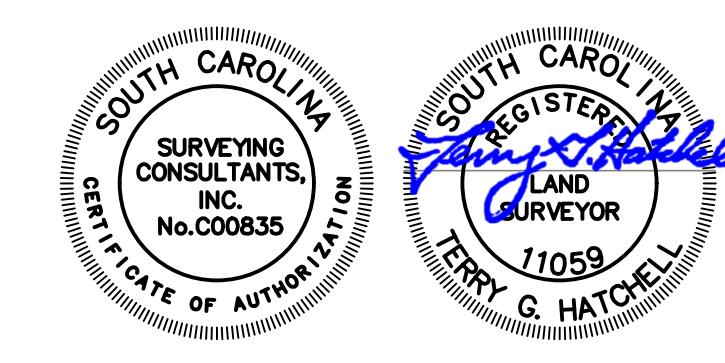


CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING
C1	153.46'	1606.28'	76.79'	153.41'	S50°14'37"E 005°28'27"
C2	77.24'	1607.02'	38.63'	77.23'	S54°21'04"E 002°45'14"
C3	56.55'	1540.28'	28.28'	56.55'	N54°40'36"W 002°06'13"

PREPARED FOR: LAW OFFICE OF DARRELL THOMAS JOHNSON, JR., LLC

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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. Relationship Between Overlay and Base Zoning Districts

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 another overlay district, the more restrictive standard shall apply unless the standards applicable in either of the overlay districts expressly provide that the district's standards shall prevail over those in other overlay districts.

E. Airport Overlay (A-O) District

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 *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 Airport Overlay 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 provision 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 Natural Resources Permit (see Sec. 16-2-103.K, Natural Resources 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 provision i 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 provision (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 provision 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. 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 Natural Resources Permit (see Sec. 16-2-103.K, Natural Resources 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 aviation **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 provision 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.E.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.

F. Corridor Overlay (COR) District

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 *streets*, 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 *streets*, the beachfront, and the marshfront;
 - ii. Provide for the continued safe and efficient utilization of these *streets*; 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 street designated as a major or minor arterial in Sec. 16-5-105.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.
- e. All public projects, with the exception of pathways, *streets*, 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, the OCRM Base Line within the Town or the OCRM Critical Line once the project is completed, the *Official* will review it through the Minor Corridor Review Procedure (Sec. 16-2-103.I.3).

(Revised 8-18-2020 - Ordinance2020-19)

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 the 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. 16-5-108, 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. 16-5-114, 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. 16-5-114, 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).

G. Planned Development Overlay (PD-2) District

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.

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 zoning districts* are incorporated in the PD-2, the *uses* shall remain proportional to the area of the underlying *base zoning district(s)*.

4. Density and Development Standards

- a. A section or phase of the planned development may be built at a *density* which is greater than the site-specific *density* allowed by the underlying *base zoning district*, provided that any such concentration of *density* is offset by an area of lower *density* in another section or phase of the planned development or by an appropriate reservation of *common open space* elsewhere in the planned development. The average *density* for the PD-2 Overlay District shall not exceed the maximum *density* permitted in the *base zoning district*.
- b. The standards for *impervious cover* and open space within a PD-2 Overlay District shall be fully satisfied for the district as a whole, but do not have to be satisfied on a *site*-specific basis within individual phases of the planned development.
- c. When a PD-2 Overlay District overlays more than one *base zoning district*, the area standards shall be pro-rated based on the district acreage and the average resulting standard shall rule.
- d. Where a specific site in a PD-2 Overlay District has been developed for a *use* that can reasonably be considered to be long-term in nature (e.g., residential structures) and the resulting *density* of the *use* is less than the maximum *density* allowed for the specific *site* by the approved Master Plan, the Master Plan shall be deemed to be automatically amended for both the *site* and, when applicable, the Master Plan cap, to reflect the lesser *density* actually developed on the specific *site*. This provision shall not apply if a plan, survey, or other similar relevant document approved by the *Town* indicates that additional *development* is still contemplated for the specific *site* after completion of *development* of the long-term *use*. This provision shall not necessarily preclude the transfer of specified

density from one undeveloped **site** to another undeveloped **site** through the approval of minor deviations from the approved Master Plan in accordance with Sec. 16-2-103.D.8, Minor Deviations from Approved Master Plan.

