



**The Town of Hilton Head Island
Planning & Development Standards Committee
Regular Meeting
Wednesday, October 27, 2010 4:00p.m.
Benjamin M. Racusin Council Chambers**

REVISED AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

1. Call to Order

2. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Minutes - Regular Committee Meeting of July 28, 2010

4. New Business

Proposed Resolution Regarding Regional Economic Development Plan for Beaufort and Jasper Counties *Presented by: Greg DeLoach*

Proposed Ordinance No. 2010-15 - To amend Title 15 of the Municipal Code of the Town of Hilton Head Island, South Carolina. This amendment commonly referred to as the Property Maintenance Amendment includes changes that provide for regulations for maintenance of buildings/structures, property and outdoor equipment; enforcement actions; and appeals procedures. *Presented by: Jill Foster*

5. Committee Business:

Approval of the P&DS Committee Schedule of Meetings - 2011

6. Adjournment

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

THE TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of Wednesday, July 28, 2010 Meeting
4:00pm – Benjamin M. Racusin Council Chambers

DRAFT

Committee Members Present: Chairman Bill Ferguson, Drew Laughlin and John Safay

Committee Members Absent: None

Council Members Present: Mayor Tom Peeples, Mayor Pro Tem Ken Heitzke,
Bill Harkins and George Williams, *Alternate*

Town Staff Present: Heather Colin, Development Review Administrator
Mike Roan, Urban Design Administrator
Teri Lewis, LMO Official
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

2) FREEDOM OF INFORMATION ACT COMPLIANCE

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3) APPROVAL OF MINUTES

The Minutes of the June 23, 2010 meeting were **approved** as presented with a vote of 3-0-0.

4) UNFINISHED BUSINESS

None

5) NEW BUSINESS

a) Potential Lowcountry Fair at Honey Horn to benefit the Boys & Girls Club

Chairman Ferguson reported that this item has been withdrawn from today's agenda.

b) Proposed Amendment to LMO Section 16-4-1305, Auto Sales

Ms. Heather Colin made the presentation on behalf of staff. Staff recommended that the Planning and Development Standards Committee forward the (*attached*) proposed Amendment to LMO Section 16-4-1305, Auto Sales to Town Council with a recommendation of approval.

The LMO Committee reviewed the proposed amendments on July 7, 2010. At that time there was significant discussion about the proposed amendment to change the distance separation requirement for auto sales from 1,500 feet to either 500 feet or 400 feet. The LMO Committee was concerned with the noise generated from the auto sales use. They also expressed concern that there wasn't a logical reason for choosing either 500 or 400 feet, or for making the recommended distance separation change.

The LMO Committee forwarded the proposed amendment as presented by staff to the full Planning Commission. The Planning Commission held a public hearing for the proposed amendments on July 21, 2010. A motion to recommend approval of the proposed amendments to Town Council as presented by staff passed with a vote of 6-1-0.

The proposed amendment was first included with the 2010 General LMO Amendments. However the item was removed from the general set by Town Council at 1st reading (May 18, 2010) and sent back to the LMO Committee for staff to further review.

Town Council specifically asked that the LMO Committee review the suggested changes made by the Planning and Development Standards Committee, which was to reduce the proposed 500 foot separation to a 400 foot separation of auto sales use to auto sales use, eliminate the requirement of direct access to a major or minor arterial road, and discuss removing the auto sales use from the CC (Commercial Center) Zoning District.

In order to be more flexible for redevelopment and development opportunities, and to be more business friendly so that auto sales uses do not have to locate off island, staff recommended reducing the separation requirement between auto sales facilities and between auto sales facilities and residential uses from 1,500 feet to 500 feet. Staff is recommending a 500 foot separation between auto sales facilities because the separation requirements between other like uses – liquor stores, nightclubs and bars, tattoo facilities – is already established as 500 feet.

After doing research, the staff has determined there are no parcels within the Town that would allow an auto sales use using the existing 1,500 foot separation requirement, along with the other standards that are currently provided in the LMO for auto sales use. Staff is also proposing to eliminate the requirement of a proposed auto sales site to have direct access to a major or minor arterial road.

In an effort to be consistent with other sections in the LMO, staff is also proposing to add language stating how the distance shall be measured, changing residential use to residential zoning district and establishing a minimum lot size requirement. There were concerns voiced at the Town Council meeting that it may not be appropriate to have auto sales on small lots. With these changes, 113 parcels would allow the use of auto sales.

