



# Town of Hilton Head Island

## Emergency Meeting of Town Council

Tuesday, April 7, 2020, 2:00 pm

### AGENDA

This meeting will be conducted electronically and broadcast via livestream on the Town's Facebook page (<http://facebook.com/TownofHiltonHeadIslandSC>) and the Town's website (<https://www.hiltonheadislandsc.gov/>).

1. Call to Order
2. **FOIA Compliance** - Public notification of this meeting has been published, posted and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island
3. **Pledge of Allegiance**
4. **Invocation – Rabi Brad Bloom, Congregation Beth Yam**
5. **Approval of Agenda**
6. **Hilton Head Hospital Update – Jeremy Clark, CEO**
7. **Town Business**

**a. Second Reading of Proposed Ordinance 2020-01 – Zero Lot Line LMO Amendments**

Second Reading of Proposed Ordinance 2020-01 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 5 and 10. These amendments, commonly referred to as *Zero Lot Line Amendments* as noticed in the Island Packet on October 20, 2019, include changes that provide for General Amendments to several sections in the LMO described on Exhibit "A" to the Ordinance, and providing for severability and an effective date.

**b. First Reading of Proposed Ordinance 2020-03 – General 2019 Amendments – Set 2**

First Reading of Proposed Ordinance 2020-03 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 2, 3, 4k 5k 10, and Appendix D. These amendments, commonly referred to as *General 2019 Amendments – Set 2* as noticed in the Island Packet on December 15, 2019, include changes that provide for General Amendments to a variety of sections in the LMO described on Exhibit "A" to the Ordinance, and providing for severability and an effective date.

**c. First Reading of Proposed Ordinance 2020-04 – FY2020 Mid-Year Budget Amendments**

First Reading of Proposed Ordinance 2020-04 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2020, to provide for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and to provide for severability and an effective date.

**8. New Emergency Actions by Town Council**

**a. Reading of Proposed Ordinance 2020-08 - Revised Emergency Towing Procedures**

Reading of Proposed Ordinance 2020-08 for the purpose of enacting revised emergency towing procedures in the Town of Hilton Head Island, South Carolina, enacted in Emergency Ordinance 2020-06 on March 21, 2020.

**9. Discussion Items**

**a. Business License Enforcement**

**b. Short-Term Rentals**

**10. Executive Session**

**a. Land Acquisition:** Discussion of negotiations incident to the proposed sale, lease, or purchase of property in the:

- i. Union Cemetery Road area; and
- ii. US 278 Mid-Island area.

**b. Contractual Arrangements:** Discussion of negotiations incident to proposed contractual arrangements related to the Designated Marketing Organization services.

**11. Possible actions by Town Council concerning matters discussed in Executive Session**

**12. Adjournment**

Public comments concerning agenda items can be submitted electronically via the Town's Virtual Town Hall portal (<https://hiltonheadislandsc.gov/opentownhall/>). The portal will close **TWO (2) HOURS** prior to the scheduled meeting. All comments will be provided to Town Council for review and made part of the official record.



# TOWN OF HILTON HEAD ISLAND

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*Community Development Department*

**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Shawn Colin, AICP, *Director of Community Development*  
**FROM:** Teri Lewis, AICP, *Deputy Director of Community Development*  
**CC:** Nicole Dixon, AICP, CFM, *Development Review Administrator*  
**DATE:** March 18, 2020  
**SUBJECT:** Zero Lot Line Amendments  
Proposed Ordinance #2020-01

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Town Council made no changes to proposed ordinance 2020-01 as a result of their meeting on March 17, 2020.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2020-#**

**PROPOSED ORDINANCE NO. 2020-01**

**AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO) , CHAPTERS 5 AND 10. THESE AMENDMENTS, COMMONLY REFERRED TO AS *ZERO LOT LINE AMENDMENTS* AS NOTICED IN THE ISLAND PACKET ON OCTOBER 20, 2019, INCLUDE CHANGES THAT PROVIDE FOR GENERAL AMENDMENTS TO SEVERAL SECTIONS IN THE LMO DESCRIBED ON EXHIBIT “A” TO THIS ORDINANCE, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

**WHEREAS**, from time to time it is necessary to amend the LMO; and

**WHEREAS**, the LMO Committee held public meetings on October 16, 2019 and October 30, 2019 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed amendments; and

**WHEREAS**, the LMO Committee recommended that the proposed amendments be forwarded to the Planning Commission with a recommendation of approval with the changes as discussed by Staff, the public and the Committee; and

**WHEREAS**, the Planning Commission held a public hearing on November 20, 2019 and January 15, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

**WHEREAS**, after consideration of the Staff presentation and public comments the Planning Commission voted 7-0 to forward the proposed amendments to the Public Planning Committee with a recommendation of approval with some changes; and

**WHEREAS**, the Public Planning Committee held a public meeting on December 3, 2019 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

**WHEREAS**, after consideration of the staff presentation and public comments, the Public Planning Committee voted 4-0 to recommend approval of the proposed LMO amendments with two changes related to the proposed amendments related to zero lot line residential subdivisions; and

**WHEREAS**, the proposed Zero Lot Line Amendments were reviewed at the January 15, 2020 Planning Commission meeting, and the Planning Commission voted unanimously to recommend that zero lot line subdivisions require a 50% maximum impervious coverage based on the entire development instead of per individual lot; and

**WHEREAS**, after due consideration of said LMO amendments and the recommendation of the Planning Commission, the Town Council, upon further review, finds it is in the public interest to approve the proposed amendments with the two changes recommended by the Public Planning Committee.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:**

**Section 1. Amendment.** That the *Zero Lot Line Amendments* are adopted and the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

**Section 2. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF  
HILTON HEAD ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

\_\_\_\_\_  
John McCann, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

Public Hearing: November 20, 2019  
First Reading:  
Second Reading:

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis L. Coltrane, Town Attorney

Introduced by Council Member: \_\_\_\_\_

# Exhibit A

## Proposed Zero Lot Line Subdivision Amendments

### Chapter 16-5: Development and Design Standards

#### Section 16-5-102: Setback Standards

##### B. Applicability

##### 2. Exceptions

- a. For *development* within the CR District, see Sec 16-3-105.B.3.
- b. For *development* within a PD-1 District, adjacent street and use setback standards shall apply only along those *lot* lines and *street rights-of-way* located outside any *gates* restricting *access* by the general public to areas within the PUD, or constituting the boundaries of the district.
- c. For *development* within a PD-2 District, adjacent street and use setback standards shall apply only along those *lot* lines and *street rights-of-way* located within a Corridor Overlay District or constituting the boundaries of the district.
- ~~d. For zero lot line subdivisions, adjacent street and use setback standards shall apply only along those lot lines and street rights-of-way constituting the perimeter of the subdivision.~~

#### Section 16-5-103: Buffer Standards

##### B. Applicability

##### 2. Exceptions

- a. For *development* within a PD-1 District, adjacent street and use buffer standards shall apply only along those *lot* lines and *street rights-of-way* located outside any *gates* restricting *access* by the general public to areas within the PUD, or constituting the boundaries of the district.
- b. For *development* within a PD-2 District, adjacent street and use buffer standards shall apply only along those *lot* lines and *street rights-of-way* located within a Corridor Overlay District or constituting the boundaries of the district.
- ~~e. For zero lot line subdivisions, adjacent street and use buffer standards shall apply only along those lot lines and street rights-of-way constituting the perimeter of the subdivision.~~
- d. c. Adjacent street buffers shall not apply to *development* within the CR District.

