



**The Town of Hilton Head Island**

**Regular Town Council Meeting**

**November 3, 2015**

**4:00 P.M.**

**BENJAMIN M. RACUSIN COUNCIL CHAMBERS**

**AGENDA**

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**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 distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 5) Proclamations and Commendations**
  - a. Pancreatic Cancer Awareness Month
  - b. Port Royal Sound Month
- 6) Approval of Minutes**
  - a. Town Council Meeting, October 20, 2015
- 7) Report of the Town Manager**
  - a. Town Manager's Items of Interest
    - (1) Town News
    - (2) Noteworthy Events
- 8) Reports from Members of Council**
  - a. General Reports from Council
  - b. Report of the Intergovernmental Relations Committee – Bill Harkins, Chairman
  - c. Report of the Community Services Committee – Kim Likins, Chairman
  - d. Report of the Public Planning Committee – Tom Lennox, Chairman
  - e. Report of the Public Facilities Committee – Lee Edwards, Chairman
  - f. Report of the Public Safety Committee - Marc Grant, Chairman
  - g. Report of the Finance and Administrative Committee - John McCann, Chairman
  - h. Report of the Circle to Circle Committee - Tom Lennox, Town Council Liaison
- 9) Appearance by Citizens**

## **10) Unfinished Business**

### **a. Second Reading of Proposed Ordinance 2015-23**

Second reading of Proposed Ordinance 2015-23 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 2, 3, 4, 5, 6 and 10 and Appendices a and d to revise various sections. These amendments, commonly referred to as *2015 LMO Amendments* as noticed in the Island Packet on September 6, 2015, include changes that provide for general amendments to a variety of sections in the LMO, and providing for severability and an effective date.

## **11) New Business**

### **a. First Reading of Proposed Ordinance 2015-24**

First Reading of Proposed Ordinance 2015-24 of the Town of Hilton Head, South Carolina, authorizing the execution of a deed for the conveyance of 1.288 acres of real property known as the “Proposed Fifth Street Extension” to Marriott Ownership Resorts, Inc., pursuant to the authority of S.C. Code Ann. § 5-7-40 (supp. 2011), and § 2-7-20, *Code of The Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

### **b. Recommendation from the Finance and Administrative Committee regarding selection of firm for Public Communication Program**

## **12) Executive Session**

### **a. Land Acquisition**

Discussion of negotiations incident to the proposed sale, lease or purchase of property:

- (1) related to potential acquisition of property in the Stoney Area.
- (2) related to potential acquisition of property in the Sea Pines Circle Area.

### **b. Legal Matters**

Receipt of Legal Advice

- (1) related to a pending litigation concerning an appeal of a BZA decision.

## **13) Possible actions by Town Council concerning matters discussed in executive session**

## **14) Adjournment**

# Proclamation

BY  
THE TOWN OF HILTON HEAD ISLAND

***WHEREAS**, in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease, with approximately 640 deaths in South Carolina, making it the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and*

***WHEREAS**, there is no cure for pancreatic cancer, and it is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and*

***WHEREAS**, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and*

***WHEREAS**, of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, about 50% higher than the other groups; and*

***WHEREAS**, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization serving the pancreatic cancer community in Hilton Head Island and nationwide by focusing its efforts on public policy, research funding, patient services, public awareness, education related to developing effective treatments, and a cure for pancreatic cancer; and*

***WHEREAS**, the good health and well-being of the residents of Hilton Head Island are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.*

*Now, **THEREFORE**, I David Bennett, Mayor, of the Town of Hilton Island, South Carolina do hereby proclaim the month of **November, 2015** as:*

## **PANCREATIC CANCER AWARENESS MONTH**

*in the Town of Hilton Head Island, South Carolina and encourage all citizens to recognize the benefits of early identification, causes, and effective treatments.*

***IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this **Third day of November, Two Thousand and Fifteen**.*

*David Bennett, Mayor*

*Attest:*

*Victoria L. Pfannenschmidt, Town Clerk*

# Proclamation

## BY THE TOWN OF HILTON HEAD ISLAND

***WHEREAS**, Port Royal Sound is a significant physical feature of Beaufort County; and,*

***WHEREAS**, the history and culture of Beaufort County has been intertwined with the lands, waters and communities of Port Royal Sound from pre-European settlement through the 21st century; and,*

