



**Town of Hilton Head Island
Board of Zoning Appeals
Regular Meeting
Monday, June 23, 2014 2:30 p.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. Presentation of Crystal Award to outgoing BZA Member, Mr. Peter Kristian

Presented by: Mayor Drew Laughlin

A Farewell Celebration in appreciation of Mr. Kristian's service to the Board of Zoning Appeals will be held in Council Chambers immediately following the meeting.

5. Welcome and Introduction to Board Procedures

6. Approval of Agenda

7. Approval of the Minutes – May 19, 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*

Public Hearing

VAR-000632-2014: Debbie Remke, of Low Country Permit Expeditors, on behalf of Rodney Galella, is requesting a variance from Land Management Ordinance Section 16-4-704, Forest Beach Neighborhood Character Overlay District Regulations, to construct a pool and deck within the adjacent street setback and buffer. The property is located at 16 Dove Street and is further identified as parcel 240 on Beaufort County Tax Map 15A. *Presented by: Nicole Dixon*

10. Board Business

Nomination and Election of Officers for the July 1, 2014 – June 30, 2015 term.

11. Staff Reports

- a) Waiver Report
- b) Review of proposed changes to Rules of Procedure

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 Monday, May 19, 2014 Meeting 2:30p.m.
Municipal Court Courtroom, Building D

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

Board Members Absent: None

Council Members Present: None

Town Staff Present: Nicole Dixon, Senior Planner & Board Coordinator
Anne Cyran, Senior Planner
Teri Lewis, LMO Official
Brian Hulbert, Staff Attorney
Richard Spruce, Flood Plain Administrator & Plans Examiner
Jayme Lopko, Senior Planner
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 BZA's procedures for conducting the business meeting.

5. Approval of the Agenda

Chairman Kristian requested that a change be made in the review order of today's business items. Chairman Kristian requested that Application for Appeal, APL130010, be heard first and the Board agreed to the change. Chairman Kristian requested that a motion be made to approve the agenda as revised.

Vice Chairman Stanford made a **motion** to **approve** the agenda as revised. Mr. Fingerhut **seconded** the motion and the motion **passed** with a vote of 7-0-0.

6. Approval of the Minutes

Chairman Kristian requested that a motion be made to approve the minutes of the April 28, 2014 meeting. Mr. Fingerhut made a **motion** to **approve** the April 28, 2014 minutes as submitted. Vice Chairman Stanford **seconded** the motion and the motion **passed** with a vote of 7-0-0.

(Chairman Kristian recused himself from review of the following New Business item, Application for Appeal, APL130010, due to a professional conflict of interest. A Conflict of Interest Form was completed, signed by Chairman Kristian, and attached to the record. Chairman Kristian requested that Vice Chairman Stanford preside over this portion of the meeting.)

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.

Terry Finger, Esq., requested that the Board's review of this application be postponed to the June 23, 2014 meeting. The Board agreed to the appellant's request and Acting Chairman Stanford requested that a motion be made.

Mr. North made a **motion to approve** the appellant's request to postpone the review of Application for Appeal, APL130010, to the June 23, 2014 meeting. Mr. Fingerhut **seconded** the motion and the motion **passed** with a vote of 7-0-0.

7. Unfinished Business

Public Hearing

VAR140001: Joel Lewis, on behalf of Frank and Cheri Sloane, is requesting a variance from Land Management Ordinance Section 16-5-704, Minimum Required Setback Area. The applicant proposes to build a single family house that encroaches into adjacent use setbacks. The subject parcel is located at 9 Mossy Oaks Lane, further identified as Parcel 487 on Beaufort County Tax Map 12. Chairman Kristian presented a brief introduction and requested that staff make their presentation.

Ms. Anne Cyran made the presentation on behalf of staff. At the April 28, 2014 meeting, the Board postponed making a decision on this application and requested that the applicant provide a revised site plan that shows the footprint of the house moved out of the adjacent use setbacks as much as possible and more towards Mossy Oaks Lane. Ms. Cyran presented the applicant's revised site plan for the Board's review. The staff recommends approval of the application with the revised site plan. Following staff's presentation, Chairman Kristian requested that the applicant make his presentation.

Mr. Joel Lewis presented statements in support of the application on behalf of property owners, Mr. and Mrs. Frank Sloane. Mr. Lewis described several elements of the revised site plan. Following the applicant's presentation, Chairman Kristian requested public comments and none were received. Chairman Kristian then stated that the public hearing for this application is closed.

The Board discussed the revised site plan; the Board stated that they approve the revised site plan. Following this discussion, Chairman Kristian requested that a motion be made.

Mr. Wilson made a **motion** to **approve** Application for Variance, VAR140001, based on the Findings of Fact and Conclusions of Law stated in the staff's report. Approval is based on the revised site plan presented today. Vice Chairman Stanford **seconded** the motion and the motion **passed** with a vote of 7-0-0.

8. New Business
Public Hearing

VAR140002: Danielle and Jim Jacobs are requesting a variance from Land Management Ordinance Sections 16-5-704, Minimum Required Setback Area, and 16-5-806, Required Buffers, to construct exterior stairs and a patio within the 30 foot exterior boundary setback and buffer. The property is located at 27 Bellhaven Way and is further identified as parcel 50C on Beaufort County Tax Map 11. Chairman Kristian introduced the application and requested that the staff make their presentation.

Ms. Dixon presented the application on behalf of staff. Staff recommended that the Board of Zoning Appeals approve the application based on the Findings of Facts and Conclusions of Law stated in the staff's report. The staff recommended that the following condition be included: that the stairs, landing and patio are constructed only up to the 20 foot exterior boundary setback and buffer line.

Ms. Dixon presented an in-depth review of the application including the site plan, the vicinity map, and aerial photos of existing conditions. The subject parcel is located at 27 Bellhaven Way in the Mulberry Place Phase II subdivision off of Yacht Cove Drive. The parcel is bound by Shelter Cove Lane, Bellhaven Way and single family residential lots.

Ms. Dixon stated it was brought to the staff's attention that the property owner was constructing a patio in the rear of the house without a building permit. When the staff did an inspection, they found the property owner had removed trees and started building without a building permit, and that the patio was being built within the subdivision's exterior boundary setback and buffer.

The Mulberry Place Phase II subdivision was approved in May 1995. In November 1996, Thomas Brencko, Manager of Current Planning, wrote a letter outlining changes to the approval. The letter states that, "Pursuant to the Memorandum of Understanding regarding the Yacht Cove Residential Development, setbacks and buffers along the external boundaries (of the subdivision) shall be maintained in accordance with the original approvals. In (the case of Mulberry Place Phase II), the minimum setback is 30 feet."

The original approvals and Memorandum of Understanding referenced in the letter were not included in the subdivision's file. Without the approvals or memorandum, it is unclear why a 30 foot exterior boundary setback and buffer was required for this subdivision.

At the time the subdivision was approved in 1995, the LMO required a 20 foot exterior boundary setback and buffer for subdivisions. The LMO still requires a 20 foot exterior boundary setback and buffer for all single family residential subdivisions. Since the patio was already under construction, the property owner had the choice of either removing what was constructed or applying for a variance. Ms. Dixon reviewed the staff's Findings of Fact and Conclusions of Law. Following staff's presentation, Chairman Kristian requested that the applicant make his presentation.

Mr. Jim Jacobs, property owner, presented statements in support of the application. Mr. Jacobs stated that he is willing to work with the staff to be compliant with LMO regulations. Following the applicant's presentation, Chairman Kristian requested public comments and none were received. Chairman Kristian then closed the public hearing for this application.

The Board discussed the application for variance. Following their discussion, Chairman Kristian requested that a motion be made.

Vice Chairman Stanford made a **motion to approve** Application for Variance, VAR140002, based on the Findings of Fact and Conclusions of Law contained in the staff's report including the staff's recommended condition. Mr. Campbell **seconded** the motion and the motion **passed** with a vote of 7-0-0.

Hearing

Motion to Reconsider SER140001: The Church of Christ on Hilton Head Island is requesting that the Board of Zoning Appeals reconsider their decision to grant a special exception for the use of a kennel and boarding facility at 25 Bow Circle. Chairman Kristian introduced the Motion and stated that public comments are not allowed in the Motion to Reconsider. Chairman Kristian then requested that the applicant make his presentation.

Chester C. Williams, Esq., presented the petition for the Motion to Reconsider on behalf of Church of Christ. Mr. Williams gave a brief history of the Application for Special Exception Review that was approved by the BZA on April 28, 2014. The Board approved the application by a vote of 5-1.

Mr. Williams stated that approval of SER140001 is in violation of the Land Management Ordinance's density criteria. Mr. Williams stated that he believes the staff report for this application does not contain all of the required criteria for approval of the application.

Mr. Williams stated that the parking requirements are not compliant with the LMO. Twenty-five parking spaces are required; however, only 14 parking spaces are shown as available. The existing structure is non-conforming and changing the use from office to kennel will not bring the structure into conformance. Approval of the application will allow for an increase in the non-conformity of the structure. Chairman Kristian stated that the Board is only hearing the Motion for Reconsideration today.

Mr. Williams stated that the above referenced information was not included in the staff's report and was not available for consideration by the Board at their April 28, 2014 meeting. Mr. Williams stated that the use is not in accordance with the Comprehensive Plan (because an increase in non-conformity is in conflict with the Comprehensive Plan.) The Board and Mr. Williams discussed the Motion to Reconsider. Chairman Kristian requested that the staff respond to the statements presented by Mr. Williams.

Ms. Anne Cyran responded on behalf of the staff. The staff received the Petition for Reconsideration of the approval of Special Exception application SER140001 for the Red

Rover Inn on May 5, 2014. The staff's responses to the Bases for Reconsideration are as follows:

A. The Application was not complete.

Staff's response: Per LMO Section 16-3-1802, Special Exception Review – Submission Requirements, “An application for special exception review shall consist of information necessary for the Board of Zoning Appeals to make a determination regarding the special exception request, including, but not limited to the following:

1. A sketch plan showing the preliminary proposed siting of structures or use on the subject property.”

The aerial photograph of the site and the description of the proposed use in the applicant's narrative adequately address this criterion. The site is already developed, the aerial photograph shows both the existing buildings and the parking and the applicant's narrative states the proposed use will be confined to the existing structures.

B. The Application contains materially misleading information.

Staff's response: The Town does not interpret or enforce private covenants or restrictions. The applicant is responsible for ensuring the information provided on the application form and in the application materials is true, factual and complete. Per South Carolina State Code Section 6-29-1145, the Town is required to inquire if the subject parcel of land is restricted by a covenant that is contrary to, restricts or prohibits the permitted activity. The applicant stated on her application that there were not restrictive covenants; therefore the Town was not aware of any covenants on the property until such time that the Motion for Reconsideration was submitted. Staff has since reviewed the covenants submitted by the Church of Christ and believes that application SER140001 is not in violation of these covenants. There is no evidence to indicate that the normal activities or existence of the dogs at the Red Rover Inn will be obnoxious, dangerous, unsightly, unpleasant or of a nature as may diminish or destroy the enjoyment of other property in the neighborhood.

