



The Town of Hilton Head Island
Regular Town Council Meeting
September 2, 2014
4:00 P.M.
AGENDA

**As a Courtesy to Others Please Turn Off/Silence All Mobile Devices During
the Town Council Meeting**

- 1) Call to Order**
- 2) Pledge to the Flag**
- 3) Invocation**
- 4) FOIA Compliance** – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 5) Proclamations and Commendations**
- 6) Approval of Minutes**
 - a. Town Council Workshop, July 29, 2014
 - b. Town Council Meeting, August 5, 2014
- 7) Report of the Town Manager**
 - a. Presentation of the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year ending June 30, 2013
 - b. Miss Hilton Head Island Scholarship Organization & Pageant Update– Rachel Wisnefski
 - c. Emergency Repairs at Lawton Canal Storm Water Pump Station – Scott Liggett
 - d. Town Manager’s Items of Interest
 - e. August, 2014 Policy Agenda, Management Targets and CIP Updates
- 8) Reports from Members of Council**
 - a. General Reports from Council
 - b. Report of the Intergovernmental Relations Committee – George Williams, Chairman
 - c. Report of the Personnel Committee – Lee Edwards, Chairman
 - d. Report of the Planning & Development Standards Committee – John McCann, Chairman
 - e. Report of the Public Facilities Committee – Kim Likins, Chairman
 - f. Report of the Public Safety Committee – Marc Grant, Chairman
 - g. Report of the LMO Rewrite Committee – Kim Likins, Ex-Officio Member
- 9) Appearance by Citizens**

10) Unfinished Business

a) Second Reading of Proposed Ordinance 2014-16

Second reading of Proposed Ordinance 2014-16 of the Town of Hilton Head Island, South Carolina, authorizing the sale of real property owned by the Town of Hilton Head Island, South Carolina, to the Palmetto Dunes Property Owners' Association, Inc., under the authority of S. C. Code Ann. § 5-7-40 (Supp. 2014), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983, As Amended); and providing for severability and an effective date.

11) New Business

a. First Reading of Proposed Ordinance 2014-19

First Reading of Proposed Ordinance 2014-19 to amend Title 16, "The Land Management Ordinance," of the Municipal Code of the Town of Hilton Head Island, South Carolina, to repeal the current Land Management Ordinance (LMO); and providing for severability and an effective date.

b. First Reading of Proposed Ordinance 2014-20

First Reading of Proposed Ordinance 2014-20 to amend Title 16, "The Land Management Ordinance," of the Municipal Code of the Town of Hilton Head Island, South Carolina, to adopt a new Land Management Ordinance; and providing for severability and an effective date.

c. First Reading of Proposed Ordinance 2014-21

First Reading of Proposed Ordinance 2014-21 to amend Title 16, "The Land Management Ordinance," of the Municipal Code of the Town of Hilton Head Island, South Carolina, to repeal the existing Official Zoning Map; and providing for severability and an effective date.

d. First Reading of Proposed Ordinance 2014-22

First Reading of Proposed Ordinance 2014-22 to amend Title 16, "The Land Management Ordinance," of the Municipal Code of the Town of Hilton Head Island, South Carolina, to adopt a new Official Zoning Map; and providing for severability and an effective date.

e. Consideration of a Recommendation – Acquisition of Dirt Road Rights of Way

Consideration of a Recommendation that Town Council approve the initiation of acquisition efforts of road rights of way on four private roads in accordance with the Capital Improvements Program. The four roads are Aiken Place, Alfred Lane, Cobia Court, and Murray Avenue

12) Executive Session

- a. Land Acquisition
- b. Legal Matters
- c. Contractual Matters

13) Adjournment

**THE TOWN OF HILTON HEAD ISLAND
TOWN COUNCIL WORKSHOP**

Date: Tuesday, July 29, 2014

Time: 4:00 p.m.

Present from Town Council: Drew A. Laughlin, *Mayor*; Bill Harkins, *Mayor Pro-Tem*;
Kim Likins, Lee Edwards, Marc Grant, John McCann, *Council Members*

Absent from Town Council: George Williams, *Council Member*

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Teri Lewis, *LMO Official*; Susan Simmons, *Director of Finance*; Shawn Colin, *Deputy Director of Community Development*; Heather Colin, *Development Review Administrator*; Jennifer Ray, *Urban Designer*; Jeff Buckalew, *Town Engineer*; Darrin Shoemaker, *Traffic and Transportation Engineer*; Julian Walls, *Facilities Manager*; Vicki Pfannenschmidt, *Executive Assistant*

Present from Media: Dan Burley, *The Island Packet*

1) CALL TO ORDER

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

- 2) FOIA COMPLIANCE** – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3) Proposed Changes to the Master Plan and Development Agreement between Shelter Cove Towne Centre, LLC and the Town of Hilton Head Island

Mayor Laughlin invited Mark Senn to approach the dais and explain the proposed changes. Mr. Senn explained the project has been well-received and the next phase of the project is the park. He explained the proposed changes would involve the residential portion of the project. He said they have spent a decent amount of money and time coming up with what they felt would be an asset to the community but wanted to make sure they were on the right track as the new plans differ from what was originally proposed.

Mr. Senn stated the original project consisted of 210 (60 on the west side and 70 on the east side) three and four story units with an average of 1,000 square feet each and surface parking. He said upon conducting their research, there seemed to be a call for more high-end apartments. He said the new proposal is to build 240 units (70 on the west side site and 140 on the east side site and the units on the east side would be an average 1,640 square feet and an average of 1,840 square feet on the west side. He noted the west side is near Newport and those units would only be two stories as opposed to three or four. He added the east side would have structured parking which allows the resident to drive to the level which houses their apartment and park their car. He explained this plan would cost more to build noting that the parking deck adds about \$25,000 per unit to build and in order to make the economics work, they would need to build 240 units.

Project Architect, Ellen Garland with Niles Bolton Associates, conducted a presentation explaining the specifics of the proposed changes. She added that many places countrywide are looking for opportunities to implement a plan such as this and they would like to

maximize the opportunity they have on this site. She noted the connectivity to Newport was important to them and the units proposed for the west side complement the Newport area. She reviewed a drawing of the proposal including Newport to show how it would look. Ms. Garland stated their goal was to attract high caliber renters by providing luxury apartments.

Mr. Harkins shared comments from a presentation he and Mr. McCann did with their constituents. Comments included concerns of density, balance, the linear pathway and parking. Mrs. Likins spoke in support of the new plans, especially the structure parking which eliminates on-street parking. Mayor Laughlin stated he liked the concepts and ideas and agreed with the need for larger units but he had concerns with the mass of the building on the east side.

Mr. Phil Shembra spoke in support of the proposed changes.

Mr. Charles Davis, President of Shelter Cove Harbour Company spoke in support of the proposal.

Mr. Aubrey Vaughn, Board Member of the Newport Homeowners Association said in working with the developer, they are happy with the results of building the gas station. He said they have noticed the increase in traffic flow past their entrance and the developer has responded to the concern by posting a 15/mph speed limit and they appreciate the attempt to solve the problem. He stated the change in the proposal by moving units from the west end to the east end mitigates the potential increase in traffic congestion and the increase on the east end should have little to no impact on Newport. He conveyed to Council that the Newport Board agrees with the developer in that the decrease in the number of multifamily residential dwelling units immediately adjacent to Newport will reduce the impact of multifamily residential dwelling units on our community. He said the Newport Board definitely supports the proposed changes from the developer.

Graham Malone, Traffic Engineer, Pond & Company spoke concerning the study and the impact of moving the units to the east side from the west side. He said they concur that moving the initial demand of traffic generated by the units on the west side to the east side will alleviate congestion and in addition do not impact any of the initial recommendations made in the original transportation study.

4) **Adjournment**

Mr. Harkins moved to adjourn. Mr. McCann seconded. The motion was approved by a vote of 6-0. The workshop adjourned at 5:01 p.m.

Vicki Pfannenschmidt
Executive Assistant/Town Clerk

Approved:

Drew A. Laughlin, Mayor

THE TOWN OF HILTON HEAD ISLAND
REGULAR TOWN COUNCIL MEETING

Date: Tuesday, August 5, 2014

Time: 4:00 P.M.

Present from Town Council: Drew A. Laughlin, *Mayor*; Bill Harkins, *Mayor Pro Tem*; George Williams, Lee Edwards, Marc Grant, Kim Likins, John McCann, *Council Members*

Absent from Town Council: Bill Harkins, *Mayor Pro Tem*; George Williams, *Council Member*

Present from Town Staff: Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Mike Mayers, *Deputy Fire Chief - Operations*; Charles Cousins, *Director of Community Development*; Susan Simmons, *Director of Finance*; Nancy Gasen, *Director of Human Resources*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; Jeff Buckalew, *Town Engineer*; Brian Hulbert, *Staff Attorney*; Marcy Benson, *Senior Grants Administrator*; Vicki Pfannenschmidt, *Executive Assistant/Town Clerk*

Present from Media: Dan Burley, *Island Packet*

1) CALL TO ORDER

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

2) PLEDGE TO THE FLAG

3) INVOCATION

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

5) Proclamations and Commendations

a. Hilton Head Island High School Class of 2014 International Baccalaureate Diploma Program Candidates and Recipients

The Director of the Program and students were present to accept the awards.

b. Aviation Week

Richard Sells, Chairman of the Beaufort County Airports Board was present to accept the proclamation.

6) Approval of Minutes

a. Town Council Workshop, July 8, 2014

Mrs. Likins moved to approve. Mr. McCann seconded. The minutes of the July 8, 2014 Town Council Workshop were approved by a vote of 5-0.

b. Town Council Special Meeting, July 11, 2014

Mrs. Likins moved to approve. Mr. McCann seconded. The minutes of the July 11, 2014 Town Council special meeting were approved by a vote of 4-0-1. Mr. Grant abstained as he was not present at the meeting.

c. Town Council Meeting, July 15, 2014

Mrs. Likins moved to approve. Mr. McCann seconded. The minutes of the July 15, 2014 Town Council meeting were approved by a vote of 5-0.

7) Report of the Town Manager

a. Semi Annual Update of the Planning Commission – Gail Quick, Former Chairman

Former Chairman Quick presented an activity report for the first six months of 2014.

b. Semi-Annual Update of the Parks and Receptions Commission – Heather Rath, Chairman

Chairman Rath presented an activity report for the first six months of 2014.

c. Town Manager's Items of Interest

Mr. Riley reported on some items of interest.

d. July, 2014 Quarterly Report

Mr. Riley stated he would gladly answer any questions concerning the report.

