

# REVIEW OF THE PRIORITY AMENDMENTS TO THE LMO AND MUNICIPAL CODE



## **AGENDA** TOWN COUNCIL WORKSHOP

### **Priority Text Amendments (Remaining to Review)**

1. Construction Management Standards
2. Sign Regulations
3. Tree Protection
4. Common Open Space
5. Transportation Impact Analysis Plan
6. Major Subdivision & Development Plan Review Process
7. Subdivision Regulations

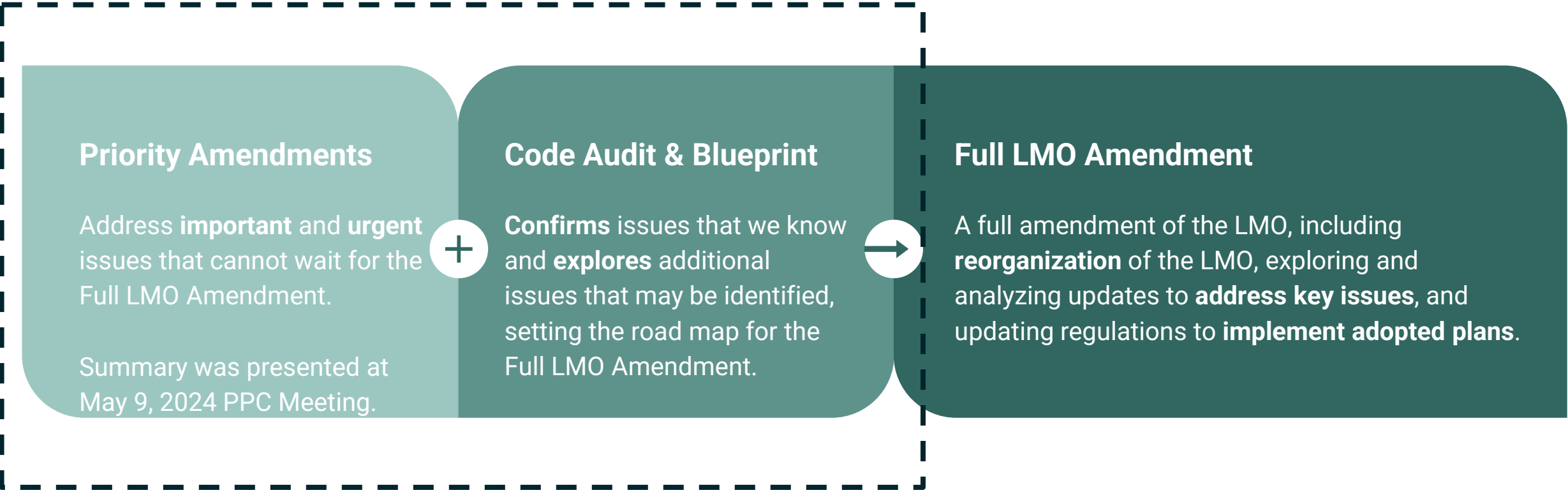
### **Reviewed at Town Council Workshop on September 16, 2024**

1. Short-Term Rentals – Enforcement & Fines and Parking & Occupancy
2. Northpoint Public Private Partnership Zoning
3. Single-Family Home Mass & Scale
4. Commercial Structures Mass & Scale
5. Adaptive Re-Use of Existing Hotels & Motels



OVERVIEW

LMO PRIORITY TEXT AMENDMENTS UPDATE



## OVERVIEW

## LMO PRIORITY TEXT AMENDMENTS UPDATE

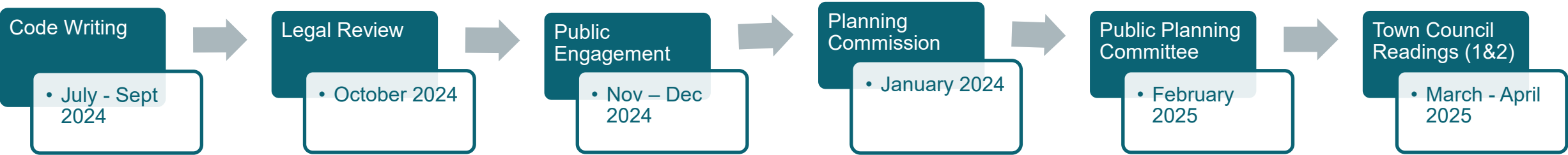
### LMO Accomplishments to date:

- Conducted a SWOT Analysis of the Land Management Ordinance (LMO) and created an LMO Amendments Plan.
- Adopted LMO amendments:
  - Phase 1 adopted March 7, 2023
    - Removal of staff waivers
    - Limit LMO Official ability to grant exceptions and instead require a variance be submitted to the Board of Zoning Appeals
    - Allow outdoor screened bike storage in LC and CC districts
    - Clarification of manufacturing use classification related to size of brewery
    - Replace June traffic counts with July traffic counts for TIAP standards
    - Change when/how plantings are required as part of subdivision compliance
    - Amend definition of changeable copy to allow for signed to be changed electronically with limitations
    - Amend measurement for height calculation
    - Add owner's consent for minor subdivisions
    - Require a public hearing for subdivision amendments
  - Phase 2 adopted March 7, 2023
    - Standards for deviations from previously platted subdivisions
  - Phase 3 adopted May 2, 2023
    - Single-family, multi-family and divisible dwelling unit definitions
  - Forest Beach Neighborhood Character Overlay District Floor Area Ratio amendment adopted on May 7, 2024
- Land Management Ordinance Code Writing Services:
  - Contract executed with Code Studio in January 2024. Major LMO Amendment project kick-off occurred in February 2024.

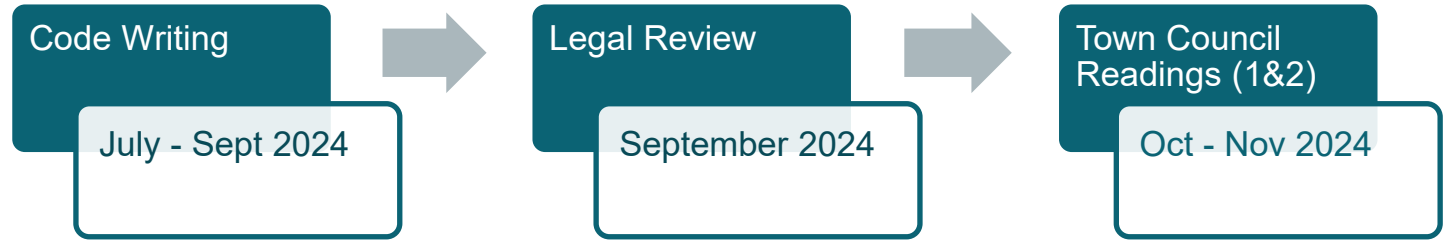


# PRIORITY AMENDMENTS WORKING SCHEDULE

## LMO Priority Text Amendments



## Short-Term Rental Priority Text Amendments



# 1. Construction Management Standards



► LAND MANAGEMENT ORDINANCE



# # 1 CONSTRUCTION MANAGEMENT STANDARDS

## What we've heard:

- "Construction projects often spill over into commercial and residential areas, causing disruptions including noise, vibrations, dust, traffic congestion, parking issues, and restricted access to properties"
- "Construction impacts are frustrating and affect daily routines and operations"
- "Construction projects create jobs and stimulate the local economy with new developments that can result in positive impacts such as improved buildings, public spaces, infrastructure that can benefit the community"



Hilton Head Island, SC

# # 1 CONSTRUCTION MANAGEMENT STANDARDS

## Key Issues:

- Active construction sites cause disruption in residential and commercial areas that need to be managed.



*Hilton Head Island, SC*



# # 1 CONSTRUCTION MANAGEMENT STANDARDS

## Priority Amendment Recommendations:

- Require refuse disposal plan
- Require construction vehicle parking plan
- Require site management plan
- Require access management plan
- Require secure construction site during named storm events

## What We Heard from Town Council:

- Change the hours of construction from 7:00am – 10:00pm everyday of the week to align with POAs and other best practices.

*Applicability-* Applies Island-wide.

# # 1 CONSTRUCTION MANAGEMENT STANDARDS

## Full LMO Update Recommendations:

- Review Noise Control Ordinance and explore adding construction hour restrictions (research allowed construction hours within the planned development communities)

**Next Steps-** Pending any changes, this amendment has been drafted and is ready for legal review.



## 2. Sign Regulations



► LAND MANAGEMENT ORDINANCE

## # 2

## SIGN STANDARDS

## What we've heard:

- "Amending the sign code to be compliant with the federal law is a best practice. Just get it done"
- "Reed case requires content neutral sign code"



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Hilton Head Island, SC



## # 2 SIGNS - REED V. TOWN OF GILBERT (2015)

The Town of Gilbert, Arizona, had a sign code that imposed different restrictions on different types of signs. Specifically, the code regulated "ideological signs" (which expressed political, religious, or philosophical views) less strictly than "political signs" (which related to elections and candidate promotion) and "temporary directional signs" (which were used to direct people to events). The restrictions on these signs varied in terms of size, duration, and placement.

The Supreme Court ruled in favor of Clyde Reed and Good News Community Church. The Court held that the Town of Gilbert's sign code was unconstitutional because it imposed different restrictions based on the content of the signs.

Key points from the ruling:

- **Content-Based Regulation:** The Court determined that the sign code was a content-based regulation because it classified signs based on their message (e.g., ideological vs. directional). Content-based regulations are subject to strict scrutiny, which means they must serve a compelling governmental interest and be narrowly tailored to achieve that interest.
- **Strict Scrutiny Standard:** The Town of Gilbert's regulations did not meet the strict scrutiny standard. The Court found that the town failed to prove that its regulations were necessary to achieve a compelling interest and that there were less restrictive alternatives available.
- **Implications for Free Speech:** The decision reinforced the principle that content-based restrictions on speech are presumptively unconstitutional, emphasizing the importance of protecting free speech from government censorship.

## # 2

## SIGN STANDARDS

## Key Issues:

- Sign standards are not content neutral as required from Reed v. Town of Gilbert Supreme Court decision
- Amending our sign code to be compliant with the Supreme Court decision will reduce our ability to regulate certain sign types.



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## # 2

## SIGN STANDARDS

## Priority Amendment Recommendations:

- Update regulations to comply with content neutrality requirements which will apply the same standards to all signs, regardless of their content

## What We Heard from Town Council:

- Do what we need to do to be compliant with the Supreme Court decision.

*Applicability-* The Sign Code is applicable Island-wide.



## # 2

## SIGN STANDARDS

## Full LMO Update Recommendations:

- Reorganize text and add graphics for more clarity and better usability
- Review sign hierarchy of regulations, sign types, sign face area, height of signs, standards by zoning district, electronic message centers, sign illumination standards, additional standards for historic or overlay districts, nonconforming signs, enforcement, and fees.

