



**The Town of Hilton Head Island
Planning and Development Standards Committee
Regular Meeting
Wednesday, April 27, 2011 4:00p.m.
Benjamin M. Racusin Council Chambers**

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 Meeting March 23, 2011

4. New Business

1. ZMA100007:

The Town of Hilton Head Island has received a request from Mr. Ernest Marchetti, on behalf of Karen Watson, proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at #2 and #4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District. The properties are further identified on Beaufort County Tax Map 11, Parcels 161 and 166. *Presented by: Nicole Dixon*

2. Proposed Ordinance 2011-08: Revisions to Title 15, Chapter 9

Proposed Ordinance 2011-08 will revise language and defined terms to be consistent with the National Flood Insurance Program regulations 44 CFR Parts 59 and 60; clarify the scope and purpose of the Ordinance and correct outdated references to the International Building Code. *Presented by: Trudie Johnson*

5. Committee Business

6. Adjournment

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

THE TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of Wednesday, March 23, 2011 Meeting
4:00pm – Benjamin M. Racusin Council Chambers

DRAFT

Committee Members Present: Chairman Bill Ferguson, Bill Harkins, and Kim Likins, Alternate

Committee Members Absent: Mayor Pro Tem Ken Heitzke

Council Members Present: None

Town Staff Present: Anne Cyran, Senior Planner
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Jill Foster, Community Development Department Deputy Manager
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

Chairman Ferguson called the meeting to order at 4:00p.m.

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

Mr. Harkins made a **motion to approve** the minutes of the February 23, 2011 meeting as presented. Mrs. Likins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

4) UNFINISHED BUSINESS

None

5) NEW BUSINESS

ZMA100009: The Town of Hilton Head Island is proposing to amend the Official Zoning Map for portions of the IL, Light Industrial and OL, Office/Institutional Low Density Zoning Districts, by changing the zoning designation of five properties in the area of the Mathews Drive and Marshland Road intersection. These parcels are further identified on Beaufort County Tax Map 8 as Parcels 11H and 217 and on Tax Map 8A as 104, 106 and 108. The properties will be rezoned to CC, Commercial Center Zoning District.

Ms. Anne Cyran made the presentation on behalf of staff. The staff recommended that, following today's review, the Committee forward this application to Town Council with a recommendation of approval. This application is consistent with the Town's Comprehensive Plan and does serve to carry out the purposes of the Land Management Ordinance (LMO), based on those Findings of Facts and Conclusions of Law as determined by the LMO Official.

Ms. Cyran stated that the purpose of the rezoning is to bring these properties into greater compliance with the Land Management Ordinance (LMO) and to formalize the existing commercial nature of these street-front properties in the Mathews Drive/Marshland Road area. On February 16, 2011 the Planning Commission held a public hearing to discuss the application and voted unanimously to find the application consistent with the Comprehensive Plan and carries out the purposes of the LMO.

The parcels subject to the proposed rezoning are older, developed sites. All of the parcels were initially zoned for light industrial uses. The property addressed at 2 Marshland Road was rezoned in 2003 from IL to OL as a result of a request from the property owner, who found that the property couldn't adequately function as a light industrial property. Each of the parcels has nonconforming site structures or features and four of the five properties have non-conforming uses, which are all commercial uses.

The Town received a request from a property owner to rezone his parcel from OL to CC, a district that would allow greater flexibility in leasing space to tenants. The staff examined this request and determined that, based on their existing uses; five parcels in the area would be more appropriately zoned in the Commercial Center (CC) Zoning District. The rezoning will bring these properties into greater compliance with the LMO without creating new nonconformities.

Ms. Cyran presented a detailed review of the application including the Vicinity Map, the Aerial Photos, and the Use Table. Ms. Cyran reviewed the Findings of Fact and Conclusions of Law. This completed the staff's presentation on the application.

Following the discussion by the Committee, Chairman Ferguson requested public comments and none were received. Following final comments on the application, Chairman Ferguson requested that a motion be made.

Mr. Harkins made a **motion** to forward application for Zoning Map Amendment ZMA100009 to Town Council with a recommendation of **approval** as presented today by staff. Mrs. Likins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

6. COMMITTEE BUSINESS

None

7. ADJOURNMENT

The meeting was adjourned at 4:15pm.

Submitted By:

Kathleen Carlin
Administrative Assistant

Approved By:

Bill Ferguson
Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, *AICP, LMO Official*
FROM: Nicole Dixon, *Senior Planner*
CC: Charles Cousins, *AICP, Director of Community Development*
DATE: April 7, 2011
SUBJECT: Proposed Ordinance No. 2011-07
ZMA100007 – Verizon Wireless and Adjacent Vacant Property to the East

Recommendation: Staff recommends that the Planning and Development Standards Committee forward the attached application for Zoning Map Amendment (ZMA100007) for the proposed rezoning to Town Council with a recommendation for denial.

The Planning Commission met on March 16, 2011 to review this application and after a public hearing voted unanimously to approve the proposed application for rezoning. The Planning Commission discussed the fact that there are currently many non-conforming uses in the vicinity, some of which are commercial uses. There was also discussion about the function of and the uses allowed in the OL Zoning District and how it needs to be addressed during the LMO re-write. The Planning Commission did not believe the proposed rezoning would generate additional traffic to the area.

Summary: The purpose of this application is to amend the Official Zoning Map by changing the zoning designation of two properties located at #2 and #4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District. There is a Verizon Wireless business on one of the lots proposed to be rezoned. The other lot proposed to be rezoned is currently undeveloped.

Background: The Town received this request from the property owner to rezone the two parcels from OL to CC, in order to have more uses available to develop the property. Staff examined this request and determined that the application is inconsistent with the Comprehensive Plan and the Land Management Ordinance (LMO).

Although this zoning change could improve the economic development potential of the property, the existing zoning district in this area was established to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, and provide a balance among land use types in major corridors. This rezoning could result in a higher intensity use and/or a higher density development that would generate more traffic, possibly over taxing the existing roadway infrastructure. The subject properties are situated within the OL district where the intent is to limit the types of land uses allowed between commercial areas of the Island and limit any negative impacts on the street system. The CC zoning is intended for high intensity commercial development which is not suitable for an area where the current infrastructure may not support such development.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2011-

PROPOSED ORDINANCE NO. 2011-07

AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-4-102, THE OFFICIAL ZONING MAP WITH RESPECT TO THOSE CERTAIN PARCELS IDENTIFIED AS PARCELS 161 AND 166 ON BEAUFORT COUNTY TAX MAP 11, FROM OL (OFFICE/INSTITUTIONAL LOW DENSITY) TO THE CC (COMMERCIAL CENTER) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance ("LMO"); and

WHEREAS, the Planning Commission held a public hearing on said zoning map amendment application on March 16, 2011, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO; and

WHEREAS, the Planning and Development Standards Committee held a public meeting on April 27, 2011 to review said zoning map amendment application, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning and Development Standards Committee, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, voted to recommend that Town Council *<MOTION>* the proposed amendment; and

WHEREAS, after due consideration of said zoning map amendment application and the recommendations of the Planning Commission and the Planning and Development Standards Committee, the Town Council, upon further review, finds it is in the public interest to *<MOTION>* the proposed application.