# Exhibit A

## Proposed Zero Lot Line Subdivision Amendments

### Section 16-5-115: Subdivision Standards

#### D. Layout of Lots and Blocks

1. *Subdivisions* may be laid out in conventional, cluster, *zero lot line*, or a combination of block/ *lot* designs.

#### E. Zero Lot Line Residential Subdivisions

1. *Zero lot line residential subdivisions* are permitted in the following zoning districts: RM-4, RM-8, RM-12, SPC, MS, WMU, S, MF, MV, NC, LC and RD.

2. All *lots* created in a *zero lot line residential subdivision* shall be buildable *lots* (the appropriate size to construct a home) and shall be a minimum of .05 acres in size with a minimum *lot* width of 20 feet.

3. All lots in a *zero lot line residential subdivision* shall have a 50% maximum impervious coverage.

4. All *zero lot line residential subdivisions* shall provide 16% minimum open space.

5. No structure shall be located closer than ten feet from adjacent property lines, with the exception of structures that have a wall that rests on a common property line.

6. Where a proposed *zero lot line residential subdivision* is adjacent to an existing single family detached residential neighborhood or use, a setback of 20 feet is required along the perimeter of the proposed subdivision.

7. Where a proposed *zero lot line residential subdivision* is adjacent to an existing single family detached residential neighborhood or use, a Type A buffer, Option 1, is required along the perimeter of the proposed subdivision.

8. A *zero lot line residential subdivision* is not permitted on existing *lots* of record that were not previously platted as a *zero lot line residential subdivision*, unless the entire previously platted subdivision is combined and re-platted to be a *zero lot line residential subdivision*.

#### E. Street Access



# Exhibit A

## Proposed Zero Lot Line Subdivision Amendments

### Chapter 16-10: Definitions, Interpretation, and Measurement

#### Section 16-10-103. Use Classifications, Use Types, and Definitions

##### A. Residential Uses

##### 2. Use Types and Definitions

**Multifamily** - A *building, parcel, or development* containing three or more *dwelling units*. This *use* includes townhouse developments, if all units are on one lot, and manufactured housing parks.

**Townhouse** – A multi-story structure containing one *dwelling unit* which is attached to one or more similar structures by shared walls in a *development*.

#### Section 16-10-105 – General Definitions

**Zero Lot Line Residential Subdivision** – A *subdivision* which permits side by side, *single family dwelling units* that have a minimum of seventy-five percent of the total party wall adjoined together as a common wall on a common shared property line. This includes *townhouse* developments if each dwelling unit is on a separate *lot*.



# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

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**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Shawn Colin, AICP, *Director of Community Development*  
**FROM:** Teri Lewis, AICP, *Deputy Director of Community Development*  
**CC:** Nicole Dixon, AICP, CFM, *Development Review Administrator*  
**DATE:** January 24, 2020  
**SUBJECT:** 2019 LMO Amendments – Set 2  
Proposed Ordinance #2020-03

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### **Recommendation**

The Public Planning Committee recommends that Town Council approve the proposed amendments.

On January 23, 2020, the Public Planning Committee reviewed the proposed 2019 LMO Amendments – Set 2 and voted unanimously to recommend that Town Council approve the proposed amendments with the change listed below.

### **Summary**

The proposed amendments were reviewed by the Public Planning Committee at their meeting on January 23, 2020. At that meeting the Committee voted to forward the proposed amendments to Town Council with a recommendation of approval with the following change:

- The amendment related to allowing HVAC units to encroach up to 5 feet into a setback not move forward for adoption.

The proposed amendments were reviewed by the Planning Commission at their meeting on January 15, 2020. At that meeting the Commission voted to forward the draft amendments to the Public Planning Committee with a recommendation of approval.

The LMO Committee met on October 30, 2019 and recommended approval of the proposed amendments.

### **Background**

The LMO is generally amended on a bi-annual basis. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

### **Attachment**

- A. Rationale – 2019 LMO Amendments – Set 2

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2020-#**

**PROPOSED ORDINANCE NO. 2020-03**

**AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO) , CHAPTERS 2, 3, 4, 5, 10 AND APPENDIX D. THESE AMENDMENTS, COMMONLY REFERRED TO AS *GENERAL 2019 AMENDMENTS – SET 2* AS NOTICED IN THE ISLAND PACKET ON DECEMBER 15, 2019, INCLUDE CHANGES THAT PROVIDE FOR GENERAL AMENDMENTS TO A VARIETY OF SECTIONS IN THE LMO DESCRIBED ON EXHIBIT “A” TO THIS ORDINANCE, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

**WHEREAS**, from time to time it is necessary to amend the LMO; and

**WHEREAS**, the LMO Committee held a public meeting on October 30, 2019 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed amendments; and

**WHEREAS**, the LMO Committee recommended that the proposed amendments be forwarded to the Planning Commission with a recommendation of approval; and

**WHEREAS**, the Planning Commission held a public hearing on January 15, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

**WHEREAS**, after consideration of the Staff presentation and public comments the Planning Commission voted 8-0 to forward the proposed amendments to the Public Planning Committee with a recommendation of approval; and

**WHEREAS**, the Public Planning Committee held a public meeting on January 23, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

**WHEREAS**, after consideration of the staff presentation and public comments, the Public Planning Committee voted 5-0 to recommend approval of the proposed LMO amendments with the exception of the amendment related to HVAC units being permitted to encroach up to five feet into a setback; and

WHEREAS, after due consideration of said LMO amendments and the recommendation of the Planning Commission, the Town Council, upon further review, finds it is in the public interest to approve the proposed amendments.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:**

**Section 1. Amendment.** That the *General 2019 Amendments – Set 2* are adopted and the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

**Section 2. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

\_\_\_\_\_  
John McCann, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

Public Hearing: January 15, 2020  
First Reading:  
Second Reading:

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis L. Coltrane, Town Attorney

Introduced by Council Member: \_\_\_\_\_

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### General Amendments

#### Chapter 16-2: Administration

#### Section 16-2-103.F.5. Subdivision Review (Minor or Major)

##### 5. Effect of Approval

Approval of a Subdivision (Minor or Major) constitutes approval of a ~~final~~ preliminary plat for the *subdivision*. The final plat will not be approved or stamped for recording until issuance of the Certificate of Compliance for the subdivision. Recording of the final plat in the Office of the Register of Deeds for Beaufort County, South Carolina creates developable *lots* that may be sold or otherwise conveyed and may be developed in accordance with *development applications* authorized by this *Ordinance*.