8) Reports from Members of Council

a. General Reports from Council

No reports.

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

No report.

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

No report.

d. Report of the Planning & Development Standards Committee – John McCann, Chairman

No report.

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

Mrs. Likins stated the Committee met earlier in the day and a recommendation to accept four private roads to be dedicated to the County will be coming forward to Town Council.

f. Report of the Public Safety Committee – Marc Grant, Chairman

Mr. Grant reported that the Committee met on Monday, August 4 to review the 2nd Quarter Crime Statistics.

g. Report of the LMO Rewrite Committee – Kim Likins, Ex-Officio Member

Mrs. Likins stated the Committee met on July 24 to discuss concerns that were addressed during the Town Council workshop held on July 8, and recommendations would be brought forward to the Planning Commission.

9) Appearance by Citizens

Karen Tremarelli, David Martin and Rusty Jaquiss addressed Council concerning parking issues in the Coligny area.

Mr. John Rumsey of the Rowing and Sailing group addressed Council requesting approval to build a boathouse and secured fenced area at the Rowing and Sailing Center at Squire Pope Community Park and for a letter of support for a grant application with the Community Foundation of the Lowcountry.

Hannah Horne of the Hilton Head Island-Bluffton Chamber of Commerce updated Council on programs and services.

10) Unfinished Business

a) Second Reading of Proposed Ordinance 2014-15

Second Reading of Proposed Ordinance 2014-15 to repeal Section 12-1-611 of the Municipal Code of The Town of Hilton Head Island; and providing for severability and an effective date.

Mrs. Likins moved to approve. Mr. McCann seconded the motion was approved by a vote of 5-0.

11) New Business

a. Consideration of a Recommendation – Beaufort County Sheriff’s Office Contract

Consideration of a Recommendation to Amend the Beaufort County Sheriff’s Office (BCSO) Contract Dated January 17, 2012.

Mrs. Likins moved to approve. Mr. McCann seconded. The motion was approved by a vote of 5-0.

b. Consideration of a Recommendation – CDBG Entitlement Community Eligibility

Consideration of a Recommendation that Town Council direct the Town Manager to execute a written letter to accept participating in the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Program for federal fiscal year 2015 and direct Town staff to draft the required consolidated plan.

Mrs. Likins moved to approve. Mr. McCann seconded. The motion was approved by a vote of 5-0.

c. Consideration of a Recommendation – Private Road Acquisition Application

Consideration of a Recommendation that Town Council reject the dedication of private road rights of way for East and West Morgan Courts.

Mrs. Likins moved to approve. Mr. McCann seconded. Mr. Richard Jackson, President of the Middleton Place POA spoke requesting that Council approve the application. The motion was approved by a vote of 5-0.

After discussion, it was the consensus of Council to direct the Town Manager to reimburse the POA for costs incurred to submit the application.

d. Consideration of a Resolution – Audit

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, to award a contract to Scott & Company, L.L.C. for financial audit services for the years ending June 30, 2014 through 2017.

Mrs. Likins moved to approve. Mr. McCann seconded. The motion was approved by a vote of 5-0.

12) Executive Session

Mr. Riley stated he needed an Executive Session for contractual matters pertaining to land acquisition including requests to sell or lease town-owned land; contractual matters pertaining to the proposed sale of the former Fire Station 6 to the Palmetto Dunes POA; contractual matters pertaining to the lease of the Planters Row Golf Course; contractual matters pertaining to leases at town-owned buildings, most specifically the Kiawah Building; contractual matters pertaining to a storm water drainage agreement with Palmetto Hall; contractual matters pertaining to proposed Memorandums of Understanding with USCB and with the First Tee; and legal matters pertaining to the Kigre Business License appeal.

At 5:25 p.m. Mrs. Likins moved to go into Executive Session for the reasons as set forth by the Town Manager. Mr. McCann seconded. The motion was approved by a vote of 5-0.

Mayor Laughlin called the meeting back to order at 6:34 p.m. and asked if there was any business to take up as a result of Executive Session.

The following items under Item 11. New Business were addressed:

e. Consideration of Resolutions pertaining to Palmetto Hall Drainage

Mr. McCann moved that the Town Council for the Town of Hilton Head Island adopt a resolution authorizing the execution of that certain drainage agreement and access drainage and maintenance easement with Palmetto Hall Plantation Owners' Association and the Greenwood Communities and Resorts, Inc., formerly known as Greenwood Development Corporation, access property located in Palmetto Hall Plantation. Mrs. Likins seconded. The motion was approved by a vote of 5-0.

Mr. McCann moved that the Town Council for the Town of Hilton Head Island adopt a resolution authorizing the execution of that certain drainage agreement and access drainage and maintenance easement with CLP Palmetto, LLC, a Delaware limited liability company and the Heritage Golf PH, LLC across the property location in Palmetto Hall Plantation. Mrs. Likins seconded. The motion was approved by a vote of 5-0.

f. Consideration of Sale of Land

Mrs. Likins moved that the Town Council of the Town of Hilton Head Island sell Fire Station 6 to the Palmetto Dunes POA for the price of \$300,000. Mr. Edwards seconded. The motion was approved by a vote of 5-0.

g. Consideration of an Amendment to the Planters Row Golf Course Lease Agreement

No action taken.

13) Adjournment

Mr. Edwards moved to adjourn. Mrs. Likins seconded. The motion was unanimously approved by a vote of 5-0. The meeting was adjourned at 6:37 p.m.

Vicki L. Pfannenschmidt,
Executive Assistant/Town Clerk

Approved:

Drew A. Laughlin, Mayor

DRAFT



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Town of Hilton Head Island
South Carolina**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2013

Executive Director/CEO

MEMORANDUM

TO: Town Council

FROM: Scott Liggett, Dir. Public Projects and Facilities / Chief Engineer

VIA: Stephen G. Riley, ICMA-CM, Town Manager

DATE: August 22, 2014

RE: Authorization to execute contracts - Emergency Repairs at Lawton Canal Storm Water Pump Station / Greenwood Drive as part of the Sea Pines Drainage Agreement

Recommendation: Staff recommends Town Council authorize the Town Manager to execute contracts not to exceed \$350,000 regarding this emergency repair project. Full disclosure of cost via FY 15 budget amendment will be brought forward for Town Council action when ready. Staff expects to recommend that funds be transferred from within the approved Storm Water Utility budget. Time is of the essence for this work to proceed. The time associated with an approved budget amendment will delay the project and increase the risk of road failure at Greenwood Drive, a main arterial within Sea Pines Plantation, and prolong the diminished hydraulic capacity of this system in the middle of hurricane season.

Summary: In late June, Sea Pines officials (CSA) notified Town staff of sinkholes developing on Greenwood Drive, near the Lawton Canal storm water pump station. Staff field inspections and subsequent video and diver inspections of the pipes have determined that the three 48" diameter concrete discharge pipes from the pump station have settled, and several of the joints have separated. The separated joints have allowed infiltration of the surrounding soils, thus creating voids around the pipes and under the roadway. These voids will continue to grow in size taking more soil from beneath the road bed and ultimately cause the catastrophic failure of Greenwood Drive if not repaired.

Engineering staff has determined the most appropriate and cost effective method of repairing the pipes is to grout the open joints and line the pipes in place with centrifugally-cast concrete. This allows the pipes to be repaired without open cutting the road and closing Greenwood Drive to traffic. Three 48" diameter concrete pipe barrels at a total of 195 linear feet must be grouted and lined.

The pipe joints are not the only problem being corrected by this project. To fully inspect the pipe failures, the pump station sump area was de-watered and the three storm water pumps serving these pipes had to be removed. It was then discovered that the stainless steel brackets that support the pumps onto the concrete retaining wall were severely

deteriorated and must be replaced. This deterioration is primarily due to the age of the materials and the brackish water conditions.

Background: In 2012, the Town entered into an agreement with Sea Pines Plantation to accept responsibility for the maintenance and improvement of the storm water drainage system within Sea Pines Planation. This includes emergency repairs of structural or mechanical failures, collapses, or other catastrophic events which affect the drainage system or could result in peril to life or property within Sea Pines Plantation. The approved FY15 Storm Water Utility budget contains line items for pump station repairs, general maintenance, and emergency contingency repairs, but these allowances individually do not contain sufficient funds to cover the costs associated with these unforeseen, emergency repairs. Additional funds required to satisfy the needs of this project will be taken from other identified projects which may need to be rescheduled for FY16.



Items of Interest

September 2, 2014

1. Town News

The application period for Calendar Year 2015 Accommodations Tax Grants began Monday, August 25 and will end Friday, September 26, 2014. The Accommodations Tax Advisory Committee will hold an Applicant Workshop on September 4 at 9:00 am. Also on September 4 at 10:00 am, the ATAX Committee will hold a Review and Recommendation meeting regarding the Non-Recurring ATAX Grant Applications.

(Contact: Erica Madhere, Finance Assistant – ericam@hiltonheadislandsc.gov or 341-4646)

Battalion Chief Jeff Hartberger was recently appointed to chair of the DHEC Division of Emergency Medical Services and Trauma Data Oversight Committee. The Committee was formed in 2012 and is a standing committee serving the State EMS Advisory Council. The purpose of the committee is to provide oversight and guidance on all data collection processes involving EMS/Pre-Hospital data regulations and standards.

(Contact: Brad Tadlock, Fire Chief – bradt@hiltonheadislandsc.gov or 682-5153)

2. Noteworthy Events

- a) Some of the upcoming meetings at Town Hall:
- Accommodations Tax Advisory Committee Applicant Workshop, September 4, 2014, 9:00 a.m.; Meeting at 10:00 a.m.
 - Public Safety Committee – September 8, 2014, 10:00 a.m.
 - Design Review Board – September 9, 2014, 1:15 p.m.
 - Town Council – September 16, 2014, 4:30 p.m. * Note time change

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

2014 Hilton Head Island Events

Saturday, September 13, 2014 11:00 a.m. – 4:00 p.m.	Italian Heritage Festival	Honey Horn
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**2014 Policy Agenda
August, 2014**

Top Priority

Target	Chief Contact	Comments
<ul style="list-style-type: none"> USCB Facility Development 	Jennifer Ray	Working with university to finalize MOU & cost sharing agreement.
<ul style="list-style-type: none"> Coligny Area Development 	Jennifer Ray	Traffic counts and parking counts complete. Presentation of conceptual master plan to Planning Commission scheduled for September 17, 2014.