5. 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.5: 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
Tabby Village	ZA-000954-2017	223, 49, 14D, 16, 14I, 14, 58, 58A	3

(Revised 12-5-2017 -Ordinance 2017-19; revised 8-18-2020 - Ordinance 2020-19)

6. Planned Development Master Plan Design

Planned development Master Plans shall include the following elements:

- a. An arrangement of developed **uses** on the **site** that properly considers significant natural features and natural drainage patterns, views, roadway access, and surrounding **land uses**.
- b. Clustering of **development sites**, especially **buildings**, so as to preserve natural or historic features and provide usable **common open space**.
- c. An integrated, coordinated circulation system with complete interconnection.
- d. Maximum integration of other infrastructure—such as sewer, water, and drainage systems—in consideration of environmental factors.
- e. Design and sizing of **street**, drainage, and utility systems to accommodate the overall service demand of the planned development.
- f. Provision for the ownership and **maintenance** of **common open space** through a **property owners'** association or other mechanisms permitted under Section Sec. 16-5-104.E, Ownership, Management and Maintenance of Common Open Space.
- g. Architectural guidelines and standards throughout the planned development.
- h. Acreage sufficient to accomplish the basic purposes and features as outlined above.

7. Noncontiguous Planned Developments

a. General

As a means of enabling greater flexibility in the use of planned developments and promoting the **Comprehensive Plan's land** management goals, planned developments may be allowed on noncontiguous lands in several areas, as identified by the **Comprehensive Plan**. A noncontiguous planned development consists of two or more separate **tracts** of land that are not **contiguous** but are or upon approval, will be owned by the same legal entity. For purposes of this paragraph, **tracts** are not deemed noncontiguous solely because they are separated by a **street**, **street right-of-way**, or utility **easement**.

b. Additional Criteria for Noncontiguous Planned Development Master Plans

In addition to meeting the requirements of paragraph 6 above, the Master Plan for a noncontiguous planned development shall be designed expressly to provide creative utilization of separate *lands* to accomplish one or more of the following purposes:

- i. To make better use of existing infrastructure;
- ii. To establish and link *amenities*—including, but not limited to, open space, pedestrian and bike paths, and parking;
- iii. To provide solutions to drainage, parking, redevelopment, or shoreline erosion problems;
- iv. To allow protection in the Airport Overlay (A-O) District; and
- v. To enable protection of significant historic, cultural, or natural resources.

c. Calculation and Transfer of Density and Area Requirements

- i. The overall *density* permitted within a noncontiguous PD-2 Overlay District shall be calculated by adding the densities allowed by right for the total acreage of all *sites* in the district and then averaging.
- ii. Densities on the *tract* where *development* will occur cannot exceed 125 percent of the *density* allowed by the underlying *base zoning district*.
- iii. Any *tracts* from which *density* is transferred to another *tract* within the PD-2 Overlay District shall not contain less than ½ acre of *contiguous* area, and the *base zoning district* containing *land* from which *density* is transferred shall be rezoned simultaneously to the Conservation District and subject to the Conservation District's *development* limitations.
- iv. *Applications* for a noncontiguous PD-2 Overlay District shall include documents in a form suitable for recording that identify *tracts* proposed to be rezoned to the Conservation District and the *tracts* to which *density* is proposed to be transferred. The documents shall also summarize the restrictions of future *development* under Town regulations. The document shall be recorded as a condition of *development* plan approval and be in effect until the property is subsequently rezoned.

H. Forest Beach Neighborhood Character Overlay (FB-NC-O) District

1. Applicability and Purpose

The purpose of the Forest Beach Neighborhood Character Overlay (FB-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*** 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.

