



Town of Hilton Head Island
TOWN COUNCIL MEETING
Tuesday, March 7, 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 Matthew Palmer/Stephen Salvas, Grace Community Church**
6. **Civility Pledge**
7. **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:
 - Main Street Area
 - Palmetto Bay Road Area
 - Jonesville Road Area
8. **Workshop Discussion**
 - a. Discussion of Hilton Head Island Major Thoroughfares Corridor Plan.
9. **Appearance by Citizens:** Citizens who wish to address Town Council on the matters being discussed during the meeting, may do so by contacting the Town Clerk at 843-341-4646 no later than 12:00 p.m. Monday, March 6, 2023. Written comments concerning items on the agenda may be submitted at the [Open Town Hall Portal](#).
10. **Unfinished Business**
 - a. Revised Second Reading of Proposed Ordinance 2023-06 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 (Removal of Staff Granted Waivers), 16-5-102.C, (Replacing June Traffic Counts with July Traffic Counts), 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, 16-2-103.S, (Allow for Variances Other than Use, Density, and Height), 16-4-102.B, (Allow Outdoor Screening of Outdoor Bicycle Storage), 16-10-103.I, (Clarification on Manufacturing Use as it Pertains to a Brewery), 16-5-106.C, 16-2-103.P, (Change How /When Plantings are Required on Single-Family Lots), 16-5-114.H, 16-10-105, (Amends Definition of a Changeable copy), 16-3-106.H, 16-3-106.I, 16-3-106.J, 16-5-102.C, 16-5-102.D, 16-10-102, (Amends the Measurement for Height Calculations), Appendix D: D-5, and 16-2-102.E (Public Hearing Required for Subdivision Amendments) of Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance.

- b. First 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.

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

12. Adjournment

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



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Karla Vincent, Project Manager
Erik Ladd, Project Manager
VIA: Shawn Colin, AICP, Assistant Town Manager Community
Development
VIA: Bryan McIlwee, Assistant Community Development Director
VIA: Jennifer Ray, Capital Program Manager
CC: Marc Orlando, Town Manager
DATE: March 1, 2023
SUBJECT: Discussion of Hilton Head Island Major Thoroughfares Corridor Plan

RECOMMENDATION:

Staff recommends Town Council review and discuss the Systems section of the Major Thoroughfares Corridor Plan (Corridor Plan). The Segments and Implementation sections of the Corridor Plan will be brought to Town Council at a future workshop prior to adoption of the entire document.

BACKGROUND:

In early 2022, the Town hired a consultant team led by MKSK along with Toole Design and Kimley-Horn to facilitate the completion of the Corridor Plan. These corridors include:

- William Hilton Parkway from Spanish Wells Road to Sea Pines Circle
- Main Street
- Cross Island Parkway
- Palmetto Bay Road
- Pope Avenue
- New Orleans Road
- Arrow Road
- North Forest Beach Drive
- South Forest Beach Drive

Throughout the last year, the team has coordinated with Island business owners, PUD's, Island residents, utility companies, advocacy groups, including Bike Walk Hilton Head Island, SCDOT, and Staff to receive input on the Plan and improvements.

The Corridor Plan format has three major sections: Systems, Segments, and Implementation. The Systems section of the document describes the major features of the Corridor Plan. The feature categories are:

- Landscape & Aesthetics
- Pathways
- Intersections
- Roadways
- Transit
- Wayfinding, Signage, Branding, & Art.

Within each category, existing conditions and recommendations for improvements are included.

SUMMARY:

The purpose of the Corridor Plan is to provide professional recommendations aimed at improving safety and beautification, including elements of landscape, signage, pathways, roadways, crosswalks, and lighting. Adoption by Town Council will allow staff to establish a consistent corridor character throughout the Island.



TOWN OF HILTON HEAD ISLAND

Town Council

TO: Town Council
FROM: Missy Luick, Assistant Community Development Director
VIA: Shawn Colin, AICP, Assistant Town Manager – Community Development
CC: Marc Orlando, Town Manager
DATE: March 1, 2023
SUBJECT: Revised Second Reading of Proposed Ordinance 2023-06 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 (Removal of Staff Granted Waivers), 16-5-102.C, (Replacing June Traffic Counts with July Traffic Counts), 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, 16-2-103.S, (Allow for Variances Other than Use, Density, and Height), 16-4-102.B, (Allow Outdoor Screening of Outdoor Bicycle Storage), 16-10-103.I, (Clarification on Manufacturing Use as it Pertains to a Brewery), 16-5-106.C, 16-2-103.P, (Change How /When Plantings are Required on Single-Family Lots), 16-5-114.H, 16-10-105, (Amends Definition of a Changeable copy), 16-3-106.H, 16-3-106.I, 16-3-106.J, 16-5-102.C, 16-5-102.D, 16-10-102, (Amends the Measurement for Height Calculations), Appendix D: D-5, and 16-2-102.E (Public Hearing Required for Subdivision Amendments) of Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance

RECOMMENDATION:

That the Town Council consider adoption of a proposed Ordinance amending Title 16 of the Municipal Code of the Town of Hilton Head Island, the Land Management Ordinance (LMO) for second and final reading.