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 Official Zoning Map of the Town of Hilton Head Island, as referred to in Section 16-4-102 of the LMO, be hereby amended to modify the zoning designation of those certain parcels identified as parcels 161 and 166 on Beaufort County Tax Map 11, from OL to the CC Zoning District. The attached Vicinity Map shows the location of the subject property.

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 TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2011.

Drew A. Laughlin, Mayor

ATTEST:

Town Clerk

Public Hearing: March 16, 2011

First Reading:

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



**TOWN OF HILTON HEAD ISLAND
COMMUNITY DEVELOPMENT
DEPARTMENT**

| | | | |
|-----------------------|------------------------------|--------------|------------------|
| One Town Center Court | Hilton Head Island, SC 29928 | 843-341-4757 | FAX 843-842-8908 |
|-----------------------|------------------------------|--------------|------------------|

**STAFF REPORT
ZONING MAP AMENDMENT**

| Case #: | Name of Project: | Public Hearing Date: |
|------------------|--|----------------------|
| ZMA100007 | Verizon Wireless business and adjacent vacant property to the east | March 16, 2011 |

| Parcel Data or Location: | Property Owner | Applicant/Agent |
|---|---|--|
| <u>Existing Zoning District:</u> OL (Office Institutional Low Density) <u>Proposed Zoning District:</u> CC (Commercial Center) <u>Applicable Overlay District(s):</u> Corridor Overlay <u>Parcels Affected:</u> Beaufort County Tax Map 11, Parcels 161 and 166 | Billy L. & Karen Watson PO Box 21890 Hilton Head Island, SC 29925 | Ernest Marchetti 6 Hidden Lakes Court Bluffton, SC 29910 |

Application Summary:

Ernest Marchetti, on behalf of Karen Watson, is proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at #2 and #4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District.

The following uses will no longer be permitted on the subject properties if this rezoning is approved: Linear Park and Agriculture.

With the exception of the two uses listed above that will no longer be permitted, all other uses that are currently permitted in the OL district, whether it is by right, with conditions or by special exception, will still be permitted on the subject properties if this rezoning is approved.

In addition to the uses currently permitted, the following uses will be permitted by right on the subject properties if this rezoning is approved: Community Service, Colleges, Public or Private Schools, Special Use Park, Funeral Home, Furniture Store, Hardware, Paint, Glass, Wallpaper or Flooring Store, Health Club or Spa, Other Retail Sales or Service and Car Wash.

In addition to the uses currently permitted, the following uses will be permitted with conditions on the subject properties if this rezoning is approved: Day Care, Bicycle Shop With Outdoor Storage, Community Theater, Dance Studio, Convenience Store, Department or Discount Store, Nightclub or Bar, Shopping Center, Souvenir or T-Shirt Store, Supermarket, Tattoo Facility, Veterinary Hospital, Auto Rental, Auto Sales and Contractor's Office.

In addition to the uses currently permitted, the following uses will be permitted by special exception on the subject properties if this rezoning is approved: Waste Treatment Plant, Eating Establishment with Drive-thru, Indoor Recreation, Indoor Entertainment, Commercial Parking, RV Park, Adult Entertainment, Kennel-Boarding, Liquor Store, Auto Repair, Gas Sales, Taxicab Service, Towing Service, Other Light Industrial Service, Self-Service Storage, Wholesale Business and Wholesale Business with Accessory Retail Outlet.

Staff Recommendation:

Staff recommends that the Planning Commission find this application to be inconsistent with the Town's Comprehensive Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Background:

The applicant is proposing to change the zoning designation of the subject properties from OL to the CC zoning district.

There is a Verizon Wireless business on one of the lots proposed to be rezoned. The other lot proposed to be rezoned is currently undeveloped.

The area surrounding the properties subject to the rezoning contains a mix of uses: a motel to the south, a self-storage facility to the west, Christ Lutheran Church and a gas station/convenience store across William Hilton Parkway to the east, and a restaurant and miniature golf business to the north.

Applicant's Grounds for ZMA:

The applicant states in the narrative that the proposed application to rezone the subject properties from OL to the CC zoning district is more in character with the existing commercial uses in the surrounding area. The applicant feels that the requested CC zoning is in conformance with the objectives of the Comprehensive Plan, to have commercial property situated where it serves the Island residents and guests in a safe and efficient manner and to

focus future development on infill development. The applicant also believes that by rezoning the properties to allow for retail possibilities, the marketability of the properties will increase.

Summary of Facts and Conclusions of Law:

Findings of Facts:

- Notice of the Application was published in the Island Packet on November 7, 2010 as set forth in LMO (Land Management Ordinance) Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- A public hearing will be held on March 16, 2011 as set forth in LMO 16-3-1504A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

Conclusion of Law:

- The application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111 and 16-3-1504.

As set forth in Section 16-3-1505, Zoning Map Amendment Review Criteria, Planning Staff has based its recommendation on analysis of the following criteria:

Summary of Facts and Conclusions of Law:

Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505A):

Findings of Facts:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

An Implication for Existing Land Use

Remaining vacant land, totaling approximately 2,140 acres or 10 percent of the Hilton Head Island's land area, represents the remaining pool of land available for development. A major challenge for development will be to maintain the character of the Island while insuring adequate infrastructure is in place and balancing land conservation.

An Implication for Planned Unit Developments (applicable island-wide)

The location of each concentration of land use category and type is important to consider when determining infrastructure and other service needs, while also ensuring a high standard of quality of life.

One of Six Land Use Goals

Identify an acceptable level of future development that does not overtax the area's natural environment and infrastructure. This can be done by monitoring allowable densities and by continuing to purchase lands that would adversely impact the island

if developed.

Goal 8.1 – Existing Land Use

- A. The goal is to have an appropriate mix of land uses to meet the needs of the existing and future populations.

Goal 8.4 – Existing Zoning Allocation

- A. An appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town’s high quality of life and should be considered when amending the Town’s Official Zoning Map.

Goal 8.5 – Land Use Per Capita

- A. The goal is to have an appropriate mix and availability of land uses to meet the needs of existing and future populations.

Goal 8.8 – Nonconforming Parcels by Use

- B. The goal is to evaluate the locations of non-conforming uses to determine areas to consider for Zoning Map Amendments.