**Next Steps-** Pending any changes, this amendment has been drafted and is ready for legal review.





# 3. Tree Protection



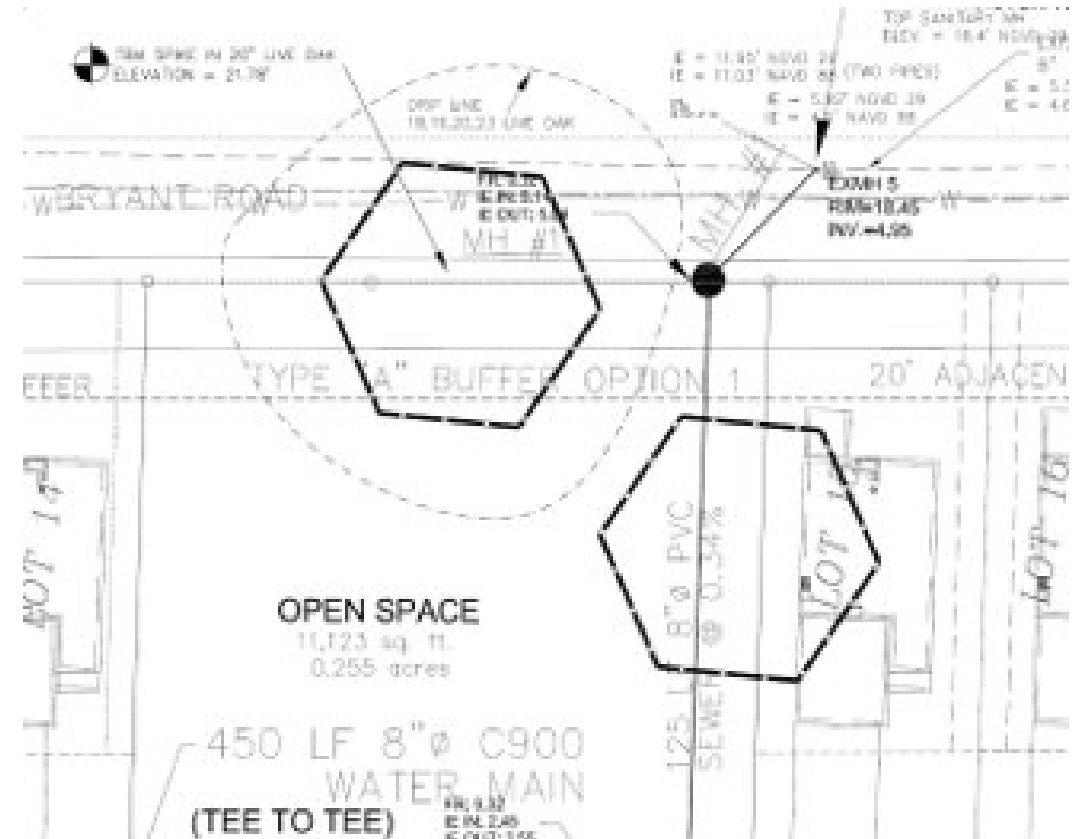
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## # 3

## TREE PROTECTION

## What we've heard:

- “Would like to see a re-check of the list of mitigation trees”
- “Would like to see a re-inspection after a certain period of time”
- “Can we require a developer to have a certain number or percentage of trees on-site?”
- “We need to link clear cutting to subdivision regulations”
- “We should protect high quality trees”



Tree Protection Example -Hilton Head Island, SC

## # 3

## TREE PROTECTION

## Key Issues:

- Trees are being removed during development that should be protected.
- Need to update mitigation requirement and the native planting list to allow for more flexibility to ensure the right trees and shrubs are planted in appropriate locations.

## 2019 LMO Tree Amendment:

- Added the requirement that streets and lots shall be designed to preserve significant trees, stands of trees and understory vegetation and situated to minimize alteration of natural and historic site features to be preserved.
- Added Significant Trees to the protected tree table
- Applicant should demonstrate that all reasonable efforts have been made to preserve unique and fragile elements on site.
- Zero lot line subdivision adjacent street buffer exemption removed internal to the subdivision.

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# 3

TREE PROTECTION

Existing Specimen and Significant Tree Table,  
Hilton Head Island, SC

TABLE 16-6-104.F.1: SPECIMEN AND SIGNIFICANT TREES

TREE TYPE		SPECIMEN DBH (INCHES)	SIGNIFICANT DBH (INCHES)
Live oak	Single trunk	35	28
	Multiple trunks	60 (sum of all trunks)	48
Laurel oak		35	28
Water oak		30	24
Red oak		25	20
White oak		20	16
All hickories		20	16
American elm		15	12
Loblolly and slash pines		35	28
Longleaf and pond pines		25	20
Red bay		10	8
Southern magnolia		30	24
Bald cypress and pond cypress		15	12
Black gum and sweet gum		30	24
Red maple		30	24
Spruce pine		Any size	Any size
Red cedar		10	8
Sycamore		30	24
Black cherry		25	20
Sassafras		6	5



# # 3

# TREE PROTECTION

## Priority Amendment Recommendation:

- Increase requirements for Live oak and Laurel oak trees preservation by reducing the diameter breast height (DBH).
  - Live oak single trunk from 35 to 30 DBH
  - Live oak multiple trunk from 60 to 55 DBH
  - Laurel oak from 35 to 30 DBH
- Update mitigation requirements by increasing the plant back tree size requirements (i.e., min height from 10 to 12 feet and diameter from 2 inches to 4 inches).
- Update list of native plants.
- Remove exception of specimen trees on single-family lots (outside of PD-1) to reduce unnecessary removal of specimen trees.

*With this amendment, within the last 5 approved subdivisions, 27 Specimen oak trees would have been protected.*

## What We Heard from Town Council:

- Emphasize tree plant back along streets and buffers to adjacent uses.
- Examine if large water oaks should be protected as they are generally hazardous.
- Examine the effectiveness of the 2019 clear cutting amendment and adjust as needed with this amendment.
- Prohibit tree clearing in advance of submitting a development permit.

**Applicability-** Applies outside of PD-1, does include single-family homes and platted subdivisions.



## # 3

## TREE PROTECTION

## Full LMO Update Recommendation:

- The Natural Resource, Site and Subdivision Standards Chapter will emphasize the importance of tree and natural resource protection Island-wide.
- Consider replacing two classifications of trees (specimen /significant) with a simplified system.
- Explore connecting tree protection and stormwater management in the regulations.
- Explore tree preservation and protected tree regulations within the PD-1 districts and evaluate their effectiveness.

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**Next Steps-** This amendment has been reviewed by legal and is ready for Public Engagement, pending any changes.

# 4. Common Open Space



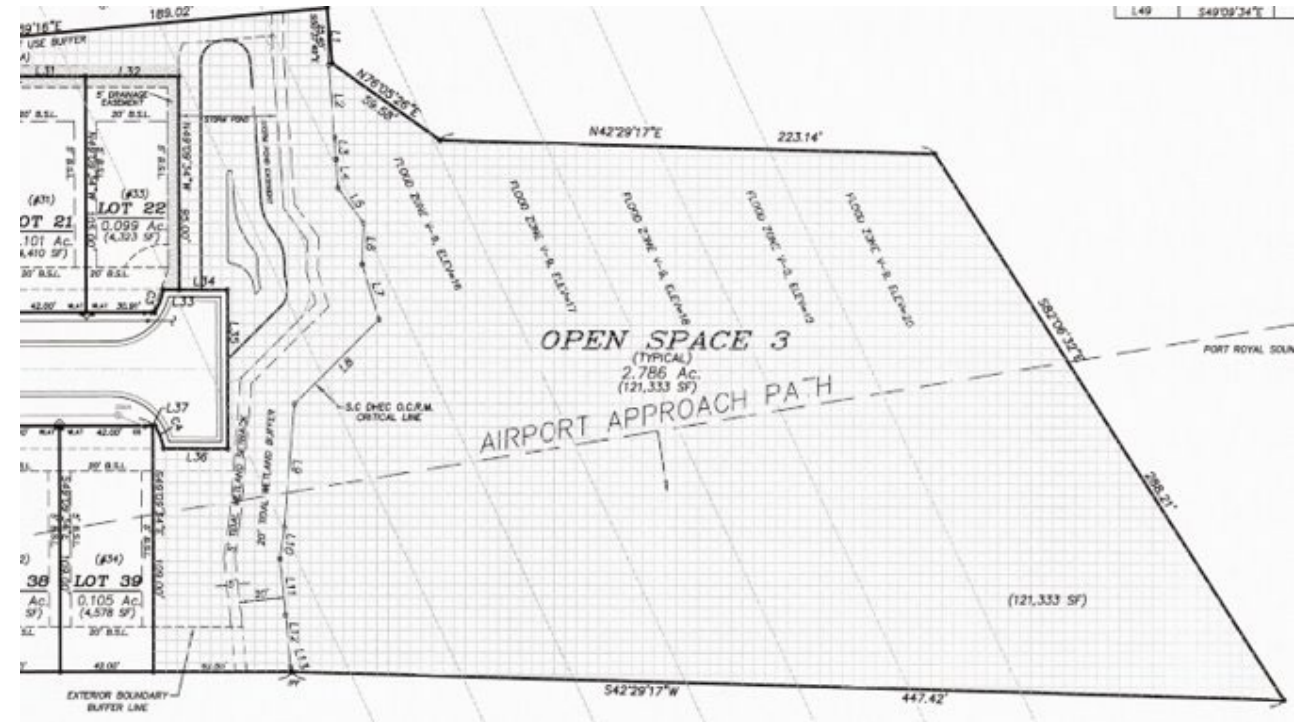
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## # 4

## COMMON OPEN SPACE

## What we've heard:

- "The connection of common open space, tree protection and lot coverage are all important steps to preserve the character of the island and development"
- "There needs to be more greenery around roadways"
- "Our regulations allow open space that is not functional or usable for the residents, such as lagoons and wetlands"



Example 1. Open Space Hilton Head Island, SC

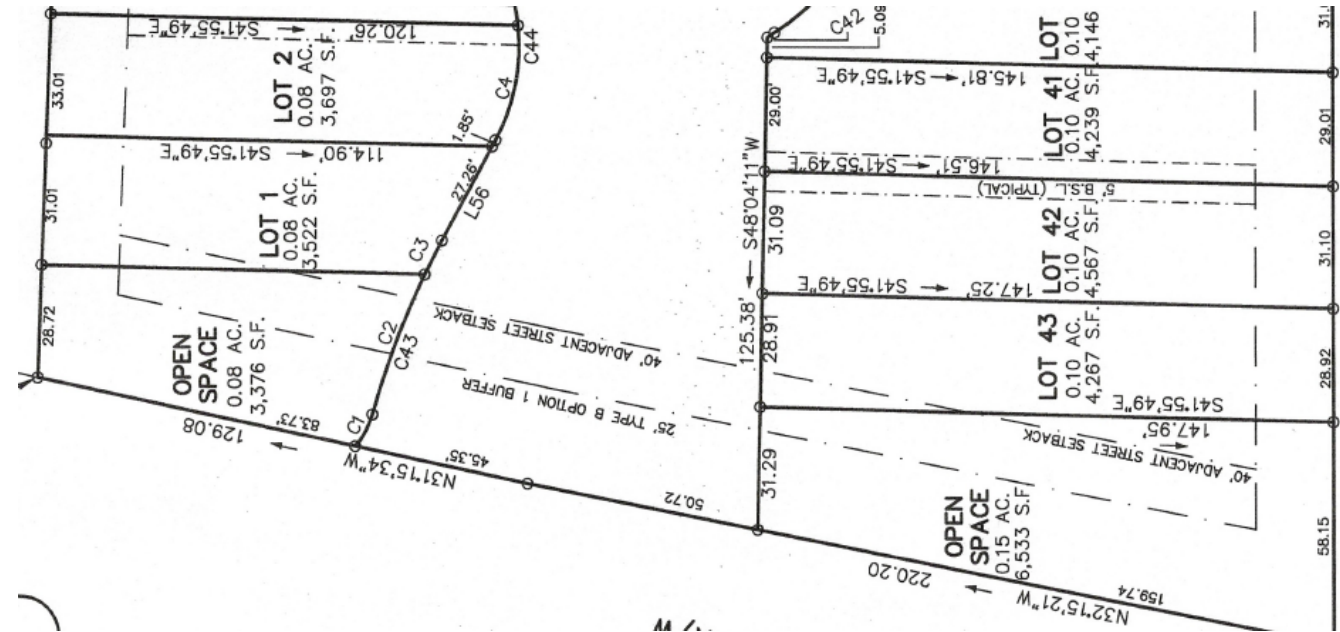


## # 4

## COMMON OPEN SPACE

## Key Issues:

- In newer residential subdivisions, open space tends to be:
  - Smaller remnants of land that are not usable for residents
  - Stormwater facilities not accessible or functional for residents
  - Not well connected to other open spaces or accessible from pathways



Example 2. Open Space Hilton Head Island, SC

## COMMON OPEN SPACE



## # 4

## COMMON OPEN SPACE

## Priority Amendment Recommendation:

- Clarify definition of common open space.
- Remove detention facilities and natural water bodies from definition. Addition of docks and boardwalks to definition.
- Remove calculation of remnant open space that provides no value.
- Add clarifying language and additional design standards for common open spaces to require higher quality design and improved functional access via pathways and other means.
- Remove adjacent street and use buffer credit from open space calculations.