***WHEREAS**, Port Royal Sound is a natural harbor on the east coast of the United States, and was the attraction and location for Santa Elena, one of the most important sites of early Spanish exploration in North America; and,*

***WHEREAS**, Port Royal Sound has been the site of some of the most important historical events in the nation's history; and,*

***WHEREAS**, the waters of Port Royal Sound continue to attract residents and visitors with its beauty, variety and richness; and,*

***WHEREAS**, Port Royal Sound is a completely unique natural environment, an extension of the sea deep into the mainland of South Carolina; and,*

***WHEREAS**, Port Royal Sound is a nearly pristine body of water, supporting a vast variety of marine life; and,*

***WHEREAS**, Port Royal Sound's high salinity and large tidal fluctuations serve to make the Sound an unmatched nursery for many species in the Atlantic Ocean; and,*

***WHEREAS**, Port Royal Sound is an extraordinary recreational resource supporting boating, fishing and swimming; and,*

***WHEREAS**, Port Royal Sound forms the heart of Beaufort County, linking together all of its people and communities; and,*

***WHEREAS**, the Port Royal Sound Foundation has scheduled many educational activities designed to celebrate the Sound and its important historical, cultural, artistic, recreational and environmental attributes during the month of November.*

***NOW THEREFORE, I, David Bennett, Mayor of the Town of Hilton Head Island, South Carolina, hereby proclaim November as***

## ***Port Royal Sound Month***

*and encourage all the residents and visitors of the Lowcountry to learn about and enjoy this truly unique body of water that plays such an import role in our lives.*

***IN TESTIMONY WHEREOF**, I hereunto set my hand and caused this seal of the **Town of Hilton Head Island** to be affixed this **Third day of November, Two Thousand and Fifteen.***

*David Bennett, Mayor*  
*Attest:*

*Victoria L. Pfannenschmidt, Town Clerk*

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

**Date:** Tuesday, October 20, 2015

**Time:** 4:00 P.M.

**Present from Town Council:** David Bennett, *Mayor* Bill Harkins, *Mayor Pro Tem*; Marc Grant, Tom Lennox, Kim Likins, John McCann, Lee Edwards, *Council Members*

**Present from Town Staff:** Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities/Chief Engineer*; Brad Tadlock, *Fire Chief*; Brian Hulbert, *Staff Attorney*; Teri Lewis, *LMO Official*; John Valvo, *Systems Analyst*; Vicki Pfannenschmidt, *Executive Assistant/Town Clerk*

**Present from Media:** Zack Murdock, *Island Packet*

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**1) CALL TO ORDER**

Mayor Bennett 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 distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5) Proclamations and Commendations**

None.

**6) Approval of Minutes**

**a. Town Council Meeting, October 6, 2015**

Mr. Harkins moved to approve. Mr. McCann seconded. The minutes of the October 6, 2015 Town Council regular meeting were approved by a vote of 6-0-1. Mayor Bennett abstained as he was not present at the meeting.

**7) Report of the Town Manager**

**a. Volunteers in Medicine Presentation**

Katie Barrett, Director of Development conducted the presentation and invited Council to come to the facility for a tour. Mr. Riley explained that the Town was an early supporter of VIM having donated the land for the initial facility.

**b. Land Acquisition Update**

Mr. Riley reviewed the information and stated he was available to answer any questions.

**c. Quarterly Update on USCB**

Mr. Riley reviewed the staff and University reports included in the packet. Mr. Edwards asked about the timeline. Mr. Riley stated it is hoped construction will begin in 2017 and an opening of the facility in the Fall of 2018.

Mr. Harkins stated ongoing communications regarding the progress of the USCB project would be an asset. Mr. Riley explained Dr. Charlie Calvert will be the consultant for the project for USCB and will be available to conduct presentations to groups and organizations.

**a. Town Manager's Items of Interest**

Mr. Riley reported on the items listed below.

