



**Town of Hilton Head Island
Board of Zoning Appeals
Regular Meeting
Monday, March 24, 2014 2:30p.m
Benjamin M. Racusin Council Chambers
AGENDA**

1. **Call to Order**
2. **Roll Call**
3. **Freedom of Information Act Compliance**
Public notification of the Board of Zoning Appeals meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the requirements of the Town of Hilton Head Island Land Management Ordinance.
4. **Wireless Telephone Usage**
Please turn off all wireless telephones so as not to interrupt the meeting.
5. **Welcome and Introduction to Board Procedures**
6. **Approval of Agenda**
7. **Approval of the Minutes** – February 24, 2014 Meeting
8. **Unfinished Business**
None
9. **New Business**
Hearing
APL130010: Request from Terry A. Finger on behalf of Kittredge S. Collins and Michael Moy. The appellant is appealing the Town's determination on December 11, 2013 that the business license issued to On the Water Tours was issued in error, that the land uses assigned to the property (located at 421 Squire Pope Road) do not allow the activities conducted by On the Water Tours and that jet skis cannot be considered a form of embarkation. *Presented by: Teri Lewis*
10. **Board Business**
11. **Staff Reports**
Waiver Report
12. **Adjournment**

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

TOWN OF HILTON HEAD ISLAND
Board of Zoning Appeals
Minutes of the Monday, February 24, 2014 Meeting
2:30p.m. - Benjamin M. Racusin Council Chambers

DRAFT

Board Members Present: Chairman Peter Kristian, Vice Chairman Glenn Stanford, Irv Campbell, David Fingerhut, Michael Lawrence and Steve Wilson

Board Members Absent: P. Jeffrey North

Council Members Present: None

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Anne Cyran, Senior Planner
Teri Lewis, LMO Official
Heather Colin, Development Review Administrator
Brian Hulbert, Board Attorney
Jayme Lopko, Senior Planner
Charles Cousins, Deputy Director of Community Development
Kathleen Carlin, Secretary

1. Call to Order

Chairman Kristian called the meeting to order at 2:30p.m.

2. Roll Call

3. 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 Town of Hilton Head Island requirements.

4. Introduction to Board Procedures

Chairman Kristian welcomed the public and introduced the Board's procedures for conducting the business meeting. Chairman Kristian stated that he will recuse himself from review of application for appeal, APL130008, appearing under Unfinished Business, due to a professional conflict of interest. Vice Chairman Stanford will assume the role of Chairman for the review of APL130008.

5. Approval of the Agenda

Chairman Kristian requested that a motion be made to approve the agenda. Vice Chairman Stanford made a **motion** to **approve** the agenda as presented. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 6-0-0.

6. Approval of the Minutes

Chairman Kristian requested that a motion be made to approve the minutes of the January 24, 2014 meeting. Mr. Lawrence made a **motion** to **approve** the January 24, 2014 minutes as presented. Mr. Fingerhut **seconded** the motion and the motion **passed** with a vote of 5-0-1. Mr. Campbell abstained from the vote due to his absence from the meeting.

Chairman Peter Kristian recused himself from review of the following application, Application for Appeal, APL130008, based on a professional conflict of interest. A Conflict of Interest Form was completed and signed by Chairman Kristian and attached to the record. Chairman Kristian requested that Vice Chairman Stanford serve as Acting Chairman for this portion of the meeting.

Mr. Irv Campbell recused himself from review of APL130008 due to his absence from the first hearing of the application on January 24, 2014. Mr. Campbell completed and signed a Conflict of Interest Form for the record.

7. **Unfinished Business**

APL130008:

Request from Brad Wainwright. The appellant is appealing the Town's decision on October 23, 2013 to issue approval of a minor zoning map amendment to change the land use designation on a portion of parcel 60 on Tax Map 3 from 'Open Space' to 'Open Space/Telecommunication Facilities'.

Acting Chairman Stanford presented brief comments regarding the first hearing of the appeal on January 24, 2014. Since that time the Board has received notification from the applicant for the zoning map amendment that they intend to withdraw their application for the zoning map amendment.

Acting Chairman Stanford requested that a motion be made for the Board to go into an Executive Session to receive legal advice from Brian Hulbert, Board Attorney, concerning the procedures that are applicable to this matter. The Board agreed to meet in an Executive Session with Mr. Hulbert. Acting Chairman Stanford then requested that a motion be made.

Mr. Wilson made a **motion** for the Board to go into an Executive Session. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 4-0-0. Acting Chairman Stanford called a recess in the proceedings at this time.

When the meeting resumed, Acting Chairman Stanford stated that the Board met with Board attorney, Brian Hulbert, to receive legal advice concerning several procedural matters. No decisions concerning application for appeal APL130008 have been made.

Acting Chairman Stanford stated that Crown Castle has requested to withdraw their application for the zoning map amendment. That request was denied by the Town because the Town had already acted on the application. Subsequently, Crown Castle made a request that the Town rescind the Notice of Action. The Town agreed to rescind the Notice of Action. The question before the Board at this time is whether this matter is now moot.

Chester C. Williams, Esq., counsel for the appellant, Mr. Brad Wainwright, presented statements on behalf of his client. Mr. Williams stated that he had not been informed that Crown Castle had requested to rescind the Notice of Action in this matter.

Jack Qualey, Esq., counsel for Hilton Head Plantation and for Crown Castle also presented brief statements on behalf of his clients. Mr. Qualey stated that he was aware of the rescission of the Notice of Action but not the request to withdraw the zoning map

amendment application. Mr. Qualey stated that he believes the end result is the same, however, because Crown Castle has requested rescission of the Notice of Action.

Brian Hulbert, Board Attorney, presented statements regarding the issue. Mr. Hulbert stated that Acting Chairman Stanford is correct in his summation of facts. The case manager for the zoning map amendment application, Mrs. Jayme Lopko, presented statements on behalf of the staff regarding the timeline of events.

Jack Qualey, Esq., stated that the Town staff believes that it is at the discretion of the Board to decide whether or not they can or will accept the end of this appeal. Since the Town has rescinded the notice of action, it appears that the application for appeal is now moot.

Mr. Qualey stated that he, the appellant, Mr. Brad Wainwright, and his legal counsel, Chester Williams, have come to an agreement on several issues that they would like to bring before the Board for their consideration.

Mr. Qualey, Mr. Wainwright, and Mr. Williams jointly request that the Board accept the notice of rescission that was requested by Ms. Jenna McKee, attorney for Crown Castle, on behalf of Zoning Map Amendment application, ZMA130005. They jointly ask that the Board accept the letter from Mrs. Jayme Lopko to the applicant confirming that the Notice of Action regarding the zoning map amendment was rescinded on February 14, 2014. Mr. Qualey requested that this become part of the official record.

Mr. Qualey stated that the Board is also asked to affirm the decision of that action at the request of the zoning map amendment applicant. Also the Board should confirm that the application for the zoning map amendment is void because it has been rescinded. In addition, we further ask that the Board confirm that this application for appeal is ended.

Mr. Williams requested that the fee paid to the Town for the application for appeal be refunded to the appellant, Mr. Wainwright. Acting Chairman Stanford asked if Mr. Williams is in agreement with the statements just presented by Mr. Qualey. Mr. Williams stated that he is in agreement with these statements.

Acting Chairman Stanford then requested that the staff make their presentation. Ms. Teri Lewis stated that the staff has two concerns: (1) the first is related to the voiding of the application for zoning map amendment as this may be a matter outside of the Board's jurisdiction; (2) the refund of the fee for the application for appeal is also not before the Board. The staff will need to review the LMO to determine whether the fee can be refunded to the appellant.

Chester Williams, Esq., stated that he believes this matter is correctly before the Board of Zoning Appeals and the Board should ratify the action. Following final discussion by the Board, Acting Chairman Stanford requested that a motion be made.

Mr. Fingerhut made a **motion** that the Board should **dismiss** application for appeal, APL130008, as moot based on the representations of both of the parties in this matter. The Board should not be giving advisory opinions on these issues. Acting Chairman Stanford stated that he agrees with this statement. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 4-0-0.

**8. New Business
Public Hearing**

VAR130015:

Cameron & Cameron Custom Homes, on behalf of Sheila Hammer, is requesting a variance from Land Management Ordinance Section 16-6-204, Wetland Buffers, to build a pool in a portion of the wetland buffer. The subject parcel is located at 19 Knightsbridge Lane and is further identified as parcel 337 on Beaufort County Tax Map 15D. Chairman Kristian introduced the application and opened the public hearing. Chairman Kristian then requested that the staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. Ms. Cyran presented an in-depth overhead review of the application including the vicinity map, an aerial photo, the site plan and photos of the existing conditions. Staff recommended that the Board *disapprove* the application based on the Findings of Facts and Conclusions of Law contained in the staff's report.

The subject parcel is located at 19 Knightsbridge Lane in Wexford Plantation in the PD-1 Zoning District. The subject parcel is bound by an undeveloped parcel on the north, Knightsbridge Lane on the east, a single family house to the south and a tidal wetland (lagoon) to the west.

Wexford Plantation's tidal wetland was developed between 1979 and 1986. The subject parcel is separated from the wetland by a concrete bulkhead, as are most of the parcels adjacent to the wetland in Wexford. The State of South Carolina's Department of Health and Environmental Control's (DHEC) Ocean & Coastal Resource Management (OCRM) determined that the tidal wetlands Critical Line (the boundary of the wetland system) is located at the edge of the bulkhead.

Lane Management Ordinance (LMO) Section 16-2-204, Wetland Buffers, requires a 20-foot buffer from tidal wetlands for single family residential structures and uses. These wetland buffer standards have been in place since the LMO was enacted in 1987. Most properties in the vicinity of the subject parcel have wetland buffers that do not conform to the standards of the LMO because they have sod or non-native vegetation planted in the wetland buffer.

A building permit was issued for a new house on the subject parcel on February 19, 2013. Andrea Eldred of Cameron & Cameron Custom Homes approached Town staff in December 2013 with an application to add a pool. The staff informed Ms. Eldred that, because the proposed pool was shown in the 20-foot wetland buffer, a variance would be required prior to review and approval of a building permit for the pool.

Along with the variance request, the applicant submitted a proposed landscape plan for the wetland buffer to mitigate the effects of the encroachment of the pool into the buffer. The Town's Environmental Planner has approved the proposed landscape plan.

Ms. Cyran presented the Findings of Fact and Conclusions of Law contained in the staff's report. Following the staff's presentation, Chairman Kristian requested that the applicant make his presentation.

Mr. Nathan Cameron, Cameron & Cameron Custom Homes, agent for the applicant, presented statements in support of the application. Chairman Kristian and the applicant discussed the six criteria necessary for approval of the application. Ms. Andrea Eldred also presented statements on behalf of the applicant. Ms. Eldred reviewed several of the criteria and stated that she believes the application should be approved. There are several existing homes in Wexford with non-compliant pools that encroach into the buffer. The applicant and the Board discussed several issues including the wetland buffer and the landscaping plan.

Following the applicants' presentation, Chairman Kristian requested public comments and the following were received: (1) Ms. Deb Palazzo, Wexford Plantation representative, presented statements with regard to the existing bulkhead and 20-foot buffer from the tidal wetlands; (2) Mr. Dean Pierce, Esq., counsel for adjacent property owners, presented statements in opposition to the application.

Following all public comments, Chairman Kristian stated that the public hearing for this application is closed. The Board discussed several issues including the OCRM critical line and the existing non-conforming properties in Wexford. Several Board members expressed concern with the existing non-conforming pools in Wexford. Chairman Kristian stated that the Board is required to follow the LMO in addressing all six of the required six criteria. Following final comments by the Board, Chairman Kristian requested that a motion be made.

Mr. Fingerhut made a **motion** that the Board should adopt the staff's recommendation for **denial** of VAR130015 based on the Findings of Fact and Conclusions of Law contained in the staff's report. Mr. Lawrence **seconded** the motion and the motion **passed** with a vote of 4-2-0. Ms. Heather Colin presented statements on behalf of staff with regard to waivers and non-conformities contained in the LMO. These issues will need to be decided if other properties in Wexford wish to develop or redevelop in the future.

9. Board Business

None

10. Staff Report

Waiver Report - Ms. Nicole Dixon presented the Waiver Report on behalf of staff.

11. Adjournment

The meeting was adjourned at 3:40p.m.

Submitted By:

Kathleen Carlin
Secretary

Approved By:

Glenn Stanford
Acting Chairman
(For review of APL130008)

Approved By:

Peter Kristian
Chairman
(For review of VAR130015)



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
VIA: Nicole Dixon, *Senior Planner and Board Coordinator*
FROM: Teri Lewis, *LMO Official*
DATE January 6, 2014
SUBJECT: Appeal 130010

Staff has received an appeal Terry A. Finger, Esquire on behalf of the property owner, Kittredge S. Collins as Trustee of the Collins Family Trust Dated May 26, 1987 and Michael Moy, the owner and operator of On The Water Tours. Mr. Finger is appealing a letter sent from me to Mr. Collins regarding allowed uses on property located at 421 Squire Pope Road.

My letter states that On The Water Tours was issued a business license in error in 2013; the land uses assigned to the property do not allow the activities conducted by On the Water Tours.