#### Chapter 16-3: Zoning Districts

#### Section 16-3-105.C. Community Commercial District

2. Allowable Principal Uses		
	USE SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF STREET PARKING SPACES
<b>Commercial Services</b>		
<u>Indoor Commercial Recreation</u>	P	<u>1 per 3 persons + 1 per 200 GFA of office or similarly used area</u>

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### Chapter 16-4: Use Standards

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																				
P = Permitted by Right      PC = Permitted Subject to Use-Specific Conditions																				
SE = Allowed as a Special Exception      Blank Cell = Prohibited																				
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS											USE-SPECIFIC CONDITION
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	RC	SPC	CMC	WMS	MS	MS	NC	LC	LR	ME	IS	
COMMERCIAL RECREATION USES																				
Indoor Commercial Recreation Uses									P	P	P	P	P	PC	P	P		P	P	Sec. 16-4-102.B.5.a

### Chapter 16-3: Zoning Districts

#### Section 16-3-106. Overlay Zoning Districts

##### F. Corridor Overlay (COR) District

###### 2. Delineation of District

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).

### Chapter 16-5: Development and Design Standards

#### Section 16-5-102. Setback Standards

##### E. Allowable Setback Encroachments

Table 16-5-102.E, Allowable Setback Encroachments, identifies features that are allowed to encroach beyond the vertical and angled planes defined by minimum adjacent street and use setback requirements.

# Exhibit A

## Proposed General 2019 Amendments – Set 2

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>
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
HVAC Units	May extend up to 5 feet into any setback

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### Section 16-5-109. Stormwater Management and Erosion and Sedimentation Control Standards

#### B. Applicability

##### 1. General

This section applies to all land disturbing activity that disturbs ½ acre or greater of land and all development that is within ½ mile of *coastal receiving waters*, regardless of disturbed area. Additionally, this section applies to any project or activity that is part of a **Larger Common Plan**, regardless of size. Exceptions to these requirements are listed in subsection 2. below.

This section applies to all construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres and, in within one-half (½) mile of *coastal receiving waters* (but not for single-family homes which are not part of a subdivision development), that result in any land disturbance less than five (5) acres. Construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a **larger common plan** of development or sale if the **larger common plan** will ultimately disturb equal to or greater than one (1) and less than five (5) acres. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

#### C. General Standards for Stormwater Management

##### 9. Reference Guides

The standards and design guidelines as set forth in the latest editions of the *Beaufort County Manual for Storm Water Best Management and Design Practices*, the South Carolina DHEC's *Stormwater Management BMP Handbook*, *SCDHEC National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP)* and the *SCDHEC Ocean & Coastal Resource Management (OCRM) Coastal Zone Consistency Certification (CZC) Heightened Stormwater Management Requirement* and the *Georgia Coastal Stormwater Supplement* shall serve as guides to technical specifications for the design and **construction** of various types of stormwater management facilities (including, but not limited to, structural and nonstructural stormwater **best management practices** (BMPs) and **maintenance** standards).

#### D. Drainage Design Standards

##### 1. General

##### a. Design Methodology

ii. The rational method may be used only for sizing individual culverts or storm drains that are not part of a pipe network or system and have a contributing drainage area of ~~20~~ 10 acres or less.



# Exhibit A

## Proposed General 2019 Amendments – Set 2

### 16-10: Definitions, Interpretation, and Measurement

#### Section 16-10-103. - Use Classifications, Use Types, and Definitions

##### E. Commercial Recreation Uses

###### 2. Use Types and Definitions

###### Indoor Commercial Recreation

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

##### G. Commercial Services

###### 2. Use Types and Definitions

###### Other Commercial Services

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

###### Bicycle Shop

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

## APPENDIX D

### D-6. - Development Plan Review, Major

#### F. Site Development Plan

One black line print of a final *site plan* or set of plans, at a minimum scale of 1"=30' or other appropriate scale acceptable to the *Official*, showing the following:

# Exhibit A

## Proposed General 2019 Amendments – Set 2

23. Location of screened outside trash receptacles and/or enclosures for use by the *building* occupants.

24. Location of proposed setback areas as required by Sec. 16-5-102.

### D-7. - Development Plan Review, Minor

#### D. Site Development Plan

One black line print of a final *site plan* or set of plans, at a minimum scale of 1"=30' or other appropriate scale acceptable to the *Official*, showing the following:

23. Location of screened outside trash receptacles and/or enclosures for use by the *building* occupants

24. Location of proposed setback areas as required by Sec. 16-5-102.

### Chapter 16-4: Use Standards

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																						
P = Permitted by Right      PC = Permitted Subject to Use-Specific Conditions																						
SE = Allowed as a Special Exception      Blank Cell = Prohibited																						
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED-USE AND BUSINESS DISTRICTS										USE-SPECIFIC CONDITIONS				
	CON	PR	RS F-3	RSF -5	RSF -6	RM -4	RM -8	RM -12	CR	SP	CC	MS	WMU	S	MF	MV	NC		LC	RD	MED	IL
COMMERCIAL RECREATION USES																						
<i>Outdoor Commercial Recreation Uses</i> Other than <i>Water Parks</i>									PC				PC			PC		PC	PC			Sec. 16-4-102.B.5.a
									SE				SE			SE		SE	SE			

**Exhibit A  
Proposed General 2019 Amendments – Set 2**

**Grinding Operation Amendments**

**Chapter 16-3: Zoning Districts**

**Section 16-3-105. - Mixed-Use and Business Districts**

**E. Light Industrial (IL) District**

IL Light Industrial District			
2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Industrial Uses			
<u>Grinding</u>	<u>SE</u>	<u>Sec. 16-4- 102.B.9.a</u>	<u>1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area</u>

**Chapter 16-4: Use Standards**

**Section 16-4-102. - Principal Uses**

**A. Principal Use Table**

**6. Principal Use Table**

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE				
P = Permitted by Right		PC = Permitted Subject to Use-Specific Conditions		
SE = Allowed as a Special Exception		Blank Cell = Prohibited		
USE CLASSIFIC ATION/ /	SPECI AL DISTR ICTS	RESIDENTIAL DISTRICTS	MIXED-USE AND BUSINESS DISTRICTS	USE- SPECIFI C

# Exhibit A

## Proposed General 2019 Amendments – Set 2

USE TYPE	CO N	P R	RS F- 3	RS F- 5	RS F- 6	R M -4	R M -8	R M - 12	C R	S P C	C C	M S	W M U	S	M F	M V	N C	L C	R D	M E D	I L
<b>INDUSTRIAL USES</b>																					
<u>Grinding</u>																					<u>Sec. 16-</u> <u>4-</u> <u>102.B.9.</u> <u>a</u>

### B. Use-Specific Conditions for Principal Uses

#### 9. Industrial Uses

##### a. Grinding

All facility operations, including but not limited to, operating trucks and other equipment, loading and unloading of logs and materials, and grinding must comply with the decibel levels as stated in Title 17 (Noise Control) of the Municipal Code of the Town of Hilton Head Island. Additionally, all *grinding uses* in the IL district shall comply with the following conditions:

##### i. Locational Restrictions

A *grinding use* shall comply with the following locational restrictions:

01. It shall not be located within 200 feet of the boundary of an RM-4, RM-8 or PD-1 zoning district.
02. These distances shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any *grinding use* is located, and the perimeter boundary of the property on which any *use* from which the separation is required.

