



Town of Hilton Head Island
TOWN COUNCIL MEETING
Tuesday, March 21, 2023, 3:00 PM
AGENDA

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

- 1. Call to Order**
- 2. FOIA Compliance:** Public notification of this workshop 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. Roll Call**
- 4. Pledge to the Flag**
- 5. Invocation – Pastor June Wilkins – First Historic African Baptist Church**
- 6. Civility Pledge**
- 7. Approval of the Minutes**
 - a. Special Meeting – January 23, 2023
 - b. Strategic Plan Workshop – January 24, 2023
 - c. Strategic Plan Workshop – January 25, 2023
 - d. Special Meeting – January 31, 2023
 - e. Workshop – February 14, 2023
- 8. Report of the Town Manager**
 - a. Items of Interest
 - b. Board of Zoning Appeals Biannual Update – David Fingerhut, Board of Zoning Appeals Chairman
 - c. Workforce Housing Program Monthly Update – Missy Luick, Assistant Community Development Director
 - d. Communications Quarterly Update – Angie Stone, Assistant Town Manager
 - e. 2023 Quadrennial Reassessment – Ebony Sanders, Beaufort County Assessor
- 9. Reports from Members of Town Council**
 - a. General Reports from Town Council
 - b. Report of the Lowcountry Area Transportation Study – Glenn Stanford

- c. Report of the Lowcountry Council of Governments – Tammy Becker
- d. Report of the Beaufort County Airports Board – David Ames
- e. Report of the Southern Lowcountry Regional Board – Glenn Stanford
- f. Report of the Island Recreation Association Board – Alex Brown
- g. Report of the Community Services and Public Safety Committee – Tammy Becker
- h. Report of the Public Planning Committee – David Ames
- i. Report of the Finance and Administrative Committee – Alex Brown

10. Appearance by Citizens: Citizens who wish to address Town Council on the matters being discussed during the workshop, may do so by contacting the Town Clerk at 843.341.4646 no later than 12:00 p.m. Tuesday, March 21, 2023. Written comments concerning items on the agenda may be submitted at the [Open Town Hall Portal](#).

11. Unfinished Business

- a. Second Reading of Proposed Ordinance 2023-08 Amending Section 16-2-103.F Clarifying the Process for Reviewing Proposed Amendments to a Previously Platted Major Subdivision under Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance.

12. Executive Session

- a. Discussion of Personnel Matters [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(1)] Related to:
 - 1. Town Council Appointments to Town Boards and Commissions
 - 2. Town Council Appointments to the Gullah Geechee Historic Neighborhoods Community Development Corporation Board of Directors
 - 3. Town Council Appointments to the William Hilton Parkway Gateway Corridor Independent Review Advisory Committee
- b. Receipt of Legal Advice from the Town Attorney on Matters Covered Under the Attorney-Client Privilege [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)] Related to:
 - 1. Mount Calvary Missionary Baptist Church of HHI, et al vs Town of HHI, et al
 - 2. Mitchelville Road Dirt Road Paving
 - 3. Main Street Right of Way Acquisition
 - 4. SWWP Hilton Head LLC

- c. Discussion of Negotiations Incident to Proposed Contractual Arrangements for the Northpoint Public-Private Partnership Workforce Housing Project [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)]
- d. Discussion of Negotiations Incident to Proposed Contractual Arrangements and Discussions for the Proposed Sale or Purchase of Property [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)]
Related to:
 - 1. Squire Pope Road Area
 - 2. Bryant Road Area
 - 3. South Forest Beach Area
- e. Discussion of Negotiations Incident to Proposed Contractual Arrangements for a Beach Franchise Agreement [pursuant to the South Carolina Freedom of Information Act Section 30-4-70(a)(2)]
- f. Discussion of Negotiations Incident to the Proposed Sale or Purchase of Property [pursuant to South Carolina Freedom of Information Act Section 30-4-70(a)(2)] in the following areas:
 - 1. Cell Phone Tower
 - 2. Cell Phone Tower