Staff also reviewed a request made by Mr. Finger on behalf of Mr. Collins to consider jet skis as a form of embarkation and determined that this cannot be permitted. The original documents that were submitted when the Salty Fare development was being permitted indicate that only non-recreational ferry embarkation would occur at the Salty Fare dock. Based on this information, the Town cannot permit any other embarkation to occur unless and until such time that the property is rezoned to permit these uses.

Per the Code of Laws of South Carolina, specifically 6-29-800.B, upon receipt of an appeal staff is required to immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken. The record as attached consists of the following documents: (1) Appeal Application, (2) Appellants Narrative, (3) December 11, 2013 letter from Teri Lewis to Kittredge Collins, (4) Salty Fare permitting documents, (5) Hilton Head Plantation Planned Unit Development Summary Sheet, (6) Revised Tract/Parcel Listing of Approvals and Changes to the Hilton Head Plantation Master Land Use Plan and (7) Land Management Ordinance (LMO) Section 16-4-209.E – Planned Development Mixed Use District, (8) LMO Section 16-4-1204 – Use Table and related e-mail communications.

Staff reserves the right to submit additional documents.

If you have any questions, please contact Teri Lewis at 341-4698 or teril@hiltonheadislandsc.gov.



Town of Hilton Head Island
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928
Phone: 843-341-4757 Fax: 843-842-8908
www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY	
Date Received:	12/23/13
Accepted by:	OH
App. #: APL	130070
Meeting Date:	

Applicant/Agent Name: Terry A. Finger Company: Finger & Fraser, P.A.
Mailing Address: P.O. Box 24005 City: Hilton Head State: SC Zip: 29925
Telephone: 681-7000 Fax: 681-8802 E-mail: tfinger@fingerlaw.com

APPEAL (APL) SUBMITTAL REQUIREMENTS

If you are interested in submitting your appeal electronically please call 843-341-4757 for more information.

The following items must be attached in order for this application to be complete:

- A detailed narrative stating the Town Official or Body who made the decision, the date of the decision being appealed, the decision being appealed, the basis for the right to appeal, the grounds of the appeal, cite any LMO Section numbers relied upon; **and** a statement of the specific decision requested of the review body.
- Any other documentation used to support the facts surrounding the decision.
- Filing Fee - \$100.00 cash or check made payable to the Town of Hilton Head Island.

To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

Applicant/Agent Signature: Terry A. Finger Date: 12-23-13

NARRATIVE

This Narrative is submitted with an appeal to the Board of Zoning Appeals for the Town of Hilton Head Island. This appeal is submitted by Terry A. Finger, Esq., on behalf of the property owner, Kittredge S. Collins as Trustee of the Collins Family Trust Dated May 26, 1989 and Michael Moy, the owner and the operator of On The Water Tours. The appeal is from the letter from Terry B. Lewis to Kittredge Collins dated December 11, 2013. Terry Lewis has determined, at a staff level, that the business license issued by the Town of Hilton Head to On The Water Tours for 2013 was issued in error, that the land uses assigned to the property do not allow the activities conducted by On The Water Tours, and that jet skis cannot be considered a form of embarkation.

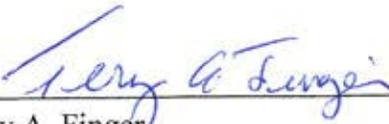
Kittredge S. Collins as Trustee of the Collins Family Trust Dated May 26, 1989 as the owner of the property, and Michael Moy, as owner of On The Water Tours, both have standing and the legal right to appeal the staff decision.

The grounds for the appeal are as follows:

1. The business license to On The Water Tours was not issued in error.
2. The Town has waived its right to attempt to revoke or rescind the business license of On The Water Tours.
3. "Embarkation" is not a defined term in either the LMO or any other operable documents concerning this property. The use of jet skis falls as an allowable use under embarkation.
4. "Non-recreational ferry embarkation" is not a defined term under the LMO or any other operable documents concerning this property.
5. The action of the Town is arbitrary and capricious and is based solely upon unfounded complaints from residences within Hilton Head Plantation.
6. The docking facilities at Salty Fare were designed and constructed in order to facilitate full water uses on the subject property.
7. The damages caused by the Town and its agents in publically alleging that the business license for On The Water Tours had been revoked have been extensive and on-going.
8. The Town's staff decision is not supported by facts, evidence, or law.

[Signature Follows]

FINGER & FRASER, P.A.



Terry A. Finger
P.O. Box 24005
Hilton Head Island, SC 29925
T: 843/681-7000 F: 843/681-8802

December 23, 2013

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, SC 29928

(843) 341-4600 Fax (843) 842-7228

<http://www.hiltonheadislandsc.gov>

Via E-mail

December 11, 2013

Mr. Kittredge Collins
3374 Jackson Street
San Francisco, CA 94118

Dear Mr. Collins:

Michael Moy, owner of On the Water Tours, operates a business out of property you own at 421 Squire Pope Road. The subject property which is part of the Hilton Head Plantation master plan is zoned PD-1 and as such has specific uses assigned to it. As you are aware, this business was issued a business license in error earlier this year; the land uses assigned to the property do not allow the activities conducted by On the Water Tours.

Staff has reviewed a request made by Terry Finger, Esquire on your behalf to consider jet skis as a form of embarkation and has determined that this cannot be permitted. The original documents that were submitted when the Salty Fare development was being permitted indicated that only non-recreational ferry embarkation would occur at the Salty Fare dock. Based on this information, the Town cannot permit any other embarkation to occur unless and until such time that the property is rezoned to permit these uses.

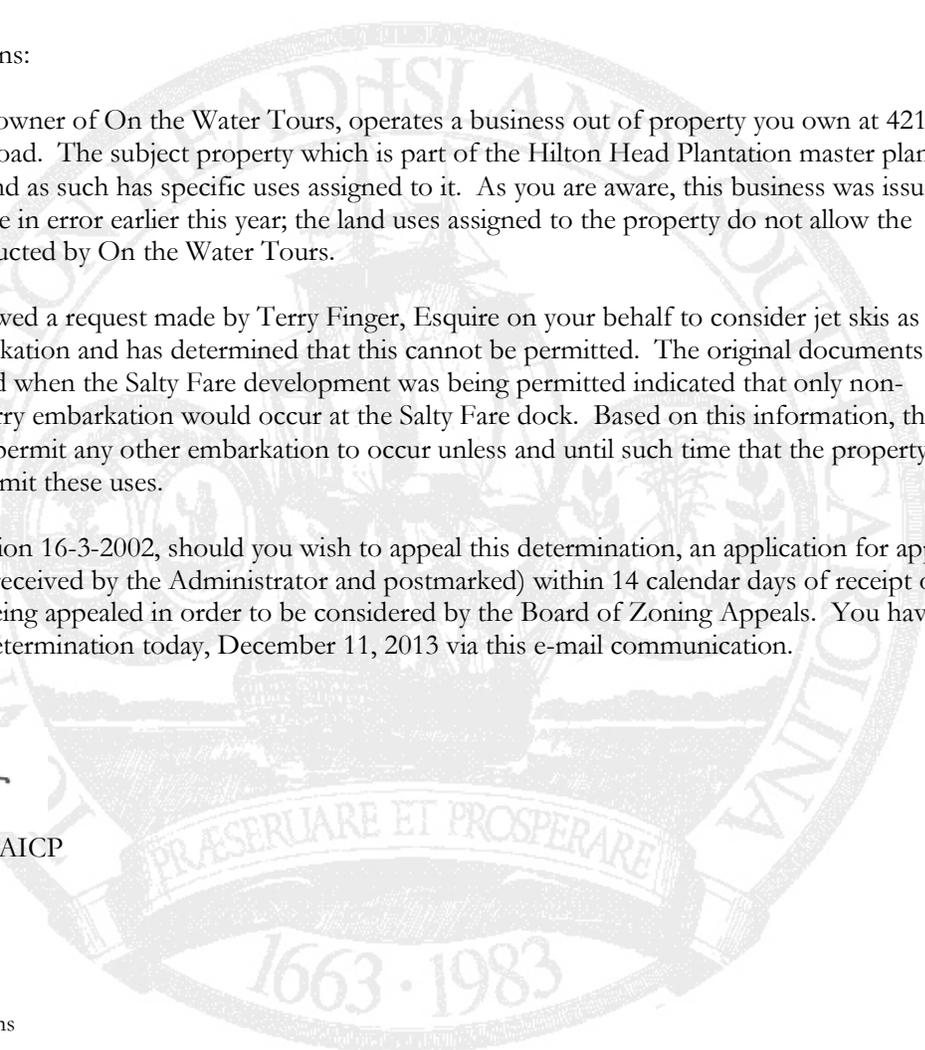
Per LMO Section 16-3-2002, should you wish to appeal this determination, an application for appeal shall be filed (received by the Administrator and postmarked) within 14 calendar days of receipt of the decision being appealed in order to be considered by the Board of Zoning Appeals. You have received the determination today, December 11, 2013 via this e-mail communication.

Sincerely,



Teri B. Lewis, AICP
LMO Official

cc: Terry Finger
Michael Moy
Brian Hulbert
Susan Simmons
Bret Martin



HILTON HEAD PLANTATION COMPANY, INC.

P.O. Box 1607, Hilton Head Island, South Carolina 29925

Sales Office: (803) 681-3307 • Executive Office: (803) 681-6173 • Administrative Office: (803) 681-6174

June 29, 1987

Mr. William Isael
Director of Planning
and Inspections
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

Dear Bill:

I am writing to you regarding the Hilton Head Plantation Company's submittal of Phase I Salty Fare Village to the Town of Hilton Head Island for development approval. The purpose of this letter is to respond to your concern that Phase I Salty Fare Village may constitute a Master Plan change.

Phase I of Salty Fare Village consists of the following:

1. General Office - 6,363 sq. ft.
2. Specialty Retail - 632 sq. ft.
3. Warehouse - 3,190 sq. ft.
4. Pier
5. Parking

All of the above uses are compatible with the M-1 Zoning Designation for commercial property. The general offices, specialty retail, and warehouse spaces are comparable to similar uses in similar locations on the island.

The pier in Salty Fare Village will be used for embarkation to Melrose on Dafuskie Island. This type of use is less intensive than a recreational pier and is compatible with land uses of adjacent properties such as Schilling Boatworks and the plantation docks just to the north of this site.

A traffic analysis has been prepared to evaluate the traffic impact of implementing Phase I Salty Fare Village as shown on the attached analysis. It is anticipated that 133 new trips will be generated as a result of the implementation of Phase I Salty Fare Village.

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Mr. William Issel
Director of Planning and Inspection
Town of Hilton Head Island
June 29, 1987
page 2

In summary, it is our judgment that Phase I Salty Fare Village does not constitute a master plan change due to the fact that it complies with the definition of commercial uses for the property as designated within the M-1 Zoning Designation. The new trip generation as a result of Phase I is minimal and does not change the Level of Service of any of the roads leading to Salty Fare Village. In addition, it will lessen traffic on other roads such as Highway 278 south of Squire Pope Road and Palmetto Bay Road which are currently higher levels of service since Palmetto bay Marina is the south end embarkation for Melrose.

It is respectfully requested that the submission of Phase I Salty Fare Village be reviewed by the Administrator since the land uses proposed are in compliance with the Hilton Head Plantation Master Land Use Plan therefore not requiring a change in the Master Plan. The development must be in place by no later than November 1, 1987, in order for the Melrose Company to appropriately serve its membership. If we are required to submit this development as a change to the master plan the completion date could not be achieved and a financial hardship would be placed upon the developer.

Your consideration will be appreciated.

Sincerely,

William G. Peacher

William G. Peacher
General Manager

WGP:ccg

cc: Karen Spek Hart
Carey Smith
Tom E. Chko

Hilton Head Plantation
Salty Fare Village Traffic Analysis

<u>ALTERNATE LAND USES</u>	<u>NEW TRIPS TO ISLAND</u>
1. Salty Fare Village (Total Development)	870
2. Commercial Development	2310
3. Single Family Residential	
- Full Size 19 acres @ 2DU/AC. x <u>10</u> Trips	380
- Patio 19 acres @ 3DU/AC. x <u>5.2</u> Trips	296
4. Multi Family Residential	
- 19 acres @ 8 DU/AC. x <u>5.8</u> Trips	882

HILTON HEAD PLANTATI

TRAFFIC

PHASE I
SALTY FARE

<u>Land Use</u>	<u>Square Feet</u>	<u>Rooms/ Units</u>	<u>Occunancy</u>	<u>Trips Per Indicated Measure</u>	<u>Total Trips</u>	<u>New Trips Factor</u>
1 Commercial (Gen. Office)	6,363			17.7/1000 SF	113	20%
2 Specialty Retail	632			40.7/1000 SF	26	20%
3 Warehouse	3,190			5.0/1000 SF	16	80%
4 Inn (50 Rooms)						
5 Yacht Club & Post Office (20 Parking Spaces)						
6 Restaurant & Lounge						
7 Reception Center/ Office						
8 Dormitory						
9 Warehouse						
10 Parcel 12 7.1 AC Convenience Store/ Gas Station & Parking						
11 Parcel 12 Mini Warehouse						

Total Trips Phase I

(1) The average stay in the Salty Fare Inn will be 3 nights, thus will generate 1 trip per day plus arrival and departure trips

67

IN - SALTY FARE VILLAGE

ANALYSIS

TOTAL DEVELOPMENT
SALTY FARE

New Trips to Island	Square Feet	Rooms/Units	Occupancy	Trips Per Indicated Measure	Total Trips	New Trips Factor	New Trips to Island
23	13,900			17.7/1000 SF	246	20%	49
5	22,900			40.7/1000 SF	932	20%	186
13	9,600			5.0/1000 SF	48	80%	38
0		50	70%	1.43/Room(1)	50	100%	50
0	4,000			3.1/Space	62	100%	62
0	7,600			74.9/1000 SF	570	20%	114
0	3,300			17.7/1000 SF	58	20%	12
	16,600	45	100%	2.0/Room	90	100%	90
	41,100			5.0/1000 SF	206	20%	41
	3,000			5.5/1000 SF	16.5	20%	3
	25,000			2.8/1000 SF	70	20%	14
41				Total Trips Salty Fare Village			659

average of 2 room changes per week. Assuming each room = 10/7 = 1.43.

