



The Town of Hilton Head Island Regular Town Council Meeting

Tuesday, April 19, 2011

4:00 P.M.

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pages During
the Town Council Meeting

- 1) **Call to Order**
- 2) **Pledge to the Flag**
- 3) **Invocation**
- 4) **FOIA 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.
- 5) **Proclamations and Commendations**
 - a. Sexual Assault Awareness Month
 - b. Child Abuse Prevention Month
 - c. Building Safety Month
- 6) **Approval of Minutes**
 - a. Regular Town Council Meeting – April 5, 2011
- 7) **Report of the Town Manager**
 - a. Town Manager's Items of Interest
 - b. April, 2011 Quarterly Report
- 8) **Reports from Members of Council**
 - a. General Reports from Council
 - b. Report of the Intergovernmental Relations Committee – George Williams, Chairman
 - c. Report of the Personnel Committee – Lee Edwards, Chairman
 - d. Report of the Planning and Development Standards Committee – Bill Ferguson, Chairman
 - e. Report of the Public Facilities Committee – Kim Likins, Chairman
 - f. Report of the Public Safety Committee – Bill Harkins, Chairman

9) Appearance by Citizens

10) Unfinished Business

a. Second Reading of Proposed Ordinance 2011-06

Second Reading of Proposed Ordinance 2011-06 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2011; to provide for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

11) New Business

a. First Reading of Proposed Ordinance 2011-05

First Reading of Proposed Ordinance 2011-05 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 Parcel 11H And Parcel 217 on Beaufort County Tax Map 8 and Parcel 104, Parcel 106 and Parcel 108 on Beaufort County Tax Map 8A from OL (Office/Institutional Low Density) and IL (Light Industrial), to the CC (Commercial Center) Zoning District; and providing for severability and an effective date.

b. Consideration of a Resolution

Consideration of a Resolution by the Town Council of the Town of Hilton Head Island denying the application for Zoning Map Amendment ZMA100009 which requests an amendment to Chapter 4 of Title 16, "The Land Management Ordinance" (LMO), 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 the certain parcels identified as Parcel 11H and Parcel 217 on Beaufort County Tax Map 8 and Parcel 104, Parcel 106 and Parcel 108 on Beaufort County Tax Map 8A from OL (Office/Institutional Low Density) and IL (Light Industrial), to the CC (Commercial Center) Zoning District.

12) Executive Session

a. Land Acquisition

13) Adjournment

Proclamation

WHEREAS, *Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of Hilton Head Island; and*

WHEREAS, *rape and sexual assault impact our community as seen by statistics indicating that 1 in 6 women and 1 in 33 men will be a victim of sexual violence in their lifetime; and*

WHEREAS, *Hope Haven of the Lowcountry served 452 primary victims and 551 secondary victims of sexual violence in 2010; and*

WHEREAS, *we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and*

WHEREAS, *staff and volunteers of Hope Haven of the Lowcountry encourage every person to speak out when witnessing acts of violence, however small; and*

WHEREAS, *with leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence on Hilton Head Island through prevention, education, increased awareness, and holding perpetrators who commit violence responsible for their actions; and*

WHEREAS, *Hilton Head Island strongly supports the efforts of national, state, and local partners, and every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services, and how every segment of our society can work together to better address sexual violence.*

NOW, THEREFORE, I, Drew A. Laughlin, Mayor, of the Town of Hilton Head Island, South Carolina, join anti-sexual violence advocates and support service programs in the belief that all community members must be part of the solution to end sexual violence, and along with the United States Government and the State of South Carolina, do hereby proclaim April as

SEXUAL ASSAULT AWARENESS MONTH

in the Town of Hilton Head Island, South Carolina.

IN TESTIMONY WHEREOF, *I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this 19th day of April, in the Year of our Lord, Two Thousand and Eleven.*



Drew A. Laughlin, Mayor

Attest:

Betsy Mosteller, CMC Town Clerk

Proclamation

***WHEREAS**, child abuse is a complex and ongoing problem in our society affecting great numbers of children; and*

***WHEREAS**, each year more than one million children representing every racial, religious, and socio-economic group are victims of child abuse and neglect, and the suffering they endure poses a threat to our families and to our society as a whole; and*

***WHEREAS**, in 2010, there were 389 investigations in Beaufort County into reported cases of abuse and neglect involving children. Through its investigations, the Beaufort County Department of Social Services determined 127 of the investigations were indicated for abuse or neglect ; and*

***WHEREAS**, every child is entitled to be loved, cared for, nurtured, and secure; and*

***WHEREAS**, child abuse can be prevented only if supportive services are available to all parents through State and local agencies; and*

***WHEREAS**, the nation's economic woes have resulted not only in a rise in the number of reported child abuse cases, but also in an increased need for more volunteers to work with family members ; and*

NOW, THEREFORE, I, Drew A. Laughlin, Mayor, of the Town of Hilton Head Island, South Carolina do hereby proclaim the month of April as

CHILD ABUSE PREVENTION MONTH

in the Town of Hilton Head Island, South Carolina and I encourage all citizens to join me in increasing our awareness of the growing problem of child abuse and neglect and for all citizens to support local community programs such as those administered by the Department of Social Services, the Child Abuse Prevention Association, and the Department of Mental Health, which are designed to prevent and treat this problem.

IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this **19th day of April, in the Year of our Lord, Two Thousand and Eleven.