13. Possible Action by Town Council Concerning Matters Discussed in Executive Session

14. Adjournment



Town of Hilton Head Island
TOWN COUNCIL SPECIAL MEETING
Tuesday, January 23, 2023, 3:00 PM
MINUTES

Present from Town Council: Alan Perry, *Mayor*; David Ames, *Mayor Pro-Tempore*; Alex Brown, Patsy Brison, Tamara Becker, Steve Alfred, Glenn Stanford, *Town Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*, Angie Stone, *Assistant Town Manager*, Shawn Colin, *Assistant Town Manager-Community Development*; Ben Brown, *Sr. Advisor to the Town Manager*; Chris Blankenship, *Fire Chief*; Kelly Spinella, *Communications & Marketing Administrator*; Krista Wiedmeyer, *Town Clerk*

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. Roll Call

4. Pledge to the Flag

5. Appearance by Citizens: Citizens who wish to address Town Council may do so by contacting the Town Clerk no later than 11:30 a.m. the day of the meeting. Written comments concerning items on the agenda may be submitted at the [Open Town Hall Portal](#).

6. Executive Session

Without objection, Council went into Executive session at 3:10 p.m. to discuss the items listed below.

- a. Receipt of Legal Advice from the Town Attorney on Matters Covered Under Attorney-Client Privilege [pursuant to South Carolina Freedom of Information Act Section 30-4-70(a)(2)] Concerning:
 - i. Recent Case Law Effects on the Town of Hilton Head Island Sign Ordinance, Land Management Ordinance Section 16-5-144, et. seq.
 - ii. Legal Requirements Pertaining to Development Moratoriums
 - iii. Legal Analysis of the South Carolina Vested Rights Act of 2004
 - iv. Land Management Ordinance Provisions Regarding:
 1. Lockout Units within Hilton Head Island
 2. Property within the Bradley Circle Neighborhood

- 3. Development Permitting**
 - v.** Mitchelville Road Right of Way Acquisition
 - vi.** Main Street Right of Way Acquisition
 - vii.** Mount Calvary Missionary Baptist Church of Hilton Head Island, et al vs. Town of Hilton Head Island, et al
 - viii.** Town of Hilton Head Island vs. Beaufort County (Law Enforcement Fee)
 - ix.** Calkins vs. Town of Hilton Head Island, et al (Road Usage Fee)
 - x.** McAvoy vs. Town of Hilton Head Island, et al Royal Dunes Beach Villas Owners vs. Town of Hilton Head Island, et al
 - xi.** Walker Brothers vs. Town of Hilton Head Island, et al
 - xii.** Public-Private Nuisance in the Palmetto Dunes Area
- b.** Discussion of Negotiations Incident to the Proposed Sale or Purchase of Property [pursuant to South Carolina Freedom of Information Act Section 30-4-70(a)(2)] in the:
 - i.** Main Street Area
 - ii.** Jonesville Road Area

Council returned to the dais and Mayor Perry noted there was no action to be taken as a result of Executive Session.

7. Possible Action by Town Council Concerning Matters Discussed in Executive Session

None.

8. Adjournment

Without objection, the meeting was adjourned.

Drafted and submitted by:
Vicki L. Pfannenschmidt
Temporary Administrative Assistant

Approved:

Alan Perry, Mayor



Town of Hilton Head Island
TOWN COUNCIL
STRATEGIC PLAN WORKSHOP
Tuesday, January 24, 2023, 8:30 AM
MINUTES