HILTON HEAD PLAN

TRAFFIC

PHASE I
MELROSE

Land Use	Square Feet	Rooms/ Units	Occupancy	Trips Per Indicated Measure	Total Trips	New Trips Factor
1 Residential (single family)		10	30%	2.0/DJ(1)	6	100%
2 Lodging A. Inn		52	70%	.57/Unit(2)	21	100%
B. Cottages		25	70%	0.6/Unit(3)	11	100%
3 Recreational 18 Hole golf course (170 ac)				1.4/AC(4)	238	20%
Sub-Total						
Only 60% will use Salty Fare Terminal						
4 Melrose Employees 2 Emp/Veh				2.0/Emp	40	100%

Total Trips Melrose Phase I

- (1) Melrose is a self-contained residential community - on a daily basis. Recognizing trips to the Island will be made for work, play, family per average weekday to Hilton Head, or 2 trips per day.
- (2) The average stay in the Inn will be 3 nights, thus an average of 3 trips/week.
- (3) The average stay in a cottage is 1 week, thus an average of 7 trips/week or 1 trip/day. Additional trip to Hilton Head per stay = 4 trips/week or 4/7.
- (4) Assume 20% of golf use is day-trips -- not already on Daufuskie Island by 80% to 1.38 or 1.4/AC.
- (5) Some permanent employees will live on Daufuskie Island.

50

STATION - MELROSE

ANALYSIS

TOTAL DEVELOPMENT
MELROSE

New Trips to Island	Square Feet	Rooms/ Units	Occupancy	Trips Per Indicated Measure	Total Trips	New Trips Factor	New Trips to Island
6		350	30%	2.0/DU(1)	210	100%	210
21		52	70%	.57/Unit(2)	21	100%	21
11		100	70%	0.6/Unit(3)	42	100%	42
<u>48</u>				1.4/AC(4)	238	20%	<u>48</u>
86						Sub-Total	321
52						Only 60% will use Salty Fare Terminal	193
40				2.0/Emp	60	30%(5)	13
92						Total Trips Melrose	211

On basis no trips to Hilton Head Island are required.
and shopping, we expect approximately 1 trip per

of 2 room changes per week. 4 trips/week : 7 = .57

• cottage change per week, plus assume one
• .6 AMOT.

• Island, thus the 6.9 trips/acre is reduced

HILTON HEAD PLANTATION - SALTY FARE VILLAGE

TRAFFIC ANALYSIS

COMMERCIAL

<u>Land Use</u>	<u>Square Feet</u>	<u>Trips Per Indicated Measure</u>	<u>Total Trips Ends</u>	<u>New Trip Factor</u>	<u>New Trips to Island</u>
1 Commercial (Gen. Office)	190,000	17.7/1000 SF	3363	20%	673
2 Specialty Retail	190,000	40.7/1000 SF	7733	20%	1547
					2220

MARINA

1 Boat Berths	150	3.0/Berth	450	20%	90
					2310

HILTON HEAD PLANTATION - SALTY FARE VILLAGE

RESIDENTIAL

SINGLE FAMILY

1 Residential	19.0 AC @ 3 DU/AC = 152 DU x 5.8 =	882
Patio	19.0 AC @ 3 DU/AC = 57 DU x 5.2 =	296
	19.0 AC @ 2 DU/AC = 38 DU x 10.0 =	380

SALTY FARE VILLAGE TRAFFIC ANALYSIS

LOS (LEVEL OF SERVICE)

<u>Road Name</u>	<u>Present LOS</u>	<u>Ultimate Buildout of Salty Fare & Melrose LOS</u>
Squire Pope Road	(2400/10,000).24 = A	(2734/10,000) .24 = A
Gum Tree Road	(4000/10,000).4 = A	(4400/10,000) .44 = A
Back Gate (Seabrook)	(700/5,200).13 = A	(904/5,200) .17 = A
Whooping Crane Way	(9130/12,000).76 = B	(9163/12,000) .76 = B

Level of Service is based on Ratio of Volume (V)/Capacity (C)

Information taken from Report by Wilbur Smith & Assoc.
Pages 13 through 16

HILTON HEAD PLANTATION COMPANY, INC.

P.O. Box 1607, Hilton Head Island, South Carolina 29925
Sales Office: (803) 681-3307 • Executive Office: (803) 681-6173 • Administrative Office: (803) 681-6174

PROJECT NARRATIVE FOR SALTY FARE VILLAGE, PHASE I

June 29, 1987

This application for development approval of Salty Fare, Phase I, is submitted as a part of the current and approved master plan for Hilton Head Plantation. The name, Salty Fare, was given to this project site by Sea Pines Plantation Company, in the 1970's when the property was then owned by that Company. At that time Sea Pines had designated Salty Fare for development and use as a small, commercial, water side "fishing village" of a project description similar to that of a quaint Nantucket seaside village. Today Phase I is in keeping with the character of Salty Fare as it was originally envisioned, and more importantly, is in compliance with the master plan elements of Hilton Head Plantation. The site location of Salty Fare, Phase I, is situated adjacent the southern and common boundary of Hilton Head Plantation with the property known as Schilling Boat Yard. The Phase I property is more fully described in this application.

The components of the development in Phase I are:

- a. Construction of an embarkation facility for the Melrose Club on Daufuskie Island. The embarkation facility was approved on June 24, 1987, by the South Carolina Coastal Council (Permit No. 87-3A-099-P) and has been approved by the U. S. Army Corps of Engineers. Copies of the SCCC permit and approval letter are attached and made a part of this application. This facility consists of a wooden pier, ramps and three sections of floating docks for the use of Melrose ferry boats and their passengers. All engineering and design work for this facility has been performed by Thomas & Hutton Engineers. Construction is scheduled to begin in July 1987 with completion in November 1987 to coincide with the completion date of the Melrose Inn, club cottages and several other operational elements of the Melrose Club.
- b. Construction of a wood frame, two-story building and other buildings described as a part of the attached site plan, and including:
 1. A building of ^{10,327}~~10,200~~ sq. ft. which will service a real estate sales office, reception center, small retail store, storage and warehouse functions.

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2. A 2,600 sq. ft. rain and sun shelter designed to be open air and situated between the ~~10,300~~ ^{10,327} sq. ft. building and embarkation dock.
3. A small gazebo, approximately 250 sq. ft. to provide a shelter for evening musical performances and other outside functions.

The architectural firm for Phase I is Doug Corkern, Architects, Inc.

Road access to the project site will be off of Seabrook Drive, inside Hilton Head Plantation. The entrance road will be asphalt paved with service road access (asphalt paving) in front of and behind the two-story building. The access street in front of the building will terminate in a "Savannah Square" turnaround. Parking will be situated adjacent and behind the two-story building with approximately 150 spaces designed and engineered according to the attached Phase I site and drainage plan.

The existing Hilton Head Plantation security gate located near the access road off of Seabrook Drive will be relocated more to the interior of Hilton Head Plantation. Likewise, a boundary fence at Hilton Head Plantation now under construction will ultimately be extended to completely surround the perimeter of Salty Fare making it, not only a separate part of Hilton Head Plantation, but a separate and distinct project. In March of this year, the Hilton Head Plantation Property Owners' Association Board of Directors were given a complete overview of

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this project as were the property owners of Hilton Head Plantation at the April 1987 annual Property Owners' Association meeting at the Hilton Head High School. Both groups gave a most favorable reaction to the concept of the project.

Utility services will be provided by Hargray Telephone Company, Palmetto Electric Cooperative and Hilton Head Plantation Utility Company. The installation of water and sewer service lines will be completed by the Hilton Head Plantation Company, as the owner and developer of Salty Fare, Phase I, and then dedicated to the Hilton Head Plantation Utility Company for ownership and operation.

Landscaping, lighting and color blending of the construction elements of Salty Fare will provide a pleasing and pleasant environment for persons visiting and experiencing the completed facility. More detail of these elements are made a part of this submission.

Salty Fare will fall within the commercial guidelines and declaration of covenants and restrictions of Hilton Head Plantation. Those covenants and restrictions will insure the positive operation and maintenance of the facility in keeping with the standard of quality currently found at Hilton Head Plantation.

At the outset, Hilton Head Plantation Company will own and manage the properties and will dictate the policies through which Salty Fare will be bound in its operations. A net lease

agreement between owner and tenants will dictate the payment of association, regime and maintenance fees..

Any and all future additions or modifications to Salty Fare must be approved by the then current standards set by community and government agencies.

DEPARTMENT OF THE ARMY PERMIT

Permittee Hilton Head Plantation, A Melrose Company
Permit No. 87-3A-099
Issuing Office Charleston District

ATTN: Steve Kiser
Post Office Box 6779
Hilton Head Island, S. C. 29928

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To construct an embarkation dock for ferry boats which transport property owners and their guests to the Melrose Development located on Daufuskie Island in accordance with the attached drawings entitled: Proposed Activity - Pier Construction, Beaufort County, South Carolina; Applicant: Hilton Head Plantation - Sheets 1, 2, and 5 of 7 Revised April 1, 1987; Sheet 7 of 7 Dated April 1, 1987; Sheet 3 of 7 Dated April 6, 1987; and Sheets 4 and 6 of 7 Revised April 6, 1987.

Project Location:

This project is located in Skull Creek (AIWW) at parcels 11 and 12, Seabrook Drive, Hilton Head Plantation, Hilton Head Island, Beaufort County, South Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 30 June 1990. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

South Carolina Department of Health and Environmental Control

2600 Bull Street
Columbia, S.C. 29201

Commissioner
Michael D. Jarrett



May 29, 1987

Board
Moses H. Clarkson, Jr., Chairman
Gerald A. Kaynard, Vice-Chairman
Oren L. Brady, Jr., Secretary
Barbara P. Nussle
James A. Spruill, Jr.
William H. Hester, M.D.
Euta M. Colvin, M.D.

Hilton Head Plantation, A Melrose Company
P. O. Box 6779
Hilton Head Island, S. C. 29928

Re: Certification in Accordance with Section 401 of the Clean
Water Act, as amended.

Hilton Head Plantation, A Melrose Company
Construct an embarkation dock
Skull Creek (AIWW)
Beaufort County
P/N 87-3A-099-P

Dear Sir:

We have reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the Certification requirements of Section 401 of the Federal Clean Water Act, as amended. In accordance with the provisions of Section 401, we certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Federal Clean Water Act, as amended. We also hereby certify that there are no applicable effluent limitations under Section 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

This certification is subject to the following conditions.

1. A waste pumpout facility must be provided at the dock to service ferry boats used to transport people to and from Daufuskie Island. Plans for the pumpout must be submitted for review and approval to Mr. Mike Caughman, Director, Domestic Wastewater Division, S. C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S. C. 29201.

Hilton Head Plantation, A Melrose Company
Re: P/N 87-3A-099-P
Page Two
May 29, 1987

2. Only ferry boats owned by or under contract to the Melrose Company may be berthed overnight at the dock.
3. No one shall reside on or spend the night on any boat berthed at the dock.
4. As agreed to by Mr. Steve Kiser of the Melrose Company, marine sanitation devices on the ferry boats must be maintained and operated so that there are no through hull discharges.
5. The fueling system for the boats must be designed and constructed to current professional standards and approved by a professional engineer licensed to practice in South Carolina. The system must incorporate emergency cutoff switches and in-line safety valves to prevent accidental spills. Pipes delivering fuel to the dock must be of an appropriate material to withstand the saltwater environment. Fuel lines must be constructed underneath the dock and access pier so that the structure of the dock protects the pipes. Underground storage tanks must be constructed and maintained according to DHEC's Undergrou. storage Tank Regulations.

Sincerely,

Chester E. Sansbury

Chester E. Sansbury
Director, Division of Water
Quality & Shellfish Sanitation

CES:LET:krw
CC: Charleston District Corps of Engineers
DHEC District Office
S. C. Coastal Council

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TOWN OF HILTON HEAD ISLAND
One Town Center Court, Hilton Head Island, S.C. 29928
803/842-8900 Fax 842-7728

Thomas D. Peoples
Mayor
Dorothy G. Perkins
Mayor Pro Tem

Council Members

Frank Brulman
James K. Carlin
Steven A. DeStamone
Willie (Bill) Ferguson
Earl W. Mallick

Stephen G. Riley
Town Manager

**NOTICE OF ACTION TAKEN
ON DEVELOPMENT PLAN APPLICATION**

Addressed to Owner:

The Melrose Club
P.O. Box 23285
Hilton Head Island, SC 29925

Copied to Applicant

Mr. Jack Best
The Melrose Company
P.O. Box 23285
Hilton Head Island, SC 29925

The Town of Hilton Head Island Planning Staff has reviewed the following project pursuant to LMO Section 16-7-661.

