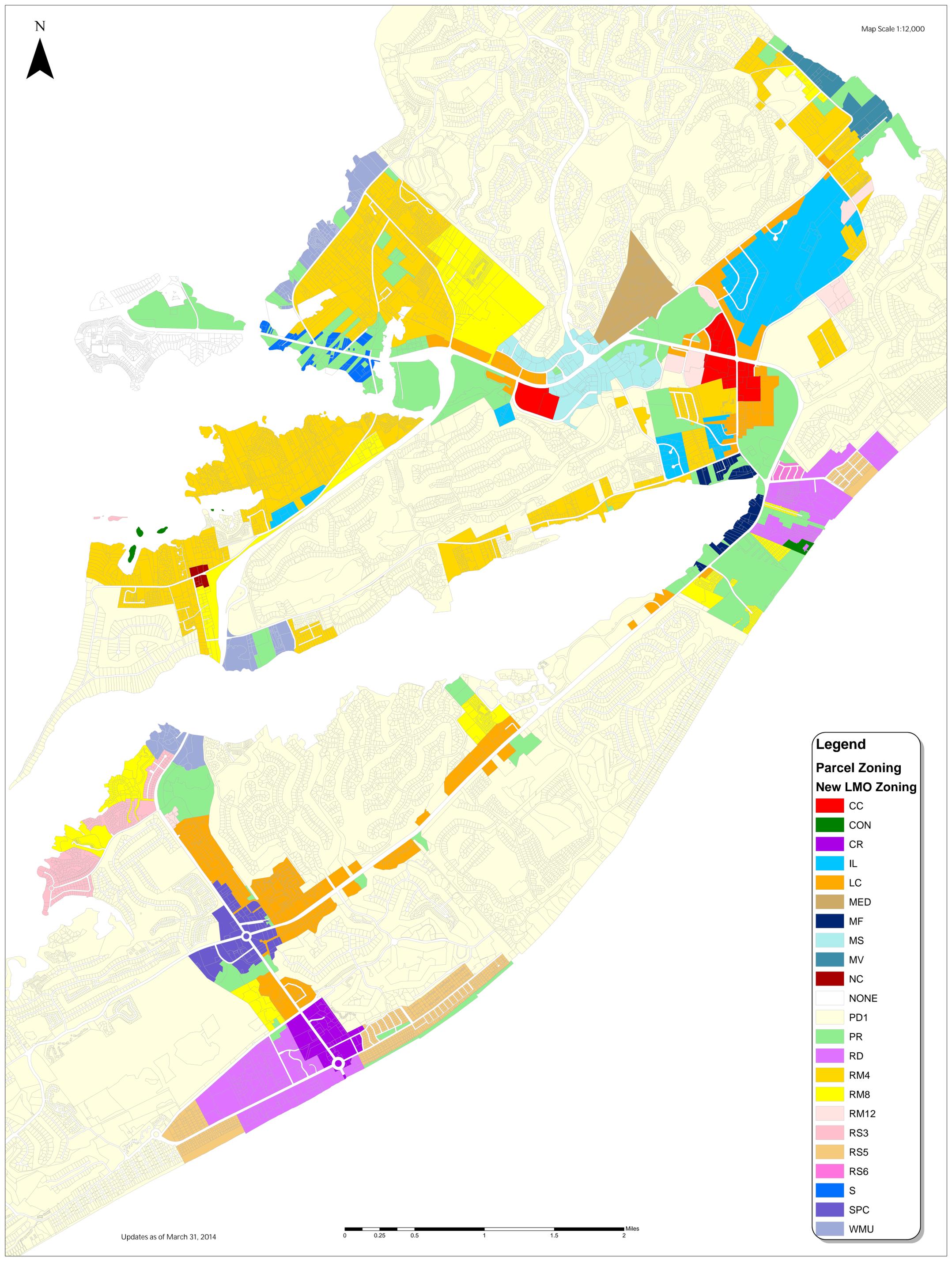
Changes in Proposed LMO

1. **Adopted the Initiative Areas and adjusted density accordingly:**
 - a. **Mitchellville/Port Royal Sound Initiative Area**
 - b. **Squire Pope/Wild Horse/Gum Tree Initiative Area - with change to boundaries to include school and adjacent parcels**
 - c. **Skull Creek Frontage along Squire Pope Initiative Area**
 - d. **Stoney Initiative Area**
 - e. **Cross Island Parkway Initiative Area**

- 2. Incorporate Neighborhood Commercial Districts**
 - a. Current district at Spanish Wells**
 - b. Retain current PD-2 at Gumtree Circle**
- 3. Adopt increased conditional density for larger properties consistent with the Ward 1 Master Plan**
 - a. up to 6 d/u acre if 3 acre parcel**
 - b. up to 8 d/u acre if 5 acre parcel**

- 2. Strongly recommend to Planning Commission (as part of the Master Plan work requested by the Mayor/Town Council):**
 - that they work with the residents in the Initiative areas to develop a vision and purpose definition for development in that area**
 - that they attempt to develop a solution to Conditional density for family compounds**
 - that they explore a neighborhood/Town partnership to determine alternate ways of providing access and development in the Stoney Area**
 - that they review the other Ward 1 issues outside the scope of the LMO that have been identified during the LMO Rewrite process, i.e road conditions, etc**
 - Evaluate extension of Cross Island Initiative area northward to marsh**

N



Legend

Parcel Zoning

New LMO Zoning

CC	CC
CON	CON
CR	CR
IL	IL
LC	LC
MED	MED
MF	MF
MS	MS
MV	MV
NC	NC
NONE	NONE
PD1	PD1
PR	PR
RD	RD
RM4	RM4
RM8	RM8
RM12	RM12
RS3	RS3
RS5	RS5
RS6	RS6
S	S
SPC	SPC
WMU	WMU

Town of **HILTON HEAD
ISLAND**

**Land Management
Ordinance**

**Public Hearing Draft
Chapters 16-3, -4, and -10**

March 2014



CLARION



Chapter 16-3: Zoning Districts

Commentary

Chapter 16-3: Zoning Districts, builds on Chapter 16-4: Zoning District Regulations, of the current LMO, but modifies the zoning district structure and the format of the base and overlay zoning districts to conform with the changes discussed in the Response to LMO Committee Comments on Code Assessment and subsequent discussions and requests by the LMO Rewrite Committee. Additionally, the provisions in Chapter 16-4: Zoning District Regulations, of the current LMO, is divided into two chapters (16-3 and 16-4) in the updated LMO draft. The provisions related to the base and overlay zoning districts are included in Chapter 16-3: Zoning Districts, and the standards and regulations involving the uses are included in Chapter 16-4: Use Standards. Chapter 16-3: Zoning Districts, includes six sections:

1. 16-3-101: General Provisions
2. 16-3-102: Base Zoning Districts Established
3. 16-3-103: Conservation and Parks/Recreation Districts
4. 16-3-104: Residential Base Zoning Districts
5. 16-3-105: Mixed-Use and Business Districts
6. 16-3-106: Overlay Zoning Districts

Section 16-3-101, General Provisions, establishes the different types of zoning districts and indicates that compliance with district standards is required for all development in the Town.

Section 16-3-102, Base Zoning Districts Established, sets out the 22 base zoning districts in the LMO.

Section 16-3-103, Conservation and Parks/Recreation Districts, establishes the two special base districts (Conservation and Parks/Recreation).

Section 16-3-104, Residential Base Zoning Districts, establishes the six residential base districts in the Town.

Section 16-3-105, Mixed-Use and Business Districts, sets out the 14 nonresidential districts in the Town.

Section 16-3-106, Overlay Zoning Districts, sets out the standards and regulations for the nine overlay districts.

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Chapter 16-3: Zoning Districts

Sec. 16-3-101. General Provisions¹⁵⁹

A. Compliance with District Standards

No land within the Town shall be developed except in accordance with the zoning district regulations of this chapter and all other regulations of this Ordinance.

B. Types of Zoning Districts

Land within the Town is classified by this Ordinance to be within one of several base zoning districts. Land within any base zoning district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district.

Sec. 16-3-102. Base Zoning Districts Established¹⁶⁰

A. General

Table 16-3-102.A, Base Zoning Districts Established, sets out the base zoning districts established by this Ordinance. Base zoning districts are grouped into Conservation and Recreation Districts, Residential Districts, and Mixed-Use and Business Districts.

TABLE 16-3-102.A: BASE ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
CONSERVATION AND RECREATION DISTRICTS	
Conservation District	CON
Parks and Recreation District	PR
RESIDENTIAL DISTRICTS	
Residential Single-Family-3 District	RSF-3
Residential Single-Family-5 District	RSF-5
Residential Single-Family-6 District	RSF-6
Low to Moderate Density Residential District	RM-4
Moderate Density Residential District	RM-8
Moderate to High Density Residential District	RM-12
MIXED-USE AND BUSINESS DISTRICTS	
Coligny Resort District	CR
Sea Pines Circle District	SPC
Community Commercial District	CC
Main Street District	MS
Waterfront Mixed-Use District	WMU

¹⁵⁹ This new section generally establishes that development must comply with the district standards. It also summarizes the different types of districts in the chapter.

¹⁶⁰ This section establishes the base zoning districts in the LMO. It builds on the base zoning districts in the current LMO, but revises the zoning district structure based on the direction from LMO Rewrite Committee. This results in a reduction in the number of base zoning districts from 24 to 22. Of the 22 base districts, eight are mixed-use districts that are intended to recognize and accommodate the distinct character of the island's various existing activity centers.

Chapter 16-3: Zoning Districts
Sec. 16-3-102. Base Zoning Districts Established
B. Classification of Base Zoning Districts

TABLE 16-3-102.A: BASE ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
Stoney District	S
Marshfront District	MF
Mitchelville District	MV
Neighborhood Commercial	NC
Light Commercial District	LC
Resort Development District	RD
Medical District	MED
Light Industrial District	IL
Planned Development Mixed-Use District	PD-1

B. Classification of Base Zoning Districts¹⁶¹

Land shall be classified or reclassified into a base zoning district only in accordance with the procedures and requirements set forth in Sec. 16-2-103.C, Zoning Map Amendment (Rezoning), or Sec. 16-2-103.D, Planned Unit Development (PUD) District/Master Plan, as appropriate.

C. Relationship Between Base and Overlay Zoning Districts¹⁶²

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district. The standards governing the overlay zoning district shall control, whether they are more restrictive or less restrictive than a base zoning district. If land is classified into multiple overlay zoning districts and the standards governing one overlay district are not consistent with the standards in the other overlay district, the more restrictive standard shall apply.

D. Organization of Base Zoning District Regulations¹⁶³

Base zoning districts may be either traditional base zoning districts or the PD-1 Planned Development Mixed-Use District.

1. Regulations for each individual traditional base zoning district consist of a common structure with subsections that: (a) state the purpose of the district; (b) identify allowed principal uses, referencing any use-specific conditions in Chapter 16-4: Use Standards, and identifying the off-street parking standards; (c) identify the standards related to development form (density/intensity, height, and lot coverage); and (d) reference the use standards in Chapter 16-4: Use Standards, the development and design standards in Chapter 16-5: Development and Design Standards, and the natural resource standards in Chapter 16-6: Natural Resource Protection.
2. Regulations for the PD-1 Planned Mixed-Use District state (a) the purpose of the district and (b) the specific regulations that apply to the district.

¹⁶¹ This is a new section stating that land will be classified into base zoning districts in accordance with the procedures of this Ordinance.

¹⁶² This is a new section clarifying the relationship between base and overlay zoning districts. It states that the regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district.

¹⁶³ This is a new section explaining the structure of the regulations for base zoning districts throughout the rest of this chapter.

Sec. 16-3-103. Conservation and Recreation Districts

A. General Purposes¹⁶⁴

The conservation and recreation districts established in this section are intended to accommodate lands where typical growth and development does not occur, either because the lands contain or are nearby important natural resources (Conservation District) or the lands are used as publicly held park and recreation resources (Parks and Recreation District).

CONSERVATION AND RECREATION ZONING DISTRICTS	
DISTRICT NAME	ABBREVIATION
Conservation District	CON
Parks and Recreation District	PR

¹⁶⁴ This new section states the general purpose of the Conservation and Parks and Recreation Districts, and identifies them in a table.

B. Conservation (CON) District¹⁶⁵

CON Conservation District

1. Purpose

The purpose of the Conservation District (CON) is to preserve and protect environmentally sensitive tidal wetland and beachfront lands subject to natural hazards by ensuring these areas only accommodate very low intensity development that minimally disrupts natural features or systems (either temporarily or permanently).

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Other Uses			
Boat Ramps, Docking Facilities, and Marinas	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE
All Development	n/a	Max. Impervious Cover
		n/a
MAX. BUILDING HEIGHT		Min. Open Space for Major Residential Subdivisions
All Development	n/a	n/a

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

¹⁶⁵ The Conservation District is carried forward from the current LMO, along with a similar purpose statement. At the request of Town staff and the LMO Rewrite Committee, parks, utilities, and water-oriented facilities other than boat ramps, docking facilities, and marinas would no longer be allowable uses.

Chapter 16-3: Zoning Districts
Sec. 16-3-103. Conservation and Recreation Districts
B. Conservation (CON) District

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C. Parks and Recreation (PR) District¹⁶⁶

PR Parks and Recreation District				
1. Purpose				
The purpose of the PR Parks and Recreation District is to accommodate and manage the land uses allowed on publicly held land used for active or passive recreation purposes, or publicly owned land preserved in its natural state for public enjoyment. Development in this District shall be allowed and designed to minimize, as much as possible, its impact on both the natural environment and the community.				
2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities	
Community Service Uses	P		1 per 400 GFA	
Government Uses	PC	Sec. 16-4-102.B.2.c	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Commercial Services				
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, Docking Facilities, and Marinas	P	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
All Development	6,000 GFA		Max. Impervious Cover	45%

¹⁶⁶ The Parks and Recreation District is carried forward from the current LMO, along with a similar purpose statement. At the request of Town staff and the LMO Rewrite Committee, boat ramps, docking facilities, and marinas would become allowable uses, but other water-oriented facilities would no longer be allowed; a new density standard and impervious surface limit would be applied, and the height limit would be modified from 45 feet/2 stories. Also, in response to recommendations of the Greater Island Council Telecommunications Task Force, Town staff asked that monopole telecommunication towers be allowed subject to conditions in all zoning districts except the Conservation District.

Chapter 16-3: Zoning Districts
Sec. 16-3-103. Conservation and Recreation Districts
C. Parks and Recreation (PR) District

MAX. BUILDING HEIGHT

All Development 35 ft

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

Chapter 16-3: Zoning Districts
Sec. 16-3-103. Conservation and Recreation Districts
C. Parks and Recreation (PR) District

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

A. General Purposes¹⁶⁷

The residential districts established in this section are intended to provide lands to accommodate a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

1. Provide appropriately located lands for residential development that are consistent with the goals and policies of the Comprehensive Plan;
2. Ensure adequate light, air, privacy, and recreational and open space lands for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
3. Protect residential lands from fires, explosions, toxic fumes and substances, and other public safety hazards;
4. Provide for residential housing choice, and diversity with varying housing densities, types, and designs;
5. Provide for safe and efficient vehicular access and circulation and promote pedestrian-friendly neighborhoods;
6. Provide for public services and facilities needed to serve residential development;
7. Accommodate public, civic, institutional, and educational land uses that complement residential development; and
8. Protect residential development from incompatible nonresidential development.

RESIDENTIAL ZONING DISTRICTS	
DISTRICT NAME	ABBREVIATION
Residential Single-Family District-3	RSF-3
Residential Single-Family District-5	RSF-5
Residential Single-Family District-6	RSF-6
Low to Moderate Density Residential District	RM-4
Moderate Density Residential District	RM-8
Moderate to High Density Residential District	RM-12

¹⁶⁷ This new section sets out the general purpose of the Residential Zoning Districts, and identifies them in a table.

B. Residential Single-Family-3 (RSF-3) District¹⁶⁸

RSF-3 Residential Single-Family-3

1. Purpose

The purpose of the Residential Single-Family District -3 (RSF-3) is to primarily accommodate neighborhoods of single-family dwellings at densities ranging up to three units per acre. It is intended to discourage any use that would substantially interfere with the development of single-family dwellings or would be detrimental to the quiet residential nature of single-family neighborhoods.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE	P	USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Government Uses	PC	Sec. 16-4-102.B.2.c	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, Docking Facilities, and Marinas	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)	LOT COVERAGE
Residential 3 du	Max. Impervious Cover for Nonresidential Development 35%
Nonresidential 6,000 GFA	Min. Open Space for Major Residential Subdivisions 16%
MAX. BUILDING HEIGHT	
All Development 35 ft	

¹⁶⁸ As discussed in the Response to LMO Rewrite Committee Comments on Code Assessment, the RS-2 and RS-3 districts in the current LMO are consolidated into a new RSF-3 Residential Single-Family-3 District. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include government uses, religious institutions, major utilities, agriculture uses, and boat ramps, docking facilities, and marinas; and a new nonresidential density standard is added.

Chapter 16-3: Zoning Districts
Sec. 16-3-104. Residential Base Zoning Districts
B. Residential Single-Family-3 (RSF-3) District

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

C. Residential Single-Family-5 (RSF-5) District¹⁶⁹

RSF-5 Residential Single-Family-5

1. Purpose

The purpose of the Residential Single-Family District -5 (RSF-5) is to primarily accommodate neighborhoods of single-family dwellings at densities ranging up to five units per acre. It is intended to discourage any use that would substantially interfere with the development of single-family dwellings or would be detrimental to the quiet residential nature of single-family neighborhoods.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE	P	USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Government Uses	PC	Sec. 16-4-102.B.2.c	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, Docking Facilities, and Marinas	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)	LOT COVERAGE
Residential 5 du	Max. Impervious Cover for Nonresidential Development 35%
Nonresidential 6,000 GFA	Min. Open Space for Major Residential Subdivisions 16%
MAX. BUILDING HEIGHT	
All Development 35 ft	

¹⁶⁹ As discussed in the Response to LMO Rewrite Committee Comments on Code Assessment, the new RSF-5 District consolidates the RS-4 and RS-5 districts in the current LMO, with standards largely based on those for the RS-5 district. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include government uses, religious institutions, major utilities, agriculture uses, and boat ramps, docking facilities, and marinas; and a new nonresidential density standard is added.

Chapter 16-3: Zoning Districts
Sec. 16-3-104. Residential Base Zoning Districts
C. Residential Single-Family-5 (RSF-5) District

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

D. Residential Single-Family-6 (RSF-6) District¹⁷⁰

RSF-6 Residential Single-Family-6

1. Purpose

The purpose of the Residential Single-Family District-6 (RSF-6) is to primarily accommodate single-family dwellings at densities ranging up to six units per acre. It is intended to discourage any use that would substantially interfere with the development of single-family dwellings or would be detrimental to the quiet residential nature of single-family neighborhoods. The district also accommodates agricultural uses and parks as permitted uses. Minor utilities and cemeteries are allowed by Special Exception.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES				
Residential Uses							
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA				
Public, Civic, Institutional, and Educational Uses							
Government Uses	PC	Sec. 16-4-102.B.2.c	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Fire Stations</td> <td>4 per bay + 1 per 200 GFA of office area</td> </tr> <tr> <td>Other</td> <td>1 per 200 GFA of office area</td> </tr> </table>	Fire Stations	4 per bay + 1 per 200 GFA of office area	Other	1 per 200 GFA of office area
Fire Stations	4 per bay + 1 per 200 GFA of office area						
Other	1 per 200 GFA of office area						
Major Utilities	SE		1 per 1,500 GFA				
Minor Utilities	P		n/a				
Public Parks	P		See Sec. 16-5-106.D.2				
Religious Institutions	P		1 per 3 seats in main assembly area				
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a				
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1				
Other Uses							
Agriculture Uses	P		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Stables or Riding Academies</td> <td>1 per 5 stalls</td> </tr> <tr> <td>Other</td> <td>n/a</td> </tr> </table>	Stables or Riding Academies	1 per 5 stalls	Other	n/a
Stables or Riding Academies	1 per 5 stalls						
Other	n/a						

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	6 du	Max. Impervious Cover for Nonresidential Development	35%
Nonresidential	6,000 GFA	Min. Open Space for Major Residential Subdivisions	16%
MAX. BUILDING HEIGHT			
All Development	35 ft		

USE AND OTHER DEVELOPMENT STANDARDS

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

¹⁷⁰ The RSF-6 District is carried forward from the current LMO, along with a similar purpose statement. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include government uses, religious institutions, major utilities, and agriculture uses; and a new nonresidential density standard is added.¹⁷¹ The RM-4 District is carried forward from the current LMO, along with a similar purpose statement, the same uses, density/intensity and other development form standards as in the current district. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include convenience stores, open air sales, and other commercial uses, as well as boat ramps, docking facilities, and marinas.