In terms of the cross parking easement, the terms of the agreement do state that the Church has rights to parking on the subject site on Sundays and Wednesday evenings and that the owner of the subject property has rights to parking on the subject site on Mondays through Saturdays; however, there are provisions for both to ask for additional days or times for additional activities. Ms. Grisette made it clear in her presentation to the BZA on April 28th, 2014 that she would be willing to work around special activities of the church and staff believes that the onus is on the church to do the same with Red Rover Inn.

C. Conditions imposed on the Application are not reflected in the Notice of Action.

Staff's response: The Board's motion to approve the application was based on the staff report and the information, particularly the hours of operation proposed by the applicant, contained in the staff report, which is the LMO Official Determination. The Notice of Action states “The Board of Zoning Appeals has determined that they: Approve the application *based on those Findings of Facts and Conclusions of Law found in the LMO Official Determination.*”

D. The approved Special Exception Use violates Section 16-4-1332 of the LMO.

Staff's response: Condition A in LMO Section 16-4-1332, Kennel, Boarding/Pet Store/Veterinary Hospital, states that, "All kennels and runs and other areas where animals are to be kept must be located within the building and suitably insulated to prevent noise from reaching neighboring properties."

The condition states that the containment areas – kennels, runs and other areas – must be **kept** [emphasis added] within the building; it does not state that the animals may not leave the building at any time. As stated in the Findings of Fact for Criteria 9 in the staff report, kennels and runs and other areas where the animals will be kept are proposed to be located within the building.

Staff's response: Condition B in LMO Section 16-4-1332, Kennel, Boarding/Pet Store/Veterinary Hospital, states that, "There shall be no objectionable odors generated by the use detectable from neighboring properties."

As stated in the Findings of Fact for Criteria 9 in the staff's report, the applicant states the waste will be immediately bagged and discarded and that the elimination area will be cleaned and disinfected on a daily basis. The Town cannot assume that the applicant's plan to prevent objectionable odors from reaching neighboring properties will not be sufficient without evidence to the contrary.

Ms. Cyran also presented statements regarding the issue of non-conforming uses and non-conforming structures. Lastly, Ms. Cyran presented statements with regard to Mr. Williams' Supplement to the Motion to Reconsider. The Board questioned the issue of parking requirements with the staff. Following their discussion, Chairman Kristian requested that the applicant in this case, Ms. Paige Grisette, make her presentation.

Ms. Grisette presented brief comments in support of the application. Ms. Grisette presented statements regarding the Board's approval of the application on April 28, 2014.

Chester Williams, Esq., presented follow up statements regarding the staff's comments on parking, density, and specific conditions. Following these statements, Chairman Kristian invited discussion from the Board. Chairman Kristian requested legal advice from Brian Hulbert, Staff Attorney, with regard to the Board's action on this matter. The only Board members who can make a motion on this matter are Chairman Kristian, Mr. North, Mr. Fingerhut and Mr. Campbell (Mr. Lawrence was absent from the April 28th Board meeting and Vice Chairman Stanford was in opposition to the April 28th motion to approve.)

Following final comments, Chairman Kristian requested a motion on the Motion to Reconsider SER140001. No motion by the available Board members was made and Chairman Kristian stated that the Motion to Reconsider SER140001 is **denied** based on the lack of a motion.

For the record, Chester Williams, Esq., requested finality from the Board on the issue of the Motion to Reconsider SER140001. Mr. Williams requested that the Board either approve the motion or deny the motion. The Board stated that since a motion was not made by the Board, no additional action is needed.

10. Board Business

Chairman Kristian requested that the Board consider revising the Rules of Procedure related to the submission deadline for the staff's receipt of supplemental materials. The submission deadline is currently the Friday prior to the meeting date (i.e. 24-hours). The Board discussed the issue and agreed with the need to increase the days for the receipt of additional submission materials from one business day to four business days prior to the meeting date.

Ms. Dixon stated that she will provide the recommended revision to the Rules of Procedure as part of the June 23, 2014 packet.

11. Staff Reports

Ms. Dixon presented comments regarding upcoming training opportunities. Ms. Dixon also presented the Board members with their required hours of training.

12. Adjournment

The meeting was adjourned at 4:40p.m.

Submitted By:

Approved By:

Kathleen Carlin
Secretary

Peter Kristian
Chairman



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	130010
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.

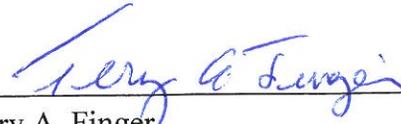
Kittredge S. Collins as Trustee of the Collins Family Trust Dated May 26, 1989 as the owner of the property, and Michael Moy, as owner of On The Water Tours, both have standing and the legal right to appeal the staff decision.

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.

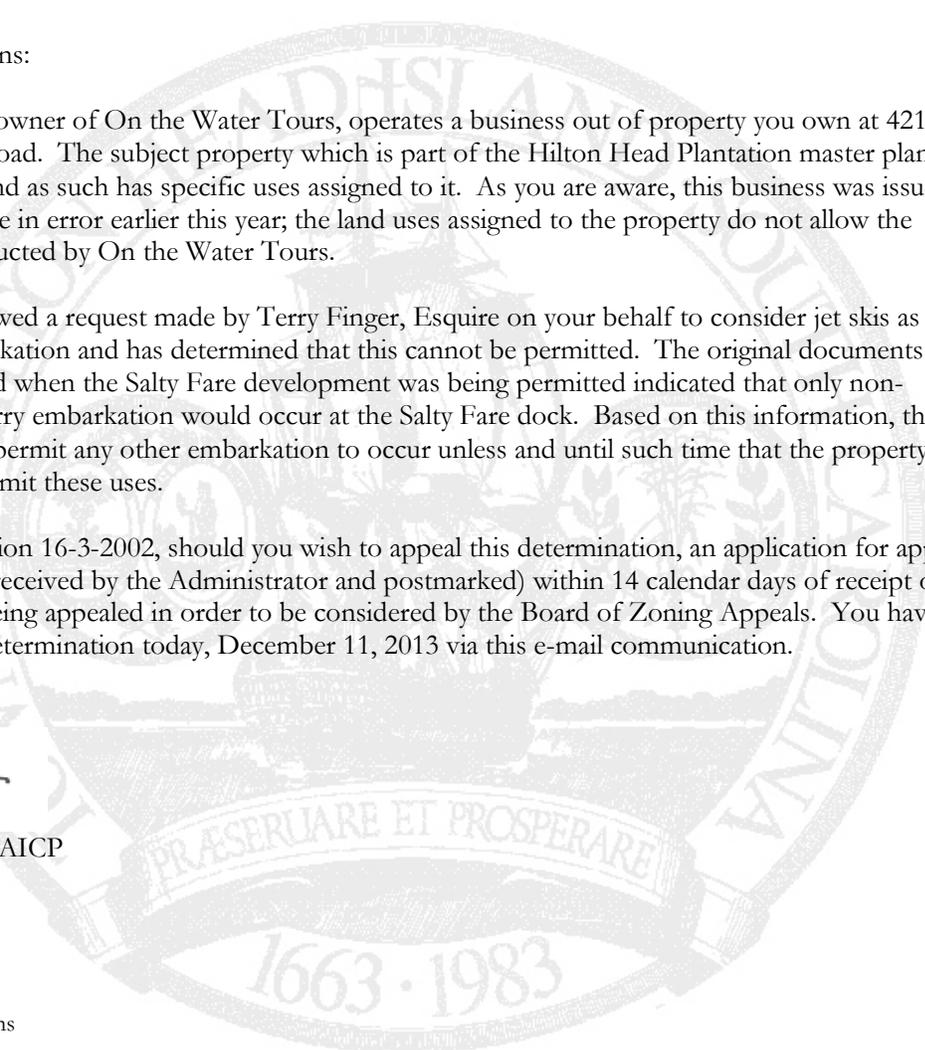
Per LMO Section 16-3-2002, should you wish to appeal this determination, an application for appeal shall be filed (received by the Administrator and postmarked) within 14 calendar days of receipt of the decision being appealed in order to be considered by the Board of Zoning Appeals. You have received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

146

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

Land Use	Square Feet	Rooms/ Units	Occunancy	Trips Per Indicated Measure	Total Trips	New Trips Factor
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 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.

67

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

68

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

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.

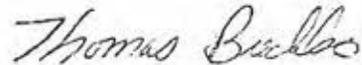
After careful review of the documentation submitted, it is the decision of the Administrator of the LMO that the proposed embarkation site for Melrose as submitted under the conceptual master plan for Salty Fare Village would not be a master plan change since the documentation demonstrates that it should 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,



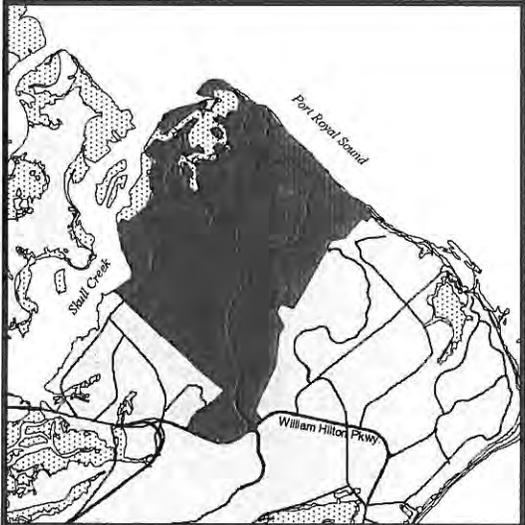
Thomas Brechko
Current Planning Manager

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**

One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908
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**STAFF REPORT
VARIANCE**

Case #:	Public Hearing Date:
VAR-000632-2014	June 23, 2014

Parcel or Location Data:	Property Owner	Applicant
Address: 16 Dove Street Parcel#: R550 015 00A 0240 0000 Acreage: .18 acres Zoning: RS-5 (Single Family Residential) Overlay District: FBNCOD (Forest Beach Neighborhood Character Overlay District)	Rodney Galella 20 W 64th Street New York, NY 10028	Debbie Remke Low Country Permit Expeditors PO Box 346 Bluffton, SC 29910

Application Summary:

Debbie Remke, of Low Country Permit Expeditors, on behalf of Rodney Galella, is requesting a variance from Land Management Ordinance Section 16-4-704, Forest Beach Neighborhood Character Overlay District Regulations, to construct a pool and deck within the 20 foot adjacent street setback and buffer.