**Applicability-** Newly platted Major Residential Subdivisions outside of PD-1. Not applicable for Family Subdivisions or Family Compounds.

## What We Heard from Town Council:

- Ensure the definition of common open space does not allow impervious areas to be counted (i.e., shared parking lot).
- Concern that these regulations will result in smaller lots to provide additional open space compliant with the new regulations.
- Common open space should be required in minor subdivisions.
- Land Acquisition Manual should support purpose of property in existing neighborhoods to create open space where little or none exists.



## # 4

## COMMON OPEN SPACE

## Full LMO Update Recommendation:

- Increase open space requirement from current standard of 16% for subdivisions.
- Define different types of open spaces for a variety of contexts, ranging from passive open spaces to plazas and courtyards.
- Expand open space applicability to multifamily residential and commercial development.



Hilton Head Island, SC

**Next Steps-** This amendment has been reviewed by legal and is ready for Public Engagement, pending any changes.

# 5. Transportation Impact Analysis Plan



► LAND MANAGEMENT ORDINANCE

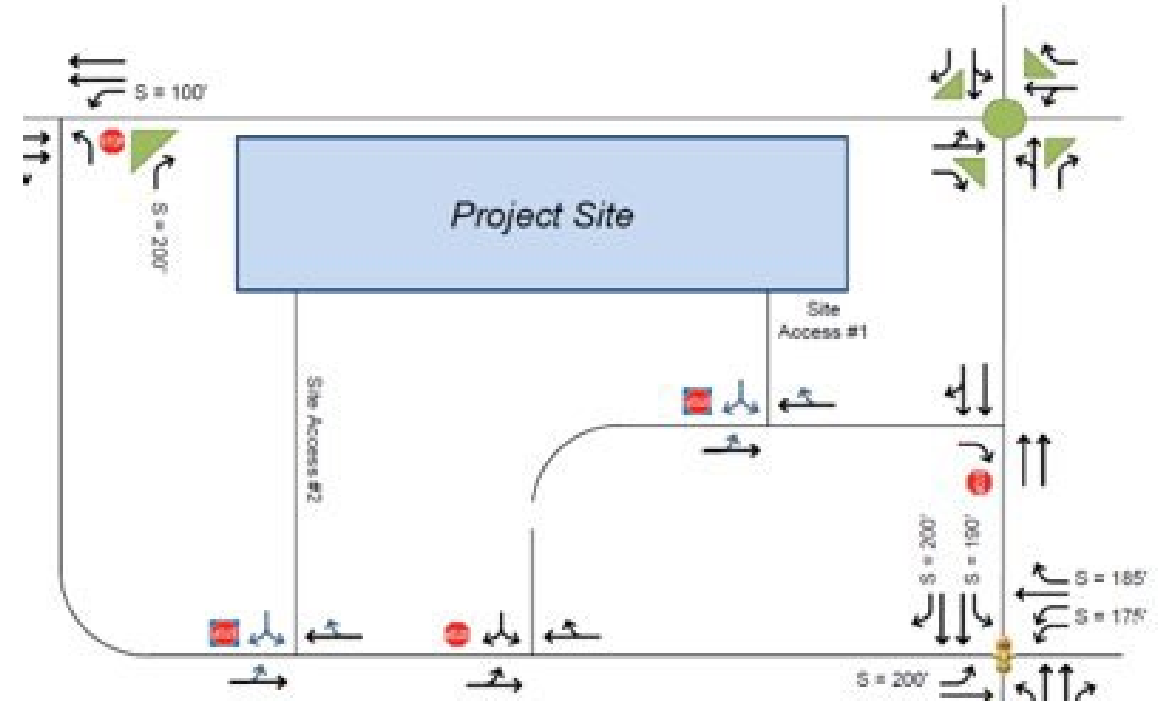


## # 5

## TRANSPORTATION IMPACT ANALYSIS PLAN (TIAP)

## What we've heard:

- “What are the triggers for a TIAP? Why are we not seeing more TIAP”
- “It feels like they don’t do anything for the surrounding neighborhood”
- “They are important and should be utilized for real change”
- “We don’t want to add upfront costs without any real outcomes”



Example Hilton Head Island TIAP Exhibit

## # 5 TRANSPORTATION IMPACT ANALYSIS PLAN

### Key Issues:

- Existing regulations do not account for multimodal trips, such as pedestrian and bicycle trips.
- Many proposed projects are predicted to create new vehicle trips just under the threshold to require a TIAP even if they will likely have an impact on traffic once constructed.
- Need to expand mitigation options.

Project Descriptions	TIA Existing Code	TIA Proposed Code
132 Units - Office Park Way	Yes	Yes
147 Residential Units - Jonesville	Yes	Yes
Commercial Coffee Shop - Pope Avenue	No	Yes
260 Residential Units - Gardner Drive (Net increase)	No	Yes
Commercial Brewery - Pope Avenue	No	Yes



Example development related transportation impacts, Location Unknown

## # 5 TRANSPORTATION IMPACT ANALYSIS PLAN

### Priority Amendment Recommendation:

- Change name from Traffic Impact Analysis to Transportation Impact Analysis Plan to account for multimodal approach.
- Reduce the threshold a developer needs to meet to trigger a mandatory TIA from 100 peak hour trips, to 50 peak hour trips.
- Include multimodal infrastructure (such as bike paths, sidewalks, transit) in the analysis.
- Include more impact mitigation options.
- Clarify subject matter approval by Town Engineer instead of LMO Official as best practice.
- Add unsignalized intersections level of service standard including mitigation requirements and remove the discounting of impacts due to “background traffic.”

### What We Heard from Town Council:

- Concern even with the changes the analysis will not still not result in meaningful roadway improvements to mitigate new traffic.

**Applicability-** Lowering the threshold for a Transportation Impact Analysis Plan would have impacted approximately **5 projects** from the past **5 years**. The TIAP requirements are applicable Island-wide.



## # 5 TRANSPORTATION IMPACT ANALYSIS PLAN

### Full LMO Update Recommendation:

- Update access management standards to reduce curb cuts and improve traffic flow.
- Require safety analysis, multi-modal options and comparison to Town Transportation Plans.
- Update Workforce Housing exception threshold.

**Next Steps-** Pending any changes, this amendment has been drafted and is ready for legal review.



# 6. Major Development Plan Reviews – Major Subdivision Plan Reviews



► LAND MANAGEMENT ORDINANCE



## # 6

## MAJOR DEVELOPMENT PLAN REVIEW / MAJOR SUBDIVISION PLAN REVIEW PUBLIC NOTICE PROCESS

### What we've heard:

- "Major Developments and Subdivisions need to be communicated to the neighborhoods and communities that are impacted by these developments"
- "Minor Subdivisions are just as important should be looked at with just as much scrutiny as a major subdivision"
- "The community wants to be more informed regarding planned developments and have asked for a more transparent process"
- "Additional public review and scrutiny will result in better developments"



## # 6

## MAJOR DEVELOPMENT PLAN REVIEW / MAJOR SUBDIVISION PLAN REVIEW PUBLIC NOTICE PROCESS

### Key Issues:

- Need a public process for Major Subdivisions and Major Developments to inform residents earlier in the process.
- The Planning Commission review will allow for a formal and transparent review process.

According to **SC Code Section 6-29-340.B.2.b**, in the discharge of its responsibilities, the local planning commission has the power and duty to prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area including regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter. Per the Planning Commission's Section 4, Item 6, the Planning Commission has delegated authority for subdivisions to the LMO Official.



Hilton Head Island, SC

## # 6

# MAJOR DEVELOPMENT PLAN REVIEW / MAJOR SUBDIVISION PLAN REVIEW PUBLIC NOTICE PROCESS

## Priority Amendment Recommendation:

- Require a Planning Commission public hearing with Planning Commission Recommendation to LMO Official.
- Require applicant first class mailed advanced public notice to all owners and POAs within 350 feet of site.
- Require notice of application and hearing be posted at site.
- Require pre-application meetings with Town staff for Major Subdivisions and Major Developments.
- Allow LMO Official to advance minor development plan applications to Planning Commission for public hearing when the subject property is adjacent to or across the street from a residential use.

Over the last 5 years, there would have been on average, 16 major development or subdivision applications that would have required this process step.

## What We Heard from Town Council:

- Planning Commission will need to be trained to understand what recommendations they can reasonably make to the LMO Official.
- Minor Development Plan should be sent to the Planning Commission for a public hearing.
- Minor Subdivision Plans should be sent to the Planning Commission for a public hearing.
- There should be a larger radius for notice (500 or 1,000 feet).
- In addition to placing signs on-site, signs should be placed in the vicinity.

**Applicability-** Applies all development that meets the requirements for a Major Subdivision or Major Development Plan Review.



## # 6

## MAJOR DEVELOPMENT PLAN REVIEW / MAJOR SUBDIVISION PLAN REVIEW PUBLIC NOTICE PROCESS

### Full LMO Update Recommendation:

- Major Developments and Major Subdivisions will be aligned with the LMO Applications Manual and LMO User Guide.
- Examine notification radius standard for mailed notice for additional applications.
- Examine placement of on-site / neighborhood notification sign for additional applications.
- Review public process standards for all application types to ensure adequate transparency is provided for applications.

**Next Steps-** This amendment has been reviewed by legal and is ready for Public Engagement, pending any changes.



# 7. Subdivision Regulations



➤ LAND MANAGEMENT ORDINANCE

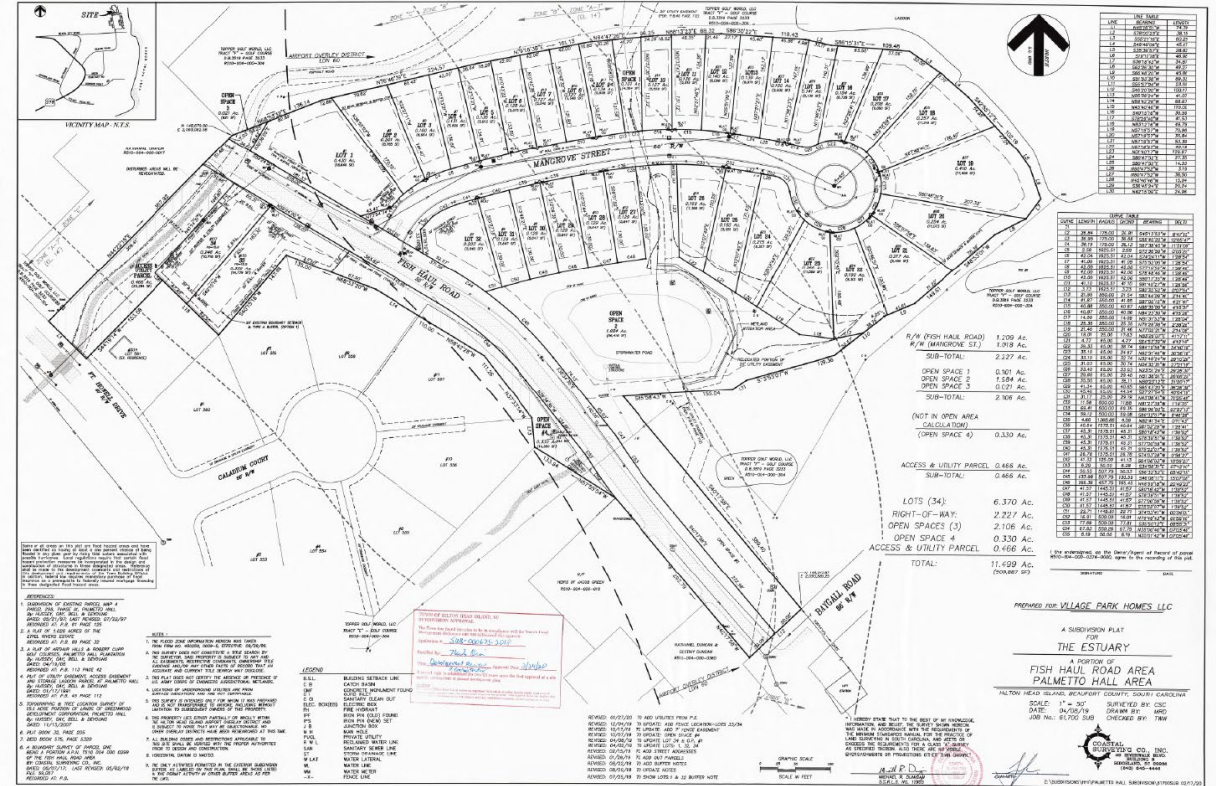


## #7

## SUBDIVISION REGULATIONS

## What we've heard:

- "Bulk tree clearing/cutting is out of alignment with Island-Character and needs to be addressed"
- "Need impervious standards – this should be a priority"
- "Subdivisions need more intentional, well-designed open space"
- "We need subdivision regulations that are sensitive to the environment, celebrate trees, and viewsheds. Subdivisions should be well-designed with meandering tree-lined streets, quality amenities, and homes with varying architectural styles and materials that meet Island Character"