Drew A. Laughlin, Mayor

Attest:

Betsy Mosteller, CMC Town Clerk

Proclamation

***WHEREAS**, our Town's continuing efforts to address the critical issues of safety, energy efficiency and sustainability in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound; and*

***WHEREAS**, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and*

***WHEREAS**, these guardians develop and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play; and*

***WHEREAS**, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild fires and earthquakes; and*

***WHEREAS**, “Building Safety Month” encourages all Americans to raise awareness of the importance of building safety; green and sustainable building; pool, spa and hot tub safety; and new technologies in the construction industry. Building Safety Month 2011, encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and*

***WHEREAS**, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property.*

NOW, THEREFORE, I, Drew A. Laughlin, Mayor, of the Town of Hilton Head Island, South Carolina do hereby proclaim the month of May as

BUILDING SAFETY MONTH

in the Town of Hilton Head Island, South Carolina, and I encourage our citizens to join with their communities in participation in Building Safety Month activities.

IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this **Nineteenth day of April, in the Year of our Lord, Two Thousand and Eleven.



Drew A. Laughlin, Mayor

Attest:

Betsy Mosteller, CMC Town Clerk

**THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING**

Date: Tuesday, April 5, 2011

Time: 4:00 P.M.

Present from Town Council: Drew A. Laughlin, *Mayor*; Ken Heitzke, *Mayor Pro-Tem*; Bill Ferguson, George Williams, Bill Harkins, Kim Likins, Lee Edwards, *Council Members*.

Present from Town Staff: Stephen G. Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects and Facilities*; Lavarn Lucas, *Fire Chief*; Tom Fultz, *Director of Administrative Services*; Nancy Gasen, *Director of Human Resources*; Steven Markiw, *Deputy Director of Finance*; Jill Foster, *Deputy Director of Community Development*; Ed Boring, *Deputy Fire Chief – Support Services*; Brad Tadlock, *Deputy Fire Chief – Operations*; Brian Hulbert, *Staff Attorney*; Julian Walls, *Facilities Manager*; Teri Lewis, *LMO Official*; Heather Colin, *Development Review Administrator*; Mike Roan, *Urban Design Administrator*; Marcy Benson, *Senior Grants Administrator*; Nicole Dixon, *Senior Planner*; Shea Farrar, *Senior Planner*; Anne Cyran, *Senior Planner*; Sarah Skigen, *Natural Resources Associate*; Joheida Fister, *Fire Marshall*; David Cooler, *Administrative Battalion Chief*; William Sanders, *Maintenance Supervisor*; Paul Rasch, *Emergency Management Coordinator*; Lorean Grant, *Communications Supervisor*; Norma Foley-Moore, *Interim Communications Manager*; Jenna Burd-Streeter, *Communications Dispatcher*; Numerous Fire and Rescue Personnel; Rene Phillips, *Website/Court Systems Administrator*; Kim Kominski, *Administrative Assistant*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Tom Barton, *Island Packet*

1) CALL TO ORDER

Mayor Laughlin called the meeting to order at 4:00 p.m.

2) PLEDGE TO THE FLAG

3) INVOCATION

4) FOIA 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.

5) Proclamations and Commendations

a. National Telecommunicators Week

Norma Foley-Moore, Jenna Burd-Streeter, and Lorean Grant accepted the proclamation.

b. AIASC Architecture Week

Mr. Don Baker, President of the American Institute of Architects for the Hilton Head Island Chapter accepted the proclamation.

6) Approval of Minutes

a. Regular Town Council Meeting – March 15, 2011

Mr. Heitzke moved to approve. Mr. Williams seconded. The minutes from the March 15, 2011 meeting were approved by a vote of 6-0-1. Mr. Ferguson abstained.

7) Report of the Town Manager

a. Dedication of Recycled Art – Sea Pines Montessori Academy

Phillip Evans, a 6th Grade student from the Academy gave remarks concerning the creation of the piece of recycled art which is a Red Fish. He stated the Academy supports students learning about recycling. Phillip reviewed the efforts of the Art Department in encouraging students to learn how to recycle, re-purpose and re-imagine the everyday possibilities of trash. He explained the Red Fish was created by the students to act as the mascot for the Island wide recycling act. He thanked the Town of Hilton Head Island for recycling and encouraged all to keep fishing for a better tomorrow. Master Evans then proceeded with all of the other students and parents from the Academy and unveiled the Red Fish. Mr. Riley announced the Red Fish would be displayed in Council Chambers for a period of time.

b. Update – Heritage Classic Foundation

Mr. Simon Fraser gave an overview of the Heritage Classic Foundation along with an update on the Heritage Classic PGA Golf Tournament and the efforts being done to obtain a sponsor.

c. Update – Hilton Head Island-Bluffton Chamber of Commerce

Ms. Charlie Clark explained the past and present marketing efforts of the Chamber and showed a recent comp reel that contained broadcast clips mentioning Hilton Head Island as well as some of the public relations highlights from outlets such as the Boston Globe, Conde Nast, etc.

d. Greater Island Council/Telecommunications Task Force – Jim Collett

Mr. Collett introduced the members of the Telecommunications Task Force and reviewed their backgrounds. He stated they are now working on their Mission Statement and it will be completed soon. He explained that while they are not an arm of Town Council or a part of Town Government, they hope to bring their suggestions and ideas forward to Town Council at future meetings. Mayor Laughlin thanked Mr. Collett and members of the committee for their volunteer efforts.

e. Town Manager's Items of Interest

Mr. Riley reported on some Items of Interest.

f. Update on Port Royal Beach Project – Scott Liggett

Scott Liggett gave a status report on the project. He informed Council the permits have been issued but there was a timing constraint for completion. He explained all concerned have been contacted and they are working on a schedule where they would begin the project in October of 2011 and have it completed by May of 2012.

g. February, 2011 Financial Statements – Susan Simmons

Mr. Riley informed Council Susan Simmons would be having surgery and would be out of the office for recovery a total of four weeks. He said Steve Markiw would be in charge and invited Council to ask questions. Mrs. Likins asked about the deadline for Business Licenses. Mr. Riley explained the reasoning for the date chosen but said Council could re-visit that issue if they would like. Mr. Williams said he would like reports on the reserve accounts. Mrs. Likins complimented staff on the ATAX recovery project.