BACKGROUND:

The LMO Committee of the Planning Commission recommended approval of the proposed amendments to the Planning Commission on November 1, 2022.

The Planning Commission held a public hearing on the proposed amendments on December 21, 2022 and voted unanimously to recommend that Town Council approved the proposed amendments.

The Public Planning Committee met on January 26, 2023 and voted unanimously to forward a recommendation to Town Council to adopt an ordinance amending the LMO.

Town Council reviewed the proposed Ordinance and LMO Amendments at their meeting on February 14, 2023 and voted unanimously to approve the proposed amendments. However, the amendment language was not included in the published packet, therefore the reading did not qualify as First Reading.

Town Council reviewed the proposed Ordinance and LMO Amendments at their meeting on February 21, 2023 and voted unanimously to approve the proposed amendments with the exception of the amendments pertaining Section 16-2-103.F.7 deviations to previously approved subdivisions. This qualified as First Reading.

Section 16-2-103.F.7 amendments pertaining to deviations to previously approved subdivisions that were pulled from the February 21, 2023 amendment set are going back to the Planning Commission for consideration at a Special Meeting on March 8, 2023. The amendments are also planned for Town Council for First Reading on March 7, 2023.

The proposed amendment set that is before Town Council is consideration of adoption of a proposed Ordinance amending the Land Management Ordinance (LMO) for second and final reading for:

1. 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: remove staff granted waivers and amend some standards
2. Section 16-2-103.S: allow variances from all sections of the LMO other than use, density or height
3. Section 16-4-102.B: allow outdoor screened bike storage in the Light Commercial and Community Commercial zoning districts and provide more specificity related to screening
4. Section 16-10-103.I: provide clarification in the Manufacturing use classification as it relates to the size of a brewery
5. Section 16-5-106.C: replace using June traffic counts with July traffic counts for Traffic Impact Analysis Plan Standards
6. Section 16-2-103.P: change when/how plantings are required on single family lots in buffers as part of a subdivision Certificate of Compliance
7. Sections 16-5-114.H and 16-10-105: amend the definition of changeable copy to allow signs to be changed electronically with limitations on frequency and timing
8. Sections 16-3-106.H, 16-3-106.I, 16-3-106.J, 16-5-102.C, 16-5-102.D and 16-10-102: amend the measurement for height calculation
9. Appendix D:D-5: add that owners' consent is required for minor subdivisions as it is currently listed as being exempt

10. Sections 16-2-102.E: require a public hearing for subdivision amendments.

ATTACHMENTS:

1. LMO Amendments List
2. Ordinance
3. Draft of Proposed LMO Amendments

LMO Amendments List

AMENDMENT	ISSUE	SECTION	Suggested By
Remove staff waivers	It is more appropriate for any waiver or varying from the code to go to the BZA as a request for variance.	16-5-105.I.8, 16-5-102.C, 16-5-102.D, 16-5-103.F, all zoning district standards for heights, 16-5-102.D.4, 16-5-103.E.2, 16-5-107.D.1, 16-5-107.D.9, 16-5-109.D.2, 16-5-109.D.2.c, 16-6-102.D.2.b, 16-6-104.G.1.c, 16-10-102.C.2.b	Staff
Allow variances from all sections of the LMO other than use, density, and height	Currently the LMO lists only a few specific sections that a variance can be applied for.	16-2-103.S.2	Staff (restricting height from variance requests was brought up by a Town Council member at a Public Planning Committee meeting)
Allow outdoor screened bike storage in the Light Commercial and Community Commercial zoning districts and provide more specificity related to screening	The LC and CC zoning districts are the only two districts that allow bike businesses but do not allow outdoor storage of them. This amendment is a recommendation from the BZA as a result of variance requests pertaining to bike businesses over the past few years. Staff is also proposing more specificity related to the screening requirements.	16-4-102.B.7.c	Board of Zoning Appeals
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	Small scale breweries such as nano or microbreweries shouldn't be classified as a manufacturing use. This amendment is a recommendation of the BZA	16-10-103.I	Board of Zoning Appeals

	because of an appeal. The use should be considered a commercial use similar to a bar or eating establishment.		
Replace using June traffic counts with July traffic counts for Traffic Impact Analysis Plan Standards	This amendment is a recommendation of the Planning Commission as a result of their review of the annual traffic report presented by staff. They asked that June traffic counts be replaced with July traffic counts for traffic impact analysis plan standards.	16-5-106.C	Planning Commission
Change when/how plantings are required on single family lots in buffers as part of a subdivision Certificate of Compliance	Landscaping is currently required to be planted before a Certificate of Compliance is issued for a subdivision, which is prior to the homes being constructed. The landscaping is often damaged during construction of the homes. The amendment will allow a performance guarantee for a specific period of time where landscaping and tree planting is deferred due to inappropriate weather conditions for planting or the likelihood that the trees will be damaged during additional construction activities related to residential subdivisions.	16-2-103.P	Developers and Staff
Amend the definition of changeable copy	The current definition of changeable copy as it relates to signs does not allow signs to be changed electronically. The sign provisions should be amended as well to allow	16-10-105, 16-5-114.H.10	Business Owner