Approval Date: November 4, 1996

Application No: DPR-35-95

Development Plan Name: Salty Fare Parking Lot

Location: Seabrook Drive at backgate to Hilton Head Plantation

Reviewed By: Planning Staff

Type of Development: Parking lot for embarkation site

***Category of Use for Street Improvement Fee:** N/A

Tax Dist.: 530 **Map:** 3 **Parcel (s):** 126

Site Acre(s): 5.55 **Application filing fee:** \$80.00

Zoning Dist.: M-1, Hilton Head Plantation Master Plan **Trans. Dist.:** 52

Latest revision date of approved site plans: Site Development Plan for Salty Fare Parking prepared by Thomas & Hutton Engineering Co. (Job No. J-9633) Revised through August 21, 1996.)

Any variance(s)/ special exception/conditional use required and date granted: N/A



July 8, 1987

Mr. William G. Peacher
General Manager
Hilton Head Plantation Company, Inc.
P. O. Box 1607
Hilton Head Island, South Carolina 29925

RE: Salty Fare Village, Phase I

Dear Mr. Peacher:

This letter is in response to your letter of June 29, 1987 to William Issel regarding Town staff's concern as to whether the above referenced project would require a master plan change under the M-1 District of the LMO.

As we had discussed previously, it is agreed that the proposed embarkation site to serve Melrose located on Daufuskie Island was not envisioned under the Hilton Head Plantation Master Plan since the Master Plan predated any proposed development on Daufuskie Island. It was our request that you provide documentation comparing the impact of the embarkation site (Salty Fare Village) and general commercial uses as allowed under the Master Plan.

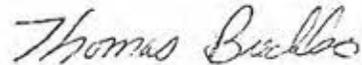
After careful review of the documentation submitted, it is the decision of the Administrator of the LMO that the proposed embarkation site for Melrose as submitted under the conceptual master plan for Salty Fare Village would not be a master plan change since the documentation demonstrates that it should have a lesser impact than general commercial development. This decision applies to the proposed embarkation site and any proposed change in the use of the docking facility would require re-evaluation of the use.

As had been previously noted, the proposed Bed and Breakfast Inn for Salty Fare Village and that portion of the commercial parking area on the eastside of Seabrook Drive that encroaches into the residential parcel will require changes to the Hilton Head Plantation Master Plan.

Mr. William G. Peacher
July 8, 1987
Page Two

If you have any questions concerning this matter, please
call me at 681-8396.

Respectfully,



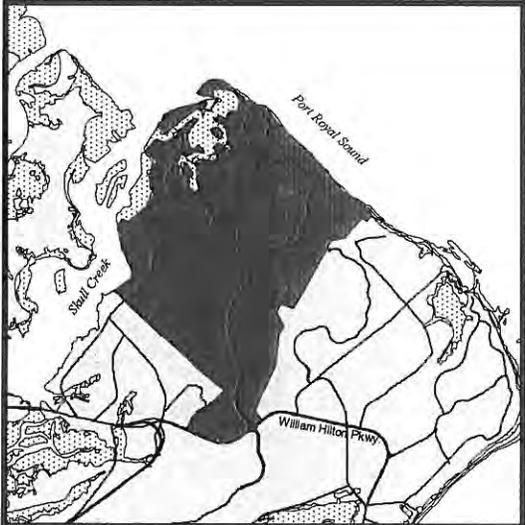
Thomas Brechko
Current Planning Manager

cc: Planning Commissioners
Carey Smith, Town Manager
William Issel, Director of Planning & Inspections
Karen Popek Hart, Chief of Planning

HILTON HEAD PLANTATION

PLANNED UNIT DEVELOPMENT SUMMARY SHEET

I. General Location w/Vicinity Map

<i>General Location</i>	North part of the Island between non-PUD area of Squire Pope Road/Gum Tree Road and Palmetto Hall Plantation.	
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II. General Description & Special Conditions

<i>General Description & Special Conditions</i>	<p style="text-align: center;"><i>HISTORY OF HILTON HEAD PLANTATION</i></p> <p>Prior to 1983 Town incorporation, the original Master Land Use Plan for Hilton Head Plantation was approved by Beaufort County in 1974, and later amended in 1982 to include the Skull Creek Golf Course and most of the adjoining parcels. The original plan allowed for 7474 dwelling units on 3926.6 acres (1.9 DU's/acre; 251.2 commercial acres, 2061.6 acres of open space, etc.)</p> <p>In October 1983, Hilton Head Plantation submitted their Master Land Use Plan to the newly-incorporated Town for approval under the vested rights provisions of the County's Development Standards Ordinance. (During this time, the Town was still operating under the County's Development Standard Ordinance until January 19, 1987-- the adoption of the Town's own Land Management Ordinance.) As submitted, some of the parcels carried the same use designation as the original 1974 plan or were not designated. The October 1983 submission committed to a cap of 5950 dwelling unit maximum density, which was 50 units less than what was provided in the covenants and 1524 units less than the County-approved Master Plan. This submission was reviewed, but no formal action taken at this time.</p> <p>In May 1984, Hilton Head Plantation submitted an amendment to the Master Plan to further identify uses for previously undesignated parcels. This amendment included the "Summary</p>
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of Proposed Master Land Use Plan-- April 24, 1984.” These changes were intended to reduce the amount of commercial acreage and to reduce the density on many parcels. The proposed plan called for a “potential of 6564 dwelling units” to allow for some flexibility as they develop the parcels. However, the Plantation also indicated they were committed to “no more than 5950 dwelling units” and would not exceed that number. The 1984 amendment also included 232.1 commercial acres, and 2057.4 acres of open space, golf courses, recreational, etc.

The permit for Preliminary Master Plan was issued August 14, 1984 (#D-00020).

When the Town adopted the Land Management Ordinance in 1987, they zoned the PUD to M-1, C-3 and M-2 zoning districts. In 1998, the LMO revised the zoning districts, designating the old M-1 zone to PD-1. Therefore, the Master Plan for Hilton Head Plantation should now contain only those areas designated as the new PD-1 zone. All non-PD-1 areas once contained in the Master Plan are to be regulated as per the requirements of their zoning district.

Skull Creek Marina received a Vested Rights Determination to complete the expansion of the boat slips, renovate the Harbourmaster’s office within the existing footprint, and expand the clubhouse by 3,500 sf. Please see that file (VR-20-94) for more information.

The 1984 Master Plan map is the only stamped approved map.

OWNERSHIP

On November 1, 1985, the assets of the Hilton Head Plantation were purchased by the Melrose Company & Stephens, Inc. from the Southeast Holding Company, Ltd. The new management structure consisted of the Hilton Head Plantation Partnership (which was the sole shareholder in the Hilton Head Plantation Company, Inc-- the development corporation which served as the sales, development and operating entity for the new owners).

A Property Owners Association was formed and boundaries of their jurisdiction established. These boundaries excluded all commercial properties within the PUD.

GENERAL INFORMATION

The Hilton Head Plantation has its own Property Owners Association, an architectural review board and an internal building permit system for both the residential portion behind the 24 hour gates and the Main Street Commercial Owner’s Association for the commercial portion outside the 24 hour gates. All development within the Plantation must still go through the town for design approval and a town-issued building permit.

Hotels, Motels or Inns: Main Street Inn, Quality Inn (Shoney’s Inn)

Golf Courses: Bear Creek (18); Country Club of Hilton Head (18); Dolphin Head (18); and Oyster Reef (18). An Executive Cayman 9 hole golf course was approved for development, and 3 holes were constructed, although not to USGA golf course specifications. This golf course can be found on a map that was approved via Ordinance 87-24. The Cayman Golf Course was eliminated in 1999 (ZMA990008), when holes 1 and 8 were approved to be rezoned to SF and open space in 2 subdivisions (10 lots on hole 1 and 20 lots on hole 8+Parcels 4 & 5). Holes 2, 6, & 9 were rezoned to open space. Hole 7

was rezoned to SF in an administrative rezoning due to the platting of SF lots on an extension of Annabella Lane. Holes 3, 4, & 5 are part of the Cypress development and exist as open space (they look like golf holes but were not built to normal golf hole standards).

Commercial Areas:

1. Main Street Village (outside POA boundaries but within PUD boundaries); zoned PD-1 from Liberty Savings Bank to the electric substation, and CC & OM to Hospital Blvd.
2. Limited Commercial at the Old Fort Pub inside the plantation, see ZMA990006 (allowed uses are office, restaurant, or residential, density is 8,000 sf/acre or 8 du/acre).

DENSITY & LAND USE

Allowable Density and Land Use are determined by several items:

1. Parcel/tract designation and cap of the Master Plan (see Revised GIS Master Plan Map and Revised Tract/Parcel Listing of Approvals & Changes);
2. POA boundary & definitions;
3. Zoning district criteria.

Residential density is detailed for each parcel/tract and is summarized per the Revised Tract/Parcel Listing Update.

Non-residential density is specified within designated parcels as acreage. The PD-1 Zoning District does not allow this density to exceed a certain square footage (currently 10,000 sf/acre) unless so specified in the Master Plan. Note that the Limited Commercial area cannot exceed 8,000 sf/acre.

Transfer of Density: Density cannot be transferred between parcels without a zoning map amendment. According to the PD-1 zoning district, if the area is not developed to the allowed maximum, the area has lost the right to the unused density, unless plans specifically designate an area for the unused density to be used in a future phase.

Commercial Uses:

The general category of “commercial” allows those uses listed in the LMO which are measured by square footage. Even though hotel/motel/b&b/timeshares are under the “commercial” category, they are not specifically allowed under the term “commercial” as they are measured by “units.” If the parcel is specifically designated for one of these uses, they are allowed.

To determine if a proposed use in the commercial area of the PUD (ie -Main Street) is permitted, first review Section 16-4-209-E to see if the use is restricted. Anything in the list in Section 16-4-209-E is ***not permitted*** within the PD-1 district unless the use is specifically named on the Master Plan. So, if a proposed use is listed, a ZMA is required to amend the Master Plan to specifically permit that use on that parcel.

For other commercial uses, refer to the Use Table in the LMO (Section 16-4-804). If the proposed use is listed under the Commercial category, it is permitted within the commercial area of the PD-1 district (Main Street). Note that for uses which require a special exception in other zoning districts, they ***do not*** require a special exception in the PD-1 District.

Some Land Use Terms as defined in the HHP POA Covenants dated April 17, 1997 are as follows (note that these definitions apply only to POA property):

Public and Commercial Site: any unimproved parcel of land within the Properties, intended for use as a site for improvements designed to accommodate commercial or business enterprises to serve residents and guests of HHP and/or the public, including but not limited to business and professional offices, facilities for the retail sale of goods and services, social clubs, restaurants, inns, lounges, indoor recreational facilities, marinas, and automobile parking facilities; provided, however, that a parcel of land shall not be deemed a Public and Commercial Site” until such time as a plat identifying such property as a public or commercial site is recorded in the Office of the Clerk of Court of Beaufort County.

Other POA land uses are defined in the Covenants.

Main Street Wetlands:

There are a number of parcels in the Main Street area that are subject to restrictive covenants. For the location of these areas, see plat in the Natural Resources file “Main Street Wetlands Master Plan” titled “Wetlands at Main Street Area” by Coastal Surveying and signed by Tom Brechko on May 27, 1997. (A copy of a portion of this plat follows this summary sheet.) These covenants were required as part of the subdivision approval for Main Street. The following activities are prohibited: clearing, filling, draining, flooding, dredging, impounding, cultivating, excavating, constructing or erecting (or otherwise improving the property), removing vegetation, burning, cutting, altering or otherwise destroying vegetation. Exceptions to these activities include: removing vegetation no greater than 4” dbh to create a pedestrian walkway, removing dead or diseased trees, removing hazardous trees, planting native shrubs and trees, constructing and maintaining pedestrian boardwalks and walkways only after receipt of appropriate local, state, and federal approvals, and passive wildlife management activities. See file for exact wording.