Chapter 16-3: Zoning Districts
Sec. 16-3-104. Residential Base Zoning Districts
D. Residential Single-Family-6 (RSF-6) District

TABLE NOTES:

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

E. Low to Moderate Density Residential (RM-4) District¹⁷¹

RM-4 Low to Moderate Density Residential District

1. Purpose

The purpose of the Low to Moderate Density Residential District-4 (RM-4) is to protect and preserve the character of these areas and neighborhoods at densities up to four dwelling units per net acre. This district is used to encourage a variety of residential opportunities, including multifamily residential units, single-family residences, and group living. The regulations of the district are intended to discourage development that would substantially interfere with, or be detrimental to, residential character.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Group Living	P		1 per 3 rooms	
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities	
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			Other Education Uses	See Sec. 16-5-106.D.2
Government Uses	PC	Sec. 16-4-102.B.2.c	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	

¹⁷¹ The RM-4 District is carried forward from the current LMO, along with a similar purpose statement, the same uses, density/intensity and other development form standards as in the current district. At the request of Town staff and the LMO Rewrite Committee, allowable uses are broadened to include convenience stores, open air sales, and other commercial uses, as well as boat ramps, docking facilities, and marinas.

Chapter 16-3: Zoning Districts
Sec. 16-3-104. Residential Base Zoning Districts
E. Low to Moderate Density Residential (RM-4) District

Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.A.7.d.i	1 per guest room + 75% of spaces required for associated uses	
Commercial Services				
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 GFA of sales/display area	
Other Commercial Services	PC	Sec. 16-4-102.B.7.l	See Sec. 16-5-106.D.2	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, Docking Facilities, and Marinas	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	4 du	Max. Impervious Cover for Nonresidential Development	35%
Nonresidential	6,000 GFA	Min. Open Space for Major Residential Subdivisions	16%
MAX. BUILDING HEIGHT			
All Development	35 ft		

USE AND OTHER DEVELOPMENT STANDARDS

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

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

F. Moderate Density Residential District (RM-8) District¹⁷²

RM-8 Moderate Density Residential District

1. Purpose

The purpose of the Moderate Density Residential District-8 (RM-8) is to allow the development of residential uses at densities up to eight dwelling units per net acre. The district allows a variety of residential uses, along with uses that support neighborhoods. The district is intended to discourage development that would substantially interfere with, or be detrimental to, moderate residential character.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Group Living	P		1 per 3 rooms	
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	PC	Sec. 16-4-102.B.2.c	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, Docking Facilities, and Marinas	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)	LOT COVERAGE
Residential 8 du	Max. Impervious Cover for Nonresidential Development 35%
Nonresidential 6,000 GFA	

¹⁷² The RM-8 District is carried forward from the current LMO, along with a similar purpose statement and generally the same allowable uses, and other standards.

Chapter 16-3: Zoning Districts
 Sec. 16-3-104. Residential Base Zoning Districts
 F. Moderate Density Residential District (RM-8) District

MAX. BUILDING HEIGHT

All Development 45 ft

Min. Open Space for Major Residential Subdivisions 16%

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

G. Moderate to High Density Residential District (RM-12) District¹⁷³

RM-12 Moderate to High Density Residential District

1. Purpose

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

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Group Living	P		1 per 3 rooms	
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	PC	Sec. 16-4-102.B.2.c	Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)	LOT COVERAGE
Residential 12 du	Max. Impervious Cover for Nonresidential 35%

¹⁷³ The RM12 District is carried forward from the current LMO, along with a similar purpose statement and generally the same allowable uses and other standards.

Chapter 16-3: Zoning Districts
 Sec. 16-3-104. Residential Base Zoning Districts
 G. Moderate to High Density Residential District (RM-12) District

Nonresidential	6,000 GFA	Development	
MAX. BUILDING HEIGHT		Min. Open Space for Major Residential Subdivisions	16%
All Development	45 ft		

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

Chapter 16-3: Zoning Districts
Sec. 16-3-104. Residential Base Zoning Districts
G. Moderate to High Density Residential District (RM-12) District

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

A. General Purposes¹⁷⁴

The mixed-use and business base zoning districts established in this section are intended to provide a range of business and mixed-use development opportunities in appropriate locations. More specifically, they are intended to:

1. Provide appropriately located lands for the full range of business uses needed by the Town's residents, businesses, and workers, consistent with the goals, objectives, and policies of the Comprehensive Plan;
2. Strengthen the Towns' economic base, and provide employment opportunities close to home for residents of the Town and surrounding communities;
3. Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses;
4. Create suitable environments for various types of mixed-use development, where business, office, retail, and residential uses are designed and integrated in compatible ways; and
5. Minimize the impact of business development on residential districts and uses, and sensitive natural environments.

MIXED-USE AND BUSINESS DISTRICTS	
DISTRICT NAME	ABBREVIATION
Coligny Resort District	CR
Sea Pines Circle District	SPC
Community Commercial	CC
Main Street District	MS
Waterfront Mixed-Use District	WMU
Stoney District	S
Marshfront District	MF
Mitchelville District	MV
Neighborhood Commercial	NC
Light Commercial District	LC
Resort Development District	RD
Medical District	MED
Light Industrial District	IL
PD-1 Planned Development Mixed-Use District	PD-1

¹⁷⁴ This new section states the general purpose of the Mixed-Use and Business Zoning Districts, and identifies them in a table.

B. Coligny Resort (CR) District¹⁷⁵

CR

Coligny Resort District

1. Purpose

The purpose of the Coligny Resort (CR) District is to recognize and promote further investment in the area near Coligny Circle as an activity center and a core high-energy and visitor-oriented resort destination that encourages people to live, work, and recreate within the district. The district is intended to accommodate relatively high-intensity, commercial, office, residential, and mixed-use development that is pedestrian-oriented and human-scale. It is also intended to promote development that integrates civic and public gathering spaces and connects to such places in nearby developments and public places.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES[1] ¹⁷⁶	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.125 per du
			Nonresidential	1 per 650 GFA
Multifamily	P		1 bedroom	1 per du
			2 bedroom	1.25 per du
			3 or more bedrooms	1.5 per du
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 525 GFA	
Education Uses	P		Colleges and High Schools	7.5 per classroom
			Elementary and Junior High/Middle Schools	3 per classroom
			Other Education Uses	See Sec. 16-5-106.D.2

¹⁷⁵ The CR District is one of the new mixed-use activity center districts—one that largely caters to the Island's resort population. It generally takes the place of the current CCW district and is proposed to be expanded to extend towards Cordillo Parkway.

As a mixed-use district, a more general and flexible approach to uses is taken, with allowable uses expanded to include multifamily residential, community service uses, education uses, religious institutions, resort accommodation uses, outdoor commercial recreation uses, and auto rentals.

This district was named the I-MX-Coligny District in earlier module drafts.

¹⁷⁶ The LMO Rewrite Committee recommends that parking requirements be eliminated or reduced to encourage public/private partnerships in constructing parking structures. Eliminating parking requirements provides no incentive because although a private developer may benefit from a public parking structure constructed nearby, the developer has no responsibility to provide parking spaces and thus no incentive to contribute to the cost of constructing the parking structure. A developer required to provide parking may be willing to contribute to construction of a nearby public parking structure, particularly if doing so frees up limited available site area for additional development—an important benefit in areas where redevelopment is to be encouraged (like the Coligny Resort District). Accordingly, parking requirements are provided, but are reduced about 25% from those applicable in the SPC and CC Districts to reflect the mixed-use character of the district (wherein a person may use one parking space to visit multiple destinations). Added is a provision allowing a further 20% reduction of the stated minimums where required parking is located in a parking structure.

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
B. Coligny Resort (CR) District

Government Uses	P		Fire Stations	3 per bay + 1 per 300 GFA of office space
			Other	1 per 300 GFA of office area
Major Utilities	SE		1 per 2,000 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 4 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per 1.5 guest rooms	
Hotels, Inns, and Motels	PC	Sec. 16-4-102.B.4.b	1 per 1.5 guest rooms	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 7 persons + 1 per 300 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.a	Miniature Golf Courses	1 per 2.5 tees
			Stadiums	1 per 5 spectator seats
			Other	1 per 4 persons + 1 per 300 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-106.D.2	
Office Uses				
Contractor Offices	PC	Sec. 16-4-102.B.6.a	1 per 450 GFA of office/administrative area	
Other Office Uses	P		1 per 500 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 250 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 250 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 150 sf of gross floor area and outdoor eating area	
Grocery Stores	P		1 per 250 GFA	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 250 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 100 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 250 GFA of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 500 GFA	
Other Commercial Services	P		See Sec. 16-5-106.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-106.D.2	
Gas Sales	PC	Sec. 16-4-102.B.8.c	1 + 1 per pump	

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
B. Coligny Resort (CR) District

3. Development Form and Parameters

MODIFIED ADJACENT STREET AND USE SETBACK STANDARDS¹⁷⁷

Adjacent Street Setbacks	Along those segments of North Forest Beach Drive and Pope Avenue within or adjoining the CR District, the minimum adjacent street setback distance shall be reduced to one foot. Building facades adjacent to a lot's frontage along these street segments shall be located between the minimum adjacent street setback and a setback distance of 30 feet from the street right-of-way. [2] The adjacent street setback angles along these street segments and the adjacent street setback distance and angle standards along other street frontages shall be as set forth in Sec. 16-5-102.D, Adjacent Street Setback Requirements.
Adjacent Use Setbacks	The adjacent use setback standards set forth in Sec. 16-5-102.E, Adjacent Use Setback Requirements, shall apply only along the perimeter of the CR district.

MAX. DENSITY (PER NET ACRE)¹⁷⁸

LOT COVERAGE

All development	Undefined but limited by applicable design and performance standards	Max. Impervious Cove	n/a
		Min. Open Space for Major Residential Subdivisions	n/a

MAX. BUILDING HEIGHT¹⁷⁹

All development	60 ft
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USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

[1] Where all required parking spaces are located within a parking structure (e.g., parking deck or parking garage), the standards for the minimum number of parking spaces shall be reduced by 20 percent.

[2] Plazas, courtyards, and other public open spaces may occupy up to 50 percent of the width of the lot's frontage along these street segments provided such spaces extend no more than 80 feet from the street right-of-way.

¹⁷⁷ This provision is intended to encourage greater pedestrian activity by requiring buildings fronting certain street segments to be sited close to the adjoining sidewalk. In accordance with recommendations by the LMO Rewrite Committee, the provision is modified from the earlier Module 2 draft to limit its applicability to specified streets rather than to all streets other than those forming a district boundary. The LMO Rewrite Committee recently requested that the height limit for the CR District be set at 60 feet, but subject to a requirement that building height be stepped back at an angle from a starting height of two stories. This is essentially how the current adjacent street setback standards work. They define a building envelope with a maximum height of 20 feet at the minimum adjacent street setback distance and building height limited to space beneath a plane extending back from the top of the 20-foot height at a specified "setback angle," up to the maximum building height standard. The current adjacent street setback standards are proposed to be carried forward in Sec. 16-5-102 of the UDO. Given that CR District height limits are to be defined as a stepped back angle from a two-story minimum, we suggest that the building setback and height relative to the specified street segments simply rely on the carried forward adjacent street setback standards rather than a "build-to zone," as proposed in earlier drafts. The 20-foot starting height limit is equivalent to the two-story limit requested by the LMO Rewrite Committee. The setback angle ensures a stepped back building height, as requested by the LMO Rewrite Committee. The only modification to the generally applicable adjacent street setback standards is to reduce the setback distance to the one foot requested by the Committee. This change thus continues to use the adjacent street setback standards with which Town staff and the development community is familiar, and avoids the need to introduce the new (and possibly confusing) concept of a "build-to zone."

¹⁷⁸ At the request of the LMO Rewrite Committee, the current maximum density caps (6 du/acre for residential, 35 rooms per acre for hotels, and 8,000 sf/acre for other nonresidential uses) are eliminated.

¹⁷⁹ The LMO Rewrite Committee recommends that the district have a height limit of 60 feet, with step back/setback angle requirements for any building over two stories. The proposed minor modifications of the generally applicable adjacent street setback standards would achieve the requested stepped back height limit. See footnote 177 above.

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
B. Coligny Resort (CR) District

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C. Sea Pines Circle (SPC) District

SPC Sea Pines Circle District

1. Purpose

The purpose of the Sea Pines Circle (SPC) District is to provide lands for commercial and mixed-use development at moderate to relatively high intensities in the area around Sea Pines Circle. District regulations emphasize moderate-scale buildings and shopping centers, as well as high quality design, that balance the needs of driving public and pedestrian activity and circulation among the district's retail, dining, and entertainment activities. The district is also intended to accommodate nighttime activities.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential 1.5 per du Nonresidential 1 per 500 GFA
Multifamily	P		1 bedroom 1.4 per du
			2 bedroom 1.7 per du
			3 or more bedrooms 2 per du
Public, Civic, Institutional, and Educational Uses			
Community Service Uses	P		1 per 400 GFA
Education Uses	P		Colleges and High Schools 10 per classroom
			Elementary and Junior High/Middle Schools 4 per classroom
			Other Education Uses See Sec. 16-5-106.D.2
Government Uses	P		Fire Stations 4 per bay + 1 per 200 GFA of office area
			Other 1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA
Minor Utilities	P		n/a
Public Parks	P		See Sec. 16-5-106.D.2
Religious Institutions	P		1 per 3 seats in main assembly area
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1
Health Services			
Other Health Services	P		1 per 225 GFA
Resort Accommodations			
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room
Hotels, Inns, and Motels	P		1 per guest room
Commercial Recreation			
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area
Office Uses			
Contactors Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area
Other Office Uses	P		1 per 350 GFA

Chapter 16-3: Zoning Districts
 Sec. 16-3-105. Mixed-Use and Business Districts
 C. Sea Pines Circle (SPC) District

Commercial Services			
Adult Entertainment Use	SE	Sec. 16-4-102.B.7.a	1 per 100 GFA
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA
Eating Establishments	P		1 per 100 sf of gross floor area and outdoor eating area
Grocery Stores	P		1 per 200 GFA
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA
Other Commercial Services	P		See Sec. 16-5-106.D.2
Vehicle Sales and Services			
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-106.D.2
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash
Gas Sales	PC	Sec. 16-4-102.B.8.c	2 + 1 per pump
Industrial Uses			
Self-Service Storage	PC	Sec. 16-4-102.B.9.c	1 per 15,000 GFA of storage and office area

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	12 du	Max. Impervious Cover	60%
Hotel, Inn, or Motel	35 rooms	Min. Open Space for Major Residential Subdivisions	16%
Nonresidential	10,000 GFA		

MAX. BUILDING HEIGHT

All Development	45 ft
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USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

D. Community Commercial (CC) District

<h1 style="margin: 0;">CC</h1> <h2 style="margin: 0;">Community Commercial District</h2>			
1. Purpose			
<p>The purpose of the Community Commercial (CC) District is to provide lands for community-scale commercial activity centers that attract people from the island and the mainland. The district is more auto-oriented than some business districts, and provides land for moderate-sized retail stores. The district also provides opportunities for limited vehicle sales and service uses.</p>			
2. Allowable Principal Uses			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Public, Civic, Institutional, and Educational Uses			
Community Service Uses	P		1 per 400 GFA
Education Uses	P		Colleges and High Schools 10 per classroom
			Elementary and Junior High/Middle Schools 4 per classroom
			Other Education Uses See Sec. 16-5-106.D.2
Government Uses	P		Fire Stations 4 per bay + 1 per 200 GFA of office area
			Other 1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA
Minor Utilities	P		n/a
Public Parks	P		See Sec. 16-5-106.D.2
Religious Institutions	P		1 per 3 seats in main assembly area
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1
Health Services			
Other Health Services	P		1 per 225 GFA
Office Uses			
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area
Other Office Uses	P		1 per 350 GFA
Commercial Services			
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA
Eating Establishments	P		1 per 100 sf of gross floor area and outdoor eating area
Grocery Stores	P		1 per 200 GFA
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA
Other Commercial Services	PC	Sec. 16-4-102.B.7.l	See Sec. 16-5-106.D.2

Chapter 16-3: Zoning Districts
 Sec. 16-3-105. Mixed-Use and Business Districts
 D. Community Commercial (CC) District

Vehicle Sales and Services				
Auto Rentals	P		See Sec. 16-5-106.D.2	
Auto Repairs	PC	Sec. 16-4-102.B.8.b	2 per service bay + 1 per 200 GFA of office or waiting area	
Auto Sales	P		See Sec. 16-5-106.D.2	
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash	
Gas Sales	PC	Sec. 16-4-102.B.8.c	2 + 1 per pump	
Taxicab Services	P		1 per 200 GFA of office or waiting area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Nonresidential	10,000 GFA	Max. Impervious Cover	60%
MAX. BUILDING HEIGHT			
All Development	45 ft		

USE AND OTHER DEVELOPMENT STANDARDS

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

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

E. Main Street (MS) District

MS Main Street District

1. Purpose

The purpose of the Main Street District is to provide lands for shopping center, other commercial, and mixed-use development at moderate to relatively high intensities in the Main Street area and the portion of Indigo Run between U.S. Highway 278 and Pembroke Drive. Generally, the district places an emphasis on moderate-scale buildings, quality design, and pedestrian orientation (balanced with some accommodation of auto-oriented development).

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE	ZONING	USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential 1.5 per du Nonresidential 1 per 500 GFA
Multifamily	P		1 bedroom 1.4 per du
			2 bedroom 1.7 per du
			3 or more bedrooms 2 per du
Public, Civic, Institutional, and Educational Uses			
Community Service Uses	P		1 per 400 GFA
Education Uses	P		Colleges and High Schools 10 per classroom
			Elementary and Junior High Schools 4 per classroom
			Other Education Uses See Sec. 16-5-106.D.2
Government Uses	P		Fire Stations 4 per bay + 1 per 200 GFA of office area
			Other 1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA
Minor Utilities	P		n/a
Public Parks	P		See Sec. 16-5-106.D.2
Religious Institutions	P		1 per 3 seats in main assembly area
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1
Health Services			
Other Health Services	P		1 per 225 GFA
Resort Accommodations			
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room
Hotels, Inns, and Motels	P		1 per guest room
Commercial Recreation			
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area
Office Uses			
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area
Other Office Uses	P		1 per 350 GFA

Chapter 16-3: Zoning Districts
 Sec. 16-3-105. Mixed-Use and Business Districts
 E. Main Street (MS) District

Commercial Services			
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of gross floor area and outdoor eating area
Grocery Stores	P		1 per 200 GFA
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA
Other Commercial Services	P		See Sec. 16-5-106.D.2

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	12 du	Max. Impervious Cover	60%
Hotel, Inn, or Motel	35 rooms	Min. Open Space for Major Residential Subdivisions	16%
Nonresidential	9,000 GFA		

MAX. BUILDING HEIGHT

All Development	45 ft
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USE AND OTHER DEVELOPMENT STANDARDS

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

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

F. Waterfront Mixed-Use (WMU) District¹⁸⁰

WMU

Waterfront Mixed-Use

1. Purpose

It is the purpose of the Waterfront Mixed-Use District to recognize certain lands that are special water-oriented sites, and as such have a unique ability to provide an environment conducive to water-oriented commercial and residential development. In order to service the residents of these lands, and to serve the transient boat and minor tourist use component of the district, water-oriented commercial uses are permitted.