Hilton Head Island, SC



## # 7

## SUBDIVISION STANDARDS

## Key Issues:

- Newer residential subdivisions tend to:
  - Have large houses on small lots with limited usable open space.
  - Have uniform designs and lot layouts, with limited variety or response to natural features.
- Some of the issues are exacerbated by the market appeal of STRs.

*Hilton Head Island, SC*

## # 7

## SUBDIVISION STANDARDS

## Questions for Town Council:

1. Are subdivisions too monotonous in form and function?  
Are they too dense in form and mass? Appears to be both in some areas.
2. Should we increase single-family platted building setbacks? Front, sides, rear? All?

## What We Heard from Town Council:

- Ensure home construction is not causing flooding, especially on existing lots and minor subdivisions.
- Limit fill on lots.
- All development needs a stormwater plan.
- Do not allow open ditches.



## # 7

## SUBDIVISION STANDARDS

## Full LMO Update Recommendation:

- Apply maximum lot coverage to all subdivision development, including single-family.
- Require pedestrian connectivity.
- Evaluate regulations for minimum lot standards (width and area) that respond to different development patterns across the Island.
- Improve relationship between subdivision standards, parking, open space, and buffers to get better outcomes that reflect Island character.
- Evaluate the relationship between subdivision regulations and design guidelines to improve design quality and variety, including setback and buffers.

## Fraser's Seven Basic Principles

Fraser's Seven Basic Principles are embedded in many of the Island's subsequent development patterns and way of life:

1. Do not impose development on the environment.
2. Create green space for privacy.
3. Keep density as low as possible.
4. Create roads for beauty and efficiency not just transit.
5. Build no structure higher than the tallest tree.
6. Cut only those trees that are absolutely necessary.
7. Think always of enhancing the quality of life for those who would be residents of the Island.



# QUESTIONS?



➤ LAND MANAGEMENT ORDINANCE



# REVIEWED AT TOWN COUNCIL WORKSHOP ON SEPTEMBER 16, 2024



# 1. Short-Term Rentals – Enforcement / Fines & Parking / Occupancy



► LAND MANAGEMENT ORDINANCE

# # 1 SHORT-TERM RENTALS - OVERALL

## What we've heard:

- “Address parking under Short-term Rental Ordinance and not a one-size fits all approach island-wide”
- “Move STR Parking & Occupancy to the Priority Amendment Set instead of the LMO Overhaul”
- “We support a method for enforcement and fines”
- “STR should be in a single topic area and follow its own timeline since it’s part of the Municipal Code”
- “Should we have caps on the number of allowable STRs?”
- “We need to strike the right balance between reaping the benefits of the STR market and mitigating its negative externalities on the housing market and built environment”
- “We need to define occupancy”



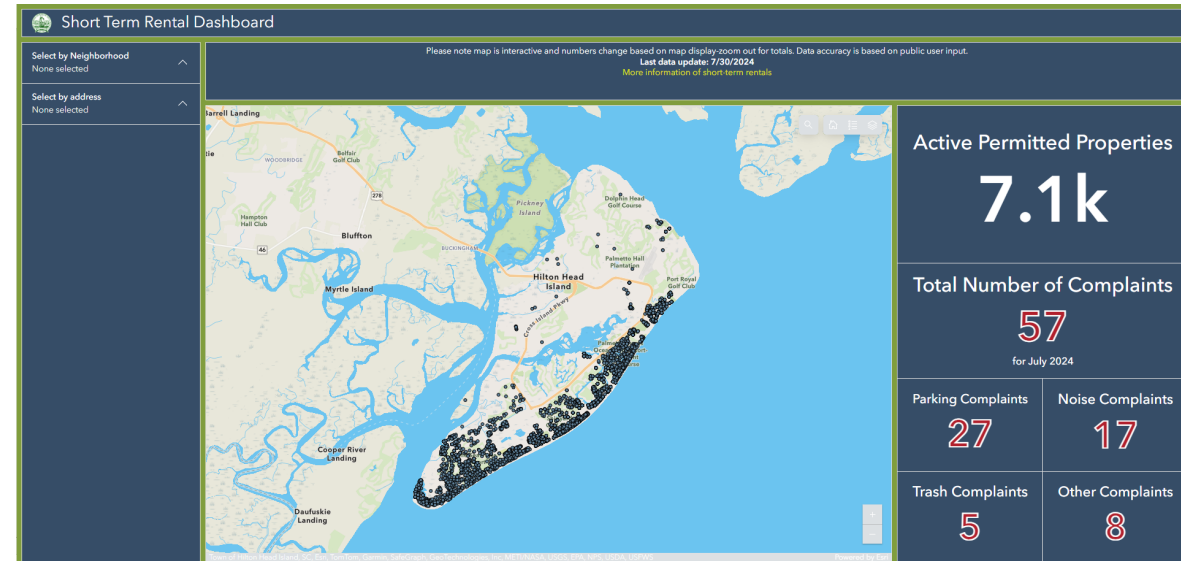
## # 1

## SHORT-TERM RENTALS - OVERALL

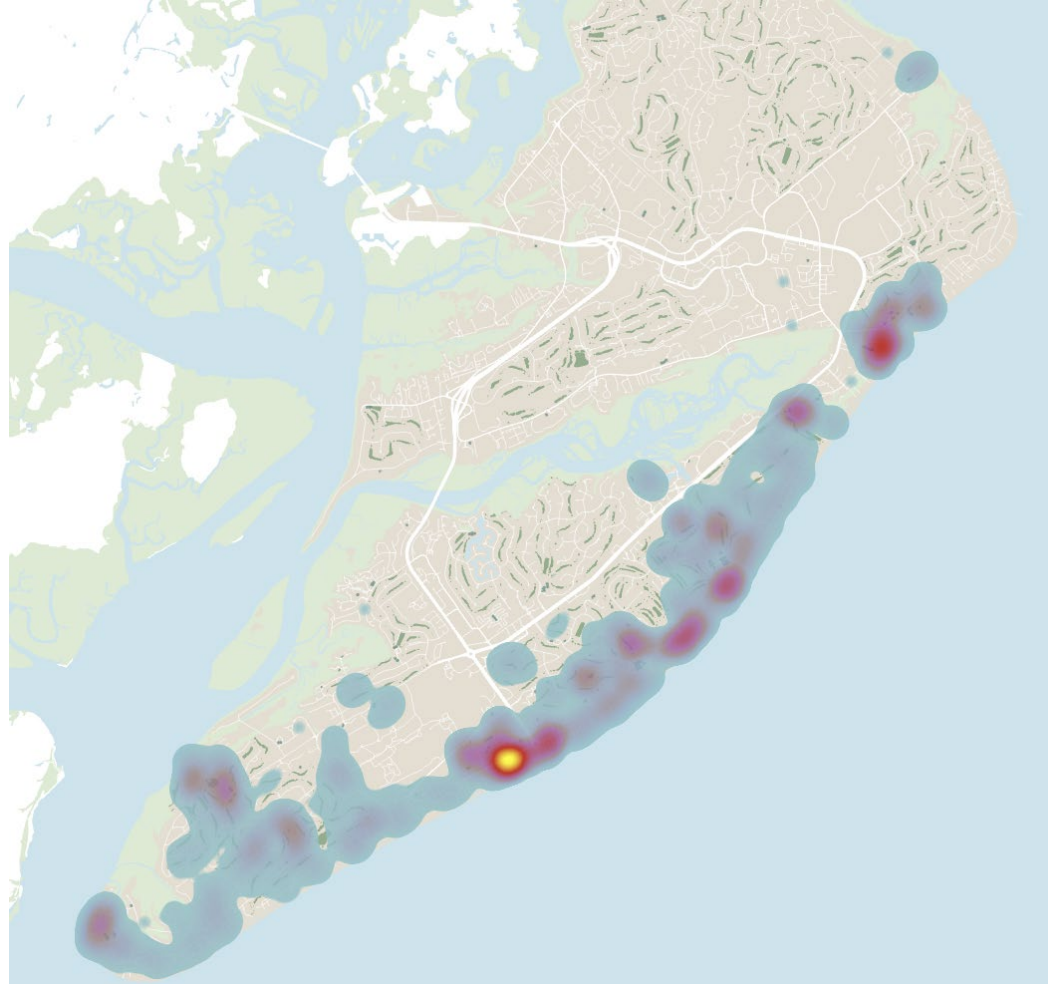
## Key Issues:

- Need the ability to manage property owners who violate Short-Term Rental regulations through escalating fines instead of criminal charges.
- Need the ability to manage property owners who operate a Short-Term Rental property without a valid permit with fines that are greater than the cost of a permit.
- Short-Term Rental properties and over occupancy can inconvenience permanent residents who have expressed concerns about parking, noise pollution, trash collection, and other consequences.
- The increase of Short-Term Rental properties can skew the rental and homeowner market and create challenges in maintaining permanent residents.
- High occupancy homes do not have fire safety mechanisms.
- Homes are being built for the purpose of STR resulting in structures that are out of scale and context with existing neighborhoods.