Goal 8.10 – Zoning Changes

- A. The goal is to provide appropriate modifications to the Zoning designations to meet market demands while maintaining the character of the Island.

Transportation Element:

Implication for Traffic Planning on the Island

Future development and zoning classifications have an impact on the potential build-out of properties on the Island. Increasing the density of properties in certain areas of the Town may not be appropriate due to the inability of the current transportation network to handle the resulting additional traffic volumes. It may be more appropriate to provide density in areas that have the available roadway capacity and to reduce densities or development potential in areas that do not have the appropriate roadway capacity.

Conclusions of Law:

- Staff concludes that this application is not consistent with the Comprehensive Plan, as set forth in LMO Section 16-3-1505A. Although this zoning change could improve the economic development potential of the property, the existing zoning district in this area was established to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, and provide a balance among land use types in major corridors.
- This rezoning could result in a higher intensity use and/or a higher density development that would generate more traffic, possibly over taxing the existing roadway infrastructure.
- Under the current zoning there are 576 acres of CC zoning and 174 acres of OL zoning. In order to continue to provide a mix of available land uses the amount of

land zoned for OL should not be decreased when an adequate supply of land is currently zoned CC.

- Although there are nonconforming parcels in this area, neither of the parcels that are included in this application are nonconforming. One parcel is currently developed with a conforming use while the second is vacant and therefore this rezoning would not be supported by the Land Use Element.

Summary of Facts and Conclusions of Law:

Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505B):

Findings of Facts:

- LMO Section 16-4-216 describes the purpose of the existing OL zoning district as being: *“established between major commercial areas of the Island and intended to limit the types of nonresidential uses permitted. Land uses permitted are office and institutional in order to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, provide balance among land use types in major corridors and improve visual appearance along major corridors.”*
- There are two properties subject to the proposed rezoning; one which is vacant and one that is a Verizon Wireless business, which is classified as an “Other Retail Service Use” and is permitted by special exception in the OL zoning district.
- The conforming uses of nearby property are the restaurant to the north and the church to the east.

Conclusions of Law:

- Staff concludes that the properties subject to the rezoning application are compatible with the present zoning, the conforming uses of nearby property and with the character of the neighborhood as set forth in LMO Section 16-3-1505B because the developed property contains a use that is currently permitted in the OL district and the vacant lot can be developed with a use that is permitted in the OL district.
- The Verizon Wireless business and the vacant lot are compatible with the surrounding conforming uses of the restaurant and the church.

Summary of Facts and Conclusions of Law:

Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):

Findings of Facts:

- LMO Section 16-4-217 describes the purpose of the CC zoning district as: *“to provide for moderate to high intensity commercial development, especially office and general retail development. Residential development as a component of a PUD is allowed, and traffic and pedestrian interconnections throughout this district are strongly encouraged.”*

- The uses that would be permitted under the CC zoning could be high traffic generators and allow for more moderate to high intensity commercial development than what is permitted with the current OL zoning.
- There are currently a few non-conforming commercial uses in the vicinity that existed prior to the area being zoned OL. The area was zoned OL to eventually eliminate these commercial uses, to establish a balanced mix of land use types between major commercial corridors of the Island and to minimize traffic impacts to the street system.
- There are areas on the Island that have been designated as high intensity commercial development and redevelopment areas, such as the Coligny and Mathews Drive areas because the infrastructure was put in place to support such impacts.
- The properties subject to the rezoning request are surrounded by OL zoning and there are no other CC zoned properties in the area.

Conclusions of Law:

- Staff concludes that the affected properties are not suitable for all of the uses that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505C because the subject properties are situated within the OL district where the intent is to limit the types of land uses allowed between commercial areas of the Island and limit any negative impacts on the street system.
- The CC zoning is intended for high intensity commercial development which is not suitable for an area where the current infrastructure may not support such development.

Summary of Facts and Conclusions of Law:

Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):

Findings of Facts:

- LMO Section 16-4-218 describes the purpose of the existing OL zoning district as being: *“established between major commercial areas of the Island and intended to limit the types of nonresidential uses permitted. Land uses permitted are office and institutional in order to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, provide balance among land use types in major corridors and improve visual appearance along major corridors.”*
- There are two properties subject to the proposed rezoning; one which is vacant and one that is a Verizon Wireless business, which is considered an “Other Retail Service Use” and is permitted by special exception in the OL zoning district.

Conclusion of Law:

- Staff concludes that the affected properties are suitable for the uses permitted by the OL zoning district as set forth in LMO Section 16-3-1505D because one lot is developed with a conforming permitted use and the vacant lot could be developed

with any use currently permitted in OL.

| Summary of Facts and Conclusions of Law: |
|---|
| <p><i>Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505E):</i></p> <p>Finding of Fact:</p> <ul style="list-style-type: none">○ There will be additional uses and development opportunities available to the property owner to develop should the property be rezoned to the CC district. <p>Conclusion of Law:</p> <ul style="list-style-type: none">○ Staff concludes that the marketability of the properties will be improved as set forth in LMO Section 16-3-1505E because the property owner will have more uses available to market the property to buyers or leases. |

| Summary of Facts and Conclusions of Law: |
|---|
| <p><i>Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505F):</i></p> <p>Findings of Facts:</p> <ul style="list-style-type: none">○ The affected properties have water and sewer service available to them by the Broad Creek Public Service District.○ Stormwater facilities for the site will be addressed during review of a Development Plan Review (DPR) application. <p>Conclusion of Law:</p> <ul style="list-style-type: none">○ Staff concludes that these properties have available water and sewer suitable for the proposed uses as set forth in LMO Section 16-3-1505F. |

| LMO Official Determination |
|--|
| <p>Determination: Staff determines that this application is not consistent with the Comprehensive Plan and does not serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law detailed in this report.</p> |

Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

PREPARED BY:

N.D.