- (1) Town News
- (2) Noteworthy Events

**8) Reports from Members of Council**

**a. General Reports from Council**

Mr. McCann reported the Accommodations Tax Committee application process has been improved and the vice-chairman of the Committee sent him an email stating the Hilton Head Island-Bluffton Chamber of Commerce application was a significant improvement over the previous year and the Chamber's response was very professional to the request.

Mr. Harkins shared there is a growing level of interest in Hilton Head Plantation to be considered for future beach renourishment. He stated a request will be coming forward for Committee review. Mayor Bennett stated he would get back with Mr. Harkins on the subject. Mr. McCann noted that Hilton Head Plantation has a large tax base and consideration should be given as it is a worthwhile request.

Mr. McCann said he received an email from John Geisler stating he was recently at the Rowing and Sailing Center at Squire Pope Community Park and noticed there was not plaque or information board noting the importance and history of the area. Mr. Geisler suggested a marker or plaque should be placed noting the importance of the area. Mr. Grant stated discussion has taken place regarding an effort and he would like to meet with the POA for suggestions. Mayor Bennett asked that Mr. Grant meet with the representatives before the next Council meeting.

Mr. Harkins stated that Sunspire Health is having a ribbon cutting on October 28. He explained the facility will bring 40 full time professionals to the Island and it will be an asset to the Town.

**b. Report of the Intergovernmental Relations Committee – Bill Harkins, Chairman**

No report.

**c. Report of the Community Services Committee – Kim Likins, Chairman**

No report.

**d. Report of the Public Planning Committee – Tom Lennox, Chairman**

Mr. Lennox stated the Committee met on October 8 to start the process of reviewing the Vision and Master Plan. He said as a baseline for the process they reviewed the Comprehensive Plan, Mayors Task Force for the Future Vision 2025 and the Vision 2030 and found that there were vision statements, strategies, tactics and action items in all. He said the Committee was charged with taking up one of three alternatives which were: 1) take the data supplied and reformatting it and coming forward with a new vision statement; 2) start a new process with an outside consultant; 3) combination of 1 and 2. He reported it was the consensus of the Committee that it did not make sense to walk away from a mountain of data. He reported the recommendation from the Committee will be to continue the process and report back to Town Council.

**e. Report of the Public Facilities Committee – Lee Edwards, Chairman**

No report.

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

No report.

**g. Report of the Finance and Administrative Committee - John McCann, Chairman**

Mr. McCann reported the Committee met earlier in the day to review Public Communication Services RFQ's and recommendations will come forward to Council on November 3.

**h. Report of the Circle to Circle Committee - Tom Lennox, Town Council Liaison**

Mr. Lennox said the Committee is scheduled to meet October 21 at 8:30 a.m. to review the RFQ's for Urban Planning Services.

**9) Appearance by Citizens**

Mr. Skip Hoagland addressed Council regarding requiring audits of the Hilton Head Island-Bluffton Chamber of Commerce.

Mr. Jay Wiendl of the Sonesta Resort addressed Council regarding the proposed contract with the Town and the Hilton Head Island-Bluffton Chamber of Commerce.

Mr. Tim Freisen of the Westin Resort addressed Council regarding accommodations tax funds.

Mr. Mark O'Neil addressed Council regarding the Hilton Head Island-Bluffton Chamber of Commerce.

Mr. Bill Miles of the Hilton Head Island-Bluffton Chamber of Commerce addressed Council regarding Hilton Head Island awards.

Mr. Warren Woodard of the Omni Resort addressed Council regarding the Hilton Head Island-Bluffton Chamber of Commerce proposed contract.

**10) Unfinished Business**

None.