##### ii. The minimum acreage for a *grinding use* shall be four net acres.

##### iii. The site shall not have direct vehicular access onto a major or minor arterial.

The above conditions do not apply to properties located within the PD-1 zoning district.

~~a. b.~~ Light Industrial, Manufacturing, and Warehouse Uses

~~b. c.~~ Seafood Processing Facilities

~~e. d.~~ Self-Service Storage

# Exhibit A

## Proposed General 2019 Amendments – Set 2

d. e. [Reserved]

### Chapter 16-5: Development and Design Standards

#### Section 16-5-107. Parking and Loading Standards

#### D. Parking Space Requirements

#### 1. Minimum Number of Parking Spaces

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY/USE TYPE	MINIMUM NUMBER OF PARKING SPACES <sup>1,2,3,4</sup>	
	CR DISTRICT	ALL OTHER DISTRICTS
<b>INDUSTRIAL USES</b>		
<u>Grinding</u>	<u>n/a</u>	<u>1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office or administrative area</u>

### Chapter 10: Definitions, Interpretation and Measurement

#### Section 16-10-103. - Use Classifications, Use Types, and Definitions

#### I. Industrial Uses

#### 2. Use Types and Definitions

#### Grinding

The reduction of vegetative materials in size or volume into materials such as but not limited to mulch or chips.

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### MINISTERIAL AMENDMENTS

#### Chapter 16-2: Administration

#### Section 16-2-103. Application Specific Review Procedures

#### D. Planned Unit Development (PUD) District

#### 4. PUD District Review Standards

In determining whether to recommend that *Town Council* adopt a proposed PUD zoning district classification, the *Planning Commission* may consider and weigh the standards of Sec. 16-2-103.C.3, Zoning Map Amendment (Rezoning) Review Standards, and the extent to which the proposed PUD District complies with the standards of Sec. ~~16-4-104~~ 16-3-105.K, Planned Development Mixed-Use (PD-1) District or Sec. 16-3-106.G, Planned Development Overlay (PD-2) District.

#### Chapter 16-3: Zoning Districts

#### Section 16-3-105. - Mixed-Use and Business Districts

#### I. Mitchelville (MV) District

2. Allowable Principal Uses			
		USE SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF STREET PARKING SPACES
<b>Vehicle Sales and Services</b>			
<i>Watercraft Sales, Rentals, or Services</i>	PC	Sec. 16-4-102.B.8.e <u>f</u>	1 per 200 GFA

#### K. Planned Development Mixed-Use (PD-1) District

3. Principal Uses Restricted by Master Plan			
The Master Plans and associated text, as approved and amended by the Town, establish general permitted <i>uses</i> for the respective PUDs, except as may be modified by an <i>overlay zoning district</i> . Undesignated areas on these Master Plans shall be considered as <i>open space</i> .			
The following <i>uses</i> are restricted to locations where a Town-approved Master Plan or associated text specifically states such <i>uses</i> are permitted. In addition, the <i>use</i> -specific conditions referenced below shall apply to any new such <i>use</i> or change to the site for any existing such <i>use</i> .			
		USE SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF STREET PARKING SPACES
<b>Vehicle Sales and Services</b>			
<i>Gas Sales</i>	PC	Sec. 16-4-102.B.8.d <u>e</u>	
<i>Watercraft Sales, Rentals, or Services</i>	PC	Sec. 16-4-102.B.8.e <u>f</u>	1 per 200 GFA

# Exhibit A

## Proposed General 2019 Amendments – Set 2

### Section 16-3-106. Overlay Zoning Districts

#### G. Planned Development Overlay (PD-2) District

##### 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.4 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

### Chapter 16-5: Development and Design Standards

#### Section 16-5-102. Setback Standards

##### C. Adjacent Street Setback Requirements

TABLE 16 5 102.C: ADJACENT STREET SETBACK REQUIREMENTS				
PROPOSED USE		MINIMUM SETBACK DISTANCE <sup>1/</sup> MAXIMUM SETBACK ANGLE <sup>2</sup>		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
<i>Single-Family</i>	Structure > 24 in high	50 ft <sup>3,4</sup> /75°	40 ft <sup>3,4</sup> / 70°	20 ft <sup>3,4</sup> /60°
	Structure ≤ 24 in high	50 ft <sup>3,4</sup> /n/a	30 ft <sup>3,4</sup> /n/a	10 ft <sup>3,4</sup> /n/a
All Other <i>Uses</i> <sup>5</sup>		50 ft <sup>3,4</sup> /75°	40 ft <sup>3,4</sup> /70°	20 ft <sup>3,4</sup> /60°

# **Exhibit A**

## **Proposed General 2019 Amendments – Set 2**

### **Section 16-5-105. - Mobility, Street, and Pathway Standards**

#### **I. Access to Streets**

##### **7. Gates**

c. Gates shall be located at least 100 feet from any arterial or collector *street* , and shall comply with the stacking distance standards in ~~Sec. 16-5-105.A.5.f~~ Table 16-5-107.I.1, Vehicle Stacking Distance for Drive-Through and Related Uses.

### **Section 16-5-109. Stormwater Management and Erosion and Sedimentation Control Standards**

#### **D. Drainage Design Standards**

##### **1. General**

##### **d. ~~Engineering~~ Stormwater Plan Review Checklist**

Detailed design standards for all stormwater management systems required by this section can be found in the ~~Engineering~~ Stormwater Plan Review Checklist maintained by the Town Engineer.



*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-2: Administration*

*Section 16-2-103.F.5: Subdivision Review – Effect of Approval*

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**Proposed Amendment**

- This change will clarify the language to make it clear that a final plat will not be stamped for recording of the subdivision with Beaufort County until a final Certificate of Compliance (C of C) has been issued.

**Reason for Change**

- The current language has caused some confusion with the public.
- The language indicates that the approval of the subdivision constitutes approval of the plat.
- While the approval of the subdivision and issuance of the Notice of Action (written approval) does constitute approval of the plat, the plat will not be stamped for recording until the C of C is issued.
- A C of C is not issued until staff inspects the site and determines that all requirements such as infrastructure, fire lanes and landscaping have been met.
- Once the C of C is issued, staff stamps the plat, the applicant gets the plat recorded with Beaufort County and the lots are then subdivided and can be sold.

**Pros and Cons of Amendment**

<i>Pros:</i>	The process will be easier to understand.
<i>Cons:</i>	None

**Additional Information**

- Without this process in place of requiring the C of C prior to stamping of the final plat, staff would not be able to ensure that all requirements of the subdivision plan were met.

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval with a minor change to the language.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

---

*Chapter 16-3: Zoning Districts*

*Section 16-3-105.C.2: Community Commercial (CC) Zoning District  
– Allowable Principal Uses*

*Chapter 16-4: Use Standards*

*Table 16-4-102.A.6: Principal Use Table*

---

**Proposed Amendment**

- This change will allow an Indoor Commercial Recreation use as an allowed use in the CC zoning district.