Ms. Colin and the Planning and Development Standards Committee discussed the proposed amendments. Mr. Laughlin stated that, due to a potential conflict of interest, he will recuse himself from discussing and voting on the issue. However, Mr. Laughlin did present statements regarding his position on the proposed amendment. Mr. Laughlin stated that the separation between the existing property that has car sales and his partner's client's business is 450 feet. The proposal before the Committee today is a proposal that does not help the client; however it does legitimize the previously non-compliant situation, which is not fair. Mr. Laughlin stated that he does not understand the importance of having a 500 ft. separation as opposed to a 400 feet separation between small car lots.

The Committee discussed this and several other issues including the method of measuring the 500 foot separation. At the completion of their discussion, Chairman Ferguson requested comments from the public.

Councilman George Williams presented statements in concern of the change in the minor and major arterial requirement. Mayor Pro Tem Heitzke presented statements in concern of a reduction to the 500 foot separation requirement. This seems to be making an exception for just one person for one lot, and two wrongs do not make a right. There is a concern with “spot zoning”. Chester C. Williams, Esq., stated that he represents H & H Auto Sales in connection with the proposed amendments. Mr. Williams stated that the issue being addressed is larger than just the two existing auto sales uses.

At the completion of public comments, the Planning and Development Standards Committee discussed several issues including the intent of the major and minor arterial requirement. At the completion of the discussion, Chairman Ferguson requested that a motion be made.

Mr. Safay made a **motion** that the Planning and Development Standards Committee **recommend** that the Town Council **approve** the proposed amendments with the exception of “C” under Sec. 16-4-1305, and that the site is not to be located within 400 feet of an existing auto sales site. Chairman Ferguson **seconded** the motion and the motion **passed** with a vote of 2-0-1. Councilman Laughlin **recused** himself from the vote.

c) **Direction on Coligny Area Plan**

Mr. Mike Roan made the presentation on behalf of staff. The staff recommended that the Planning and Development Standards Committee direct staff on the preferred path to proceed on planning and designing the Coligny Redevelopment effort.

With Town Council’s endorsement of the “*Coligny Park Project-Talking Points*” at its 2009 retreat, staff has begun identifying the issues in the area relative to maximizing the project’s impact as a quality space commensurate with a world-class resort, as well as a catalyst for the redevelopment of surrounding properties. The issues identified as most pressing are more relevant to the Coligny district as a whole, rather than specific to the site. Particularly, how the project can help create a community core or “Downtown” so many groups have identified as lacking on the island, and Council has provided for in the creation of the “Coligny Walking District” zoning classification.

A completely successful redevelopment of the Coligny Park site will definitely make the area a better public space and a nice place to be. But as a stand-alone project, it probably won’t succeed in creating the walking district we have zoned the area to be. In order to maximize our opportunity for success, the following questions need to be answered:

1. To what extent is the Town willing to alter the streets in the district? In order to make the area a more walkable “Downtown-type” district, various applications would be needed in the street rights-of-way that are historically non-starters to SCDOT. Are we willing to invest time and effort in negotiating these elements, or does the Town consider taking over some lengths of road altogether?
2. How does the Town incorporate the 2-acre Coligny Circle that sits directly in the middle of the area’s three main amenities - the park, the beach, and the shops? As the hub of the area’s biggest draws, is the Town willing to explore utilizing the circle as an amenity, or continue to

inhibit interior access, theoretically creating a sizable obstacle in an area the Town is trying to make more manageable for pedestrians?

The Coligny/Pope Initiative Area Improvements project was identified in the CIP in 2004 as part of the Bridge to Beach-1 Redevelopment Initiative. In 2009, Town Council was provided a document outlining the potential programming and design for the project. Town Council identified the project as one of its Top Priorities for 2010. Staff has subsequently identified issues and opportunities for the project in the adjacent roadways and Town-owned parcels that could potentially increase the effort's impact on the district overall.

Mr. Roan reviewed the (*attached*) "Coligny Park Project - District Issues" (March 2010). The idea of "connectivity" is very important – between the park, the beach, and restaurants and shopping. Visitors will be invited to park their cars and enjoy "stay for the day" amenities. A well-developed, pedestrian friendly area is an integral part of the plan.

Mr. Roan provided a detailed, in-depth presentation of the Coligny Park Project District Issues. Mr. Roan presented an overhead review of the conceptual drawings. The roadway profile, plans for traffic and pedestrian circulation, and preservation of natural resources were also included in the presentation.