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500sf
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities	
Community Service Uses	P		1 per 400 GFA	
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels, Inns, and Motels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.a	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 persons + 1 per 200 GFA of office or similarly used area

¹⁸⁰ The WMU District carries forward the current Waterfront Mixed-Use District in the current LMO. The district continues to allow a wide range of uses.

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
F. Waterfront Mixed-Use (WMU) District

Water Parks	P		See Sec. 16-5-106.D.2	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 500 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of gross floor area and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-106.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-106.D.2	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC		1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, Docking Facilities, and Marinas	P		1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

MAX. DENSITY (PER NET ACRE) [1]		LOT COVERAGE	
Residential	16 du	Max. Impervious Cover	50%
Hotel, Inn or Motel	35 rooms	Min. Open Space for Major Residential Subdivisions	16%
Nonresidential	8,000 GFA		
MAX. BUILDING HEIGHT [2]			
All Development	75 ft		

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

[1] For purposes of calculating new density, only 25% of total square footage devoted to boat dry storage facilities shall be counted.

[2] Where a parcel in the WMU District adjoins a zoning district with a height limit lower than that in the WMU District, no part of a building on the WMU-zoned parcel shall exceed a height equal to the height limit in the adjoining district plus 1 foot, or major fraction thereof, for each foot of horizontal distance from the adjoining district.¹⁸¹

¹⁸¹ In accordance with the Response to LMO Rewrite Committee Comments on the code Assessment, this provision establishes a stepped back height limit from any adjoining districts with a lower height limit.

G. Stoney (S) District¹⁸²

S

Stoney District

1. Purpose

It is the purpose of the Stoney District to encourage cooperation between property owners in the development of their properties, to provide for connectivity between their properties, and to create an atmosphere that is more pedestrian friendly than traditional commercial development. Uses permitted in this district allow for a mix of multifamily residential, commercial, and office uses. Development should utilize vehicular access other than U.S. Highway 278 whenever possible, and should take advantage of the views across the tidal creeks in the area.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
Multifamily	P		1 bedroom
			2 bedroom
			3 or more bedrooms
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA
Public, Civic, Institutional, and Educational Uses			
Community Service Uses	P		1 per 400 GFA
Government Uses	P		Fire Stations
			Other
Major Utilities	SE		1 per 1,500 GFA
Minor Utilities	P		n/a
Public Parks	P		See Sec. 16-5-106.D.2
Religious Institutions	P		1 per 3 seats in main assembly area
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1
Resort Accommodations			
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room
Hotels, Inns, or Motels	PC	Sec. 16-4-102.B.4.b	1 per guest room
Commercial Recreation			
Indoor Commercial Recreation Uses	PC		1 per 3 persons + 1 per 200 GFA of office or similarly used areas
Office Uses			
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area

¹⁸² As discussed in the Response to LMO Rewrite Committee Comments on Code Assessment, the SMU District is carried forward with generally the same range of allowable uses (single-family, multifamily, religious institutions, eating establishments, offices, bed and breakfasts, retail and service uses (including shopping centers)), plus gas sales. At the request of the LMO Rewrite Committee, this range has been expanded to include hotels, bicycle shops, nightclubs/bars, car washes, taxicab services, and watercraft sales, rentals, and services. Density and other standards are generally carried forward, modified only to apply the 45-foot height limit to nonresidential as well as residential development.

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
G. Stoney (S) District

Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of gross floor area and outdoor eating area	
Grocery Stores	P		1 per 200 GFA	
Landscape Businesses	PC	Sec. 16-1-101.A.1.a	1 per 200 GFA	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Other Commercial Services	P		See Sec. 16-5-106.D.2	
Vehicle Sales and Services				
Car Washes	PC		1 per 500 GFA	
Gas Sales	PC	Sec. 16-4-102.B.8.c	2 + 1 per pump	
Taxicab Services	P		1 per 200 GFA of office or waiting area	
Watercraft Sales, Rentals, or Services	P		1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC	Sec. 16-4-102.B.9	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form and Parameters

MODIFIED ADJACENT STREET AND USE SETBACK STANDARDS

Adjacent Street Setback	Except along major or minor arterials, the adjacent street setback distance established in Sec. 16-5-102.D, Adjacent Street Setback Requirements, may be reduced by up to 30 percent, provided the applicant demonstrates there is no other feasible or practicable alternative that will accommodate a permitted use on the site in compliance with all other requirements of the LMO and the required adjacent street buffer can be provided. ¹⁸³
Adjacent Use Setback	The adjacent use setback distance established in Sec. 16-5-102.E, Adjacent Use Setback Requirements, may be reduced to ten feet where a public park adjoins another public park, or where a nonresidential use other than an industrial use adjoins another nonresidential use other than an industrial use. ¹⁸⁴

MAX. DENSITY (PER NET ACRE)

Residential	10 du
Bed and Breakfast	10 rooms
Hotels, Inn , or Motel	35 rooms
Nonresidential	7,000 GFA

LOT COVERAGE

Max. Impervious Cover	50%
Min. Open Space for Major Residential Subdivisions	16%

MAX. BUILDING HEIGHT

All Development	45 ft
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USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

¹⁸³ This is a new provision discussed and suggested in the Response to LMO Rewrite Committee Comments (p. 31) to allow property owner more flexibility to develop small or oddly shaped parcels in the SMU District.

¹⁸⁴ This carries forward Sec. 16-5-402 A of the current LMO.

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
G. Stoney (S) District

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
G. Stoney (S) District

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H. Marshfront (MF) District

MF Marshfront District

1. Purpose

The purpose of the Marshfront (MF) District is to provide for a mix of uses such a residential, institutional, and commercial uses at a scale suitable for the district. The district is intended to be a service area for the occupants of the Resort Development (RD) District located on the opposite side of U.S. Highway 278. Development should take advantage of the views of Broad Creek. Permitted uses in the district are intended to complement this area and its relationship to the headwaters of Broad Creek, where environmental, aesthetic, or traffic concerns are significant.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
H. Marshfront (MF) District

Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of gross floor area and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Other Commercial Services	P		See Sec. 16-5-106.D.2	
Vehicle Sales and Services				
Auto Rentals	P		See Sec. 16-5-106.D.2	
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash	
Gas Sales	PC	Sec. 16-4-102.B.8.c	2 + 1 per pump	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form Standards

Max. Density (per net acre)		LOT COVERAGE		
Residential	Along major arterial	4 du (8 du if lot area is at least 3 acres)	Max. Impervious Cover	60%
	Along other streets	6 du (10 du if lot area is at least 3 acres)	Min. Open Space for Major Residential Subdivisions	16%
Nonresidential		7,000 GFA		
MAX. BUILDING HEIGHT				
All Development		45 ft		

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

Chapter 16-3: Zoning Districts
 Sec. 16-3-105. Mixed-Use and Business Districts
 I. Mitchelville (MV) District

I. Mitchelville (MV) District

MV Mitchelville District

1. Purpose

The purpose of the Mitchelville (MV) District is to recognize the historic significance of an area of the Island and to provide for a neighborhood of low- to moderate-density residential development as well as institutional, office, and commercial uses that serve the neighborhood.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential 1.5 per du Nonresidential 1 per 500 GFA
Multifamily	P		1 bedroom 1.4 per du
			2 bedroom 1.7 per du
			3 or more bedrooms 2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA
Public, Civic, Institutional, and Educational Uses			
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities
Community Service Uses	P		1 per 400 GFA
Major Utilities	SE		1 per 1,500 GFA
Minor Utilities	P		n/a
Public Parks	P		See Sec. 16-5-106.D.2
Religious Institutions	P		1 per 3 seats in main assembly area
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1
Resort Accommodations			
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room
Hotels, Inns, and Motels	P		1 per guest room
Commercial Recreation			
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
I. Mitchelville (MV) District

Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.a	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 persons + 1 per 200 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-106.D.2	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 sf	
Eating Establishments	PC	Sec. 16-4-102.A.7.f.v	1 per 100 sf of gross floor area and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-106.D.2	
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-106.D.2	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Seafood Processing	PC		1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
Boat Ramps, Docking Facilities, and Marinas	P		1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips	

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	12 du	Max. Impervious Cover	35%
Hotel, Inn, or Motel	35 rooms	Min. Open Space for Major Residential Subdivisions	16%
Nonresidential	8,000 GFA		

MAX. BUILDING HEIGHT

All Development	75 ft
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USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

J. Neighborhood Commercial (NC)

NC Neighborhood Commercial District

1. Purpose

The purpose of the Neighborhood Commercial (NC) District is to allow clusters of retail businesses and services that serve the daily needs of nearby residential areas.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Cemeteries	P		1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities	
Community Service Uses	P		1 per 400 GFA	
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Eating Establishments	PC		1 per 100 sf of gross floor area and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Other Commercial Services	P		See Sec. 16-5-106.D.2	
Vehicle Sales and Services				
Gas Sales	PC	Sec. 16-4-102.B.8.c	2 + 1 per pump	

Chapter 16-3: Zoning Districts
 Sec. 16-3-105. Mixed-Use and Business Districts
 J. Neighborhood Commercial (NC)

Other Uses

Agriculture Uses	P	Stables or Riding Academies	1 per 5 stalls
		Other	n/a

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	4 du	Max. Impervious Cover	45%
Nonresidential	3,000 GFA	Min. Open Space for Major Residential Subdivisions	16%

MAX. BUILDING HEIGHT	
All Development	35 ft

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

Chapter 16-3: Zoning Districts
 Sec. 16-3-105. Mixed-Use and Business Districts
 K. Light Commercial (LC) District

K. Light Commercial (LC) District

LC Light Commercial District

1. Purpose

The purpose of the Light Commercial (LC) District is to provide lands for light commercial uses such as offices, banks, restaurants, and lower intensity retail sales and services uses. Permitted uses are generally auto-oriented and easily accessed.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE	P	USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Group Living	P		1 per 3 rooms	
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Recreational Vehicle (RV) Park	P		1 per recreational vehicle space	
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			Other Education Uses	See Sec. 16-5-106.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Resort Accommodations				
Hotels, Inns, and Motels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
K. Light Commercial (LC) District

Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.a	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 persons max. occupancy + 1 per 200 GFA of office or similarly used area
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Office Uses	P		1 per 350 GFA	
Commercial Services				
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA	
Eating Establishments	P		1 per 100 sf of gross floor area and outdoor eating area	
Grocery Stores	P		1 per 200 GFA	
Landscape Businesses	PC	Sec. 16-4-102.B.7.f	1 per 200 GFA	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Tattoo Facilities	PC	Sec. 16-4-102.B.7.k	1 per 335 GFA	
Other Commercial Services	P		See Sec. 16-5-106.D.2	
Vehicle Sales and Services				
Auto Rentals	P		See Sec. 16-5-106.D.2	
Auto Repairs	PC	Sec. 16-4-102.B.8.b	2 per service bay + 1 per 200 GFA of office and waiting area	
Auto Sales	P		See Sec. 16-5-106.D.2	
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash	
Gas Sales	PC	Sec. 16-4-102.B.8.c	2 + 1 per pump	
Taxicab Services	P		1 per 200 GFA of office or waiting area	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Light Industrial, Manufacturing, and Warehouse Uses	PC	Sec. 16-4-102.B.9.a	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office and administrative area	
Self-Service Storage	PC	Sec. 16-4-102.B.9.c	1 per 15,000 GFA of storage and office area	
Waste Treatment Plant	SE		See Sec. 16-5-106.D.2	
Wholesale Sales	PC	Sec. 16-4-102.B.9.d	1 per 1,000 GFA	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	4 du	Max. Impervious Cover	60%
Hotel, Inn, or Motel	35 rooms	Min. Open Space for Major Residential Subdivisions	16%
Warehouse	12,000 GFA		
Other Nonresidential	10,000 GFA		

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
K. Light Commercial (LC) District

MAX. BUILDING HEIGHT

All Development 45 ft

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
K. Light Commercial (LC) District

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L. Resort Development (RD) District¹⁸⁵

RD Resort Development District

1. Purpose

It is the purpose of the Resort Development (RD) District to provide for resort development in the form of multifamily development, bed and breakfasts, motels, and resort hotels. It is also the purpose of this district to provide for commercial development aimed at serving the island visitor. The commercial development is meant to service primarily the market created by the needs and desires of the visitor population staying in the RD district.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-106.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1	
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a	1 per guest room	
Hotels, Inns, and Motels	P		1 per guest room	

¹⁸⁵ The current RD Resort Development District is carried forward, but with district standards modified to add the flexibility needed to encourage redevelopment, yet maintain island character (as defined in the Design Guide). The district continues to allow a wide range of uses (single-family, multifamily, group living, mixed-use, government facilities, religious institutions, eating establishments, offices, commercial recreation uses, resort accommodations, other retail sales and service uses, and auto rentals. At the request of Town staff and the LMO Rewrite Committee, density standards are significantly increased for residential uses (from 8 du/ac) and accommodation uses (from 20 rooms/acre). The Response to LMO Rewrite committee Comments on the Code Assessment recommended application of transitional height standards within 600 feet of the edge of the district. At the request of Town staff and the LMO Rewrite Committee, such provisions are replaced with one imposing a lower height limit landward of South Forest Beach Drive.

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
L. Resort Development (RD) District

Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.a	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 persons + 1 per 200 GFA of office or similarly used area
Water Parks	P		See Sec. 16-5-106.D.2	

Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Office Uses	P		1 per 350 GFA	

Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of gross floor area and outdoor eating area	
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	P	Sec. 16-4-102.B.7.i	1 per 250 GFA of sales/display area	
Other Commercial Services	P		See Sec. 16-5-106.D.2	

Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-106.D.2	

3. Development Form and Parameters

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	16 du	Max. Impervious Cover	50%
Hotel, Inn, or Motel	35 rooms	Min. Open Space for Major Residential Subdivisions	16%
Nonresidential	8,000 GFA		
MAX. BUILDING HEIGHT			
Development on property landward of South Forest Beach Drive	60 ft		
All Other Development	75 ft		

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

M. Medical (MED) District

MED Medical District

1. Purpose

The purpose of the Medical (MED) District is to provide lands for development directly related to the provision of medical services—including hospitals, medical clinics and doctors' offices, nursing homes and other health services.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Public, Civic, Institutional, and Educational Uses			
Community Service Uses	P		1 per 400 GFA
Education Uses	P		Colleges and High Schools 10 per classroom
			Elementary and Junior High Schools 4 per classroom
			Other Education Uses See Sec. 16-5-106.D.2
Government Uses	P		Fire Stations 4 per bay + 1 per 200 GFA of office area
			Other 1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA
Minor Utilities	P		n/a
Public Parks	P		See Sec. 16-5-106.D.2
Religious Institutions	P		1 per 3 seats in main assembly area
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1
Health Services			
Hospitals	P		2 per bed + 1 per 200 GFA of office area
Nursing Homes	P		1 per 3 beds
Other Health Services	P		1 per 225 GFA
Office Uses			
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area
Office Uses	P		1 per 350 GFA
Commercial Services			
Other Commercial Services	P		See Sec. 16-5-106.D.2

3. Development Form Standards

MAX. DENSITY (PER NET ACRE)	LOT COVERAGE
Nonresidential 10,000 GFA	Max. Impervious Cover 60%
MAX. BUILDING HEIGHT	
All Development 45 ft	

USE AND OTHER DEVELOPMENT STANDARDS

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

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
M. Medical (MED) District

TABLE NOTES:

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

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N. Light Industrial (IL) District¹⁸⁶

<h1 style="margin: 0;">IL</h1> <h2 style="margin: 0;">Light Industrial District</h2>			
1. Purpose			
The purpose of the Light Industrial (IL) District is to provide for light industrial and service-related land uses with large buildings or outdoor storage requirements.			
2. Allowable Principal Uses			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Public, Civic, Institutional, and Educational Uses			
Aviation and Surface Transportation Uses	PC	Sec. 16-4-102.B.2.a	See Sec. 16-5-106.D.2
Aviation Services Uses	PC	Sec. 16-4-102.B.2.b	1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities
Government Uses	P		Fire Stations
			Other
Major Utilities	P		4 per bay + 1 per 200 GFA of office area
Minor Utilities	P		1 per 200 GFA of office area
Religious Institutions	P		1 per 1,500 GFA
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.d	n/a
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1
Office Uses			
Contractor's Office	P		1 per 350 GFA of office/administrative area
Commercial Services			
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA
Eating Establishments	PC	Sec. 16-4-102.B.7.e	1 per 100 sf of gross floor area and outdoor eating area
Landscape Businesses	P		1 per 200 GFA
Vehicle Sales and Services			
Auto Rentals	P		See Sec. 16-5-106.D.2
Auto Repairs	PC	Sec. 16-4-102.B.8.b	2 per service bay + 1 per 200 GFA of office or waiting area
Auto Sales	P		See Sec. 16-5-106.D.2
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash
Gas Sales	PC	Sec. 16-4-102.B.8.c	2 + 1 per pump
Taxicab Services	P		1 per 200 GFA of office or waiting area
Towing Services or Truck and Trailer Rentals	P		1 per 200 GFA of office or waiting area
Watercraft Sales, Rentals, or Services	P		1 per 200 GFA

¹⁸⁶ As discussed in the Response to LMO Rewrite Committee Comments on Code Assessment, the IL Light Industrial District carries forward the current IL Light Industrial/Commercial Distribution District with generally the same allowable uses (community services, government facilities, religious institutions, eating establishments, landscape businesses, watercraft sales, rental, or services, vehicle sales and services, light industrial services, manufacturing, warehouse, and wholesale sales).

O. Planned Development Mixed-Use (PD-1) District¹⁸⁸

PD-1 Planned Development Mixed-Use District

1. Purpose

The purpose of the Planned Development Mixed-Use (PD-1) District is to recognize the existence within the Town of certain unique Planned Unit Developments (PUDs) that are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a high quality resort and residential community. It is the intent in establishing this district to allow the continuation of well-planned development within these areas. In limited situations, some commercially planned portions of PUDs are placed within other base districts to more specifically define the types of commercial uses allowed.

2. Included PUDs and Master Plans

The following PUDs are included in the PD-1 District and their Town-approved master plans—including associated text and any subsequent amendments—are incorporated by reference as part of the Official Zoning Map and the text of this LMO. Amendments to these master plans and associated text shall be in accordance with Sec. 16-2-103.D, Planned Unit Development (PUD) District/Master Plan.

1 Hilton Head Plantation	6 Port Royal Plantation (and surrounds)
2 Indigo Run	7 Sea Pines
3 Long Cove Club	8 Shipyard Plantation
4 Palmetto Dunes Resort	9 Spanish Wells Plantation
5 Palmetto Hall	10 Wexford Plantation

3. Principal Uses Restricted by Master Plan

The master plans and associated text, as approved and amended by the Town, establish general permitted uses for the respective PUDs, except as may be modified by an overlay zoning district. Undesignated areas on these master plans shall be considered as open space.

The following uses are restricted to locations where a Town-approved master plan or associated text specifically states such uses are permitted. In addition, the use-specific conditions referenced below shall apply to any new such use or change to the site for any existing such use.