**Reason for Change**

- Indoor Commercial Recreation uses fit in with the purpose statement of the CC zoning district but are currently not allowed in this district.

**Pros and Cons of Amendment**

<i>Pros:</i>	This will allow for an appropriate use to be located in an appropriate zoning district. It will allow opportunities for existing empty commercial spaces to be filled with an appropriate use. Staff has had several requests for this type of use in existing vacant spaces in the CC zoning district and has had to turn them down.
<i>Cons:</i>	

**Additional Information**

- The purpose of the CC zoning district is to provide lands for community-scale commercial activity centers that attract people from the island and the mainland. The district is more auto-oriented than some business districts, and provides land for moderate-sized retail stores. The district also provides opportunities for limited vehicle sales and service uses.
- Indoor Commercial Recreation uses are establishments that offer entertainment activities, events or attractions to the general public on a commercial or fee basis.
- Examples of this use include: movie theaters, stage theaters, auditoriums, amusement and electronic game arcades (video games, pinball, etc.), pool or billiard tables, theme or amusement parks, boardwalks, midway type attractions such as rides, bumper cars, go-cart tracks, game booths, bowling alleys, pool halls, dance studios and dance halls, indoor firing ranges, health clubs and spas, indoor tennis and swimming pools, and indoor archery ranges.
- All of the above uses must be located indoors to be allowed.
- Staff has received several requests to open indoor recreation businesses in this district and has had to turn them down even though there is no legitimate reason to not allow this use in this district.
- This use was permitted in this district prior to the LMO Rewrite.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-3: Zoning Districts*  
*Section 16-3-106.F.2.f: Corridor Overlay (COR) District –*  
*Delineation of District*

---

**Proposed Amendment**

- This will allow projects that fall within the COR but are not visible from the OCRM Baseline or the OCRM Critical Line to be reviewed through the Minor Corridor Review Procedure.

**Reason for Change**

- Currently projects that fall within the COR but are not visible from an arterial right-of-way are reviewed through the Minor Corridor Review Procedure rather than the Major Corridor Review Procedure. This change will allow a shorter review time and it will eliminate unnecessary projects from going to the DRB.

**Pros and Cons of Amendment**

<i>Pros:</i>	The process will be easier to understand and clearer for the applicants. It will also allow for shorter review times in keeping with Department goals.
<i>Cons:</i>	

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-5: Development and Design Standards*  
*Table 16-5-102.E – Allowable Setback Encroachments*

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**Proposed Amendment**

- This change will add HVAC units to the table of allowable setback encroachments.

**Reason for Change**

- Several developers of homes on smaller lots have approached the Town about why other encroachments such as uncovered porches, stoops, decks, patios and terraces are allowed but HVAC units are not. Since those other uses can have items on them, staff believes that allowing a platform with an HVAC on it is consistent with other setback encroachments.

**Pros and Cons of Amendment**

<i>Pros:</i>	This will create some relief for developers and will allow a greater use of the lot.
<i>Cons:</i>	The noise from the HVAC unit may cause problems with adjacent neighbors.

**Additional Information**

- Similar to other encroachments, HVAC units would be permitted to extend up to 5 feet into any setback.

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to not move this amendment forward for adoption.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-5: Development and Design Standards*  
*Section 16-5-109.B.1: Stormwater Management and Erosion and Sedimentation Control Standards – Applicability*

---

**Proposed Amendment**

- This change will clarify that stormwater requirements are applicable to any land disturbing activity that both disturbs ½ acre of land or greater and is within ½ mile of coastal receiving waters.

**Reason for Change**

- This change is necessary to mirror the South Carolina Department of Health and Environmental Control (SCDHEC) regulations which will make it easier for applicants to understand all of the stormwater regulations. Currently the LMO requires any land disturbing activity that disturbs ½ acre or greater or is within ½ mile of coastal receiving waters to comply with the Town’s stormwater standards.

**Pros and Cons of Amendment**

<i>Pros:</i>	The process will be easier for the public to understand. It will eliminate the conflict with SCDHEC requirements.
<i>Cons:</i>	

**Additional Information**

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval with minor changes to the language.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-5: Development and Design Standards*  
*Section 16-5-109.C.9: Stormwater Management and Erosion and Sedimentation Control Standards – General Standards for Stormwater Management – Reference Guides*

---

**Proposed Amendment**

- This change will add the SCDHEC National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) and the SCDHEC Ocean & Coastal Resource Management (OCRM) Coastal Zone Consistency Certification (CZC) Heightened Stormwater Management Requirement to the list of acceptable reference guides.

**Reason for Change**

- The LMO should include these references to facilitate the efforts of non-local engineers and design professionals.

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-5: Development and Design Standards*  
*Section 16-5-109.D.1.a: Stormwater Management and Erosion and Sedimentation Control Standards – General Standards for Stormwater Management – Design Methodology*

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**Proposed Amendment**

- This change will state that the rational method (one of two accepted hydrological methodologies for computing surface runoff) may be used only for sizing individual culverts or storm drains that are not part of a pipe network or system and have a contributing drainage area of 10 acres or less.

**Reason for Change**

- These changes are necessary to reflect the standards found in SCDHEC’s guidance for stormwater plan review.

**Pros and Cons of Amendment**

<i>Pros:</i>	The process will be easier for the public to understand. It will eliminate the conflict with SCDHEC requirements.
<i>Cons:</i>	

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.



*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-10: Definitions, Interpretation, and Measurement*  
*Section 16-10-103.E.2: Use Classifications, Use Types and*  
*Definitions – Commercial Recreation Uses – Use Types and*  
*Definitions – Indoor Commercial Recreation*  
*Section 16-10-103.G.2: Use Classifications, Use Types and*  
*Definitions – Commercial Services Uses – Use Types and Definitions*  
*– Other Commercial Services*

---

**Proposed Amendment**

- This change will delete health club/spa from examples under Indoor Commercial Recreation.
- This change will add health club/spa as an example under Other Commercial Services.

**Reason for Change**

- It is more logical for this use to be considered ‘Other Commercial Services’.

**Pros and Cons of Amendment**

<i>Pros:</i>	
<i>Cons:</i>	

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-10: Definitions, Interpretation, and Measurement*  
*Section 16-10-103.G.2: Use Classifications, Use Types and*  
*Definitions – Commercial Services Uses – Use Types and Definitions*  
*– Bicycle Shop*

---

**Proposed Amendment**

- This change will add ‘screened’ in front of ‘outdoor storage’ in the Bicycle Shop definition.

**Reason for Change**

- Outdoor bike storage always has to be screened per the conditions for bicycle shops found in Chapter 4. This will add clarification and consistency.

**Pros and Cons of Amendment**

<i>Pros:</i>	This will make it easier for applicants to understand what is required of them.
<i>Cons:</i>	

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Appendix D: Application Submittal Requirements*

*D-6.F.23: Development Plan Review, Major – Site Development Plan*

*D-7.D.23: Development Plan Review, Minor – Site Development Plan*

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**Proposed Amendment**

- This change will add a requirement that dumpsters be screened in keeping with the Design Guide.