Chairman Ferguson thanked Mr. Roan for a very good presentation. Mr. Safay recommended, as part of the next step in the review process, that staff invite Coligny area business owners to participate in the review process. The staff agreed with this suggestion. Mr. Laughlin stated some concern with pedestrian safety issues (crossing the Circle area). Reduced speed and a designated pedestrian crossing will be important elements. The Committee and staff also discussed SCDOT. Chairman Ferguson reported concern with security and potential crime. Additional lighting in the area may be needed for security. Mr. Roan presented statements regarding the issue of lighting and compliance with the Land Management Ordinance.

Chairman Ferguson then requested public comments. Councilman Bill Harkins presented comments regarding overall redevelopment of the Coligny area. Mayor Tom Peeples presented statements in appreciation of the staff's design efforts. Mayor Peeples also presented comments regarding SCDOT. The Mayor cautioned against the use of excessive lighting in this area as that would be out of character for Hilton Head Island. Mayor Peeples also presented statements in regard to Coligny area business owners and the need to preserve the area's unique character. Planning Commissioner Tom Crews presented statements in regard to the history and plans for redevelopment of Coligny.

Following all public comments and final discussion by the Committee, Chairman Ferguson requested that a motion be made.

Mr. Safay made a **motion** that the Planning and Development Standards Committee recommends **forwarding** the two key points presented today by staff with regard to utilizing the Coligny Circle as a pedestrian friendly area with the kinds of amenities that have been discussed, and also to pursue the possibility of taking over the roads from the State in order to make them more along the lines of what the staff has tried to put together in their presentation. The Planning and Development Standards Committee recommends that Town Council consider and provide that direction for staff to provide further review of this aspect of the staff's documents. And, while not

part of this motion, the Committee recognizes that there is an entirely separate aspect of it that has to do with the economic development potential. We will get to that aspect in the future. Mr. Laughlin **seconded** the motion and the motion **passed** with a vote of 3-0-0.

6) ADJOURNMENT

The meeting was adjourned at 5:20pm.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

Bill Ferguson
Chairman

DRAFT

MEMORANDUM

TO: Town Council Planning & Development Standards Committee

FROM: Thomas D. Peeples, Mayor

RE: Proposed Resolution regarding the Regional Economic Development Plan for Beaufort and Jasper Counties

DATE: October 26, 2010

CC: Remaining Town Council Members
Stephen G. Riley, C.M., Town Manager
Gregory D. DeLoach, Assistant Town Manager
Charles Cousins, Community Development Director
Shawn Colin, Comprehensive Planning Manager

The Lowcountry Economic Alliance met on Wednesday, October 20 from 9-11 a.m. at the Jasper County Council Chambers in Ridgeland. As you recall, Town Council joined the Alliance over a year ago. The Alliance Board of Directors is composed of elected officials and business leaders. The meeting was attended by, among others, our Legislative Delegation, Town and City Mayors and Managers, a few Town and City Council members and the Jasper County Council Chairman. The Lowcountry Economic Alliance is the regional economic development arm of Jasper and Beaufort counties formed by their respective County Councils to create an economic vision for the region, attract new business and diversify the tax base.

The purpose of the meeting was to discuss the merits of establishing, under the auspices of the Lowcountry Economic Network and Alliance, a Regional (Beaufort/Jasper) effort to address and promote Economic Development. Our discussion surfaced the fact that what is often good for one county is good for another and that if we approach e.g. the South Carolina General Assembly or Congress with one voice, then more and better attention will result. The Alliance seeks to create a regional economic development plan (attached is a synopsis of the sections of a proposed Regional Economic Development Plan for Beaufort and Jasper Counties) and by adoption of this Resolution, the Town of Hilton Head Island will be a part of that process.

In the event the committee makes a favorable recommendation to the Council, we have been asked to fast track the adoption of this Resolution at our November 4th Council meeting.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ENDORSING THE CREATION OF A REGIONAL ECONOMIC DEVELOPMENT PLAN BY THE LOWCOUNTRY ECONOMIC NETWORK AND ALLIANCE.