	the signs to be changed electronically with limitations on frequency and timing.		
Amend the measurement for height calculation	When the LMO was revised to measure height from 11 or 13 feet above mean sea level, some sections that reference height being measured from the BFE were overlooked. It was also determined that the option to measure height from pre-development grade, if it is higher than the height measured from mean sea level, should be used.	16-3-106.H.4, 16-3-106.I.4, 16-3-106.J.4, 16-5-102.C and D, 16-10-102.C.1.a	Staff
Add that owners' consent is required for minor subdivisions as it is currently listed as being exempt	The application requirements for Minor subdivisions states that it requires all the same requirements for a Major sub with the exception of owners' consent, open space dedication and phasing plan. Owners' consent should be required for all application types.	Appendix D: D-5.A	Staff
Public hearing requirements for subdivision amendments	Subdivision amendments will require a public hearing and approval by the Planning Commission.	16-2-102.E	Staff

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2023-

PROPOSED ORDINANCE NO. 2023-06

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO), 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: REMOVE STAFF GRANTED WAIVERS AND AMEND SOME STANDARDS; SECTION 16-2-103.S: ALLOW VARIANCES FROM ALL SECTIONS OF THE LMO OTHER THAN USE, DENSITY OR HEIGHT; SECTION 16-4-102.B: ALLOW OUTDOOR SCREENED BIKE STORAGE IN THE LIGHT COMMERCIAL AND COMMUNITY COMMERCIAL ZONING DISTRICTS AND PROVIDE MORE SPECIFICITY RELATED TO SCREENING; SECTION 16-10-103.I: PROVIDE CLARIFICATION IN THE MANUFACTURING USE CLASSIFICATION AS IT RELATES TO THE SIZE OF A BREWERY; SECTION 16-5-106.C: REPLACE USING JUNE TRAFFIC COUNTS WITH JULY TRAFFIC COUNTS FOR TRAFFIC IMPACT ANALYSIS PLAN STANDARDS; SECTION 16-2-103.P: CHANGE WHEN/HOW PLANTINGS ARE REQUIRED ON SINGLE FAMILY LOTS IN BUFFERS AS PART OF A SUBDIVISION CERTIFICATE OF COMPLIANCE; SECTIONS 16-5-114.H AND 16-10-105: AMEND THE DEFINITION OF CHANGEABLE COPY TO ALLOW SIGNS TO BE CHANGED ELECTRONICALLY WITH LIMITATIONS ON FREQUENCY AND TIMING; SECTIONS 16-3-106.H, 16-3-106.I, 16-3-106.J, 16-5-102.C, 16-5-102.D AND 16-10-102: AMEND THE MEASUREMENT FOR HEIGHT CALCULATION; APPENDIX D:D-5: ADD THAT OWNERS' CONSENT IS REQUIRED FOR MINOR SUBDIVISIONS AS IT IS CURRENTLY LISTED AS BEING EXEMPT; AND SECTION 16-2-102.E REQUIRING PUBLIC HEARING FOR SUBDIVISION AMENDMENTS AS NOTICED IN THE ISLAND PACKET ON NOVEMBER 20, 2022, AS DESCRIBED IN 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 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, after due consideration of said LMO amendments, the Town Council, upon further review, finds it is in the public interest to approve the proposed LMO 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 LMO 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 _____, 2023.**

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

Alan R. Perry, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Public Hearing: December 21, 2022

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Exhibit A- Proposed LMO Amendments

1. Staff Waivers

- a) Remove Height waivers. In all tables bullet-listed below, remove height waiver provision text (shown subsequently below), and renumber provisions where applicable.

- Table 16-3-103(C) – Parks and Recreation (PR) District;
- Table 16-3-104(B) – Residential Single-Family-3 (RSF-3) District;
- Table 16-3-104(C) – Residential Single-Family-5 (RSF-5) District;
- Table 16-3-104(D) – Residential Single-Family-6 (RSF-6) District;
- Table 16-3-104(E) – Low to Moderate Density Residential (RM-4) District;
- Table 16-3-104(F) – Moderate Density Residential (RM-8) District;
- Table 16-3-104(G) – Moderate to High Density Residential District (RM-12) District
- Table 16-3-105(C) – Community Commercial (CC) District
- Table 16-3-105(D) – Light Commercial (LC) District
- Table 16-3-105(E) – Light Industrial (LI) District
- Table 16-3-105(F) – Main Street (MS) District
- Table 16-3-105(G) – Marshfront (MF) District
- Table 16-3.105(H) – Medical (MED) District
- Table 16-3.105(J) – Neighborhood Commercial (NC) District
- Table 16-3.105(M) – Sea Pines Circle (SPC) District
- Table 16-3.105(N) – Stoney (S) District

~~(1) May be increased by up to ten percent on demonstration to the **Official** that:~~