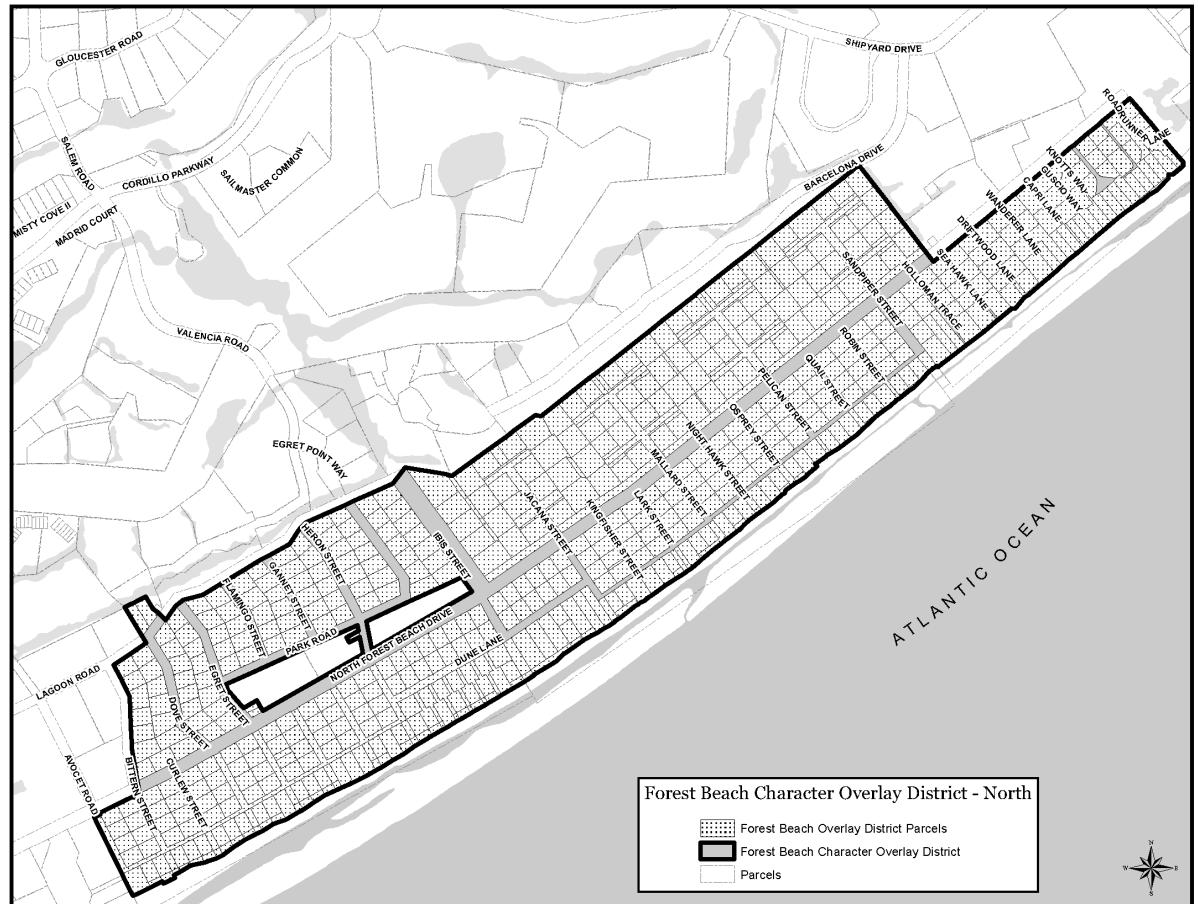
2. Approval

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. Delineation of District

The Forest Beach Neighborhood Character Overlay (FB-NC-O) District includes all ***parcels*** shown as hatched in Figure 16-3-106.H.3 below.

(Revised 5-17-2016 - Ordinance 2016-07)





4. District Regulations

(Revised 5-17-2016 - Ordinance 2016-07)

a. Setbacks

- i. In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, a side, and rear adjacent use setback shall be required.
- ii. Setbacks shall comply with the standards of Sec. 16-5-102, Setback 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. 16-5-103, Buffer Standards, except that *driveways* for *street access* as permitted in Sec. 16-5-103.J, Development Within Required Buffers, shall be limited to a total of 24 feet wide within the buffer.

(Revised 12-5-2017 -Ordinance 2017-19)

- 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 Sec. 16-6-104.H.
- 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 Cover

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 cover* 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.

I. Folly Field Neighborhood Character Overlay (FF-NC-O) District

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 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 these regulations 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. Delineation of District

The Folly Field Neighborhood Character Overlay (FF-NC-O) District includes all ***parcels*** depicted as the Strand or as part of Sections A, B, C, or D in Figure 16-3-106.I.3 below.