Town Council Workshop – September 16, 2024


[Short Term Rental Dashboard-Public \(arcgis.com\)](https://arcgis.com)

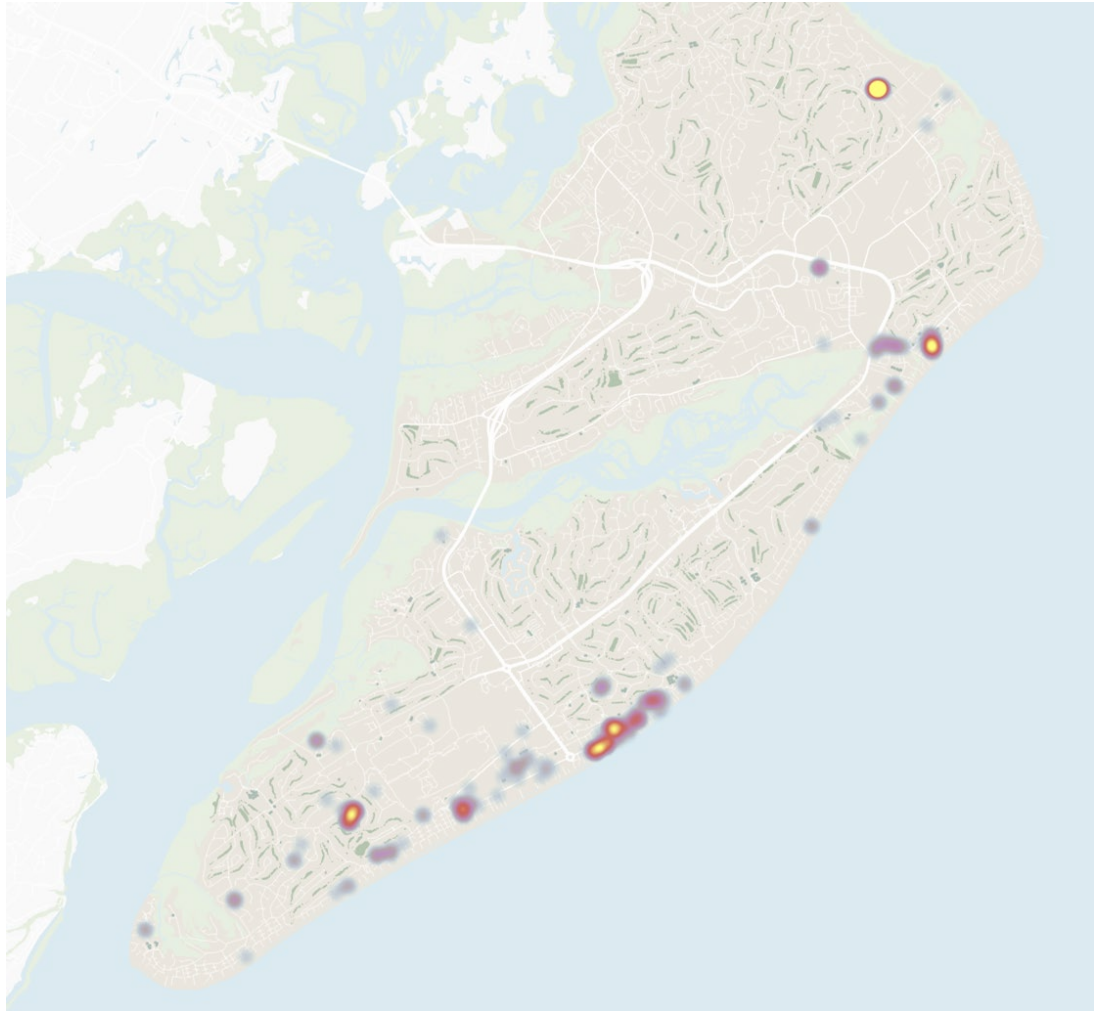

# # 1 SHORT-TERM RENTAL LOCATIONS ISLAND-WIDE





# 1

SHORT-TERM RENTAL COMPLAINTS ISLAND-WIDE



Summary of Complaints:

- Data includes complaints made to the Town.
- Within gated community areas having a security officer, complaints filed with the security may not also be reported to the Town.

Short Term Rental Code Enforcement  
Violations January - August 2024

Issue	Verbal	Written	Citation	Total
Trash	19	1	0	20
Noise	71	4	0	75
Parking	54	14	0	68
Permit	4	2	0	6
Total	148	21	0	169

## # 1

**SHORT-TERM RENTAL PARKING AND OCCUPANCY DATA****Permitholder Reported Data**

<b>Number of Bedrooms</b>	<b>Number of Units</b>	<b>% of Total Units</b>	<b>Average Floor Area</b>	<b>Maximum Occupancy</b>	<b>Average Occupancy</b>	<b>Maximum Parking</b>	<b>Average Parking</b>
Studio	13	0.2%	430	6	3	2	1
1	1,011	14.4%	639	7	4	4	1
2	3,002	42.8%	1,129	10	6	6	1
3	1,443	20.6%	1,742	14	8	10	2
4	712	10.2%	2,556	18	10	10	5
5	386	5.5%	3,509	24	14	12	6
6	294	4.2%	4,199	27	17	10	7
7	112	1.6%	4,894	28	19	11	8
8	24	0.3%	5,269	32	22	10	8
9	6	0.1%	5,508	28	22	9	9
10	5	0.1%	6,545	34	25	11	11
7,008							

# # 1 SHORT-TERM RENTAL FEE COMPARISON

Municipality	Fees (registration, business license, etc.)
Beaufort	Short Term Rental Application: \$100 fee for regular applications PLUS \$50 fee for safety inspection. \$1,000 for units found to be operating without approval of City. No annual renewal. Business License required.
Bluffton	\$325 initial registration for STR Permit; \$325 annual renewal. Business license required for property owner and agent (if not property owner).
Charleston	\$200 zoning and application review fee that is collected at the time of application submission. Fire inspection and plan review - \$40 base inspection fee, a \$32.21 plan review fee, plus an additional \$32.61 per number of floors in the unit being inspected. Business license.
Folly Beach	Business license required (must have rental registration prior to issuance). Short-term rental business licenses are issued as either Owner Occupied Short Term Rentals (properties with a 4% property tax rate) or Investment Short Term Rentals (properties with a 6% property tax rate).
Isle of Palms	Short term rental business license must be renewed annually, based upon gross income (\$450 for first \$2,000 and \$4.60 for each additional thousand in gross income). Short term rental parking permit available (max of 4 per calendar year) at \$15/permit. Local Accommodations Tax must be collected and remitted to County.
James Island	Home Occupation Application required for residential zone districts costs \$25, no annual renewal. If required, special exception has \$250 application fee. Business License has base fee plus cost dependent on gross adjusted income.
Kiawah Island	In addition to income-based fees, application fees as follows for business license: \$500 for any property in the R1 or R2 zone districts. \$200 for all other properties. Late fee of \$1000 for late business license renewals. License holder must provide proof of accommodation tax payments for previous year at time of business license renewal.



# # 1 SHORT-TERM RENTAL FEE COMPARISON

Municipality	Fees (registration, business license, etc.)
Mount Pleasant	\$250 STR permit application fee for owner-occupied STRs. \$500 for whole house rentals and Accessory Dwelling Units. Applicable business license fees.
Myrtle Beach	Business license fees. Fire inspection fee (if applicable): \$75-\$300, dependent on sq footage, \$200 re-inspection fee. (Online travel companies: Had litigation with Expedia and Travelocity and City won, they have specific fee structure).
North Myrtle Beach	Business license fees. Increase in trash bill for single family residential STR units to cover daily pickup (billed with water bill).
Savannah, GA	New permit: \$400; Renewal Permit \$250. Accommodations tax applicable.
Seabrook Island	New permit: \$450; Permit Renewal: \$450; Permit Mod (Owner/Agent/Contact): \$25; Permit Mod (All other changes): \$100; Reinstatement of Suspended Permit: \$225; Late penalty in addition to permit fee: 31 days or less-\$150, 32-61-\$300, over 61 days late-\$450
Sullivan's Island	No fee for Certificate of Zoning Compliance. Re-inspection fee of \$59.50. Business license fee.
Telluride, CO	Base business license fee and additional regulatory fees depending on the license type. If Classic License a fee of \$857 annual fee per bedroom is required. Late fees include a \$500 for licenses that are not renewed by the deadline. There is a 50% penalty added for renewals not completed within 30 days of the expiration.



## # 1

# SHORT-TERM RENTAL PARKING, OCCUPANCY & PENALTY COMPARISON

City	State	Occupancy	Parking	Penalties (Fines+)
<a href="#">Alamosa</a>	CO	- The occupancy ratio is dependent on the parking requirements detailed here (vague language)	<b>- Allowable parking spaces:</b> 2 on-site parking spaces  <b>- Allowable parking spaces:</b> 2 on-street parking spaces (STR properties with no on-site parking)  <b>* Vehicles cannot be parked on a lawn or landscaped area.</b>	- Up to \$2,650 (annually adjusted for inflation)
<a href="#">Aspen</a>	CO	- 1 room / 1 persons plus two  * Studios are limited to 3 persons  <b>* The City of Aspen issues 3 separate STR permits.</b> These rules apply to the Short-Term Rental Classic (STR-C), a permit category encompassing all residential units in eligible zones that are classified as lodges or condo-hotels.	N/A	<b>- Offense fees:</b> 1st = \$500 2nd+ = \$1,000 and possible permit revocation  <b>- Operating w/o valid STR Permit:</b> \$1,000 each day the property is rented
<a href="#">Big Bear Lake</a>	CA	- 1 bedroom / 2 adults + 2 additional adults (not including persons under 18 years of age)  or  - 200 SF of habitable space / 1 person (not exceeding 16 persons)  <b>*Whichever is lower</b>	<b>- Per Rental:</b> 1 parking space / 2 persons	<b>- For operating a STR property without a valid STR permit:</b> 1st = \$1,500 2nd = \$2,500 3rd+ = \$5,000  <b>- For all other violations of the STR policy and municipal code:</b> 1st = \$500 2nd = \$1,000 3rd+ = \$1,500  <b>- Multiple violations:</b> Permit revocation





## # 1

# SHORT-TERM RENTAL PARKING, OCCUPANCY & PENALTY COMPARISON

City	State	Occupancy	Parking	Penalties (Fines+)
<a href="#">Charleston</a>	SC	<b>- Residential Permits:</b> 4 Adults max.  <b>- Commercial Permits:</b> 4 Adults max.	<b>- Residential Permits:</b> 1 space / STR unit  <b>- Commercial Permits:</b> Existing parking	<b>- Fines and/or imprisonment. Each day is considered a separate offense:</b>  Operating w/o Permit Expanding w/o new Permit Advertising w/o Permit False advertising occupancy Advertise more STRs than permitted
<a href="#">Myrtle Beach</a>	SC	N/A	<b>- Parking requirements in most allowable zoning districts:</b> 1 parking space / 1 guest bedroom 1 1/2 parking spaces / 2 guest bedrooms 2 parking spaces / 3 guest bedrooms 2 1/2 parking spaces / 3 guest bedrooms 1/2 parking space / 4+ guest bedrooms 1 parking space / 350 SF of accessory use  <b>- Parking requirements in the Urban Village (C6):</b> 1.15 parking spaces / 1 guest bedrooms 1.75 parking spaces / 2 guest bedrooms 2 parking spaces / 3 guest bedrooms 2.5 parking spaces / 4 guest bedrooms * All other details remain the same	<b>- Offense fees:</b> 1st+ = \$500  <b>- First and subsequent offenses:</b> 30 days imprisonment
<a href="#">Newport</a>	RI	- 2 rooms / 4 persons  - Bedroom MUST be ≥ 300 SF	<b>- Per Bedroom:</b> 1 parking space / 1 guest bedroom  <b>- Per Rental:</b> 1 parking space / 3 non-resident employees  <b>* Parking must be located on-site</b>	N/A



## # 1

# SHORT-TERM RENTAL PARKING, OCCUPANCY & PENALTY COMPARISON

City	State	Occupancy	Parking	Penalties (Fines+)
<a href="#">Palm Springs</a>	CA	<b>- Per Bedroom:</b> Max 2 persons  <b>- Per Rental:</b> Max 8 persons Owner may additionally allow up to 2 minors Owner can allow up to 4 daytime guests	<b>- Per Bedroom:</b> Max 1 Automobile	<b>- Offense fees:</b> 1st = \$500 2nd+ = \$1000  <b>- Operating Illegally (Tax + permanent ineligibility):</b> Discovered = \$5,000 Continued = \$10,000  <b>- Advertising w/o Cert:</b> 1st = \$2,500, 6 month suspension 2nd = \$5,000, Cert revoked  <b>- Revoke permit for (2) years after 3rd violation</b>
<a href="#">Panama City</a>	FL	- 150 SF of habitable space / 1 person  * Balconies, porches, patios, and garages are not counted as habitable space	N/A	<b>- Offense fees:</b> 1st = \$500 2nd = \$500  <b>- Third and subsequent offenses within a 12-month period: \$1,000 + 1-year permit revocation</b>
<a href="#">Port Aransas</a>	TX	<b>- STR up to 3250 SF (Conditioned):</b> 2 per sleeping room + additional 4 per dwelling  <b>- STR 3250 or more SF (Conditioned):</b> 2 per sleeping room + additional 6 per dwelling	<b>- Per Rental:</b> Existing Parking/Garages On-street parking	<b>- Offense fees:</b> 1st = \$500 Daily = \$500 Max = \$2,000  <b>- Revoke Permit after 3rd violation (within 12 months)</b>



