



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

<b>FOR OFFICIAL USE ONLY</b>	
Date Received:	_____
Accepted by:	_____
App. #: SER	_____
Meeting Date:	_____

Applicant/Agent Name: \_\_\_\_\_ Company: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_  
 Project Name: \_\_\_\_\_ Project Address: \_\_\_\_\_  
 Parcel Number [PIN]: R \_\_\_\_\_  
 Zoning District: \_\_\_\_\_ Overlay District(s): \_\_\_\_\_

**SPECIAL EXCEPTION (SER) SUBMITTAL REQUIREMENTS**

Digital Submissions may be accepted via e-mail by calling 843-341-4757. The following items must be attached in order for this application to be complete:

- \_\_\_\_\_ A narrative that lists what specific use you are requesting a special exception for and explain **WHY** the use is requested and **HOW** the use request meets **all** of the criteria of LMO Section 16-3-1805. Special Exception Review Criteria. The narrative should also provide information on the traffic impact of the proposed use.
- \_\_\_\_\_ A copy of correspondence providing notice of a public hearing to all land owners of record within three hundred and fifty (350) feet on all sides of the parcel(s) being considered for the special exception. Such notice shall be mailed by first class mail thirty days (30) prior to the Board of Zoning Appeals meeting per LMO Section 16-3-111C. Mailed Notice. A sample letter can be obtained at the time of submittal. Also provide a list of owners of record to receive notification. The Town can assist in providing this listing by calling 843-341-4757.
- \_\_\_\_\_ Affidavit of Ownership and Hold Harmless Permission to Enter Property
- \_\_\_\_\_ Submit a site plan showing the proposed location of structure(s) or use, access points and wetlands on the property.
- \_\_\_\_\_ Filing Fee - \$200.00 cash or check made payable to the Town of Hilton Head Island

**NOTE:** The applicant shall submit to the Administrator no less the seven (7) calendar days prior to the meeting, an Affidavit of Compliance with this notice requirement. LMO Section 16-3-111C(2). Mailed Notice

**Are there recorded private covenants and/or restrictions that are contrary to, conflict with, or prohibit the proposed request? If yes, a copy of the private covenants and/or restrictions must be submitted with this application.  YES  NO**

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

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

Applicant/Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# **SPECIAL EXCEPTION**

## **PROCEDURES BEFORE THE BOARD OF ZONING APPEALS**

### **Special Exception Request**

This is a request to allow specified uses, which may have a potential negative impact on the community, provided certain conditions are met. Any proposed use stated in Chapter 4 of the LMO to be a special exception use within the applicable zoning district shall be reviewed by the Board of Zoning Appeals for approval, approval with conditions or disapproval of such use within the applicable zoning district.

### **PROCEDURES**

#### **A. Submission of Application**

1. Submit the application by the deadline indicated for each meeting on the Board of Zoning Appeals Public Hearing Schedule.
2. For a special exception request, please submit the Special Exception Application Form, along with the items listed as submittal requirements on that form.
3. An application check-in conference is required for all applications to determine whether the application meets the minimum requirements for acceptance. The application check-in conference must be scheduled by appointment with the Community Development Department staff.

#### **B. Public Notice Requirements**

1. Public notice is required for special exception requests. For special exception requests, a published, posted and mailed notice is required.
2. **Published Notice** - A Public Hearing Notice shall be placed by the Administrator in a local newspaper of general circulation within the Town for not less than 30 calendar days prior to the meeting for the purpose of notifying the public.
3. **Posted Notice** - A notice of application sign shall be posted by the Administrator not less than 30 calendar days prior to the meeting at which the application will be reviewed. The notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.
4. **Mailed Notice** - A notice of public hearing shall be sent by the applicant by first class mail to owners of record of real property within 350 feet of all sides of the parcel under consideration. Such notice shall be mailed not less than 30 calendar days prior to the scheduled meeting. In addition, in cases where the owners of record of real property are part of a condominium or time-share development, the applicant shall notify the regime and association manager.

The mailed notice shall provide the following information:

- a. The general location of land that is the subject of the application, including a location map.
  - b. Its legal description or street address.
  - c. The substance of the application, including the magnitude of proposed development and the current zoning district.
  - d. The time, date and location of the public hearing.
  - e. A phone number to contact the Town.
  - f. A statement that interested parties may appear at the public hearing.
5. The applicant shall submit to the Administrator not less than 7 calendar days prior to the meeting an affidavit of compliance with this requirement including a list of all owners to which a notice was mailed.

#### **C. Staff Review and Report**

1. The Administrator shall prepare a staff report that reviews the proposed request, in light of the LMO, the Comprehensive Plan and the criteria listed below:

##### **Special Exception Criteria:**

- a. Will be in accordance with the Comprehensive Plan for the Town of Hilton Head Island.
- b. Will be consistent with the "character and purpose" statement of the applicable district.

- c. Will be compatible with the existing uses adjacent to and near the property.
  - d. Will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution or general nuisance.
  - e. Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed.
  - f. Will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property.
  - g. Will have adequate water and sewer supply, storm water facilities, waste disposal and other public services (which the Board may find either because the location already has such services or because the applicant demonstrates that the suppliers of such services will make them available to the proposed use).
  - h. Will be developed in a way that will preserve and incorporate any important natural features that are a part of the site.
  - i. Will conform to any specific criteria or conditions specified for that use by special exception in the applicable district or for the proposed use, as set forth in Chapter 4 of the LMO.
  - j. Will not be contrary to the public health, safety and welfare, provided that a denial based exclusively on this language shall include explicit findings regarding the way in which granting the special exception would be contrary to the public health, safety and welfare.
2. The Administrator shall provide a copy of the report to the Board of Zoning Appeals, the applicant, and the property owner before the scheduled meeting.

**D. Meeting Before the Board of Zoning Appeals**

1. The Board is comprised of seven members, appointed by Town Council.
2. The Chairman of the Board opens the meeting and reads the procedures to be followed during the hearing.
3. Town staff will present the proposed request, be it a variance or special exception, address the required findings and criteria and provide a recommendation for approval, approval with conditions, or disapproval of the application.
4. The applicant will then present their request and address the required criteria.
5. The Board may have questions for Town staff or the applicant. The hearing will then be opened to the public for comment.
6. The Chairman will then conclude the public hearing portion of the meeting. The Board will then deliberate until a decision is reached. During the deliberations by the Board, Board members may address questions to staff or the applicant, but no person shall participate in these discussions unless addressed by the Chairman or a Board member.
7. The Chairman will then ask for a motion. In the case of a special exception, the Board will make a finding and give its approval, approval with modifications or conditions, or disapproval of the application.

**E. Written Notification of Decision**

1. Within 10 calendar days after a decision has been made by the Board of Zoning Appeals, a copy of the written decision shall be sent to the applicant or appellant and the property owner.
2. A copy of the notice shall be filed in the office of the Administrator, where it shall be available for public inspection during regular office hours.

**F. Appeals from the Decision of the Board of Zoning Appeals**

1. A person who may have a substantial interest in any decision of the Board of Zoning Appeals, or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to the Circuit Court of Beaufort County. The appeal must be filed within 30 days after the decision of the Board is mailed.
2. A property owner whose land is the subject of a decision of the Board of Zoning Appeals may appeal to the Circuit Court of Beaufort County or by filing a notice with the circuit court accompanied by a request for pre-litigation in mediation. The notice of appeal and request for pre-litigation in mediation must be filed within 30 days after the decision of the board is mailed.