**Reason for Change**

- The Design Guide (specifically page 32) requires that dumpsters be screened.

**Pros and Cons of Amendment**

<i>Pros:</i>	This will make the process easier to understand.
<i>Cons:</i>	

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 3-1 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*D-6.F: Development Plan Review, Major – Site Development Plan*  
*D-7.D: Development Plan Review, Minor – Site Development Plan*

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**Proposed Amendment**

- This change will require that setbacks be shown on the site plan.

**Reason for Change**

- Setbacks are required but were inadvertently left off of the list of requirements.

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-4: Use Standards*  
*Table 16-4-102.A.6: Principal Use Table*

---

**Proposed Amendment**

- This change will require that outdoor commercial recreation uses be approved by special exception.

**Reason for Change**

- Staff recently determined that a go-cart track was not a permitted Outdoor Commercial Recreation use because it is listed as an example of Indoor Commercial Recreation uses. This determination was appealed to the BZA and they reversed staff's decision because they believed the list of examples was not intended to be exhaustive. There is concern that some Outdoor Commercial Recreation uses may not be appropriate on every parcel where they are permitted. A special exception review allows the BZA to review the potential use against specific criteria and approve or deny the proposed location.

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
October 16, 2019: The LMO Committee voted 3-0 to ask staff to bring this amendment back to the Committee with the following change: <ul style="list-style-type: none"><li>▪ Make Outdoor Commercial Recreation uses Special Exception uses in the zoning districts where these uses are permitted.</li></ul>
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval. The Commission also asked that the existing condition related to vehicular access be reviewed by the LMO Committee at a future meeting.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Chapter 16-3: Zoning Districts*

*Section 16-3-105.E.2: Light Industrial (IL) District, Allowable Principal Uses*

*Chapter 16-4: Use Standards*

*Section 16-4-102.A.6: Principal Use Table*

*Section 16-4-102.B.9: Use-Specific Conditions for Principal Uses, Industrial Uses*

*Chapter 16-5: Development and Design Standards*

*Section 16-5-107: Parking and Loading Standards*

*Table 16-5-107.D.1: Minimum Number of Parking Spaces*

*Chapter 16-10: Definitions, Interpretation, and Measurement*

*Section 16-10-103.I: Use Classifications, Use Types, and Definitions, Industrial Uses*

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**Proposed Amendment**

- These amendments will establish grinding as a standalone use and will provide for where it is allowed, establish conditions, required parking spaces and a definition.

**Reason for Change**

- As a result of various noise complaints related to grinding, amendments to the Municipal Code were recently adopted. In conjunction with those changes, staff is proposing to add grinding as a standalone use to make it clear what is considered grinding and where it is allowed.

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
October 16, 2019: The LMO Committee voted 3-0 to ask staff to bring this amendment back to the Committee with the following change: <ul style="list-style-type: none"><li>▪ Exempt PD-1 zoning districts from the conditions associated with these amendments.</li></ul> The Committee also requested that staff inform Bruno Landscaping and Nursery about these proposed amendments.
<i>Planning Commission</i>

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
---

<i>Public Planning Committee</i>
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January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.
--

*Attachment A*  
*Rationale for General 2019 Amendments – Set 2*

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*Ministerial Amendments*

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**Chapter 16-2**

Section 16-2-103.D.4 – PUD District Review Standards

- There is an incorrect reference that will be corrected.

**Chapter 16-3**

16-3-105.I (MV), 16-3-105.K (PD-1) and Table 16-3-106.G.4 (PD-2 Listed Master Plan)

- There are incorrect references that will be corrected.

**Chapter 16-5**

Table 16-5-102.C (Adjacent Street Setback Requirements)

- There is an incorrect footnote labeled which will be corrected.

16-5-105.I.7.c (Access to Streets)

- There is an incorrect reference that will be corrected.

16-5-109.D.1.d (Engineering Checklist)

- The checklist has been renamed and this new name will be reflected.

**Recommendations**

<i>LMO Committee</i>
October 30, 2019: The LMO Committee voted 4-0 to forward this amendment to the Planning Commission with a recommendation of approval.
<i>Planning Commission</i>
January 15, 2020: The Planning Commission voted 8-0 to forward this amendment to the Public Planning Committee with a recommendation of approval.
<i>Public Planning Committee</i>
January 23, 2020: The Public Planning Committee voted 5-0 to forward this amendment to Town Council with a recommendation of approval.





## **MEMORANDUM**

**TO:** Town Council

**FROM:** John Troyer, CPA, Director of Finance

**VIA:** Stephen G. Riley, ICMA-CM, Town Manager

**DATE:** March 26, 2020

**RE:** **First Reading of Proposed Ordinance No. 2020-04**

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### **Recommendation:**

Staff recommends Town Council approve the first reading of Proposed Ordinance No. 2020-04 to amend the General and Capital Projects Funds' budgets for the fiscal year ending June 30, 2020.

### **Summary:**

In conjunction with the development of the new year's budget, Staff recommends a mid-year budget amendment to realign the original budgeted plans with expected actual results.

### **Background:**

All Funds are assessed during the year and amendments are recommended when appropriate. For fiscal year 2020, staff recommends amendments for the General, Capital Project and Disaster Funds.

For the **General Fund**, the amendment request is to:

1. Replenish the Disaster Advertising Reserve after Hurricane Dorian and Coronavirus communications.
2. Increase Facilities Management budget to allow for an extended Wexford office lease until Town Hall office renovations are complete using, the expense of which is partially offset by the remainder of Municipal Court's appropriations.
3. Reduce the transfer from ATAX funding and increase the transfer from Hospitality Tax funding due to the Town's Accommodations Tax Grant award reduction.
4. Provide funding for the Project Education Initiative.
5. Provide funding for the demolition of unsafe property.

In the **Capital Projects Fund**, the requests are as follows:

1. Reallocate unspent funding from the Bluffton Flyover project to the Hilton Head Airport for its improvements.
2. Transfer funds from the Fire Rescue Training Center Enhancement project, which has not yet begun, for the construction of a Fire Rescue vehicle storage shed.
3. Increase funding for the relocation of St. James Church.
4. Increase funding for the provision of AEDs in the new Lowcountry Celebration Park.

In the **Disaster Fund**, the request is to repay the Stormwater funds that were temporarily needed for Hurricane Matthew response.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2020-04**

**AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2020; TO PROVIDE FOR THE EXPENDITURES OF CERTAIN FUNDS; TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

**WHEREAS**, the Town Council did adopt the budget on June 4, 2019, and

**WHEREAS**, pursuant to the budget amendment policy as stated in the Town's annual budget document, the Town Council is desirous of amending the budget so as to provide for additional revenues, and the expenditures and certain other commitments from the Fund Balance and other revenue sources, as well as to correct budget appropriations for certain projects in the General and Capital Projects Funds.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL:**

Section 1 Amendment. The adopted 2020 fiscal year budget is amended to make the following changes as increases and decreases to the funds from prior years and to the projected revenue and expenditure accounts as shown as follows on attachment A.