Background:

The subject parcel is located at 16 Dove Street in North Forest Beach, within the Forest Beach Neighborhood Character Overlay District. The property is a corner lot that has frontage on North Forest Beach Drive and Dove Street, and is surrounded by single family residential properties.

The applicant contacted staff inquiring if a pool was permitted on the property in the proposed location. Staff informed the applicant that the proposed pool, which is shown located in the 20 foot adjacent street setback and buffer, would require a variance application.

Applicant's Grounds and Background for Variance, Summary of Facts and Conclusions of Law:

Grounds for Variance:

The applicant is requesting a variance from LMO Section 16-4-704, Forest Beach Neighborhood Character Overlay District Regulations, to construct a pool and deck within the 20 foot adjacent street setback and buffer. The applicant states in the narrative that they are requesting the variance because it is the only useable area on the property for a pool. The applicant also states that the only other area on the property that could be available for a pool already has a deck, and is adjacent to a neighbor who has asked the applicant to not place the pool on that side of the house. The applicant states in the narrative that the owner of the property would

like the pool to be located where it is visible from the interior of the home. There is a six foot high privacy fence that surrounds the property, so the proposed pool would not be visible from the street, neighbors or any passers-by.

Summary of Facts:

- The applicant seeks a variance from LMO Sections 16-4-704, Forest Beach Neighborhood Character Overlay District Regulations, to construct a pool and deck within the 20 foot adjacent street setback and buffer.

Conclusion of Law:

- Applicant may seek a variance from the requested LMO sections as set forth in 16-3-1901.

Staff Summary of Facts and Conclusions of Law:

Summary of Facts:

- The Application was submitted on May 8, 2014 as set forth in LMO Section 16-3-1903.
- Notice of the Application was published in the Island Packet on May 21, 2014 as set forth in LMO Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted as set forth in LMO Sections 16-3-110 and 16-3-111.
- Notice of the Application was mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- The Board has authority to render the decision reached here under LMO Section 16-3-1905.

Conclusions of Law:

- The application was submitted in compliance with the submittal requirements established in LMO Section 16-3-1903.
- The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.
- The applicant has submitted an affidavit stating they met the mailed notice requirements as set forth in LMO Section 16-3-111.

As provided in Section 16-3-1906, Criteria for Approval of Variances, a variance may be granted in an individual case of unnecessary hardship if the Board determines and expresses in writing all of the following findings of fact.

Staff Summary of Facts and Conclusions of Law:

Criteria 1: There are extraordinary and exceptional conditions pertaining to the particular piece of property. (LMO Section 16-3-1906A(1))

Findings of Fact:

- The property is currently developed with a single family home.
- The property is approximately .18 acres and square in size.
- There are no wetlands or other significant natural features on the property.

Conclusions of Law:

- This application does not meet this variance criteria as set forth in LMO Section 16-3-1906A(1) because the property is a typical subdivision lot that doesn't contain any wetlands or other significant natural features.
- There are no extraordinary or exceptional conditions pertaining to this property.

<p>Staff Summary of Facts and Conclusions of Law:</p> <p><i>Criteria 2: These conditions do not generally apply to other properties in the vicinity. (LMO Section 16-3-1906A(2))</i></p> <p>Finding of Fact:</p> <ul style="list-style-type: none"> ○ There are no extraordinary or exceptional conditions that pertain to the subject property. <p>Conclusions of Law:</p> <ul style="list-style-type: none"> ○ This application does not meet this variance criteria as set forth in LMO Section 16-3-1906A(2) because the property is a typical subdivision lot that doesn't contain any wetlands or other significant natural features. ○ There are no extraordinary or exceptional conditions pertaining to this property that do not apply to other properties in the vicinity.

<p>Staff Summary of Facts and Conclusions of Law:</p> <p><i>Criteria 3: Because of these conditions, the application of the LMO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. (LMO Section 16-3-1906A(3))</i></p> <p>Finding of Fact:</p> <ul style="list-style-type: none"> ○ There are no extraordinary or exceptional conditions that pertain to the subject property. <p>Conclusions of Law:</p> <ul style="list-style-type: none"> ○ This application does not meet this variance criteria as set forth in LMO Section 16-3-1906A(3) because the property is a typical subdivision lot , with an existing house, that doesn't contain any wetlands or other significant natural features. ○ There are no extraordinary or exceptional conditions pertaining to this property that prohibit or restrict the utilization of the property.

<p>Staff Summary of Facts and Conclusions of Law:</p> <p><i>Criteria 4: This hardship is not the result of the applicant's own actions. (LMO Section 16-3-1906A(4)).</i></p> <p>Findings of Fact:</p> <ul style="list-style-type: none"> ○ The property is currently developed with a single family home. ○ LMO Section 16-4-704, Forest Beach Neighborhood Character Overlay District Regulations, requires a 20 foot setback and buffer from adjacent streets. Because the subject property is a corner lot, the street with the lower ADT (average daily vehicle traffic) can be reduced to 10 feet. Dove Street has a lower ADT so that is the street that has the reduced setback and buffer. ○ The property was purchased by the current owner in March 2014. ○ The property owner wishes to construct a swimming pool and deck within the 20 foot adjacent street setback and buffer. <p>Conclusions of Law:</p> <ul style="list-style-type: none"> ○ This application does not meet this variance criteria as set forth in LMO Section 16-3-1906A(4) because there is no hardship. ○ The setback and buffer requirements are the same as when the applicant purchased the property.
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Staff Summary of Facts and Conclusions of Law:

Criteria 5: Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposes of the LMO. (LMO Section 16-3-1906A(5))

Findings of Fact:

The LMO:

- The property owner wishes to construct a swimming pool and deck within the 20 foot adjacent street setback and buffer.
- LMO Section 16-4-704, Forest Beach Neighborhood Character Overlay District Regulations, requires a 20 foot setback and buffer from adjacent streets. Because the subject property is a corner lot, the street with the lower ADT (average daily vehicle traffic) can be reduced to 10 feet. Dove Street has a lower ADT so that is the street that has the reduced setback and buffer.
- Section 16-5-701, Purpose and Function, states that the function of a setback is to provide separation between structures and property lines or between structures and the street right-of-way line. Setbacks facilitate adequate air circulation and light by allowing natural areas to separate developments.
- Section 16-5-801, Purpose and Function, states that the function of buffer areas is to provide aesthetically acceptable visual and spatial separation between adjacent land uses. This section also states the purpose is to minimize any negative effects that a land use will impose on its neighbors, and states that buffers shall be provided between uses and adjacent to public streets.

The Comprehensive Plan:

- The Comprehensive Plan does not speak to the specific site design issues in this application.

Conclusions of Law:

- This application does not meet this variance criteria as set forth in LMO Section 16-3-1906A(3) because the variance does conflict with the purposes of the LMO.
- The applicant is proposing to construct a swimming pool and deck as close as 5 feet from the property line, leaving little separation between the pool and the property line, which is in conflict with the purpose and function of a setback and buffer.
- Since the Comprehensive Plan does not speak to this situation, the approval of this application will not substantially conflict with the Comprehensive Plan.

Staff Summary of Facts and Conclusions of Law:

Criteria 6: The authorization of the variance will not be of substantial detriment of adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance. (LMO Section 16-3-1906A(6)).

Findings of Fact:

- Staff has not received any opposition or comments regarding this variance request.
- Staff did not identify any substantial detriment to the adjacent property that would be caused by granting the variance.
- There is an existing fence that is covered in vegetation, which will block the view from any adjacent neighbors or passers-by on the street.

Conclusion of Law:

- This application does meet this variance criteria as set forth in LMO Section 16-3-1906A(6) because the proposed pool will not be visible and therefore the granting of this variance will not be a substantial detriment to the adjacent property and the public good.

Staff Recommendation:
Staff recommends that the Board of Zoning Appeals *disapprove* the application based on those Findings of Facts and Conclusions of Law as stated in this staff report.

BZA Determination and Motion:
The "powers" of the BZA over variances are defined by the South Carolina Code, Section 6-29-800, and in exercising the power, the BZA may grant a variance "in an individual case of unnecessary hardship if the board makes and explains in writing ..." their decisions based on certain findings or "may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review."

This State law is implemented by the Hilton Head Island Land Management Ordinance, Chapter 2, Article III and the Rules of Procedure for the BZA. A written Notice of Action is prepared for each decision made by the BZA based on findings of fact and conclusions of law.

PREPARED BY:

ND

Nicole Dixon, CFM
Senior Planner & BZA Coordinator

May 29, 2014

DATE

REVIEWED BY:

HC

Heather Colin, AICP
Development Review Administrator

May 29, 2014

DATE

ATTACHMENTS:

- A) Vicinity Map
- B) Applicant's Narrative
- C) As-Built Survey
- D) Proposed Site Plan
- E) Pictures



Proposed Variance - 16 Dove Street



ATTACHMENT B

June 9, 2014

REQUEST FOR VARIANCE

Property Site: 16 Dove Lane
Hilton Head, SC 29928
R550 015 00A 0240 0000

This is a request for a Variance to the above property. The request is to install a swimming pool 15'-0" past the setback line of the property facing North Forest Beach Road. The reasons for this request are stated below:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property:
 - The lot is small and the fenced in area is actually outside of the property line giving the appearance of a larger yard, but the useable area to the owner is only 22'-0" from the property line to the house. With a setback of 20'-0", only 2'-0" is usable to the owner. The owner would like a Variance to encroach 15'-0" into the 20'-0" setback to allow construction of a 10'-0" pool.
 - This is the only space available on the property for a pool. Other areas contain large, older trees, decks, and parking areas.
- b. These conditions do not generally apply to other properties in the area:
 - This lot is smaller than other lots on the street and those lots may contain additional areas for a swimming pool if desired. It is known that the neighbor directly next door on Dove Street does not have a swimming pool and has asked the owner to place the pool away from his house.
- c. Because of these restrictions, the application of the ordinance to the particular piece of property would effectively prohibit the utilization of the property:
 - This is the only area of the property available for a pool. The south side of the property has a small deck covering most of the area and not large enough for a pool. This is also the side of the home where the neighbor has asked that the swimming pool not be placed. The east side of the property is the parking area for this home. On the west side of the property the house sits on the setback line. On the north side, the requested side, part of the lot is covered with large oak trees, which would have to be cut down. Some of them are on the outside of the property line and can cause a root problem for the owner. The owner would also like the pool to be situated so the pool is visible from the interior of the home.