8) Reports from Members of Council

a. General Reports from Council

Mr. Ferguson voiced concerns about land under contract to be purchased by the Town. He also commented on how he felt he was treated and said he was too upset to stay for the remainder of the meeting. At 5:12 p.m. Mayor Laughlin noted for the record that Mr. Ferguson left the dais.

Mr. Heitzke reported he had attended an Airport Advisory Board meeting where a representative of Sea Breeze Airways presented a proposal to the County to build a 60,000 foot hanger with office space and aircraft repair service. It would serve as a base for charter air businesses and they would require 3 ½ acres to construct the facility. He explained no action was taken. Mr. Williams asked if the Board seemed to be in favor of the proposal. Mr. Heitzke stated they discussed projected income from the project as opposed to any type of impact it may have on the surrounding community.

b. Report of the Intergovernmental Relations Committee – George Williams, Chairman

Mr. Williams informed Council that the next meeting of the Intergovernmental Relations Committee on April 19 will begin at 2:30 p.m. instead of 2:00 p.m. noting the time change will be for the remainder of the calendar year.

c. Report of the Personnel Committee – Lee Edwards, Chairman

Mr. Edwards said they will be scheduling meetings in the near future to review applications for boards and commissions.

d. Report of the Planning and Development Standards Committee –Bill Ferguson, Chairman

None.

e. Report of the Public Facilities Committee – Kim Likins, Chairman

None.

f. Report of the Public Safety Committee – Bill Harkins, Chairman

None.

9) Appearance by Citizens

None.

10) Unfinished Business

a. Second Reading of Proposed Ordinance 2011-04

Second Reading of Proposed Ordinance 2011-04 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 the certain parcel identified as Parcel 276 on Beaufort County Tax Map 11, from PD-1 (Planned Development Mixed Use), with assigned uses of "Residential" And "Private & Semi-Private Recreation" to PD-1 (Planned Development Mixed Use), with assigned uses of "Residential" And "Private & Semi-Private Recreation" and "Telecommunications Facility"; and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 6-0.

11) New Business

a. Consideration of a Resolution

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina to proclaim April, 2011 as Fair Housing Month.

Mr. Heitzke moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 6-0.

b. First Reading of Proposed Ordinance 2011-06

First Reading of Proposed Ordinance 2011-06 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2011; to provide for the expenditures of certain funds; and to allocate the sources of revenue for the said funds.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved by a vote of 6-0.

12) Executive Session

Mr. Riley stated he needed an executive session for contractual matters pertaining to land acquisition; legal matters pertaining to proposed settlements of ongoing litigation.

At 5:21 p.m., Mr. Heitzke moved to go into Executive Session for the reasons stated by the Town Manager. Mr. Williams seconded. The motion was approved by a vote of 6-0.

Mayor Laughlin called the meeting back to order at 6:47 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Heitzke moved that the Town Council for the Town of Hilton Head Island authorize the Town to pay the sum of seven hundred thousand dollars (\$700,000) to fund the joint acquisition of real property located on Mitchelville Lane along with

Beaufort County, South Carolina, in exchange for a one half ownership interest in the property. Mr. Harkins seconded. The motion was approved by a vote of 6-0.

Mr. Heitzke moved that the Town Council for the Town of Hilton Head Island authorize the execution of a contract for purchase of 0.508 acres on Gumtree Road and the donation of a portion of Katie Miller Drive from Gumtree Nursery, Inc. for eighty-five thousand (\$85,000) dollars. Mr. Williams seconded. The motion was approved by a vote of 6-0.

13) Adjournment

Mr. Williams moved to adjourn. Mr. Harkins seconded. The meeting was adjourned at 6:52 p.m.

Vicki Pfannenschmidt, Secretary

Approved:

Drew A. Laughlin, Mayor

DRAFT



Items of Interest

April 19, 2011

1. Town News

- a) Fire Rescue held its annual Household Hazardous Materials Round-Up on Saturday April 2nd. Our preliminary numbers are as follows:
1300 cars dropped off material (Down from 1575 last year)
60,000 pounds of hazardous materials (down from 73,000 last year)
18,000 pounds of Electronic Waste (up from 12,000 last year)

Since its inception in 2005 over half a million pounds of Hazardous Materials have been removed from the waste stream and environment here on Hilton Head Island and remembering that over 90% is recycled or reclaimed we have really accomplished something significant.

Additionally the Beaufort County Sheriff's Department collected household drugs at the event. There totals include:

- 10 boxes (cases) of prescription drugs
- 3 boxes (cases) of over the counter drugs
- 2 boxes (cases) of liquid medications
- 1 box (case) of bio hazard material to include needles, etc.

While our numbers were down a bit they are still significant numbers, confirming the importance and necessity of the program.