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Public, Civic, Institutional, and Educational Uses			
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.d	1
Commercial Recreation Uses			
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.2.a	See Sec. 16-5-106.D.2
Commercial Services			
Adult Entertainment	SE	Sec. 16-4-102.B.7.a	1 per 100 GFA
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii	1 per 200 GFA
Liquor Store	PC	Sec. 16-1-101.A.1.a	1 per 200 GFA
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA
Tattoo Facilities	PC	Sec. 16-4-102.B.7.k	1 per 335 GFA

¹⁸⁸ This carries forward the current PD-1 district, where applicable standards are largely established in the referenced master plans.

Chapter 16-3: Zoning Districts
 Sec. 16-3-105. Mixed-Use and Business Districts
 O. Planned Development Mixed-Use (PD-1) District

Vehicle Sales and Services			
Auto Rentals	PC	Sec. 16-4-102.B.8.a	See Sec. 16-5-106.D.2
Auto Sales	P		See Sec. 16-5-106.D.2
Gas Sales	PC	Sec. 16-4-102.B.8.c	2 + 1 per pump
Towing Services or Truck and Trailer Rentals	P		1 per 200 GFA of office or waiting area
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA
Other Uses			
Boat Ramps, Docking Facilities, and Marinas	PC	Sec. 16-4-102.B.10.a	1 per 200 GFA of enclosed floor space not used for storage + 1 per 3 wet slips + 1 per 5 dry storage slips

4. Development Area Densities

MAX. DENSITY (PER NET ACRE)	LOT COVERAGE ¹⁸⁹	
Site specific densities shall not exceed the density limits established in approved master plans and associated text, except as may be modified by an overlay zoning district. Where the approved master plans and associated text do not establish a density limit, site specific densities shall not exceed 10,000 GFA per net acre. ¹⁹⁰	Max. Impervious Cover in Areas without Restricted Access and Open to the Public	40% - Residential 65% - Nonresidential
	Max. Impervious Cover in Areas with Restricted Access	Shall not cause overall impervious surface for the PUD in that PD-1 District to exceed 45%
	Min. Open Space in Areas without Restricted Access and Open to the Public	50% - Residential 25% - Nonresidential
	Min. Open Space in Areas with Restricted Access	Shall not cause overall open space for the PUD in that PUD-1 District to be less than 55%
	Min. Open Space for Major Residential Subdivisions	16%
	MAX. BUILDING HEIGHT	
All Development	75 ft	

USE AND OTHER DEVELOPMENT STANDARDS

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

TABLE NOTES:

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

¹⁸⁹ This carries forward Sec. 16-4-1607. - Impervious Coverage in PD-1 District of the current LMO.

¹⁹⁰ This carries forward Sec. 16-4-1604. - Maximum Site Density in PUDs of the current LMO.

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
O. Planned Development Mixed-Use (PD-1) District

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Sec. 16-3-106. Overlay Zoning Districts

A. Purpose

Overlay zoning districts are superimposed over portions of one or more underlying base zoning districts or planned development districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

B. Establishment of Overlay Zoning Districts

Table 16-3-106.B, Overlay Zoning Districts Established, sets out the overlay zoning districts established by this Ordinance. Except where specifically provided in this Ordinance, variances from the overlay zoning district standards shall not be granted.

TABLE 16-3-106.B: OVERLAY ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
Airport Overlay District	A-O
Corridor Overlay District	COR
Planned Development Overlay District	PD-2
Forest Beach Neighborhood Character Overlay District	FB-NC-O
Folly Field Neighborhood Character Overlay District	FF-NC-O
Holiday Homes Neighborhood Character Overlay District	HH-NC-O
Redevelopment Overlay District	R-O
Coastal Protection Area Overlay District	CPA -O
Transition Area Overlay District	TA-O

C. Classification of Overlay Zoning Districts

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Sec. 16-2-103.C, Zoning Map Amendment (Rezoning).

D. Airport Overlay (A-O) District¹⁹¹

1. Purpose

The Airport Overlay (A-O) District is hereby established to ensure against safety hazards, noise, and obstruction problems associated with aircraft utilizing the Hilton Head Island Airport. All development proposed within the A-O District shall be subject to the standards specified in this section in addition to the standards and regulations contained in the particular base district in which the development occurs.

2. Applicability

Development in the A-O District is subject to regulation primarily to mitigate safety and noise problems. However, uses within the district also shall be regulated to ensure they are compatible with airport operations. The regulations governing use and

¹⁹¹ This section carries forward Chapter 4, Article IV – Airport Overlay District, from the current LMO, with minor formatting and grammatical changes.

height within the A-O District shall conform to the standards recommended by the Federal Aviation Administration's (FAA) Advisory Circular, 150/5190-4A, "Model Zoning Ordinance to Limit Height of Objects Around Airports" (12-14-87).

3. Delineation of the District

a. Mapping

The A-O District boundaries correspond with the Ldn 60 noise curve in accordance with planning standards of the FAA. The following five subdistricts of regulation are delineated within the A-O District. The A-O District and subdistricts are mapped as part of the Official Zoning Map.

i. Discretionary Noise Level

This level of regulation corresponds to the Ldn 60 noise curve. It is considered discretionary because it is the transitional impact level between significant and insignificant noise levels in the vicinity of the airport. The areas to be regulated are subsections of the Discretionary Noise Level.

ii. Significant Noise Level

The Ldn 65 noise curve is concentrically placed inside the Ldn 60 noise curve. Due to its proximity to the airport's primary surface, greater noise and safety concerns exist and more restrictive regulation is required.

iii. Approach Path Subdistrict

This Approach Path subdistrict is established to ensure that development near the airstrip will not pose safety problems due to vertical protrusions. It is the area that extends 525 feet on both sides of the airport's primary surface, and extends to the Ldn 60 noise curve at each end of the airport's primary surface. The airport runway primary surface area consists of a rectangle that is 5,000 feet long and 500 feet wide. The area encompassed by these special height limitations at the ends of the runway is in the shape of a trapezoid, in which the smaller and larger bases are established by the FAA. The height of the trapezoid would be the linear distance from the end of the runway.

iv. Inner Hazard Zone

This Inner Hazard Zone is defined to include the runway protection zone, object free area, and obstacle free zone as determined by the FAA. All of the land within the Inner Hazard Zone lies on the Hilton Head Island Airport property.

v. Outer Hazard Zone

Land within the Outer Hazard Zone is identified as the area that demonstrates a higher statistical probability of aircraft accidents occurring as determined by methods developed by the Institute of Transportation Studies at the University of California at Berkeley.

b. Plat Notice

- i. A notice shall be placed on all plats for properties located within the A-O District that states as follows: "This property lies either partially or wholly within the Hilton Head Island A-O District and is subject to noise that may be objectionable."
- ii. A notice shall be placed on all plats for properties located within the Outer Hazard Zone of the A-O District that states as follows: "This property lies either partially or wholly within the Outer Hazard Zone of the Hilton Head Island Airport Overlay District."

4. Airport Overlay District Regulations

Geographically, the subdistricts of the A-O District overlap; however, development shall comply with all applicable regulations. Occupant loads referenced shall be based upon Table 1003.2.2.2, Maximum Floor Area Allowances Per Occupant, of the latest adopted edition of the IBC. For uses with fixed seating, minimum occupant load shall be calculated by dividing the net square footage by the number of seats.

a. Discretionary Noise Level District—Ldn 60

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within the Ldn 60 noise level district in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights (i.e., colors and patterns), result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. Noise mitigation measures are encouraged for all proposed residential development.

b. Significant Noise Level—Ldn 65

Residential development is prohibited inside the Ldn 65 noise curve due to the severe nature of public health, safety, and welfare concerns.

c. Approach Path

Within the Approach Path subdistrict, no building, structure, utility pole or protrusion of any kind shall be permitted to extend to a height measured from the mean elevation of the airport runway that exceeds the limits established by the methodology described in this section.

- i. The maximum height limits permitted under this Ordinance of 75 feet shall be lowered as necessary to correspond with the limits established as follows:
 - 01. Along both sides and ends of the airport primary surface area, at the extremity of the primary surface, the height restriction shall be zero feet. Moving outward from both sides of the runway, 250 feet from the runway center line, the height limit shall increase at the rate of 1 foot upward per 7 linear feet, or a ratio of 1:7.
 - 02. Moving outward from both ends of the runway primary surface area, the height limit shall increase at the rate of one foot upward per 34 linear feet, or a ratio of 1:34. From both ends of the primary

surface area, the area subject to these special height limitations shall fan outward beyond the area that would be covered if the height limitation from the sides of the primary surface area extended beyond the ends of the runway.

- ii. The following process has been established for tree pruning, topping, and removal on and off airport property to address the height limits in subparagraph i above. For purposes of this section, "on airport property" shall be defined as any property in the approach path owned by Beaufort County and used for the operations of the Hilton Head Island Airport; "off airport property" shall be defined as that property affected by the height limits in the approach path. The requirements listed below are the only requirements in this Ordinance that the Hilton Head Island Airport must follow for tree pruning, topping and removal in the approach path.

01. On Airport Property

- (A) Applicants for a Tree Removal Permit (see Sec. 16-2-103.K, Tree Removal Permit) need only submit an application form, a brief narrative of proposed plans for tree protection and replacement, a site plan, and copies of all required permits from other agencies. The applicant may phase the tree pruning, topping, and removal by parcel. The site plan shall identify the parcels where trees will be pruned or removed and delineate any wetlands and wetland buffers within the subject parcels. Additionally, the Town and Beaufort County will jointly fund and employ an arborist to document the size and species of each removed tree by parcel. This data will be used to prepare a mitigation plan and to calculate any required fee for the tree replacement fund.
- (B) Prior to any tree pruning or removal, the applicant shall flag all buffers and wetlands.
- (C) In meeting the height requirements of subparagraph ii above, all adjacent use buffers and adjacent street buffers shall be a minimum of 75 feet in width. Additional buffers will also be required in the following areas:
- (1) Between the 75-foot buffer and the wetland buffer related to the wetland on airport property in closest proximity to St. James Baptist Church and between this wetland buffer and the 75-foot buffer near Beach City Road; and
- (2) Between the wetland buffer related to the wetland on airport property in closest proximity to St. James Baptist Church and the 1:34 approach slope line.
- (D) All trees within the 1:34 slope, unless located within wetlands, wetland buffers or any buffers listed in subparagraph (C) above may be removed.
- (E) The Arborist will determine which trees within the 1:7 slope, wetlands or any buffers have exceeded or have the potential to exceed the height requirements in subparagraph i above within five years [hardwoods] of the approval date or ten

years [conifers] of the approval date based on the species and maturity of each tree; the Arborist will then identify which of these trees can be pruned to be out of the approach path and to the five or ten year growth potential, respectively. For the purposes of this section, conifers are defined as cone-bearing trees with needle-like leaves, to include the cypresses as well as cone-bearing evergreens as listed in the Administrative Manual. Those trees that the Arborist determines require such severe pruning that they can no longer support themselves may be removed. Those specimen trees and trees in any wetland buffer that cannot be pruned may be removed without a Variance. Those trees in any wetland that cannot be pruned may be removed without a Wetland Alteration Permit. Reasonable care shall be taken to protect the understory vegetation. Mechanized vehicles shall not be used in wetlands or any buffers.

02. Off Airport Property

- (A) Applicants for a Tree Removal Permit (see Sec. 16-2-103.K, Tree Removal Permit) need only submit an application form, a brief narrative of proposed plans for tree protection and replacement, a site plan, copies of all signed avigation easements or a copy of paperwork indicating that condemnation notices have been filed, and copies of all required permits from other agencies. The applicant may phase the tree pruning and removal by parcel. The site plan must identify the parcels where trees will be pruned or removed and delineate any wetlands and wetland buffers within the subject parcels. Additionally, the Town and Beaufort County will jointly fund and employ an Arborist to document the size and species of each removed tree by parcel. This data will be used to prepare a mitigation plan for each parcel.
- (B) Prior to any tree pruning or removal the applicant shall flag all wetlands and wetland buffers.
- (C) The Arborist shall determine which trees have exceeded or have the potential to exceed the height requirements in subparagraph i above within five years [hardwoods] of the approval date or within ten years [conifers] of the approval date based on the species and maturity of each tree; the Arborist will then identify which of these trees can be pruned to be out of the approach path and to the five or ten year growth potential, respectively. Those trees that the arborist determines require such severe pruning that they can no longer support themselves may be removed. Reasonable care shall be taken to protect understory vegetation.
- (D) Specimen trees and trees within wetland buffers, if required to be removed based on the above subparagraph, may be removed without a Variance. Trees within wetlands, if required to be removed based on the above subparagraph, may be removed without a Wetland Alteration Permit.

Mechanized vehicles shall not be used in wetlands or any buffers.

03. Other Requirements

- (A) Due to its significance to the Town, the 64-inch DBH Live Oak tree located adjacent to St. James Baptist Church in the Beach City Road right-of-way shall not be pruned or removed; instead, a light will be installed in the canopy of the tree to indicate the presence of this tree to the operators of aircraft in the vicinity of the airport. Should the FAA reject lighting this tree, the provisions of Sec. 16-3-106.D.4.c.ii shall apply.
- (B) Due to their significance to the Town, the specimen Live Oak trees in the 1:34 and 1:7 slopes for the Hilton Head Island Airport shall only be pruned one foot out of the slope.
- (C) The County and Town shall work together to jointly develop a plan to protect water quality consistent with storm water utility objectives. This plan shall include the planting of low growing native plants on the non-wetland, non-buffer portions of on airport property in the 1:34 slope. These plants help to maintain this area's ability to filter stormwater and biodegrade pollutants by maintaining the forest soils and their beneficial decomposers, keeping pore space in the soil to allow oxygen flow and providing suitable root systems as additional habitat for decomposers and to uptake pollutants. Examples of plants that can be used for these purposes are seaside juniper, native grasses, dwarf wax myrtle, saw palms, needle palms and some species of native blueberries. This plan shall be implemented by the County.
- (D) All previous Hilton Head Island Airport projects related to non-development tree removal and mitigation on and off airport property must be completed prior to a permit being issued for additional tree removal.
- (E) For both on airport and off airport property, the County and Town will work together to develop a landscape plan to meet mitigation requirements based on tree removal documented by the Arborist. The mitigation plan shall indicate dense plantings in all buffer areas; however, mitigation will be required throughout the affected parcels off airport property. The County shall present this landscape plan to the Town's Design Review Board for approval. Once the landscape plan is approved, the County shall implement the plan and pay into the tree replacement fund for tree mitigation not accomplished by replanting.

d. Inner Hazard Zone

All uses other than those that are airport runway related are prohibited from this area.

e. Outer Hazard Zone

i. Special Construction Standards

- 01.** For uses with minimum occupant loads of 100 square feet or more per occupant or structures designated as historical by the Town Council, no special construction standards shall apply.
- 02.** For uses with minimum occupant loads of more than 20 square feet but less than 100 square feet per occupant, the following special construction standards shall apply:
 - (A)** Noncombustible construction (IBC Type I, II, III or IV) is required
 - (B)** Fire protection sprinkler system is required
 - (C)** Minimum of two exits are required for each occupancy
 - (D)** Emergency lighting system is required

ii. Prohibited Uses

- 01.** Uses with a minimum occupant load of 20 square feet per occupant or less.
- 02.** Uses designed to serve children or those with low effective mobility. Examples include, but are not limited to, day care centers, hospitals, assisted living facilities, and nursing homes.
- 03.** Uses categorized as hazardous under the IBC.

5. Nonconforming Uses or Structures

a. Regulations Not Retroactive

The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any existing structure not conforming to the regulations as of July 21, 1998, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the lawful construction or alteration of which was begun prior to July 21, 1998, and is diligently pursued.

b. Marking and Lighting

The owner of any existing nonconforming structure is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Beaufort County.

E. Corridor Overlay (COR) District¹⁹²

1. Purpose

- a.** The purpose of establishing this overlay district is to protect the aesthetic and visual character of lands on Hilton Head Island adjacent to the major roads, the waterfront, and the marshfront, as defined in this section. All development proposed within this Corridor Overlay (COR) District shall be subject to the procedures, standards and guidelines specified in the following paragraphs, in addition to those standards pertaining to the particular base district in which the development occurs. In particular, the purpose of the COR District is to:
 - i.** Encourage and better articulate positive visual experiences along the Island's major roads, the beachfront, and the marshfront;
 - ii.** Provide for the continued safe and efficient utilization of these roads; and
 - iii.** Provide for the continued preservation and conservation of the beachfront and marshfront.
- b.** This is accomplished through evaluation of development within the COR District by the Design Review Board (DRB), which is authorized to review the location, character, and appearance of new development and redevelopment. It is the purpose of such review to determine whether the proposed plan for development complies with the guidelines and other standards of this district.

2. Delineation of District

- a.** The COR District shall include:
 - i.** The rights-of-way and all parcels lying in whole or in part within 450 feet of each side of the rights-of-way of any road designated as a major or minor arterial in Sec. 16-5-104.B, Street Hierarchy;
 - ii.** All parcels lying in whole or in part within 500 feet landward of the OCRM Base Line within the Town;
 - iii.** All parcels lying in whole or in part within 500 feet of the OCRM Critical Line; and
 - iv.** All parcels in the RD District, SPC District, and CR District.
- b.** The approximate boundary of this COR District shall be shown on the Official Zoning Map.
- c.** There shall be no alteration of the existing condition of land, uses, structures, landscaping, or lighting within the COR District, except in accordance with the requirements of this section and all other relevant provisions of this Ordinance.
- d.** All proposed new development and changes to existing development located in the COR District shall be reviewed by the DRB in accordance with Sec. 16-2-103.I, Corridor Review (Minor and Major), and receive DRB approval before proceeding with development, unless exempted in accordance with subparagraph e below.

¹⁹² This section carries forward Chapter 4, Article V – Corridor Overlay District, from the current LMO, with minor formatting and grammatical changes to conform it to the changes made in the revised draft of the LMO.

- e. All public projects, with the exception of pathways, roads, and underground utilities, are subject to review by the Design Review Board.
- f. If a proposed development will not be visible from the right-of-way of the associated arterial once the project is completed, the Official will review it through the Minor Corridor Review Procedure (Sec. 16-2-103.I.3).

3. Design Review Guidelines

The intent of the design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on the visual experience. To accomplish this, the DRB shall utilize Appendix B, the latest edition of the Hilton Head Island Design Guide, in reviewing and making decisions on development.

4. Streetscape Improvement Guidelines

Streetscape improvements include those architectural or functional facilities or structures that occur on site but are not part of the building, and that encourage and facilitate human interaction with the environment. Examples include, but are not limited to, decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences. These improvements shall be designed to be consistent with all guidelines of this section, and shall be reviewed for aesthetic functionality and compatibility with the Island character, as defined in the Hilton Head Island Design Guide.

a. Lighting

- i. Decorative, low-level intensity, non-concealed source lighting that defines vehicular or pedestrian ways may be acceptable if not used as general lighting for a development.
- ii. All interior lighting shall be designed to prevent the light source or high levels of light from being visible from the corridor.
- iii. Exterior architectural, display and decorative lighting visible from the corridor shall be generated from a concealed light source or low level light fixtures. With the exception of LED lighting, color lamps shall not be used.
- iv. Site lighting shall conform to the provisions of Sec. 16-5-107, Site Lighting Standards.

b. Landscape Plans

Landscape plans for the proposed development shall provide visually harmonious and compatible settings for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding natural landscape. Natural appearing landscape forms are strongly encouraged; formal plans and the appearance of uninterrupted lines are discouraged. Landscaping may be required between buildings and sidewalks, parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.

c. Signs

- i. New signs, replacement signs, or alterations to existing signs shall receive approval from the DRB (major signs) or the Official (minor signs), as provided in Sec. 16-5-113, Sign Standards, prior to installation.
- ii. Signs will be reviewed for compliance with the guidelines of this section and for compatibility with the Island character.
- iii. All signs shall meet all requirements of Sec. 16-5-113, Sign Standards.

