



Town of Hilton Head Island
Planning Commission Special Meeting
Wednesday, March 8, 2023, 3:00 p.m.
AGENDA

The Planning Commission Meeting will be held in person at Town Hall in the Benjamin M. Racusin Council Chambers. The meeting can be broadcast and can be viewed at: [Beaufort County Channel](#), the [Town's YouTube Channel](#), and Spectrum Channel 1304.

1. Call to Order

2. Pledge of Allegiance

3. 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.

4. Roll Call

5. Approval of Agenda

6. Appearance by Citizens

Citizens may submit written comments via the [Town's Open Town Hall Portal](#). The portal will close at 4:30 p.m. the day prior to the scheduled meeting. Comments submitted through the portal will be provided to the Commission and made part of the official record.

7. Unfinished Business

8. New Business

a. Review of Proposed Ordinance 2023-08 Amending Section 16-2-103.(F)

9. Commission Business

10. Chairman's Report

11. Staff Reports

12. Adjournment

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



TOWN OF HILTON HEAD ISLAND

Planning Commission

TO: Planning Commission
FROM: Missy Luick, *Assistant Community Development Director*
VIA: Shawn Colin, *Assistant Town Manager – Community Development*
DATE: March 3, 2023
SUBJECT: Review of Proposed Ordinance 2023-08 Amending Section 16-2-103.(F) (Clarifying the Process for Reviewing Requested Amendments to a Previously Platted Major Subdivision) of Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance (LMO).

RECOMMENDATION:

That the Planning Commission review the proposed Land Management Ordinance (LMO) Amendments and recommend to Town Council adoption of an Ordinance revising the language of LMO Section 16-2-103(F)(7).

BACKGROUND:

Town Council is meeting on March 7, 2023 to hold a revised first reading of the proposed ordinance.

Town Council approved Proposed Ordinance 2023-06 outlining LMO amendments unanimously at first reading on February 14, 2023. The language of Section 16-2-103(F)(7) was proposed as follows: (language that has a ~~strikethrough~~ is being proposed for removal and language that is double underlined is being proposed as an addition.)

7. Amendment Deviations to Platted Single-Family Residential Subdivisions

~~An approved Minor or Major Subdivision may be modified or amended only in accordance with the procedures and standards established for its original approval.~~

a. For a previously platted single-family residential subdivision, any changes proposed to be made to commonly owned property such as open space, rights-of-way, amenities and parking or any lot combinations or subdivisions that will result in an increase in density or additional lots shall require approval by the Planning Commission following a public hearing of the Planning Commission.

b. A decision to approve a proposed change to a previously platted subdivision shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of lots in the subdivision arising from:

- i. Increased burdens on utility of roadways caused by off-site parking;
- ii. Increased burdens on amenities in the subdivision caused by increased numbers of dwelling units;
- iii. Overcrowding in the subdivision;
- iv. Increased noise and traffic in the subdivision; and
- v. Decreased utility of amenities and other commonly owned property.

When Proposed Ordinance 2023-06 was presented for second reading on February 21, 2023, Town Council expressed concerns regarding the clarity and intent of the proposed language within Section 16-2-103(F)(7). As a result, Town Council directed that this provision be removed from the larger group of proposed amendments and that it be clarified and brought back separately at the next Town Council meeting.

Based on this direction, staff modified the language of the proposed amendment slightly to make it clear that the section only applies to Hilton Head Island approved Major Subdivisions, that it includes a statement outlining the purpose and intent of these provisions, and that it further clarifies that these provisions do not apply to Family Subdivisions which are addressed in a separate code section, 16-2-103(Y). Staff is therefore recommending that the language of Section 16-2-103(F)(7) be approved and adopted as follows:

7. Deviations to ~~Platted Single-Family Residential Subdivisions~~ from Previously Approved Major Subdivisions

The purpose and intent of these provisions is to require additional review and approval of proposed amendments to previously approved single-family residential Major Subdivisions.

For a previously platted single-family residential Major Subdivision, any changes proposed to be made to commonly owned property such as open space, rights-of-way, amenities, parking, or any lot combinations or subdivisions that will result in either an increase in density or additional lots, shall require approval by the Planning Commission following a public hearing of the Planning Commission.

A decision to approve a proposed change to a previously platted subdivision shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of existing lots within the subdivision arising from:

- i. Increased burdens on utility of roadways caused by off-site parking;

- ii. Increased burdens on amenities in the subdivision caused by increased numbers of dwelling units;
- iii. Overcrowding in the subdivision;
- iv. Increased noise and traffic in the subdivision; and
- v. Decreased utility of amenities and other commonly owned property.

The provisions of this section shall not apply to Family Subdivisions approved pursuant to Section 16-2-103(Y).

An approved Minor Subdivision may be modified or amended only in accordance with the current procedures and standards established for the creation of a Minor Subdivision.

SUMMARY:

The Planning Commission should review the proposed LMO Amendments, and if acceptable, move to recommend to Town Council adoption of the Ordinance authorizing these amendments.

ATTACHMENTS:

1. Proposed Ordinance 2023-08

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2023-08

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO), SECTION 16-2-103(F)(7); 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 September 1, 2022 and November 1, 2022 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, on November 1, 2022, the LMO Committee recommended that the proposed LMO amendments be forwarded to the Planning Commission with a recommendation of approval; and

WHEREAS, the Planning Commission held a public hearing on December 21, 2022 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 5-0 to forward the proposed LMO amendments to the Public Planning Committee with a recommendation of approval; and

WHEREAS, the Public Planning Committee held a public meeting on January 26, 2023 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; and

WHEREAS, on February 14, 2023, Town Council approved unanimously on first reading a proposed Ordinance outlining LMO amendments and requested that the language of section 16-2-103(f)(7) be revised for consideration; and

WHEREAS, after due consideration of said LMO amendment, the Town Council, upon further review, finds it is in the public interest to approve the proposed LMO Amendment.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:

Section 1. Amendment. That the LMO Amendment is 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 ~~strike through~~.

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 _____, 2023.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Cindaia L. Ervin, Interim, Town Clerk

Public Hearing: December 21, 2022

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

EXHIBIT "A"

(b) In Section 16-2-103.F – Subdivision Review (Minor or Major), amend as follows:

7. Amendment

~~An approved Minor or Major Subdivision may be modified or amended only in accordance with the procedures and standards established for its original approval.~~

7. Deviations from Previously Approved Major Subdivisions

The purpose and intent of these provisions is to require additional review and approval of proposed amendments to previously approved single-family residential Major Subdivisions.

For a previously platted single-family residential subdivision, any changes proposed to be made to commonly owned property such as open space, rights-of-way, amenities and parking or any lot combinations or subdivisions that will result in either an increase in density or additional lots shall require approval by the Planning Commission following a public hearing of the Planning Commission.

A decision to approve a proposed change to a previously platted subdivision shall be based on a finding that the proposed change is not detrimental to the reasonable, investment backed expectations of owners of lots in the subdivision arising from:

- i. Increased burdens on utility of roadways caused by off-site parking;
- ii. Increased burdens on amenities in the subdivision caused by increased numbers of dwelling units;
- iii. Overcrowding in the subdivision;
- iv. Increased noise and traffic in the subdivision; and
- v. Decreased utility of amenities and other commonly owned property.

The provisions of this section shall not apply to Family Subdivisions approved pursuant to Section 16-2-103(Y).

An approved Minor Subdivision may be modified or amended only in accordance with the current procedures and standards established for the creation of a Minor Subdivision.