III. HISTORY OF CHANGES TO MASTER PLAN:

<i>ZMA #</i>	<i>Action</i>	<i>Date</i>	<i>Short Description</i>
ZMA-5-87 (Prop. Ord. 87-20)	DENIED	8-3-87	Rezoned Parcels L & M
ZMA-6-87 (Ord. 87-19)	APPROVED	8-17-87	Parcel I rezoned from residential to institutional (12,000 SF per acre), commercial (10,000 SF per acre), & residential (6 units per acre)
ZMA-14-87 (Ord. 87-23)	APPROVED	9-16-87	Boundary change removing a parcel along US 278 from M-1 to C-5 zone (take Suburban Propane out of HHP)
ZMA-10-87 (Ord. 87-24)	APPROVED	10-21-87	Rezoned parcels G, O, P, Q, R, T, V & W
ZMA-15-87 (Ord. 88-2)	APPROVED	1-18-88	Parcel 62, Tax Map 3 (Bethea property) rezoned from Open Space to 9 single family lots
ZMA-16-87 (Ord. 88-7)	APPROVED	5-16-88	Skull Creek marina rezoned to include 32 multi-family units
ZMA-1-88 (Prop. Ord. 88-14)	DENIED	6-6-88	Portion of Tract I rezoned from institutional & 6 dwelling units per acre to institutional & 13 dwelling units per acre
ZMA-4-90	WITHDRAWN	1-2-90	Parcel 62, Tax Map 3 (Bethea property) rezoned from 9 single family units to 36 multi-family

ZMA-1-91 (Ord. 91-6)	APPROVED	7-1-91	Parcels 412 through 419 on Map 4A rezoned outparcel from R-4 to M-1 (now PD-1) to include 45 single family units
ZMA-2-91 (Ord. 91-8)	APPROVED	7-1-91	Seabrook Farm & Stables rezoned to Recreation Area with conditions
ZMA-1-92 (Ord. 92-15)	APPROVED	4-6-92	Tax Map 3 Parcels 64A & 64B rezoned from 60 multi-family units to 14 single family units
ZMA-5-92 (Ord. 92-27)	APPROVED	8-3-92	Tax Map 4A Parcel 26 rezoned from open space to 2 single family lots
ZMA-6-92 (Ord. 93-3)	APPROVED	2-1-93	Parcel I rezoned from 12 SF & 1 church site to 16 single family lots with conditions (Drayton Park)
ZMA-7-92 (Prop. Ord. 92-38)	WITHDRAWN	11-92	M-1 to R-3 and add AH (Affordable Housing Overlay)
ZMA-8-92 (Ord. 93-18)	APPROVED	8-16-93	Tax Map 2 parcel 203 (Parcel FF) rezoned to 1 single family lot and 3.3 acres open space with access to Elliott Cemetery
ZMA-2-94 (Ord. 94-18)	APPROVED	6-21-94	Incorporates 10.08 acres (Tax map 4 Parcel 3) into M-1 (now PD-1) with a specific land use to permit 24 single family units and that access be from Oyster Reef Drive
ZMA-4-94	DENIED	12-7-94	Changes to Infrastructure; Whooping Crane Way and Main Street
ZMA-1-95	WITHDRAWN	3-31-95	Old Fort Pub & Sales Office rezoned to Restaurant & food & beverage service
ZMA-5-95	APPROVED	6-21-95	Roundabout at Whooping Crane & Main Street
ZMA-6-95 (Prop. Ord. 96-05)	DENIED by TC	1-23-96	Old Fort Pub & Sales Office rezoned to Restaurant & food & beverage service
ZMA-3-96	WITHDRAWN	3-12-96	Tract AA rezoned to allow 12 duplex townhouses
ZMA-10-98 (Ord. 99-08)	APPROVED	3-16-99	Main Street Inn rezoned to 34 room motel and 1200 SF restaurant limited to 67 seats
ZMA-01-99	WITHDRAWN	8-27-99	Dolphin Head Country Club Telecommunications Tower
ZMA-02-99	WITHDRAWN	5-21-99	Cayman golf course rezoned to single family & open space
ZMA990006 (Ord. 99-28)	APPROVED	10-5-99	Old Fort Pub & Fort Mitchell rezoned to historic & limited commercial
ZMA990008 (Ord. 99-32)	APPROVED	11-3-99	Cayman golf course rezoned to open space & single family residential
ZMA000004	WITHDRAWN	2000	Parcel 42 & 43 along Main Street rezoned to conservation/open space and transfer their density to Site "A" which will be brought into the PUD for a transitional care facility
ZMA010001 (Ord. 2001-19)	APPROVED	8-21-01	Pelican Watch Way (Tract A) rezoned from recreational to single family
ZMA070003 (Resolution 2007-25)	DENIED by TC	9-4-2007	Subdivide Lot 16 Towhee Road into 2 single family lots resulting I increase of one dwelling unit to residential cap of HHP
ZMA080002 (Ord. 2008-23)	APPROVED	9-2-08	Portion of Jarvis Creek Park rezoned from PR to PD-1 with a specific use of Not for Profit Children's Day Care Center

ADMINISTRATIVE APPROVALS:

<i>Number</i>	<i>Date</i>	<i>Short Description</i>
ZMA-18-87	6-2-87	Determination that development of hotel/motel in Main Street subdivision does not constitute a ZMA, as "commercial use" is allowed & hotel/motel can be interpreted as such. This approval applies to only Shoney's Inn. Any other development involving hotels/motels will necessitate a ZMA. Letter from HHP Company dated 6-22-87 indicates that Shoney's Inn is determined to be a "hotel" with 136 rooms equating to 169 multi-family units.
ZMA-19-87	7-8-87	Determination that proposed embarkation site for Melrose at Salty Fare Village does not constitute a ZMA
ZMA-10-88	4-11-88	Changed Parcel EE (Ribaut Island) from multi-family to single family & density reduction from 8 units to 6 units per acre
ZMA-9-89	3-13-89	Parcel H & I changes-- Parcel H rezoned from 90 single family units to 29 single family units Parcel I rezoned for 4 church sites, a 2.24 acre commercial tract, & a portion for conservancy. It previously allowed institutional uses and/or multi-family at 6 units per acre, conservation area, & 2.24 acres of commercial
ZMA-5-90	8-9-90	Changes to Parcel 9, 10 & 11 (Cypress area)
ZMA-3-93	12-15-93	Parcel II rezoned from 3 single family units per acre to 3 single family units per acre or open space/passive recreation but not a combination of these two uses
ZMA-4-95	5-10-95	Can't find Admin. Approval letter from the Town. Letter dated 3-21-95 from Town to Jack Best indicates a formal request is needed. Request was to create 3 new single family lots on Outerbridge Circle in Bay Club (Approval letter NOT in file)
ZMA-11-96	2-28-96	Changes to Cypress area & Salty Fare
(See ZMA-5-95)	2-29-96	Repeal of earlier condition regarding roundabout
ZMA-11-98	12-22-98	Parcel 28 of Tax Map 7B rezoned from commercial use to institutional use
ZMA-04-99	3-26-99	Parcel 304 of Tax Map 4H rezoned from commercial to institutional. Maximum density is 10,000SF per acre
ZMA-05-99	4-13-99	Changes to Parcels 5 and 6, Golf Holes 7 and 8, and open space to adjust the boundaries of these parcels and golf hole 8 and eliminate golf hole 7. Two plats approved by the Town on Annabella Lane were done so without regard for the Master Plan, this administrative rezoning cleans up the area and legalizes those lots platted in the golf hole 7 area
ZMA990007	7-13-99	Designates Tax Map 7B Parcel 36 as Institutional with a maximum density of 10,000SF per acre, for a maximum of 16,200 square feet. If this parcel is combined with 7B-44, this density can be used anywhere on the two parcels
ZMA060014	11-1-06	Grandview rezoned from 12 multi-family units to 12 single family units
ZMA060015	11-21-06	Parking lot for Old Fort Pub rezoned from Historic to Limited Commercial (clean up from 990006)
ZMA080003	5-1-08	Portion of Sunflower Court right-of-way rezoned to open space

***FOR CURRENT DENSITIES, SEE CHART ENTITLED
"TRACT/PARCEL LISTING OF APPROVALS & CHANGES"***

**REVISED TRACT/PARCEL LISTING OF APPROVALS & CHANGES
HILTON HEAD PLANTATION MASTER LAND USE PLAN**

Note: This chart summarizes the changes since the Town approved the Master Plan in June, 1984 (before zoning was adopted by the Town in 1987). It is based on the original Master Plan table entitled "Summary of Proposed Master Land Use Plan, April, 1984" and all changes since then. It should be used in conjunction with a revised GIS Master Plan Map.

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
A	Hickory Forest	5.0	3	0	2	<ul style="list-style-type: none"> • ZMA010001 rezoned from Recreation to Single Family • Maximum number of single family lots is 3, as requested in the application. None of the PC or TC minutes or the ordinance specified a density or number of lots permitted. • In 2002, 9 lots platted by County in error, 3 single family lots exist with wetland parcels
B		3.0	0	0	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan next to Outparcel • Used as access to Stonegate Drive and Open Space
	Stonegate Drive	22.13	45	0	5	<ul style="list-style-type: none"> • ZMA-1-91 rezoned the Outparcel from R-4 to PD-1 to add it into Hilton Head Plantation • Rezoning assigned 45 single family units to this parcel • Developed as Stonegate Drive with 45 single family lots (5 vacant)
C	Oyster Reef Cove	6.2	15	0	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Developed as Oyster Reef Cove with 15 single family lots
D	Crooked Pond Parcel	14.0	18	0	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Developed as Sweetwater Lane with 18 single family lots
E	Fire Station #5	2.3	0	12,600SF	0	<ul style="list-style-type: none"> • Designated as Fire Station & Security • Area of open space surrounds Fire Station to North • DPR070020 redevelopment of Fire Station #5
F	Executive Offices	10.0	0	61,443SF	0	<ul style="list-style-type: none"> • Shown as Future Development & Executive Offices on Original Master Plan • Developed as Hargray (1905SF), Banks, Medical Offices, Insurance Offices, and Real Estate Offices • See Commercial Property Spreadsheet for breakdown of square footage per use

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
G	Main Street Commercial	44.3	169MF (Shoney's)	266,933SF 34 Rooms	16,941SF	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Main Street Platted 44.3 acres designated as commercial • Admin. Approval ZMA-18-87 allocated 169 multi-family units to the Shoney's Inn now the Hampton Inn (136 rooms) • ZMA-10-87 rezoned Main Street Inn to a Bed & Breakfast Inn with 35 rooms (supposed to be converted to residential density, no evidence this was done) • ZMA-10-98 rezoned Main Street Inn to 34 room Motel and 1200SF restaurant limited to 67 seats (rezoned to make conforming) • Admin. Approval ZMA-11-98 rezoned Parcel 28, Map 7B from commercial to institutional (previously a funeral home, now a church) • See Commercial Property Spreadsheet for breakdown of square footage per use
H	Knollwood Drive	22.5	30	0	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Admin. Approval ZMA-9-89 rezoned from 90 single family lots to 29 single family lots • Knollwood Drive platted with 30 lots (5 lots part of Drayton Park)
I	Drayton Park & Meeting Street		16	46,062SF	5,542SF	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • ZMA-6-87 rezoned from residential to commercial with 10,000SF per acre, institutional with 12,000SF per acre, & 6 units per acre • Admin. Approval ZMA-9-89 rezoned from institutional, 6 units per acre, conservation, and commercial to 13 single family units, 4 church sites, 2.24 acres commercial, and conservation area • ZMA-6-92 rezoned 13 single family lots and 1 church to 16 single family lots with conditions. All other areas of Tract I are still as rezoned in ZMA-06-87 and the administrative rezoning. • Drayton Park platted with 16 single family lots • ZMA-4-99 rezoned Parcel 304 on Map 4H from commercial to institutional with a maximum density of 10,000 SF per acre • Churches include: Bible Baptist Church (5497SF built 5542SF remaining), Church of Jesus Christ of Latter Day Saints (8122SF), All Saints Episcopal Church (15968SF), & Congregation Beth Yam Church (10933SF)

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
J	NE corner of Meeting and Main Streets	5.1	0	13,298SF	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Admin. Approval ZMA990007 rezoned Parcel 36 on Map 7B from commercial to institutional and reconfigured the boundary of Tract J to include this parcel in Tract I. • Parcel 36 is a parking lot for All Saints Episcopal Church • Other parcels developed as Island Lutheran Church (7448SF) & North Island Baptist Church (5850SF)
K	Between US 278 & Electric substation	3.1	0	10,987SF	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Developed as Main Street Car Wash (3818SF), Island Tire (7169SF), & Electric Substation
L	Between US 278 & Elementary school	8.8	NA	NA	NA	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • No longer in Hilton Head Plantation • Currently zoned OL • 2 lots purchased by the Town in 1997
M	Between US 278 & Marshside Apts.	19.9	NA	NA	NA	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • No longer in Hilton Head Plantation • Currently zoned OL • Portion purchased by the Town in 1997
N	Reserved Spray area & road R-O-W	20.0	0	0	0	
O	Cypress Area		29 251MF 55 beds	0	4	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Originally allowed 6 units per acre for 438 multi-family units on 73 acres • ZMA-10-87 made changes to Parcels 8, 13, 14, 15, 16, & 17 • Admin. Approval ZMA-11-96 gives development summary • Admin. Approval ZMA-11-96 rezoned Parcel 15 & 16 from 73 multi-family units to 67 multi-family units • Cypress developed with 196 multi-family apartments • Bay Club is separate line in table • Cypress developed with 75 cottages (55 multi-family & 20 single family) • Preston Health Care Facility now has 55 beds (11 memory care & 44 skilled nursing) • Parcel 52 on Map 3A subdivided into 5 single family lots (off Cypress Marsh Drive) • One parcel still has 4 single family units assigned that have NOT been developed