(Contact: Ed Boring, Deputy Fire Chief – Support Services, 682-5152)

- b) Fire & Rescue recently hosted a 56-hour Hazardous Materials Technician course taught by Texas A & M University Engineering Extension. Personnel from the Bluffton Township Fire District, the Burton Fire District, the City of Beaufort FD, and the Town of Hilton Head Island Fire & Rescue attended. The 14 Firefighters from Hilton Head Island F&R are all now nationally certified by the National Pro Board. The class was paid for through a Hazardous Materials Emergency Management Planning grant administered by the SC Emergency Management Department.

(Contact: Ed Boring, Deputy Fire Chief – Support Services, 682-5152)

- c) On Wednesday, April 27, 2011, Fire & Rescue will be awarded 50 smoke detectors from the South Carolina Fire Marshals Office's "Get Alarmed, South Carolina" Program. The "Get Alarmed, South Carolina" Program is an on-going public fire safety program where the main objective is to lower fire fatalities by 1) alarming citizens about the fire problem and teaching them about fire safety, and 2) providing smoke detectors to high risk citizens—the elderly, the economically depressed, and the handicapped.

(Contact: Cinda Seamon, Public Education Officer 682-5141)

- d) To emphasize the Town of Hilton Head Island’s commitment to green initiatives and sustainability, the Town is pursuing Audubon International’s Green Community designation. One step in this process is to have Town residents participate in a Treasuring Home Survey and Pledge. The survey and pledge will take just a few minutes to complete and will help show support for green initiatives. The survey and pledge can be found on the Town’s website at: <http://www.hiltonheadislandsc.gov/> Please take a few moments to help the Town of Hilton Head Island Go Green and earn Audubon International’s Green Community designation!

(Contact: Marcy Benson, Senior Grants Administrator 341-4689)

2. Noteworthy Events

a) Some of the upcoming meetings at Town Hall:

- Planning Commission – April 20, 3:00 p.m.
- Board of Zoning Appeals – April 25, 2:30 p.m.
- Design Review Board – April 26, 1:15 p.m.
- Construction Board of Adjustment and Appeals, April 26, 5:30 p.m.
- Planning and Development Standards Committee – April 27, 4:00 p.m.
- Disaster Recovery Commission – April 28, 9:00 a.m.
- Public Safety Committee – May 2, 10:00 a.m.
- Public Projects and Facilities Committee – May 3, 2:00 p.m.
- Town Council – May 3, 4:00 p.m.

(Meetings subject to change and/or cancellation. Please visit the Town of Hilton Head Island website at www.hiltonheadislandsc.gov for meeting agendas)

2011 Hilton Head Island Events

Tuesdays thru Fridays April 12-May 28, 2011 6:30pm-7:30pm	Shannon Tanner	Shelter Cove Harbour Stage
Each Friday Thru November 1, 2011 8:30am-1:00pm	Farmers Market	Honey Horn
April 18-24, 2011 7:00am-7:00pm	The Heritage PGA Golf Tournament	Harbourtown

APRIL 2011 QUARTERLY REPORT

TOPIC:	Stormwater IGA agreement renewal with Beaufort County
CONTACT:	Cary Gaffney 341-4773
STATUS:	Pending Beaufort County response to draft agreement.
ISSUE:	The existing IGA agreement expires on 9/4/11
BACKGROUND:	Staff is negotiating a new Storm Water Utility Inter-governmental Agreement with the County; the existing agreement expires on 9/4/11. The agreement sets in place the collection and distribution of the stormwater utility fee as well as Town and County stormwater ordinance responsibilities. Staff completed a draft agreement and sent to the County for review March 9 th . County responded April 6 with three issues for clarification, staff will respond by mid April.
OUTLOOK:	If no new agreement is in place by summer, existing IGA may need to be extended to give time for approval of the new agreement by all Councils.
TOPIC:	WIFI at Town Hall
CONTACT:	John Tuttle 341-4793
STATUS:	Completed
ISSUE:	Add WIFI services
BACKGROUND:	Council desires expanded WIFI
OUTLOOK:	
TOPIC:	2010 US Census Release
CONTACT:	Shawn Colin 341-4696
STATUS:	Early data release has started with additional information expected.
ISSUE:	Local, County and State growth between 2000 and 2010.
BACKGROUND:	The release of 2010 Census results have started for South Carolina. Numbers show an increase in Hilton Head Island population by 9.6%, up from 33,862 in the 2000 Census to 37,099. The county and state grew by 34.1% and 15.3%, respectively between 2000 and 2010.
OUTLOOK:	The region continues to see significant growth. Redistricting and representation on the local, state, and federal level will be impacted.



Memorandum

TO: Town Council
FROM: Steve Riley, Town Manager
VIA: Steven Markiw, Deputy Director of Finance
DATE: April 6, 2011
RE: **Second Reading of Proposed Ordinance No. 2011-06**

There were no changes made to Proposed Ordinance #2011-06 during the first reading on April 5, 2011.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2011-06

AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2011; TO PROVIDE FOR THE EXPENDITURES OF CERTAIN FUNDS; AND TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS.

WHEREAS, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

WHEREAS, the Town Council did adopt the budget on June 22, 2010, and

WHEREAS, pursuant to the budget amendment policy as stated in the Town's annual budget document, the Town Council is desirous of amending the General Fund budget so as to provide for the expenditures and certain other commitments from the Fund Balance and other revenue sources and to amend budgeted revenues for certain capital projects in the Capital Projects Fund.