## # 1

# SHORT-TERM RENTAL PARKING, OCCUPANCY & PENALTY COMPARISON

City	State	Occupancy	Parking	Penalties (Fines+)
<u><a href="#">St. Augustine</a></u>	FL	<b>- Per Bedroom</b> 2 persons + 2 children  <b>- Per Rental</b> Max 12 persons (including minors)	<b>- Per Bedroom:</b> Min 1 Automobile (Stabilized Space)	<b>- Violators face prosecution</b>
<u><a href="#">Whitefish</a></u>	MT	- STR properties must comply with the occupancy ratio of the relevant zoning district	- STR properties must comply with the parking requirements of the relevant zoning district	<b>- Offense fees:</b> 1st = \$300 2nd+ = \$500  <b>- Repeated violations can be raised from a municipal infraction to a misdemeanor</b>

# 1

## SHORT-TERM RENTAL – BEST PRACTICE CONSIDERATIONS

PERMIT CAPS

LOCATION  
RESTRICTIONS

PARKING  
REQUIREMENTS

OCCUPANCY  
LIMITS

INSPECTION  
REQUIREMENTS

TRASH SERVICE  
REQUIREMENTS

NOISE LIMITS &  
RESTRICTIONS

FIRE & LIFE  
SAFETY  
REQUIREMENTS

ENFORCEMENT:  
FINES &  
PENALTIES



Proposed Priority  
Amendment



## # 1

## SHORT-TERM RENTALS – ENFORCEMENT & PENALTIES

### Priority Amendment Recommendation:

- Establish a framework of administrative fines (instead of criminal citations) that escalate up to \$2,000 per offense per day to penalize property owners who do not comply with regulations, particularly as it concerns repeat offenders and those who operate a Short-Term Rental property without a valid permit.
- Increase STR permit fees to follow other industry examples
  - \$250 for 1-4 Bedrooms
  - \$1,000 for 5-7 Bedrooms
  - \$2,500 for 8-10+ Bedrooms

### What We Heard from Town Council:

- Ensure the Short-Term Rental Official has clear directive in issuing administrative fine (i.e., 1<sup>st</sup> Offense is \$500, 2<sup>nd</sup> Offense is \$1,000, and 3<sup>rd</sup> offense is \$2,000).



Hilton Head Island, SC

**Applicability-** Applies Island-Wide



## # 1

**SHORT-TERM RENTAL – OCCUPANCY & PARKING****Priority Amendment Recommendations:**

- Provide until January 1, 2026 to comply for the following:
  - Establish occupancy limits based on the number of bedrooms.
  - Require minimum of 2 parking spaces or 1 parking space per bedroom for single-family home STR's.
  - Restrict occupancy to available parking (i.e., if a 6-bedroom STR has 5 parking spaces, occupancy would be limited to 12 persons instead of 14).
  - State where parking is permitted (garage, driveway, or designated parking pad meeting requirements).
  - Require fire and smoke alarm systems in high occupancy homes exceeding 3,600 square feet of living area.
- Require permit number to be included all rental listings.
- Require trash collection service be in place.

**Proposed Occupancy Limit (All Unit Types)  
& Required Parking (Single-Family Homes)**

<b>Number Bedrooms</b>	<b>2 Persons per Bedroom</b>	<b>2 Persons for the Property</b>	<b>Total Occupancy</b>	<b>Required Parking*</b>
Studio	2	2	4	2
1	2	2	4	2
2	4	2	6	2
3	6	2	8	3
4	8	2	10	4
5	10	2	12	5
6	12	2	14	6
7	14	2	16	7
8	16	2	18	8
9	18	2	20	9
10	20	2	22	10

**Applicability-** Applies Island-Wide



## # 1

**SHORT-TERM RENTAL – OCCUPANCY & PARKING**

**Proposed Occupancy Limit (All Units) & Required Parking (Single-Family Homes)  
Compared to Permitholder Reported Data**

<b>Number of Bedrooms</b>	<b>Proposed Maximum Occupancy</b>	<b>Reported Maximum Occupancy</b>	<b>Reported Average Occupancy</b>	<b>Proposed Required Parking</b>	<b>Reported Maximum Parking</b>	<b>Reported Average Parking</b>
Studio	4	6	3	2	2	1
1	4	7	4	2	4	1
2	6	10	6	2	6	1
3	8	14	8	3	10	2
4	10	18	10	4	10	5
5	12	24	14	5	12	6
6	14	27	17	6	10	7
7	16	28	19	7	11	8
8	18	32	22	8	10	8
9	20	28	22	9	9	9
10	22	34	25	10	11	11



## # 1

**SHORT-TERM RENTAL – OCCUPANCY & PARKING****What We Heard from Town Council:**

- Planned Development POAs are regulating parking.
- Parking should be based on occupancy to ensure a more equitable requirement regardless of number of bedrooms.
- Parking is most critical.
- Occupancy enforcement is challenging.
- Should we account for the size of the home in regulating occupancy?
- Required inspections would help ensure compliance.
- Consider additional time to phase in changes for existing STRs.
- New STRs need to be compliant at time of permit issuance.
- Need to address mass, scale, and impact to existing neighborhoods.

Town Council Workshop – September 16, 2024

**What We Heard from the STR Industry:**

- The occupancy restriction and required parking is generally manageable provided it is reasonable and owners/ managers have time to adjust to it if necessary.
- Additional persons per property needs to be considered for larger homes that are likely to have multiple beds per bedroom (i.e., 4 persons per home for 5-7 bedrooms, and 6 persons per home for 7 or more bedrooms).
- Alternatively, allowing 2.5 persons per bedroom plus 2 per property would at least meet or just exceed the average reported occupancy of units.
- One parking space can generally accommodate 4 persons for occupancy.

**Applicability-** Applies Island-Wide



## # 1

## SHORT-TERM RENTAL RECOMMENDATIONS

## Additional Future Considerations

- Consider establishing a cap on the number of STR permits issued by number of bedrooms.
  - Currently nearly 49% of all 1-bedroom and nearly 32% of all 2-bedroom units on the island are STRs.
  - High number of bedroom homes can conflict with neighborhood mass and scale.
- Consider limiting areas where STR permits can be issued.
- Consider establishing a cap on the number of STR permits to be issued.
- Consider restriction from STR properties to hold commercial events (i.e., weddings).
- Consider requiring a mandatory STR inspection every 2 years.
- Consider options to require or support flex move-in / move-out alternatives (non-Saturday).

**Next Steps-** Pending any changes, this amendment has been drafted and is ready for legal review.

## 2. Northpoint Public-Private Partnership Zoning



➤ LAND MANAGEMENT ORDINANCE



## # 2 NORTHPOINT P3 Zoning

## Zoning Entitlement Options

### Public-Private Partnership Terms

Development Agreement approved by Town Council on June 18, 2024

#### Project Scope:

1. 11 acres of Town-owned property located close to HHI schools, the Island Rec Center, and the Boys and Girls Club
2. Energy efficient sustainable neighborhood with high-quality architecture and construction
3. 150 – 170 rental units, consisting of one-, two- and three-bedroom apartments
4. Amenities and programming that prioritize the well-being and quality of life of residents
  - Onsite property management
  - Community building with high-speed internet
  - Pool and outdoor communal spaces with grilling, pavilions, seating, and playground
  - Walking trails, indoor and outdoor fitness stations and a community garden
  - Laundry appliances within each individual unit

#### Workforce Affordability:

1. Essential workforce, such as teachers, first responders, health care providers, and hospitality workers
2. 60% to 150% of Area Median Income (AMI), with at least 50% of households earning less than 80% AMI
3. Affordability Covenants

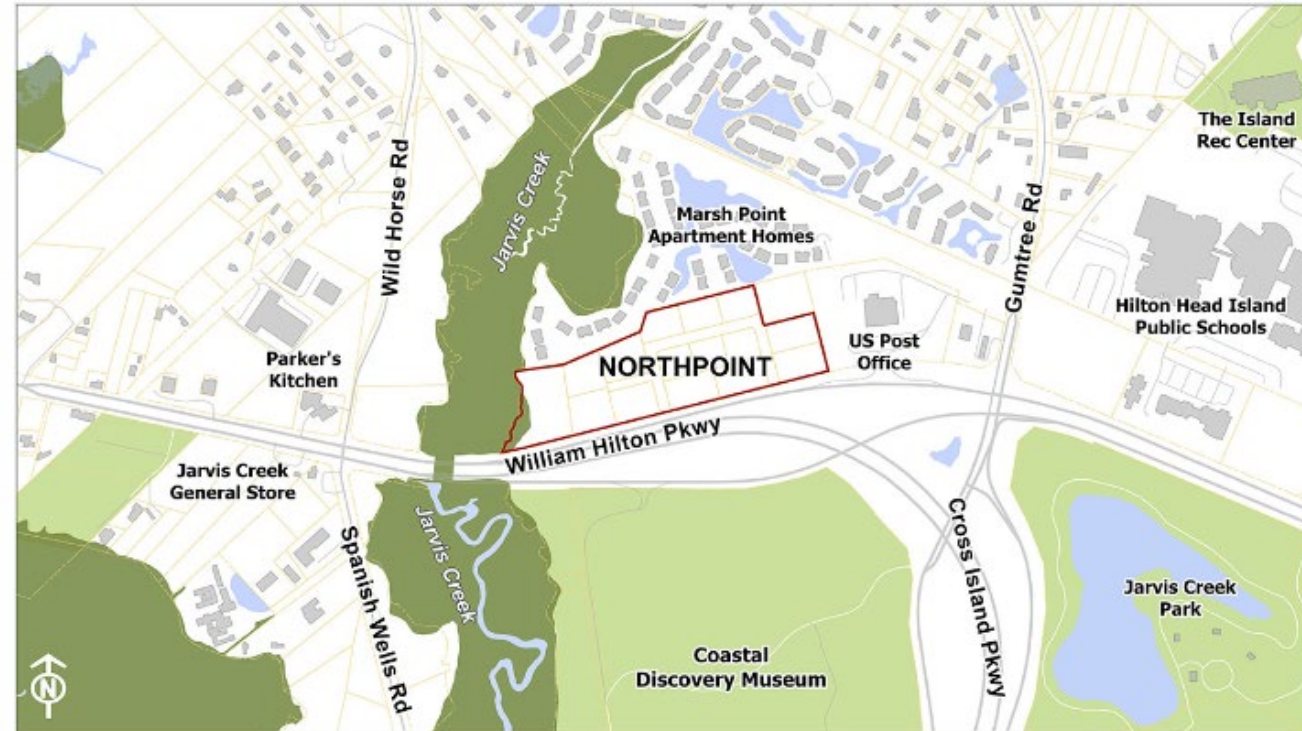


## # 2 NORTHPOINT P3 Zoning

### Public-Private Partnership Terms

- Town role and responsibility:
  - Long-term support and project vision
  - 65-year ground lease
  - \$1M in eligible project costs (ARPA)
  - Affordability covenants to maintain workforce housing in perpetuity
  - Zoning entitlements
- OneStreet Residential role and responsibility:
  - Design and permitting
  - Financing, project management, and construction
  - Lease-up
  - Long-term programming
  - Property management