Present from Town Council: Alan Perry, *Mayor*; David Ames, *Mayor Pro-Tempore*; Alex Brown, Patsy Brison, Tamara Becker, Steve Alfred, Glenn Stanford, *Town Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*, Angie Stone, *Assistant Town Manager*, Shawn Colin, *Assistant Town Manager-Community Development*; Ben Brown, *Sr. Advisor to the Town Manager*; Chris Blankenship, *Fire Chief*; Kelly Spinella, *Communications & Marketing Administrator*; Lisa Stauffer, *Human Resources Director*; Tommy Sunday, *Technology and Innovation Director*; Zenos Morris, *Assistant Community Development Director*; Missy Luick, *Assistant Community Development Director*; Mac Deford, *General Counsel*; Carolyn Grant, *Communications Director*; Brian McIlwee, *Assistant Community Development Director*; Jennifer Ray, *Capital Program Manager*; Nite Barrientos, *Assistant Planner*; Natalie Harvey, *Director of Cultural Affairs*; Bob Bromage, *Director of Public Safety*, Krista Wiedmeyer, *Town Clerk*

1. Call to Order

2. FOIA Compliance

Ms. Weidmeyer affirmed compliance with FOIA.

3. Roll Call

Attendance was confirmed by way of roll call.

4. Town of Hilton Head Island Strategic Plan Workshop

Mr. Orlando introduced Town Staff and asked that each member present stand and state their name, job title, and provide a brief description of their job duties to Council.

Below is a list of discussion topics and presentations addressed throughout the day:

1. Introduction

- a. Welcome from Mayor Perry
- b. Opening Remarks by the Town Manager
- c. Meeting Outline Review by the Town Manager
- d. Comments from Members of Town Council

- 2. Overview of the Strategic Planning Process**
 - a. Review of Mission/Vision Statements
 - b. Our Plan Goals, Strategies, and Tactics
 - c. Key Community Themes – Identifying Core Values from Our Plan
 - d. Converting Our Plan Core Values into Strategic Action Plan Goals
 - e. Converting Strategic Action Plan Goals into Strategic Initiatives
- 3. Review of FY2021-2022 Accomplishments**
- 4. Discussion of Ongoing and Upcoming FY2021-2022 Strategic Action Plan Initiatives**
 - a. Pursuit of Excellence
 - b. Environmental Sustainability
 - c. Revitalize Economy
 - d. Inclusive Community
 - e. Connected Community
 - f. Regional Focus
 - g. 'Right-Sized' Infrastructure
 - h. Parks and Recreation
- 5. Continued Review of Ongoing and Upcoming FY2021-2022 Strategic Action Plan Initiatives**
- 6. Day 1 - Public Comment**

Numerous citizens spoke regarding their support and/or concerns regarding the Town Strategic Plan. Their comments can be viewed on the recording of the Workshop.

- 7. Day 1 - Comments from Town Council, Day 2 Look Ahead**
- 8. Adjournment**

Without objection, the Workshop was adjourned.

Drafted and Submitted by:
Vicki L. Pfannenschmidt
Temporary Administrative Assistant

APPROVED:

Alan Perry, Mayor

The recording of this Workshop can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island
TOWN COUNCIL
STRATEGIC PLAN WORKSHOP
Wednesday, January 25, 2023, 8:30 AM
MINUTES

Present from Town Council: Alan Perry, *Mayor*; David Ames, *Mayor Pro-Tempore*; Alex Brown, Patsy Brison, Tamara Becker, Steve Alfred, Glenn Stanford, *Town Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*; Angie Stone, *Assistant Town Manager*; Shawn Colin, *Assistant Town Manager-Community Development*; Ben Brown, Sr. *Advisor to the Town Manager*; Chris Blankenship, *Fire Chief*; Kelly Spinella, *Communications & Marketing Administrator*; Lisa Stauffer, *Human Resources Director*; Tommy Sunday, *Technology and Innovation Director*; Zenos Morris, *Assistant Community Development Director*; Missy Luick, *Assistant Community Development Director*; Mac Deford, *General Counsel*; Carolyn Grant, *Communications Director*; Brian McIlwee, *Assistant Community Development Director*; Jennifer Ray, *Capital Program Manager*; Nite Barrientos, *Assistant Planner*; Natalie Harvey, *Director of Cultural Affairs*; Bob Bromage, *Director of Public Safety*; Krista Wiedmeyer, *Town Clerk*

1. Call to Order

2. FOIA Compliance

Ms. Weidmeyer affirmed compliance with FOIA.