- ~~a. The increase is consistent with the character of **development** on surrounding land;~~
- ~~b. **Development** resulting from the increase is consistent with the purpose and intent of the building height standards;~~
- ~~c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features**;~~
- ~~d. The increase will not pose a danger to the public health or safety;~~
- ~~e. Any adverse impacts directly attributable to the increase are mitigated; and~~
- ~~f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.~~

- b) Remove Adjacent Street Setback waivers. In Table 16-5-102.C, remove the following text in footnote (5) that states:

Exhibit A- Proposed LMO Amendments

- (5) ~~May be reduced by up to 30 percent in the S-District, 20 percent in the RD and IL Districts, and 15 percent in all other districts on demonstration to the **Official** that:~~
- ~~g. The reduction is consistent with the character of **development** on surrounding **land**.~~
 - ~~h. **Development** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - ~~i. The reduction either (1) is required to compensate for some unusual aspect of the site or the propped **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the extension of a wall or fence that screens an existing outdoor storage area);~~
 - ~~j. The reduction will not pose a danger to the public health or safety;~~
 - ~~k. Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a **street** are mitigated by a wider or more densely screened adjacent street buffer along that **street**);~~
 - ~~l. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the S-District, 20 percent in the RD and IL Districts, or 15 percent in all other districts; and~~
 - ~~m. In the S, RD, and IL districts, there are no reasonable options to the reduction that allow **development** of the site to be designed and located in a way that complies with LMO standards.~~
- c) Remove Adjacent Use Setback waivers. In Table 16-5-102.D, remove the following text from footnote (6):

- (6) ~~May be reduced by up to 10 percent in any district on demonstration to the **Official** that:~~
- ~~a. The reduction is consistent with the character of development on surround land;~~
 - ~~b. **Development** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - ~~c. The reduction either (1) is required to compensate from some unusual aspect of the site or the proposed development, or (2) results in improved site conditions for a development with nonconforming site features (e.g., allows the extensive of a wall or fence that screens an existing outdoor storage area);~~
 - ~~d. The reduction will not pose a danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated (e.g. the closer proximity of building to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent.~~

Exhibit A- Proposed LMO Amendments

- d) Remove Adjacent Use Setback waiver and provide a provision for properties that function together. In Section 16-5-102.D, revise provision (4) that states:

~~(4) The Official may waive the requirement for an adjacent use setback for non-single family properties on determining that the proposed development and the adjacent development function as a single development. The criteria to determine if the properties will function as a single development may include the recording of a cross access easement agreement between the two properties. There is no adjacent use setback requirement for non-single-family properties when the proposed development and the adjacent development function as a single development due to having either shared parking, connecting vehicular access or shared stormwater facilities. The recording of a cross access easement agreement between the two properties is required.~~

- e) Remove Adjacent Use Buffer waiver and provide a provision for properties that function together. In Section 16-5-103.E, revise provision (2) that states:

~~(2) The Official may waive the requirement for an adjacent use buffer for Non-single family properties on determining that the proposed development and the adjacent development function as a single development. The criteria to determine if the properties will function as a single development may include the recording of a cross access easement agreement between the two properties. There is no adjacent use buffer requirement for non-single-family properties when the proposed development and the adjacent development function as a single development due to having either shared parking, connecting vehicular access or shared stormwater facilities. The recording of a cross access easement agreement between the two properties is required.~~

- f) Remove Adjacent Street and Use Buffer waivers. In Section 16-5-103.F. Buffer Types, remove footnotes (6) and (7) that state:

~~(6) Minimum buffer widths and minimum planting requirements for adjacent street buffers may be reduced by up to 30 percent in the S District, 20 percent in the RD and IL Districts, and 15 percent in all other districts on demonstration to the Official that:~~

- ~~a. The reduction is consistent with the character of development on surrounding land;~~
- ~~b. Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
- ~~c. The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed development, or (b) results in improved site conditions for a development with nonconforming stie features;~~

Exhibit A- Proposed LMO Amendments

- ~~d. The reduction will not pose danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated;~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts; and~~
 - ~~g. In the S, RD, and IL districts, there are no reasonable options to the reduction that allow development of the site to be designed and located in a way that complies with LMO standards.~~
- (7) ~~Minimum buffer widths and minimum planting requirements for adjacent use buffers may be reduced by up to 10 percent any district on demonstration to the Official that:~~
- ~~a. The reduction is consistent with the character of development on surrounding land;~~
 - ~~b. Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;~~
 - ~~e. The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed development, or (b) results in improved site conditions for a development with nonconforming stie features;~~
 - ~~d. The reduction will not pose danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated;~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts.~~
- g) Remove Access to Streets waiver in Section 16-5-105.J.8 its entirety and amend the Access to Street standards in Section 16-5-105.J.