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 THE AUTHORITY OF THE SAID TOWN COUNCIL:

Section 1 Amendment. The adopted 2011 fiscal year budget is amended to make the following changes as increases and decreases to the funds from prior years and to the projected revenue and expenditure accounts as follows:

General Fund

<u>Account Description</u>	<u>Amount</u>
Revenues:	
Prior Year Funds	\$1,000,000
Total Revenues	<u><u>\$1,000,000</u></u>
Expenditures:	
Townwide Grants	
Heritage Classic Foundation	Prior Year Funds \$1,000,000
Total Expenditures	<u><u>\$1,000,000</u></u>

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2011-06

Capital Projects Fund

<u>Account Description</u>		<u>Amount</u>
Revenues:		
Hospitality Bond		(\$766,848)
Hospitality Tax		\$766,848
Total Revenues		<u><u>\$0</u></u>
Expenditures:		
Road Improvements		
Intersection Improvements	Hospitality Bond	(\$6,816)
"	HTAX Fees	\$6,816
Summit Dr. Realignment	Hospitality Bond	(\$21,640)
"	HTAX Fees	\$21,640
Existing Facilities/Infrastructure		
Fire Station # 5	Hospitality Bond	(\$54,581)
"	HTAX Fees	\$54,581
Fire Station # 6	Hospitality Bond	(\$4,503)
"	HTAX Fees	\$4,503
Fire Station # 1 Replacement	Hospitality Bond	(\$679,308)
"	HTAX Fees	\$679,308
Total Expenditures		<u><u>\$0</u></u>

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2011-06

The effect of this amendment will be to increase the General Fund to \$33,499,697 and maintain the Capital Projects Fund at \$33,800,961.

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 enactment by the Town Council of the Town of Hilton Head Island on this _____ day of _____, 2011.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS ___ DAY OF _____, 2011.

Drew A. Laughlin, Mayor

ATTEST:

Betsy Mosteller, Town Clerk

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

TO: Stephen G. Riley, C.M., *Town Manager*
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Anne Cyran, AICP, *Senior Planner*
CC: Charles Cousins, AICP, *Director of Community Development*
DATE: March 24, 2011
SUBJECT: Proposed Ordinance No. 2011-05
ZMA100009 – Mathews Drive/Marshland Road Area Rezoning

Recommendation: Staff recommends that Town Council approve the application for Zoning Map Amendment (ZMA100009) for the proposed Mathews Drive/Marshland Road Area Rezoning.

The Planning Commission met on February 16, 2011 to review this application and after a public hearing voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO.

The Planning & Development Standards Committee met on March 23, 2011 to review this application and after a public meeting voted unanimously to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO.

Summary: The purpose of the application is to change the zoning designation of five properties in the area of the Mathews Drive/Marshland Road intersection from IL (Light Industrial) and OL (Office/Institutional Low Density) to CC (Commercial Center) in order to bring the properties into greater compliance with the Land Management Ordinance (LMO) without creating new nonconformities and to formalize the existing commercial nature of these properties.

Background: The Town received a request from a property owner to rezone his property from OL to CC, a district that would allow greater flexibility in leasing space to tenants. Staff examined this request and determined that based on their existing uses, five parcels in the area would be more appropriately rezoned to the CC Zoning District.

The subject parcels are older, developed sites, all of which 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 for a light industrial use. 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.



**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
ZMA100009	Mathews Drive/Marshland Road Area Rezoning	February 16, 2011

Parcel Data or Location	Applicant
<u>Effected Parcels</u> R511 008 000 011H 0000 R511 008 000 0217 0000 R511 008 00A 0104 0000 R511 008 00A 0106 0000 R511 008 00A 0108 0000 <u>Existing Zoning District</u> Parcel 104: Office/Institutional Low Density (OL) Parcels 11H, 217, 106 & 108: Light Industrial (IL) <u>Proposed Zoning District</u> Commercial Center (CC)	Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928

Application Summary
<p>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.</p> <p>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.</p> <p>For a detailed list of the changes in use that will result from this rezoning, see Attachment C, Use Table. Zoning district regulations and design standards are fully described in Chapters 4 and 5 of the LMO.</p>

Staff Recommendation

Staff recommends that the Planning Commission find this application to be 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 and enclosed herein.

Other Commission or Committee Recommendations

- 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.
- On March 23, 2011 the Planning & Development Standards Committee held a public meeting to discuss the application and voted unanimously to find the application consistent with the Comprehensive Plan and carries out the purposes of the LMO.

Background

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.

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.

Summary of Facts and Conclusions of Law

Findings of Facts

- Notice of the Application was published in the Island Packet on December 12, 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 was held on February 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, 16-3-1502 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 16-3-1505.A)

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

An Implication for Nonconforming Parcels by Use

Current zoning classifications should be reviewed along with the associated regulations for each use. Areas that have high instances of nonconforming uses should be reviewed closely and revisions should be made where necessary. Creative alternatives to traditional zoning classifications should be considered, such as form based and smart codes to reflect current building and development trends that are indicative of our Island character.

An Implication for Zoning Changes

Future land use decisions and requests for zoning changes will be determined using the background information contained in this plan as well as the future land use map, currently represented by the Town's Official Zoning Map.

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 nonconforming 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.

Implementation Strategy 8.8 – Nonconforming Parcels by Use

- A. Evaluate the zoning districts or regulations of the districts when high concentrations of nonconforming properties by use exist to determine if amendments are appropriate.

Implementation Strategy 8.10 – Zoning Changes

- B. Consider focusing higher intensity land uses in areas with available sewer connections.