Figure 16-3-106.I.3: Folly Field Neighborhood Character Overlay (FF-NC-O) District and Sections.

4. District Regulations

a. Setbacks

In addition to the *single-family* setback requirements of [Sec. 16-5-102](#), Setback 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.

- 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. 16-5-103](#), 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. 16-5-103.J, 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 Cover

Impervious cover 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 for the applicable Section of the district (see Figure 16-3-106.I.3 above).

	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.

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

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 cover* 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 Sec. 16-3-104.D, Residential Single-Family-6 (RSF-6) District.

3. Delineation of District

The Holiday Homes Neighborhood Character Overlay (HH-NC-O) District includes all *parcels* shown as hatched in Figure 16-3-106.J.3 below.



Figure 16-3-106.J.3: Holiday Homes Neighborhood Character Overlay (HH-NC-O) District.

4. District Regulations

a. Setbacks

In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback 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 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.D, 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. 16-5-103, 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. 16-5-103.J, 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 cover 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.

K. Redevelopment Overlay (R-O) District

1. Purpose

The purpose of the Redevelopment Overlay (R-O) District is to create and establish a zoning overlay district to provide flexibility in the design standards of Chapter 16-5: Development and Design Standards, and to utilize zoning and planning techniques specifically designed to promote and encourage the redevelopment of existing *nonconforming structures* and existing *nonconforming site features*.

2. Zoning District Type

The Redevelopment Overlay (R-O) District is a hybrid floating zone and overlay zone that is unmapped on the *Official Zoning Map* and that can be applied to discrete, noncontiguous *parcels* for the purpose of promoting the redevelopment of existing *nonconforming structures* and existing *nonconforming site features*.

3. Specific Techniques Authorized

On *parcels* approved for the Redevelopment Overlay (R-O) District, the following techniques are authorized to accomplish the purpose of the R-O District:

- a. A relaxation of specific design standards set out in Chapter 16-5: Development and Design Standards; or
- b. Authorization of the *Official* to make minor amendments to any R-O District.

4. Applicability

- 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.

5. Procedure

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.

6. Additional R-O District Review 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 Review Standards.

TABLE 16-3-106.K.4: ADDITIONAL R-O DISTRICT REVIEW STANDARDS

STANDARD	ALLOWABLE MODIFICATION
<i>Uses</i> (see base district standards in this chapter)	Only <i>uses</i> allowed in the base district are allowed, except for legal <i>nonconforming uses</i> . Legal <i>nonconforming uses</i> are allowed to continue in accordance with the requirements of this section.

Maximum density (see base district standards in this chapter)	<p>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 additional 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.</p>
	<p>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 base zoning district where the property is located.</p>
Maximum building height (see base district standards in this chapter)	<p>A structure that is nonconforming because of height may be rebuilt to legally nonconforming height. Such decision shall be based on ability to recapture density of development and height of surrounding buildings.</p>
Maximum impervious cover (see base district standards in this chapter)	<p>Shall not exceed maximum requirements of the base district, except for impervious cover 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.</p>

Minimum adjacent street setback requirements (see Sec. 16-5-102.C) and adjacent street buffer requirements (see <u>Sec. 16-5-103</u>)	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.D) and adjacent use buffer requirements (see Sec. 16-5-103.E)	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.C) and adjacent use setback angles (see Sec. 16-5-102.D)	May be increased based on the <i>height</i> of the <i>structure</i> and setback distance, but may not exceed a 75 degree angle.
Minimum <i>open space</i> requirement (see <u>Sec. 16-5-104</u>)	Shall not exceed minimum requirements of the base district, except for <i>open space</i> that exists as a legal <i>nonconforming site feature</i> , which may be maintained. In no case shall an application for rezoning to the R-O district be approved for a site where <i>open space</i> is less than 20% of the site.
Minimum number of parking spaces (see Sec. 16-5-107.D.1)	Up to 50% reduction, if it is demonstrated off-street parking can be adequately addressed.
Parallel parking spaces (see Sec. 16-5-107.D.7)	The number of parallel parking spaces may be increased.
Compact parking spaces (see Sec. 16-5-107.D.8)	Compact parking spaces may be maintained up to the number that existed on the site as a <i>nonconforming site feature</i> prior to redevelopment.