(8) Waiver

~~Where the **applicant** demonstrates that a **lot of record** would be rendered unusable by the strict application of the standards in this subsection (Sec. 16-5-105.), Access to Streets) and that the vehicular **access** point is otherwise optimally located so as to provide acceptable turning radii and minimize adverse impact (including turning movements and visual impact of “strip **development**” resulting from the less than minimum separation of **access** points from the **roadway**), the **Official** may waive the standard. A request for such a waiver shall be accompanied by:~~

- ~~a. Ownership and recording data associated with the **lot of record**;~~
- ~~b. Written evidence that an **applicant** has explored all feasible alternatives to the standard for controlled vehicular **access**—including, but not limited to, joint use with adjoining properties, vehicular **access** from **adjacent** minor **streets**, and establishment of **frontage** space or **frontage** street **access**;~~

Exhibit A- Proposed LMO Amendments

- ~~e. Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and~~
- ~~d. A map or plan showing the proposed vehicular *access* and the surveyed distances to nearest existing ingress/egress points.~~

(J) Access to Streets

1. Major Arterials

Along the same side of major arterials, no street, driveway, or other vehicular access point shall enter at a point nearer than 500 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located.

2. Minor Arterials

Along the same side of minor arterials no street, driveway, or other vehicular access point shall enter at a point nearer than 200 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located.

3. All Other Streets

Along the same side of all other streets, no street, driveway, or other vehicular access point shall enter at a point nearer than 100 feet from the centerline of an existing or final approved street, driveway, or other vehicular access point to the centerline of the proposed vehicular access unless the lot would be rendered unusable by the strict application of this standard, in which case the access point should be optimally located — provided, however, that this minimum separation standards shall not apply to vehicular access points serving single-family dwellings in subdivisions.

- h) Remove Minimum Number of Parking Spaces waiver. In Table Section 16-5-107.D.1, remove the following table note in its entirety:

~~(4) The minimum number of vehicle parking spaces may be reduced by up to 15 percent in the CR, SPC, CC, and MS Districts, and 10 percent in all other districts, on demonstration to the *Official* that:~~

- ~~a. The reduction is consistent with the character of *development* on surround *land*;~~

Exhibit A- Proposed LMO Amendments

- ~~b. **Development** resulting from the reduction is consistent with the purpose and intent of the parking standards;~~
 - ~~e. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the widening of an **adjacent** nonconforming buffer);~~
 - ~~d. The reduction will not pose a danger to the public health or safety;~~
 - ~~e. Any adverse impacts directly attributable to the reduction are mitigated;~~
 - ~~f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 15 percent in the CR, SPC, CC, and MS Districts or 10 percent in all other districts; and~~
 - ~~g. At least one bicycle parking space is provided for every two vehicle parking spaces subtracted.~~
- i) Remove passenger pick up waiver in Section 16-5-107.D.9, as shown in the following revision:
- (9) Temporary Parking for Passenger Drop-Off and Pick-Up
Uses that involve the frequent stopping of vehicles (including taxis, limousines, vans, and passenger vehicles) to drop-off or pick-up passengers (e.g., schools, recreation/entertainment facilities, **hotels**)—and especially **nightclubs**, bars, or **eating establishments** that serve alcohol—are encouraged to supplement required parking with a designated area for temporary parking and the dropping off or picking up of passengers. Such spaces shall comply with parking space dimension standards, ~~but the **Official** may waive other parking standards as necessary to accommodate such areas~~
- j) Remove Drainage Design Standards waiver in Section 16-5-109.D.2.c, as shown in the following revision for Pre-Development Peak Discharge Rates:
- (c) ~~The Town Engineer may waive this peak discharge requirement~~ is not required upon the Town Engineer ~~on~~ determining that the **applicant** has demonstrated that:
 - (i) A suitable means of flow into a downstream tidal discharge point is accessible by means of recorded permanent storm drainage easements, through drainage infrastructure that will adequately convey the peak discharge from the 100-year storm without any adverse impacts on downstream properties; or
 - (ii) The **development** includes a drainage system with adequate capacity to carry site flows to an ultimate downstream tidal discharge point.

Exhibit A- Proposed LMO Amendments

- k) Remove subdivision standard waiver in Section 16-5-115.C.3., as shown in the following revision:
- (3) The applicant is required to demonstrate that they have made all reasonable efforts to preserve unique and fragile elements on site, including but not limited to wetlands, significant stands of *trees* and individual *trees* of significant size, with *development* reserved for environmentally stable areas. ~~Where the applicant demonstrates that a *lot of record* would be rendered unusable by the strict application of this requirement, the *Official* may waive the standard. A request for such a waiver shall be accompanied by:~~
- ~~a. — Written evidence that an applicant has explored all feasible alternatives to the standard for tree and wetland preservation;~~
 - ~~b. — Qualification of the request in a format consistent with that for a variance request (see Sec. 16-2-103.S, Variance); and~~
 - ~~e. — A plan showing the alternatives explored.~~
- l) Remove Wetland Buffer Width waiver. In section 16-6-102.D.2.b, remove the following provision in its entirety:
- ~~(b). — The *Official* may authorize a reduction in the average or minimum *wetland buffer* width by up to ten percent on determining that pollution of the wetlands due to *adjacent land* disturbance is comparably reduced due to site-specific conditions (e.g., the buffer area drains away from the wetlands) or because the *adjacent development* is designed to reduce the flow, and maximize the filtration, of stormwater runoff towards the wetlands beyond the extent required by stormwater management regulations.~~
- m) Remove Minimum Tree Coverage waiver. In Section 16-6-104.G.1.c , revise the following provision:
- (c) For the construction of any public *street*, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility, the applicant is required to demonstrate that they have made all reasonable efforts to save significant trees and stands of trees. ~~In these cases, at the discretion of the official, a centerline field inspection may relieve the applicant of the tree survey requirement.~~ Reasonable tree replanting shall be required by the Official for these uses.
- n) Remove Height waiver. In Table Section 16-10-102.C.2.b, remove the following provision in its entirety:
- (b) ~~The *Official* may approve architectural elements such as church steeples, spires, and chimneys that do not exceed the otherwise allowable *height* by more than 20 percent.~~