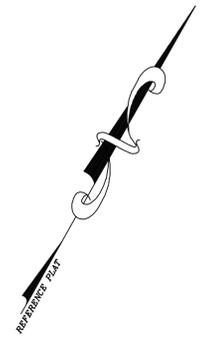
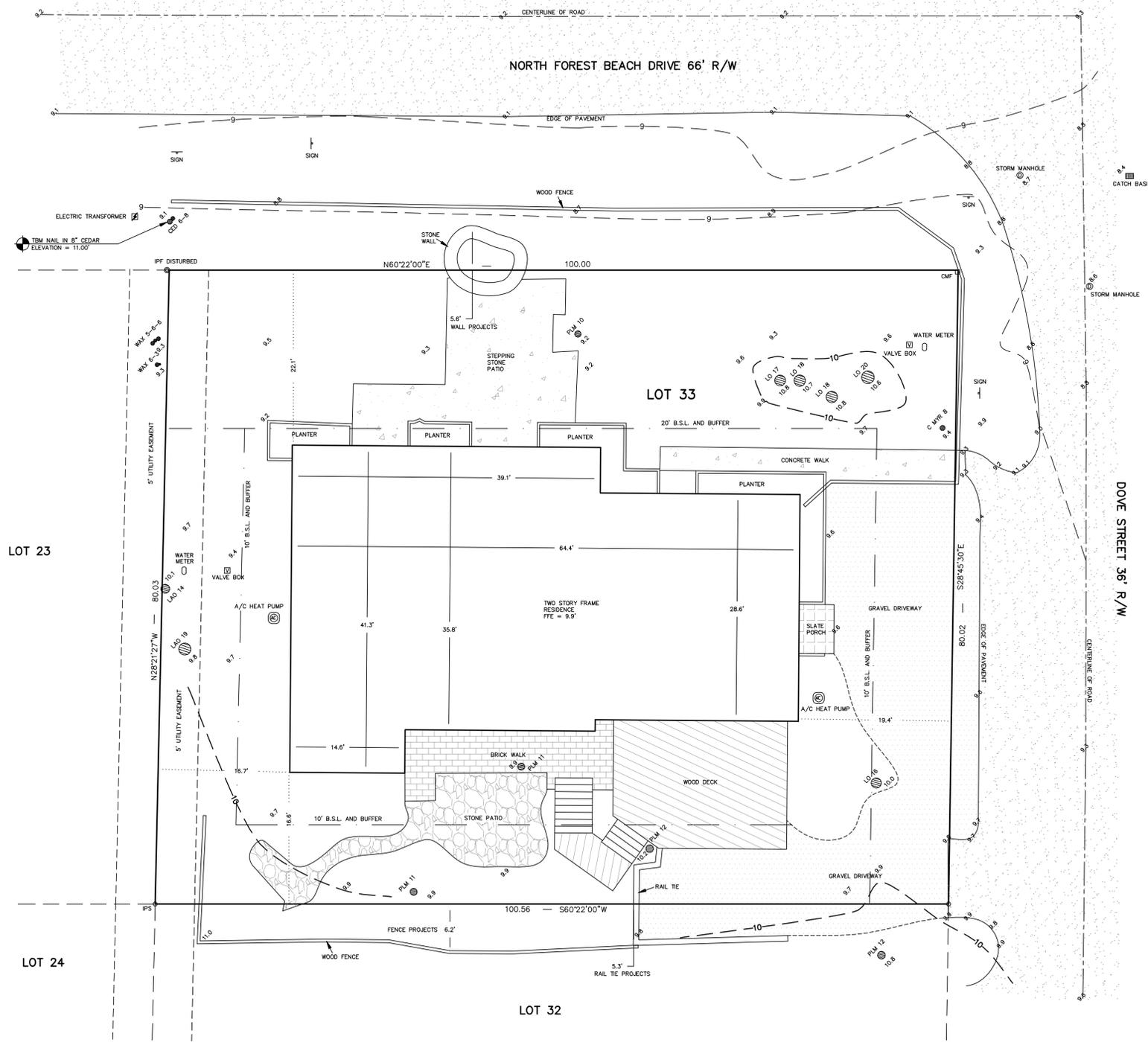
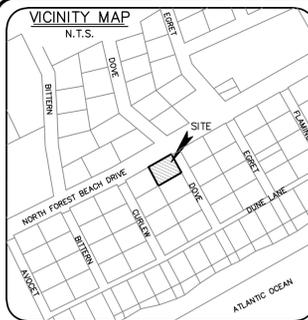
ATTACHMENT B

- d. Is not the result of the applicant's own actions:
- This property was recently purchased by Mr. Rodney Galella. All set backs were existing at the time the home was purchased.
- e. Granting of the variance does not substantially conflict with the Comprehensive Plan and the purposed of the LMO.
- There are no conflicts with this request. The property line is inside of the fence that borders the street, and the pool would be constructed 5'-0" past the property line. If North Forest Beach Drive were ever widened, there is shoulder space outside of the fence and approximately 10'-0" from the inside of the fence to the property line.
- f. The authorization of the variance will not be of substantial detriment to the adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance:
- A 6'0" high wood privacy fence surrounds the property, giving no visibility of the pool to the street, neighbors, or any passers-by. The fence also creates a safety barricade from anyone outside of the family who might try to use it.

This request is filed by Low Country Permit Expeditors, LLC as an agent for the owner, Rodney Galella.

Debbie Remke, President
Low Country Permit Expeditors, LLC
debbie@lcpermits.com
843-422-1862

ATTACHMENT C



REFERENCE PLAT
 1) A PLAT OF HILTON HEAD BEACH SUBDIVISION NO. 1, HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C. DRAWN: APRIL-JUNE 1952 RECORDED IN BOOK 9, PAGE 4 ROD. BEAUFORT COUNTY, SC BY: FRED C. HACK S.C.R.L.S. # 1377

PROPERTY AREA = 0.18 AC. 8,023 S.F.
 ADDRESS: # 16 DOVE STREET
 DISTRICT: 550, MAP: 15A, PARCEL: 240
 THIS PROPERTY LIES IN F.E.M.A. ZONE A7
 BASE FLOOD ELEVATION = 14.0'
 COMMUNITY NO. 450250, PANEL 0013D, DATED: 9/29/86

LEGEND & SYMBOLS:

5.5	TREE SIZES ARE INCHES IN DIAMETER
CMF	SPOT ELEVATION
IPF	CONTOUR
IPF	3" CONCRETE MONUMENT FOUND
IPF	1/2" IRON PIN FOUND
IPF	1/2" IRON PIN SET
TBM	TEMPORARY BENCH MARK
FFE	FINISHED FLOOR ELEVATION
LO	LIVE OAK
LAO	LAUREL OAK
PLM	PALM
CED	CEDAR
C MYR	CREPE MYRTLE
WAX	WAX MYRTLE
⊕	ELECTRIC TRANSFORMER
⊕	WATER METER
⊕	VALVE BOX
⊕	STORM MANHOLE
⊕	CATCH BASIN
⊕	SIGN
⊕	A/C HEAT PUMP

- NOTES:
- 1) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - 2) SEA ISLAND LAND SURVEY, LLC. CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND ASBUILT INFORMATION PROVIDED HEREON AS THE DATE OF THE SURVEY. THIS SURVEY MAY BE USED IN DIGITAL FORMAT AS A BASE FOR OTHERS AND ANY REVISIONS OR ADDITIONS MADE HEREAFTER IS NOT THE RESPONSIBILITY OF SEA ISLAND LAND SURVEY, LLC. A HARD COPY AVAILABLE FROM SEA ISLAND LAND SURVEY, LLC. WILL BE THE ONLY OFFICIAL DOCUMENT.
 - 3) SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
 - 4) HORIZONTAL DATUM IS LOCAL.
 - 5) VERTICAL DATUM IS NGVD29.
 - 6) CONTOUR INTERVAL IS 1'.
 - 7) USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED RESIDENTIAL COMMUNITY.
 - 8) BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
 - 9) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 - 10) IF IDENTIFICATION OF TREES IS CRITICAL TO DEVELOPMENT, AN ARBORIST SHOULD BE CONSULTED TO VERIFY SUCH TREE IDENTIFICATION.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

SOUTH CAROLINA
 LAND SURVEYOR
 No. C02180
 25437
 MARK R. FENWICK
 CERTIFICATE OF AUTHORIZATION

NOT VALID UNLESS EMBOSSED.

ASBUILT, BOUNDARY, TREE AND TOPOGRAPHIC SURVEY OF:
 LOT 33, HILTON HEAD SUBDIVISION NO. 1,
 NORTH FOREST BEACH, HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA
 PREPARED FOR: RODNEY GALELLA &
 XIAORONG JIANG
 DATE: 4/15/14 SCALE: 1" = 8'

GRAPHIC SCALE
 0 8 16 24

SILS Sea Island Land Survey, LLC.
 4D Mathews Court, Hilton Head Island, SC 29926
 Tel (843) 681-3248 Fax (843) 689-3871
 E-mail: sils@sprynet.com
 FILE No: 14066/2 DWG No.: 2-1671
 COPYRIGHT © BY SEA ISLAND LAND SURVEY, LLC. CAD: BA, FL: JS

ATTACHMENT E



Proposed Pool location



view of fence from N Forest Bch Dr

ATTACHMENT E



view of fence on side



view of deck in back

ATTACHMENT E



another view of deck



view of neighbor property who doesn't want pool adjacent to his property



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: May 28, 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.”

There have been no administrative waivers granted by staff since the May Board of Zoning Appeals meeting.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Nicole Dixon, CFM, *Senior Planner*
DATE: May 28, 2014
SUBJECT: Revisions to Rules of Procedure

At the May 19, 2014 Board of Zoning Appeals meeting, the Board asked staff to draft revisions to the Rules of Procedure regarding the timing allowed for supplemental submissions, to allow staff to have a chance to respond to such supplements and to give the Board additional time to review the information. Corrections were also made to an incorrect citing of a code section.

The Rules of Procedure, with proposed revisions on pages 12 and 16, are attached for your review and discussion at the June 23, 2014 meeting.