Conclusions of Law:

- o Staff concludes that this application is consistent with the Comprehensive Plan, as set forth in LMO Section 16-3-1505.A.
- o Four of the subject properties are currently nonconforming for use. This rezoning will result in all parcels being conforming for use.
- o This rezoning would provide an appropriate mix of land uses to meet the needs of the population and improve the quality of life on the Island.
- o This rezoning would better meet market demands of this area since four of the five properties are already developed with commercial uses.
- o This rezoning would focus the higher intensity land uses along minor arterial roadways that have available sewer connections to serve such uses.

Summary of Facts and Conclusion of Law:

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

Findings of Fact:

- o The existing uses on the IL properties are: contractor’s office; flooring store; hardware store; and appliance store.
- o The existing uses on the OL property include: massage therapy; fitness training; hydrotherapy; skincare services; physical therapy; psychotherapy; and family medical practice.
- o Most of the uses on nearby properties are non-conforming. Conforming uses on nearby properties include: a gas station; a landscaper’s office; and single family residences.
- o The neighborhood surrounding these properties contains a wide variety of uses which tend to be clustered into similar types. Mathews Drive contains a strip of commercial uses across from a pocket of single family residences. The intersection of Mathews Drive and Marshland Road has commercial uses on the west side, is undeveloped on the east side and contains single family residences on the south side.

Conclusion of Law:

- o Staff concludes the properties subject to the proposed rezoning are not compatible with their present zoning, the conforming uses of nearby property or with the character of the neighborhood as set forth in LMO Section 16-3-1505.B. The parcels proposed for rezoning are clearly not light industrial or institutional in nature. Instead, they more closely meet the purpose of the Commercial Center (CC) zoning district. The neighborhood surrounding these properties contains a mix of uses; the proposed rezoning will formalize another area of commercial use in this area.

Summary of Facts and Conclusion 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 16-3-1505.C)

Findings of Fact:

- o LMO Section 16-4-217 describes the purpose of the Commercial Center Zoning District is, “to provide for moderate to high intensity commercial development,

- especially office and general retail development.”
- The properties have frontage on minor arterial roads.

Conclusion of Law:

- Staff concludes that the affected properties are suitable for the uses that would be permitted by the proposed rezoning as set forth in LMO Section 16-3-1505.C. The subject properties are already developed with commercial uses, blend in with the commercial uses to the north and have direct access to minor arterial roads which accommodate the additional vehicle trips that commercial uses generate.

Summary of Facts and Conclusion 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 16-3-1505.D)

Findings of Fact:

- LMO Section 16-4-216 states the purpose of the Office/Institutional Low Density District is, “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.”
- LMO Section 16-4-218 states the purpose of the Light Industrial District is, “to provide for light industrial and service-related land uses with large buildings or outdoor storage requirements.”
- The non-conforming uses are categorized as commercial uses per LMO Section 16-4-1204.
- The properties zoned IL are as little as 225 feet from the headwaters of Broad Creek.
- Several nearby properties are currently being used for single family residences.
- The Town’s recent investment of approximately \$8 million on roadway, pathways, landscaping, stormwater, utility and connectivity improvements in the Mathews Drive corridor is consistent with a high-activity residential and commercial district.

Conclusion of Law:

- Staff concludes that the affected properties are not suitable for the uses permitted by the IL and OL Zoning Districts as set forth in LMO Section 16-3-1505.D. The purpose statements for these districts state that these properties should be used for industrial services in large buildings or health services in offices with little traffic, but the current uses of the properties are mostly commercial. Industrial uses in particular are ill-suited on these properties because of their proximity to the environmentally sensitive headwaters of Broad Creek and to existing residential uses. The Town’s recent investment along Mathews Drive, which directly abuts three of these properties, suggests that these properties should be part of a commercial zoning district.

Summary of Facts and Conclusion of Law:

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 16-3-1505.E):

Finding of Fact:

- o The CC Zoning District offers a greater number of permitted uses than the IL and OL Zoning Districts.
- o Four of the properties currently have non-conforming uses which will become conforming if they are rezoned to CC.

Conclusion of Law:

- o Staff concludes that the proposed application could increase the marketability of the properties as set forth in LMO Section 16-3-1505.E. A greater number of uses could occupy the properties if they were rezoned to CC and, because their uses will become conforming, they will be easier to market.

Summary of Facts and Conclusion of Law:

Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505.F):

Findings of Fact:

- o The subject properties are all developed with adequate stormwater facilities.
- o The properties at 2 Marshland Road, 4 Marshland Road and 6 Marshland Road are serviced with water and sewer by the Hilton Head Public Service District.
- o The properties at 132 Island Drive and 130 Mathews Drive are serviced with water by the Hilton Head Public Service District. These properties use septic tanks for sewer service.

Conclusion of Law:

- o Staff concludes that the properties have adequate water, sewer and stormwater facilities as set forth in LMO Section 16-3-1505.F. Although 132 Island Drive and 130 Mathews Drive are currently serviced by septic tanks, sewer service is available to these properties.

LMO Official Determination

Determination: Staff determines that this application is consistent with the Comprehensive Plan and does serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law detailed in this report.