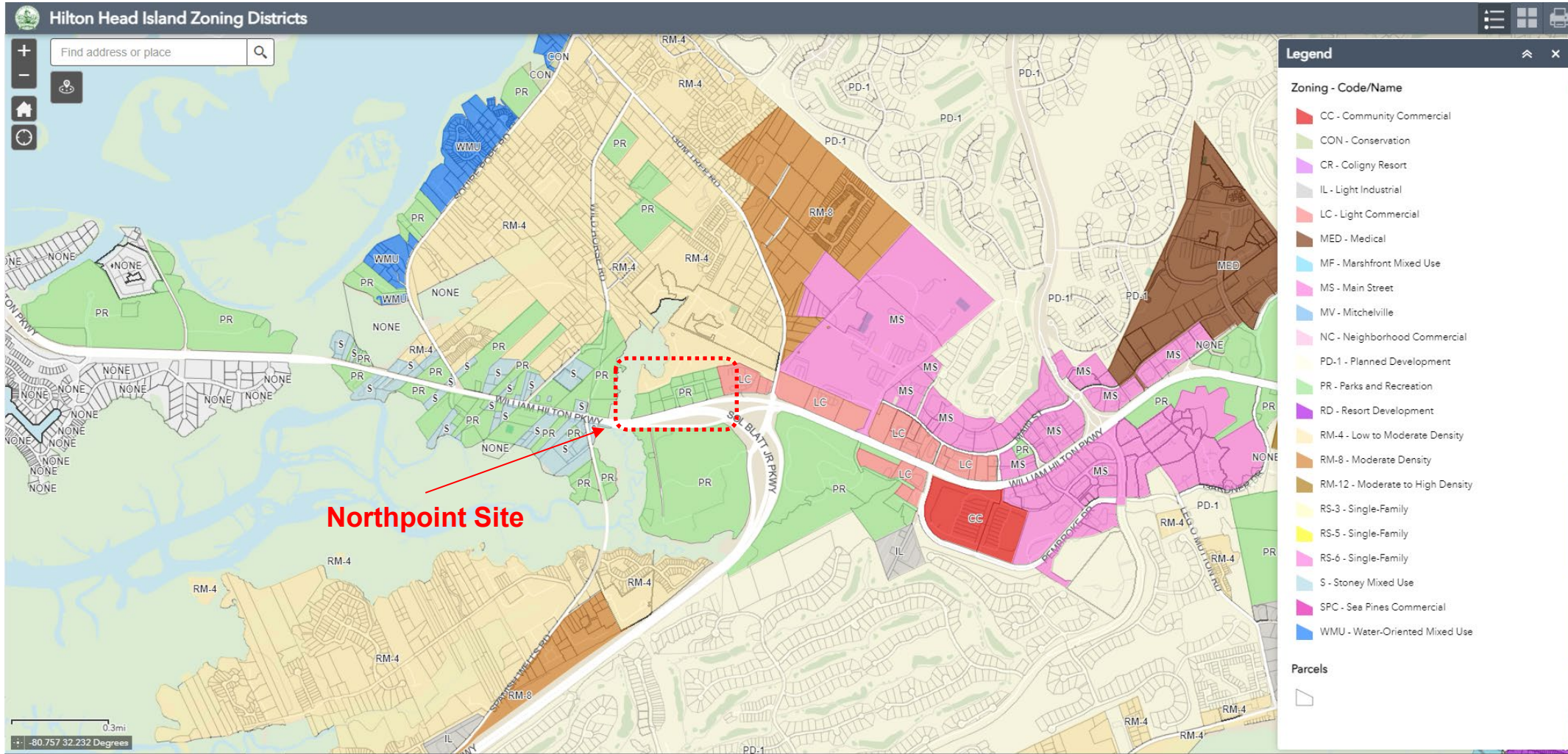
## Zoning Entitlement Options





## # 2 NORTHPOINT P3 Zoning

## Zoning Entitlement Options



## # 2 NORTHPOINT P3 Zoning

## Zoning Entitlement Options

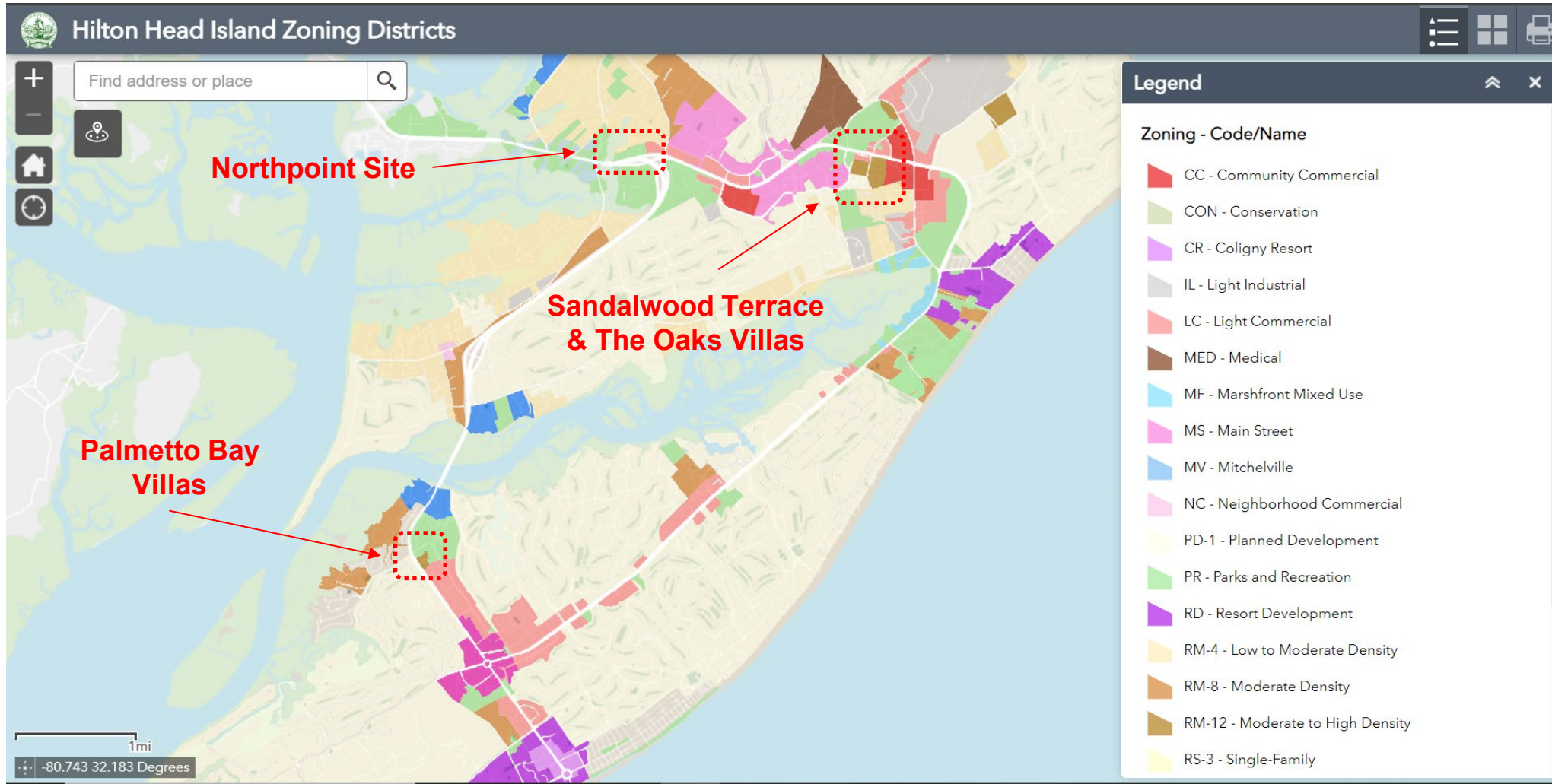
### Identified Zoning Entitlement Options

- Waterfront Mixed-Use (WMU) District
  - Proposed development conforms to all zoning requirements
  - More restrictive development standards are established in Development Agreement and Town property ownership
- Waterfront Mixed-Use (WMU) District with Planned Development Overlay (PD-2)
  - Proposed development conforms to all zoning requirements
  - PD-2 Overlay provides “belt and suspenders” approach whereby the more restrictive development standards established in the Development Agreement and Town property ownership become part of the property zoning
- Moderate to High Density Residential District (RM-12) with Workforce Housing Density Bonus - **RECOMMENDED**
  - Proposed development meets nearly all zoning requirements
  - Does not conform to density and intensity requirements of RM-12
  - Workforce Housing Program zoning standards would need to be amended to add RM-12 as an eligible zoning district and provide for a 25% density bonus up to 15 dwelling units per acre and impervious cover increase from 35% to 50% - recommend have frontage on a major arterial and a minimum lot size (5 acres).





## # 2 NORTHPOINT P3 Zoning

Zoning Entitlement Options  
RM-12 Workforce Housing Program



# 3. Single-Family Mass, Scale, & Parking



► LAND MANAGEMENT ORDINANCE

## # 3 SINGLE-FAMILY MASS, SCALE & PARKING

### What we've heard:

- “Single-Family Mass & Scale is typically an issue when a home meant for a single-family occupant is built and rented as a Short-Term Rental”
- “New builds are out of scale with surrounding neighborhood communities”
- “Small lots are being approved in Major Subdivisions for large, out-of-scale homes”
- “Single-Family parking is typically an issue when a home meant for a single-family occupant is built and rented as a Short-Term Rental”

## # 3

## SINGLE-FAMILY MASS, SCALE &amp; PARKING

## Key Issues:

- Some new houses are out of scale with existing neighborhoods due to high demand for large Short-Term Rental properties.
- High lot coverage, limited parking and increasing stormwater runoff.
- Projections in setbacks and building height calculation.
- Lack of limits on fill permitted to be placed on lots.
- Higher occupancy Short-Term Rentals tend to have spillover parking.
- Larger homes tend to cover more of the lot, limiting space available for parking.
- Need to balance providing adequate space for parking with lot coverage.

## Current Outcomes



Hilton Head Island, SC

## Better Outcomes



Hilton Head Island, SC

## # 9

**SINGLE-FAMILY MASS & SCALE****Questions for Town Council:**

1. As a priority amendment, should we reduce building height and/or change how building height is calculated? Currently height is measured from pre-development grade or 13 feet above mean sea level instead, whichever is higher? Further, should this be island-wide or based on Zoning District, location, lot size, or context of the neighborhood?
2. As a priority amendment, should we limit allowed projections into setbacks and maintain building separation at the established setback lines on the side and rear property lines?

**What We Heard from Town Council:**

- Changes need to apply to existing subdivisions where possible.
- Current building heights are too high.
- There needs to be more light, air, and separation between units.
- Need to increase setbacks.
- Need to establish minimum lot sizes.