High Priority

Target	Chief Contact	Comments
<ul style="list-style-type: none"> Land Management Ordinance Rewrite 	Teri Lewis	1 st reading is scheduled for September 2, 2014.
<ul style="list-style-type: none"> Arts Collaboration Study 	Jill Foster	Completed study. Awaiting direction from Town Council.
<ul style="list-style-type: none"> Heritage Plaza Road Extension 	Shawn Colin/Charles Cousins	Will be analyzed as part of the development of a plan for the Coligny area
<ul style="list-style-type: none"> Tax Increment Financing Projects Prioritization 	Charles Cousins/ Scott Liggett	Staff developing recommendations for project timing to be presented later this year to the TC

Moderate Priority

Target	Chief Contact	Comments
<ul style="list-style-type: none"> Shelter Cove Park 	Jennifer Ray	Developer & design team finalizing requirements of Development Agreement in advance of park construction.

**2014 Management Agenda
August, 2014**

Target	Chief Contact	Comments
<ul style="list-style-type: none"> Economic Development Corporation 	Shawn Colin	Executive Director Don Kirkman starting date August 18 th .
<ul style="list-style-type: none"> Shelter Cove Town Centre Development: Rezoning 	Heather Colin	Application was submitted, scheduled for public hearing at Planning Commission on October 1, 2014 at 9:00am.
<ul style="list-style-type: none"> ATAX Additional Funds Criteria 	Susan Simmons	Applications submitted. Committee to meet on September 4 to review and consider. Committee recommendation to TC on October 7.
<ul style="list-style-type: none"> Beach Renourishment (2015): Permitting 	Scott Liggett	Joint application to US Army Corps of Engineers and the State's Office of Ocean and Coastal Resource Management filed July 7, 2014.

**CIP Monthly Report
August 2014**

Project	Chief Contact	Comments
<ol style="list-style-type: none">1. Fire Station #62. Rowing and Sailing Center3. Mathews Drive – side street connectivity4. Traffic signal pre-emption system (Opticom) replacement		<ol style="list-style-type: none">1. Substantially complete.2. Under Construction – scheduled for completion in fall 2014.3. Under construction. Target completion date fall 20144. Contract approval pending



Memorandum

TO: Town Council
FROM: Steve Riley, ICMA~CM, Town Manager
DATE: August 6, 2014
RE: **Second Reading of Proposed Ordinance No. 2014-16**

There were no changes made to Proposed Ordinance No. 2104-16 during the first reading on August 5, 2014.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE SALE OF REAL PROPERTY OWNED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO THE PALMETTO DUNES PROPERTY OWNERS' ASSOCIATION, INC., UNDER THE AUTHORITY OF S. C. CODE ANN. § 5-7-40 (SUPP. 2014), AND § 2-7-20, CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, (1983, As Amended); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

LEGISLATIVE FINDINGS

WHEREAS, The Town of Hilton Head Island, South Carolina owns real property located on Queen's Folly Road which was formerly the site of Fire Station 6, and which is more particularly known and described as:

All that certain piece, parcel or tract of land situate, lying and being in Palmetto Dunes, Hilton Head Island, Beaufort County, South Carolina, and consisting of 1.09 acres, more or less and being shown and described as "1.09 acres" on a plat prepared by Hussey, Gay & Bell, Consulting Engineers, Roy Hussey, SCRLS No. 2373, dated February 25, 1981, and which is recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 30 at Page 165.

AND ALSO:

A non-exclusive right of ingress and egress over and across that certain right of way known as Queen's Folly Road leading from U. S. Highway 278 to the aforementioned 1.09 acre parcel of land.

AND ALSO:

A non-exclusive easement for the purpose of ingress and egress to the aforementioned 1.09 acre parcel of land, which is more particularly shown and described as the "Access Esm't" on the plat recorded in the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 30 at Page 165.

AND ALSO:

All that certain piece, parcel or tract of land situate, lying and being in Palmetto Dunes, Hilton Head Island, Beaufort County, South Carolina,

and consisting of 0.02 acres, more or less, which is shown and described as "0.02 acres" on a plat prepared by Hussey, Gay, Bell & DeYoung, Consulting Engineers, James M. Sims, SCRLS No. 13169, which is recorded the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 76 at Page 99.

LESS AND EXCEPT:

All that certain pieces, parcels or tracts of land situate, lying and being in Palmetto Dunes, Hilton Head Island, Beaufort County, South Carolina, shown and described as "Parcel 1, 0.01 Acres" and "Parcel 3, 0.01 Acres" on a plat prepared by Hussey, Gay, Bell & DeYoung, Consulting Engineers, James M. Sims, SCRLS No. 13169, which is recorded the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 76 at Page 99.

SUBJECT TO:

A perpetual easement for overhang encroachment of the elevated water storage tank shown on the Plat which is recorded the Office of The Register of Deeds for Beaufort County, South Carolina, in Plat Book 76 at Page 99.

WHEREAS, on April 20, 2010, The Town of Hilton Head Island, South Carolina, approved the execution and delivery of a Contract for the sale of the above described real property and certain personal property described in the April 10, 2010, Contract to the Palmetto Dunes Property Owners' Association, Inc.; and

WHEREAS, the real property and personal property described in the April 10, 2010, Contract is hereafter described as the Fire Station 6 Property; and,

WHEREAS, The Town Council of the Town of Hilton Head Island, South Carolina has determined that it is in the best interests of the Town of Hilton Head Island, South Carolina, to authorize the sale of the Fire Station 6 Property, and to authorize the execution and delivery of the Quit Claim Deed, Bill of Sale and other documents called for in the April 20, 2010, Contract; and,

WHEREAS, under the authority of S. C. Code Ann. § 5-7-40 (Supp. 2014), and § 2-7-20, *Code of the Town of Hilton Head Island , South Carolina*, (1983, As Amended), the conveyance of real property owned by the Town of Hilton Head Island must be authorized by the adoption of an ordinance by the Town Council for the Town of Hilton Head Island, South Carolina.

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

Section 1. Sale of the Fire Station 6 Property and authorization for execution and delivery of documents of conveyance:

(a) The Mayor and Town Manager are hereby authorized to execute and deliver the Quit Claim Deed, Bill of Sale and other documents described in the April 20, 2010, Contract between The Town of Hilton Head Island, South Carolina and the Palmetto Dunes Property Owners' Association, Inc.

(b) The Mayor and Town Manager are hereby authorized to take all other and further actions as may be necessary to complete the transaction described in the April 20, 2010, Contract between The Town of Hilton Head Island, South Carolina and the Palmetto Dunes Property Owners' Association, Inc.

Section 2. Severability:

If any section, phrase, sentence or portion of this Ordinance is, for any reason, held or deemed to be invalid or unconstitutional by any court of competent jurisdiction,

then such section, phrase, sentence or portion shall be deemed a separate, distinct and independent provision and shall not affect the remaining portion thereof.

Section 3. Effective Date:

This Ordinance shall become effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS ____ DAY OF SEPTEMBER, 2014.

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

By: _____
Drew A. Laughlin, Mayor

ATTEST: _____
Victoria L. Pfannenschmidt
Town Clerk

First Reading: August 5, 2014

Second Reading: _____

Approved as to form: _____
Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
FROM: Teri B. Lewis, AICP, *LMO Official*
CC: Charles Cousins, AICP, *Community Development Director*
DATE: August 15, 2014
SUBJECT: LMO Rewrite Project

Recommendation: The LMO Rewrite Committee met on July 24th and August 7th and voted to recommend that Town Council approve and adopt the rewritten Land Management Ordinance with the changes as attached [Exhibit A – Summary of Changes]. The LMO Rewrite Committee had also previously recommended that Town Council approve and adopt a new Official Zoning Map and repeal the existing Land Management Ordinance and the Official Zoning Map.

The Planning Commission met on June 4th, June 18th and June 25th to review the attached ordinances and voted 8-0-0 to recommend to Town Council that

1. the existing Land Management Ordinance, with the exception of Chapter 5, Article XVIII, be repealed; and
2. the rewritten Land Management Ordinance in its entirety, including the amendment of Chapter 5, Article XVIII, Impact Fees, from the existing Land Management Ordinance be approved and adopted; and
3. the existing Official Zoning Map be repealed in its entirety; and
4. the proposed new Official Zoning Map in its entirety be approved and adopted.

Summary: The LMO Rewrite Committee and staff recommend approval of a new LMO and Official Zoning Map. The newly created documents are easier to read and will facilitate redevelopment while at the same time holding true to the values and characteristics of Hilton Head Island.

Background: At its 2010, 2011, 2012 and 2013 Strategic Planning Workshops, the Town Council adopted a goal of redrafting the Town's existing Land Management Ordinance and Official Zoning Map to reflect the needs and expectations of the Town's residents, business community and visitors, and to ensure that the Town remains a viable and attractive place to live, work and visit. The Town Council adopted a resolution on March 1, 2011 establishing the "LMO Rewrite Committee" and establishing a plan for a comprehensive review and rewrite of the Land Management Ordinance and Official Zoning Map. The LMO Rewrite Committee met more than 80 times over a three year period to determine what changes were needed to the Land Management Ordinance and the Official Zoning Map and drafted a proposed Land Management Ordinance and a proposed Official Zoning Map.

EXHIBIT A – SUMMARY OF CHANGES

The LMO Rewrite Committee recommends that hearing notice requirements for appeals to the Planning Commission be added to Table 16-2-102.E.2. This section was inadvertently left out of the document.

TABLE 16-2-102.E.2: HEARING NOTICE REQUIREMENTS			
APPLICATION OR APPROVAL	NOTICE REQUIREMENT		
	PUBLISHED NOTICE	MAIL NOTICE	POSTED NOTICE
Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the appellant and the applicant for the decision being appealed (if different from the appellant) no less than 15 calendar days before the hearing date	None
Appeal of Official's Decision to Design Review Board	Publish notice of the hearing no less than 15 calendar days before the hearing date	Mail notice of the hearing to the appellant and the applicant for the decision being appealed (if different from the appellant) no less than 15 calendar days before the hearing date	None
<u>Appeal of Official's Decision to Planning Commission</u>	<u>Publish notice of the hearing no less than 15 calendar days before the hearing date</u>	<u>Mail notice of the hearing to the appellant and the applicant for the decision being appealed (if different from the appellant) no less than 15 calendar days before the hearing date</u>	<u>None</u>

The LMO Rewrite Committee recommends that Resort Accommodations be deleted as an allowed use in the SPC (Sea Pines Circle) zoning district.*Note, these uses will also be deleted in the specific zoning tear sheet for the Sea Pines Circle district found in Chapter 3.