Exhibit A- Proposed LMO Amendments

2. Variances

Revise Section 16-2-103.S.2 to allow variances from all sections of the LMO (other than for use, height and density) and not just what is listed in this section currently.

(2) Applicability

The Variance procedure may be used to seek and obtain relief from the standards of this LMO except for *uses* outlined in LMO Section 16-4-102.A.6, Principal Use Table, *height* and *density* standards. ~~following standards:~~

- a. ~~The district standards in Chapter 16-3: Zoning Districts, except standards designating permitted or prohibited *uses*, and setting maximum *density*;~~
- b. ~~The *use*-specific conditions in Chapter 16-4: Use Standards;~~
- c. ~~The following standards in Chapter 16-5: Development and Design Standards: adjacent setback and buffer standards; *open space* standards; parking and loading standards and fence and wall standards; and~~
- d. ~~The following standards in Chapter 16-6: Natural Resource Protection: *specimen tree* and *wetland buffer* standards.~~

3. Bicycle Shops

Revise Section 16-4-102.B.7.c regarding bicycle shops as follows:

(c) A *bicycle shop* shall comply with the following conditions.

- i. ~~Outdoor storage is permitted only in the CR, SPC, MS, WMU, S, MF, MV, and RD Districts. Outdoor storage for *bicycle shops* includes the storage of bicycles and all bicycle accessories.~~
- ii. ~~Bicycle processing, which includes the loading, unloading and washing of bicycles, is not considered *outdoor storage*. The location for the bicycle processing shall be identified on a site plan and approved by staff.~~
- iii. ~~ii. Vegetation, fences, and or walls shall be installed to screen *outdoor storage* areas.~~
- iv. ~~Each *outdoor storage* area shall be incorporated into the overall design of the principal *structure* on the site.~~
- v. ~~iii. In the S District, a *bicycle shop* shall not have direct vehicular *access* to a major arterial.~~

4. Nano Brewery Definition

In Section 16-10-103.I. Industrial Uses, revise the use classification for Manufacturing in Section 16-10-103.I.2 as follows:

A manufacturing *use* is primarily engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples of manufacturing *uses*

Exhibit A- Proposed LMO Amendments

include catering establishments; woodworking, cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; motion picture production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of equipment, instruments, including musical instruments, appliances, precision items and other electrical items; production of artwork and toys; ~~and sign making; and breweries~~. This *use* type does not include *seafood processing*. This *use* type does not include small scale breweries such as nano or micro-breweries, which are classified as a Nightclub, Bar or Eating Establishment.

5. Traffic Impact Analysis Traffic Counts

In Section 16-5-106.C – Traffic Analysis Standards, revise as follows:

(C) Traffic Impact Analysis Plan Standards

All required traffic impact analysis plans shall, at a minimum, indicate compliance or non-compliance with the standards of this section.

1. The average total delay in seconds per vehicle for each signalized intersection does not exceed 55.0 seconds during the *peak hour* for an average ~~June~~ July weekday; and
2. The volume-to-capacity (V/C) ratio for each signalized intersection does not exceed 0.90 during the *peak hour* for an average ~~June~~ July weekday; and
3. The average total delay on any approach to a traffic circle or roundabout does not exceed 150 seconds per vehicle during the *peak hour* for an average ~~June~~ July weekday.

6. Certificate of Compliance

In Section 16-2-103.P.3.b – Certificate of Compliance, amend provisions for a Temporary Certificate of Compliance as follows:

(b) Staff Review and Action

On receiving an *application*, the *Official* shall review and make a final decision on the *application* in accordance with Sec. 16-2-102.D, subject to the following procedures:

- i. Following review of the *application*, the *Official* shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this *Ordinance*— including, but not limited to, the requirements of the approved Subdivision Plan, Development Plan, Small Residential Development, or other applicable permits and *development* approvals.