Nicole Dixon
Senior Planner

December 1, 2010

DATE

REVIEWED BY:

TBL

Teri B. Lewis, AICP
LMO Official

December 1, 2010

DATE

REVIEWED BY:

JL

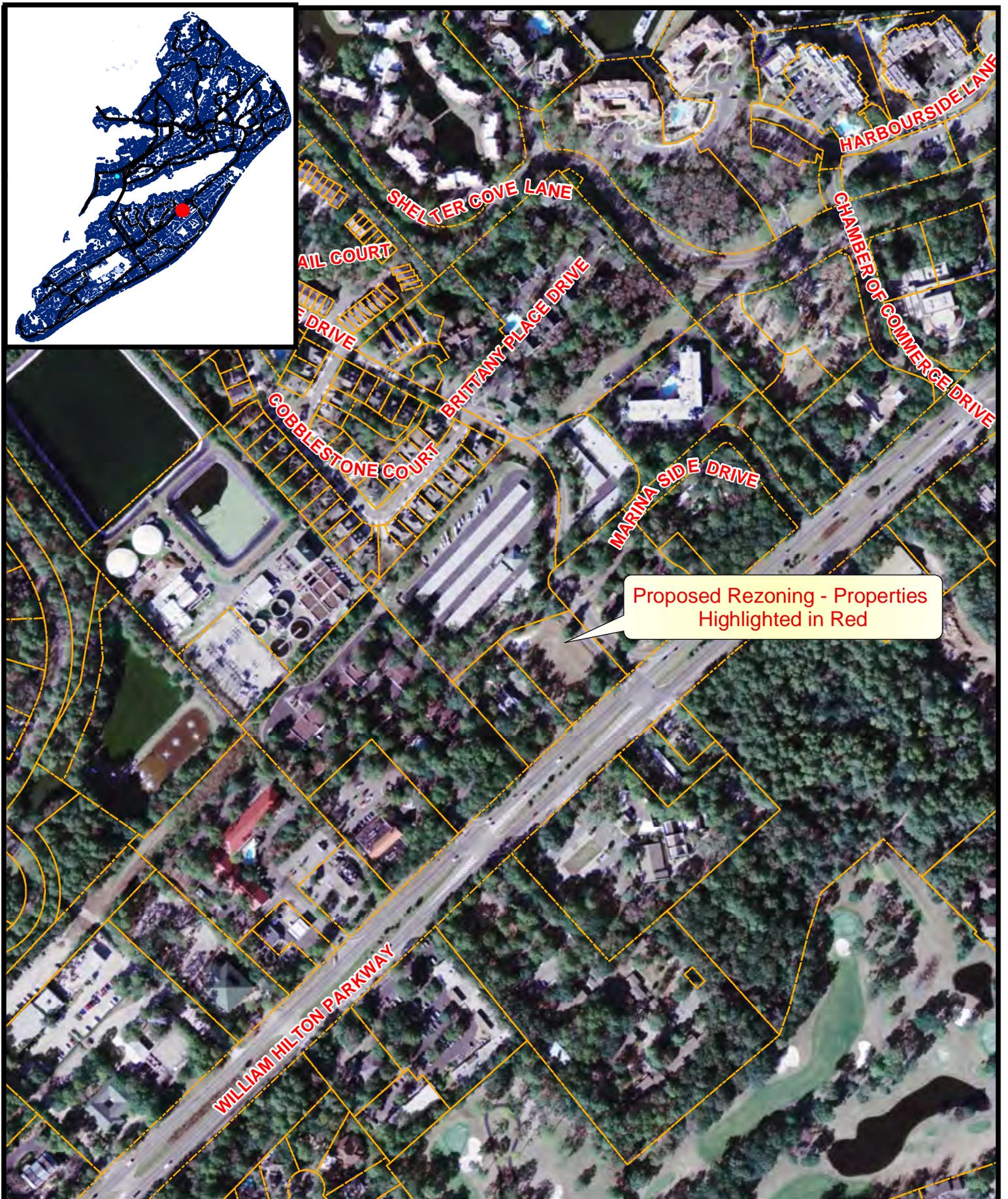
Jayne Lopko, AICP
*Senior Planner & Planning Commission Board
Coordinator*

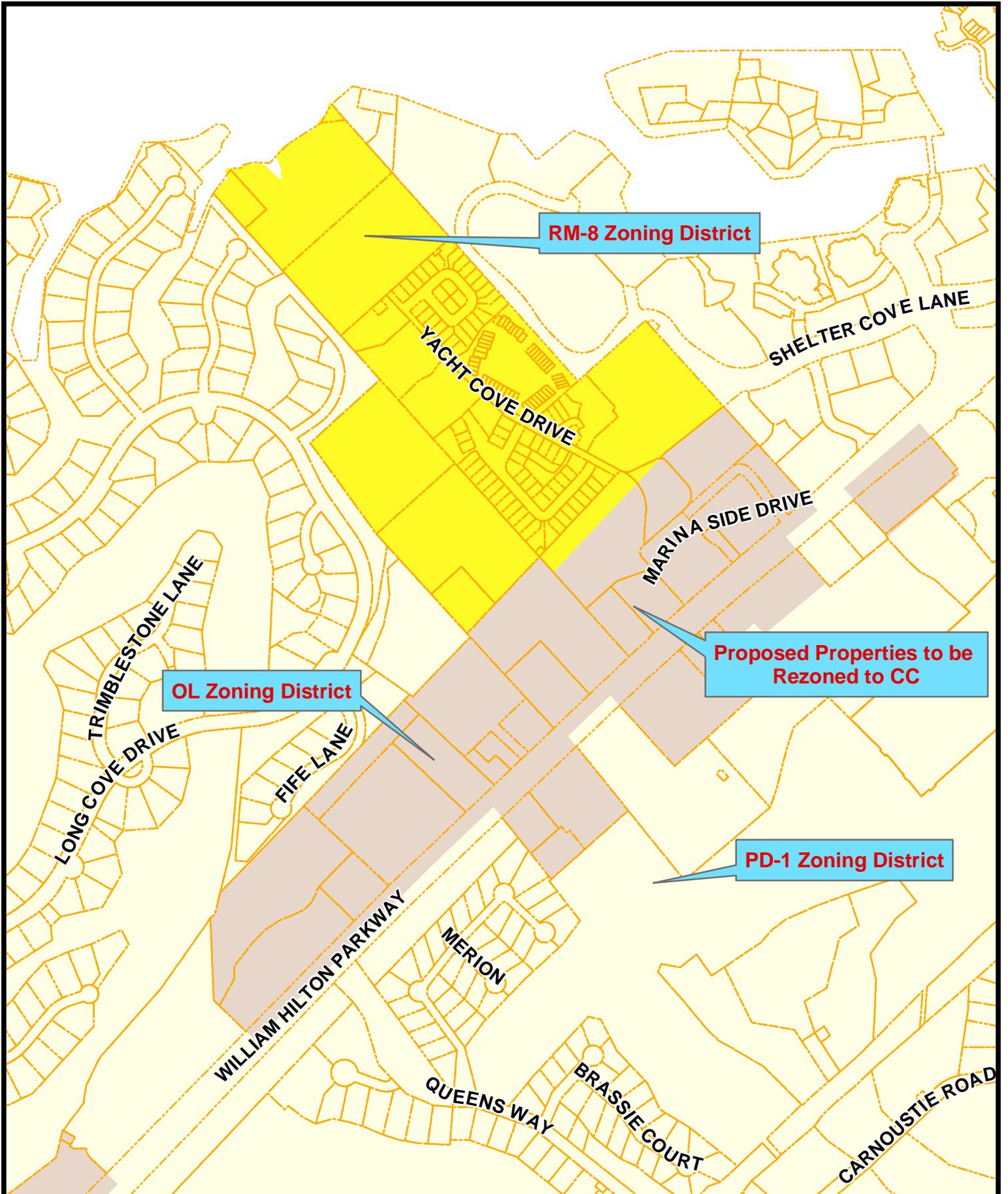
December 1, 2010

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Vicinity Map with Zoning
- C) Zoning Map
- D) Applicant's Narrative
- E) Boundary Survey