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
P	Cypress Area by HHP Back Gate & Embarkation Parking Lot	6.32	0	208 Parking Spaces	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Includes Parcel 12 & originally permitted 60 multi-family units or 10 acres of commercial development • ZMA-10-87 put a 15,000SF per acre cap on commercial development on Parcels 11 & 12 with a combined maximum of 50,000SF. • Part of Parcel 12 developed as parking lot for Salty Fare. The permitted commercial density from the two parcels may cross between Parcel 11 & 12. • DPR000037 permitted 208 parking spaces for Daufuskie Embarkation
Q	Salty Fare & Bay Club		51	10,283SF	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Includes Parcels 10 & 11 and originally permitted 164 multi-family units or 20.6 acres of commercial • ZMA-10-87 put a 15,000SF per acre cap on commercial development on Parcels 11 & 12 with a combined maximum of 50,000SF. • ZMA-10-87 included provisions for a 50 room Bed & Breakfast Inn at Salty Fare • Parcel 11 developed as parking lot for Salty Fare. The permitted commercial density from the two parcels may cross between Parcel 11 & 12. • Admin Approval ZMA-5-90 changed the boundary of Parcels 9, 10, and 11 • Parcel 9, 10, and part of 11 developed as the Bay Club which includes 49 single family units and one recreation parcel (originally approved for 10 units per acre, which would be 74 multi-family units) • Salty Fare Village Phase I developed as 10, 283SF of commercial space • Salty Fare Village Phase II is still undeveloped but is approved for a 50 room Bed & Breakfast Inn or 7 multi-family units or 15,000SF of commercial (one use may be developed not a combination of the three) • Admin. Approval ZMA-4-95 eliminated the 50 room Bed & Breakfast Inn or 7 multi-family units or 15,000SF of commercial and added 2 single family lots into the Bay Club for a total of 51 single family lots • Cannot find Admin. Approval ZMA-4-95 letter
R	Cypress Area near Conservation		0	0	0	<ul style="list-style-type: none"> • ZMA-10-87 made Tract R part of Parcel 15 in the Cypress • No density allocated to Tract R • Open Space

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
S	Utilities (Water Tower)	5.6	0	0	0	<ul style="list-style-type: none"> • ZMA-10-87 made Tract S part of the Cypress • Two DPRs for this property allow a communications shelter and 6 antennas to be added on top of the water tower
T	Palm View Drive & Annabella Lane		42	0	1	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • ZMA-10-87 number Tract T as Parcel 4, 5, & 6 and originally approved for 35 single family units • ZMA990008 combined Parcels 4 & 5 and Cayman golf hole #8 and allowed 20 single family lots and open space • Buffer between parcel T & stables & Parcel U required by original Master Plan • Platted 20 lots on Palm View Drive • Platted 6 lots along Seabrook Drive • Admin. Approval ZMA-5-99 adjusted the boundaries of Parcels 5 & 6 and golf holes #7 & #8. • Platted 16 additional lots on Annabella Lane (1 vacant) • Several errors in subdivision plats in the Annabella Lane area (See Binders for more info.)
U	Utilities & Seabrook Stables	2.0	0	0	0	<ul style="list-style-type: none"> • ZMA990008 portion rezoned from single family to open space • See Written Interpretation dated 7-29-98 • DPR0500015 allowed for use of this area for RV and Boat parking
V	Glenmoor Place		17	0	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • ZMA-10-87 renumbered Tract V to Parcel 3 and originally approved for 63 multi-family units • Platted as Glenmoor Place with 17 single family lots • Unknown where permission was given to switch from MF to SF
W	Birkdale Court & County Club Court		35	0	2	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Originally approved for 45 single family • ZMA-10-87 renumbered Tract W to Parcel 1 with 31 single family units and Parcel 2 with 23 single family units • Parcel 1 platted as Birkdale Court with 12 single family lots • Parcel 2 platted as Country Club Court with 23 single family lots (2 vacant)

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
X	Old Fort Pub & Fort Mitchell	1.44	0	4,400SF	0	<ul style="list-style-type: none"> Shown as Future Development on Original Master Plan ZMA990006 reconfigured Parcel X and surrounding properties and restricted the uses to Historic and Limited Commercial Gentleman's agreement to add tree buffer between residential to the south and future development of Parcel X. ZMA990006 allows residential at 8 units per acre and also restricted commercial uses to 8,000SF per acre Developed as Old Fort Pub (4400SF) and portion is Fort Mitchell
Y	Mariner's Cove & Courtyard by Skull Creek	6.6	66MF	0	0	<ul style="list-style-type: none"> Shown as Future Development on Original Master Plan Mariner's Point developed as 54 multi-family units DPR060003 developed the Courtyard at Skull Creek 12 multi-family units
Z	Prestwick Court	4.2	15	0	0	<ul style="list-style-type: none"> Shown as Future Development on Original Master Plan Platted as Prestwick Court with 15 single family lots
AA	Margarita Court & Santa Maria	14.6	40	0	3	<ul style="list-style-type: none"> Shown as Future Development on Original Master Plan Platted as Margarita Court & Santa Maria with 32 single family lots (3 vacant) Unknown where permission was given to switch from MF to SF Platted Santa Maria with 8 single family lots in 1999
Near BB	Old Fort Drive, Way, & Lane & Betha Property	89.5	81	0	2	<ul style="list-style-type: none"> Shown as Future Development on Original Master Plan Platted as Old Fort Drive, Way, & Lane with 78 single family lots (2 vacant) ZMA-15-87 rezoned the Betha Property from Open Space to 9 single family lots Betha Property platted with 3 single family lots

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
CC	Skull Creek North	78.4	174	0	15	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Platted as Arma Court with 6 single family lots • Platted Gaspee Court with 6 single family lots • Platted as Carma Court with 10 single family lots • Platted as Florencia Court with 6 single family lots • Platted as Neptune Court with 10 single family lots (1 vacant) • Platted as Seabrook Drive with 29 single family lots in this section (2 vacant) • Platted as Christo Drive with 19 single family lots (2 vacant) • Platted as Isabella Court with 8 single family lots • Platted as Flagship Lane with 28 single family lots (3 vacant) • Platted as Catalina Court with 11 single family lots • Platted as Santa Maria Drive with 10 single family lots (1 vacant) • Platted as Seabrook Landing Drive with 31 single family lots (6 vacant) • Total of 174 single family units
DD	Elliot's Point	48.0	85	0	6	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Admin. Approval ZMA-18-87 reduced allowable density from 288 multi-family units to 119 multi-family units • Platted as Sam's Point Lane with 17 single family lots (1 vacant) • Platted as Barksdale Court with 11 single family lots (1 vacant) • Platted as Ladson Court with 5 single family lots (1 vacant) • Platted as Bayley Point Lane with 28 single family lots (2 vacant) • Platted as Seabrook Landing Drive with 3 single family lots (1 vacant) • Platted as Seabrook Drive with 21 single family lots • Total of 85 single family units • Unknown where permission is to switch from MF to SF
EE	Ribaut's Island	42.4	61	0	17	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Admin. Approval ZMA-10-88 reduced allowable density from 339 multi-family units to 258 single family units (6 per acre) • Platted as Ribaut's Island with 61 single family lots (17 vacant)

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
FF	Elliot Cemetery & Parcel 203 Map2	4.317	1	0	0	<ul style="list-style-type: none"> • Shown as Future Development & Elliott Cemetery on Original Master Plan • ZMA-8-92 designates 1 single family lot & 3.3 acres open space with access to Elliott Cemetery with conditions
GG	Bear Creek Drive & Loggethead Court	7.0	13	0	2	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Platted as Bear Creek Drive with 7 single family lots (2 vacant) • Platted as Loggethead Court with 6 single family lots
HH	Spring Lake Parcel at Plantation House	1.7	0	0	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Incorporated into Spring Lake Recreation area and purchased by the HHP POA
II	Spring Lake Parcel at Cygnet Court	6.3	10	0	10	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Admn. Approval ZMA-3-93 changed use from 3 single family units per acres to 3 single family units per acre OR open space/passive recreation (only one use may be developed, not a combination of the two) • These parcels are owned by HHP POA and remain undeveloped • See Written Interpretation 7-29-98
JJ	Sara Court	3.9	10	0	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • Platted as Sara Court with 10 single family lots
KK	New Tract created for Manor Court Lane	11.6	10	0	1	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • ZMA990008 changed golf hole 1 to single family lots and open space – also changes Village at Skull Creek from 46 multi-family units and open space to 10 single family lots • Platted as Manor Court Lane with 10 single family lots (1 vacant)
7	Seabrook Drive across from Parcel KK	2.33	6	0	0	<ul style="list-style-type: none"> • Shown as Future Development on Original Master Plan • ZMA-10-87 created Parcel 7 and allocated 9 units MF or SF (4 units per acre) • Platted as Seabrook Drive with 6 single family lots
	Grandview Condos & Single Family		12 20MF	0	12	<ul style="list-style-type: none"> • Shown as Skull Creek Marina on Original Master Plan • ZMA-16-87 added 32 multi-family units to area • DPR000017 approved for 32 multi-family condo units – only 20 units built • Admn. Approval ZMA060014 changed 12 multi-family units to 12 single family units • SUB060019 approved for 12 single family lots – infrastructure not in – no plat stamped

Tract	Location/ Development Name	Acres	Dwelling Units	Non- Residential Density	Density Remaining	Comments
	Seabrook Farm & Stables	10.523	0	0	0	<ul style="list-style-type: none"> ZMA-2-91 changed designation to Recreation Area with condition that it does not incorporate approval for any indoor recreational facilities and any request for indoor recreational facilities would have to be submitted to the PC for approval
	Village at Skull Creek		17 127MF	0	0	<ul style="list-style-type: none"> Developed as Village West with 72 multi-family units Developed as Village North with 18 multi-family units Developed as Spinnaker with 9 multi-family units Developed as Commodore with 28 multi-family units Developed as Sunset Place with 17 single family lots
	Honey Locust Circle Lots	0.389	2	0	0	<ul style="list-style-type: none"> ZMA-5-92 added 2 single family lots to Honey Locust Circle known as Lots 131A and 132A
	Pearl Reef Lane	10.079	25	0	1	<ul style="list-style-type: none"> Shown as Outparcel on original Master Plan ZMA-2-94 added Parcel 3 Map 4 into HHP and allocated 24 single family units Platted as Oyster Reef Crossing with 25 single family lots (1 vacant)
	TOTAL From Above		863 688MF	426,006SF 34 Rooms 208 Spaces	83 22,483SF	<ul style="list-style-type: none"> Density allocated in above Tracts also noting where density remains undeveloped
	Approved Master Plan		2895SF 91MF	0	126	<ul style="list-style-type: none"> As shown on original Master Plan Includes Fernwood (37MF), Hilton Head Club Villas (18MF), Indian Springs (36MF) 126 lots originally platted single family lots remain undeveloped – 9 of these lots have been combined with another lot – the dwelling unit was not lost so these lots are assigned 2 dwelling units
	TOTALS	3927	3758 779MF	426,006SF 34 Rooms 208 Spaces	209 22,483SF	<ul style="list-style-type: none"> 209 single family units remain of these 9 units are in combined lots, 14 units are not platted, 12 units are assigned to Grandview (not fully developed), error in Parcel A (3 lots approved – 9 lots platted by County – 1 lot shown on approved plan) leaving 172 vacant platted lots of record

As of December 2008:

Total SF units/lots developed or planned =	3758
Total MF units developed or planned =	<u>779</u>
Total Residential units/lots =	4,537

(From the Original 1984 Town Master Plan approval: Total Dwelling Units not to exceed 5950, including those portions of the Plantation outside the security gates, which includes Marsh Side at 244 & Marsh Point at 140 units. 5950 – 244 – 140 = 5566; which is 1,095 more than will be developed at build-out – the 4,537 figure above reflects build-out of the plantation.)

Density for Commercial Acres are regulated by the cap if established in the above table, or by the requirements for the PD-1 zoning District.

Note: Conditions of June, 1984 approval of Master Plan:

1. The total number of dwelling units within the boundaries of the HHP shall not exceed 5950, including those portions of the Plantation outside the security gates.
2. A treed buffer shall be provided by the Applicant between parcels "T" and "U" as shown on the Master Plan, and shall be noted on page 3 of "Summary of Proposed Master Land Use Plan."
3. The HHP POA must consent to any connections which may be proposed between the proposed road ROW designated as Parcel "N" on the Master Plan and other streets in the Plantation, including, but not limited to: Senty Oak Lane, Twisted Oak Court, Headlands Drive and Cypress Marsh Drive. This shall be noted on the Master Plan and on page 2 of "Summary of Proposed Master Land Use Plan."
4. Existing major drainage ways and outfalls shall be noted on Master Plan so as to indicate major drainage patterns (no engineering review is required).

Note: Conditions of Ordinance 87-24 (ZMA-10-87):

1. A 15,000 square feet per net acre cap be set for commercial development in parcels #11 and #12. In addition, the combined total for retail commercial uses within parcels #11 and #12 shall be 50,000 square feet.
2. In the mixed use parcels, density shall be calculated on a net acre basis. Since parcel #12 will include a parking area associated with uses on parcel #11, the net acre provision shall be allowed to cross between parcels #11 and #12.
3. The 44 bed health care facility shall be counted under the residential density cap totals based on trip generation rates outlined in the Institute of Traffic Engineer's Trip Generation Manual and following the procedure for bed & breakfast inns outlined in #4 below.
4. The rooms of the bed & breakfast inns (50 rooms in Saly Fare Village & 35 rooms in Parcel G, Main Street) shall be counted under the residential dwelling unit cap (either single family or multi-family) at appropriate rates set forth in LMO Section 16-7-755.