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																					
SE = Allowed as a Special Exception Blank Cell = Prohibited																					
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED-USE AND BUSINESS DISTRICTS										USE-SPECIFIC CONDITIONS			
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SPC	CC	MS	WMU	S	MF	MV	NC		LC	RD	MED
RESORT ACCOMMODATIONS																					
<i>Bed and Breakfasts</i>						PC			PC	PC		PC	PC	PC	PC			PC			Sec. 16-4-102.B.4.a
<i>Hotels</i>									PC	P		P	P	PC		P		P	P		Sec. 16-4-102.B.4.b

The LMO Rewrite Committee recommends that hotels in the LC (Light Commercial) and MS (Main Street) district have no direct access to a major arterial.

Sec. 16-4-102.B.4.b

Hotels

- i. **Hotels** located in the CR District shall have guest rooms with **gross floor area** no smaller than 100 square feet. Such rooms shall not be located on the first floor of any **hotel**.
 - ii. **Hotels** in the **LC, MS** and S Districts shall not have direct vehicular access to a major arterial.
-

The LMO Rewrite Committee continues to recommend that there be no change to their original recommendation regarding the separation of liquor stores; however if Town Council wants to maintain the liquor store to liquor store separation requirement from the current LMO, the language is provided below.

Sec. 16-4-102.B.7.g

Liquor Stores

A **liquor store** shall comply with the following locational restrictions:

- i. **It shall not be located within 500 feet of another liquor store; and**
 - ii. It shall not be located within 200 feet of:
 01. A religious institution; or
 02. A public or private elementary or secondary school.
 - iii. These distances shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any **liquor store** is located, and the perimeter boundary of the property on which any **use** from which the separation is required (see provision i above).
-

The LMO Rewrite Committee recommends that the following changes be made to the specific use standards for Telecommunication Facilities. These changes were made after discussions with members of the Telecommunications Task Force.

Sec. 16-4-102.B.2.e

Telecommunications Facilities

i. – iv. – No Change

v. Timely Action on Telecommunications Facility Applications

The Town shall process all applications for a telecommunications facility in a timely manner in accordance with the review procedures in Chapter 16-2: Administration, and shall make a decision on such applications within a reasonable period of time after the application is submitted (see Sec. 16-2-102.C, Application Submittal), taking into account the nature and scope of the application. Specifically, the Town shall decide all applications for co-location of a telecommunications facility on an existing telecommunications tower or other existing structure within 90 days after acceptance of an application, and shall decide applications for telecommunications towers within **150 90** days after acceptance of a complete application.

vi. Additional Conditions for Monopole Telecommunication Towers

Monopole telecommunication towers, whether as a principal or accessory use, shall be reviewed by the Design Review Board, and shall comply with the following conditions:

01. Height

The maximum overall height of the tower and all associated equipment shall be 180 feet above grade.

02. Co-location

(A) ~~No tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.~~

(BA) New towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users.

03. Lighting

No change

04. Setbacks

(A) The tower shall be set back from all major arterials, the OCRM critical line, and the OCRM base line by a minimum distance equal to the overall height of the tower of 70 feet.

(B) The tower shall be set back from all minor arterials by a minimum distance equal to 80 percent of the height of the tower of 50 feet.

(C) The tower shall be set back from all other streets by a minimum distance equal to the fall zone of the tower plus twenty feet.

(D) The minimum setback from a street required by (A) through (C) above may be reduced where a sight line analysis, balloon height test, or similar test it is demonstrated that the tower would be screened from the view of motorists on the adjacent street if located at the reduced setback—provided that the setback shall not be reduced to a distance within the fall zone of the tower.

(E) The minimum setback from a street required by (A) through (C) above may be reduced by up to 35 percent in all Residential (RSF- and RM-) districts, and the CR, SPC, CC, MS, WMU, S, and LC Districts, on demonstration to the Official that:

- (1) The reduction is consistent with the character of development on surrounding land;
- (2) Development resulting from the reduction is consistent with the purpose and intent of the tower setback standards;
- (3) The reduction either (a) is required to compensate for some unusual aspect of the site or the proposed development, or (b) results in improved site conditions;
- (4) The reduction will not pose a danger to the public health or safety;
- (5) Any adverse impacts directly attributable to the reduction are mitigated;
- (6) The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts;

(7) The setback exceeds the fall zone of the tower; and

~~(8) The tower meets the wind load rating to survive a Class V hurricane.~~

(F) The tower shall be set back from all adjacent uses by a minimum distance equal to the fall zone of 50 feet.

(G) The tower shall be set back from any structures located on the subject property outside the tower and associated equipment area by a minimum distance equal to the tower's fall zone of 50 feet. unless the landowner waives this requirement in writing.

05. Screening

No change

vii. Discontinued Use

No change

The LMO Rewrite Committee recommends that the application deadlines listed below be made a part of Appendix D, Application Submittal Requirements. This section was inadvertently left out of the document. The changes reflect new deadlines established in Chapter 2 of the new LMO.

D – 23. Application Deadlines

All applications shall be completed and submitted to the Administrator not less than the following number of days prior to the meeting at which the permit, appeal or approval will be considered.

<u>Permit or Approval Subject to Review By:</u>	<u>Submission Deadline</u>
<u>Administrator</u>	<u>None</u>
<u>Board of Zoning Appeals</u>	<u>30 days prior to meeting</u>
<u>Design Review Board</u>	<u>14 days prior to meeting</u>
<u>Planning Commission</u>	<u>30 days prior to meeting</u>

TO REPEAL CURRENT LMO
AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2014-

PROPOSED ORDINANCE NO. 2014-19

AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO REPEAL THE CURRENT LAND MANAGEMENT ORDINANCE (LMO); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its 2010, 2011, 2012 and 2013 Strategic Planning Workshops, the Town Council adopted a goal of redrafting the Town's existing Land Management Ordinance and Official Zoning Map to reflect the needs and expectations of the Town's residents, business community and visitors, and to ensure that the Town remains a viable and attractive place to live, work and visit; and

WHEREAS, on March 1, 2011, the Town Council adopted a resolution establishing the "LMO Rewrite Committee" and establishing a plan for a comprehensive review and redrafting of the Land Management Ordinance and Official Zoning Map; and

WHEREAS, the LMO Rewrite Committee met more than 80 times over a three year period to determine what changes were needed to the Land Management Ordinance and to the Official Zoning Map and to draft a proposed Land Management Ordinance and a proposed Official Zoning Map; and

WHEREAS, the LMO Rewrite Committee recommended that the existing Land Management Ordinance, with the exception of Chapter 5, Article XVIII, be repealed; and,

WHEREAS, the LMO Rewrite Committee did not recommend that Chapter 5, Article XVIII, Impact Fees, be repealed, in order to preserve the grandfathered status of Chapter 5, Article XVIII, as is set out in S. C. Code Ann. § 6-1-1060 (Supp.2014); and

WHEREAS, the Planning Commission held public hearings on the proposed Land Management Ordinance and proposed Official Zoning Map on June 4, 2014, June 18, 2014 and June 25, 2014, at which time a presentation was made by the LMO Rewrite Committee and an opportunity was given for the public to comment on the recommendation to adopt the proposed Land Management Ordinance and proposed Official Zoning Map, and the repeal the existing Land Management Ordinance, with the exception of Chapter 5, Article XVIII, Impact Fees, and the repeal of the existing Official Zoning Map; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission, after consideration of the report from the LMO Rewrite Committee and public comments, voted 8-0-0 on June 25, 2014 to recommend that the Town Council repeal the existing Land Management Ordinance, with the exception of Chapter 5, Article XVIII, Impact Fees; and

WHEREAS, the Town Council held a public workshop on July 8, 2014, at which it discussed the recommendation to adopt the proposed Land Management Ordinance and proposed Official Zoning Map, and to repeal the existing Official Zoning Map, and the existing Land Management Ordinance, with the exception of Chapter 5, Article XVIII; and

WHEREAS, in order to adopt a new Land Management Ordinance as recommended by the Planning Commission, the current Land Management Ordinance, with the exception of Chapter 5, Article XVIII, Impact Fees, must be repealed; and

WHEREAS, after due consideration of the recommendations of the LMO Rewrite Committee and the Planning Commission, the Town Council, upon further review, finds it is in the best interest of the Town to repeal the current LMO, with the exception of Chapter 5, Article XVIII, Impact Fees.

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

Section 1. Amendment. That Title 16, the Land Management Ordinance of the Town of Hilton Head Island, South Carolina, with the exception of Chapter 5, Article XVIII, Impact Fees, be, and the same hereby is, repealed.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2014.

Drew A. Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: June 4, 2014, June 18, 2014 and June 25, 2014

First Reading:

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

EXHIBIT B – IMPACT FEES - RENUMBERING

Article XVIII. Sec. 16-5-116. Impact Fees

~~Sec. 16-5-1801.~~ A. Purpose

This section is intended to ensure timely construction of off-site public capital improvements that are necessary to serve new development by ensuring that necessary financing is available for such improvements. The impact fees to be paid by each new development in accordance with this section is to be proportional to the impact that the new development will have on the types of facilities for which the fees are charged.

~~Sec. 16-5-1802.~~ B. Applicability

The collection of impact fees shall apply to all development, unless otherwise provided herein.

1. The movement of a structure onto a lot shall be considered development and shall be subject to these impact fee provisions, unless otherwise provided in paragraphs 2 and 3 below.
2. The impact fee provisions shall not apply to the following actions:
 - a. The movement of a manufactured home onto a lot or parcel for use as a residence that does not result in a net increase in the number of manufactured home sites on the Island;
 - b. Placing on a lot in the Town a temporary construction trailer or office, but only for the life of the Building Permit issued for the construction served by the trailer or office;
 - c. Converting an existing structure from one use to another; and
 - d. Any development, including but not limited to the mere subdivision of land, installation of utilities, or the use of land for limited recreational, agricultural, filling or dredging purposes, which, in the opinion of the Official, will not result in a net increase of more than one one-way ADT.
3. The impact fee provisions shall not apply to public projects.