WHEREAS, the Lowcountry Economic Alliance is the regional economic development arm of Jasper and Beaufort counties formed by their respective County Councils to create an economic vision for the region, attract new business and diversify the tax base; and

WHEREAS, one of the Alliance's main goals is to relieve the tax burden on residential property owners by attracting commercial and industrial development; and

WHEREAS, the Lowcountry Economic Network is the nonprofit, public-private economic development arm of Beaufort County; and

WHEREAS, the Network's goal is to diversify the region's tax base in order to relieve the residential tax burden; and

WHEREAS, the Network serves as the staff and implementation arm of the Alliance; and

WHEREAS, the Town of Hilton Head Island is a member of the Network; and

WHEREAS, the S.C. Department of Commerce set aside money in South Carolina's 2008-09 and 2009-10 budgets to support the Alliance; and

WHEREAS, the Alliance's board of directors is made up of elected officials and business leaders from Jasper and Beaufort counties; and

WHEREAS, the board of directors of both the Alliance and Network have endorsed a diversified economic vision for Jasper and Beaufort counties based on the sectors of Aeronautics and Defense, Ports and Logistics, Medical, Green Industry and the Knowledge Intensive Cluster; and

WHEREAS, both Jasper and Beaufort counties have partnered on several Multi-County Industrial Park districts in the two-county region; and

WHEREAS, elected officials in both Jasper and Beaufort counties and their respective municipalities have acknowledged a need and desire to work toward the creation of a regional economic development plan.

NOW THEREFORE, BE IT, AND IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT it endorses the creation of a regional economic development plan and will commit appointed staff and at least one council member to the regional planning process.

MOVED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2010.

Thomas D. Peoples, Mayor

ATTEST:

By: _____
Betsy Mosteller, Town Clerk

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

Regional Economic Development Plan for Beaufort and Jasper counties

Section I – Lowcountry Vision Statement

Section II – Regional Conditions

This section will outline the conditions of Beaufort and Jasper counties to include our natural resources, demographics, workforce, transportation, infrastructure and housing. The regional conditions section also will take a comprehensive look at our educational partners on the public school and higher education levels.

Section III – Problems, Needs and Opportunities

A look at the issues that need to be addressed by the region to include economic diversity, workforce, education, government regulations, land-use, infrastructure, financing and regional partnerships.

Section IV – Economic Development Partners

A list of partner organizations and what role they play within the economic development framework of Beaufort and Jasper counties, to include local government, education, utilities, private landowners, nonprofits and the state and federal governments.

Section V – Regional Economic Development Strategy (Sectors)

A look at the four focus groups highlighted for economic development for Beaufort and Jasper counties and the opportunities and challenges of each.

- Economic development goals
- Short-term analysis of sectors
- Long-term analysis of sectors
- Implementation plan to promote sectors
- Implementation barriers and means to overcoming the barriers
- Performance measurement and evaluation plan
- Implementation schedule

Section VI – Regional Economic Development Strategy (Sites)

A comprehensive overview of sites, both publicly and privately held, that have been highlighted as opportunities for economic development.

- Short-term needs for each site
- Long-term needs for each site
- Budget to address needs

TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
FROM: Jill Foster, Deputy Director
CC: Charles Cousins, Director
DATE: October 20, 2010
SUBJECT: Proposed Ordinance 2010-15—Property Maintenance

Recommendation: Planning Commission met on September 15, 2010 and moved to return *Proposed Ordinance No. 2010 – 15: Property Maintenance* – back to the staff for additional review and consideration. The staff was directed to (1) broaden the proposed property maintenance standards; and (2) look into the administrative process for the appeal procedure. Those areas where the Planning Commission desired staff to broaden the standards are to include regulating peeling paint, height of weeds, moldy exterior surfaces, and single family properties. It was also suggested that a board of professionals oversee any enforcement of this ordinance to ensure the design is not compromised. *(Please note: most of our building stock has been approved by the Design Review Board for design standards. This proposed ordinance intends to ensure those design standards are maintained in good repair and good working condition according to its approved plan. Any change to the design of the building while repairing it would have to be approved by the DRB.)*

Summary:

Town Staff gave a presentation to the Planning Commission on the history of discussions for drafting and implementing a property maintenance ordinance to be partially based on the International Property Maintenance Code model. Staff indicated to the Planning Commission that the general concept was discussed at the August 3, 2010 *Town Council* and the June 23, 2010 *Planning & Development Standards Committee* meetings. Both groups suggested certain parameters that should be addressed in the ordinance. Town Council went further and gave certain parameters they did not wish to address in the ordinance (those being peeling paint, height of weeds, moldy exterior surfaces, and single family properties).