Parking space dimensions (see Sec. 16-5-107.E.1)	<p>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 <i>nonconforming site feature</i> prior to the proposed redevelopment.</p>
	<p>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 <i>nonconforming site feature</i>.</p>
Maximum number of parking spaces between landscaped medians along a row of parking (see Sec. 16-5-107.G.3.a.iv)	<p>May be increased by up to three spaces if it is demonstrated that the parking lot contains sufficient landscaping to mitigate its environmental and visual impacts to an equivalent degree.</p>
Minimum width of landscaped medians in parking lots (see Sec. 16-5-107.G.3.b)	<p>May be reduced by up to 20% if it is demonstrated that the parking lot contains sufficient landscaping to mitigate its environmental and visual impacts to an equivalent degree.</p>
Maximum <i>off-site</i> parking spaces (see Sec. 16-5-107.H.4.a)	<p>Up to 20% of required parking spaces may be provided <i>off-site</i>, if it is demonstrated that safe and convenient vehicular <i>access</i> is provided to the <i>development</i> served by the <i>off-site</i> parking.</p>
Pedestrian <i>access</i> to <i>shared parking</i> (see Sec. 16-5-107.H.3.b) and <i>off-site</i> parking (see Sec. 16-5-107.H.4.c)	<p><i>Access</i> to shared or <i>off-site</i> parking may cross an arterial <i>street</i> if it is determined there is adequate and safe pedestrian ingress and egress to the <i>development</i> served by the off-premise parking.</p>
On-street parking (see Sec. 16-5-107.H.6)	<p>May be used to satisfy up to 100% of the number of parking spaces required.</p>

Minimum tree coverage (see Sec. 16-6-104.G)	A legal nonconforming site that does not comply with the minimum <i>tree</i> 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 <i>landowner</i> deposits a <i>tree</i> mitigation fee in a Town-administered <i>tree</i> replacement fund in-lieu of providing additional <i>tree</i> canopy. (see Sec. 16-6-104.L).
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7. Minor Amendment

Because unanticipated circumstances may arise in the redevelopment of existing *nonconforming structures* and existing *nonconforming site features* that make it impractical or impossible to execute an approved redevelopment plan set out in an approved R-O District, the *Official* is authorized to approve minor amendments to an approved R-O District as follows:

- a. 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 or denial 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*.

8. 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).

L. Coastal Protection Area (CPA-O) District

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 beach and ***dune system***, or that are 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 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 subsection, the more restrictive standard shall govern, to the extent allowed by ***State*** law. In the event of a conflict between the provisions of this section and applicable ***State*** law, ***State*** law governs.

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**
For ***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**

For *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.M.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. **Hilton Head Beach Subdivisions 1, 2, and 3 subdistricts**

- i. The three *single-family subdivisions* identified as Hilton Head Beach *Subdivisions* 1, 2, and 3, are subdistricts within the CPA-O District. The Hilton Head Beach *Subdivisions* 1, 2, and 3 subdistricts are *contiguous* with *parcels* of property described as "Beach Lot," "Strand Parcel" *lots* on recorded plats as follows:
 01. For Hilton Head Beach Subdivision 1, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 81 at Page 153, and the property in question is described thereon as the "Beach Lot";
 02. For Hilton Head Beach Subdivision 2, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 84 at Page 112, and the property in question is described thereon as the "Strand Parcel"; and
 03. For Hilton Head Beach Subdivision 3, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 81 at Page 154, and the property in question is described thereon as the "Beach Lot."
- ii. The *uses* allowed in the CPA-O District in Hilton Head Beach Subdivision 2 are those *uses* allowed on the "Strand Parcel" property in the declarations of covenants and restrictions that are recorded in the Beaufort County Register of Deeds Office in Official Record Book 1532 at Page 1312.
- iii. For all other property in the CPA-O District, this *Ordinance* applies.
- iv. With respect to the CPA-O District in Hilton Head Beach Subdivision 2, where the text of this *Ordinance* conflicts with the declarations of covenants described above, the text of the declarations of covenants and restrictions shall control.

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 discontinued for a period of 12 consecutive months or greater.
- b. Normal ***maintenance*** activities of nonconforming ***structures*** are allowed.