~~Sec. 16-5-1803.~~ C. Impact Fee Benefit District

1. There shall be one impact fee benefit district that encompasses the entire Town.
2. The appropriateness of the designation and boundaries of the benefit district shall be reviewed by the Town as part of the impact fee revision process set forth below. Following such review and a public hearing, the benefit district may be amended.
3. Impact fees collected within the benefit district shall be spent within the benefit district.

~~Sec. 16-5-1804.~~ D. **Payment of Impact Fee as Condition of Approval**

Until any impact fee required by this section has been paid in full, no Building Permit, Electrical Permit, Certificate of Compliance, Certificate of Occupancy, or other permit subsequent to Development Plan Review for any development that is not exempted by Sec. 16-5-116.B, Applicability, shall be issued. A stop work order shall be issued on any development for which the applicable impact fee has not been paid in full.

~~Sec. 16-5-1805.~~ E. **Calculation of Fees Using Fee Schedule**

Impact fees shall be calculated as follows:

1. Unless an applicant requests an administrative determination or individual assessment as set forth in the following subsections, the impact fees shall be calculated for the proposed development based on the Development Plan Approval or permit allowing the use, according to the applicable fee schedule.
2. The following impact fee schedules are hereby adopted and incorporated herein by reference:
 - a. Transportation Impact Fee Schedule
3. The units of development specified in the fee schedule shall be interpreted as follows:
 - a. A hotel "room" shall include any space that is part of the same rental unit and that does not have a separate entrance.
 - b. Building square footage shall be measured in terms of gross floor area.
4. For categories of uses not specified in the applicable impact fee schedule, the Official shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.
5. If the Development Plan Approval or permit for the proposed development indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.
6. For an addition to or replacement of existing structures, the impact fee to be paid shall be the difference, if any, between:
 - a. The fee, if any, that would be payable for existing development on the site or, in the case of demolition or removal of a structure, the previous development on the site, provided that the demolition or removal occurred after October 23, 1989, or within ten years of the date of submittal of the application for which impact fees are assessed, whichever is less; and
 - b. The fee, if any, that would be payable for the total development on the site after the new development.

7. Upon written request of an applicant, the Official shall provide an estimate of the current fee based on the data provided by the applicant. However, the Official shall not be responsible for determining at such preliminary date the accuracy of the information provided.

~~Sec. 16-5-1806.~~ **F. Individual Assessment of Impact Fees**

1. If any person submitting an application for which payment of an impact fee is a prerequisite to approval believes that the impacts of the proposed development will be substantially less than would be indicated by using a strict interpretation of the fee schedule or an administrative determination of the fee, such person may request that the Town perform an individual assessment of the impact of the proposed development, consistent with the methodology set forth in paragraph 2 below. A request for an individual assessment must be made prior to submittal of an application for a Building Permit.

2. The individual assessment shall be subject to the Transportation Impact Fees as set forth in Sec. 16-5-116.R, Individual Transportation Fee Assessments.

3. The Town shall accept the calculations of the individual assessment if the Planning Commission finds at a public meeting that:

a. The proposed development is in fact so unique in the impacts it will generate that the strict application of the fee schedule or administrative determination would result in inaccurate impact projections; and

b. The individual assessment results in a fee which differs by at least five percent from the fees calculated under the fee schedule or administrative determination.

4. If the Town accepts the computations of the individual assessment under this section, the applicable fee shall be determined from the individual assessment, regardless of whether it is higher or lower than the fee calculated under the fee schedule or administrative determination.

~~Sec. 16-5-1807.~~ **G. Collection of Impact Fees**

The collection of impact fees shall be as follows:

1. Except as set forth in the following paragraph, the impact fees for all new development shall be calculated and collected in conjunction with the application for the first Building Permit, Electrical Permit, Certificate of Compliance, Certificate of Occupancy, or other permit subsequent to approval of a Development Plan for such development, whichever occurs first in time.

2. For other uses not ultimately requiring a Building Permit, Electrical Permit, Certificate of Compliance, Certificate of Occupancy, or other permit subsequent to approval of a Development Plan, the fee shall be calculated and collected at the time of approval of the Development Plan.

~~Sec. 16-5-1808.~~ H. **Fund Accounting for Impact Fees**

1. The Town shall establish a separate accounting fund in which the impact fees collected for a particular type of facility within the benefit district shall be credited. Such fees shall be invested by the Town and the yield on such fees, at the actual rate of return to the Town, shall be credited to such accounting fund periodically in accordance with the accounting policies of the Town. Such funds need not be segregated from other Town monies for banking purposes.
2. Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.
3. The Town shall maintain and keep financial records for such accounting fund showing the revenues to such fund and the disbursements from such fund, in accordance with normal Town accounting practices. The records of such fund shall be open to public inspection in the same manner as other financial records of the Town.

~~Sec. 16-5-1809.~~ I. **Expenditure of Impact Fees**

Transportation Impact Fees shall only be spent on qualifying public street and pathway improvements, as set forth in Sec. 16-5-116.S, Use of Transportation Impact Fees.

~~Sec. 16-5-1810.~~ J. **Refunds of Impact Fees**

1. Any impact fee or portion thereof collected in accordance with this section that has not been committed for a use permitted by Sec. 16-5-116.S, Use of Transportation Impact Fees, within six years from the last day of the fiscal year in which it was received by the Town, shall be refunded to the current record owner of the property upon written application. Impact fees shall be deemed to be "committed" when they have been spent or encumbered by contract. Impact fees shall be deemed to be "committed" in the order in which they are received and committed by the Town. The refund shall include accrued interest at the rate of return on investments earned by the Town on such amount. In disbursing such funds the Town may rely on the written certification of the current record owner of the property as to his or her entitlement to the refund, in the absence of a written assertion by another party that such proposed payee is not the proper payee. If in doubt, the Town may deposit such funds in an appropriate court for disposition as the court may determine. In such event, the Town may deduct from the funds deposited an amount equal to the reasonable cost of causing the funds to be deposited with the court, including reasonable attorney's fees.
2. If development for which an impact fee has been paid has not begun, the impact fee and any accrued interest thereon shall be returned to the applicant provided that the applicant applies for the refund in writing within 60 days after the expiration of the Building Permit or other approval (or any extension thereof) on which it was assessed.
3. The Town shall charge an administrative fee for verifying and computing the refund of three percent of the amount of the refund.

Offsets, which are reductions from the impact fee that would otherwise be due from a development, shall be subject to the following provisions.

1. The Planning Commission shall grant an offset only for qualifying improvements that are required to be made by a developer as a condition of development approval after [insert date impact fee ordinance became effective] against which such offset is claimed.
2. Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements and shall not result in reimbursement from, nor constitute a liability of, the Town.
3. Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or the developer's predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.
4. The person applying for an offset shall be responsible for providing appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The Planning Commission shall have no obligation to grant offsets to any person who cannot provide such documentation in such form as the Planning Commission may reasonably require.
5. The value of land dedicated or donated shall be based on the appraised land value of the parent parcel (which land value is based on the date of transfer of ownership to the Town) as determined by a certified appraiser who was selected and paid for by the applicant, and who used generally accepted appraisal techniques. If the Town disagrees with the appraised value, the Town may engage another appraiser at the Town's expense, and the value shall be an amount equal to the average of the two appraisals. If either party rejects the average of the two appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being shared equally by the property owner and the Town. The third appraiser shall be selected by the first two appraisers, and the third appraisal shall be binding on both parties.
6. Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until ten years after the date of approval or until the last date of construction within the project, whichever occurs first. The right to claim offsets shall run with the land and may be claimed only by owners of property within the development for which the qualifying improvement was required.
7. Any claim for offsets must be made no later than the time of submittal of a Building Permit application or application for another permit subsequent to Development Plan Approval that is subject to impact fees. Any claim not so made shall be deemed waived.

~~Sec. 16-5-1812.~~ L. **Developer Agreements for Impact Fees**

1. Where a development includes or requires a qualifying improvement, the Town and the developer may agree in writing to have the developer participate in the financing or construction of part or all of the qualifying improvement(s). Such agreement may provide for cash reimbursements, offsets, or other appropriate compensation to the developer for the developer's participation in the financing and/or construction of the improvement(s).
2. The agreement shall include:
 - a. The estimated cost of the qualifying improvement(s), using the lowest responsive bid by a qualified bidder, which bid is approved by the Official; or, if no bid is available, the estimated cost certified by a licensed South Carolina engineer and approved by the Official;
 - b. A schedule for initiation and completion of the improvement(s);
 - c. A requirement that the improvement(s) be designed and completed in compliance with any applicable Town ordinances; and,
 - d. Such other terms and conditions as deemed necessary by the Town.

~~Sec. 16-5-1813.~~ M. **Relief Procedures and Hearings**

The developer who owes or has paid an impact fee may appeal the assessment or payment of the fee to the Board of Zoning Appeals in accordance with Sec. 16-2-103.T, Appeal of Administrative Decisions and Written Interpretations to Board of Zoning Appeals.

~~Sec. 16-5-1814.~~ N. **Fee Supplemental to Other Financing Methods**

1. Except as otherwise provided in this section, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the Town on development or the issuance of Building Permits or Certificates of Occupancy which are imposed on and due against property within the jurisdiction of the Town. Such fees are intended to be consistent with the Town's Comprehensive Plan, Capital Improvements Program, LMO, and other Town policies, ordinances, and resolutions by which the Town seeks to ensure the provision of capital facilities in conjunction with development.
2. In addition to the use of impact fees, the Town may finance qualifying capital improvements through the issuance of bonds, the formation of assessment districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

~~Sec. 16-5-1815.~~ O. **Updates and Revisions of the Impact Fees**

Not less often than every five years and to be tied to the Comprehensive Plan update, the Planning Commission, following a public hearing, shall review and, if warranted, recommend changes in the schedules of impact fees. Factors to be considered may include, without limitation, past and projected growth in residential and nonresidential development, qualifying improvements actually constructed,

changing levels of service, revised cost estimates for qualifying improvements, changes in the availability of other funding sources, changes in demand generation characteristics, sources of non-Town funds, and such other factors as may be relevant.