*Board of Zoning Appeals
Rules of Procedure
Town of Hilton Head Island*

CONTENTS

	Page
Article I: <u>Powers and Responsibilities</u>	4
<hr/>	
Article II: <u>Authority</u>	
Section 1. Authority.	4
Section 2. Territorial Jurisdiction.	4
<hr/>	
Article III: <u>Rules of Procedure</u>	
Section 1. Rules of Procedure.	4
Section 2. Amendment.	5
<hr/>	
Article IV: <u>Board Organization and Duties</u>	
Section 1. Membership.	5
A. Number and Qualifications.	
B. Length of Terms.	
C. Term Limits.	
D. Attendance/Absences.	
E. Removal.	
F. Education.	
Section 2. Election of Officers.	6
A. Chairman – Term and Duties.	
B. Vice-Chairman.	
Section 3. Secretary – Appointment and Duties.	7
Section 4. Staff Board Coordinator.	8
<hr/>	
Article V: <u>Meetings and Quorum</u>	
Section 1. Regular and Special Meetings.	8

A. Meeting Schedule.	
B. Regular Meetings.	
C. Special Meetings.	
D. Cancellation of Meetings.	
Section 2. Quorum.	9
Section 3. Conflict of Interest.	9

Article VI: Meeting Administration, Public Comment, Notices, Fees, Voting Supplemental Submissions/Briefs

Section 1. Media Notices.	10
Section 2. Agenda [Order of Business].	10
Section 3. Minutes.	10
A. Meetings.	
B. Minimum Contents of Minutes.	
C. Lack of Quorum	
Section 4. Public Comment.	11
Section 5. Submission Deadline for Regular Meetings.	11
Section 6. Meeting Protocol.	11
Section 7. Filing of Application, Fees and Notice.	12
Section 8. Motions and Final Decisions.	12
Section 9. Voting.	12
A. General.	
Section 10. Supplemental Submissions/Briefs.	12
Section 11. Communication Among Board Members or With an Outside Party.	13

Article VII: Procedures for Hearing an Application for a Variance

Section 1. Presentation of the Town Staff and Applicant.	13
Section 2. Public Comment.	14
Section 3. Vote on Application for Variance.	14

Article VIII: Procedures for Hearing an Application for Special Exception

Section 1. Presentation of the Town Staff and Applicant.	14
Section 2. Public Comment.	15
Section 3. Vote on Application for Special Exception.	15

Article IX: <u>Procedures for Hearing an Appeal</u>	
Section 1. Jurisdiction.	16
Section 2. Presentation of the Town Staff and Applicant.	16
Section 3. Vote on the Appeal.	16

Article X: <u>Procedures for a Remand</u>	
Section 1. Remand.	17

Article XI: <u>Motions</u>	
Section 1. Motion for a Reconsideration.	17
Section 2. Motion to Dismiss	18
Section 3. Motion for Postponement	18
Section 4. Motion for Withdrawal of Application	18

Article XII: <u>Miscellaneous</u>	
Section 1. Executive Session	19
Section 2. Recess	20

Article I
Purpose and Responsibilities

The Board of Zoning Appeals exists to provide final administrative decisions for the Town of Hilton Head Island to enforce the zoning ordinance in accordance with State law, subject to an appeal to circuit court by an appropriate interested party. Its main responsibilities include hearing and deciding: (a) appeals from administrative decisions of the Land Management Ordinance (LMO) Administrator and from Planning Commission actions on certain traffic analysis plans; (b) applications for variances from LMO requirements; and (c) applications to permit uses by special exception. The powers of the Board of Zoning Appeals also include remanding a matter to an administrative official if the record is deemed insufficient, issuing subpoenas for witness appearances, and certifying contempt to the circuit court. In exercising these powers, the Board of Zoning Appeals may, in conformity with State law and the LMO, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination of an Administrator, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record.

Article II
Authority

Section 1. Authority.

The Town of Hilton Head Island Board of Zoning Appeals is established by Sec. 16-2-301 of the Land Management Ordinance (LMO) of the Town of Hilton Head Island pursuant to the authority of Section 6-29-780, *et seq.*, of the Code of Laws of South Carolina, and hereinafter shall be referred to as the "Board."

Section 2. Territorial Jurisdiction.

Pursuant to Section 16-2-304 of the LMO, the Board shall have jurisdiction over all the lands within the Town. This jurisdiction may be expanded by the Town Council by ordinance and/or by intergovernmental agreement, in accordance with Section 6-29-330 of the Code of Laws of South Carolina.

Article III
Rules of Procedure

Section 1. Rules of Procedure.

These *Rules of Procedure* are adopted by the Board to carry out its powers and responsibilities under SC Code 6-29-780, -790, -800, and -810 and Chapter 2 Article III of the LMO. A portion or section of the *Rules of Procedure* may be suspended by majority vote of the Board to meet particular circumstances. If there is a situation where these *Rules of Procedure* do not specifically apply, then the most recent edition of *Robert's Rules of Order* shall govern the conduct of meetings. An informational chart summarizing types of motions and votes in Robert's Rules of Order is attached.

Section 2. Amendment.

These rules may be amended at any time by an affirmative vote of a majority of the members of the Board; provided however, that such amendment(s) shall have first been presented to the entire Board, in writing, at a Regular or Special Meeting preceding the Regular or Special Meeting at which the vote is taken.

Article IV **Board Organization and Duties**

Section 1. Membership.

- A. Number and Qualifications.** The Board shall consist of seven members appointed by the Town Council. To the extent practicable, the appointed members may include at least one attorney and one design professional (either a registered architect or a registered landscape architect). None of the members shall hold an elected public office or position with the Town of Hilton Head Island or Beaufort County, South Carolina.
- B. Length of Terms.** Members of the Board shall be appointed annually for three-year terms effective each July 1, with all such terms ending on June 30 of the applicable year, unless a member is appointed to fill a vacancy. Vacancies shall be filled by the Town Council by appointments for the balance of any unexpired terms.
- C. Term Limits.** No member may serve more than two successive terms, except for extraordinary circumstances where Council believes it to be in the best interest of the community to have a continuation for a specific period of a particular member of the Board. This limitation shall not prevent any person from being appointed to the Board after an absence of one year. Service for a partial term of less than 1½ years shall not constitute a term of service for the purpose of these term limits.
- D. Attendance/Absences.** Board members are expected to attend all Board meetings. Each member of the Board who has prior knowledge that they will not be able to attend a scheduled Regular Meeting of the board shall notify the Secretary no later than 4:30pm the business day before the meeting. In the case of an emergency, a member shall give the earliest possible notification. The Secretary or Staff shall notify the Chairman in the event that the projected absence(s) will produce a lack of a quorum.
- E. Removal.** Three (3) absences at Regular or Special Meetings of the Board during one Board year (July 1 through June 30) shall be cause for recommendation by the Chairman to the Town Council to reconsider the appointment of that member. Attendance records may be reviewed annually by the Board in executive session during the 9th month of each Board year.
- F. Education.** The Code of South Carolina requires a six (6) hour Orientation Program and a three (3) hour/year Continuing Education Program for each Board member.

Section 2. Election of Officers.

The officers of the Board shall be a Chairman and a Vice-Chairman for one-year terms beginning on the first meeting in July. They are elected annually by the Board members no later than at the last meeting in July. Neither of these two positions shall be filled by a member beginning his or her first year of service as a Board member. Members that leave the Board and are re-appointed after a period of no more than three years may be elected to an officer position in his or her first year of service. Nominations for the Chairman and Vice-Chairman shall be made from the floor at the meeting.

A majority vote is normally required to elect to office. If no one in an election receives a majority vote, the vote must be repeated until one of them does get a majority.

A. Chairman – Term and Duties. The term shall be for one year. At the end of each Board year, the Chairman may be re-elected subject to his/her appointment term. The Chairman shall have the following duties:

1. In consultation with the Staff Board Coordinator, delegate the Secretary to prepare agendas for all meetings;
2. Conduct all meetings and hearings of the Board, meaning that the Chairman—
 - i. Is responsible for maintaining order.
 - ii. Should begin the meeting promptly at the scheduled hour if a quorum is present.
 - iii. Should have a well prepared agenda and abide by it.
 - iv. Should be familiar with the procedural rules of the bylaws.
 - v. Keeps the board working together by explaining procedure clearly and communicating the next business in order.
 - vi. Should “assign” the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. Private discussion between members while another has the floor is out of order and disruptive members should be reminded of this rule.
 - vii. Should impartially call on members wishing to speak and should give members on both sides of an issue an opportunity to speak.
 - viii. Should remain calm and objective, keeping the meeting moving.
 - ix. Should always confirm that all members understand the motion and that the Secretary has fully recorded the motion.
 - x. Should open debate by saying “Is there any discussion?” The Chairman *must* open all debatable questions to debate.
 - xi. Should recognize members who wish to speak by stating their names.
 - xii. Should be a voting member and vote on all cases before the Board. If the Chairman wishes to make a motion, he/she should pass the gavel to the Vice-Chairman for conducting the meeting.
 - xiii. Should request that a motion with grounds (facts and conclusions) be made by any member. If necessary, may assist the member in formulating the motion. (Complex motions may be brought to the meeting pre-written.)
 - xiv. Should request any member to second the motion.

- xv. If a motion fails to get a second, should state, “Since there is no second, the motion is not before the Board.”
 - xvi. If seconded, should ask the members if there is any discussion of the motion.
 - xvii. Should not allow irrelevant discussion.
 - xviii. At the conclusion of any discussion of a seconded motion, should put the question to a vote by requesting the Secretary to call the role.
 - xix. Should announce the result of the vote.
 - xx. At the conclusion, should adjourn the meeting without motion – “If there is no further business and there is no objection, the meeting will be adjourned. There being no objection, the meeting is adjourned.”
3. Act as spokesperson for the Board;
 4. Sign documents for the Board. Note, final decisions are signed by the moving member, the Chairman, and the seconding member;
 5. Act or designate a Board member to act as liaison with other governmental agencies and Town boards;
 6. Assign or delegate tasks to other Board members as may be necessary to perform the Board’s functions;
 7. Transmit reports and recommendations to Town Council;
 8. Ensure that all business is conducted in accordance with the SC Code, the LMO, and these Rules of Procedure;
 9. Cancel a scheduled Board meeting if there are no agenda items; and
 10. Perform other duties approved by the Board.

B. Vice-Chairman. A Vice-Chairman shall be elected by the Board from among the members in the same manner and for the same term as the Chairman. The Vice-Chairman shall serve as Acting Chairman in the absence of the Chairman, and, at such time, the Vice-Chairman shall have the same powers and duties as the Chairman. The Vice-Chairman shall succeed the Chairman, if the office is vacated before the term has expired, to serve the remainder of the unexpired term of the Chairman. A new Vice-Chairman shall be elected at the next regular meeting of the Board. In the absence of both the Chairman and Vice-Chairman, an acting Chairman shall be elected by the members present at a meeting of the Board.

Section 3. Secretary—Appointment and Duties.

During the July meeting of each year, a member of the Town’s Community Development Department shall be appointed by the Board to independently act as the Secretary of the Board. The Secretary will not be eligible to vote or to otherwise participate or deliberate in the proceedings of the Board. The Secretary shall:

1. Publish and post notices of all meetings of the Board;
2. As delegated by the Chairman, prepare meeting agendas;
3. Distribute to each Board member in advance of each meeting--the agenda, prior meeting draft minutes for approval, and all written submissions by staff and applicants on each agenda item, and other relevant materials;
4. Record the proceedings of meetings on audio tape and prepare written minutes of meetings

for approval by the Board at its next regular meeting, recording in the written minutes the attendance of members at each meeting, the attendance of Council members, the attendance of staff, and a detailed summary of all discussions during each meeting;

5. Maintain the Board's notices, correspondence, reports and forms as public records for a period of time consistent with the records retention schedule of the Town of Hilton Head Island;
6. Assist in the preparation and forwarding of all reports and recommendations of the Board; and
7. Maintain each final decision of the Board as a permanent record as required by the SC Code.