M. Transition Area Overlay (TA-O) District

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;
 - 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 ***beach*** and ***dune system***, or that are 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 subsection, the more restrictive standard shall govern, to the extent allowed by **State** law. In the event of a conflict between the provisions of this section and applicable **State** law, **State** law governs.

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** (as 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. Hilton Head Beach Subdivisions 1, 2, and 3 subdistricts

- i. The three **single-family subdivisions** identified as Hilton Head Beach Subdivisions 1, 2, and 3, are subdistricts within the TA-O District. The Hilton Head Beach Subdivisions 1, 2 and 3 subdistricts are **contiguous** with **parcels** of property described as 'A' **lots**, 'E' and 'S' **lots** and 'X' **lots** on recorded plats as follows:

01. For Hilton Head Beach Subdivision 1, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 81 at Page 153, and the **lots** in question are described thereon as the "A" **lots**;
 02. For Hilton Head Beach Subdivision 2, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 84 at Page 112, and the **lots** in question are described thereon as the "E" and "S" **lots**; and
 03. For Hilton Head Beach Subdivision 3, the plat is recorded in the Beaufort County Register of Deeds Office, in Plat Book 81 at Page 154, and the **lots** in question are described thereon as the "X" **lots**.

ii.

The **uses** allowed in the TA-O District in Hilton Head Beach Subdivisions 1, 2, and 3 are those **uses** allowed on the "A," "E," "S," and "X" **lots** in the declarations of covenants and restrictions that are recorded in the Beaufort County Register of Deeds Office as follows:

01. For Hilton Head Beach Subdivision Number 1, in Official Record Book 1450 at Page 835;
02. For Hilton Head Beach Subdivision Number 2, in Official Record Book 1532 at Page 1317; and
03. For Hilton Head Beach Subdivision Number 3, in Official Record Book 1450 at Page 828

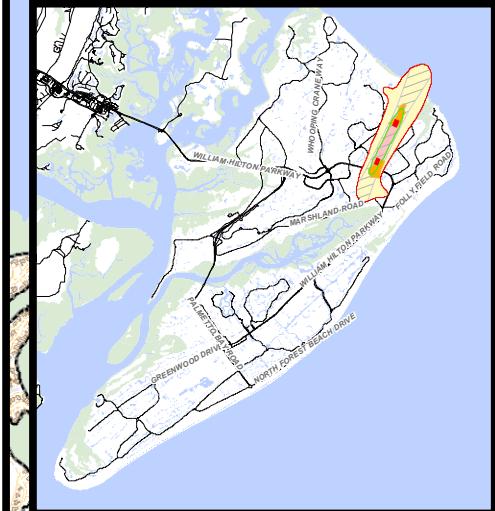
iii. Where the text of this **Ordinance** conflicts with the declarations of covenants described above, the text of the declarations of covenants and restrictions shall control.

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

- a. In addition to the activities and **uses** permitted in the CPA-O District (see Sec. 16-3-106.L.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.
- 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 cover** 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. **Use** of the **structure** has not ceased for a period of 12 consecutive months or greater.
- b. Normal **maintenance** activities of **nonconforming structures** are allowed.



Abstract

The Airport Overlay (A-O) District is designated to insure against safety hazards, noise and obstruction problems associated with aircraft utilizing the Hilton Head Island Airport.

Three areas:

Approach Path: The area 525 feet on both sides of the airport's primary surface and extending to the LDN 60 noise curve at each end of the airport's primary surface.

Inner Hazard Zone: The area that includes the runway protection zone, object free area, and obstacle free zoned as determined by the FAA.