~~Sec. 16-5-1816-~~ P. **Transportation Impact Fee Schedule**

TABLE 16-5-117.P: TRANSPORTATION IMPACT FEE SCHEDULE

<i>LAND USE</i>	<i>UNITS</i>	<i>1-WAY ADT</i>	<i>PRIMARY FACTOR</i>	<i>PRIMARY TRIPS</i>	<i>TRIP LENGTH</i>	<i>VMT/UNIT</i>	<i>COST/VMT</i>	<i>FEE/ UNIT</i>
Single Family (1500 sf)	Dwelling	4.78	100%	4.78	2.78	13.29	\$61.38	\$816
Single Family (<1500 sf)	Dwelling	3.72	100%	3.72	2.78	10.34	\$61.38	\$635
Multifamily	Dwelling	2.93	100%	2.93	2.78	8.15	\$61.38	\$500
Retirement Housing	Dwelling	1.65	100%	1.65	2.78	4.59	\$61.38	\$282
Hotel	Room	4.72	100%	4.72	2.78	13.12	\$61.38	\$805
Motel	Room	5.1	100%	5.1	2.78	14.18	\$61.38	\$870
Bank w/o drive-thru	1000 sf	70.31	15%	10.55	2.78	29.33	\$61.38	\$1,800
Bank w/ drive-thru	1000 sf	132.6	15%	19.89	2.78	55.29	\$61.38	\$3,394
Church	1000 sf	4.66	100%	4.66	2.78	12.95	\$61.38	\$795
Community College	1000 sf	6.44	100%	6.44	2.78	17.9	\$61.38	\$1,099
Convenience Market	1000 sf	369	15%	55.35	2.78	153.87	\$61.38	\$9,445
Day Care Center	1000 sf	39.63	15%	5.94	2.78	16.51	\$61.38	\$1,013
Discount Store	1000 sf	35.07	75%	26.3	2.78	73.11	\$61.38	\$4,487
Elem/Secondary School	1000 sf	5.36	100%	5.36	2.78	14.9	\$61.38	\$915
Golf Course	Acre	18.8	100%	18.8	2.78	52.26	\$61.38	\$3,208
High School	1000 sf	5.45	100%	5.45	2.78	15.15	\$61.38	\$930
Hospital	1000 sf	8.39	100%	8.39	2.78	23.32	\$61.38	\$1,431
Industry, Light	1000 sf	3.49	100%	3.49	2.78	9.7	\$61.38	\$595

Library	1000 sf	22.75	100%	22.75	2.78	63.25	\$61.38	\$3,882
Marina	Berth	1.48	100%	1.48	2.78	4.11	\$61.38	\$252
Medical Clinic/ Office	1000 sf	17.09	100%	17.09	2.78	47.51	\$61.38	\$2,916
Mini-Warehouse	1000 sf	1.31	100%	1.31	2.78	3.64	\$61.38	\$223
Office, General								
(<25,000 sf)	1000 sf	11.65	100%	11.65	2.78	32.39	\$61.38	\$1,988
Office, General								
(25,000 sf)	1000 sf	8.31	100%	8.31	2.78	23.1	\$61.38	\$1,418
Park	Acre	1.12	100%	1.12	2.78	3.11	\$61.38	\$191
Racquet Club	1000 sf	8.57	100%	8.57	2.78	23.82	\$61.38	\$1,462
Restaurant, Quality	1000 sf	48.25	75%	36.19	2.78	100.61	\$61.38	\$6,175
Restaurant,								
High-Turnover	1000 sf	102.68	50%	51.34	2.78	142.73	\$61.38	\$8,761
Restaurant, Fast Food	1000 sf	316.06	27%	85.34	2.78	237.25	\$61.38	\$14,562
Service Station	Hose	48.29	15%	7.24	2.78	20.13	\$61.38	\$1,236
Shopping Center								
(50,000 sf)	1000 sf	35.34	55%	19.44	2.78	54.04	\$61.38	\$3,317
Specialty Retail								
(<50,000 sf)	1000 sf	20.34	75%	15.26	2.78	42.42	\$61.38	\$2,604
Supermarket/								
Food Store	1000 sf	62.75	40%	25.1	2.78	69.78	\$61.38	\$4,283
Warehousing	1000 sf	2.44	100%	2.44	2.78	6.78	\$61.38	\$416

~~Sec. 16-5-1817.~~

Q. Transportation Impact Fee Calculation

1. At the option of the Official, the transportation impact fee may be calculated based on the formula in paragraph 4 below.
2. The Official shall determine the land use category that best represents the proposed use in terms of trip generation characteristics. Trip generation rates or equations and/or primary trip data contained in the most current edition of the Institute of Transportation Engineers Trip Generation Manual (ITE Manual) shall be utilized.
3. The Official shall make the determination of the appropriate land use category, trip generation rate or equation and primary trip factor based on the appropriateness and quality of the data, the guidelines for determining whether to use trip generation rates or equations set forth in the ITE Manual, and other relevant considerations.
4. Calculation
 - a. FEE = One-Way ADT x Primary Trip Factor x Average Trip Length x Average Cost per Daily Travel Mile
 - b. WHERE:
 - i. "One-Way ADT" means one-half the average daily trip ends on a weekday.
 - ii. "Primary Trip Factor" means the percentage of average daily trips to or from the development that are primary trips, as opposed to pass-by or diverted-link trips.
 - iii. "Average Trip Length" means the average distance per trip traveled on public streets in the Town. The average trip length is 2.78 miles based on analysis of 1990 trip and travel data. This distance shall be used until updated using the Town's transportation model, and this Ordinance is updated to reflect such re-calculation.
 - iv. "Average Cost per Daily Travel Mile" means the total cost of required future public street improvements at Town build-out divided by the projected number of new vehicle travel miles to be generated by new development. This cost shall be \$61.38 per daily mile until this Ordinance is updated to reflect recalculation by the Town.

~~Sec. 16-5-1818.~~

R. Individual Transportation Fee Assessments

Individual assessments of transportation impact fees shall be allowed as follows:

1. The traffic engineer or engineering firm to perform each individual assessment shall be selected by the applicant from a list of qualified traffic engineers or engineering firms maintained by the Town. The list of engineers shall be created through the solicitation by the Town of professional traffic engineers qualified to perform this service. The list shall contain the names of at least three traffic

engineers or traffic engineering firms, along with statements of qualifications on each. The list shall be updated periodically by a committee appointed by the Planning Commission.

2. The traffic study shall be signed by the traffic engineer submitting the assessment and shall include, without limitation, the following elements:

a. A projection of the number of vehicular trips entering and departing from the project during an average weekday.

b. If the site is already developed, and some or all of the existing development will be replaced by the completed project, a calculation of the number of vehicular trips for that portion of the existing development that will be replaced by the completed project.

c. The percentage of those trips identified in paragraphs a and b above that are "primary trips" (as opposed to "pass-by trips" or "diverted-link trips" for which the project is not the primary destination).

d. The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE Manual or other standard reference materials, the materials shall be identified and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.

e. Such other information as the Official shall reasonably request.

3. Following action by the Planning Commission, the Official shall determine the fee based on the review of the independent assessment and the guidelines and formula described above.

~~Sec. 16-5-1819.~~ S. **Use of Transportation Impact Fees**

1. The revenues from transportation impact fees collected within the benefit district and accrued interest on such revenues shall be used to finance project costs of qualifying transportation improvements, as determined by the Town Council, provided that the improvements are shown on the Capital Improvements Program and are located within the same benefit district.

2. Qualifying transportation improvements include:

a. Project engineering costs;

b. The acquisition cost of rights-of-way and easements, including legal costs;

c. The construction cost of improvements—including, but not limited to, public street travel lanes, public pedestrian and bicycle pathways, turning lanes or the portion thereof located within the right-of-way of a public street, lighting, signalization, signage, and landscaping improvements—that are required for the transportation improvement to function effectively; and

d. The principal, interest, and other financing costs of bonds, notes or other obligations issued by or on behalf of the Town to finance qualified improvements.

3. Such revenues may also fund the cost of consultants used in updating the transportation portion of the Capital Improvements Program and in updating the fee computations.
4. Monies collected as transportation impact fees shall not be used to pay for any of the following:
 - a. Construction, acquisition, or expansion of public facilities other than qualifying transportation improvements;
 - b. Repair, operation, or maintenance of existing or new public street or pathway improvements;
 - c. Town personnel and consultants hired for purposes other than those expressly permitted under paragraphs a and b above; and
 - d. Streets, pathways, and related transportation improvements that are within and intended to serve only a specific development such as a new residential subdivision.

TO ADOPT NEW LMO
AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2014-

PROPOSED ORDINANCE NO. 2014-20

AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO ADOPT A NEW LAND MANAGEMENT ORDINANCE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its 2010, 2011, 2012 and 2013 Strategic Planning Workshops, the Town Council adopted a goal of redrafting the Town's existing Land Management Ordinance and Official Zoning Map to reflect the needs and expectations of the Town's residents, business community and visitors, and to ensure that the Town remains a viable and attractive place to live, work and visit; and

WHEREAS, on March 1, 2011, the Town Council adopted a resolution establishing the "LMO Rewrite Committee" and establishing a plan for a comprehensive review and rewrite of the Land Management Ordinance and Official Zoning Map; and

WHEREAS, the LMO Rewrite Committee met more than 80 times over a three year period to determine what changes were needed to the Land Management Ordinance and the Official Zoning Map and to draft a proposed Land Management Ordinance and a proposed Official Zoning Map; and

WHEREAS, the LMO Rewrite Committee recommended that Chapter 5, Article XVIII, Impact Fees, from the existing Land Management Ordinance be included as a part of the new Land Management Ordinance, be amended by re-numbering the several parts of it to be consistent with the numbering of the several sections of the proposed new Land Management Ordinance; and

WHEREAS, the Planning Commission held public hearings on the proposed rewritten LMO on June 4, 2014, June 18, 2014 and June 25, 2014, at which time a presentation was made by the LMO Rewrite Committee and an opportunity was given for the public to comment on the draft rewritten Land Management Ordinance; and

WHEREAS, the Planning Commission, after consideration of the report from the LMO Rewrite Committee, the rewritten document and public comments, voted 8-0-0 on June 25, 2014 to recommend that the Town Council approve and adopt the rewritten Land Management Ordinance in its entirety, including the amendment of Chapter 5, Article XVIII, Impact Fees, from the existing Land Management Ordinance; and

WHEREAS, the Town Council held a public workshop on July 8, 2014, at which it discussed the recommendation to adopt the proposed Land Management Ordinance, including the amendment of Chapter 5, Article XVIII, Impact Fees, from the existing Land Management Ordinance, and proposed Official Zoning Map, and to repeal the existing Official Zoning Map, and the existing Land Management Ordinance, with the exception of Chapter 5, Article XVIII; and

WHEREAS, the Town Council, at its meeting on July 15, 2014, voted 7-0 to direct the LMO Rewrite Committee to meet and review the concerns raised at the Town Council workshop; and

WHEREAS, the LMO Rewrite Committee met on July 24, 2014 and August 7, 2014 to review and make recommendations in response to the concerns raised during the Town Council workshop; and

WHEREAS, having considered the proposed Land Management Ordinance, and having considered the recommendations of the LMO Rewrite Committee and the Planning Commission, the Town Council, upon further review, finds it is in the best interest of the Town to adopt the new Land Management Ordinance, including the amendment of Chapter 5, Article XVIII, Impact Fees, from the existing Land Management Ordinance.