RM-8 Zoning District

OL Zoning District

Proposed Properties to be Rezoned to CC

PD-1 Zoning District

ATTACHMENT C

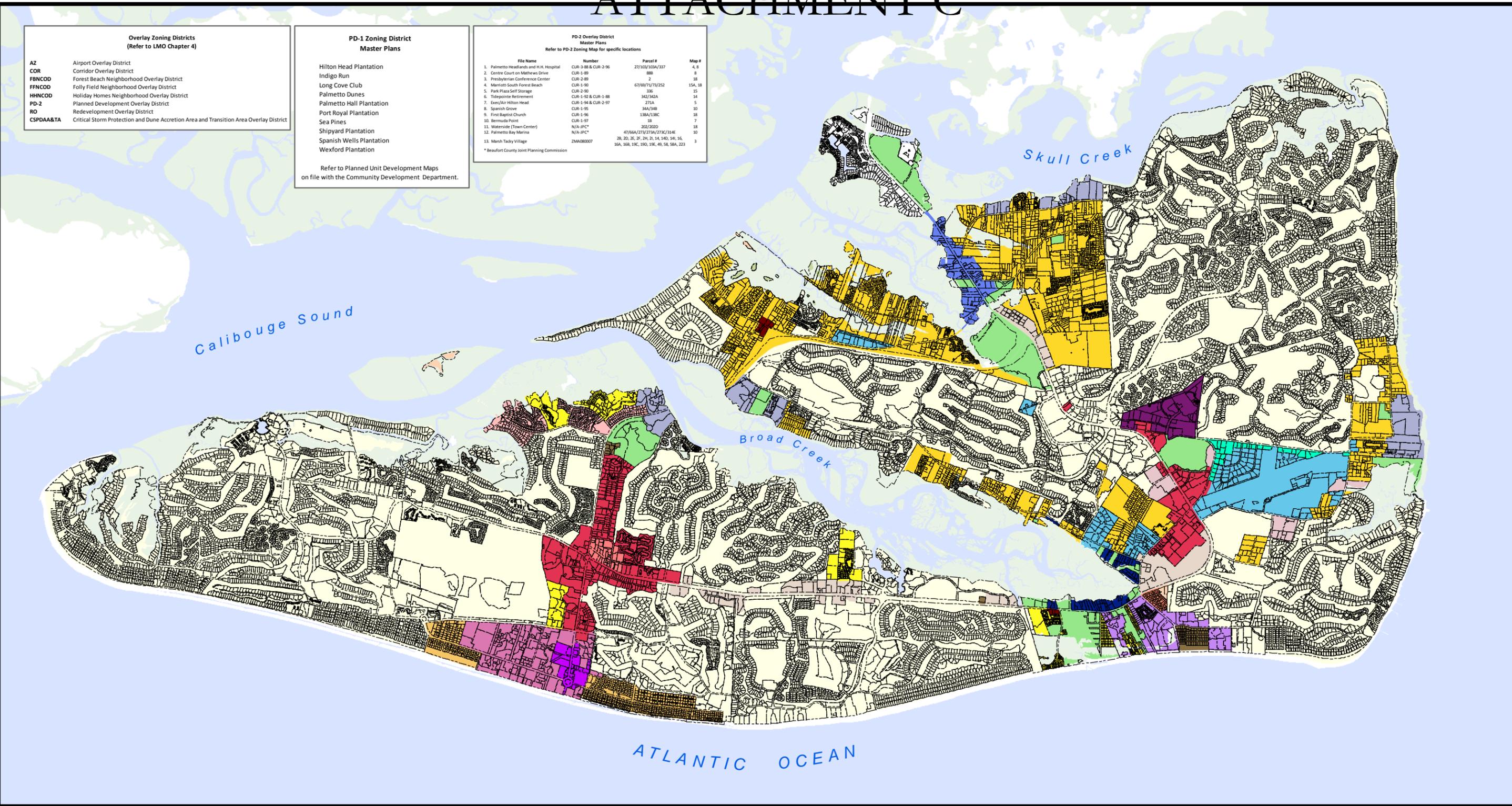
| Overlay Zoning Districts (Refer to LMO Chapter 4) | |
|--|--|
| AZ | Airport Overlay District |
| COR | Corridor Overlay District |
| FBNCOD | Forest Beach Neighborhood Overlay District |
| FFNCOD | Folly Field Neighborhood Overlay District |
| HHNCOD | Holiday Homes Neighborhood Overlay District |
| PD-2 | Planned Development Overlay District |
| RO | Redevelopment Overlay District |
| CSPDAA&TA | Critical Storm Protection and Dune Accretion Area and Transition Area Overlay District |

| PD-1 Zoning District Master Plans | |
|--------------------------------------|--|
| Hilton Head Plantation | |
| Indigo Run | |
| Long Cove Club | |
| Palmetto Dunes | |
| Palmetto Hall Plantation | |
| Port Royal Plantation | |
| Sea Pines | |
| Shipyard Plantation | |
| Spanish Wells Plantation | |
| Wexford Plantation | |

Refer to Planned Unit Development Maps on file with the Community Development Department.

| PD-2 Overlay District Master Plans | | | |
|---|---------------------|--|---------|
| Refer to PD-2 Zoning Map for specific locations | | | |
| File Name | Number | Parcel # | Map # |
| 1. Palmetto Headlands and H.H. Hospital | CUR-3-88 & CUR-2-96 | 27/103/103A/337 | 4, 8 |
| 2. Centre Court on Mathews Drive | CUR-1-89 | 888 | 8 |
| 3. Presbyterian Conference Center | CUR-2-89 | 2 | 18 |
| 4. Marriott South Forest Beach | CUR-1-90 | 67/68/71/77/252 | 15A, 18 |
| 5. Park Plaza Self Storage | CUR-2-90 | 336 | 15 |
| 6. Tidewater Retirement | CUR-1-92 & CUR-1-88 | 142/142A | 14 |
| 7. Exec/Air Hilton Head | CUR-1-94 & CUR-2-97 | 271A | 5 |
| 8. Spanish Grove | CUR-1-95 | 14A/14B | 10 |
| 9. First Baptist Church | CUR-1-96 | 138A/138C | 18 |
| 10. Bermuda Point | CUR-1-97 | 18 | 7 |
| 11. Waterside (Town Center) | N/A-SPC* | 202/203 | 18 |
| 12. Palmetto Bay Marina | N/A-SPC* | 47/66A/271/271A/271B/271C/271D | 10 |
| 13. Marsh Tacky Village | ZMA08007 | 28, 29, 30, 31, 34, 35, 14, 140, 141, 15 | 3 |

* Beaufort County Joint Planning Commission

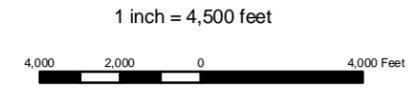


Town of Hilton Head Island OFFICIAL ZONING DISTRICT MAP

Effective Date*: July 21, 1998
Last Update**: June 15, 2010

* Effective Date is the most recent date the entire Zoning Map was adopted by Town Council.
** Last Update date is the most recent date any amendments to the Zoning District Map were adopted by Town Council.