Note: Conditions of Ordinance 91-8 (ZMA-2-91):

1. That this revision does not incorporate approval for indoor recreational facilities. Any request for indoor recreation facilities would have to be submitted to the Planning Commission for approval.

Note: Conditions of Ordinance 93-3 (ZMA-6-92):

1. A 20 foot buffer be provided at the rear of proposed lots 37 through 40 and a 15 foot buffer be provided along the south boundary of lots 36 and 37, with five feet of these buffers to be maintained in a clear state for security vehicle access;
2. A 20 foot buffer be maintained in all commons areas;
3. A deed restriction be established for lots 25 through 30 to designate and protect wetlands;
4. Authorization from the Bear Creek Golf Club for the Property Owner's Association drainage ditch maintenance be obtained; and
5. The open space areas be deeded to the Hilton Head Plantation Property Owner's Association.

Note: Conditions of Ordinance 93-18 (ZMA-8-92):

1. That a 15 foot wide leisure path open space area be deeded to the POA at the rear of the single family lot adjacent to the Dolphin Head Golf Course;
2. That arrangements for a driveway to access this lot be devised to the satisfaction of the POA Board;
3. That arrangements also be made by the applicant for the POA to maintain the permanent access to the cemetery;
4. That the applicant deed the Elliott Cemetery property to the Mt. Calvary Baptist Church; and
5. That the applicant provide a copy of the revised master plan to the Town.

Note: Conditions from ZMA 5-95:

1. That the POA conduct a referendum approving the removal of the dirt pile on Main Street and take any other steps needed to prevent further objection from the POA to the opening of Main Street, and that this be accomplished before work begins on the Whooping Crane/Main Street intersection.;
2. The POA is authorized to utilize the Harris Teeter escrow funds in the amount of \$30,424.37 which was previously approved for a stop light.;
3. The POA is to install a reduced radius right-turn from US 278 into Whooping Crane Way and use a target date of March 1, 1996 for improvement. (Later repealed by vote of Planning Commission & Administrator dated 2-29-96.)
4. The Planning Commission was not approving the location of the pathway at this time; and
5. The Planning Commission recommends that the second left-turn be implemented by the town.

Note: Conditions of Ordinance 99-8 (ZMA-10-98):

1. Limited indoor and outdoor seating up to 67 seats in the existing 1200 square foot restaurant.

Sec. 16-4-209. - PD-1—Planned Development Mixed Use District

- A. The purpose of this Planned Development Mixed Use District is to recognize the existence within the Town of certain unique mixed use Planned Unit Developments (PUDs) which are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a quality resort and residential community and it is the intent in establishing this District to allow the continuation of well-planned development within these areas.
- B. In limited situations, the zoning map places some commercially planned portions of those PUDs in other base districts to more specifically define the types of commercial uses allowed.
- C. PUD-1 Listed Master Plans. The following PUDs are included in the PD-1 District and their Town-approved "master plans" including associated text and any subsequent amendments are hereby incorporated by reference as a part of the Official Zoning Map and Land Management Ordinance text:
 - 1.Hilton Head Plantation
 - 2.Indigo Run
 - 3.Long Cove Club
 - 4.Palmetto Dunes Resort (including Shelter Cove)
 - 5.Palmetto Hall
 - 6.Port Royal Plantation (and surrounds)
 - 7.Sea Pines
 - 8.Shipyard Plantation
 - 9.Spanish Wells Plantation
 - 10.Wexford Plantation
- D. These master plans and associated text, as approved and, when applicable, as amended by the Town, establish general permitted uses and maximum area densities for the PUDs, except as may be modified by the overlay of a specific district other than the PD-1 District. Undesignated areas on these master plans shall be considered as open space.
- E. In the PD-1 District the following uses are restricted to locations where the Town-approved master plan or master plan text specifically states such uses are permitted. In addition the specific use standards of [Chapter 4](#), Article XIII, must be met for any new use or changes to the site for any existing such use.
 - 1.Adult Entertainment
 - 2.Auto Rentals
 - 3.Auto Sales
 - 4.Convenience Stores
 - 5.Divisible Dwelling Units

6. Gas Sales
7. Interval Occupancy
8. Liquor Store
9. Marinas
10. Nightclub or Bar
11. Outdoor Entertainment
12. Telecommunications Facilities
13. Truck or Trailer Rental
14. Veterinary Hospital
15. Watercraft Sales or Rentals
16. Water-Oriented Embarkation Facilities
17. Tattoo Facilities

F. Amendments to these master plans and/or master plan text shall follow the requirements set forth in Chapter 3, Article XVII.

Sec. 16-4-1204. - Use Table

Specific Use	CO N	P R	RS 2	RS 3	RS 4	RS 5	RS 6	RM 4	RM 8	RM 12	SM U	WM U	MM U	CC W	DC W	CF B	R D	N C	O L	O M	C C	IL	OC IL
P = Permitted By Right PC = Permitted With Conditions SE = Special Exception																							
Residential Uses																							
Group Living								PC	PC	PC							PC	P C			P C		
Household Living																							
Single Family			P	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	
Multifamily Residential								P	P	P	P	P	P				P	P	P	P	P	P	
Mixed Use											P	PC	P			P	PC	P	P	P	P	P	
Manufactured Housing Park								PC	PC	PC													
Public and Civic Uses																							
Aviation/Surface Passenger Terminal																							SE
Community Service		P						P		P	P	P	P			P		P	P			P	
Day Care								PC		PC	PC	P	PC			PC			P	P		P	C
Educational Facilities																							
Colleges																					P	P	
Schools, Public or Private								SE		SE											P	P	
Government Facilities								PC	PC	PC	P		P	P	P	P	P	P	P	P	P	P	P
Hospitals																					P		
Institutions																							
Religious Institutions								PC	PC	PC	P		P				PC	P	P	P	P	P	P
Other Institutions								SE	SE	SE	SE	SE	SE				SE	SE	SE	SE	SE	SE	
Parks and Open Areas																							
Cemetery		P	SE	SE	SE	SE	SE	P	SE	P	P	P											
Park, Community		P						SE		SE		P	SE	P		P	P	SE	SE	SE	SE		
Park, Linear		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Park, Mini		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Park,		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					

2/8/00—Ordinance 2000-04; Revised 4/25/00—Ordinance 2000-13; Revised 5/16/00—Ordinance 2000-15; Revised 8/15/00—Ordinance 2000-23; Revised 3/6/01—Ordinance 2001-04; Revised 4/3/01—Ordinance 2001-17; Revised 3/19/02—Ordinance 2002-06; Revised 10/21/03—Ordinance 2003-31; Revised 1/6/04—Ordinance 2004-01; Revised 5/4/04—Ordinance 2004-22; Revised 8/17/04—Ordinance 2004-32; Revised 6/21/05—Ordinance 2005-19; Revised 9/20/05—Ordinance 2005-21; Revised 2/7/06—Ordinance 2006-02; Revised 9/5/06—Ordinance 2006-19; Revised 3/6/07—Ordinance 2007-05; Revised 1/15/08—Ordinance 2008-01; Revised 11/3/09—Ordinance 2009-35)

Sent to Bruce Seeley: Wed, Dec 11, 2013 3:10pm

If it is a non recreational ferry boat it is ok.

Teri Lewis

Sent to Teri Lewis: Wed, Dec 11, 2013 3:08pm

The following business is located at Salty Fare and I have been asked to forward this to you. Is this a permitted use at that location?

[sent copy of screen from Business License software for Account #12357]

Bruce Seeley

Sent to Teri Lewis: Mon, Nov 18, 2013 9:14am

Can we get together today and discuss this to put the issue to rest.

Brian Hulbert

Sent to Teri Lewis: Fri, Nov 15, 2013 12:28pm

This issue arose due to the noise of the jet skis and we are going to find a stretch in the law to allow those. However, the kayaks and sail boats don't have motors and I assume the dolphin tour boat would be minimal noise; the quiet ones are the ones we are going to disallow.

While I realize that the "law may be the law", this seems like a strange resolution. But this is just a personal, common sense comment. Teri, you are the official and I defer to your official judgment.

Did Michael receive and provide us the approval documentation to have the floating dock? I think we asked him to do this – can't remember whether it was DNR or DHEC approval?

Brian and Teri,

At what point are we going to discuss this with Steve? I think he might need to know before you call Michael again or Brian talks to Terry. As I've stated before, I don't think this will be the end of this matter.

Susan Simmons

Sent to Brian Hulbert and Susan Simmons: Fri, Nov 15, 2013: 11:49am

I talked to Michael Moy last Friday – I had decided that he could do the floating dock but that because he embarkation use is not currently an allowed use in the master plan we were going to consider it grandfathered for the way they have been doing embarkation (by ferry boat). He then asked me what that meant for his kayaks, 2 sail boats and his dolphin tour boat because those can't be accessed from a floating dock. I don't think that he can do those (unless he can make it work from the floating dock). I think the only water oriented business he can do from the salty fare property right now is embarkation by ferry based on what isn't in the master plan. I need to communicate this to him but wanted to give you the benefit of reviewing this first before I contact Michael Moy.

Teri Lewis

Sent to Teri Lewis, Fri, Nov 15, 2013: 11:26am

Terry called me asking if any information was available re the status of Michael Moy (the embarkation issue for jet skis etc.) Susan had also raised this issue last week asking where we stood.

Can you let us know where we stand? Yes I realize you are very, very, very, busy.

Brian Hulbert

Sent to Teri Lewis: Tues, Sept 17, 2013: 3:58pm

Dear Teri,

Please insure that this letter to the Town Council is placed before all the members.

Re; Salty Fare **ZMA** 130004

The Members of the Town Council of Hilton Head
One Town Center Court
Hilton Head Island, SC 29928

I purchased the property known as Salty Fare as an commercial real estate investment. My due diligence process informed me of the rights and uses for the property. The principal value was and is for "embarkation" and commercial use.

My original request was to legalize embarkation and to use my docks for water recreation activities. I applied for three zoning uses: Water Orientated Use, Embarkation Use, and Watercraft Rental Use, believing that a water front property is an appropriate venue for each use. The planning process and my quest to compromise with the residents from the communities of Hilton Head Plantation and the Cypress lead me to withdraw my request for Watercraft Rentals. Your Planning Department and your Planning Commission agreed that the proposed uses are appropriate to the site, voting 6-1 to approve.

The August 28th hearing before the planning and Development Standards Committee voted 3-0 to deny; basing it's decision on the uncertainty of the zoning regulation for Water Orientated Use. The members of the sub-committee stated that if the zoning request were to be approved, the owner of Salty Fare could run unlimited types of watercraft and unlimited numbers of watercraft units from the docks. Essentially, the denial was focused only on Water Orientated Use and questioned the lack of specificity describing the zoning use I have , in good faith, applied for. My request for legalizing embarkation was never discussed in any hearing.

On the evening following the motion to deny, I sent an email to planning staff stating that I formally withdrew my application for water orientated use, but that I wanted to proceed with legalizing the embarkation use, a use that has been in effect since the property was developed.

Today, at the eleventh hour I have learned that my application before you is a either /or proposition: that both zoning uses might be considered or perhaps, you will send the embarkation request back to planning for further consideration while denying the water orientation use. I do not believe the Town's intent is to place me in a position to gambol and loose the ability to reapply for either embarkation use or for water orientated use for a year. Therefore, I have informed Teri Lewis to withdraw my application.

I would like to restate my position. Salty Fare has been an embarkation property that has great benefit to the Island of Hilton Head. After twenty five years of legal nonconforming embarkation use, I believe it is in every one's interest formally legalize this use. I intend to reapply. My neighbors, the Cypress and the Board of Hilton Head Plantation will object to this request as well, arguing that Embarkation Use is too broad; that use from Salty Fare should only be allowed to embark to Daufuskie Island. This is the same argument successfully used against my application for Water Orientated Use; that the zoning description is too broad and what might occur in the future. In my opinion, when your sub-committee denied my zoning request despite the approval of the planning commission, it arbitrarily did so, stating that the zoning rules are unclear. I relied upon those rules and paid my fees to do so. This is not right. A town has to support applications base on its rules.

The larger issue is this: Mr. Coltrane, representing Hilton head Plantation and the Cypress has stated that my property is a "buffer zone" and a "transition" property. The objections to my application are designed to serve their interests over and above not only my property rights but to the detriment of the business community of Hilton Head Island. The motion to deny by your Planning and Development Standards Committee appears to be a political decision to support one party against another. It is a blatant taking of ones property right by another private property. A Town Council can not allow itself to endorse such behavior.