Section 4. Staff Board Coordinator.

The Community Development Director shall appoint a member of Staff to assist the Chairman and the Secretary in Board coordination, including:

1. Ensuring all postponed agenda items are rescheduled;
2. Ensuring public notices are accurately written for publication;
3. Ensuring the minutes accurately reflect the actions taken in the meeting;
4. Coordinating with pertinent staff on submittal of agenda items to the Secretary for distribution to the Board;
5. Scheduling mandatory training sessions for the Board;
6. Ensuring the Board's Rules of Procedure remain updated;
7. Attending all Board meetings and resolving any questions or requests by the Board; and
8. Assisting the Secretary in the efficient running of the public meetings.

Article V **Meetings and Quorum**

Section 1. Regular and Special Meetings.

A. Meeting Schedule. An annual schedule of regular meetings and work sessions of the Board shall be adopted, published and posted at the Town Government Center in late Fall of each year for the next calendar year. Unless rescheduled by a vote of the Board, meetings shall be held at the time and place stated in notices. Meetings shall be open to the public.

B. Regular Meetings. Regular Meetings of the Board shall be held on the fourth Monday of each month or such other date as determined by the Chairman or with input from Staff. Notification of all Applications for Appeal, Variance and Special Exception scheduled and any other matters for consideration at each regular meeting of the Board will be in accord with the public notice requirements of the SC Code as implemented by the Town's LMO.

C. Special Meetings. Special Meetings of the board may be called at any time by the Chairman or requested by the Staff. At least forty eight (48) hours public notice shall be provided for any Special Meeting of the board including the time, place and particular agenda item(s) scheduled for consideration consistent with the notice requirements of the SC Code as implemented by the

Town's LMO.

D. Cancellation of Meetings. Whenever there is no business scheduled for any Regular or Special Meeting of the Board, the Chairman or Staff may cancel such Regular Meeting by giving notice to all members of the Board, as well as the public, no less than twenty-four (24) hours prior, whenever possible, to the time set for any such Regular Meeting.

Section 2. Quorum.

A majority of the Board shall constitute a quorum for the conduct of business. The Secretary will notify the Chairman in the event projected absences will result in the lack of a quorum. If a quorum is established, then a member leaves, the quorum is no longer present. In the absence of a quorum, no further business requiring a vote shall be transacted and any such business shall be postponed to the next meeting.

Section 3. Conflict of Interest

At a minimum, South Carolina law regarding conflicts of interest [S. C. Code Ann. § 8-13-10, *et seq.*, (Supp. 1994)] shall control Board members' actions. In addition, any member of the Board who believes that he or she has or may have a conflict of interest of any nature on any matter before the Board shall, prior to the case at the Regular or Special Meeting at which such matter may be heard or considered by the Board:

1. Prepare a written Potential Conflict of Interest Form describing the matter requiring action or decisions and the nature of his/her potential conflict of interest with respect to the action or decision;
2. File the Potential Conflict of Interest Form with the Secretary; and,
3. Provide a copy of the Potential Conflict of Interest Form to the Chairman.

Upon receipt of a Potential Conflict of Interest Form from any member of the Board, as required in section II (J)(A), *supra.*, the Chairman shall cause the Potential Conflict of Interest form to be recorded in the minutes and shall require that the member filing such Potential Conflict of Interest Form be excused from any votes, deliberations, and any other actions on the matter on which the potential conflict of interest or conflict of interest exists.

Any Board member so disqualified shall leave the dais while the disqualifying matter is being considered and refrain from deliberating or voting on the question.

Article VI **Meeting Administration, Public Comment,** **Notices, Fees, Voting Supplemental Submissions/Briefs**

Section 1. Media Notices.

The Secretary shall give the notice required by statute or ordinance for all meetings of the Board as per Chapter 3 of the LMO. All Board meetings shall be open to the public and all requirements of the South Carolina Freedom of Information Act [S. C. Code Ann. § 30-4-10, *et seq.* (Supp. 1994)] shall be complied with in the conduct of meetings.

Section 2. Agenda (Order of Business)

A written agenda shall be furnished by the Secretary to each member of the Board and media. An agenda may be changed at the related meeting by a majority vote of the members present. Public Hearing items should be so noted with each pertinent item. Generally, the agenda should contain:

1. Call to Order;
2. Roll Call;
3. Freedom of Information Act Compliance;
4. Use of Cellular Telephones or Other Electronic Sound Emitting Devices Prohibited;
5. Review of Meeting Protocol as described within, including Citizen Participation;
6. Approval of Agenda;
7. Approval of Minutes of Previous Meeting
8. Old Business;
9. New Business;
10. Board Business;
11. Staff Reports;
12. Adjournment.

Section 3. Minutes.

A. Meetings. Minutes of meetings is governed by the Code of South Carolina (30-4-70 through 30-4-90). Minutes of each Board meeting shall be recorded by the Secretary and approved at the next available meeting after their preparation. Final approved Minutes shall be available on microfilm for previous years, and may be posted on the Town's Web site for public information.

B. Minimum Contents of Minutes.

1. Kind of meeting (regular or special).
2. Name of the organization.
3. Date and place of the meeting.
4. Presence of the Chairman and Secretary or the names of substitutes.
5. Presence of a quorum.
6. Names of all Board members, Council members, and Staff.
7. Time the meeting was called to order.
8. Whether the minutes of the previous meeting were approved or corrected.
9. All adopted and defeated motions and grounds (facts and conclusions). Withdrawn motions need not be recorded.
10. Name of the maker of the motion and the seconding member.

11. Summary of all presentations and discussions.
12. Motions, including proposed findings and conclusions, must be recorded verbatim.
13. Record the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.
14. The adjournment and the time of adjournment.

C. Lack of Quorum. If there is lack of a quorum of the Board, minutes may be recorded but shall include a statement in the header of each page indicating that a quorum was not present and the minutes are not official. Such minutes shall not be approved by the Board at a later meeting. (There are different quorums, depending on the agenda item.)

Section 4. Public Comment.

In the case of a Variance or Special Exception application, at the conclusion of presentations by Staff and the Applicant, the Chairman will open the public hearing. The Chairman may set a time limit for all public comments and may determine the order of the comments. The Chairman will recognize citizens to comment and request that they sign up to speak at the podium. Each person will have the opportunity to speak for three (3) minutes. At the conclusion of the public comment, the Chairman will close the public hearing. Staff and/or the Applicant may request that the Chairman allow additional clarification after the public comments. Public comment is not permitted in a case involving an appeal from an Administrator decision.

Section 5. Submission Deadline for Regular Meetings.

The deadline for the filing of a complete Application with narrative for Variance or Special Exception or Request for Appeal shall be forty-five (45) calendar days prior to any Regular Meeting of the Board. Any submission or brief containing any citation to an opinion of a court must include a complete copy of the cited opinion.

Section 6. Meeting Protocol.

The Chairman will review the protocol at the start of each meeting. The meeting protocol includes further information about the following: speaker sign-up sheet, length of time for speakers, the order of presentation, and the opening and closing of a public hearing. The speaker sign-up sheet will be placed at the podium for speakers to sign when they come up to speak.

Section 7. Filing of Application, Fees and Notice.

All Applications and Appeals scheduled for review by the Board shall be filed by the interested property owner(s) or by a property owner aggrieved by an Administrator's decision, or by a representative with a written certification of authority by such property owner. All Applications and Appeals shall satisfy all fees and notice requirements in accord with the provisions outlined in the LMO. In any case where the owner of record of the real property affected by any Application for Special Exception or Application for Variance, or his/her certified representative, is not the Applicant,

the Applicant shall serve notice of the Application to the contiguous owner(s) of record within the time frames and as described in the LMO. Such notice shall include the time and place of the Board meeting at which the Application shall be heard.

Section 8. Motions and Final Decisions.

A Motion by a Board member is the procedure leading to a final decision by the Board when the Motion is seconded by another Board member and adopted by a vote of a quorum of the Board. A Motion is to be made to describe the proposed decision with findings and conclusions to support the Motion. If the Motion is seconded and adopted by the Board, the final decision, contained in a Notice of Action, must be in writing and be permanently filed in the office of the Board as a public record. The final decision must include findings and conclusions and be delivered to parties of interest by certified mail.

Section 9. Voting.

1. A Board member must be present at the beginning of each case to be permitted to discuss and vote on the case. If a Board member that was absent at the beginning of the hearing establishes requisite knowledge of the case, the member may be permitted to discuss and vote on the case by a majority vote of the Board.
2. All members of the Board, including the Chairman, shall be voting members, and shall be entitled to vote on any issue before the Board unless disqualified by law.
3. For Appeals from Administrator's decision, a majority vote of the entire Board shall be necessary, thus requiring at least 4 affirmative votes to pass a motion.
4. A simple majority of a quorum shall be required to conduct all other Board business including a decision on an Application for Variance or Special Exception.

Section 10. Supplemental Submissions/Briefs.

Any supplemental written submission or legal brief must be delivered [One (1) hard copy or one (1) copy sent via e-mail] to the Secretary of the Board no later than 8:00am ~~the~~ four business days before the public meeting day in order for the Secretary to distribute such submission to each Board member by the close of business that day. Town Staff, or the opposing party, has two business days after receipt of the supplemental submission to respond in writing. This excludes any business days when the Town is closed. The Board reserves the right to require or permit later written submissions or briefs and/or proposed findings of fact and conclusions of law to be submitted by the Appellant, Applicant for Variance or Special Exception, or Town Staff. Any submission or brief containing any citation to an opinion of a court must include a complete copy of the cited opinion. Any written or oral information sent directly to any Board member shall be disregarded and promptly turned over to the Chairman through the Secretary of the Board.

Section 11. Communication Among Board Members or With an Outside Party.

- A. There shall be no communication in writing, orally, or by e-mail by any Board member with any

other Board member or any outside party regarding the substance of any matter before the Board that is or may be brought to a vote other than during a public meeting.

- B. Once a decision has been rendered by the BZA, there shall be no further discussions by any Board member with staff, applicants or their attorneys or representatives. Any such communications regarding a decision should be made to the Town Attorney.
- C. Communication with staff or outside parties to communicate procedural matters or general positions or opinions of the BZA will be at the discretion of the Chairman or by an affirmative vote of the majority of the Board members. The Chairman or his designee will be responsible for all such written/verbal communications with anyone other than the remainder of the Board members and Staff.
- D. Board members should refrain from discussing an upcoming agenda item with the Applicant, his Attorney, or his Agent, either through written or verbal communication. Board members should refrain from discussing an upcoming agenda item with Staff either through written or verbal communication, except to clarify facts or request additional information. All discussion of the item should take place in the public meeting. This is to avoid the appearance of improper ex parte communications.

Article VII

Procedures for Hearing an Application for a Variance

The following procedures shall be applicable in the presentation of a Request for a Variance.