Exhibit A- Proposed LMO Amendments

- ii. After the final site inspection, the **Official** shall either approve or deny the **application**, based on compliance with Sec. 16-2-103.P.4, Certificate of Compliance Review Standards.
- iii. The **Official** may issue a Temporary Certificate of Compliance for a period up to a maximum of six months where the only uncompleted development consists of landscaping/tree planting that is deferred until more appropriate weather conditions for planting is expected (e.g., deferring plantings from hot summer months to cooler autumn months). subject to a performance guarantee of improvements for a period up to a maximum of 18 months where the only uncompleted **development** consists of landscaping/**tree** planting that is deferred due to inappropriate weather conditions for planting (e.g., deferring plantings from hot summer months to cooler autumn months) or the likelihood that landscaping or trees will be damaged during additional construction activities related to a residential subdivision.
- iv. Performance Guarantee of Improvements. If landscaping installations are not completed and accepted by the **Town** prior to issuance of a Certificate of Compliance, a Temporary Certificate of Compliance may be issued and shall be subject to the posting of a performance guarantee with conditions satisfactory to the **Town**, providing for and securing to the **Town** the actual construction and installation of improvements.
 01. Form of Guarantee. Where required, the **applicant** shall furnish a performance guarantee in any of the following acceptable forms:
 - (A) Cash deposit with the **Town**;
 - (B) Certified check from a Federal or South Carolina banking institution based upon a cash deposit, in a form acceptable to the **Town Attorney**;
 - (C) Irrevocable letter of credit from a Federal or South Carolina banking institution in a form acceptable to the **Town Attorney**; or
 - (D) Any other financial security found acceptable by the **Town Attorney**.
 02. Length of Time of Guarantee. The term of the performance guarantee shall reflect any time limit for completing installation of required landscaping not to exceed 18 months.
 03. Amount of Guarantee. Performance guarantees for the completion of landscaping shall be a minimum of 125 percent of the cost of materials and labor required for completion.

Exhibit A- Proposed LMO Amendments

04. Final Plat. Where a performance guarantee is accepted by the *Town* in-lieu of the completion of landscaping installation in a subdivision, the final plat shall include the following statement:

“THIS FINAL PLAT IS SUBJECT TO A PERFORMANCE GUARANTEE, WHICH MEANS THAT ALL REQUIRED LANDSCAPING IS NOT COMPLETED. ISSUANCE OF BUILDING PERMITS PRIOR TO COMPLETION OF LANDSCAPING SUBJECT TO THE PERFORMANCE GUARANTEE SHALL OCCUR AT THE SOLE DISCRETION OF THE TOWN OF HILTON HEAD ISLAND. IN THE EVENT THE DEVELOPER DEFAULTS AND THE TOWN MUST COMPLETE THE LANDSCAPING, THE DEVELOPER WILL BE ASSESSED ANY DIFFERENCE BETWEEN THE AMOUNT OF THE PERFORMANCE GUARANTEE AND ACTUAL CONSTRUCTION COST.”

05. Release of Guarantee.

(A) Release. Release of a performance guarantee shall occur after the Town Project Manager determines that the landscaping in-lieu of which the guarantee was accepted is complete.

(B) Partial Release. A partial release of a performance guarantee is prohibited.

(C) Release to be Recorded. The *Town* shall record all releases of performance guarantees, or the *Town*'s final acceptance of landscaping installation, in the *Beaufort County Register of Deeds*.

06. Forfeiture of Security.

(A) Notice of Failure to Install or Complete Landscaping. If an *applicant* fails to properly install all required landscaping within the term of the performance guarantee, the *Town* shall give 30 days' written notice to the *applicant* by certified mail, after which time the *Town* may draw on the security and use the funds to complete the required installation.

(B) Town Completion of Landscaping. After completing the required landscaping installation, the *Town* shall provide a complete accounting of the expenditures (to include administrative fees) to the *applicant* and, as applicable, refund all unused security deposited, without interest.

7. Signs with Changeable Copy

(a) In Section 16-5-114.H.10. Standards for Specific Types of Signs, amend provisions as follows:

Exhibit A- Proposed LMO Amendments

(10) Signs with Changeable Copy.

a. Description of Changeable Copy Types.

i. Manually activated **changeable copy** shall mean a sign or portion of a sign that can be changed or re-arranged manually or mechanically, and has a readerboard for the display of text information in which each alphanumeric character, graphic, or symbol is defined by objects, not consisting of an illumination device.

ii. Electronically activated **changeable copy** shall mean a sign or portion of a sign that can be changed by means of remote electrically energized on-off switching combinations of alphanumeric character, graphic, or symbol.

b. ~~a.~~ Signs with **changeable copy** are limited to one sign per **street frontage per parcel.**

c. ~~b.~~ The total size of **changeable copy** shall not exceed 20 square feet per **sign face**, with no more than three lines of **copy**.

d. ~~c.~~ **Copy height** shall be eight inches maximum and four inches minimum.

e. ~~d.~~ **Copy** shall be securely fastened to the **sign face** and neatly maintained.

f. ~~e.~~ **Changeable copy** shall be limited to announcing:

i. **On-premises special events.**

ii. Motion pictures or entertainment at a theater whose primary function is to provide musical or dramatic events; or

iii. Gasoline prices as described in Sec. 16-5-114.H.11, Price Displays at Gas Establishments.

g. ~~f.~~ Permanent Special Event Signs as described in Sec. 16-5-114.H.8, Permanent Special Event Signs, are exempt from the requirements of this section.

h. Minimum Fixed Period. Electronic **changeable copy** shall remain fixed and should be changed no more than twice per day.

i. Transition Between Copy. The duration of change between electronic **changeable copy** shall be accomplished within two seconds or less.