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:

AC

Anne Cyran, AICP
Senior Planner

23 March 2011

DATE

REVIEWED BY:

TBL

Teri B. Lewis, AICP
LMO Official

3/24/11

DATE

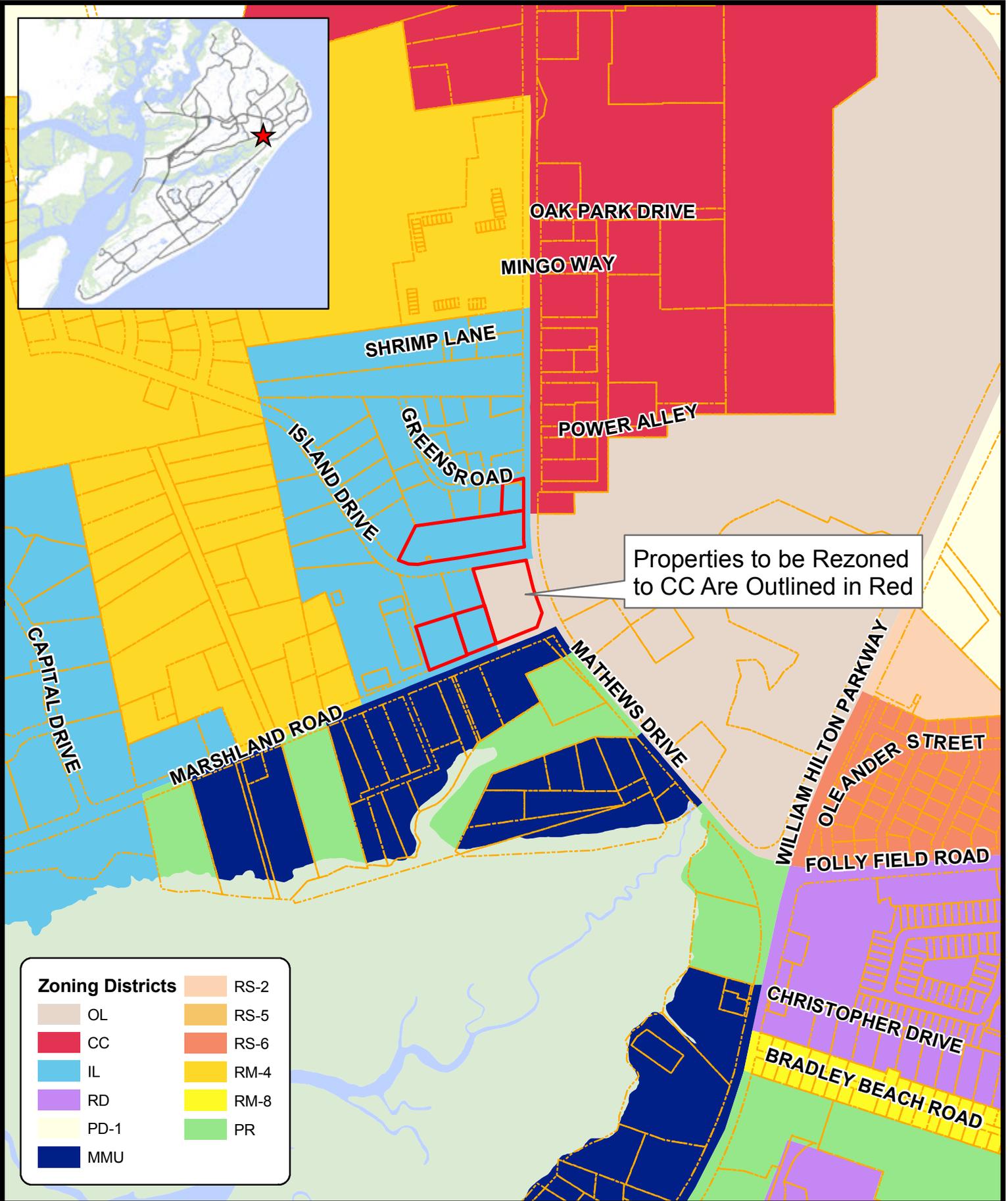
REVIEWED BY:

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

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Aerial Photo
- C) Use Table



Zoning Districts	
	OL
	CC
	IL
	RD
	PD-1
	MMU
	RS-2
	RS-5
	RS-6
	RM-4
	RM-8
	PR

Properties to be Rezoned to CC Are Outlined in Red



TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, S.C. 29928
 PHONE (843) 341-6000

ZMA100009 Mathews & Marshland Rezoning

Vicinity Map
 Attachment A



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



Properties to be Rezoned to CC Are Outlined in Red

OAK PARK DRIVE

MINGO WAY

SHRIMP LANE

ISLAND DRIVE

GREENS ROAD

POWER ALLEY

MARSHLAND ROAD

MATHEWS DRIVE

WILLIAM HILTON PARKWAY

MATHEWS DRIVE

CHRISTOPHER DRIVE

BRADLEY BEACH ROAD



TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, S.C. 29928
 PHONE (843) 341-6000

ZMA100009 Mathews & Marshland Rezoning

Aerial Photo

Attachment B



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

ZMA100009 Mathews Drive/Marshland Road Area Rezoning
Attachment C: Use Table

Specific Use	OL	IL	CC
P = Permitted By Right PC = Permitted With Conditions SE = Special Exception			
Residential Uses			
Household Living			
Single Family	P		P
Multifamily Residential	PC		PC
Mixed Use	PC		PC
Public and Civic Uses			
Aviation/Surface Passenger Terminal		SE	
Community Service			P
Day Care	P		PC
Educational Facilities			
Colleges			P
Schools, Public or Private			P
Government Facilities	P	P	P
Institutions			
Religious Institutions	P	PC	P
Other Institutions	SE		SE
Parks and Open Areas			
Park, Community	SE		SE
Park, Linear	P		
Park, Mini	P		P
Park, Special Use			P
Utilities			
Major Utility	SE	P	SE
Minor Utility	P	P	P
Telecommunications Facility	PC	PC	PC
Waste Treatment Plant		SE	SE
Commercial Uses			
Eating Establishments			
With Drive-Thru			SE
With Seating, High Turnover	PC	PC	P
With Seating, Low Turnover	PC		P
Without Seating	PC	P	P
Indoor Recreation/Entertainment			
Indoor Recreation			SE
Indoor Entertainment			SE
Office			
Health Services Except Hospitals	P		P
Real Estate Sales/Rental	P		P
Other Offices	P		P