**11) New Business**

**a. First Reading of Proposed Ordinance 2015-23**

First reading of Proposed Ordinance 2015-23 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 2, 3, 4, 5, 6 and 10 and Appendices a and d to revise various sections. These amendments, commonly referred to as *2015 LMO Amendments* as noticed in the Island Packet on September 6, 2015, include changes that provide for general amendments to a variety of sections in the LMO, and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

**b. 2016 Island-wide Beach Renourishment Contract Award Recommendation**

Scott Liggett reviewed the options and answered questions. Mr. Harkins moved to accept the staff recommendation to accept the "Option A" bid submitted by Weeks Marine Incorporated. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

**c. Town Attorney Potential Contract Renewal**

Mr. McCann moved that Gregg Alford's appointment as Town Attorney be extended through December 20, 2016 under the existing terms and conditions. He further moved that the Town Manager be directed to bring forward an ordinance amending Section 2-11-40 (a) of the Municipal Code so that the Council may approve the Town Attorney for up to a three year period at a time. Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0.

**d. Consideration of Finance and Administrative Committee Recommendation – Annual Town Council Workshop Agenda**

Mr. McCann moved to approve. Mr. Harkins seconded. The motion was approved by a vote of 7-0.

**12) Executive Session**

Mr. Riley stated he needed an executive session for contractual matters related to proposed contractual arrangement with the Hilton Head Island-Bluffton Chamber of Commerce and Visitor and Convention Bureau with discussions incident to the proposed contract.

At 5:06 p.m. Mr. Harkins moved to go into executive session for reasons as stated by the Town Manager. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Bennett called the meeting back to order at 6:38 p.m. and stated there was nothing to take up as a result of Executive Session.

**13) Possible actions by Town Council concerning matters discussed in executive session**

None.

**14) Adjournment**



Mr. Harkins moved to adjourn. Mrs. Likins seconded. The motion was approved by a vote of 7-0. The meeting was adjourned at 6:39 p.m.

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Vicki L. Pfannenschmidt  
Executive Assistant/Town Clerk

Approved:

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David Bennett, Mayor

DRAFT



## ITEMS OF INTEREST

### OCTOBER 20, 2015

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### Town News

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Fire Rescue Communications Supervisor Jenna Byrd Streeter was conferred a Master's Degree in Public Administration on September 1, 2015 from Villanova University.

(Contact: Brad Tadlock, Fire Chief, [bradt@hiltonheadislandsc.gov](mailto:bradt@hiltonheadislandsc.gov) or 843-682-5153)

Fire Rescue recently hosted two professional development courses. The Fire Department Safety Officer's Association (FDSOA) *Incident Safety Officer Course and National Professional Qualifications* certification testing was held in August. 31 Officers of Fire Rescue have now received the national certification for the position of Incident Safety Officer. The program goal is to improve fire ground safety and reduce accidents and injuries. In addition, Fire Rescue recently hosted a *National Professional Qualifications Fire Officer III Course*. This course was instructed by the Alabama Fire College and held at Fire Rescue Headquarters. Attendees include 8 members from Fire Rescue Senior Staff as well as representation from fire departments across the State.

(Contact: Brad Tadlock, Fire Chief, [bradt@hiltonheadislandsc.gov](mailto:bradt@hiltonheadislandsc.gov) or 843-682-5153)

Fire Rescue recently obtained certification as a South Carolina Department of Motor Vehicles (SCDMV) 3rd Party Testing site for Commercial Drives License (CDL). A CDL license is a requirement for all Fire Rescue Fire Apparatus Operators. The testing site includes a vehicle inspection site and skills testing driving area located at the Fire Recue Training Center, and a Road Test Course in various parts of the Island. Fire Rescue is the only public safety agency in the local area to achieve this certification. This program will dramatically reduce the overtime and fuel costs associated with off-island testing that was required at the Ladson, SC testing site.

(Contact: Brad Tadlock, Fire Chief, [bradt@hiltonheadislandsc.gov](mailto:bradt@hiltonheadislandsc.gov) or 843-682-5153)

The Town Council Annual Workshop will be conducted from Thursday, November 5, 2015, through Saturday, November 7, 2014, in Beaufort, SC.