(b) In Section 16-10-105. General Definitions, amend the definition of ‘Changeable Copy’ as follows:

Any **copy** or **graphics** on a sign designed to be changed manually ~~in the field~~ or electronically.

8. Building Height Measurement.

Exhibit A- Proposed LMO Amendments

(a) In Section 16-3-106.H.4.a.ii- Forest Beach Neighborhood Character Overlay District Standards, amend the provisions as follows:

i. In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, a side, and rear adjacent use setback shall be required.

ii. Setbacks shall comply with the standards of Sec. 16-5-102, Setback Standards, except that the 65 degree setback angle shall be measured from 20 feet above thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or pre-development grade, whichever is higher ~~the required base flood elevation.~~

(b) In Section 16-3-106.I.4.a.ii- Folly Field Neighborhood Character Overlay District Standards, amend the provisions as follows:

In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, with the exception that *structures* greater than 24 inches in *height* along minor arterials are required to have a minimum adjacent street setback of 20 feet, the following setbacks shall be required.

i. Rear yard setbacks shall be a minimum of ten percent of *lot* depth or ten feet, whichever is greater.

ii. Side yard setbacks shall each contain a minimum of ten percent of the total *lot* width.

iii. Maximum setback angle of 65 degrees shall be measured from 20 feet above thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or pre-development grade, whichever is higher ~~the required base flood elevation.~~

(c) In Section 16-3-106.J.4.a.ii- Holiday Homes Neighborhood Character Overlay District Standards, amend the provisions as follows:

In addition to the *single-family* setback requirements of Sec. 16-5-102, Setback Standards, the following setbacks shall be required:

i. Rear yard setbacks shall be a minimum of ten feet.

ii. Side yard setbacks shall be a minimum of ten feet; however, to preserve existing *trees*, any one side yard setback may be reduced to five feet provided the sum of the required side yard setbacks equals at least 20 feet.

01. A *lot* with less than 50 feet of *street frontage* or less than 0.15 acres in area shall be permitted to reduce side yard setbacks to a minimum of five feet.

02. Dwelling units that are nonconforming as to the side yard setbacks identified above are permitted to be expanded along the subject boundary line; however, *expansions* shall

Exhibit A- Proposed LMO Amendments

be constructed no closer than five feet from the side property line.

03. Side yard setback angles shall be a minimum of 65 degrees measured from 20 feet above thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or *pre-development grade*, whichever is higher the required *base flood elevation* (BFE), at the setback line. The illustration in Sec. 16-5-102.D, Adjacent Use Setback Requirements, can be referenced for an example of a setback angle.

(d) In Section 16-5-102.C, amend the text in Table 16-5-102.C, footnote (2) as follows:

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above 13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, ~~the base flood elevation~~ or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.C, Street Setback Angle).

(e) In Section 16-5-102.C- Adjacent Street Setbacks and 16-5-102.D – Adjacent Use Setbacks, amend the Figures illustrating the Setback Angles to measure height according to the height definition.

(f) In Section 16-5-102.D, amend the text in Table 16-5-102.D, footnote (2) as follows:

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet above 13 feet above Mean Sea Level for residential use or 11 feet above Mean Sea Level for nonresidential use, ~~the base flood elevation~~ or pre-development grade, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle).

(g) In Section 16-10-102 – Rules of Measurement, amend Section 16-10-102.C.1.a as shown below.

(C) Height

1. Calculation of Height

a. Maximum structure height for development in each zoning district shall be calculated as follows:

i. Residential maximum building height shall be measured from thirteen feet (13') above mean sea level using the NAVD 88 vertical datum or *pre-development grade*, whichever is higher; and

Exhibit A- Proposed LMO Amendments

- ii. Nonresidential maximum building height shall be measured from eleven feet (11') above mean sea level using the NAVD 88 vertical datum or pre-development grade, whichever is higher.

9. Minor Subdivision Requirements

In Appendix D: D-5. – Subdivision Review, Minor, amend as follows:

(A) Submittal Requirements

A minor subdivision plat shall be submitted with each of the items set forth in D-4, Subdivision Review, Major, with the exception of the following:

~~1. Item C., Certification of Owner's Consent;~~

1. 2. Item F., Open space and Public Dedication narrative; and

2. ~~3.~~ Item H., Subdivision in Phases.

10. Deviations to Approved Single-Family Residential Subdivisions

(a) In Section 16-2-102.E.2 – Hearing Notice Requirements, amend Table 16-2-102.E.2 as follows:

<u>Subdivision Amendment</u>	<u>Publish notice of the hearing no less than 15 calendar days before the hearing date</u>	<u>Mail notice of the hearing to all owners of record of properties located within the subdivision no less than 15 calendar days before the hearing date</u>	<u>Post conspicuous notice of the hearing at the entrance of the subdivision no less than 15 days before the hearing date</u>
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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 1, 2023
SUBJECT: First 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).

RECOMMENDATION:

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

BACKGROUND:

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 ~~strike through~~ 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:

Town Council should review the proposed LMO Amendments, and if acceptable, move to adopt the Ordinance authorizing these amendments on first reading.

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.