3. Roll Call

Attendance was confirmed by way of roll call.

4. Town of Hilton Head Island Strategic Plan Workshop

Below is a list of topics and presentations for Day 2 of the Workshop.

1. Review of Ongoing and Upcoming Capital Improvement Plan (CIP) Projects

- a. Capital Improvement Plan for FY2023-2024
- b. Capital Improvement Plan for FY2024-2025

2. Building the FY2023-2025 Strategic Action Plan

- a. Confirmation of Current Strategic Action Plan Strategies
- b. Identification of Additional Strategic Action Plan Strategies
- c. Prioritization of Strategies – Building the “Top 15”
- d. Review of Calendar Year 2023 First 6 Months of Policy and Operations Priorities
- e. Strategic Action Plan Dashboard and Reporting

f. Defining and Measuring Key Performance Indicators

3. Continued Discussion of Building the FY2023-2025 Strategic Action Plan

4. Review of FY2023-2024 Budget Calendar

5. Day 2 – Public Comment

Citizens spoke regarding their support and/or concerns regarding the Strategic Plan. Their comments can be views on the recording of the Workshop.

6. Day 2 – Town Council Discussion

a. Final Thoughts by Mayor & Town Council

7. Adjournment

Without objection, the Workshop was adjourned.

Drafted and Submitted by:
Vicki L. Pfannenschmidt
Temporary Administrative Assistant

APPROVED:

Alan Perry, Mayor

The recording of this Workshop can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island
TOWN COUNCIL SPECIAL MEETING
Tuesday, January 31, 2023, 4:00 PM
MINUTES

Present from Town Council: Alan Perry, *Mayor*; David Ames, *Mayor Pro-Tempore*; Alex Brown, Patsy Brison, Tamara Becker, Steve Alfred, Glenn Stanford, *Town Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*, Angie Stone, *Assistant Town Manager*, Shawn Colin, *Assistant Town Manager-Community Development*; Ben Brown, *Sr. Advisor to the Town Manager*; Krista Wiedmeyer, *Town Clerk*

1. Call to Order

2. FOIA Compliance

Ms. Weidmeyer affirmed compliance with FOIA.

3. Roll Call

Attendance was confirmed by way of roll call.

4. Appearance by Citizens

Mr. Wendell Sutton and Mr. Daniel Anthony spoke regarding their concerns about overdevelopment in the Jonesville area and encouraged Council to work towards preserving the character of the area.

Mr. Skip Hoagland addressed the Council regarding the Hilton Head Island – Bluffton Chamber of Commerce.

5. Executive Session

- a. Discussion of Negotiations Incident to the Proposed Sale or Purchase of Property [pursuant to South Carolina Freedom of Information Act Section 30-4-70(a)(2)] in the Jonesville Area

Mr. Ames moved to go into Executive Session for the reasons stated by the Town Manager. Ms. Becker seconded. Motion carried 7-0.

6. Possible Action by Town Council Concerning Matters Discussed in Executive Session

Upon return to the dais Mr. Ames moved that Town Council adopt a Resolution of the Town of Hilton Head Island, South Carolina, Authorizing the Execution and Delivery of a

Contract for the Purchase of 12.019 acres, More or Less, of Real Property on Jonesville Road, on Hilton Head Island, South Carolina. Mr. Alfred seconded. Motion carried 7-0.

7. Adjournment

Without objection, the meeting was adjourned.