5. Requirements Following Project Completion

- a. All appearance features, lighting, and landscaping shown on the application approved by the DRB shall be maintained by the landowner and all subsequent landowners.
- b. Changes or damage to any appearance features, lighting, and landscaping shown on the application approved by the DRB that occur as a result of events or occurrences beyond the landowner's control shall be restored by the landowner to the condition that existed prior to the changes or damage.
- c. Any changes to any appearance features, lighting, and landscaping shown on the application approved by the DRB that are proposed by the landowner shall require review and approval by the DRB in accordance with Sec. 16-2-103.I, Corridor Review (Minor and Major).

F. Planned Development Overlay (PD-2) District¹⁹³

1. Purpose

This Planned Development Overlay (PD-2) District is intended to encourage creativity in design and planning in the development of parcels between five and 249 acres by allowing greater design flexibility than the underlying base zoning district so that natural features may be protected and development concentrated in more suitable or less environmentally sensitive areas.

2. Designation of District

A PD-2 Overlay District may be established in any base district other than the CON district using the provisions set forth in Sec. 16-2-103.D, Planned Unit Development (PUD) District/Master Plan.

3. Permitted Uses

Any use permitted by right, subject to use-specific conditions, or as a Special Exception in the underlying base district is permitted. Where multiple base districts are incorporated in the PD-2, the uses shall remain proportional to the area of the underlying base district(s).

¹⁹³ This section carries forward Chapter 4, Article VI – Planned Development Overlay District, from the current LMO, with minor formatting and grammatical changes.

4. PD-2 Listed Master Plans

The following PUDs are included in PD-2 Overlay Districts and their Town-approved master plans including associated text and any subsequent amendments are hereby incorporated by reference as a part of the Official Zoning Map and LMO text.

TABLE 16-3-106.G.4: PD-2 LISTED MASTER PLAN			
FILE NAME	NUMBER	PARCEL	TAX MAP #
Palmetto Headlands and H.H. Hospital	CUR-3-88	27/103/103A/337	4,8
Centre Court on Mathews Drive	CUR-1-89	88B	8
Presbyterian Conference Center	CUR-2-89	2	18
Marriott-South Forest Beach	CUR-1-90	67/69/71/73/252	15-A,18
Park Plaza Self Storage	CUR-2-90	336	15
Tidepointe Retirement	CUR-1-92	342/342A	14
Exec/Air Hilton Head	CUR-1-94	271A	5
Spanish Grove	CUR-1-95	34A/34B	10
First Baptist Church	CUR-1-96	138A/138C	18
Bermuda Point	CUR-1-97	1B	7
Waterside (Town Center)	N/A-JPC	202/202D	18
Palmetto Bay Marina	N/A-JPC	47/66A/273/273A/273C/314E	10
Marsh Tacky Village	ZMA080007	2B, 2D, 2E, 2F, 2H, 2I, 14, 14D, 14I, 16, 16A, 16B, 19C, 19D, 19E, 49, 58, 58A, and 223	3

G. Forest Beach Neighborhood Character Overlay (FB-NCO) District¹⁹⁴

1. Applicability and Purpose

The purpose of the Forest Beach Neighborhood Character Overlay (FB-NCO) District is to protect the single-family residential character of the district and in particular the development and redevelopment of lots within the district. All new development and changes to existing development in the district are subject to the overlay district regulations in addition to those listed in Sec. 16-3-104.C, Residential Single-Family-5 (RSF-5) District.

2. Approval

Compliance with the requirements of this section shall be determined by the Official at the time the building permit is reviewed and shall be based upon the standards of Sec. 16-3-104.C, Residential Single-Family-5 (RSF-5) District.

3. District Regulations

a. Setbacks

- i. In addition to the single-family setback requirements of Sec. 16-5-102, Adjacent Setback and Buffer Standards, a side, and rear adjacent use setback shall be required.

¹⁹⁴ This Section carries forward Chapter 4, Article VII – Forest Beach Neighborhood Character Overlay District, from the current LMO, with minor formatting and grammatical changes

- ii. Setbacks shall comply with the standards of Sec. 16-5-102, Adjacent Setback and Buffer Standards, except that the 65 degree setback angle shall be measured from 20 feet above the required base flood elevation.
- iii. Side adjacent use setbacks shall be 10 feet for lots with a width of 70 feet and above. For lot widths less than 70 feet, the side adjacent use setback shall be equal to 12 percent of the lot width rounded to the closest whole number. However, to preserve significant trees or stands of trees any one side setback may be reduced to five feet, provided the sum of the required side setbacks is not reduced.
- iv. Rear adjacent use setbacks shall equal 10 percent of the lot depth or 10 feet, whichever is greater. However, to preserve significant trees or stands of trees, the rear setback may be reduced to five feet provided the sum of the required street and rear setbacks is not reduced.
- v. To preserve significant trees or stands of trees in the rear of the lot, the street setback may be reduced to 15 feet provided the sum of the required street and rear setback is not reduced.

b. Buffers

- i. A 20-foot street buffer and side and rear buffers equal to the setbacks above shall be required.
- ii. Buffers shall comply with the standards of Sec. 16-5-102, Adjacent Setback and Buffer Standards, except that driveways for street access as permitted in Sec. 16-5-102.M, Development Within Required Buffers, shall be limited to a total of 18 feet wide within the buffer.
- iii. If the cumulative size of existing trees in a buffer is less than two inches DBH per 100 square feet, supplemental tree planting shall be required. Supplemental trees shall be sized to achieve the two inches DBH per 100 square foot minimum in each buffer. 50 percent of the caliper inches of any supplemental trees shall be broad-leaved evergreen overstory hardwoods and endangered species as identified in Appendix D..
- iv. In the case of a corner lot, the required 20-foot adjacent street buffer may be reduced to 10 feet for the street with the lower ADT unless the street with the higher ADT is approved for the reduction in order to preserve significant trees or stands of trees. In the case where both streets have the same ADT, the 20-foot buffer shall apply to the street that will better preserve significant trees or stands of trees.
- v. In order to preserve significant trees or stands of trees in the rear of the lot, the street buffer may be reduced to 15 feet, provided the sum of the required street and rear buffer is not reduced.

c. Impervious Coverage

All site paving shall be pervious with the exception of a swimming pool and deck not to exceed 500 square feet unless the site complies with the maximum impervious coverage requirements for the RSF-5 District. Spaced wood decking over a pervious surface is considered pervious.

d. Floor Area Ratio

The maximum gross floor area is limited to 0.55 times the area of the lot containing the single-family residence up to a maximum of 5,000 square feet. The gross floor area shall include covered porches and all enclosed space with a ceiling height of seven feet or greater except as follows:

- i. Areas beneath the structure utilized solely for parking and storage. All such areas must be hydrostatically vented if required by the Building Official.
- ii. The first 600 square feet of covered porches.
- iii. Attic space as defined by the latest adopted edition of the IBC.

e. Minimum Lot Size and Width

The subdivision or recombination of lots platted and recorded on or after April 3, 2001, shall not result in any lot less than 7,000 square feet in size or 70 feet in width.

f. Parking

Two parking spaces are required for up to 2,000 square feet of gross floor area. Above 2,000 square feet, one additional space is required for each 1,000 square feet or less of gross floor area. Driveway paving not located in the required buffer may be counted for parking.

H. Folly Field Neighborhood Character Overlay (FF-NC-O) District¹⁹⁵

1. Applicability and Purpose

The purpose of the Folly Field Neighborhood Character Overlay (FF-NC-O) District is to protect the single-family residential character of the district and in particular the development and re-development of lots within the district. All new development and changes to existing development in the district are subject to the overlay district regulations in addition to those listed in Sec. 16-3-104.C, Residential Single-Family-5 (RSF-5) District.

2. Approval

Compliance with these regulations shall be determined by the Official at the time the Building Permit is reviewed and shall be based upon the standards of paragraph 3 below.

3. District Regulations

a. Setbacks

In addition to the single-family setback requirements of Sec. 16-5-102, Adjacent Setback and Buffer Standards, with the exception that structures greater than 24 inches in height along minor arterials are required to have a minimum adjacent street setback of 20 feet, the following setbacks shall be required.

¹⁹⁵ This Section carries forward Chapter 4, Article VIII – Folly Field Neighborhood Character Overlay District, from the current LMO, with minor formatting and grammatical changes.

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Sec. 16-3-106. Overlay Zoning Districts
H. Folly Field Neighborhood Character Overlay (FF-NC-O) District

- i. Rear yard setbacks shall be a minimum of ten percent of lot depth or ten feet, whichever is greater.
- ii. Side yard setbacks shall each contain a minimum of ten percent of the total lot width.
- iii. Maximum setback angle of 65 degrees shall be measured from 20 feet above the required base flood elevation.

b. Buffers

In addition to the buffer requirements of Sec. 16-5-102, Adjacent Setback and Buffer Standards, the following buffers shall be required.

- i. A 20-foot adjacent street buffer shall be required.
- ii. Driveways for street access as permitted in Sec. 16-5-102.M, Development Within Required Buffers, shall be limited to a total width of 24 feet within the buffer.
- iii. In the case of a corner lot, the required 20-foot adjacent street buffer may be reduced to ten feet for the street with the lower ADT unless the street with the higher ADT is approved for the reduction in order to preserve significant trees. In the case where both streets have the same ADT, the 20-foot buffer shall apply to the street that will better preserve significant trees.

c. Impervious Coverage

Impervious coverage of the lot shall not exceed 55 percent.

d. Open Space

The open space or strand area that lies between the existing most current seaward lots and the beach shall not be counted towards the density calculation for any development activities for any lot or other land. In addition, vertical construction in this area is prohibited.

e. Floor Area Ratio

The maximum gross floor area is limited to 0.45 times the area of the lot containing a single-family dwelling up to a maximum of 4,500 square feet. The gross floor area shall include covered porches and all enclosed space with a ceiling height of seven feet or greater, with the following exclusions:

- i. Areas beneath the structure utilized solely for parking or storage.
- ii. The first 600 square feet of covered porches.
- iii. Attic space as defined by the latest adopted edition of the IBC.

f. Minimum Lot Frontage and Depth

The subdivision or recombination of any lot shown on a plat recorded prior to November 5, 2003, shall not result in any lot with frontage and depth less than that shown on the following table.

	MINIMUM LOT FRONTAGE (FEET)	MINIMUM LOT DEPTH (FEET)
Section A	50	100

Section B	75	100
Section C	90	100
Section D	95	100

g. Parking

Two parking spaces are required for up to 2,000 square feet of gross floor area. Thereafter, one additional space is required for each 1,000 square feet or less of gross floor area. Driveway paving not located in the required buffer may be counted for parking.

I. Holiday Homes Neighborhood Character Overlay (HH-NC-O) District¹⁹⁶

1. Applicability and Purpose

The purpose of the Holiday Homes Neighborhood Character Overlay (HH-NC-O) District is to protect the single-family residential character of the district and in particular the development and redevelopment of lots within the district. All new development and changes to existing development are subject to the overlay district regulations, in addition to those listed in Sec. 16-3-104.D, Residential Single-Family-6 (RSF-6) District. Existing nonconforming structures and site features may be expanded as long as the site complies with the required floor area ratio (FAR) and maximum impervious coverage listed in paragraph 3 below.

2. Approval

Compliance with these regulations shall be determined by the Official at the time the Building Permit is reviewed and shall be based upon the standards of paragraph 3 below.

3. District Regulations

a. Setbacks

In addition to the single-family setback requirements of Sec. 16-5-102, Adjacent Setback and Buffer Standards, the following setbacks shall be required:

- i.** Rear yard setbacks shall be a minimum of ten feet.
- ii.** Side yard setbacks shall be a minimum of ten feet; however, to preserve existing trees, any one side yard setback may be reduced to five feet provided the sum of the required side yard setbacks equals at least 20 feet.
 - 01.** A lot with less than 50 feet of street frontage or less than 0.15 acres in area shall be permitted to reduce side yard setbacks to a minimum of five feet.
 - 02.** Dwelling units that are nonconforming as to the side yard setbacks identified above are permitted to be expanded along the subject

¹⁹⁶ This Section carries forward Chapter 4, Article IX – Holiday Homes Neighborhood Character Overlay District from the current LMO, with minor formatting and grammatical changes.

Chapter 16-3: Zoning Districts

Sec. 16-3-106. Overlay Zoning Districts

I. Holiday Homes Neighborhood Character Overlay (HH-NC-O) District

boundary line; however, expansions shall be constructed no closer than five feet from the side property line.

- 03.** Side yard setback angles shall be a minimum of 65 degrees measured from 20 feet above the required base flood elevation (BFE), at the setback line. The illustration in Sec. 16-5-102.E, Adjacent Use Setback Requirements, can be referenced for an example of a setback angle.
 - iii.** In the case of a corner lot, the required 20-foot adjacent street setback may be reduced to ten feet for the street with the lower average daily trips (ADT).
 - iv.** Lots directly adjacent to Folly Field Road shall have a minimum adjacent street setback of 20 feet.
- b. Buffers**
- In addition to the buffer requirements of Sec. 16-5-102, Adjacent Setback and Buffer Standards, the following buffers shall be required:
- i.** A 20-foot street buffer and side and rear buffers equal to the setbacks above.
 - ii.** Driveways for street access, as permitted in Sec. 16-5-102.M, Development Within Required Buffers, shall be limited to a total width of 24 feet per lot.
 - iii.** In the case of a corner lot, the required 20-foot adjacent street buffer may be reduced to ten feet for the street with the lower average daily trips (ADT).
 - iv.** Lots directly adjacent to Folly Field Road shall have a minimum adjacent street buffer of 20 feet.
- c. Impervious Coverage**
- Impervious coverage of the lot shall not exceed 50 percent.
- d. Floor Area Ratio**
- The maximum gross floor area is limited to 0.45 times the area of the lot containing the single-family dwelling, up to a maximum of 4,000 square feet. The gross floor area shall be calculated as all enclosed space with a ceiling height of seven feet or greater with the following exclusions:
- i.** Enclosed areas, where the floor level is located below the required base flood elevation (BFE), which are used solely for parking or storage.
 - ii.** Attic space as defined by the latest adopted edition of the IBC.
- e. Parking**
- Two parking spaces are required for up to 2,000 square feet of gross floor area. Thereafter, one additional space shall be required for each 1,000 square feet or less of gross floor area.

f. Minimum Lot Size

The subdivision or recombination of any lot shown on a plat recorded prior to July 21, 1998, shall not result in any lot having a gross area of less than 7,260 square feet.

J. Redevelopment Overlay (R-O) District¹⁹⁷

1. Purpose¹⁹⁸

The purpose of the Redevelopment Overlay (R-O) District is to implement the Comprehensive Plan by providing sufficient flexibility to the development and design standards in Chapter 16-5: Development and Design Standards, and to encourage redevelopment of nonconforming site features that are compatible with surrounding development, and comply with the purpose and intent of the district in which they are located.

2. Applicability¹⁹⁹

- a.** A landowner of a parcel of land who proposes to redevelop may apply to have the parcel of land rezoned R-O District in accordance with Sec. 16-2-103.C, Zoning Map Amendment (Rezoning), and this section. For the purposes of this section, redevelopment is defined as the renovation of a previously developed site to the density allowed under this Ordinance, or the existing density, whichever is greater. Cosmetic changes to the exterior of the structure and interior renovations do not qualify as redevelopment.
- b.** The following parcels of land may apply to have the land rezoned R-O District:
 - i.** A parcel of land that contains a nonconforming structure or site feature; or
 - ii.** A conforming parcel that redevelops in conjunction with a parcel that contains a nonconforming structure or site feature.
- c.** A parcel of land that is located in a RSF district does not qualify and is not eligible to have the land rezoned R-O District.

3. Procedure²⁰⁰

An R-O District classification shall only be approved in accordance with the procedures in Sec. 16-2-103.C.2, Zoning Map Amendment (Rezoning) Procedure, and the standards in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards, and the requirements of this section.

¹⁹⁷ This subsection generally carries forward Article XI-Redevelopment Floating Zone, of the current LMO. It renames it Redevelopment Overlay (R-O) District, coordinates the restrictions and limitations with the new Administrative Adjustment (see Sec. 16-2-103.S), and adds some requirements that compensation public benefits be provided for the modifications allowed (consistent with the discussion on p. 28 of the Response to LMO Rewrite Committee Comments).

¹⁹⁸ This paragraph carries forward Sec. 16-4-1101 of the current LMO, with changes to clarify language.

¹⁹⁹ This paragraph carries forward Sec. 16-4-1102 of the current LMO, with changes to clarify language. It does not change who may apply for an R-O District classification.

²⁰⁰ This paragraph carries forward Sec. 16-4-1103 of the current LMO, but changes provisions to reference the rezoning procedures in the LMO draft.

4. Additional R-O District Standards

In addition to the review standards in Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards, redevelopment proposed to be classified to a R-O District may modify the dimensional, development and design, and natural resources protection standards of this Ordinance in accordance with Table 16-3-106.K.4, Additional R-O District Standards, if compensating public benefits are provided pursuant to Sec. 16-3-106.J.5, Compensating Public Benefits.

TABLE 16-3-106.K.4: ADDITIONAL R-O DISTRICT REVIEW STANDARDS	
STANDARD	ALLOWABLE MODIFICATION
Uses (see base district standards in this chapter)	Only uses allowed in the base district are allowed, except for legal nonconforming uses. Legal nonconforming uses are allowed to continue in accordance with the requirements of this section.
Maximum density (see base district standards in this chapter)	May not exceed maximum density of base district, or if a legal nonconforming use or structure, the existing density. A nonconforming use that exceeds maximum density of the base district may be permitted to change the use if there are no impacts of the proposed use on infrastructure and surrounding properties will result, and if the adequacy of the site improvements (such as parking and stormwater infrastructure) are evaluated, and determined to be sufficient to support the proposed redeveloped use.
	Nonconforming square footage may be converted to another use if the density of the proposed use is based on square footage and the proposed use is permitted within the zoning district where the property is located.
Maximum building height (see base district standards in this chapter)	A structure that is nonconforming because of height may be rebuilt to legally nonconforming height if determined practicable. Such decision shall be based on ability to recapture density of development and height of surrounding buildings.
Maximum impervious cover (see base district standards in this chapter)	Shall not exceed maximum requirements of the base district, except for impervious coverage that exists as a legal nonconforming site feature, which may be maintained. In no case shall an application for rezoning to the R-O district be appropriate for a site where impervious cover exceeds 80% of the site.
Minimum adjacent street setback requirements (see Sec. 16-5-102.D) and adjacent street buffer requirements (see Sec. 16-5-102.G)	Up to 20% reduction in setback distance, buffer width, and planting rate for buffer screening.
Minimum adjacent use setback requirements (see Sec. 16-5-102.E) and adjacent use buffer requirements (see Sec. 16-5-102.H)	Up to 50% reduction in setback distance, buffer width, and planting rate for buffer screening.
Maximum adjacent street setback angles (see Sec. 16-5-102.D) and adjacent use setback angles (see Sec. 16-5-102.E)	May be increased based on the height of the structure and setback distance, but may not exceed a 75 degree angle.
Minimum open space requirement (see Sec. 16-5-103)	Shall not exceed minimum requirements of the base district, except for open space that exists as a legal nonconforming site feature, which may be maintained. In no case shall an application for rezoning to the R-O district be approved for a site where open space is less than 20% of the site.
Minimum number of parking spaces (see Sec. 16-5-106.D.1)	Up to 50% reduction, if it is demonstrated off-street parking can be adequately addressed ²⁰¹

²⁰¹ This is a new provision. It is based on the standards proposed in the administrative adjustment procedure, which allows minor reductions in off-street parking to be reviewed and approved by the Official.