Section 1. Presentation of the Town Staff and Applicant.

- 1. Staff shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Staff believes support the position of Staff with respect to the Application for a Variance. During the presentation by Staff, members of the Board of Zoning Appeals may ask such questions as they deem appropriate. At the discretion of the Chairman, Staff's time may be extended if the Staff is unable to complete the presentation due to questioning from the Board of Zoning Appeals.
- 2. The Applicant shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Applicant believes supports the Application for a Variance. During the presentation by the Applicant, members of the Board of Zoning Appeals may ask such questions as they deem appropriate. At the discretion of the Chairman, the Applicant's time may be extended if the Applicant is unable to complete the presentation due to questioning from the Board of Zoning Appeals.
- 3. The Staff shall have a maximum of five (5) minutes to present any desired rebuttal.
- 4. Following the presentation, the Board of Zoning Appeals may ask such additional questions of the Applicant or Staff as the members deem appropriate.
- 5. The Board may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction over such matters.

Section 2. Public Comment.

- 1. The Chair will call on interested citizens and request that they come to the podium, state

their name for the record and place their name on the sign up sheet. Each person will have the opportunity to speak for three (3) minutes.

2. The Applicant and/or Town Staff shall clarify any information presented by the public before the Board makes a motion.

Section 3. Vote on Application for Variance.

1. Following the presentation by all parties as set forth above, the Board, upon a Motion duly made and seconded, shall vote on the Application for Variance.
2. The Motion shall contain, at a minimum, a finding of those facts which the member making the Motion deems material to the decision and appropriate references to the relevant criteria of the LMO.
3. Pursuant to the provisions of the LMO the Board shall approve the Application for Variance, approve the Application for Variance with conditions or modifications; or, deny the Application for Variance.
4. Following the vote, the Staff shall prepare a written Notice of Action. The written notice of action shall include decision of the Board as well as the findings of fact and conclusions of law adopted by the Board with respect to the Application for Variance.
5. The Notice of Action shall be mailed by certified letter to the Applicant and record owner of the real property affected by the Application for Variance, if different from that of the Applicant.
6. The decision of the board shall be deemed final and applicable upon mailing of the Notice of Action.
7. The certificate of mailing shall be made a part of the board's file on the Application for Variance.

Article VIII **Procedures for Hearing an Application for Special Exception**

The following procedures shall be applicable in the presentation of an Application for Special Exception:

Section 1. Presentation of the Town Staff and Applicant.

1. Staff shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Staff believes support the position of Staff with respect to the Application for a Special Exception. During the presentation by Staff, members of the Board of Zoning Appeals may ask such questions as they deem appropriate. At the discretion of the Chairman, Staff's time may be extended if the Staff is unable to complete the presentation due to questioning from the Board of Zoning Appeals.
2. The Applicant shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Applicant believes supports the Application for a Special Exception. During the presentation by the Applicant, members of the Board of Zoning Appeals may ask such questions as they deem appropriate. At the discretion of the Chairman, the Applicant's time may be extended if the Applicant is unable to complete the

presentation due to questioning from the Board of Zoning Appeals.

3. The Staff shall have a maximum of five (5) minutes to present any desired rebuttal.
4. Following the presentation, the Board of Zoning Appeals may ask such additional questions of the Applicant or the Staff as the members deem appropriate.
5. The Board may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction over such matters.

Section 2. Public Comment.

1. The Chair will call on interested citizens and request that they come to the podium, state their name for the record and place their name on the sign up sheet. Each person will have the opportunity to speak for three (3) minutes.
2. The Applicant and/or Town Staff shall clarify any information presented by the public before the board makes a motion.

Section 3. Vote on Application for Special Exception.

1. Following the presentation by all parties as set forth above, the Board, upon a Motion duly made and seconded, shall vote on the Application for Special Exception.
2. The Motion shall contain, at a minimum, a finding of those facts which the member making the Motion deems material to the decision and appropriate references to the relevant criteria of the LMO.
3. Pursuant to the provisions of the LMO, the Board shall approve the Application for Special Exception, approve the Application for Special Exception with conditions as stated in the LMO or deny the Application for Special Exception.
4. Following the vote, the staff shall prepare a written Notice of Action. The written notice of action shall include the decision of the Board as well as the findings of fact and conclusions of law adopted by the board with respect to the Application for Special Exception.
5. The Notice of Action shall be mailed by certified letter to the Applicant and record owner of the real property affected by the Application for Special Exception, if different from that of the Applicant.
6. The decision of the board shall be deemed final and applicable upon mailing of the Notice of Action.
7. The certificate of mailing shall be made a part of the board's file on the Application for Special Exception.

Article IX **Procedures for Hearing an Appeal**

The following procedures shall be applicable in the presentation of an Appeal from a decision of any Administrator:

Section 1. Jurisdiction.

Once an appeal has been taken from any final decision of Administrator, the jurisdiction of the

Administrator, from which the appeal was taken, shall cease.

Section 2. Presentation of the Town Staff and Applicant.

1. Staff shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Staff believes support the position of Staff with respect to the Application for an Appeal. During the presentation by Staff, members of the Board of Zoning Appeals may ask such questions as they deem appropriate. At the discretion of the Chairman, Staff's time may be extended if the Staff is unable to complete the presentation due to questioning from the Board of Zoning Appeals.
2. The Applicant shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Applicant believes supports the Application for an Appeal. During the presentation by the Applicant, members of the Board of Zoning Appeals may ask such questions as they deem appropriate. At the discretion of the Chairman, the Applicant's time may be extended if the Applicant is unable to complete the presentation due to questioning from the Board of Zoning Appeals.
3. The Staff shall have a maximum of five (5) minutes to present any desired rebuttal.
4. Following the presentation, the Board of Zoning Appeals may ask such additional questions of the Applicant or Staff as the members deem appropriate.
5. The Board may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction over such matters.
6. Public comment is not permitted in a case involving an appeal from an Administrator decision.

Section 3. Vote on the Appeal.

Following the presentation by all parties as set forth above, the Board, upon a Motion duly made and seconded, shall vote on the Appeal.

1. Pursuant to the provisions of Section 16-3-2001 ~~16-5-40~~, *Code of the Town of Hilton Head Island, South Carolina* (1983) and Section 16-3-2003 ~~16-7-674(g)(ii)~~, *Code of the Town of Hilton Head Island, South Carolina* (1983), the Board shall:
 - a) Affirm the action of the Administrator from which the Appeal was taken; or,
 - b) Modify the action of the Administrator from which the Appeal was taken, and to that end, the Board of Zoning Appeals shall have all of the powers of the Administrator from which the Appeal was taken, and may issue a permit, or direct that a permit be issued; or,
 - c) Reverse the action of the Administrator from which the Appeal was taken, and to that end, the Board of Zoning Appeals shall have all of the powers of the Administrator from which the Appeal was taken, and may issue a permit, or direct that a permit be issued; or,
 - d) Remand the action of the Administrator from which the Appeal was taken for such further proceedings as the Board of Zoning Appeals may deem appropriate.
2. The Motion shall contain, at a minimum, a finding of those facts which the member making the Motion deems material to the decision.

3. Following the Vote, the Board shall issue a written Notice of Action. The written notice of action shall include the decision as well as the findings of fact and conclusions of law adopted by the Board.
4. The Notice of Action shall be mailed by certified letter to the Appellant and Record Owner of the real property affected by the Appeal, if different from that of the Appellant.
5. The decision of the Board shall be deemed final and applicable upon mailing of the Notice of Action.
6. The certificate of mailing shall be made a part of the board's file on the Appeal.

Article X **Procedures for a Remand**

Section 1. Remand.

1. A member of the Board may move for a remand at any time, subject to review and determination by the Board. The motion shall specifically set forth factual and/or legal grounds that cause the record to be insufficient.
2. If a remand is granted, the Town and the Applicant shall obtain and present all additional information needed to render the record sufficient as detailed in the motion for the remand.

Article XI **Motions**

Section 1. Motion for a Reconsideration.

1. The Board may reconsider any decision made under Section 16-3-1804, 16-3-1905, or 16-3-2003 *Action by Board of Zoning Appeals* of the Land Management Ordinance.
2. Any party aggrieved by a decision of the Board, if they desire to do so, is required to file any Petition for Reconsideration by delivering the same to the Administrator within five (5) days from the date of hearing. "Delivered" as referenced in this section, means actual delivery.
3. The Petition for Reconsideration shall be in writing and shall state with particularity the points alleged to have been overlooked or misinterpreted the Board.
4. The Petition for Reconsideration shall be presented to the Board at the next regular scheduled meeting following the filing of the Petition for Reconsideration after compliance with the public notice requirements for a Board Public Meeting per the LMO.
5. Motions:
 - a. A Motion to Grant the Petition for Reconsideration may only be made by a member of the Board who voted on the prevailing side in the original vote.
 - b. The effect of the granting of a Motion for Reconsideration shall be that the Board will review the entire matter as if no previous vote had been taken.
 - c. A Motion to Deny the Petition for Reconsideration may be made by any member of the Board. The effect of a vote denying a Petition for Reconsideration is that the vote shall be considered to be the Board's final action on the matter. A Notice of Action shall be delivered to the Applicant following such vote.

6. Successive Petitions for Reconsideration are prohibited. No matter that has been reconsidered may be reconsidered a second time. The Board may not reconsider a denial of a Petition for Reconsideration.
7. The time for Appeal from any decision of the Board under Section 16-3-1804, Section 16-3-1905 or Section 16-3-2003 of the LMO to Circuit Court shall be stayed by the timely filing of a Petition for Reconsideration and shall run from the receipt of the written Notice of Action Denying the Petition, or the written Notice of Action delivered after the board has Reconsidered the matter, as the case may be.

Section 2. Motion to Dismiss.

Any interested party to a matter pending before the BZA may file a Motion to Dismiss the pending matter. The purpose of a Motion to Dismiss is to seek dismissal of the matter prior to the hearing on the merits of the pending matter.

1. A Motion to Dismiss may assert matters relating to procedure or jurisdiction including:
 - a. Failure to comply with requirements of the LMO,
 - b. Lack of jurisdiction,
 - c. Standing,
 - d. Other matters not relating to the merits of the matter.
2. A Motion to Dismiss shall be in writing, and be filed and served in accordance with Article VI, Section 10, Supplemental Submissions/Briefs.
3. A Motion to Dismiss may be supported by briefs of the law, affidavits or other matters pertinent to the Motion.
4. Any interested party may file briefs and other materials in response to the Motion, in accordance with Article VI, Section 10, Supplemental Submissions/Briefs.
5. The Motion to Dismiss will be normally heard at the same meeting as the related appeal; however, the Chairman or Vice Chairman, in the absence of the Chairman, upon request, in his sole discretion, may permit the motion to be heard at an earlier meeting.