Drafted and Submitted by:
Vicki L. Pfannenschmidt
Temporary Administrative Assistant

APPROVED:

Alan Perry, Mayor

The recording of this Workshop can be found on the Town's website at www.hiltonheadislandsc.gov



Town of Hilton Head Island
TOWN COUNCIL WORKSHOP
Tuesday, February 14, 2023, 10:00 AM
MINUTES

Present from Town Council: Alan Perry, *Mayor*; David Ames, *Mayor Pro-Tempore*; Alex Brown, Patsy Brison, Tamara Becker, Steve Alfred, Glenn Stanford, *Town Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*, Angie Stone, *Assistant Town Manager*, Shawn Colin, *Assistant Town Manager-Community Development*; Ben Brown, *Sr. Advisor to the Town Manager*; Missy Luick, *Assistant Community Development director*; Jennifer Ray, *Capital Program Manager*; Taylor Ladd, *Project Manager*; Eric Ladd *Project Manager*; Kelly Spinella, *Social Media and Marketing Manager*; Bob Bromage, *Public Safety Director*; Krista Wiedmeyer, *Town Clerk*

1. Call to Order

2. FOIA Compliance

Ms. Weidmeyer affirmed compliance with FOIA.

3. Roll Call

Attendance was confirmed by way of roll call.

4. Pledge to the Flag

5. Workshop Discussion

Jennifer Ray gave introductory remarks noting the importance and benefits of parks and recreation to the community.

a. Chaplin Community Park Master Plan

Taylor Ladd and Brian Kinzelman of MKSK conducted a brief presentation regarding the master plan included in the packet materials. Council members made comments and provided input regarding the plans.

b. Crossings Park Master Plan

Taylor Ladd and Brian Kinzelman of MKSK conducted a brief presentation regarding the master plan included in the packet material. Council members made comments and provided input regarding the plans.

c. Islanders Beach Park Master Plan

Taylor Ladd and Brian Witmer of Witmer Jones Keefer conducted a brief presentation regarding the master plan included in the packet material. Council members made comments and provided input regarding the plans.

d. Patterson Park Master Plan

Eric Ladd and Brian Witmer of Witmer Jones Keefer conducted a brief presentation regarding the master plan included in the packet material. Council members made comments and provided input regarding the plans.

e. Shelter Cove Park Expansion Master Plan

Eric Ladd and Brian Witmer of Witmer Jones Keefer conducted a brief presentation regarding the master plan included in the packet material. Council members made comments and provided input regarding the plans.

All comments and questions submitted by Council can be viewed on the Town website.

6. Appearance by Citizens:

Numerous citizens made comments regarding the master plans for the above referenced parks. Their comments can be viewed on the recording located on the Town website. Keith Sledge and Rhonda Carper spoke against overdevelopment and in support of the Proposed LMO Amendments. Mr. Mark Simpson spoke in opposition to the Proposed LMO Amendments.

7. New Business

- a. First Reading of a Proposed Ordinance Amending Sections 16-3-103.C, 16-3-104.B, 16-3-104.C, 16-3-104.D, 16-3-104.E, 16-3-104.F, 16-3-104.G, 16-3-105.C, 16-3-105.D, 16-3-105.E, 16-3-105.F, 16-3-105.G, 16-3-105.H, 16-3-105.J, 16-3-105.M, 16-3-105.N, 16-5-102.C, 16-5-102.D, 16-5-103.E, 16-5-103.F, 16-5-105.J, 16-5-107.D, 16-5-109.D, 16-5-115.C, 16-6-102.D, 16-6-104.G AND 16-10-102.C of Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance

Missy Luick conducted a brief presentation regarding the changes which includes: Remove staff waivers; Allow variances from all sections of the LMO other than use, density, and height; Allow outdoor screened bike storage in the Light Commercial and Community Commercial zoning districts and provide more specificity related to screening; Provide clarification in the Manufacturing use classification as it relates to the size of a brewery; what size makes it a manufacturing use versus a nightclub or bar; Replace using June traffic counts with July traffic counts for Traffic Impact Analysis Plan Standards; Change when/how plantings are required on single family lots in buffers as part of a subdivision Certificate of Compliance; Amend the definition of changeable copy; Amend the measurement for height calculation; Add that owners' consent is required for minor subdivisions as it is currently listed as being exempt; and Provide standards for deviations from previously platted subdivisions. She explained the current LMO requirements for each proposed amendment and the reasoning for the proposed changes. Miss Luick added that the proposed amendments have gone before the LMO Committee, Planning Commission and Public Planning Committee.