Note: The Official Zoning Map is composed of this Official Zoning District Map, the Overlay Zoning District Maps, the Ten PUD Maps and the Official Street Map. This Official Zoning District Map is therefore one component of the Official Zoning Map.



| RESIDENTIAL ZONING DISTRICTS | | |
|------------------------------|--------------------------|--|
| RS-2 | SINGLE FAMILY | |
| RS-3 | SINGLE FAMILY | |
| RS-4 | SINGLE FAMILY | |
| RS-5 | SINGLE FAMILY | |
| RS-6 | SINGLE FAMILY | |
| RM-4 | LOW TO MODERATE DENSITY | |
| RM-8 | MODERATE DENSITY | |
| RM-12 | MODERATE TO HIGH DENSITY | |

| COMMERCIAL ZONING DISTRICTS | | |
|-----------------------------|--|--|
| OL | OFFICE/INSTITUTIONAL LOW DENSITY | |
| OM | OFFICE/INSTITUTIONAL MODERATE DENSITY | |
| OCIL | OFFICE LIGHT COMMERCIAL LIGHT INDUSTRIAL | |
| NC | NEIGHBORHOOD COMMERCIAL | |
| CC | COMMERCIAL CENTER | |
| IL | LIGHT INDUSTRIAL COMMERCIAL DISTRIBUTION | |
| DCW | DUNNAGANS COMMERCIAL WALKING | |
| CCW | COLIGNY COMMERCIAL WALKING | |

| MIXED USE ZONING DISTRICTS | | |
|----------------------------|--------------------------|--|
| PD-1 | PLANNED DEVELOPMENT | |
| MMU | MARSHFRONT MIXED USE | |
| SMU | STONEY MIXED USE | |
| WMU | WATER-ORIENTED MIXED USE | |

| RESORT DEVELOPMENT ZONING DISTRICTS | | |
|-------------------------------------|----------------------|--|
| CFB | CENTRAL FOREST BEACH | |
| RD | RESORT DEVELOPMENT | |

| OTHER ZONING DISTRICTS | | |
|------------------------|---|--|
| PR | PARKS, RECREATION AND PUBLIC FACILITIES | |
| CON | CONSERVATION | |

The upland boundary of the Conservation Zoning District corresponds to the OCRM Critical Line and therefore, is approximately co-terminus with all tidal wetlands and the upland boundary of the beach as defined in Section 8-1-112 of the Municipal Code and extends outward to the Town Jurisdictional Boundary as defined within Section 2-1-20 of the Municipal Code of the Town of Hilton Head Island, South Carolina. (Reference: LMO Section 15-4-203, Conservation District)

ATTACHMENT D

October 14, 2010

Community Development Department
One Town Center Court
Hilton Head Island SC29928

This letter is a request for rezoning two lots located at 2 and 4 Marina Side Drive, Hilton Head Island SC, shown on the plat attached. The current zoning is OL (Office Institutional Low Intensity). The request is to change to CC (Commercial Center).

A. Consistency with the Comprehensive Plan. This request for a zoning change to CC is consistent with the Comprehensive Plan. The request is for the property to be zoned CC is more in keeping with the commercial uses in the surrounding William Hilton Parkway area. The CC use fits the Comprehensive Plan's objective of having commercial property situated where it serves the Island residence and guests in a safe and efficient manner

The property at 2 Marina Side Drive was redeveloped within the last two (2) years by the owner prior to his death. The redevelopment significantly improved a long vacant run down restaurant to a Verizon store that is esthetically pleasing and adds to the commercial character of the surrounding properties.

The Land Use component of the Comprehensive Plan states that infill development in the commercial context should be a focus for future development. This rezoning request would allow that to happen. The Comprehensive Plan further indicates current zoning classifications should be reviewed and revisions made where necessary.

B. Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood. Surrounding properties include the Hilton Head Diner, a self-storage facility, and a miniature golf course. Across William Hilton Parkway is a gas/convenience store. Rezoning the subject parcels to CC would be in total compliance with the neighborhood.

Both lots lend themselves to CC zoning which is more consistent with that of surrounding properties. It is the highest and best zoning for use since it would produce a higher value in employment and tax revenues. There are three accesses from William Hilton Parkway, Marina Side Drive North and South and Yacht Cove Drive this assists in maintaining limited traffic congestion which is consistent with the Comprehensive Plan.

C. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment. The Verizon Building, (2 Marina Side Drive) is an existing facility dealing in retail sales and service of cell phones, accessories and communication contracts. That use is consistent with CC

ATTACHMENT D

zoning. The property at 4 Marina Side Drive is vacant and is suitable for a CC zoning classification.

D. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment. The property at 2 Marina Side Drive is a 1 acre site with a 2,800 square ft building that is currently being leased to Verizon for retail sales and service. The property at 4 Marina Side Drive is a 1.34 acre vacant lot on William Hilton Parkway. The property at 4 Marina Side Drive is suitable for infill commercial development.

E. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment. There is currently a glut of empty office space on Hilton Head and rents have decreased in this economic climate. Including retail possibilities through rezoning will increase marketability. The rezoning will substantially increase the marketability of the property.

F. Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use. Documentation attached from Broad Creek Public Service District. The area has been developed for a number of years and storm water drainage is in and adequate. Water and sewer are available to the site. See attached.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Trudie Johnson, NCARB, CBO, CFM, *Floodplain Administrator*
DATE: April 12, 2011
SUBJECT: Proposed Ordinance 2011-08: Revisions to Title 15, Chapter 9

Recommendation: Staff recommends that the Planning & Development Standards Committee forward the proposed amendments to Town Council with a recommendation of approval to adopt proposed Ordinance 2011-08 which will revise language and defined terms to be consistent with the National Flood Insurance Program regulations 44 CFR Parts 59 and 60; clarify the scope and purpose of the Ordinance and correct outdated references to the International Building Code.