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 Sec. 16-3-106. Overlay Zoning Districts
 J. Redevelopment Overlay (R-O) District

TABLE 16-3-106.K.4: ADDITIONAL R-O DISTRICT REVIEW STANDARDS	
STANDARD	ALLOWABLE MODIFICATION
Parallel parking spaces (see Sec. 16-5-106.D.7)	The number of parallel parking spaces may be increased.
Compact parking spaces (see Sec. 16-5-106.D.8)	Compact parking spaces may be maintained up to the number that existed on the site as a nonconforming site feature prior to redevelopment.
Parking space dimensions (see Sec. 16-5-106.E.1)	Regular parking spaces that are no less than 8.5 feet by 18 feet, or compact spaces that are no less than 8.5 feet by 15 feet may be reconstructed to the same size that existed as a legal nonconforming site feature prior to the proposed redevelopment.
	Width of parking spaces adjoining a median at the end of a row of parking may be reduced to nine feet, or what existed on the site before redevelopment if the parking space dimensions at the time were a legal nonconforming site feature.
Maximum number of parking spaces between landscaped medians in a row of parking and maximum width of landscaped medians in parking lots (see Sec. 16-5-106.G.3)	May be modified.
Maximum off-site parking spaces (see Sec. 16-5-106.H.4.a)	Up to 20% of required parking spaces may be provided off-site, if it is demonstrated that safe and convenient vehicular access is provided to the development served by the off-site parking. ²⁰²
Pedestrian access to shared parking (see Sec. 16-5-106.H.3.b) and off-site parking (see Sec. 16-5-106.H.4.c)	Access to shared or off-site parking may cross an arterial street if it is determined there is adequate and safe pedestrian ingress and egress to the development served by the off-premise parking. ²⁰³
On-street parking (see Sec. 16-5-106.H.6)	May be approved if determined appropriate
Minimum tree coverage (see Sec. 16-6-104.G)	A legal nonconforming site that does not comply with the minimum tree coverage requirement may be allowed to redevelop without the minimum amount of tree coverage if it is determined all feasible and practical alternative steps have been taken to meet the required amount of tree coverage on the site, and the landowner deposits a tree mitigation fee in a Town-administered tree replacement fund in-lieu of providing additional tree canopy. (see Sec. 16-6-104.M).

5. Compensating Public Benefits²⁰⁴

One or more of the following compensating benefits may be offered as a means of ensuring the modifications to the dimensional, development and design, and natural resource protection standards proposed for the R-O District and the redevelopment site results in development that is consistent with the goals and objectives of the dimensional, development, and design standards modified, and the base district where the proposed redevelopment is located:

²⁰² This provision is modified from the current provisions in Sec. 16-4-1104 I.J. 2 since shared parking provisions are added to Sec. 16-5-106.H.3, Shared Parking, of the draft LMO.

²⁰³ This provision is modified from the current provisions in Sec. 16-4-1104.J. 2 based on the additional alternative parking compliance provisions added to Sec. 16-5-106.H.3, Shared Parking, and Sec. 16-5-106.H.4, Off-Site Parking of the draft LMO.

²⁰⁴ Consistent with the discussion on p. 28 of the Response to LMO Rewrite Committee Comments, this subparagraph adds a requirement that compensating public benefits be provided as part of the R-O District approval that mitigate the modifications allowed.

- a. Provision of passive or active open space and related improvements, beyond the open space standards of this Ordinance;
- b. Permanent protection of scenic views or access to waterfront areas;
- c. Public parks and recreational facilities;
- d. Public trails and trail linkages; or
- e. Other public benefits found to be appropriate.

6. Minor Amendment

- a. A minor amendment to an approved R-O District shall be reviewed and, if appropriate, approved by the Official. A minor amendment shall be an amendment that does not make the site nonconforming to the adopted development and design standards approved as part of the R-O District. A minor amendment shall not further relax a development or design standard or other design criteria that has been modified by the approved R-O District.
- b. Disapproval of a request for a proposed minor amendment to an R-O District by the Official may be appealed within 14 calendar days of the decision to the Board of Zoning Appeals.

7. Expiration

An R-O District Map Amendment (Rezoning) shall not expire, but the amended Official Zoning Map is subject to further amendment or repeal, in accordance with the map amendment procedures set forth in Sec. 16-2-103.C, Zoning Map Amendment (Rezoning).

K. Coastal Protection Area (CPA-O) District ²⁰⁵

1. Applicability and Purpose

- a. The purpose of the Coastal Protection Area Overlay (CPA-O) District, in conjunction with the Transition Area Overlay (TA-O) District, is to eliminate the potential for seaward migration of the built environment along the Island's beachfront to the greatest extent possible. This environmentally sensitive area:
 - i. Protects life and property by serving as a storm barrier;
 - ii. Provides an important basis for a tourism industry that generates annual tourism industry revenue;
 - iii. Provides habitat for numerous species of plants and animals that are important to the natural functioning of the island, as well as threatened or endangered; and
 - iv. Provides beach and dune system vegetation that is unique and extremely important to the vitality and preservation of the barrier island environment.

²⁰⁵ This section carries forward from the current LMO that part of Chapter 4, Article X – The Critical Storm Protection and Dune Accretion Area and The Transition Area Overlay District, that pertains to the Critical Storm Protection and Dune Accretion Area, with minor formatting and grammatical changes. The Critical Storm Protection and Dune Accretion Area is renamed the Coastal Protection Area.

- b. All new development and changes to existing development in the district are subject to the regulations of this section.
- c. The Town's standards and regulations pertaining to development activity within the CPA -O district are intended to complement those of the State of South Carolina.
- d. Where State law and Town provisions regulate development under this section, the more restrictive standard shall govern, to the extent allowed by state law.

2. Delineation of the CPA-O District

a. General

Except as otherwise provided in subparagraph b below, the Coastal Protection Area Overlay (CPA-O) District includes the following areas within and adjacent to parcels fronting the Hilton Head Island beach, as defined in Section 8-1-112 of the Municipal Code:

i. Parcels Containing Single-Family, Golf Course, and Open Space Uses

In relation to parcels containing single-family residential and golf course uses, and open space uses without structures, the CPA-O District includes the area between:

- 01. The Beachfront Line or the seaward property line of the parcel, whichever is further landward, and
- 02. The mean high water line, the Beachfront Line, or the seaward property line of the parcel, whichever is further seaward.

ii. Parcels Containing Other Uses

In relation to parcels containing any land use other than single-family residential and golf course uses, and open space uses without structures, the CPA-O District includes the area between:

- 01. The seaward boundary of the Transition Area Overlay (TA-O) District (see Sec. 16-3-106.L.2, Delineation of the TA-O District) and
- 02. The mean high water line, the beachfront line, or the seaward property line of the parcel, whichever is further seaward.

iii. Basis for Parcel Lines

The single-family parcels (with the exception of North Forest Beach Subdivisions 1, 2, and 3) and non-single-family parcel lines used to establish the CPA-O) District boundaries in accordance with this subparagraph are as platted and recorded in the Beaufort County Register of Deeds Office as of the date of Ordinance 2009-22.

b. Exception

In relation to the three single-family subdivisions identified as North Forest Beach Subdivisions 1, 2, and 3 (see Appendix B: Maps 8 and 9 for pictorial representation; for survey points, see original recorded deed documents) the CPA-O District includes the strand located seaward of the "S" parcels (parcels

R550 015 00A 0612 0000, R550 015 00A 0528 0000, R550 015 00A 0526 0000) in order to reflect the activities permitted under recorded deed documents between the Town of Hilton Head Island and the North Forest Beach subdivisions 1, 2, and 3. .

3. Activities and Uses Permitted and Prohibited in the CPA-O District

- a.** All development is prohibited in the CPA-O District except the following permitted uses and activities:
 - i.** Boarded pathways as perpendicular to the beach as practical and not larger than six feet in width and their associated wooden deck not larger than 144 square feet (must comply with Sec. 16-6-103, Beach and Dune Protection;
 - ii.** Beach renourishment;
 - iii.** Emergency vehicular beach access; and
 - iv.** Permitted beach maintenance activities such as sand fencing, re-vegetation with native plant material and erosion control.
- b.** All activities and uses in the CPA-O District must also comply with all current local, state and federal laws.

4. Nonconforming Structures within the CPA-O District

- a.** Any structure or site feature that is nonconforming to the activities and uses permitted within the CPA-O District may be rebuilt to its current size (or smaller) and location provided that:
 - i.** The structure conforms to current local, State, and federal laws;
 - ii.** The same use that previously existed is reestablished within the structure; and
 - iii.** Neither the structure nor the use has been abandoned for a period of 12 consecutive months or greater.
- b.** Normal maintenance activities of nonconforming structures are allowed.

L. Transition Area Overlay (TA-O) District ²⁰⁷

1. Applicability and Purpose

- a.** The purpose of the Transition Area Overlay (TA-O) District, in conjunction with the Coastal Protection Area Overlay (CPA-O) District, is to eliminate the potential for seaward migration of the built environment along the Island's beachfront as well as protect the area between existing construction and the mean high water mark, to the greatest extent possible. This environmentally sensitive area:
 - i.** Protects life and property by serving as a storm barrier;

²⁰⁷ This section carries forward from the current LMO that part of Chapter 4, Article X – The Critical Storm Protection and Dune Accretion Area and The Transition Area Overlay District, pertaining to the Transition Area, with minor formatting and grammatical changes.

- ii. Provides an important basis for a tourism industry that generates annual tourism industry revenue;
 - iii. Provides habitat for numerous species of plants and animals that are important to the natural functioning of the island, as well as threatened or endangered; and
 - iv. Provides beach and dune system vegetation that is unique and extremely important to the vitality and preservation of the barrier island environment.
- b. All new development and changes to existing development in the district are subject to the regulations of this section.
 - c. The Town's standards and regulations pertaining to development activity within the TA-O district are intended to complement those of the state of South Carolina.
 - d. Where State law and Town provisions regulate development under this section, the more restrictive standard shall govern, to the extent allowed by state law.

2. Delineation of the TA-O District

a. General

Except as otherwise provided in subparagraph b below, the Transition Area Overlay (TA-O) District applies only to non-single-family areas, where it includes the area between:

- i. The existing line of construction and bound by the South Carolina State Plane Coordinate System, and
- ii. The most immediate seaward property line of parcels fronting the beach (as defined in Section 8-1-112 of the Municipal Code) or the beachfront line, whichever is further landward.

b. Exception

In relation to the three single-family subdivisions identified as North Forest Beach Subdivisions 1, 2, and 3 (see Appendix B: Maps 8 and 9 for pictorial representation; for survey points, see original recorded deed documents), the TA-O District is established by the location of recorded "S" parcels documented under NFB1—Book 84 page 77, NFB2—Book 84 page 112, NFB3—book 81 page 154 (parcels R550 015 00A 0612 0000, R550 015 00A 0528 0000, R550 015 00A 0526 0000) in order to reflect the activities permitted under recorded deed documents between the Town of Hilton Head Island and the North Forest Beach subdivisions 1, 2, and 3.

3. Activities and Uses Permitted in the TA-O District²⁰⁸

- a. In addition to the activities and uses permitted in the CPA-O District (see Sec. 16-3-106.K.3), the TA-O District may include any uses that do not require enclosed space to operate. These activities and uses include, but are not limited to, swimming pools, boardwalks, fire pits, decks, required drainage improvements, and necessary utilities.

²⁰⁸ At the request of Town staff, this subsection is substantially condensed.

- b.** The activities and uses in the TA-O District shall be located as far landward as possible. Activities or uses in the TA-O District shall be accessory activities or uses to the development to which they are directly seaward.
- c.** Development in the TA-O District shall conform to the standards for impervious surface coverage and open space for the underlying base zoning district.
- d.** Activities or uses in the TA-O District shall not be on or in any part of a dune or dune system.

4. Nonconforming Structures within the TA-O District

- a.** Any structure or site feature that is nonconforming as to the activities and uses permitted within the TA-O District may be rebuilt to its current size (or smaller) and location provided that:
 - i.** The structure conforms to current local, State, and federal laws;
 - ii.** The same use that previously existed is reestablished within the structure; and
 - iii.** Neither the structure nor the use has been abandoned for a period of 12 consecutive months or greater.
- b.** Normal maintenance activities of nonconforming structures are allowed.

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 Standards²⁰⁹

Sec. 16-4-101. Organization²¹⁰

- 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 Uses²¹¹

A. Principal Use Table

1. Structure of Principal Use Table²¹²

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

²⁰⁹ 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.

²¹⁰ 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.

²¹¹ 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.

²¹² 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 use allowable as a principal use in a zoning district may be subject to additional conditions that are specific to the 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.B, 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 Uses²¹³

a. Procedure for Interpreting Unlisted Uses as Permitted

The Official may interpret a use not expressly listed in the Principal Use Table as allowed in a 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 unlisted use in relationship to the stated characteristics of each listed Use Type;
- ii.** The relative amount of site area or floor space and equipment devoted to the unlisted use;
- iii.** The relative amounts of sales from each unlisted use;
- iv.** The customer type for each unlisted use;
- v.** The relative number of employees in each unlisted use;
- vi.** The hours of operation;
- vii.** The building and site arrangement;
- viii.** The vehicles used with the unlisted use;
- ix.** The relative number of vehicle trips generated by the unlisted use; and
- x.** Whether the unlisted use is likely to be found independent of the other uses on the site.

²¹³ 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 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 Table²¹⁴

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE

P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions
 SE = Allowed as a Special Exception Blank Cell = Prohibited

USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED-USE AND BUSINESS DISTRICTS										USE-SPECIFIC CONDITIONS				
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC		LC	RD	MED	IL
RESIDENTIAL USES																						
Group Living						P	P	P										P				
Mixed-Use									PC	PC		PC	PC		PC	PC	PC	PC	PC			Sec. 16-4-102.B.1.a
Multifamily						P	P	P	P	P		P	P	P	P	P	P	P	P			
Recreation Vehicle (RV) Parks																		P				
Single-Family			P	P	P	P	P	P					P	P	P	P	P	P	P			

²¹⁴ 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.B, Use-Specific Conditions for Principal Uses.

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

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE

P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions
 SE = Allowed as a Special Exception Blank Cell = Prohibited

USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED-USE AND BUSINESS DISTRICTS											USE-SPECIFIC CONDITIONS				
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC		RD	MED	IL	
PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATIONAL USES																							
Aviation and Surface Transportation Uses																						PC	Sec. 16-4-102.B.2.a
Aviation Services Uses																						PC	Sec. 16-4-102.B.2.b
Cemeteries		P				P						P			P	P							
Community Service Uses		P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Education Uses						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	P	P	Sec. 16-4-102.B.2.c
Major Utilities		SE	SE	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	P	P	
Public Parks		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious Institutions		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	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	PC	PC	Sec. 16-4-102.B.2.d
Telecommunication Towers, Monopole		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-102.B.2.d
HEALTH SERVICES																							
Hospitals																					P		
Nursing Homes																					P		
Other Health Services										P	P	P					P	P		P			
RESORT ACCOMMODATIONS																							
Bed and Breakfasts						PC			PC	PC		PC	PC	PC	PC	PC			PC				Sec. 16-4-102.B.4.a
Hotels, Inns, and Motels									PC	P		P	P	PC		P		P	P				
COMMERCIAL RECREATION USES																							
Indoor Commercial Recreation Uses									P	P		P	P	PC	P	P		P	P				
Outdoor Commercial Recreation Uses Other than Water Parks									PC				PC				PC		PC	PC			Sec. 16-4-102.B.5.a
Water Parks									P				P			P			P				
OFFICE USES																							
Contractor's Office									PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	P		Sec. 16-4-102.B.6.a
Other Office Uses									P	P	P	P	P	P	P	P	P	P	P	P			
COMMERCIAL SERVICES																							
Adult Entertainment Uses										SE													Sec. 16-4-102.B.7.a
Animal Services									PC	PC			PC					PC			PC		Sec. 16-4-102.B.7.b
Bicycle Shops									PC	PC	PC	PC	PC	PC	PC			PC	PC				Sec. 16-4-102.B.7.c
Convenience Stores						PC			PC	PC	PC		PC	PC	PC	PC	PC	PC			PC		Sec. 16-4-102.B.7.d
Eating Establishments									PC	P	P	PC	PC	PC	PC	PC	PC	P	PC			PC	Sec. 16-4-102.B.7.e

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

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE

P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions
 SE = Allowed as a Special Exception Blank Cell = Prohibited

USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED-USE AND BUSINESS DISTRICTS											USE-SPECIFIC CONDITIONS			
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC	LC		RD	MED	IL
Grocery Stores									P	P	P	P		P				P				
Landscape Businesses														PC				PC			P	Sec. 16-1-101.A.1.ai
Liquor Stores									SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		Sec. 16-4-102.B.7.g
Nightclubs or Bars									PC	PC	PC		PC	PC	PC	PC		PC	PC			Sec. 16-4-102.B.7.h
Open Air Sales		PC				PC			PC	PC		PC	PC	PC	PC	PC	PC	PC	P			Sec. 16-4-102.B.7.i
Shopping Centers									PC	PC	PC	PC		PC	PC			PC				Sec. 16-4-102.B.7.j
Tattoo Facilities																		PC				Sec. 16-4-102.B.7.k
Other Commercial Services Uses						PC			P	P	PC	P	P	P	P	P	P	P	P	P		Sec. 16-4-102.B.7.l
VEHICLE SALES AND SERVICES																						
Auto Rentals									PC	PC	P		PC		P	PC		P	PC		P	Sec. 16-4-102.B.8.a
Auto Repairs											PC							PC			PC	Sec. 16-4-102.B.8.b
Auto Sales											P							P			P	
Car Washes										P	P			PC	P			P			P	
Gas Sales									PC	PC	PC			PC	PC		PC	PC			PC	Sec. 16-4-102.B.8.c
Taxicab Services											P			P				P			P	
Towing Services or Truck or Trailer Rentals																					P	
Watercraft Sales, Rentals, or Services													PC	P		PC		PC			P	Sec. 16-4-102.B.8.e
INDUSTRIAL USES																						
Light Industrial, Manufacturing, and Warehouse Uses																		PC			P	Sec. 16-4-102.B.9.a
Seafood Processing Facilities													PC	PC		PC						Sec. 16-4-102.B.9
Self-Service Storage										PC								PC			PC	Sec. 16-4-102.B.9.c
Waste-Related Services Other than Waste Treatment Plants																					P	
Waste Treatment Plants																		SE				
Wholesale Sales																		PC			PC	Sec. 16-4-102.B.9.d
OTHER USES																						
Agriculture Uses		P	P	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			P						Sec. 16-4-102.B.10.a

B. Use-Specific Conditions for Principal Uses²¹⁵

²¹⁵ 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

1. Residential Uses²¹⁶

a. 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.

2. Public, Civic, Institutional, and Education Uses²¹⁸

a. Aviation and Surface Transportation Uses²¹⁹

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

b. Aviation Services ²²⁰

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

c. Government Uses²²¹

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

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.

²¹⁶ 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, the duplex use is deleted and standards for group living uses are deleted. Provisions in the current LMO pertaining to interval occupancy conversions are deleted at the request of the LMO Rewrite Committee.

²¹⁸ 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.

²¹⁹ This subsection carries forward Section 16-4-1307 of the current LMO.

²²⁰ This subsection carries forward Section 16-4-1306 of the current LMO.

²²¹ This subsection carries forward Section 16-4-1324 of the current LMO.

d. Telecommunications Facilities²²²

i. Applicability

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

ii. 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):

- 01.** Satellite dish antennas less than 39 inches in diameter.
- 02.** Wireless communications equipment and antennas located entirely within an enclosed nonresidential, mixed-use, or multifamily building.
- 03.** Receive-only television or radio antennas for noncommercial use.
- 04.** Antennas legally operated by FCC-licensed amateur radio operators, provided the antenna meets all FAA regulations and is less than 150 feet high.
- 05.** Modifications of an existing telecommunications tower—including the collocation, removal, or replacement of transmission equipment on the tower—or its base station (i.e., a building at the base of the tower that houses equipment associated with the

²²² 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.

telecommunications facility) that do not substantially change the physical dimensions of the tower or base station.²²³

iii. Conditions Applicable to All Telecommunications Facilities

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

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

iv. 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 non-single-family or mixed-use principal buildings subject to the following conditions:

- 01.** Any ground-based equipment shall be placed within an existing equipment building or screened in accordance with Sec. 16-4-102.B.2.d.vi.11.
- 02.** 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.

v. Timely Action on Telecommunications Facility Applications²²⁴

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.