## # 3

## SINGLE-FAMILY MASS, SCALE &amp; PARKING

## Encroachment Table:

TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS

FEATURE	EXTENT AND LIMITATIONS
Fences or walls	<ul style="list-style-type: none"> <li>Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high</li> <li>Allowed in adjacent street setbacks if less than 4 feet high</li> </ul>
Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
Chimneys or fireplaces	May extend up to 3 feet into any setback if no more than 5 feet higher than the highest point of <b>building</b> to which it is attached
Roof eaves and overhangs	May extend up to 3 feet into any setback
Awnings	May extend up to 5 feet into any setback
Bay windows	May extend up to 3 feet into any setback if no more than 9 feet wide
Sills or entablatures	May extend up to 1 foot into any setback
Uncovered porches, stoops, decks, patios or terraces	May extend up to 5 feet into any setback
Lighting fixtures	May be located in any setback if no more than 20 feet high
Roof dormers	May extend up to 5 feet beyond the setback angle plane (horizontally or vertically)
Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area of the <b>structure</b> to which they are attached and extend no more than 25% more than the <b>height</b> limit defined by the setback angle plane at the point(s) of penetration
Solar collection devices	See Sec. 16-4-103.E.8
<b>Television or radio antennas</b>	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a <b>structure</b>

TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS

FEATURE	EXTENT AND LIMITATIONS
Small wind energy conversion systems	See Sec. 16-4-103.E.7
Amateur radio antenna	See Sec. 16-4-103.E.1
Bike racks, bollards and other <b>site</b> furnishings (such as tables and chairs)	Allowed in adjacent use and adjacent street setbacks
Other architectural features not listed above (parts of a <b>structure</b> that provide visual interest to the <b>structure</b> and are nonhabitable and decorative in nature)	<p>May be allowed to penetrate the plane of the setback angle if the <b>Official</b> makes the following determinations:</p> <ul style="list-style-type: none"> <li>The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable <b>application</b>;</li> <li>The excepted architectural elements will not be major or dominant features of the <b>structure</b>;</li> <li>The excepted architectural elements will not penetrate the vertical plane of the minimum required setback distance;</li> <li>The exception is the minimum reasonably required to achieve the architectural goal; and</li> <li>If applicable, the placement of the <b>structure</b> provides protection of prominent natural features on the site, such as <b>trees</b>, wetlands, or historic <b>sites</b>.</li> </ul>
Flagpoles/Flags	Unless they constitute a "sign" and thus subject to Sec. 16-5-114.E, Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks
Signs	See Sec. 16-5-114.E





## # 3

## SINGLE-FAMILY MASS &amp; SCALE

## Full LMO Update Recommendation:

- Evaluate mass and scale controls island-wide to understand impacts to new and existing lots.
- Continue to evaluate effectiveness of FAR in Island neighborhoods.
- Create comprehensive analysis of existing building and lot sizes to right-size approach in different areas.

*Hilton Head Island, SC*

**Next Steps-** Pending Town Council direction this item may be advanced for priority amendment. Otherwise, this will be part of the full LMO amendment.

## # 3

## SINGLE-FAMILY PARKING

### Priority Amendment Recommendation:

- Address occupancy and parking related to STRs with amendment to STR regulations (noted previously).

### Full LMO Update Recommendation:

- Depending on amendments made to the STR licensing requirements, additional modification may not be needed to the LMO.

### Questions for Town Council:

1. We have existing platted subdivisions that are experiencing parking overflow/spillover onto streets due to smaller lot sizes. There are generally not areas available for overflow parking within the subdivision. Should there be a requirement for overflow parking for future platted subdivisions to generate better development outcomes?
2. Should we create consistent parking standards for single-family in Residential Base Districts and Overlay Districts?
3. Or should parking standards vary depending on zoning district, historic neighborhood, or other criteria?

#### *Existing Parking Requirements:*

- **Single-Family Parking:** 2 per du + 1 per 1,250 GFA over 4,000 GFA
- **Overlay District Single-Family Parking:** 2 per up to 2,000 GFA. Above 2,000 GFA, 1 additional space required for each 1,000 GFA or less.

# 4. Commercial Mass & Scale



► LAND MANAGEMENT ORDINANCE

## # 4

**COMMERCIAL MASS & SCALE****What we've heard**

- “Large scale buildings are out of character for majority of the multi-family residential areas on the Island”
- In 2018-2019, the Planning Commission received citizen comments requesting text amendments to the LMO to address large buildings in the Resort Development District.
- In 2020, the Planning Commission's Land Management Ordinance Committee requested that the Design Review Board (DRB) review the design standards within the Resort Development District and the Coligny Resort District. On March 10, 2020, the DRB recommended the following:
  - Require foundation planting around the perimeter of the building
  - Eliminate the narrower buffer option for buildings over 35' in height
  - Require an additional buffer width for buildings over 50' in height
  - When a building is 35'-50' in height, require a minimum of 6-inch caliper trees in the buffer
  - Require more conservative setback angles
  - Explore building height reduction in RD district and other zoning districts
  - Explore creating different RD districts based on surrounding community characteristics

The DRB also identified projects of concern for the LMO Committee's consideration:

- 15 Wimbledon
- 55 Gardner Drive
- Bayshore
- Boathouse storage on Squire Pope Road
- Ocean Oak Resort by Hilton
- Shelter Cove Waterwalk Apartments



## # 4

**COMMERCIAL MASS & SCALE****What we've heard**

- In March 2021, the DRB Chairperson wrote a letter to the Town Manager and Planning Commission Chair raising concern related to the building massing and scale on recent developments and their nonconformity with Island Character as defined in the Design Guide. Recent developments cited in the letter were:
  - Mitchelville Beachfront (DRB-001801-2020)
  - 55 Gardner (DRB-002262-2019)
  - 15 Wimbledon Court (DRB-002029-2018)
- The March 2021 letter further requested that the Planning Commission consider the recommendations to determine if adjustments to the LMO are warranted, specifically:
  - Review of allowable building heights, setbacks and buffers to determine if they are effective at maintaining Island Character
  - Consider the DRB's ability and jurisdiction to impose limits or requirements on structures that are not in keeping with Island Character
  - Consider adding to the LMO and Design Guide a mandatory interior landscaped buffer of a minimum depth of 3' with incremental increases up to a total depth of 9' based upon the number of stories





## # 4

# COMMERCIAL MASS AND SCALE

## Key Issues:

- Some new multi-family and commercial developments are out of scale with the existing built environment.
- Over the past several years, it is been noted by the Design Review Board that the height of some new developments are out of character with surrounding neighborhoods and landscaping requirements are inadequate.



Hilton Head Island, SC Photo credit: Marriott.com

## # 4

**COMMERCIAL MASS AND SCALE****Questions for Town Council:**

1. As a priority amendment, should we reduce building height and/or change how building height is calculated? Currently height is measured from pre-development grade or 11 feet above mean sea level instead, whichever is higher? Further, should this be island-wide or based on Zoning District, location, lot size, or context of the neighborhood?
2. As a priority amendment, should we limit allowed projections into setbacks and maintain building separation at the established setback lines on the side and rear property lines?
3. Does this seem like the right approach for Commercial Mass & Scale?
4. In addition to height, should buildings be regulated by width and visibility from the waterfront and major corridors?

**What We Heard from Town Council:**

- Current building heights are too high.
- There needs to be more light, air, and separation between units.
- Need to increase setbacks.
- Need to establish minimum lot sizes.
- There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).



## # 4

## COMMERCIAL MASS AND SCALE

## Encroachment Table:

TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS

FEATURE	EXTENT AND LIMITATIONS
Fences or walls	<ul style="list-style-type: none"> <li>Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high</li> <li>Allowed in adjacent street setbacks if less than 4 feet high</li> </ul>
Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
Chimneys or fireplaces	May extend up to 3 feet into any setback if no more than 5 feet higher than the highest point of <b>building</b> to which it is attached
Roof eaves and overhangs	May extend up to 3 feet into any setback
Awnings	May extend up to 5 feet into any setback
Bay windows	May extend up to 3 feet into any setback if no more than 9 feet wide
Sills or entablatures	May extend up to 1 foot into any setback
Uncovered porches, stoops, decks, patios or terraces	May extend up to 5 feet into any setback
Lighting fixtures	May be located in any setback if no more than 20 feet high
Roof dormers	May extend up to 5 feet beyond the setback angle plane (horizontally or vertically)
Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area of the <b>structure</b> to which they are attached and extend no more than 25% more than the <b>height</b> limit defined by the setback angle plane at the point(s) of penetration
Solar collection devices	See Sec. 16-4-103.E.8
<b>Television or radio antennas</b>	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a <b>structure</b>

TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS

FEATURE	EXTENT AND LIMITATIONS
Small wind energy conversion systems	See Sec. 16-4-103.E.7
Amateur radio antenna	See Sec. 16-4-103.E.1
Bike racks, bollards and other <b>site</b> furnishings (such as tables and chairs)	Allowed in adjacent use and adjacent street setbacks
Other architectural features not listed above (parts of a <b>structure</b> that provide visual interest to the <b>structure</b> and are nonhabitable and decorative in nature)	<p>May be allowed to penetrate the plane of the setback angle if the <b>Official</b> makes the following determinations:</p> <ul style="list-style-type: none"> <li>The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable <b>application</b>;</li> <li>The excepted architectural elements will not be major or dominant features of the <b>structure</b>;</li> <li>The excepted architectural elements will not penetrate the vertical plane of the minimum required setback distance;</li> <li>The exception is the minimum reasonably required to achieve the architectural goal; and</li> <li>If applicable, the placement of the <b>structure</b> provides protection of prominent natural features on the site, such as <b>trees</b>, wetlands, or historic <b>sites</b>.</li> </ul>
Flagpoles/Flags	Unless they constitute a "sign" and thus subject to Sec. 16-5-114.E, Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks
Signs	See Sec. 16-5-114.E



## # 4

## COMMERCIAL MASS AND SCALE

## Full LMO Update Recommendation:

- Consider creating a building story maximum for multi-family, commercial, and mixed used developments in appropriate Zoning Districts.
- Evaluate mass and scale controls island-wide.
- Determine feasibility and application for interior, commercial buffer type(s) that meet Island-character.
- Create comprehensive analysis of existing building and lot sizes to right-size approach in different areas.

**Next Steps-** Pending Town Council direction this item may be advanced for priority amendment. Otherwise, this will be part of the full LMO amendment.

# 6. Adaptive Re-Use – Hotel/Motel Conversion



► LAND MANAGEMENT ORDINANCE



## # 6

## ADAPTIVE RE-USE HOTEL/MOTEL

## What we've heard:

- "We need housing that's accessible and flexible to meet the needs of the community"
- "We have aging hotels/motels on the Island that investors have inquired about converting to housing, but our commercial conversion requirements do not allow for a 1:1 room to dwelling unit conversion ratio"
- "The existing commercial conversion requirements does not require open space or amenity space for residents"

*Hilton Head Island, SC*

## # 6

## ADAPTIVE RE-USE HOTEL/MOTEL

## Key Issues:

- Currently there is no allowance for hotel conversion into multi-family at a 1:1 conversion ratio.
- Adaptive re-use is zoning tool for revitalizing underutilized or vacant buildings, transforming them into valuable community assets.

*Hilton Head Island, SC*

## # 6

## ADAPTIVE RE-USE HOTEL/MOTEL

### Priority Amendment Recommendations:

- Create adaptive re-use program to allow hotel/ motel conversions into multi-family housing units.
- Adaptive Re-use housing units shall not be short-term rental properties.
- Allow a 1:1 hotel/ motel room to multi-family dwelling unit density conversion if the following criteria is met:
  - Units shall meet minimum requirements for safe, sanitary dwelling units including a kitchen, bathroom, storage space and living space.
  - 6% of building interior is communal space;
  - 10% exterior common open space; and
  - Site parking meets developer data standards per Section 16-5-107.D.2.

### What We Heard from Town Council:

- Ensure that a kitchen facility is a requirement of the unit.
- Require the property be maintained to at a minimum level of care (i.e., International Property Maintenance Code),
- Have standards for communal space to ensure it is communal, functional, and with purpose.

**Applicability-** Adaptive Re-use only applies to existing hotels and motels in place at the time of this amendment.

# 6

ADAPTIVE RE-USE HOTEL/MOTEL

Full LMO Update Recommendations:

- Explore adaptive re-use program for other conversions such as timeshares, vacant commercial or light industrial.

Unit Type	Market-Rate Conversion Minimum Unit Size	Workforce Housing Conversion Minimum Unit Size
Micro Efficiency	NA	280 square feet
Studio	NA	400 square feet
1-bedroom	800 square feet	560 square feet
2-bedroom	1,075 square feet	750 square feet
3-bedroom	1,330 square feet	930 square feet

**Next Steps-** This amendment has been drafted and is ready for legal review, pending any changes.

# QUESTIONS?



➤ **LAND MANAGEMENT ORDINANCE**