Summary: Title 15, Chapter 9 of the Town's Municipal Ordinance has not undergone a comprehensive review for ten years. When this review was conducted by the State NFIP Coordinator during a Community Assistance Visit late last year language was identified as inconsistent with terms and definitions contained in the Federal Regulations; these regulations are adopted in Section 15-9-311 as the standard and made part of this chapter. The requested revisions are the minimum necessary to correct the deficiencies and ensure consistency.

In addition the outdated 2000 International Building Code reference is corrected to "currently adopted" to minimize ordinance revisions as code editions change every three years. Several minor language modifications and sub section reorganizations are included to clarify the intent and purpose of the Ordinance

Background: The flood hazard in Beaufort County was identified in 1977 when the first Flood Insurance Study and Flood Insurance Rate Maps were published and adopted. Subsequent updates to the maps were published in 1984. In 1986 the County maps were again revised to recognize the incorporation of the Town. The first Town Council adopted both maps and the first ordinance titled "Flood Damage Controls". Since 1985 the Town of Hilton Head Island has been a member in good standing of the National Flood Insurance Program. Currently the NFIP provides flood insurance for more than seven billion dollars of property coverage.

TITLE 15 BUILDING AND BUILDING CODES

CHAPTER 9 FLOOD DAMAGE CONTROLS

ARTICLE 1. - FINDINGS OF FACT AND PURPOSE

Sec. 15-9-111. - Preamble.

(a) The flood hazard areas of the town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruptions of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of tax base all of which adversely affect the public health, safety and welfare.

(b) These flood losses are caused by the cumulative effect of obstructions of floodplains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by structures vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

(c) The flood hazard areas of the town have been identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the County of Beaufort," dated September 30, 1977, Federal Register Vol. 41, No. 207, pages 46,962—46,992, dated Tuesday, October 26, 1976, and subsequent supplement titled "Wave Height Analysis," dated June 4, 1984; with accompanying flood insurance rate maps and flood boundary maps, dated September 30, 1977, and subsequent maps adding wave heights dated December 4, 1984, as reevaluated and effective September 29, 1986, are hereby adopted by reference and declared to be part of this chapter.

(d) Sec. 15-9-112. – Scope.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas by provisions designed to:

(1) (a) Require that buildings vulnerable to floods, including facilities which serve such buildings, be protected against flood damages at the time of initial construction.

(2) (b) Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(3) (c) Control filling or grading which may increase erosion or flood damage.

(4) (d) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(Ord. No. 01-07, § 1, 6-5-01)

ARTICLE 2. - ADMINISTRATION

Sec. 15-9-211. - Building official ~~Chief Executive Officer~~ who for the purposes of this chapter shall be the Town Manager to apply flood hazard area limits.

To ensure that the purposes of this chapter are being complied with in regard to development within the flood hazard areas of the town, the ~~building official~~ Town Manager shall provide the applicant with the location of the proposed development with respect to the flood hazard area limits and water surface elevation of the base flood (i.e., 100-year flood) at the proposed development site.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-212. - Information required on building permit application.

The ~~building official~~ Town Manager shall require the following specific information to be included as part of an application for a building permit.

(1) A plan which details size of structure, finished ground elevation, finished floor elevation, water supply, sanitary facilities and, if appropriate, floodproofing measures.

(2) If the building structure incorporates floodproofing measures or breakaway walls, then certification is required by a registered professional engineer or architect stating that adequate precautions against flood damage have been taken with respect to the design of said building or structure, and that the plans for the development of the site adhere to the restrictions cited in this chapter.

(3) Where alterations or repairs or additions are involved, the original date of construction and the current market value of the property, as defined by FEMA policy, shall be furnished by the owner of the property or his agent.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-213. - Duties of ~~building official.~~ Town Manager.

The ~~building official~~ Town Manager shall:

- (1) Review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law.
- (2) Notify adjacent communities and the South Carolina Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.
- (3) Obtain necessary engineering analysis to assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (4) Verify that any requested substantial damages or substantial improvements to property are consistent with the National Flood Insurance Program regulations, title 44, parts 59 and 60, particularly section 60.3(e), effective October 1, 1989. "Substantial damage" means damage of any origin, including flood related damage, sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-214. - Elevation information to be public record.

The ~~building official~~ Town Manager shall require the verification of actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures prior to vertical framing of said structure. The elevation information shall be maintained as public record.

(Ord. No. 01-07, § 1, 6-5-01)

ARTICLE 3. - CONSTRUCTION STANDARDS

Sec. 15-9-311. Standards.

The standards and defined terms used herein shall be the National Flood Insurance Program regulations, ~~title 44 CFR~~, parts 59 and 60 and with final rule effective October 1, 1989, as published by FEMA is hereby adopted, and hereby made a part of this chapter. A copy is on file in the office of the municipal clerk.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-312. - Elevation requirements.

- (a) Residential structures must be constructed so that the lowest floor, including basement, is located no lower than the base flood elevation (i.e., the 100-year flood elevation). No environmentally conditioned space shall be allowed below the lowest floor.
- (b) Nonresidential structures may be constructed below the base flood elevation (i.e., the 100-year flood elevation) provided they are designed to preclude the inundation of floodwater and withstand the hydrostatic loads associated with the base flood (i.e., structure must be floodproofed to the elevation of the base flood) and certified by a South Carolina licensed engineer or architect that the design and method of construction meet the provisions of section 60.3(c)(4) of the standard. Record of certification of floodproofing shall be maintained ~~by the building official~~ as a public record.

(c) Exception

In A zones, the following buildings, not to exceed three hundred (300) square feet (net floor area), shall be allowed below the base flood elevation, but should be located at the highest existing grade feasible to accomplish the requirements of minimizing or eliminating flood damage. All construction material below the base flood elevation will be constructed with flood resistant material and the structures will comply with sections 15-9-314—15-9-316:

- (1) Detached security or guard houses at the entrance to a development.
- (2) Detached pump houses for water and sewer installations.
- (3) Detached bathrooms which provide only minimal facilities to provide sanitation for public use.
- (4) Publicly owned buildings.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-313. Fill.

If fill is used to raise the lowest floor to the base flood elevation:

- (1) Fill shall consist of suitable compact soil or small rock materials only. Sanitary landfills shall not be permitted.
- (2) Uncontained fill shall extend laterally no less than five (5) feet beyond the building line at all points.

(3) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

(4) Fill slopes shall be no steeper than allowed by acceptable engineering standards for the type of fill material used.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-314. - Anchoring.

(a) All structures shall be firmly anchored to prevent flotation, collapse, or lateral movement.

(b) All ducts, pipes, and storage tanks shall be firmly anchored to prevent flotation, collapse or lateral movement.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-315. - Mechanical and utility equipment.