Specific Use	OL	IL	CC
P = Permitted By Right PC = Permitted With Conditions SE = Special Exception			
Commercial Uses			
Office (cont.)			
Parking, Commercial			SE
Resort Accommodation			
RV Park			SE
Retail Sales and Service			
Adult Entertainment			SE
Bank or Financial Institution	PC		P
Bicycle Shop (with Outdoor Storage)			PC
Community Theater		PC	PC
Dance Studio		PC	PC
Convenience Store			PC
Department or Discount Store			PC
Funeral Home		P	P
Furniture Store		P	P
Hardware, Paint, Glass, Wallpaper or Flooring Store		P	P
Health Club or Spa			P
Kennel, Boarding		P	SE
Landscape Nursery		P	
Liquor Store			SE
Nightclub or Bar			PC
Shopping Center			PC
Souvenir or T-Shirt Store			PC
Supermarket			PC
Tattoo Facility			PC
Veterinary Hospital		P	PC
Watercraft Sales, Rental or Service		P	
Other Retail Sales or Service	SE		P
Vehicle Sales and Services			
Auto Rental		P	PC
Auto Repair		P	SE
Auto Sales		PC	PC
Car Wash		P	P
Gas Sales			SE
Taxicab Service		P	SE
Towing Service		P	SE
Truck or Trailer Rental		PC	
Industrial Uses			
Aviation Services		PC	
Light Industrial Services			
Contractor's Office		P	PC

Specific Use	OL	IL	CC
P = Permitted By Right PC = Permitted With Conditions SE = Special Exception			
Industrial Uses			
Light Industrial Uses			
Other Light Industrial Service		P	SE
Manufacturing and Production			
Other Manufacturing and Production		P	
Warehouse and Freight Movement			
Moving and Storage		P	
Self-Service Storage		P	SE
Warehousing		P	
Waste Related Service		P	
Wholesale Sales			
Contractor's Materials		P	
Wholesale Business		P	SE
Wholesale Business with Accessory Retail Outlet		PC	SE
Other Uses			
Agriculture	P		

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2011-

PROPOSED ORDINANCE NO. 2011-05

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 PARCEL 11H AND PARCEL 217 ON BEAUFORT COUNTY TAX MAP 8 AND PARCEL 104, PARCEL 106 AND PARCEL 108 ON BEAUFORT COUNTY TAX MAP 8A FROM OL (OFFICE/INSTITUTIONAL LOW DENSITY) AND IL (LIGHT INDUSTRIAL), 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 February 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 9-0-0 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 March 23, 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 3-0-0 to recommend that Town Council approve 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 approve 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 parcel 11H and parcel 217 on Beaufort County Tax Map 8 and parcel 104, parcel 106 and parcel 108 on Beaufort County Tax Map 8A, from OL (Office/Institutional Low Density) and IL (Light Industrial) to CC (Commercial Center). The attached Vicinity Map shows the location of the subject properties.

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:

Betsy R. Mosteller, CMC, Town Clerk

Public Hearing: February 16, 2011

First Reading: April 19, 2011

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, C.M., *Town Manager*
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Anne Cyran, AICP, *Senior Planner*
CC: Charles Cousins, AICP, *Director of Community Development*
DATE: March 24, 2011
SUBJECT: Proposed Resolution
ZMA100009 – Mathews Drive/Marshland Road Area Rezoning

The Town's Land Management Ordinance (LMO), specifically Section 16-3-1506, requires that the denial of a rezoning request be done by resolution. The attached resolution has been prepared in the event that Town Council votes to deny ZMA100009. If the proposed amendment is adopted then the attached resolution becomes null and void.

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND DENYING THE APPLICATION FOR ZONING MAP AMENDMENT ZMA100009 WHICH REQUESTS AN AMENDMENT TO CHAPTER 4 OF TITLE 16, "THE LAND MANAGEMENT ORDINANCE" (LMO), 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 THE CERTAIN PARCELS IDENTIFIED AS PARCEL 11H AND PARCEL 217 ON BEAUFORT COUNTY TAX MAP 8 AND PARCEL 104, PARCEL 106 AND PARCEL 108 ON BEAUFORT COUNTY TAX MAP 8A FROM OL (OFFICE/INSTITUTIONAL LOW DENSITY) AND IL (LIGHT INDUSTRIAL), TO THE CC (COMMERCIAL CENTER) ZONING DISTRICT.

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 February 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 9-0-0 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 March 23, 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 3-0-0 to recommend that Town Council approve 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, now finds that the requested zoning map amendment does not meet the criteria as set forth in Section 16-3-1505 of the LMO;

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT THE TOWN COUNCIL HEREBY DENIES APPLICATION FOR REZONING ZMA100009.

MOVED, APPROVED, AND ADOPTED ON THIS _____ DAY OF _____, 2011.

Drew A. Laughlin, Mayor

ATTEST:

Betsy R. Mosteller, CMC, Town Clerk

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____