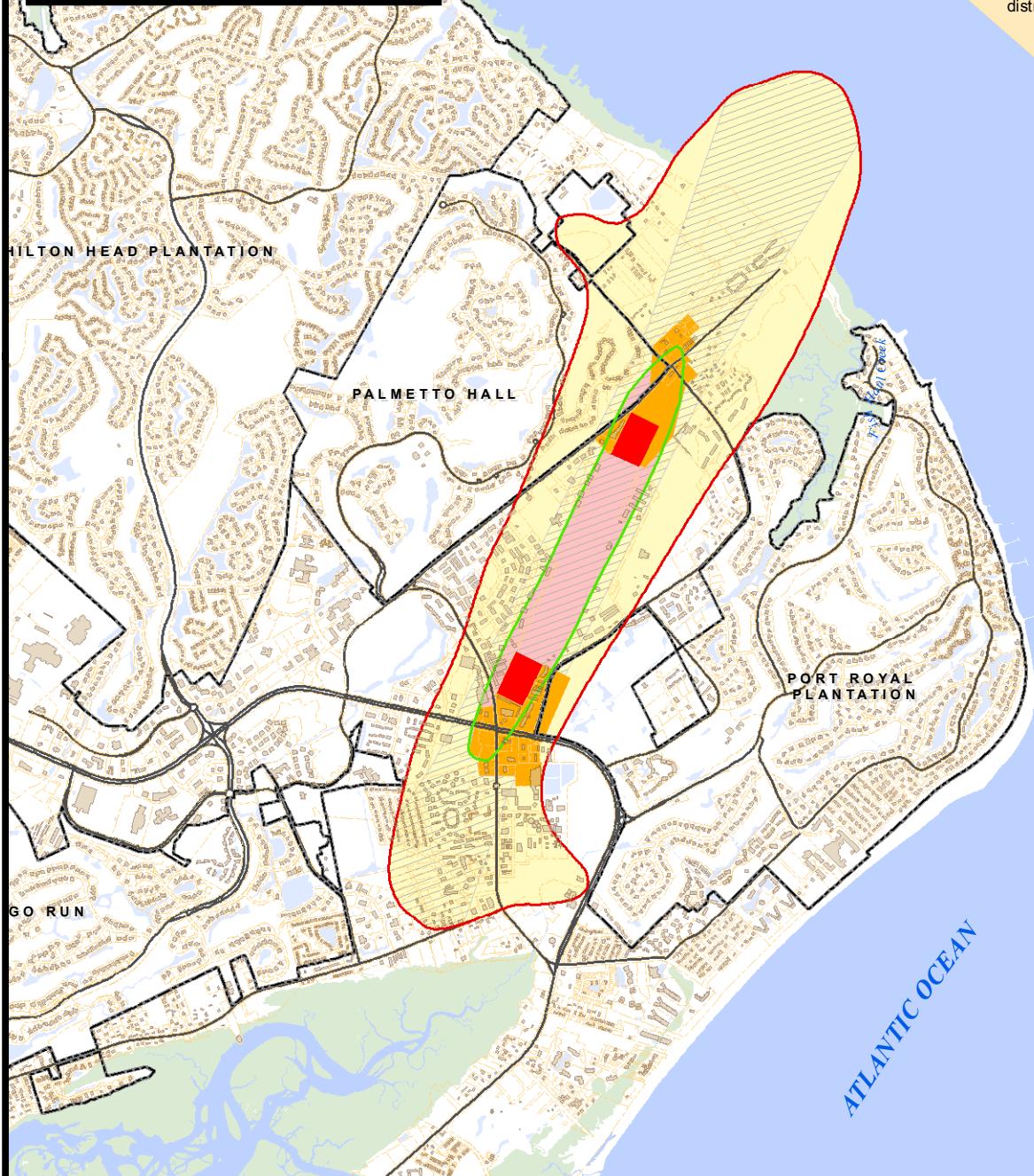
Outer Hazard Zone: The area that demonstrates a higher statistical probability of aircraft accidents occurring as determined by methods developed by the Institute of Transportation Studies at the University of California at Berkeley.

Lines Established by FAA – refer to "Data Quality" in metadata for details.

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.

Please refer to Hilton Head Island Land Management Ordinance (LMO), specifically Chapter 3, Section 16-3-106.E for more information about the Airport Overlay District



Legend

AOD Noise Lines

— LDN 60

— LDN 65

AOD Approach Path

— APPROACH

AOD Hazard Zone

— IHZ

— OHZ

AOD Noise Levels

— LDN 60

— LDN 65

— Parcel Lines

— Roads - Main

— Buildings



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT

HILTON HEAD ISLAND, S.C. 29928

PHONE (843) 341-4600

Date Created: 03/19/2016

Established: 1987 LMO

Revised: 11-03-1999

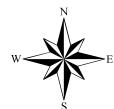
Revised: 10-07-2014

Revised: 06-01-2022

Town of Hilton Head Island Airport Overlay District

2,500 1,250 0 2,500 Feet

1 inch = 3,333 feet



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