Section 2 Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3 Effective Date. This Ordinance shall be effective upon its enactment by the Town Council of the Town of Hilton Head Island.

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2020-04**

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF  
HILTON HEAD ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
John McCann, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer  
Town Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis L. Coltrane  
Town Attorney

Introduced by Council Member:

\_\_\_\_\_

**ATTACHMENT A**

**General Fund**

<u><i>Account Description</i></u>	<u><i>Amount</i></u>
<b><i>Revenues:</i></b>	
Disaster Advertising Reserve -- Dorian	175,000
Disaster Advertising Reserve -- Corona Virus	175,000
State Shared Income	40,000
Local ATAX	47,000
Transfer from ATAX Funding (Due to Change in Town ATAX Grant)	(43,000)
Transfer from HTAX Funding (Due to Change in Town ATAX Grant)	43,000
 Building Permits	 60,000
<b>Total Revenues</b>	<b><u><u>497,000</u></u></b>
<b><i>Expenditures:</i></b>	
Transfer to Disaster Advertising to replenish funds after Dorian	175,000
Transfer to Disaster Advertising to replenish funds for Corona Virus	175,000
Facilities Management - Extend Wexford Office Lease	27,000
Municipal Court Closeout Appropriations	(15,000)
Consultant -- Project Education Initiative	75,000
Unsafe Property Demolition	60,000
<b>Total Expenditures</b>	<b><u><u>497,000</u></u></b>

The purpose of the General Fund amendment is to 1.) replenish the Disaster Advertising Reserve after Hurricane Dorian and Coronavirus communications, 2.) increase Facilities Management budget to allow for an extended Wexford office lease until Town Hall office renovations, the expense of which is partially offset by the remainder of Municipal Court's appropriations, 3.) reduce the transfer from ATAX funding and increase the transfer from Hospitality Tax funding due to the Town's Accommodations Tax Grant award reduction, 4.) provide funding for the Project Education Initiative, and 5.) provide funding for the demolition of unsafe property.

ATTACHMENT A, CONT.

Capital Projects Fund

<u>Account Description</u>	<u>Amount</u>	
<b>Revenues:</b>		
Sale of Land	138,000	
Hospitality Tax	2,000	
<b>Total Revenues</b>	<b><u>140,000</u></b>	
<b>Expenditures:</b>	<b>Funding Source</b>	
Contribution towards Airport Improvements	Hospitality Tax	45,000
Bluffton Flyover Unspent Funding	Hospitality Tax	(45,000)
Fire Rescue Fuel Truck Shed	Hospitality Tax	90,000
Fire Rescue Training Center Enhancements	Hospitality Tax	(90,000)
St. James Church	Sale of Land	138,000
Lowcountry Celebration Park - AEDs	Hospitality Tax	2,000
<b>Total Expenditures</b>		<b><u>140,000</u></b>

The purpose of the Capital Projects Fund amendment is to 1.) reallocate unspent funding from the Bluffton Flyover project to the Hilton Head Airport for its improvements, 2.) transfer funds from the Fire Rescue Training Center Enhancement project, which has not yet begun, for the construction of a Fire Rescue vehicle storage shed, 3.) increase funding for the relocation of St. James Church, and 4.) increase funding for the provision of AEDs in the new Lowcountry Celebration Park.

Disaster Fund

<u>Account Description</u>	<u>Amount</u>
<b>Revenues:</b>	
FEMA Reimbursements	1,000,000
<b>Total Revenues</b>	<b><u>1,000,000</u></b>
<b>Expenditures:</b>	
Transfer to Stormwater Fund to repay amounts temporarily needed for Hurricane Matthew response	1,000,000
<b>Total Expenditures</b>	<b><u>1,000,000</u></b>

The purpose of the Disaster Fund amendment is to repay the Stormwater funds that were temporarily needed for Hurricane Matthew response.

**ORDINANCE NO.**

**PROPOSED ORDINANCE NO. 2020-04**

**ATTACHMENT A, CONT.**

The effects of this amendment for fiscal year 2020 are presented below.

	General Fund		Cap Proj Fund		Debt Service	
	Expenditures	Revenues & Transfers In	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In & Other Sources	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In
Current Balance	\$ 42,663,157	\$(42,999,791)	\$ 48,950,370	\$ (48,950,378)	\$ 21,500,000	\$(21,500,000)
Amendment	497,000	(497,000)	140,000	(140,000)	-	-
Revised Balance	\$ 43,160,157	\$(43,496,791)	\$ 49,090,370	\$ (49,090,378)	\$ 21,500,000	\$(21,500,000)

**Enterprise Fund  
Stormwater Fund**

	Expenditures & Transfers Out	Revenues & Transfers In
Current Balance	\$ 8,626,106	\$(8,626,107)
Amendment	-	-
Revised Balance	\$ 8,626,106	\$(8,626,107)

**Proposed Emergency Ordinance: 2020-\_\_ Emergency Ordinance 2020-\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE PURPOSE OF ENACTING REVISED EMERGENCY TOWING PROCEDURES IN THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ENACTED IN EMERGENCY ORDINANCE 2020-06 ON MARCH 21, 2020**

**WHEREAS**, On March 16, 2020, Mayor John J. McCann,, under the authority of § 7-7-20, *Municipal Code of the Town of Hilton Head Island* (1983), declared a State of Emergency throughout the Town arising from the COVID-19 pandemic; and,

**WHEREAS**, the Town Council ratified and approved the Mayor's declaration by public vote on Tuesday, March 17, 2020; and,

**WHEREAS**, on March 21, 2020, the Town adopted Emergency Ordinance 2020-06, prohibiting the parking of vehicles within the right of way of any public road within the municipal limits of The Town of Hilton Head Island, South Carolina , and

**WHEREAS**, the Town has determined that during the State of Emergency, it is in the best interests of the Town and its citizens and residents to prohibit the parking of any vehicle in any public right of way within the municipal limits of the Town, in any Town owned parking lot, Town owned Beach Access parking area, in any designated and marked parking space on any public road, and on any Town owned property; and,

**WHEREAS**, the Town Council has the authority to adopt emergency ordinances under S. C. Code Ann. § 5-7-250(d)(Supp. 2019); and,

**WHEREAS**, the Town has determined that the removal of any illegally parked vehicles will facilitate the continuity of emergency and other services and serve the public welfare, and

**WHEREAS**, it is in the best interest of the Town that this emergency ordinance be



considered and adopted by the Town Council, and that it be put into effect immediately and

**NOW, THEREFORE, BE IT, AND IT HEREBY IS, ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL, AND S. C. CODE ANN. § 5-7-250(D)(SUPP. 2019), AS FOLLOWS:**

1. This Emergency Ordinance replaces Emergency Ordinance 2020-06, dated March 21, 2020.

2. The parking of any vehicle in:

- (a) the right of way of any public road within the municipal limits of The Town of Hilton Head Island, South Carolina; or,
- (b) any Town owned parking lot; or,
- (c) any Town owned Beach Access parking area
- (d) any designated and marked parking space on any public road; or,
- (e) any Town owned property, including but not limited to, entrance or access roads to Town parks, open space, power line or utility easement areas,

is declared unlawful and is prohibited.