Sean Colin added comments regarding the timeline, priority of the LMO re-write; meetings taking place and to be scheduled; impact on residential communities and inclusion of community involvement during the process.

Mr. Ames moved to approve. Ms. Becker seconded.

Discussion from Council included: a request for clarification of standards for previously platted subdivisions requirements and the need for a public process to

review and apply standards for such; the need to take care of the quality of life on Hilton Head Island; issues of over-development Island-wide; clarification of the traffic count requirement; the reasoning for the traffic count being changed to July; clarification that owner consent needs to be provide by the owner of record; and a suggestion for the need to include consideration for heirs properties when addressing amendments in the LMO. Mayor Perry asked for public comment.

Mr. Kevin Simpson inquired as to if approved when the Proposed Ordinance would take effect. It was explained that the effective date for the Proposed Ordinance would be the date it is adopted. Mr. Simpson further inquired as to what was considered owner's consent. Mr. Colin further explained that owner's consent is required when commonly owned property is involved.

Mr. Kevin Sledge addressed Council regarding the need to stop the overdevelopment in the Bradley Circle area.

Tai Scott addressed Council regarding the item Provide standards for deviations from previously platted subdivisions and his concern for future land disputes.

Motion carried (7-0).

Ms. Becker moved that it be stated clearly that Town Council is under a Pending Ordinance Doctrine with regard to the amendments just approved. With the lack of a second the motion failed.

8. Adjournment

Without objection, the meeting was adjourned.

Drafted and Submitted by:
Vicki L. Pfannenschmidt,
Temporary Administrative Assistant

APPROVED:

Alan Perry, Mayor

The recording of this Workshop can be found on the Town's website at www.hiltonheadislandsc.gov



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Missy Luick, Assistant Community Development Director
VIA: Shawn Colin, Assistant Town Manager – Community Development
CC: Marc Orlando, Town Manager
DATE: March 9, 2023
SUBJECT: Second Reading of Proposed Ordinance 2023-08 Amending Section 16-2-103.F Clarifying the Process for Reviewing Proposed Amendments to a Previously Platted Major Subdivision under Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance

RECOMMENDATION:

Consideration to adopt the second and final reading 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).

BACKGROUND:

Town Council approved Proposed Ordinance 2023-06 outlining LMO amendments unanimously at first reading on February 14, 2023.

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).

Town Council met on March 7, 2023 to hold a revised first reading of Proposed Ordinance 2023-08. The Ordinance was approved unanimously with removal of the phrase “commonly owned” and addition of “such as open space, rights-of-way, amenities and parking or any lot combinations or subdivisions”.

The Planning Commission reviewed Ordinance 2023-08 on March 8, 2023 with Town Council's revised first reading changes. With a vote of 5-1, the Planning Commission recommended approval with further changes to the Ordinance amendment language recommending that "single family residential" be removed to accommodate a process for all Major Subdivisions- residential or commercial.

SUMMARY:

The Town Council should review the proposed LMO Amendment and move to adopt Ordinance 2023-08 authorizing the amendment of Section 16-2-103(F)(7).

ATTACHMENTS:

1. Proposed Ordinance 2023-08
2. Comparison Exhibit A - Town Council to Planning Commission

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 ~~striketrough~~.

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 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 property such as open space, rights-of-way, amenities and parking or any lot combinations or subdivisions.

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.

Town Council 3-7-2023

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 such as open space, rights-of-way, amenities and parking or any lot combinations or subdivisions.

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.

Planning Commission 3-8-2023

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~~ major 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 such as open space, rights-of-way, amenities and parking or any lot combinations or subdivisions.

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.