As currently drafted, the attached proposed amendments include changes to *Municipal Code Title 15 Building and Building Codes*. These Island-wide changes will affect only non-residential and multi-family buildings/structures, property and outdoor mechanical equipment. The changes:

- Make it a violation to have unmaintained buildings/structures, property or outdoor equipment which negatively affect the economic value preservation of property and the surrounding properties;
- Define regulations for maintenance of properties, buildings/structures and outdoor equipment;
- Define duties of the Building Official within this chapter;
- Establish Notices and Orders to the property owner;
- Include a variety of enforcement actions that can be taken by the Town;
- Include an appeals process; and
- Include emergency measures.

BACKGROUND:

At its 2009 annual workshop, Town Council discussed the lack of maintenance to existing non-residential development and the negative impact this can have on the community. Some of the items discussed were commercial buildings in disrepair, parking lots and driveways with pot holes, and tattered awnings. In January 2010, Town Council adopted a goal "*Commercial Appearance-- Town Role and Direction*" as part of their Policy Agenda for 2010: Targets for Action.

Discussions on the concept of a property maintenance ordinance have been discussed in depth at the June 23, 2010 Planning & Development Standards Committee and at the August 3, 2010 Town Council meetings.

Discussions on the *Proposed Ordinance 2010-15: Property Maintenance Ordinance* were presented at the September 15, 2010 Planning Commission Meeting.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

PROPOSED ORDINANCE NO. 2010-15

ORDINANCE NO. 2010-__

AN ORDINANCE TO AMEND TITLE 15 (BUILDING AND BUILDING CODES) OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA BY ADDING A NEW CHAPTER TO THE TITLE TO INCLUDE DUTIES OF THE BUILDING OFFICIAL; GENERAL PROPERTY MAINTENANCE AND AESTHETICS REGULATIONS; NOTICES AND ORDERS; ENFORCEMENT ACTIONS; APPEALS PROCESS; EMERGENCY MEASURES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted *Ordinance 01-07 Title 15 Building and Building Codes* on June 5, 2001; and

WHEREAS, the Town of Hilton Head Island desires to enhance the protection of the economic value of structures and property in the Town by regulating the condition, maintenance and aesthetics of areas on the Island with effective standards and requirements; and

WHEREAS, the International Property Maintenance Code is a comprehensive uniform model code that provides standards and requirements for safe, sanitary and aesthetic conditions of these structures, sites and equipment; and

WHEREAS, the Town finds that the certain standards and requirements of the International Property Maintenance Code are suitable for these structures, sites and equipment in the Town; and

WHEREAS, the International Property Maintenance Code complements existing codes applicable to the Town, including the Building, Plumbing, Electrical and Mechanical Code, and the International Fire Code, and is intended to be consistent with existing ordinances; and

WHEREAS, the Town has determined that adopting a comprehensive ordinance regulating the maintenance and aesthetics of non-residential and multi-family land uses will promote an attractive physical appearance and minimize deterioration of structures located within the Town; and

Proposed Ordinance 2010-15
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WHEREAS, the Planning and Development Standards Committee met on June 23, 2010, and the Town Council on August 3, 2010, to discuss concepts and give direction to Town Staff; and

WHEREAS, the Planning and Development Standards Committee met on October 27, 2010 to review and give their recommendation to Town Council on the draft language of Proposed Ordinance 2010-15; and

WHEREAS, the Town Council now desires to amend *Title 15, Building and Building Codes*.

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

NOTE: New text is indicated by a double underline, deleted text is indicated by ~~strike through~~.

Section 1. Amendment. That the Municipal Code of the Town of Hilton Head Island, be, and the same hereby amended to include those amendments as indicated on the attached pages.

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.

Proposed Ordinance 2010-15
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**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE
TOWN OF HILTON HEAD ISLAND ON THIS 3rd DAY OF NOVEMBER, 2010.**

Thomas D. Peeples, Mayor

ATTEST:

Betsy Mosteller, Town Clerk

First Reading: 11-3-2010

Second Reading:

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member:

Proposed Municipal Code Ordinance Amendment for Property Maintenance

Note: Additions are underlined and deletions are ~~strike-throughs~~.

Staff Explanation: This adds a new chapter to the Title. It allows island-wide regulations to govern maintenance and aesthetics to minimize deterioration which could lead to unsafe or economic impairment of structures/buildings (excluding single family residential uses), sites and equipment or our community. It also explains the enforcement and appeals processes.