(a) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(b) Design for below base flood elevation shall be certified by a South Carolina licensed engineer.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-316. - Mandatory use of openings in enclosures below the base flood elevation.

(a) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered professional South Carolina engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings, each on a separate building face, shall be provided. These openings should have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) Doors and windows are not to be considered as a part of the minimum requirement.

(c) Uses below the B.F.E. are restricted to parking, limited storage and building access. (Enclosed areas below B.F.E. must comply with (a) above.)

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-317. - Special standard for construction in coastal high hazard areas.

Located within the special flood hazard areas are areas known as coastal high hazard areas (V zones). These coastal high hazard areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash and therefore the following special construction standards shall apply in the coastal high hazard areas as determined by the ~~building official.~~ Town Manager.

(1) All new construction and substantial improvements shall be located landward of the reach of the mean high tide.

(2) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member free of obstruction and open so as not to impede the flow of the water, except as provided for breakaway walls in subsection (9), below.

(3) All new construction and substantial improvements shall be securely anchored on pilings or columns.

(4) The pile or column foundation and structure attached thereto shall be designed and anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. (Windloads will comply with the ~~2000~~ currently adopted Edition of the International Building Code.) The waterloads are those associated with the base flood.

(5) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (2)—(4) of this section.

(6) Pilings or columns used as structural support shall be spaced so that when measured perpendicular to the general direction of flood flow shall not be less than eight (8) feet apart at the closest point.

(7) There shall be no fill used as structural support.

(8) There shall be no alteration of primary sand dunes which would increase potential flood damage.

(9) Breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used. Breakaway walls shall be open lattice work or screening only.

(10) If breakaway walls are utilized, such enclosed space shall not be used for human habitation. The enclosed areas may only be used for parking of the vehicles, building access or limited storage.

(Ord. No. 01-07, § 1, 6-5-01)

ARTICLE 4. – SPECIAL STANDARDS FOR MANUFACTURED HOMES IN FLOOD HAZARD AREAS

Sec. 15-9-411. – Manufactured home standards.

- (a) Standards shall apply to all installations after April 1, 1987 and shall include homes placed in manufactured home parks or subdivisions, or homes not placed in such parks or subdivisions.
- (b) All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of chapter 7, title 15.
- (c) Manufactured homes to be placed in V zones shall meet the same standards as conventional housing; i.e., meet the provisions at section 60.3(e)(3), (4), (5) and (6) of NFIP criteria, as required by section 15-9-317, "Special standard for construction in coastal high hazard areas."

(Ord. No. 01-07, § 1, 6-5-01)

ARTICLE 5. – REQUIREMENTS FOR SUBDIVISION PROPOSALS AND UTILITY SYSTEMS

Sec. 15-9-511. Subdivisions.

Floodplain management criteria associated with the subdivision of land into lots, building sites or building units is contained within the town subdivision regulations or future ordinances regulating such development activity.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-512. Utilities.

Water supply systems and/or sanitary sewage systems should be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

(Ord. No. 01-07, § 1, 6-5-01)

ARTICLE 6. VARIANCES

Sec. 15-9-611. Requirements for variances.

Upon the submission of a written application to the town construction board of adjustments and appeals, a variance may be granted permitting the erection of structures with a lowest floor elevation, including basement, lower than regulatory flood elevation if all of the following are met:

- (1)
 - a. The property on which the structure is to be erected is an isolated lot of one-half acre or less, with all contiguous existing structures constructed below such required first floor elevation; or
 - b. A structure listed on the National Register of Historic Places or a state inventory of history places is to be restored or reconstructed.
- (2) Good and sufficient cause exists for the granting of the variance.
- (3) Failure to grant the variance would result in exceptional hardship to the applicant.
- (4) The issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense.
- (5) The variance would not have the effect of nullifying the intent and purpose of the chapter.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-612. Hearing.

- (a) All applications for variances shall be heard by the construction board of adjustments and appeals.
- (b) Prior to the granting of a variance the construction board of adjustments and appeals must find that justifications exist in accordance with the terms of this chapter. These findings together with the granting of a variance, shall be reduced to writing, and may be a part of the public record. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance and application.
- (c) Such variance shall be freely transferable with the land and shall not be personal to the applicant.
- (d) Unless otherwise provided therein, a variance shall be valid for a period of one (1) year after the date of its issuance. If construction has not commenced pursuant thereto within such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.

(e) No variance except herein specifically permitted may be granted from the provisions of this chapter. The variance procedures herein provided shall be the exclusive method for obtaining variances under the provisions herein.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-613. Fee.

Each written application for a variance shall be accompanied by a fee of seventy-five dollars (\$75.00). Such application shall reflect the type of structures for which a variance is sought, the size of such structures, the approximate location upon the parcel and intended use thereof and the reasons for which the variance is being sought.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-614. Notice of possible increased insurance cost.

Any applicant to whom a variance is granted shall be given notice that the proposed structure will be located in the floodprone area. The structure will be permitted to be built with a lowest flood elevation below the regulatory flood elevation, and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

(Ord. No. 01-07, § 1, 6-5-01)

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2011-

PROPOSED ORDINANCE NO. 2011-08

AN ORDINANCE TO AMEND TITLE 15 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, CHAPTER 9 TO REVISE SECTIONS 111, 112, 211, 212, 213, 214, 311, 312 AND 317. THIS AMENDMENT INCLUDES CHANGES THAT WOULD CLARIFY THE SCOPE AND PURPOSE OF THE ORDINANCE, CORRECT REFERENCE TO OUT DATED CODE EDITIONS AND REVISE THE LANGUAGE AND DEFINED TERMS TO BE CONSISTENT WITH THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS 44 CFR PARTS 59 AND 60; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 1983, the Town Council of the Town of Hilton Head Island, South Carolina adopted the Municipal Code of the Town of Hilton Head Island; and

WHEREAS, the flood hazard areas of the Town are subject to periodic inundation resulting in property loss, economic disruption and health and safety hazards; and

WHEREAS, the Town Council now intends to amend Title 15, Chapter 9, Sections 111, 112, 211, 212, 213, 214, 312 and 317 to clarify and correct language inconsistent with the NFIP regulations; and

WHEREAS, the Planning & Development Standards Committee met on April 27 2011, and voted to recommend that Town Council <MOTION> the proposed amendments; and

WHEREAS, the Town Council now finds that, upon further review, it is in the public interest to <MOTION> Title 15, Chapter 9, Sections 111, 112, 211, 212, 213, 214, 312 and 317 of the Municipal Code.

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

Section 1. Amendment. That the Municipal Code of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages.

NOTE: New text is indicated by a double underline, deleted text is indicated by ~~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 _____ 2011.

Drew Laughlin, Mayor

ATTEST:

Town Clerk

First Reading: _____
Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____