²²⁴ 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.

vi. 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:

- 01.** The maximum overall height of the tower and all associated equipment shall be 180 feet above grade.²²⁵
- 02.** 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.
- 03.** New towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users.
- 04.** 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.
- 05.** 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.
- 06.** The tower shall be set back from all minor arterials by a minimum distance equal to 80 percent of the height of the tower.
- 07.** 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.
- 08.** The minimum setback from a street required by (E) through (G) above may be reduced where a sight line analysis, balloon height test, or similar test demonstrates that the tower would be screened from the view of motorists on the adjacent street if located at the reduced setback—provided that the setback shall not be reduced to a distance within the fall zone of the tower.²²⁶
- 09.** The tower shall be set back from all adjacent uses by a minimum distance equal to the fall zone.

²²⁵ 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).

²²⁶ This provides flexibility to reduce the minimum tower setback to the extent the tower would not be visible from the adjacent street.

10. 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 landowner waives this requirement.
11. 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 and 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.

vii. 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.

3. Health Services²²⁷

[reserved]

4. Resort Accommodations²²⁸

a. Bed and Breakfasts²²⁹

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

b. Hotels, Inns, and Motels

- i. Hotels, inns, and motels located in the CR District shall have guest rooms with gross floor area no smaller than 100 square feet.²³⁰
- ii. Hotels, inns, and motels in the S District shall not have direct vehicular access to a major arterial.

5. Commercial Recreation Uses

a. Indoor Commercial Recreation Uses

The site of an indoor commercial recreation use in the S District shall not have direct vehicular access to a major arterial.

²²⁷ 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.

²²⁸ 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 conversion standards for time-sharing are deleted at the request of the LMO Rewrite Committee.

²²⁹ This subsection carries forward Section 16-4-1309 of the current LMO, but without the standard prohibiting B&Bs in existing residential subdivisions.

²³⁰ 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.

b. Outdoor Commercial Recreation Uses other than Water Parks

The site of an outdoor commercial recreation use shall have direct vehicular access to a minor arterial in accordance with Sec. 16-5-104.B, Street Hierarchy.

6. Office Uses

a. Contractor's Office

- i.** In the CR, SPC, MS, WMU, MF, MV, and RD Districts, a contractor's office shall not have any outdoor storage.
- ii.** In the CC, NC, S, and LC Districts, outdoor storage shall be fully screened.
- iii.** In the LC District, a contractor's office with outdoor storage shall not have direct vehicular access to a major arterial.

7. Commercial Services²³²

a. Adult Entertainment Uses²³³

i. Types of Adult Entertainment Uses

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

- 01.** Adult arcades.
- 02.** Adult bookstores or adult video stores.
- 03.** Adult cabarets.
- 04.** Adult motion picture theaters.
- 05.** Nude dancing establishments.
- 06.** Nude model studios
- 07.** Sexual encounter centers.
- 08.** Other similar uses or businesses.

ii. Locational Restrictions

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

- 01.** It shall not be operated within 750 feet of:
 - (A)** A religious institution;
 - (B)** Publicly owned land;
 - (C)** The boundaries of a residential (RS-, RM-) zoning district;
 - (D)** A daycare or youth activity center, public or private elementary or secondary school; or
 - (E)** Another adult entertainment use.

²³² 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.

²³³ This subsection carries forward Section 16-4-1303 of the current LMO, with little change.

02. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of property on which any adult entertainment use is located, and the perimeter boundary of the property on which any use from which the separation is required (See: 106-4-102(A)(7)(02)(1-5) above).
03. An adult entertainment use shall not be approved or established if any part of the property on which the adult entertainment use is located has any frontage on a major arterial as defined in Sec. 16-5-104.B, Street Hierarchy.

iii. 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:

01. Upon application for an adult entertainment permit or license, the application shall be accompanied by a diagram of the premises showing a plan specifying:
 - (A) 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.
 - (B) The location of all overhead lighting fixtures.
 - (C) Areas on the premises designating where patrons will be permitted.
 - (D) Areas within the premises where the permit will be conspicuously posted, if granted.
 - (E) 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.
02. Assurances shall be provided by the owner(s) and operator(s) of the premises that:
 - (A) 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.
 - (B) 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.
 - (C) No patron viewing room will be occupied by more than one person at any time.

- (D) The illumination of the lighting in the plan is maintained at all times that any patron is present in the premises.
- 03. 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.
- 04. 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.
- 05. No alteration in the configuration or location of a manager's station shall be made without the prior approval of the Official.
- 06. 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.
- 07. A person having a duty under this subparagraph commits a misdemeanor if that person knowingly fails to fulfill that duty.

iv. Exemptions

- 01. 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 or license, and does not apply when an application for a permit or license is submitted after a permit or license has expired or has been revoked, or to an application for a new adult entertainment use.
- 02. 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:

 - (A) By a proprietary school licensed by the state of South Carolina or a college, junior college or university supported entirely or partly by taxation;
 - (B) 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
 - (C) 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.

b. Animal Services²³⁴

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

- i. 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.
- ii. Runs or areas for the training or periodic exercise of animals may be located outside provided:
 01. They are not used for regular boarding of animals;
 02. They are not used between the hours of 10:00 p.m. and 8:00 a.m.; and
 03. A Type D buffer (see Section Sec. 16-5-102.I, Buffer Types) is provided between them and a lot line.

c. Bicycle Shops²³⁵

A bicycle shop shall comply with the following conditions.

- i. Outdoor storage is permitted only in the CR, SPC, S, MF, and RD Districts.
- ii. Vegetation, fences, and walls shall be installed to screen outdoor storage areas.
- iii. In the S District, a bicycle shop shall not direct vehicular access to a major arterial.

d. Convenience Stores²³⁶

A convenience store shall comply with the following conditions:

- i. The site shall have direct vehicular access to a minor arterial in accordance with Sec. 16-5-104.B, Street Hierarchy. There shall not be direct vehicular access onto a major arterial.
- ii. Convenience stores located in the RM-4 District shall not have a maximum gross floor area of more than 1,200 square feet.
- iii. Convenience stores located in the MF District shall not have a maximum gross floor area of more than 3,000 square feet.

²³⁴ 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.

²³⁵ This subsection carries forward Section 16-4-1310 of the current LMO.

²³⁶ This subsection carries forward Section 16-4-1315 of the current LMO, adding a size limit for the MF District, as requested by the LMO Rewrite Committee.

e. Eating Establishments²³⁷

In the CR, MS, WMU, S, MF, MV, NC, and RD Districts, an eating establishment shall not have drive-through service.

f. Landscape Businesses²³⁸

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.

g. Liquor Stores²³⁹

A liquor store shall comply with the following locational restrictions:

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

h. Nightclubs or Bars²⁴⁰

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

- i. It shall not be located within 200 feet of:
 - 01. A religious institution;
 - 02. A public or private elementary or secondary school; or
 - 03. The boundary of a residential (RS- or RM-) district.
- ii. 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.
- iii. In the S District, a nightclub or bar shall not have direct vehicular access to a major arterial.

i. Open Air Sales²⁴¹

Open air sales shall comply with the following conditions.

- i. Temporary open air sales shall comply with all of the requirements of Sec. 16-4-104, Temporary Uses and Structures.
- ii. 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.

j. Shopping Centers

A shopping center shall comply with the following conditions:

²³⁷ This carries forward the current LMO's prohibition of drive-through service for eating establishments in most districts where they are allowed.

²³⁸ This is a new standard requested by the LMO Rewrite Committee.

²³⁹ This subsection carries forward Section 16-4-1335 of the current LMO.

²⁴⁰ This subsection carries forward Section 16-4-1340 of the current LMO, adding an access limitation for the S District.

²⁴¹ This subsection carries forward Section 16-4-1341 of the current LMO.

- i. The site shall have direct vehicular access to a major or minor arterial, in accordance with Sec. 16-5-104.B, Street Hierarchy.
- ii. Shopping centers located in the MF District shall not have a maximum gross floor area of more than 100,000 square feet.

k. Tattoo Facilities²⁴³

A tattoo facility shall comply with the following locational restrictions:

- i. The site shall not be located within 1,000 feet of:
 - 01. A religious institution;
 - 02. A daycare or youth activity center or public or private elementary or secondary school; or
 - 03. A playground; or
 - 04. A place that is provided by the public for recreation; or
 - 05. Publicly owned land.
- ii. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of property on which any Tattoo Facility use is located, and the perimeter boundary of the property on which any use from which the separation is required.

l. Other Commercial Services

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

8. Vehicle Sales and Services²⁴⁴

a. Auto Rentals²⁴⁵

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

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

b. Auto Repairs²⁴⁶

An auto repairs use shall comply with the following conditions:

- i. The site shall not be located within 200 feet of the boundary of a residential (RS- or RM-) district. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of property on which any auto repair use is located, and the perimeter boundary of the property on which any use from which the separation is required.

²⁴³ This subsection carries forward Section 16-4-1350 of the current LMO.

²⁴⁴ At the request of Town staff and the LMO Rewrite Committee, use-specific standards for auto sales are deleted.

²⁴⁵ This subsection carries forward Section 16-4-1304 of the current LMO.

²⁴⁶ These are new standards for auto repair uses. They are intended to minimize visual, noise, and odor impacts on adjoining properties.

- ii. 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.
 - iii. All automobile parts and similar materials shall be stored within an enclosed building or totally screened from view by an opaque or privacy fence.
- c. Car Wash**
- In the S District, a car wash shall not have direct vehicular access to a major arterial.
- d. Gas Sales²⁴⁷**
- A gas station shall comply with the following conditions:
- i. The site shall have direct vehicular access to a minor arterial or other street, in accordance with Sec. 16-5-104.B, Street Hierarchy. No direct vehicular access to a major arterial shall be permitted.
 - ii. The site shall be located at the intersection of at least two streets, one of which shall be a minor arterial.
 - iii. 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 from the center line of the closest vehicular access on the property where the gasoline sales use is located, and shall be measured along the centerline of the travel lane of the road providing the shortest route to the intersection, and shall be measured to the closest point along the right of way line at the intersection.
 - iv. 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.
 - v. No more than 16 pumps (defined as a fueling area for an individual vehicle) shall be permitted at a gas sales establishment.
 - vi. No signs shall be located on any canopy over the pumps.
- e. Watercraft Sales, Rental or Service²⁴⁸**
- i. In the WMU District, watercraft sales, rentals, or services shall be located at the site of a boat ramp, docking facility, or marina.
 - ii. In the LC District, watercraft sales, rentals, or services shall not have direct vehicular access to a major arterial.

²⁴⁷ This subsection carries forward Section 16-4-1323 of the current LMO.

²⁴⁸ This carries forward the condition in Sec. 16-4-1355 of the current LMO, adding an access limitation for the LC District.

9. Industrial Uses

a. Light Industrial, Manufacturing, and Warehouse Uses²⁴⁹

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

- i. No outdoor storage shall be permitted unless the outdoor storage is fully screened.
- ii. There shall be no frontage on a major arterial.

b. Seafood Processing Facilities ²⁵⁰

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

c. Self-Service Storage²⁵¹

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

- i. 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).
- ii. 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.

d. Wholesale Sales²⁵²

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.

10. Other Uses

a. Boat Ramps, Docking Facilities, and Marinas²⁵³

- i. A boat ramp, docking facility, or marina in the CON District shall be associated with an approved use in the adjacent zoning district.
- ii. 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.

²⁴⁹ 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.

²⁵⁰ This subsection carries forward Section 16-4-1346 of the current LMO.

²⁵¹ These are new standards for a current allowable use.

²⁵² This is a new standard for a current allowable use.

²⁵³ 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.

Sec. 16-4-103. Accessory Uses and Structures ²⁵⁴

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.²⁵⁵

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 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 permanently destroyed or removed, the accessory use or structure shall no longer be allowed.

²⁵⁴ 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.

²⁵⁵ This provision builds on Section 16-4-1209 of the current LMO.

D. Accessory Use/Structure Table²⁵⁶

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.

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 ²⁵⁷			PC	PC	PC	PC	PC	PC					PC	PC		PC				Sec. 16-4-103.E.1
Automatic teller machine (ATM) ²⁵⁸									P	P	P	P	P	P	P		P	P	P	
Crematory (as accessory to funeral homes) ²⁵⁹											P								P	
Divisible Dwelling Unit ²⁶⁰								PC									PC			Sec. 16-4-103.E.2
Home Occupation ²⁶¹			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 ²⁶²								PC	PC	PC	PC	PC	PC			PC				Sec. 16-4-103.E.4

²⁵⁶ 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.

²⁵⁷ 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.

²⁵⁸ The current LMO does not expressly identify ATMs as an accessory use. They are included in this draft.

²⁵⁹ The current LMO allows crematories as accessory to a funeral home. This provision codifies that practice.

²⁶⁰ The current LMO treats a divisible dwelling unit as a permitted use. This draft treats it as an accessory use.

²⁶¹ These provisions are carried forward from Section 16-4-1402. - Home Occupations, of the current LMO.

Chapter 16-4: Use Standards
 Sec. 16-4-103. Accessory Uses and Structures
 E. Use-Specific Conditions for Accessory Uses and Structures

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	IL
Outdoor storage (as an accessory use) ²⁶³									PC	PC	PC			PC			PC		PC	PC	Sec. 16-4-103.E.5
Satellite dish ²⁶⁴	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.6
Small wind energy conversion system (WEC) ²⁶⁵	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.7
Solar collection device ²⁶⁶			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.8
Telecommunications Facility, Collocated	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.9

E. Use-Specific Conditions for Accessory Uses and Structures

1. Amateur Radio Antenna²⁶⁷

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 and shall not be located within a required minimum setback or buffer.
- d. The Official may grant modifications of the above standards if the amateur radio operator can satisfactorily demonstrate that the modification is necessary

²⁶² 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).

²⁶³ 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).

²⁶⁴ Satellite dishes as an accessory use are carried forward from Section 16-4-1404. - Satellite Dishes, of the current LMO.

²⁶⁵ 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.

²⁶⁶ 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).

²⁶⁷ These are new conditions for a new use.

to reasonably accommodate the operator's amateur radio communications needs, as guaranteed by federal law.

2. Divisible Dwelling Unit²⁶⁸

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 Occupation²⁶⁹

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 gross floor area of the dwelling unit.
- c.** The home occupation is conducted only by persons residing on the premises (nonresident employees are not permitted).
- 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 Merchandise²⁷⁰

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:

²⁶⁸ This subsection carries forward Section 16-4-1319 of the current LMO.

²⁶⁹ These provisions are carried forward from Section 16-4-1402. - Home Occupations, of the current LMO.

²⁷⁰ 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.

- a. Outdoor display/sales areas shall be depicted on any Site Plan 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, outdoor display/sales areas for each tenant shall not exceed one-half the length of the front of that part of the building used by the tenant.
- 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)²⁷¹

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

- 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.

²⁷¹ 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.

7. Small Wind Energy Conversion (WEC) System²⁷²

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 minimum required setback. On beachfront properties, a tower-mounted WEC system shall not be located between a principal structure and the beach.
- 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—provided that on beachfront properties, a small WEC system shall extend no more than 15 feet above the height of the structure.

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.

8. Solar Collection Devices²⁷³

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.

²⁷² 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. Greater setback and height limitations are applied on beachfront properties to minimize the visual impact of WEC systems.

²⁷³ 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.

- 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. The system shall not be located within a required minimum setback or buffer`.

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.B.2.d, Telecommunications Facilities.

Sec. 16-4-104. Temporary Uses and Structures²⁷⁴

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.

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.

²⁷⁴ 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.

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 Trailer²⁷⁵

- a. A contractor's construction/storage trailer, including any associated parking area, 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 Storage²⁷⁶

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.
- 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 emergencies.
- e. Staging and storage will not interfere with vehicular 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).

²⁷⁵ This subsection carries forward Section 16-4-1502 – Construction/Storage Trailers, of the current LMO.

²⁷⁶ This subsection carries forward Section 16-4-1503 – Construction Staging and Storage, of the current LMO.

- 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 Gatherings²⁷⁷

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)²⁷⁸

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

5. Model Sales Home/Unit²⁷⁹

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:

²⁷⁷ This subsection carries forward Section 16-4-1504 – Fairs, carnivals, and Public Gatherings, of the current LMO.

²⁷⁸ This is a new provision for temporary farmer's markets.

²⁷⁹ This subsection replaces Section 16-4-1506 – Temporary Sales/Leasing Offices, of the current LMO, and provides more detailed standards for the temporary use.

- 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 Pumpkins²⁸⁰

A merchant may display 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.

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.

²⁸⁰ 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.

8. Shipping Containers

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

9. Temporary Tents²⁸¹

- 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.

²⁸¹ 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 employee under the Official's authority or control.

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 Boundaries⁴⁹²

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.
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.

⁴⁹² This carries forward Section 16-1-104 of the current LMO.

B. Density

1. Density⁴⁹³

A measurement of intensity defined as the number of dwelling units (for most residential uses) or rooms (for group living and resort accommodation uses) or the square feet of gross floor area (for nonresidential purposes) per net acre of land.

2. Gross Acre⁴⁹⁴

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 Area⁴⁹⁵

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. Unless expressly provided otherwise, gross floor area is measured in square feet.

4. Net Acre⁴⁹⁶

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 Height⁴⁹⁷

- 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.

⁴⁹³ This carries forward the definition from Section 16-10-210 of the current LMO.

⁴⁹⁴ This carries forward the definition from Section 16-10-210 of the current LMO.

⁴⁹⁵ This carries forward the definition from Section 16-10-210 of the current LMO.

⁴⁹⁶ This carries forward the definition from Section 16-10-210 of the current LMO.

⁴⁹⁷ This carries forward Section 16-4-1702. - Calculation of Height, of the current LMO

2. Height in Excess of Limits⁴⁹⁸

- 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 Elevation⁴⁹⁹

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. Grade⁵⁰⁰

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

5. Grade, Finish⁵⁰¹

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

6. Grade, Predevelopment⁵⁰²

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

D. Setbacks

1. Exemptions⁵⁰³

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 Setback⁵⁰⁴

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

⁴⁹⁸ This carries forward Section 16-4-1703. - Height in Excess of Limits, of the current LMO

⁴⁹⁹ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵⁰⁰ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵⁰¹ This carries forward the definition from Section 16-10-210 of the current LMO.

⁵⁰² This carries forward the definition from Section 16-10-210 of the current LMO (in the definitions, the term used is "predevelopment grade.")

⁵⁰³ This carries forward Section 16-5-702 of the current LMO.

⁵⁰⁴ This carries forward Section 16-5-703 of the current LMO.

property adjacent to the development and the requirements of Sec. 16-5-102, 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. 16-5-102, 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 Cover⁵⁰⁵

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

2. Impervious Surface⁵⁰⁶

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 Space⁵⁰⁷

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 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 Sec. 16-4-103.E.3, Home Occupation).

⁵⁰⁵ This is a new definition.

⁵⁰⁶ 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.

⁵⁰⁷ This carries forward the definition from Section 16-10-210 of the current LMO.

2. Use Types and Definitions

Group Living⁵⁰⁹

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.

Multifamily⁵¹⁰

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

Mixed-Use⁵¹¹

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.

Recreational Vehicle (RV) Park⁵¹²

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.

⁵⁰⁹ 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).