Section 3. Motion for Postponement.

The Town, the Applicant or a Member of the Board may request a postponement of an application at any time, subject to the review and determination of the Board.

The Chairman or Vice Chairman, in the absence of the Chairman, may for good cause grant one postponement request for a period of up to three months from the original hearing date. Any subsequent postponement requests shall be discussed and voted on by the Board

A Motion for Postponement shall be in writing, stating the reasons for the requested postponement, and be filed and served in accordance with Article VI, Section 10, Supplemental Submissions/Briefs.

Section 4. Motion for Withdrawal of Application.

The applicant may request a withdrawal of an application prior to the ruling. A Motion for Withdrawal of the Application shall be in writing, stating the reasons for the requested withdrawal, and be filed and served in accordance with Article VI, Section 10, Supplemental Submissions/Briefs.

The Board shall have the opportunity to discuss the reasons for the application being withdrawn; unless the project has been abandoned. In the absence of the applicant, if the withdrawal is questioned by the Board, the case will be postponed to the next meeting.

Article XII **Miscellaneous**

Section 1. Executive Session.

If a member determines after reviewing the applicable cases that they would benefit from the advice of legal counsel in Executive Session they shall contact the Chairman or his designee. The Chairman will determine if an Executive Session is warranted. If the Chairman decides that the membership would benefit from an Executive Session, they will inform the Board's Secretary of the request. The Chairman's decision can be overridden by a majority vote of the Board taken at a regular or special meeting of the BZA.

Executive Session is a meeting at which the proceedings are secret. A member can be punished under disciplinary procedure if he violates the secrecy of an executive session. Anyone else permitted to be present is honor-bound not to divulge anything that occurred.

Permitted reasons should include:

1. Personnel reasons
2. Contracts
3. Legal advice relating to pending, threatened or potential claim
4. Discussion regarding development of security personnel
5. Investigative proceedings regarding allegations of criminal misconduct
6. Economic development (specific criteria in FOIA)
7. Legal advice relating to procedural, conflict of interest, or general issues unrelated to a specific matter before the Board.

Entering and Adjourning an Executive Session:

1. A motion to close the current meeting and go into executive session is made and passed by a majority vote;
2. Chairman must announce the specific purpose of the executive session;
3. No formal action may be taken in executive session except to:
 - a. Adjourn
 - b. Return to public session

The Board can request attendance by non-members as they deem appropriate.

Section 2. Recess.

A recess shall be declared as deemed appropriate by the Chairman or by majority vote of the members present at the meeting. No discussion of the agenda item shall be conducted by Board members during the recess.

**For the Board of Zoning Appeals
Town of Hilton Head Island, South Carolina**

Date of Approval: December 16, 2013

By: _____
Peter Kristian
Chairman

Attachment for Reference

TYPES OF MOTIONS

Main Motion	A main motion is defined as a proposal that certain action is taken or an opinion be expressed by the group. The words to use are: "I Move."
Secondary Motions	A secondary motion is one which can be made <i>while</i> the main motion is on the floor and <i>before</i> it has been decided. Secondary motions are divided into three classes which relate to their use in parliamentary procedure. Those classes are: <ul style="list-style-type: none"> ○ Subsidiary motions ○ Privileged motions ○ Incidental motions
Subsidiary Motions	Subsidiary motions relate directly to the motion on the floor. They may change the words, send it to a committee, delay it, etc. They are designed to expedite business by disposing of the pending motion other than by adopting or rejecting it. <i>Subsidiary motions are the class of motions most frequently used in meetings.</i> These motions have rank (order of precedence of motions) among themselves. A motion of higher rank can be made while a motion of lower rank is on the floor. The lower rank motion "yields" to the higher rank motion. (Motion to postpone has higher rank than the motion to commit and takes precedence. If motion to postpone is adopted, the main motion and the motion to commit are postponed until the next meeting.)
Privileged Motions	Privileged motions are motions of an emergency nature, such as to recess or adjourn. They do not relate to the motion on the floor but to the welfare of the group. They are of high rank and must be handled before any other business that may be pending.
Incidental Motion	Incidental motions are procedural. They deal with process, such as enforcing proper procedure, correcting errors, verifying votes, etc. When introduced, they must be decided before business can resume.
Amending Motion	General consent can be used with amendments to motions if the Chairman feels the group will accept the amendment. "If there is no objection, the motion is so amended." <i>Restate the motion.</i>
Motions Commit	Have precedence over the motion to amend. More than one motion can be on the floor but only one question. All pending motions must relate to the main motion on the floor. No new business may be introduced.
Point of Order	Motion used if a board member feels the Chairman is failing to operate within the rules.

Restorative Motions or Motions that Bring Back a Question

Restorative Motion	Allows a group to change its mind. <ul style="list-style-type: none"> ○ They are a separate category because of their contradiction to the
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	<p>parliamentary rule that once a question has been decided it cannot be brought up again at the same meeting.</p> <ul style="list-style-type: none"> ○ Within limits, members have the right to rethink a situation if they feel their decision has been made too quickly or without enough information. ○ The two most commonly used restorative motions are: <i>Rescind</i> and <i>Reconsider</i>.
Rescind	<p>Rescind is the motion to use to quash or nullify a previously adopted motion. It may strike out an entire motion, resolution, bylaw, etc.</p> <ul style="list-style-type: none"> ○ Rescind is <i>not in order</i> when any action has already been taken as a result of the vote, such as any kind of contract when the other party has been notified. ○ It must be seconded. ○ It requires a <i>two-thirds</i> vote unless <i>notice has been given</i> at the previous meeting, either verbally or in writing. If notice has been given, the motion requires only a <i>majority</i> vote.
Reconsider	<p>Reconsider is the motion which allows a group to reconsider the vote on a motion. It enables a majority of the members, within a limited time, to bring back a motion for further consideration after it has been acted upon. Its purpose is to prevent hasty or ill-advised action.</p> <ul style="list-style-type: none"> ○ Reconsider has special rules to prevent its abuse by a disgruntled minority, since it allows a question already decided to be brought up again. ○ Rules limit who can make the motion. It can only be made by someone who voted on the prevailing (winning) side. ○ It has a time limit. It must be made on the same day that the vote to be reconsidered was taken. ○ It requires a second. ○ It may be debated and it opens up the motion to which it is applied to debate. ○ It requires only a majority vote. ○ It may be made and seconded while other business is pending because of its time limit. However, it is not debated and voted on until the business on the floor is completed. ○ All action that might come out of the original motion is stopped at the time that reconsider is made and seconded. This is the main value of the motion, and it should be made as quickly as the situation calling for it is recognized.
Amend a Motion	<p>Change the wording to make it clearer, more complete, or more acceptable before the motion is voted upon. The amendment must be germane to the motion on the floor to be in order. Adoption of the amendment does not adopt the motion. If the group votes “no” on the amendment, the motion is on the floor in its original wording.</p>
Amend an Amendment	<p>First amendment is called the primary and the amendment to the amendment is the secondary amendment. Only two amendments may be pending at any time. First vote on the amendment to the amendment (secondary), then vote on the original amendment (primary), then vote on the main motion. Amendments require a majority vote.</p>
Friendly	<p>Change in wording to enhance the original motion – can be changed by general</p>

Amendments	consent.
Hostile Amendments	Gives a different meaning to a motion and may defeat the intent of the main motion.
To Commit or Refer a Motion	Sends the question to a small group (committee) to be studied and put into proper form for the group to consider. Motion includes specific directions as to where the question ought to go (what committee). Motion can be applied to any main motion with any amendments that may be pending. It must be seconded, it can be debated, and requires a majority vote.
Postpone	Delays action on a question until later in the same meeting or until the next meeting. <i>A motion cannot be postponed further than the next regular meeting.</i> Can be applied to all main motions, it must be seconded, it can be debated, it can be amended (as to time of the postponement), it requires a majority vote. Motion is called up automatically when the time to which it was postponed arrives (place under Unfinished Business on agenda of next meeting).
Limit Debate	Motion to exercise special control over debate – reducing the number and length of speeches allowed. Used with any motion, must be seconded, is not debatable, can be amended (but only as to the length of speeches or when the vote will be taken), requires 2/3 vote, vote must be taken by show of hands or a rising vote in a large group. (Need a timekeeper and timer if speeches have a time limit.)
Previous Question	The motion used to cut off debate and to bring the group to an immediate vote on the pending motion. (Call the question for an immediate vote). Previous question can be ruled out of order if the motion is debatable and has not received debate. Motion requires 2/3 vote (by show of hands or standing vote). Not debatable.
Postpone Indefinitely	Lowest-ranked subsidiary motion is used to kill a main motion. It avoids a direct vote on the question on the floor. Shouldn't be used.
Lay on the Table	Highest-ranked subsidiary motion. Cannot be amended or debated. It is out of order when used to "kill or avoid dealing with a measure". Was designed as a courtesy motion to allow a group to set aside a question for something more important, such as arrival of a speaker.
Withdraw a Motion	Permission to withdraw a motion allows a member who realizes he has made a hasty or ill-advised motion to withdraw it with the consent of the group. This device saves time in disposing of the motion. The presiding officer usually handles the request by use of general consent.
Dilatory Tactics	A dilatory tactic is the misuse of parliamentary procedure to deliberately delay or prevent action in a meeting. It is the duty of the presiding officer to prevent a dissident minority from misusing legitimate forms of motions to obstruct business. Such motions should be ruled out of order or those members engaged in such game playing should not be recognized.

TYPES OF VOTES

Majority Vote	<ul style="list-style-type: none"> • More than half of the votes cast. • The minority has the right to be heard, but once a decision has been reached by a majority of the members present and voting, the minority must then respect and abide by the decision.
Silence is Consent	Those members who do not vote, agree to go along with the decision of the majority by their silence.
Two-thirds Vote	A two-thirds vote is necessary whenever you are limiting or taking away the rights of members or whenever you are changing something that has already been decided. A two-thirds vote has at least twice as many votes on the winning side as on the losing side. A show of hands should be taken for <i>all</i> motions requiring a <i>two-thirds vote</i> . If a motion requires a two-thirds vote, the Chairman should inform the group of that.
General Consent	<p>Is an informal agreement of the group, the method in which action is taken without a formal vote or on occasion without a motion. The Chairman initiates the procedure to expedite business. Usually done to approve and correct the minutes.</p> <ul style="list-style-type: none"> • The presiding officer always pauses after asking if there is any objection. If there is <i>any</i> objection, the matter is put to a vote in the usual way. • A member may object because he feels it is important to have a formal vote and dispel any suspicion of railroading.
Tie Vote	Is a <i>lost</i> vote because a majority was not obtained. The <i>Chairman is not compelled to break a tie</i> . While the Chairman has a right to vote as a member, it is recommended he not vote unless the vote is by ballot. He may also vote in cases where the vote would change the result. The Chairman should appear impartial.