3. The following are exempted from the Ordinance:

- (a) Beaufort County Sheriff's Department vehicles;
  - (b) Town Fire Department, EMS and other official vehicles;
  - (c) vehicles in the parking lot of Town Hall, Town Fire Stations, or Town Facilities Management Offices, or parked by Town Officials or Town Employees in furtherance of official Town activities or Town work;
- and,

(d) vehicles of any utility provider while engaged in installation, repair or maintenance of utilities.

4. Any vehicle parked in violation of this Ordinance is hereby declared to be a public nuisance.

5. The Town Manager or his designee may cause the removal of any vehicle that is parked in violation of this Ordinance, to a storage area and that any and all costs associated with the removal and storage of any such vehicle shall be the personal obligation of the owner of the vehicle.

6. To the extent that any this Ordinance conflicts with any term of the Municipal Code of the Town of Hilton Head Island, including but not limited to, §§ 12-1-411 through 416, this Ordinance shall control.

7. This Emergency Ordinance becomes effective immediately upon adoption by two thirds ( $\frac{2}{3}$ ) affirmative vote of the Town Council for The Town of Hilton Head Island, South Carolina, and will expire upon the first of the following to occur:

(a) the sixty first day following adoption; or,

(b) the expiration of the State of Emergency declaration dated March 16, 2020.

8. The Town Manager shall immediately cause this Ordinance to be posted on the Town of Hilton Head Island website, and copies of it shall be distributed to all parties on the Town's "News Media List."

**MOVED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF APRIL,  
2020.**

\_\_\_\_\_  
John J. McCann, Mayor

ATTEST:

By: \_\_\_\_\_  
Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM: 

  
\_\_\_\_\_  
Curtis L. Coltrane

Introduced by Council Member: \_\_\_\_\_

Read and Adopted on: April \_\_\_\_, 2020.

**Proposed Emergency Ordinance: 2020-\_\_    Emergency Ordinance 2020-\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BANNING THE SHORT TERM RENTAL OF ANY RESIDENCE, HOTEL OR MOTEL ROOM, CONDOMINIUM, APARTMENT OR ANY OTHER FORM OF ACCOMMODATIONS IN THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA.**

**WHEREAS**, on March 13, 2020, the President of the United States of America declared a national emergency related to the spread of Coronavirus and COVID-19 throughout the United States of America; and,

**WHEREAS**, on March 13, 2020, Governor Henry D. McMaster declared a State of Emergency in the State of South Carolina; and,

**WHEREAS**, On March 16, 2020, Mayor John J. McCann,, under the authority of § 7-7-20, Municipal Code of the Town of Hilton Head Island (1983), declared a State of Emergency throughout the Town arising from the COVID-19 pandemic; and,

**WHEREAS**, the Town Council ratified and approved the Mayor's declaration by public vote on Tuesday, March 17, 2020; and,

**WHEREAS**, the South Carolina Department of Health and Environmental Control has confirmed person to person spread of COVID-19 in South Carolina the most recent, reliable information is that there are at least 1,917 cases of COVID-19 in South Carolina, and at least 156 cases in Beaufort County, South Carolina; and,

**WHEREAS**, there is no vaccine effective to prevent the spread of COVID-19 available at this time; and,

**WHEREAS**, if COVID-19 spreads on Hilton Head Island in the same manner as has been reported in other parts of South Carolina and the United States of America, the demand for medical facilities and treatment may exceed the locally available supply; and,

**WHEREAS**, if COVID-19 spreads on Hilton Head Island in the same manner as has been reported in other parts of South Carolina and the United States of America, all essential services and businesses, including critical utilities, food supply, pharmacies, government services, may be negatively impacted by absenteeism resulting from COVID-19 illness; and,

**WHEREAS**, if COVID-19 spreads on Hilton Head Island in the same manner as has been reported in other parts of South Carolina and the United States of America, the number of persons buying excessive quantities of personal protective, cleaning and disinfecting supplies will increase beyond current levels, resulting in a lack of a fair and equitable distribution of such things; and,

**WHEREAS**, enacting measures to control the spread of COVID-19 promotes the health, safety and welfare of all persons and limits the spread of COVID-19 in the general population and health care community; and,

**WHEREAS**, it is vitally important to all persons in The Town of Hilton Head Island, South Carolina, that everyone work together to impede the spread of COVID-19 in the Hilton Head Island community now, rather than suffer the certain and devastating consequences that will ensue from a failure to act; and,

**WHEREAS**, the Town Council for The Town of Hilton Head Island, South Carolina, has the authority to adopt emergency ordinances under S. C. Code Ann. § 5-7-250(d)(Supp. 2019); and,

**WHEREAS**, it is in the best interest of all persons in The Town of Hilton Head Island, South Carolina, that this emergency ordinance be considered and adopted by the Town Council, and that it be put into effect immediately.

**NOW, THEREFORE, BE IT, AND IT HEREBY IS, ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL, AND S. C. CODE ANN. § 5-7-250(D)(SUPP. 2019), AS FOLLOWS:**

1. Adoption of State Emergency Order- The Town of Hilton Head Island does hereby adopt as the law of the Town the Emergency Order# 2020-19 issued by the Governor of the State of South Carolina restricting and limiting short term rental of accomodateion in the Town of Hilton Head Island.
2. Effective at 12:01 o'clock, A. M., on April 8, 2020, owners of Short Term Rental accommodations, and their property managers are directed to cease and desist from short rentals of accommodations to anyone for occupancy commencing during the term of this ordinance.
3. Effective at 12:01 o'clock, A. M., no person shall check in or begin occupancy of any Accommodations under any Short Term Rental for occupancy during the term of this ordinance.
4. Any Accommodations occupied under any terms by persons responding to the COVID-19 Emergency, including law enforcement personnel, emergency/first responder personnel, physicians, nurses, physician's assistants, hospital staff, health agency staff (local, state and federal), or individuals engaged in providing critical services are exempt from this Ordinance.
5. Any person who is currently occupying any Accommodations under a Short Term Rental Agreement and who checked in or began occupancy of the Accommodations prior to 12:01 o'clock, A. M., on April 8, 2020, is exempt from this Ordinance.
6. This Emergency Ordinance becomes effective immediately upon adoption by two

thirds ( 2/3) affirmative vote of the Town Council for The Town of Hilton Head Island, South Carolina, and will expire upon the first of the following to occur:

- (a) the sixty first day following adoption; or,
- (b) the expiration of the State of Emergency declaration dated March 16, 2020

6. The Town Manager shall immediately cause this Ordinance to be posted on the Town of Hilton Head Island website, and copies of it shall be distributed to all parties on the Town’s “News Media List.”

**MOVED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF APRIL, 2020.**

\_\_\_\_\_  
John J. McCann, Mayor

ATTEST:

By: \_\_\_\_\_  
Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis L. Coltrane

Introduced by Council Member: \_\_\_\_\_

Read and Adopted on: April \_\_\_\_, 2020.