⁵¹⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵¹¹ This is a new definition.

⁵¹² This is a new definition.

Single-Family⁵¹³

A freestanding structure containing only one single-family dwelling unit. 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 Transportation⁵¹⁴

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 Services⁵¹⁵

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.

Cemetery⁵¹⁶

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.

⁵¹³ 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. 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).

⁵¹⁴ This derives from the same use category in Sec. 16-4-1212.A of the current LMO.

⁵¹⁵ This derives from the same use category in Sec. 16-4-1212.A of the current LMO.

⁵¹⁶ This is a new definition.

Community Service Use⁵¹⁷

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 Use⁵¹⁸

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.

Government Use⁵¹⁹

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.

⁵¹⁷ This carries forward Section 16-4-1212 B. of the current LMO, with minor changes.

⁵¹⁸ This carries forward Section 16-4-1212 D. of the current LMO, with minor changes. Business, trade, and vocational schools are added.

⁵¹⁹ This carries forward Section 16-4-1212 E. of the current LMO, with minor edits.

Major Utility⁵²⁰

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 Utility⁵²¹

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 Park⁵²²

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.

Religious Institution⁵²³

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.

⁵²⁰ This is a new definition, based on language from Sec. 16-4-1212.1 – Public and Civic Use Categories, Utilities of the current LMO.

⁵²¹ This carries forward a description in the current LMO, modified to add examples.

⁵²² 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.

⁵²³ This is a new definition.

Telecommunication Tower, Monopole⁵²⁴

A telecommunications facility with a tubular, self-supporting telecommunications mast, as distinguished from a lattice 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 Services⁵²⁵

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

Hospital⁵²⁶

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 Home⁵²⁷

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 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, or post incarceration facilities.

⁵²⁴ This is a new definition.

⁵²⁵ 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.

⁵²⁶ This new definition derives from language in the S.C. Code provisions licensing hospitals.

⁵²⁷ This new definition derives from language in the S.C. Code provisions licensing nursing homes.

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 or lease. 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).

2. Use Types and Definitions

Bed and Breakfast⁵²⁸

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.

Hotel⁵²⁹

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 than from the building exterior. It is distinguished from an inn primarily by the number of rooms.

Inn⁵³⁰

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.

Motel⁵³¹

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.

⁵²⁸ This definition carries forward and consolidates the definitions from Section 16-10-201 – Defined Terms – of the current LMO.

⁵²⁹ 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.

⁵³⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵³¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO, modifying it to distinguish it from hotels.

E. Commercial Recreation Uses⁵³²

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 Recreation⁵³³

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.

Outdoor Commercial Recreation Other than a Water Park⁵³⁴

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 Park⁵³⁵

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.

⁵³² 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.

⁵³³ This is a new definition.

⁵³⁴ This is a new definition.

⁵³⁵ This definition is based on Section 16-4-1213 J. of the current LMO.

F. Office Uses⁵³⁶

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

Contractor's Office⁵³⁷

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.

Other Office Uses

Office Uses other than a contractor's office. This includes establishments that primarily accommodate the provision of business services and professional services in an office setting. Such office uses include, but are not limited to: employment agencies; insurance agents; real estate sales and service; travel agencies; utility company offices; accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations; chambers of commerce; commercial art and design services; counseling services; court reporting services; architecture, engineering, landscape architecture, urban planning, and other design services; detective agencies; educational, scientific and research organizations; financial management and investment counseling; literary and talent agencies; management and public relations services; media and postproduction services; news services; photographers and photography studios; political campaign headquarters; secretarial, stenographic, word processing, and temporary clerical employee services; security and commodity brokers; and writers and artists offices.

This use type also includes offices providing health care services—including medical treatment, nursing care, preventative care, diagnosis, and physical therapy—in an office setting. Such health services office uses include, but are not limited to, medical doctors' and dentists' offices (with support labs) and psychiatrists' and psychologists' offices. Such health care office uses do not include hospitals or other health service uses where health care services are provided in a more intensive manner and in an

⁵³⁶ 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.

more institutional setting.

G. Commercial Services⁵⁴⁰

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 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 Use⁵⁴¹

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

Animal Services⁵⁴²

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 Shop⁵⁴³

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

⁵⁴⁰ 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.

⁵⁴¹ This carries forward the current definition of adult entertainment from the Code of Ordinances.

⁵⁴² This consolidates the current LMO's definitions of veterinary services, kennels, and pet stores.

⁵⁴³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Convenience Store⁵⁴⁴

A retail establishment that offers for sale any of 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 Establishment⁵⁴⁵

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.

Grocery Store⁵⁴⁶

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 Business⁵⁴⁷

An establishment that grows, stores, 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 Store⁵⁴⁸

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 Bar⁵⁴⁹

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.

⁵⁴⁴ This is a new definition, replacing the one from Chapter 10, Definitions, in the current LMO.

⁵⁴⁵ This builds on Sec. 16-4-1213.A of the current LMO, modernizing the example principal and accessory uses.

⁵⁴⁶ This definition carries forward the definition of Supermarket from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁴⁷ This is a new definition.

⁵⁴⁸ This is a new definition.

⁵⁴⁹ This consolidates definitions of nightclub and bar in Sec. 16-10-201 of the current LMO.

Open Air Sales⁵⁵⁰

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

Shopping Center⁵⁵¹

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 or managed as a single operating unit.

Tattoo Facility⁵⁵²

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 Services⁵⁵³

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. 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.

⁵⁵⁰ This is a new definition. (The Current LMO regulates, but does not defined, this use.)

⁵⁵¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁵² This carries forward and consolidates the definitions of tattoo facility and tattooing in Sec. 16-10-201 of the current LMO.

⁵⁵³ This uses Section 16-4-1213 I as a starting point, but refines the description of use characteristics and accessory uses.

2. Use Definitions

Auto Rental⁵⁵⁴

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

Auto Repair⁵⁵⁵

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

Auto Sales⁵⁵⁶

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 Wash⁵⁵⁷

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 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 or drying may be conducted manually by vehicle operator or on-site attendants.

Gas Sales⁵⁵⁸

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 Service⁵⁵⁹

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.

⁵⁵⁴ This is a new definition.

⁵⁵⁵ This is a new definition.

⁵⁵⁶ This is a new definition.

⁵⁵⁷ This is a new definition.

⁵⁵⁸ This carries forward the definition of gas sales from Section 16-10-201 of the current LMO.

⁵⁵⁹ This is a new definition.

Towing Service⁵⁶⁰

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 Rentals⁵⁶¹

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

Watercraft Sales, Rentals, or Service⁵⁶²

An establishment that rents, sells, or services watercrafts.

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 Use⁵⁶³

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,

⁵⁶⁰ This is a new definition.

⁵⁶¹ This is a new definition.

⁵⁶² This is a new definition.

⁵⁶³ 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.

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.

Seafood Processing⁵⁶⁴

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

Self Service Storage⁵⁶⁵

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 Plant⁵⁶⁶

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 Plant⁵⁶⁷

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

⁵⁶⁴ This is a new definition.

⁵⁶⁵ 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.

⁵⁶⁶ This is a new definition of a use regulated by, but not defined in, the current LMO.

⁵⁶⁷ The Waste-Related Service Use Category carries forward Section 16-4-1214 E. of the current LMO.

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.

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

Agriculture⁵⁶⁸

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 Facility⁵⁶⁹

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.

⁵⁶⁸ This section carries forward Section 16-4-1215 A. of the current LMO, with minor changes.

⁵⁶⁹ This is a new definition.

Marina⁵⁷⁰

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.

⁵⁷⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Sec. 16-10-105. Table of Abbreviations⁵⁷¹

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
AADA	Annual Average Daily Traffic
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

⁵⁷¹ 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.

Abutting⁵⁷²

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.

Access⁵⁷³

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

Accessory Structure⁵⁷⁴

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.

Adjacent⁵⁷⁵

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 ⁵⁷⁶

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. 16-5-105.3, 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. ,

⁵⁷² This is a new definition.

⁵⁷³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁷⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁷⁵ This is a new definition.

⁵⁷⁶ This is a new definition.

Airport Runway Primary Surface Area⁵⁷⁷

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.D.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 Surface⁵⁷⁸

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

Amenity⁵⁷⁹

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

Applicant⁵⁸⁰

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

Archaeological Resource or Archaeological Site⁵⁸¹

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 Survey⁵⁸²

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 Value⁵⁸³

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 Agent⁵⁸⁴

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

⁵⁷⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁷⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁷⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁸⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

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

⁵⁸² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁸³ This is a new definition.

⁵⁸⁴ 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 Elevation⁵⁸⁵

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.

Beach⁵⁸⁶

That area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

Beach Nourishment (also Beach Renourishment)⁵⁸⁷

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

Beachfront Line⁵⁸⁸

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)⁵⁸⁹

A practice, or a combination of practices, that is general accepted by professionals in the field 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. Although BMPs may be identified and described in various documents, the *Storm Water Management BMP Handbook* published by the South Carolina Department of Health and Environmental Control is an example of such a document pertinent to Hilton Head Island.

Bike Lane⁵⁹⁰

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

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

⁵⁸⁶ This is a new definition taken from the Town's sea turtle protection regulations (Sec.8-5-11 of the Municipal Code).

⁵⁸⁷ This is a new definition.

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.

Board of Zoning Appeals⁵⁹¹

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

Building⁵⁹²

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 Code⁵⁹³

The latest edition of the International Building Code (IBC), International Mechanical Code, International Energy Efficiency Code, International Plumbing Code, International Fuel Gas Code, and International Residential Code as adopted by the South Carolina Building Codes Council.

Building Permit⁵⁹⁴

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

Building, Principal⁵⁹⁵

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 Right⁵⁹⁶

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 Program⁵⁹⁷

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

Change of Use⁵⁹⁸

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.

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 is a new definition.

⁵⁹⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁹⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

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

⁵⁹⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁵⁹⁸ This is a new definition.

Circuit Court⁵⁹⁹

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

Clerk of Circuit Court⁶⁰⁰

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

Coastal High Hazard Area⁶⁰¹

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 Ordinances⁶⁰²

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

Community Garden⁶⁰³

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

Comprehensive Plan⁶⁰⁴

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 Use⁶⁰⁵

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

Construction⁶⁰⁶

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

Construction/ Storage Trailers⁶⁰⁷

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

⁵⁹⁹ This is a new definition.

⁶⁰⁰ This is a new definition.

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

⁶⁰² This is a new definition.

⁶⁰³ This is a new definition.

⁶⁰⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

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

⁶⁰⁶ This is a new definition.

Contiguous⁶⁰⁸

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.

County⁶⁰⁹

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 Board⁶¹⁰

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.")

Developer⁶¹¹

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.

Development⁶¹²

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.

⁶⁰⁷ This is a new definition.

⁶⁰⁸ This is a new definition.

⁶⁰⁹ This is a new definition.

⁶¹⁰ This is a new definition.

⁶¹¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Development Agreement⁶¹³

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

Development Application⁶¹⁴

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.

Disaster⁶¹⁵

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 Unit⁶¹⁶

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-Through⁶¹⁷

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.

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.

Dune Boardwalk⁶¹⁸

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

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.

Duplex

A structure containing two dwelling units.

Dwelling⁶¹⁹

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)⁶²⁰

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 listed as such in the Town of Hilton Head Island Design Guide.

Easement⁶²¹

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

Electric Vehicle (EV)⁶²²

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).

⁶¹⁸ This is a new definition.

⁶¹⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶²⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶²¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶²² This is a new definition.

Electric Vehicle (EV) Level 1 or 2 Charging Station⁶²³

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.

Expansion⁶²⁴

An increase in the gross 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 Housing⁶²⁵

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.)

Fall Zone

The area in which a telecommunication tower may be expected to fall in the event of a structural failure, as measured by engineering standards

Family⁶²⁶

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.

⁶²³ This is a new definition.

⁶²⁴ This is a new definition.

⁶²⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶²⁶ 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.

Farmers' Market⁶²⁷

A public market held in a structure or open area occasionally or periodically for only a limited time period during the year, where farmers primarily sell produce and other farm products they have grown, gathered, or raised directly to consumers.

Filling

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

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.

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. A foot-candle is equal to one lumen per square foot, or 10.764 lux.

Frontage⁶²⁸

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 street. Each building or lot front shall, for purposes of sign copy area allowed, be separately calculated.

Fully Shielded⁶²⁹

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.

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 Body⁶³¹

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

⁶²⁷ This is a new definition.

⁶²⁸ This is a new definition.

⁶²⁹ This is a new definition.

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

Grade⁶³²

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

Graphics⁶³³

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

Greenhouse⁶³⁶

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

Ground Water⁶³⁷

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

Home Occupation⁶³⁸

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 Unit⁶³⁹

See Dwelling Unit.

Impervious Surface⁶⁴⁰

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

Improvement⁶⁴¹

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.

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

⁶³³ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶³⁶ This is a new definition.

⁶³⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶³⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶³⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁴⁰ 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.

⁶⁴¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Land⁶⁴⁶

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

Land Disturbing Activity⁶⁴⁷

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

Landowner⁶⁴⁸

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 Nonconformity⁶⁴⁹

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 Protection⁶⁵⁰

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 Established⁶⁵¹

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 Ordinances then in effect.

Legally Maintained⁶⁵²

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.

⁶⁴⁶ This is a new definition.

⁶⁴⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁴⁸ This is a new definition.

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.

⁶⁵¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁵² 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 Room⁶⁵³

See "Divisible Dwelling Unit".

Lot⁶⁵⁴

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 ⁶⁵⁵

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 Home⁶⁵⁶

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.

Material⁶⁵⁷

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

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, revising it to clarify that "lot" and "parcel" have the same meaning.

⁶⁵⁵ 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.

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

⁶⁵⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Maximum Extent Practicable⁶⁵⁸

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 Line⁶⁵⁹

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 Home⁶⁶⁰

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/Unit⁶⁶¹

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 Housing⁶⁶²

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 Watercraft⁶⁶³

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

Municipal Code

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

Natural Water Body⁶⁶⁵

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.

⁶⁵⁸ This is a new definition.

⁶⁵⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

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

⁶⁶¹ This is a new definition.

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.

⁶⁶⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Neighborhood⁶⁶⁶

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 Structure⁶⁶⁷

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 Record⁶⁶⁸

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 Sign⁶⁶⁹

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

Nonconforming Site Feature⁶⁷⁰

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.

Nonconforming Gross Square Footage⁶⁷¹

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

Nonconforming Use⁶⁷²

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)⁶⁷³

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.

⁶⁶⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

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.

⁶⁶⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

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

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

Nonprofit Organization⁶⁷⁴

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 Violation⁶⁷⁵

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

Official⁶⁷⁶

The Town Official to whom the Town Manager has delegated the responsibility of administering and enforcing this Ordinance. See Appendix A, Official. The Official is the person referred to as zoning administrator in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (S.C. Code Ann. § 6-29-310 *et seq.*

Off-Site⁶⁷⁷

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.

On-Site⁶⁷⁹

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.

Ordinance⁶⁸⁰

A legislative enactment of the Town.

Outdoor Display and Sale of Merchandise⁶⁸¹

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

Outdoor Seasonal Sales⁶⁸²

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.

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

⁶⁷⁵ This is a new definition.

⁶⁷⁶ This is a new definition.

⁶⁷⁷ 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 is a new definition.

⁶⁸² This is a new definition.

Outdoor Storage⁶⁸³

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 District⁶⁸⁴

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.

Pedestrian Accessway⁶⁸⁵

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

Person⁶⁸⁶

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 Watercraft⁶⁸⁷

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.

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 is a new definition.

⁶⁸⁶ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁶⁸⁷ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Planned Unit Development⁶⁸⁸ (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 Commission⁶⁸⁹

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

Pre-Development Conditions⁶⁹⁰

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.

Premises⁶⁹¹

A lot, including the buildings or structures thereon.

Property Owner⁶⁹²

A person who holds legal title to land.

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.

Quorum⁶⁹³

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.

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.

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

⁶⁹³ This is a new definition.

Recreational Vehicle⁶⁹⁵

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.

Repair⁶⁹⁶

The restoration to a good or sound condition of materials, systems, 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-Way⁶⁹⁷

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

Satellite Dish⁶⁹⁸

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

Shared Parking⁶⁹⁹

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 Container⁷⁰⁰

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 Triangle⁷⁰¹

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.

⁶⁹⁵ 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.

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 is a new definition.

⁷⁰⁰ This is a new definition.

⁷⁰¹ This definition carries forward the definition from Sec. 16-10-201 (Defined Terms) of the current LMO, in simplified form.

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.

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 Event⁷⁰²

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.

Site⁷⁰³

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

Site Plan⁷⁰⁴

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

Solar Energy Device⁷⁰⁵

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, 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 Event⁷⁰⁶

A planned, temporary activity as defined in Section 17-12-115 of the Special Events Ordinance.

⁷⁰² This carries forward the definition of special event sign in Section 16-10-201 of the current LMO.

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

⁷⁰⁴ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁰⁵ This is a new definition.

Specimen Tree

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

Stand of Trees

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

State⁷⁰⁷

The State of South Carolina.

State or Condition that Existed Prior to a Disaster⁷⁰⁸

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.

Street⁷⁰⁹

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

Street, Private⁷¹⁰

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

Street, Public⁷¹¹

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

Structure⁷¹²

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.

⁷⁰⁶ This is a new definition, replacing the one in the current LMO.

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.

⁷¹⁰ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷¹¹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Subdivider⁷¹³

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

Subdivision⁷¹⁴

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.

Substantial Addition⁷¹⁵

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

Swimming Pool, Spa, or Hot Tub⁷¹⁶

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 Organization⁷¹⁷

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.

⁷¹² This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷¹³ This is a new definition.

⁷¹⁴ This is a new definition, derived from Sec. 6-29-1110(4) of the S.C. Code of Laws.

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

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. A distributed antenna system does not constitute a telecommunications facility.

Television or Radio Antenna⁷¹⁸

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.

Town⁷²³

The Town of Hilton Head Island, South Carolina.

Town Council⁷²⁴

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

Tract⁷²⁵

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

Travel Ready⁷²⁶

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.

Tree⁷²⁷

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.

⁷¹⁸ This is a new definition.

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

⁷²⁴ This is a new definition.

⁷²⁵ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

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

⁷²⁷ 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).

Tree Survey

A survey of trees protected by Sec. 16-6-104, Tree Protection. See Sec. 16-6-104.C.2.

Underbrushing⁷²⁸

The removal of the shrub layer 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, or hydrologic characteristics associated with wetlands. Such areas occurring within floodplains are more appropriately termed non-wetlands.

Use⁷²⁹

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, Accessory⁷³⁰

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, Principal⁷³¹

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 Land⁷³²

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

⁷²⁸ This is a new definition.

⁷²⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

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

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

Vested Right⁷³³

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 Alteration⁷³⁴

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.

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

⁷³⁴ This is a new definition.

Wetland Mitigation Banking⁷³⁵

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, Small⁷³⁶

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 Landscaping⁷³⁷

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

Zero Lot Line Development⁷³⁸

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 District⁷³⁹

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.

⁷³⁵ This is a modified definition derived from various wetland mitigation programs.

⁷³⁶ This is a new definition.

⁷³⁷ This is a new definition.

⁷³⁸ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

Zoning District, Base

Those zoning districts grouped into Conservation and Recreation Districts, Residential Districts, and Mixed-Use and Business Districts, and which are described in Sec. 16-3-102 through Sec. 16-3-105 of this Ordinance.

Zoning District, Overlay⁷⁴⁰

A zoning district that is superimposed over one or more underlying base zoning districts to address area specific conditions or features, and which are described in Sec. 16-3-106 of this Ordinance.

Zoning Map, Official⁷⁴¹

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.

⁷³⁹ This definition carries forward the definition from Section 16-10-201 – Defined Terms – of the current LMO.

⁷⁴⁰ This is a new definition.

⁷⁴¹ This is a new definition.