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

Section 1. Adoption. That a new Title 16, the Land Management Ordinance of the Town of Hilton Head Island, South Carolina, dated September 2, 2014, and attached hereto as Exhibit "A", be, and the same hereby is, enacted in its entirety.

Section 2. Amendment. That Chapter 5, Article XVIII, Impact Fees, from the existing Land Management Ordinance be amended by re-numbering the same as Section 16-5-116(A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P), (Q), (R) and (S) in the new Land Management Ordinance. The renumbering of the text is shown on Exhibit "B" hereto, with the old, deleted numbering shown as ~~strikeout~~ text and the new numbering shown as underlined text, and it is also shown with the new numbering in the new Land Management Ordinance that is attached hereto as Exhibit "A".

Section 3. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2014.

Drew A. Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: June 4, 2014, June 18, 2014 and June 25, 2014
First Reading:
Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

TO REPEAL EXISTING ZONING MAP
AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2014-

PROPOSED ORDINANCE NO. 2014-21

AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO REPEAL THE EXISTING OFFICAL ZONING MAP; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its 2010, 2011, 2012 and 2013 Strategic Planning Workshops, the Town Council adopted a goal of redrafting the Town's existing Land Management Ordinance and Official Zoning Map to reflect the needs and expectations of the Town's residents, business community and visitors, and to ensure that the Town remains a viable and attractive place to live, work and visit; and

WHEREAS, on March 1, 2011, the Town Council adopted a resolution establishing the "LMO Rewrite Committee" and establishing a plan for a comprehensive review and redrafting of the Land Management Ordinance and the Official Zoning Map; and

WHEREAS, the LMO Rewrite Committee met more than 80 times over a three year period to determine what changes were needed to the Land Management Ordinance and to the Official Zoning Map and to draft a proposed Land Management Ordinance and a proposed Official Zoning Map; and

WHEREAS, the Planning Commission held public hearings on the proposed Land Management Ordinance and proposed Official Zoning Map on June 4, 2014, June 18, 2014 and June 25, 2014, at which time a presentation was made by the LMO Rewrite Committee and an opportunity was given for the public to comment on the recommendation to adopt the proposed Land Management Ordinance and proposed Official Zoning Map, and to repeal the existing Land Management Ordinance and the existing Official Zoning Map; and

WHEREAS, the Planning Commission, after consideration of the report from the LMO Rewrite Committee and public comments, voted 8-0-0 on June 25, 2014 to recommend that the Town Council repeal the current Official Zoning Map in its entirety; and

WHEREAS, the Town Council held a public workshop on July 8, 2014, at which it discussed the recommendation to adopt the proposed Land Management Ordinance and proposed Official Zoning Map, and to repeal the existing Official Zoning Map, and the existing Land Management Ordinance, with the exception of Chapter 5, Article XVIII; and

WHEREAS, in order to adopt a new Official Zoning Map, the current Official Zoning Map must be repealed; and

WHEREAS, after due consideration of the proposed new Zoning Map and the recommendations of the LMO Rewrite Committee and the Planning Commission, the Town Council finds that it is in the best interest of the Town to repeal the existing Official Zoning Map.

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

Section 1. Amendment. That the Official Zoning Map of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, repealed.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2014.

Drew A. Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: June 4, 2014, June 18, 2014 and June 25, 2014

First Reading:

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

TO ADOPT NEW ZONING MAP

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2014-

PROPOSED ORDINANCE NO. 2014-22

AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO ADOPT A NEW OFFICIAL ZONING MAP; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its 2010, 2011, 2012 and 2013 Strategic Planning Workshops, the Town Council adopted a goal of redrafting the Town's existing Land Management Ordinance and Official Zoning Map to reflect the needs and expectations of the Town's residents, business community and visitors, and to ensure that the Town remains a viable and attractive place to live, work and visit; and

WHEREAS, on March 1, 2011, the Town Council adopted a resolution establishing the "LMO Rewrite Committee" and establishing a plan for a comprehensive review and redrafting of the Land Management Ordinance and the Official Zoning Map; and

WHEREAS, the LMO Rewrite Committee met more than 80 times over a three year period to determine what changes were needed to the Land Management Ordinance and the Official Zoning Map and to draft a proposed Land Management Ordinance and a proposed Official Zoning Map; and

WHEREAS, the Planning Commission held public hearings on the proposed new Official Zoning Map on June 4, 2014, June 18, 2014 and June 25, 2014, at which time a presentation was made by the LMO Rewrite Committee and an opportunity was given for the public to comment on the proposed new Official Zoning Map; and

WHEREAS, the Planning Commission, after consideration of the report from the LMO Rewrite Committee, the proposed new Official Zoning Map and public comments, voted 8-0-0 on June 25, 2014 to recommend that the Town Council approve and adopt the proposed new Official Zoning Map in its entirety; and

WHEREAS, the Town Council held a public workshop on July 8, 2014, at which it discussed the recommendation to adopt the proposed Land Management Ordinance and proposed Official Zoning Map, and to repeal the existing Official Zoning Map, and the existing Land Management Ordinance, with the exception of Chapter 5, Article XVIII, Impact Fees; and

WHEREAS, after due consideration of the proposed new Official Zoning Map and the recommendations of the LMO Rewrite Committee and the Planning Commission, the Town Council, upon further review, finds that it is in the best interest of the Town to adopt the proposed new Official Zoning Map in its entirety.

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

Section 1. Amendment. That the Official Zoning Map of the Town of Hilton Head Island, South Carolina, dated September 2, 2014 as attached hereto as Exhibit "A", be, and the same hereby is, adopted.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2014.

Drew A. Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: June 4, 2014, June 18, 2014 and June 25, 2014

First Reading:

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

The “Draft” Land Management Ordinance is available for review in its entirety on our website at

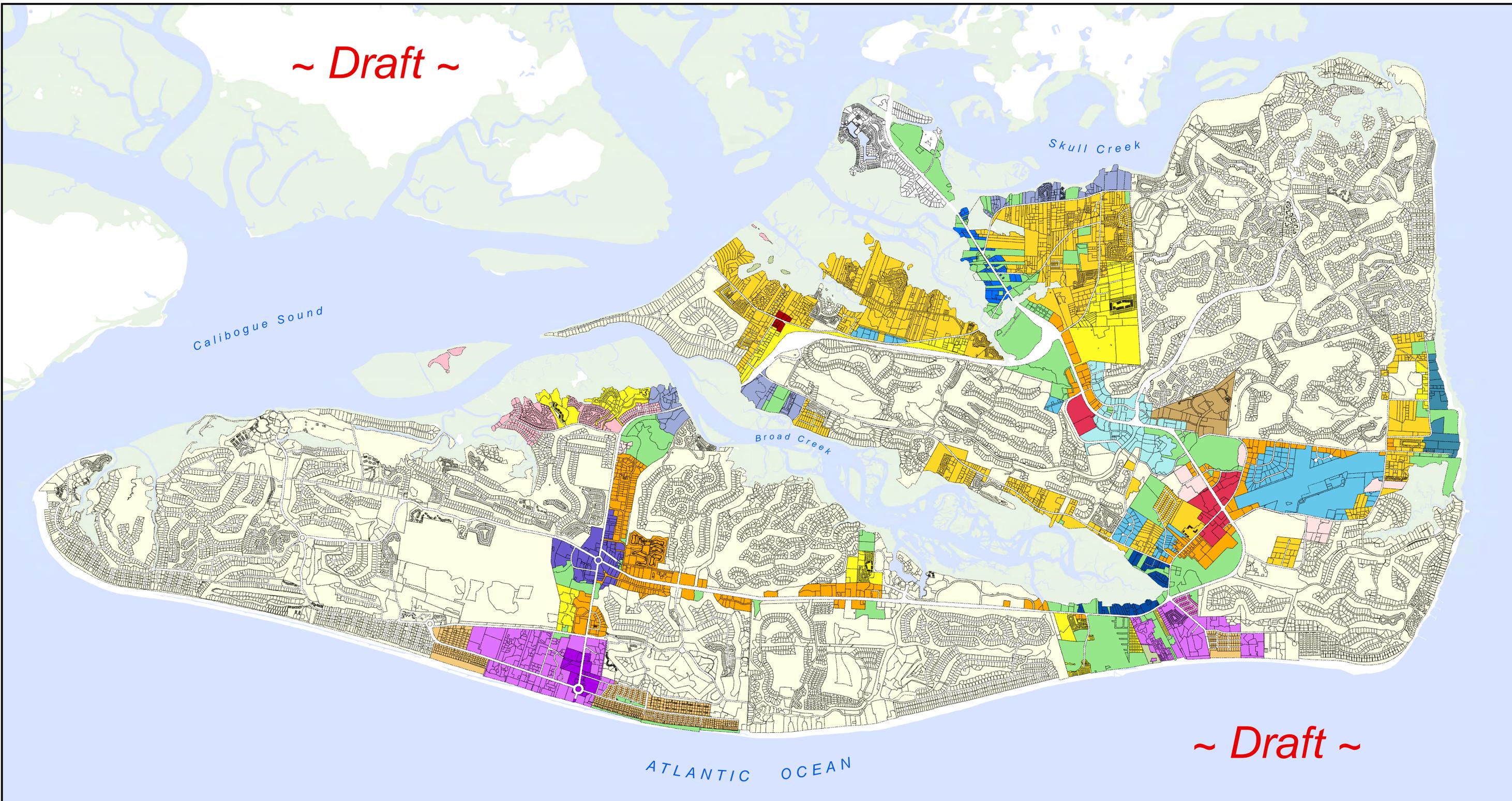
<http://www.hiltonheadislandsc.gov/misc/lmorewrite.cfm>

or

at the

Town of Hilton Head Island
Administrative Offices

~ Draft ~



~ Draft ~



Town of Hilton Head Island PROPOSED NEW ZONING DISTRICT MAP

~ Draft ~

Last Update: May 16, 2014

1 inch = 2,000 feet



The upland boundary of the Conservation Zoning District corresponds to the OCRM Critical Line and therefore, is approximately co-terminus with all tidal wetlands and the upland boundary of the beach as defined in Section 8-1-112 of the Municipal Code and extends outward to the Town Jurisdictional Boundary as defined within Section 2-1-20 of the Municipal Code of the Town of Hilton Head Island, South Carolina. (Reference: LMO Section 16-4-203, Conservation District)