TITLE 15 BUILDING AND BUILDING CODES

Chapters

1. Official Construction Code
3. Fire Code
5. Fees and Permits
7. Manufactured Homes
9. Flood Damage Controls
11. Swimming Pools
13. Disaster Emergency Permitting
15. Property Maintenance and Aesthetics

Chapter 15

PROPERTY MAINTENANCE AND AESTHETICS

Article 1. Duties of the Building Official

Article 2. General Property Maintenance And Aesthetics

Article 3. Notices and Orders

Article 4. Enforcement Actions

Article 5. Appeals

Article 6. Emergency Measures

The purpose of this chapter is to provide for the enhancement and protection of life, health, property and the economic value of the town by regulating the condition, maintenance and aesthetics of areas on the Island through requirements essential to ensure that such structures, sites and equipment are safe, sanitary and fit for occupation, are well maintained and are conforming to the town's aesthetic goals.

Staff Explanation: The following sections were generally modeled after Chapter 1 of the International Property Maintenance Code.

ARTICLE I. DUTIES OF THE BUILDING OFFICIAL.

Section 15-15-100. General. The Building Official is hereby authorized and directed to enforce the provisions of this chapter. The Building Official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

Section 15-15-101. Inspections. The Building Official shall make all of the required inspections or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

Section 15-15-102. Right of entry. The Building Official or his designee or any law enforcement officer, shall have the power to enter upon any premises in the town upon which there is suspected to be a violation of this chapter for the purpose of inspecting the premises for a violation, examining and abating the violation. It shall be unlawful for any person to in any manner hinder or obstruct any authorized officer or representative of the town, in the inspecting of any premises within the town limits, in the abatement or removal of any violation, or in the discharge of any of the duties prescribed in this chapter or any other ordinance for the prevention or correction of any unsanitary, unsightly, or unsafe condition in the town.

Section 15-15-103. Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this chapter.

Section 15-15-104. Records. The Building Official shall keep official records of all business and activities in implementing this chapter. Such records shall be retained in the official records for the period required for retention of public records.

Section 15-15-105. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this chapter, the Building Official shall have the authority to grant modifications for individual cases upon application by the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this chapter impractical and the modification is in compliance with the intent and purpose of this chapter

and that such modification does not lessen the health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered into the official record.

Staff Explanation: The following article was modeled after Chapter 3 of the International Property Maintenance Code.

ARTICLE II. GENERAL PROPERTY MAINTENANCE AND AESTHETICS

Sec. 15-15-200. General Requirements.

(a) Scope. The provisions of this section shall govern criteria for minimizing deterioration of non-residential and multi-family structures, whether vacant or occupied, and describe responsibilities of persons for maintenance and appearance of buildings/structures, exterior equipment and exterior property. Single family residential uses and premises shall be excluded from this chapter.

(b) Responsibility. The owner and any lessee, occupant, agent or representative of the owner shall maintain the exterior property, appurtenances, and premises in a state of good repair and in a condition which is aesthetically consistent with the surrounding property. All structures and premises shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause deterioration or adversely affect the public health or safety or to avoid any negative affect to the economic value of the premises or surrounding property.

(c) All structures, exterior property, or premises (excluding single family residential uses) not maintained in a state of good repair and working condition, or which are not in a clean, safe, secure and sanitary condition as provided herein, are hereby deemed to be in violation of this chapter. All structures, exterior property and premises (excluding single family residential uses) which have unreasonably deteriorated or adversely affect the public health, safety or which negatively affect the economic value of the premises or the surrounding property are hereby deemed to be in violation of this chapter and are prohibited.

(d) The Building Official or his designee shall determine if any building/structure (excluding single family residential uses), exterior property or premises are in violation of this chapter, based upon the facts and circumstances found after reasonable inquiry and investigation.

Section 15-15-201. Exterior Property Areas.

(a) Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention and detention areas, reservoirs and aesthetic water features.

(b) Sidewalks, driveways, drive aisles, parking spaces, streets and access easements. All sidewalks, walkways, driveways, parking spaces, drive aisles, streets, access easements and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(c) Fences and walls. All fences and walls shall be maintained structurally sound and in good repair.

(d) Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state.

Section 15-15-202. Exterior Structure or Building.

(a) General. The exterior of a structure or building shall be maintained in good repair, and not negatively affect the economic value preservation of the property or surrounding properties. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, and decks shall be maintained in good condition.

(b) Structural members. All structural members shall be maintained free from deterioration.

(c) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(d) Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(e) Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a nuisance.

(f) Decorative features. All veneer, cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(g) Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, awnings, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

(h) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair and working order, and with proper anchorage.

(i) Chimneys and towers. All chimneys, cooling towers, and similar appurtenances shall be maintained structurally safe and sound and in good repair.