Sincerely,
Stewart Kittredge Collins

Sent to Teri Lewis: Tues, Sept 17, 2013 1:30pm

Dear Teri,

Thank you for your email and the attachment of Curtis Coltrane's letter re my zoning request. Thus far I have been working on the assumption that I would be treated fairly by the Town of Hilton Head and by my adversaries, the Cypress and Hilton Head Plantation. When the Cypress and HHP first voiced objections to the proposed ZMA, the stated reasons for their concern was that of noise. I invited the objectors to salty Fare for a demonstration of the water craft in action and agreed to stand before the Cypress to answer questions regarding my ZMA request. It was my impression that the objection based on noise was mitigated. Furthermore, I agreed to withdraw my request for Watercraft rental as an attempt to find compromise. Mr. Coltrane is incorrect stating that I withdrew my request for Watercraft Rental "just prior to the August 7th, 2013 public hearing." I withdrew the Watercraft Rental the day of the Q and A session at the Cypress and I strenuously object to Mr. Coltrane's assertion that I withdrew at the last moment.

Immediately after the August 28th Planning and Development Standards Committee vote of disapproval vote, a decision based on an apparent rebuke of the wording of the Water Orientated Use definition, I withdrew my application for Water Orientated Use. At that point in the process there had been no objection (or discussion) for or against Embarkation Use at Salty Fare. Therefore I chose to request that only Embarkation Use be considered at the Town Council meeting.

Let me state this as clearly as I can: I do not wish that Water Orientated Use is to be considered today. I have withdrawn that request. If, by requesting the Town Council vote to change the present status of "legal nonconforming embarkation use" to legal conforming" I will be subject to denial on Water Orientated Use as well, I will withdraw my application entirely. I do not view this process as an opportunity to gambol.

I do not wish the Town Council to consider my request for Water Orientated Use. I asked that be withdrawn one day after the August 28th hearing. If I must withdraw my entire application for Embarkation to do this, please do so.

Sincerely,
Stewart Kittredge Collins

Sent to Stewart Collins: Tues, Sept 17, 2013 10:45am

Kit-

Below is the link to the agenda for tonight's meeting and I have attached a letter that Curtis Coltrane just sent to be distributed to Town Council. As Anne discussed with you, the way that our Town Attorney advised us to proceed was to put the resolution denying the ZMA request (water oriented uses and embarkation) on the TC agenda. Staff included your e-mail requesting that water oriented uses be deleted from the request in the TC packet of information. At the meeting tonight, TC can either:

- Adopt the resolution (which denies the ZMA)

- Send the ZMA back to Planning Commission or the Planning & Development Standards Committee for review of embarkation only
- Ask staff to bring forward an ordinance to approve the embarkation use at the next TC meeting

I don't know which route TC will choose to go. You need to know that yesterday we were informed that eight people from Bay Club/The Cypress will be there tonight to speak and that I am hearing from Peter Kristian that they don't want embarkation at the Salty Fare site unless it can be guaranteed that it will be done exactly as it is now (same type of boat, only going to Daufuskie). I've explained to him that I can't write a definition that only applies to Salty Fare. In the absence of a definition for 'embark' in the LMO, I use the dictionary which states: *to go on board a vehicle for transportation.*

I cannot have a definition that is specific to the Salty Fare site that says only X type of boat can be used and it can only go from X to X.

The embarkation use is currently considered nonconforming and is grandfathered. If the use is stopped for greater than 12 months and this ZMA has not been adopted then the use will no longer be grandfathered. I am telling you this because the only business license on the site right now for the embarkation use is for Coastal Charters which is listed as water transportation. Per our Business License folks that license is currently delinquent and a discussion with the owner indicated that he was going to close it. He has not submitted the paperwork to close it yet but if he does then the 12 month clock will start running. It would be beneficial to you to keep the business license for this use current and open if you want to retain this use on the site.

I was out of the office Friday afternoon and most of yesterday but will be here most of today if you need to discuss this further.

Teri Lewis

Sent to Peter Kristian: Tues, Sept 17, 2013 10:23 am

Peter-

Per our discussion, if the embarkation use changes from a non-conforming grandfathered use to a conforming by right use there will be no difference in the use definition. Embarkation is embarkation whether it is conforming or nonconforming. The changing of the use to a by right use does not mean that the owner is limited to the same way the embarkation is being done today (i.e. they do not have to use the same kind of boat and only go to Daufuskie).

Since there is no definition for embarkation in the LMO I turn to the common dictionary definition of 'embark' which is: *to go on board a vehicle for transportation.*

I cannot have a definition that is specific to the Salty Fare site that says only X type of boat can be used and it can only go from X to X.

I hope this helps. Let me know if you have any other questions/concerns.

Thanks-

Teri

Sent to Teri Lewis: Mon, Sept 16, 2013 6:05 pm

Please confirm that Salty fare is on the agenda tomorrow. Specifically that the embarkation request is moving forward and that the Water Orientated Use is withdrawn. Noreen McMullin will represent me.

Thank you

Kit Collins

Sent to Teri Lewis: Fri, Sept 13, 2013 11:53am

Terri --As per my voice mail questions- We would like to know the difference in the use definition between the present “non-conforming use of Embarkation” assigned to the Salty Fare parcel and if that use would change, if the” by right” or conforming use of Embarkation were obtained?

Also in Staff’s view what would be the activities in general terms that would be permitted under the Use of Embarkation?

There is a fear that I believe is unfounded that the use of embarkation could be used to allow for instance Jet Skis to “Embark” from the dock or a high speed cigarette boat could be used to “Embark” to take passengers from Salty Fare to Savannah?

Peter Kristian

Sent to Teri Lewis: Fri, Sept 13, 2013 10:34am

Teri,

The Dafuskie Ferry Service closed 8/2/10

Palmetto Ferry Closed 6/27/11

Coastal Charters description says “water transportation” and is delinquent

Donna Horsman

Sent to Donna Horsman: Thurs, Sept 12, 2013 4:29pm

Donna-

Does the embarkation part of the activities at salty fare on Squire Pope have a business license?

Thanks-

Teri Lewis

Sent to Teri Lewis: Wed, Sept 4, 2013 9:31pm

Teri,

I sent an email to Anne on the 30th, indicating that I want to withdraw the Water Orientated Use but would like to move forward on the Embarkation Use. I have spoken with Peter Kristian and Mark Puntieri to see if their constituency is OK with approving Embarkation. They both indicated that they believed there would be no objection.

I am guessing from your email that Anne did not receive the email. Please ask her to look in her junk mail. I think we need to talk tomorrow. I had not intended to be there on the 17th. I will be in my office from 8 AM to 10 AM tomorrow. I will call you then.

Kit Collins

Sent to Stewart Collins: Tues, Sept 3, 2013 12:12pm

Mr. Collins-

I spoke with Charles Cousins (Community Development Director) and our town attorney today regarding the above project. I explained that you wanted to potentially withdraw the other water oriented uses portion of the ZMA but move forward with the embarkation portion of the ZMA. It was decided that the most efficient way to handle this is:

1. Anne will prepare a resolution for denial of the ZMA – this will be on the agenda for the September 17th Town Council meeting.
2. At the September 17th Town Council meeting, I will explain to Town Council (we will let the Town Manager know ahead of time) that you would like to modify the ZMA to remove the other water oriented uses portion of the ZMA and that you would like TC to approve the embarkation facility portion of the ZMA.

3. TC would then decide whether to adopt the resolution (denying the entire ZMA) or direct staff to bring forward an ordinance at the next TC meeting approving the embarkation facility.
4. If they opt to have staff bring forward an ordinance, first reading would be on October 1st and second reading on October 15th.

If you would like to go this route, you will need to be at the September 17th meeting and you will need to send something in writing to Anne by end of day tomorrow stating that you would like to modify the ZMA as indicated above. Please let us know as soon as possible how you would like to proceed. Anne will need to have all of her materials in for the September 17th meeting by this Thursday, September 5th.

Regards-

Teri B. Lewis, AICP
LMO Official

Sent to Councilman Bill Harkins: Wed, July 13, 2013 11:50am (Forwarded to Town Staff on Mon, Aug 5, 2013)

Dear Bill,

As my representative on the town council, I would like to discuss my zoning application status. As you know I have dropped the application for boat rentals as a compromise. The application includes Other Water Orientation Use and Embarkation. We would like to run tours using jet skis, kayaks, paddle boards, and boats (dolphin tours and other ecological excursions). Correct me if you will but in conversations with Mark Pantieri and Peter Kristian, those opposed to the water uses believe that the definition of the zoning use is too open ended and requires a precise rule as to what type of watercraft can launch from a dock. I agree with this. I am asking for specific uses, all of which will be guided. I do not want anything broader. The question is: how can I satisfy my neighbors and their representatives? If you have a moment, please share your wisdom with me.

Sincerely,

Kittredge Collins

Sent to Councilman Bill Harkins: Fri, June 28, 2013 3:57pm

Councilman Harkins-

Below is the substance of the e-mail that I sent to you this morning. I understand that you were unable to access it.

Per our discussion earlier this week below are examples of both water oriented uses and watercraft rentals.

Watercraft Rentals

- Individual rentals of various watercraft such as kayaks, boats, jet-skis

Other Water Oriented Uses

- Tours, parasailing, banana boats

Please keep in mind that the examples above are simply examples of how we would classify various watercraft/uses but is not necessarily inclusive of everything in either of those categories.

I know there was also discussion about whether it might be a better idea to simply pursue an LMO amendment to change how water related uses are classified. Staff does not recommend this course of action for a couple of reasons. There is already a rezoning application being considered, if it stays on

course, it could be decided by Town Council as early as the end of September. An amendment, though, including research, drafting and taking it through the state mandated process would not be decided by Town Council any earlier than late December.

I hope this provides you with the information that you were seeking.

Thanks-

Teri Lewis

Sent (via forwarded e-mail) to Teri Lewis: Thurs, June 6, 2013 8:45am

All-I have been informed that a Business License has been issued to the vendor operating the Water Craft activities at Salty Fare by the Town. All of the mentioned Water Craft activities are presently allowed (including Jet Ski rentals) under this Business License. Apparently a lower level employee was confused by the "Commercial" zoning designation on the property did not realize that "Water Craft Activities" was not permitted in the commercial zoning designation and issued the Business License back in February. The mistake for whatever reason did not reach upper level town staff until just recently.

I have spoken to Council member Bill Harkins about the situation as well as Town Manager Steve Riley. Due to the vendors investment in infrastructure improvements at the dock and other capital expenditures the Town's plan for the time being is to see if the zoning amendment passes in some form. If it passes in whole or in part the License will remain in effect subject to the modifications that may be imposed by the Town Council for the Zoning Change. If the Zoning Change fails the Town will move to rescind the Business License.

I know this is quite troubling.

Meanwhile negotiations between the owner of the property, Kit Collins and an interested party continues. Although the negotiations currently underway are private I am told that if an agreement in principle is reached to sell the property to the interested party the owner Kit Collins will take steps to stop the Water Craft Rental business as a show of good faith.

The hearing for the zoning change is set for June 19, before the Planning Commission. That hearing is still important, even though the Business License has been issued.

I will keep you posted. If an agreement for the sale of the property is reached prior to the June 19, Planning Commission meeting this entire exercise may be moot.

Stay tuned- Peter Kristian

Sent to Charles Cousins: Tues, May 21, 2013 2:43pm

Charles-

Anne and I sat down and came up with the below examples related to the uses that the Salty Fare rezoning requests:

- Water Oriented Embarkation Facilities
 - Ferry to some other location
- Water Craft Rentals
 - Individual rentals of various watercraft such as kayaks, boats, jet-skis
- Other Water Oriented Uses
 - Tours, parasailing, banana boats

Teri Lewis



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: March 6, 2014
SUBJECT: Administrative Waivers

The Board of Zoning Appeals (BZA) requested that staff keep them informed of administrative waivers that are granted by staff based on the provisions in Section 16-7-106 of the Land Management Ordinance (LMO). This memo will be distributed every month at the regular BZA meetings and will be discussed under staff reports on the agenda. Even if there have been no waivers for the month, a memo will be included in the packet to inform the BZA members of that.

The following language is contained in Section 16-7-106 Waiver by Administrator which gives the Administrator the power to grant waivers for existing nonconforming structures and site features.

“The Administrator may waive any provision of Article III or IV dealing with nonconforming structures and site features, respectively, upon a determination that:

- A. The proposed expansion, enlargement or extension does not encroach further into any required buffers or setbacks or increase the impervious area; and
- B. The proposed expansion, enlargement, or extension does not occupy a greater footprint than the existing nonconforming site feature or structure; and
- C. The proposed expansion, enlargement, or extension does not result in an increase in density greater than allowed per Sec. 16-4-1501, or the existing density, whichever is greater; and
- D. The applicant agrees to eliminate nonconformities or provide site enhancements that the Administrator determines are feasible in scope and brings the site into substantial conformance with the provisions of this Title (e.g. meeting buffer, impervious area and open space requirements); and
- E. The proposed expansion, enlargement or extension would not have a significant adverse impact on surrounding properties or the public health, safety and welfare; and
- F. If an applicant requests to relocate a nonconforming structure on the same site, they must bring the structure into conformance to the extent deemed practicable by the Administrator.”

The attached is a summary of the administrative waivers that have been granted by staff since the February Board of Zoning Appeals meeting.

Administrative Waivers

February - 2014

1. A project at 14 Valencia Drive (Hilton Head Health Institute): the applicant requested to add buildings to the property and make parking lot improvements. The parking lot is currently a non-conforming site feature. A waiver was granted because the applicant is proposing to make improvements that will bring the parking lot more into compliance with the LMO.