RESIDENTIAL ZONING DISTRICTS

- RS-3** SINGLE FAMILY
- RS-5** SINGLE FAMILY
- RS-6** SINGLE FAMILY
- RM-4** LOW TO MODERATE DENSITY
- RM-8** MODERATE DENSITY
- RM-12** MODERATE TO HIGH DENSITY

COMMERCIAL ZONING DISTRICTS

- CC** COMMUNITY COMMERCIAL
- IL** LIGHT INDUSTRIAL
- LC** LIGHT COMMERCIAL
- MED** MEDICAL
- MS** MAIN STREET
- NC** NEIGHBORHOOD COMMERCIAL
- SPC** SEA PINES COMMERCIAL

MIXED USE ZONING DISTRICTS

- PD-1** PLANNED DEVELOPMENT
- MF** MARSHFRONT MIXED USE
- MV** MITCHELVILLE
- S** STONEY MIXED USE
- WMU** WATER-ORIENTED MIXED USE

RESORT DEVELOPMENT ZONING DISTRICTS

- CR** COLIGNY RESORT
- RD** RESORT DEVELOPMENT

OTHER ZONING DISTRICTS

- CON** CONSERVATION
- PR** PARKS AND RECREATION

Memo

To: Stephen G. Riley, ICMA-CM, Town Manager
From: Jeff Buckalew, Town Engineer
Via: Scott Liggett, Director of Public Projects & Facilities/Chief Engineer
Mitch Thoreson, Town Attorney's office
Date: August 11, 2014
Re: Acquisition of Private (Dirt) Road Rights of Way

Recommendation: Staff recommends that Town Council approve the initiation of acquisition efforts of road rights of way on four private roads in accordance with the Capital Improvements Program. The four roads are Aiken Place, Alfred Lane, Cobia Court, and Murray Avenue (see Exhibit A).

Summary: As part of the Town's Capital Improvements Program, funding was increased this fiscal year to more aggressively pursue acquisition of private road rights of way. Staff recommends these four roads be acquired based on a ratings analysis of the existing private roads on Hilton Head Island. If these are acquired, staff shall subsequently recommend they be dedicated to the County for rehabilitation and perpetual maintenance. However, the Town will be responsible for their maintenance if the County rejects them.

Background: The primary objective of the program is to acquire rights of way on selected private dirt roads, with the intent of transferring these roads to the County for improvements and maintenance. These acquisitions are prioritized based on a rating scheme which emphasizes public safety, the condition of the road, and the number of dwellings served. \$50,000 has been budgeted this fiscal year for acquisition purposes only. This shall entail the survey and legal costs necessary for acquisitions and is not intended for compensation to property owners or physical improvements of the infrastructure.

If these roads are approved for acquisition, Town staff will hold a public meeting to inform all affected property owners of the Town desire to acquire land for a public road right of way. The Town will request donations of the needed lands whereby the owners deliver to the Town the necessary documents and sign a deed to effectively convey the road ownership rights to the Town.

However, more often than not the acquisition process becomes lengthy and complicated for a variety of reasons. Parcels on private dirt roads located on Hilton Head Island may consist of “Heirs’ Property”, a legal term which refers to ownership of a parcel by several people who have acquired a partial interest in that parcel through inheritance, gift, or otherwise. These types of properties are difficult to acquire due to their legal complexity as the ownership history and matrix is often unclear. In some cases, this can result in a parcel being owned by several individuals, some of whom are unable to be located and/or do not have a desire to work with the Town for conveyance of their requisite interest due to living in areas far removed from Hilton Head Island. In other cases, an informal administration of a will can result in a clouded title where the true ownership of a parcel is unclear. Other complexities may arise with regard to Heirs’ Property which do not necessitate a lengthy explanation here, but suffice it to say that Heirs’ Property is generally fraught with title issues and ultimately must be condemned to consummate the acquisition.

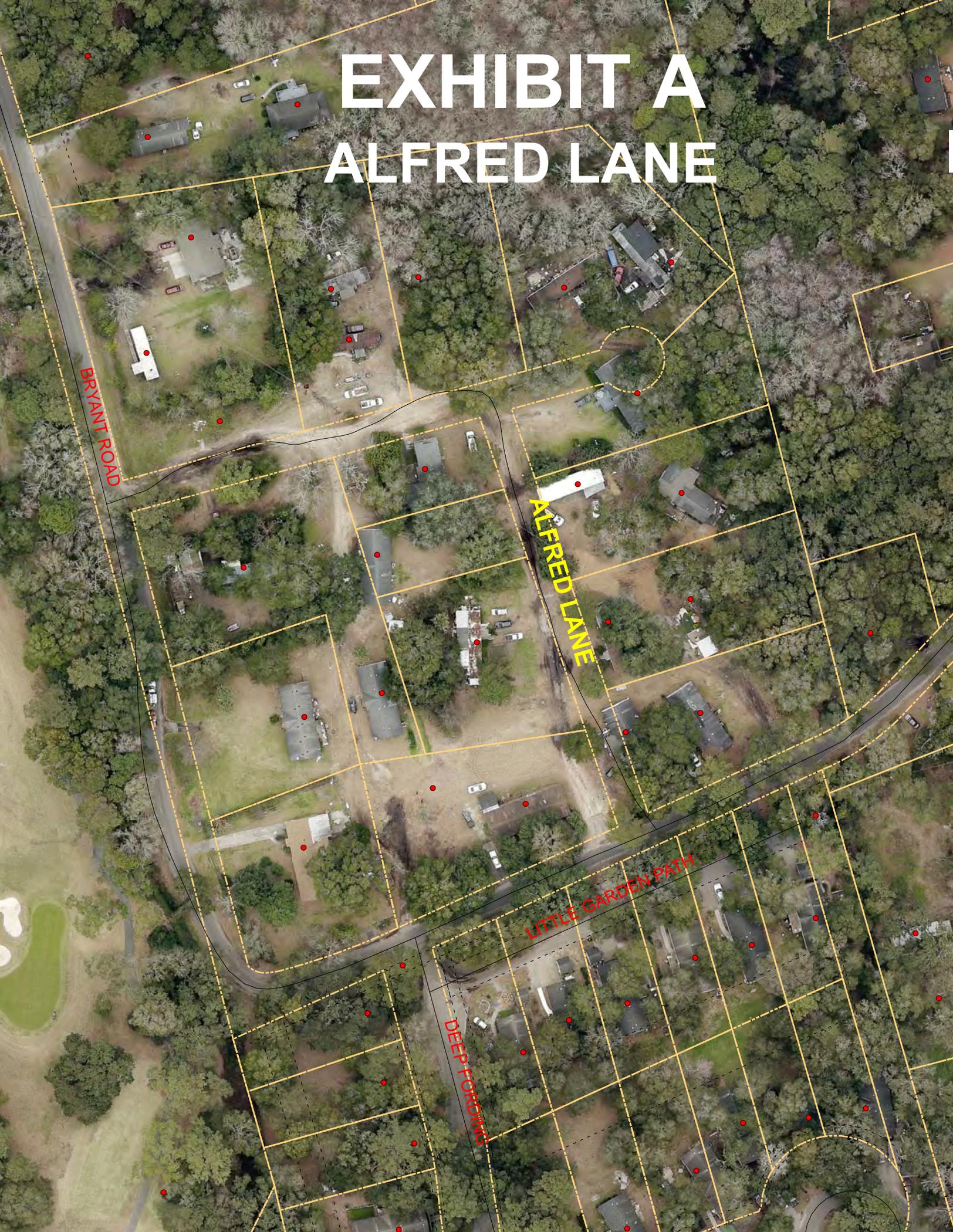
Condemnations in South Carolina follow a set of statutes detailing the steps which must be taken by a governmental entity such as the Town. In general, a notice letter must be sent to all parties of interest, advising of the potential for condemnation and offering a compensation amount for the property sought. The Town can then file a condemnation after the notice period. Upon filing of the condemnation and deposit of the offered compensation with the Court, the Town may take actions with respect to the Property as if the Town had the rights being sought. In order to send a notice to the proper parties and file a condemnation against the proper parties, the proper parties must be determined, and that process can at times be lengthy. Determining the proper parties involves reviewing extensive title work for each parcel. With issues such as those discussed above, you can imagine that sorting through such things as fractional ownership and unclear estate matters can be difficult and time intensive. Therefore, the preparation time for complex acquisitions can take several weeks in some cases. Once filed, condemnations generally take several months or longer to complete.

Without any legal obligation for Beaufort County to accept the roads, Town Council should be fully aware that any additional roads accepted or acquired for public ownership and maintenance by the Town may remain a responsibility of the Town forever. In 2012 the Town offered dedication of 30 roads to the County and they were all rejected outright. Seven of those roads were dirt roads that the Town sought to add to the County’s dirt road paving program. The current inventory of Town owned roads includes 54 roads with a total length of 12.27 miles. Thirteen (13) of these roads are currently unpaved (1.49 miles). These quantities include Rhiner Drive, Outlaw Road and Wiley Road which are currently being condemned by the Town.

Attachments: Exhibit A

EXHIBIT A

ALFRED LANE



BRYANT ROAD

ALFRED LANE

LITTLE GARDEN PATH

DEEP FORGING

EXHIBIT A AIKEN PLACE



EXHIBIT A

COBIA COURT



EXHIBIT A

MURRAY AVENUE