(j) Handrails and guards. Every handrail and guard shall be firmly fastened and shall be maintained in good condition and repair.

Section 15-15-203. Mechanical Equipment or other Outdoor Service Equipment.

(a) Equipment includes any heating/air equipment, electrical wiring or device, flammable liquid containers or other equipment servicing the premises which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure, or which negatively affects the economic value preservation of the property or surrounding properties.

(b) All equipment shall be properly installed and maintained in a clean, safe, mechanically sound and sanitary working condition, and shall be capable of performing the intended function.

(c) All above-ground equipment located on the property shall be maintained free of overgrown vegetation and kept accessible to utility and maintenance companies.

Staff Explanation: The following is added to outline the procedure taken by staff to notify the property owner of a violation. It is generally modeled from Chapter 1 of the International Property Maintenance Code.

ARTICLE III. NOTICES AND ORDERS

Section 15-15-300. Notice to person responsible. When the Building Official determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, a notice of an administrative determination or a notice of violation may be given in the manner prescribed below to the person responsible for the violation as specified in this chapter.

Section 15-15-301. Form of Notice of Administrative Determination. Such notice of administrative determination prescribed in Section 15-15-300 shall be in accordance with all of the following:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the violation or violations and why the notice is being issued.
- (d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure/building, property or equipment into compliance with the provisions of this chapter as determined by the Building Official and any approved site or building plan and permit.

Section 15-15-302. Form of Notice of Violation. In the event the property owner or his representative is unable or unwilling to remedy the notice of administrative determination, the Building Official at his discretion, may issue a formal notice of violation. Such notice prescribed in Section 15-15-300 shall be in accordance with all of the following:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the violation or violations and why the notice is being issued.
- (d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure/building, property or equipment into compliance with the provisions of this chapter as determined by the Building Official and any approved site or building plan and permit.
- (e) Inform the property owner of the right to appeal.
- (f) Include a statement of the right to file a lien in accordance with Section 15-15-401.

Section 15-15-303. Method of service. The notice of administrative determination or the notice of violation shall be deemed to be properly served if a copy thereof is:

- (a) Delivered personally;
- (b) Sent by certified or first-class mail addressed to the last known address; or
- (c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Section 15-15-304. Unauthorized tampering. Signs, tags, or seals posted or affixed by the Building Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Building Official.

Section 15-15-305. Enforcement actions for noncompliance with orders and notices undertaken by the Building Official shall be in accordance with Article IV of this chapter.

Section 15-15-306. Transfer of ownership. It shall be unlawful for the owner of any building/structure, property or equipment who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such building/structure, property or equipment to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issues by the Building Official and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Staff Explanation: Enforcement actions currently written in our Municipal Code are very general. The following is added to allow for a variety of methods and tools, depending on the severity of the situation. This generally mirrors those actions allowed by the LMO.

ARTICLE IV. ENFORCEMENT ACTIONS

Section 15-15-400. General.

- (a) In the event of a complaint or potential violation, the Building Official or his designee shall investigate the complaint or potential violation. If deemed to

be a violation of this chapter, the Building Official or his designee may issue a notice of administrative determination as set forth in Section 15-15-301. Upon receipt of the notice of administrative determination, the Building Official or his designee shall coordinate with the property owner or his representative to remedy the violation within a reasonable timeframe as determined by the Building Official.

- (b) In the event the property owner or his representative is unable or unwilling to remedy the notice of administrative determination, the Building Official at his discretion, may issue a formal notice of violation as set forth in Section 15-15-302. Upon receipt of the notice of violation, the property owner has the following options:
- (1) Bring the building/structure, premises or outdoor equipment into compliance with this chapter as determined by the Building Official and any approved site or building plan and permit; or
 - (2) Appeal the notice of violation to the Construction Board of Adjustments and Appeals as set forth in Article V of this chapter.
- (c) Any prosecution of a violation as a misdemeanor as set forth in Section 15-15-401(f) shall be held in abeyance during the course of an appeal.

Section 15-15-401. Enforcement Actions by Town.

Subject to Section 15-15-400(c), when the Building Official determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, any one or more of the following actions may be taken by the Building Official as a remedy for any violation of this chapter:

- (a) Withholding any approvals or permits required by the Municipal Code;
- (b) Issuance of stop work orders against any work undertaken without proper approval or permit or in violation of the Municipal Code;
- (c) Issuance of stop work orders against any actions in violation of the Municipal Code;
- (d) By bringing an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation;
- (e) By bringing an action for injunction or mandamus to abate a violation;
- (f) By prosecuting the violation as a misdemeanor; or
- (g) By using any other remedy which may be available to the Town at law or in equity.
- (h) Each day that a violation continues after an established deadline for remedy has been served shall be deemed a separate offense.
- (i) In addition to remedies set forth in (a)-(g) above, the Building Official or his designee can exercise any or all abatement measures described in this chapter.
- (j) Abatement of violation.
 - (1) Upon failure of the person(s) to whom the notice of violation is directed to remove and abate the violation, or upon the Town's receipt of written

notification that abatement of the violation is beyond the means of the property owner or responsible person, the employees or agents of the Town may enter upon the premises of the offending person and cause the violation to be removed therefrom. If the violation is determined to pose an immediate threat to public health and safety by the Building Official or his duly authorized agent, then the Town may take immediate protective measures to abate the violation and protect public health and safety.

(2) In the event the Town is required to abate any condition declared by this chapter to be in violation, any responsible person(s) shall be liable for the costs incurred by the Town for abatement in addition to being subject to prosecution for violating this chapter, and the Town shall have the right to place a recorded lien on the affected and abated property and, further, the Town may seek any and all available remedies at law or in equity to recover the costs incurred.

Staff Explanation: This Article determines the appeals process. It is generally modeled after Chapter 1 of the International Property Maintenance Code.

ARTICLE V. APPEALS.

Section 15-15-500. Means of Appeal.

- (a) Any person directly affected by a notice of violation from the Building Official as issued under this chapter shall have the right to appeal to the Construction Board of Adjustments and Appeals as established in Section 15-1-112, within fourteen (14) calendar days of receipt of the decision.
- (b) The Board shall have no authority to waive requirements of this chapter.
- (c) An appeal hearing shall be held by the Construction Board of Adjustments and Appeals within 60 days after receipt of a request for appeal at a regular or special meeting. The Building Official may extend this time period with good cause.
- (d) Board decision. The board shall uphold, modify or reverse the decision of the Building Official only by a concurring vote of not less than five (5) members as established in Title 15 Chapter 1.
- (e) The decision of the Construction Board of Adjustments and Appeals shall be final unless appealed to a court of competent jurisdiction within fourteen (14) calendar days after decision of the Construction Board of Adjustments and Appeals.

Staff Explanation: This Article determines the procedure for emergency measures. It is generally modeled after Chapter 1 of the International Property Maintenance Code. While Chapter 8 of Title 9 of the town's Municipal Code ("Uninhabited, Unsafe Buildings/structures") gives the Building Official the authority to enact emergency measures to and prohibit occupancy of unoccupied structures, it does not address occupied structures. Other procedures for emergency measures to occupied structures are established in the Official Construction Codes. Staff has added this article to better organize and combine the Building Official's options involving emergency measures for occupied and unoccupied structures.

ARTICLE VI. EMERGENCY MEASURES.

Section 15-15-600. Imminent danger. When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe And Its Occupancy Has Been Prohibited By The Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Section 15-15-601. Temporary safeguards. Notwithstanding other provisions of this chapter, whenever, in the opinion of the Building Official, there is imminent danger due to an unsafe condition, the Building Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Building Official deems necessary to meet such emergency.

Section 15-15-603. Closing streets. When necessary for public safety, the Building Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Section 15-15-604. Emergency repairs. For the purposes of this Article, the Building Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Section 15-15-605. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the town. The legal counsel of the town shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Section 15-15-606. Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this chapter and the referenced codes set forth in Title 15 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Building Official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Section 15-15-607. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this chapter.

THE TOWN OF HILTON HEAD ISLAND

PLANNING & DEVELOPMENT STANDARDS COMMITTEE

2011 Meeting Schedule

Meetings Are Held On the Fourth Wednesday of each Month at 4:00pm In Council Chambers	Meeting Deadline is at 12:00pm On the Following Dates:
January 26, 2011	January 7, 2011
February 23, 2011	February 4, 2011
March 23, 2011	March 4, 2011
April 27, 2011	April 8, 2011
May 25, 2011	May 6, 2011
June 22, 2011	June 3, 2011
July 27, 2011	July 8, 2011
August 24, 2011	August 5, 2011
September 28, 2011	September 9, 2011
October 26, 2011	October 7, 2011
* November 21, 2011	November 2, 2011
December 28, 2011	December 9, 2011

* Meeting on November 21st is due to the Holiday.