(Contact: Greg DeLoach, Assistant Town Manager at 843-341-4634 or [gregd@hiltonheadislandsc.gov](mailto:gregd@hiltonheadislandsc.gov))

# Noteworthy Events

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Some of the upcoming meetings at Town Hall:

- Accommodations Tax Advisory Committee – November 5, 2015, 9:00 a.m.
- Community Services Committee – November 9, 2015, 9:00 a.m.
- Design Review Board – November 10, 2015, 1:15 p.m.
- Town Administrative Offices Closed in observance of Veterans Day- November 11, 2015
- Intergovernmental Relations Committee – November 16, 2015, 10:00 a.m.
- Board of Zoning Appeals – November 16, 2015, 2:30 p.m.
- Arts & Cultural Strategic Planning Committee – November 16, 2015, 4:00 p.m.
- Finance and Administrative Committee – November 17, 2015, 2:00 p.m.
- Town Council – November 17, 2015, 4:00 p.m.

(Additional meetings may be scheduled and all meetings are subject to change and/or cancellation. Please visit the Town of Hilton Head Island website at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov) for Committee meeting dates and agendas.

## 2015 Hilton Head Island Events

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November 7, 2015 8:30 a.m. – 3:00 p.m.	Footprints in the Sand	Coligny Plaza/Coligny Beach
November 11, 2015 10:30 a.m.	Veterans Day Observance	Shelter Cove Veterans Memorial Park
November 13, 2015 5:00 p.m. – 8:00 p.m. November 14 & 15, 2015 11:00 a.m. – 5:00 p.m.	Hilton Head Island Oyster Festival	Shelter Cove Community Park



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## **TOWN OF HILTON HEAD ISLAND**

### *Community Development Department*

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**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Jill Foster, AICP, *Deputy Director of Community Development*  
**CC:** Charles Cousins, AICP, *Director of Community Development*  
**FROM:** Teri B. Lewis, AICP, *LMO Official*  
**DATE:** October 22, 2015  
**SUBJECT:** Proposed 2015 LMO Amendments

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Town Council made no changes to Proposed Ordinance 2015-23 as a result of the meeting on October 20, 2015.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2015-#**

**PROPOSED ORDINANCE NO. 2015-23**

**AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO) , CHAPTERS 2, 3, 4, 5, 6 AND 10 AND APPENDICES A AND D TO REVISE VARIOUS SECTIONS. THESE AMENDMENTS, COMMONLY REFERRED TO AS 2015 LMO AMENDMENTS AS NOTICED IN THE ISLAND PACKET ON SEPTEMBER 6, 2015, INCLUDE CHANGES THAT PROVIDE FOR GENERAL AMENDMENTS TO A VARIETY OF SECTIONS IN THE LMO, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

**WHEREAS**, after ten months of utilizing the new LMO, staff has identified a variety of administrative and functional amendments to the LMO; and

**WHEREAS**, the LMO Committee held a public meeting on September 23, 2015 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed amendments; and

**WHEREAS**, the LMO Committee recommended that the proposed amendments be forwarded to Planning Commission with a recommendation of approval with the changes as discussed by staff and the Committee

**WHEREAS**, the Planning Commission held a public hearing on October 7, 2015 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

**WHEREAS**, the Planning Commission, after consideration of the staff presentation and public comments, voted 9-0 to recommend that Town Council approve the proposed amendments; and

**WHEREAS**, after due consideration of said LMO amendments and the recommendation of the Planning Commission, the Town Council, upon further review, finds it is in the public interest to approve the proposed amendments.

**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 *2015 LMO Amendments* are adopted as indicated on the attached pages (Exhibits A and B). Newly added language is illustrated with double underline and deleted language is illustrated with ~~strike through~~.

**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 COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

\_\_\_\_\_  
David Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Victoria L. Pfannenschmidt, Town Clerk

Public Hearing: October 7, 2015

First Reading:

Second Reading:

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory M. Alford, Town Attorney

Introduced by Council Member: \_\_\_\_\_

# EXHIBIT A

## DRAFT 2015 ADMINISTRATIVE LMO AMENDMENTS

### CHAPTER 16-2: ADMINISTRATION

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**Staff Explanation:** This change will return to the LMO the list of sections with which single-family structures have to comply.

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#### *Section 16-2-103. Application Specific Review Procedures*

##### G. Development Plan Review (Minor and Major)

##### 1. – 2. No Changes

##### 3. Exemptions

The following activities or **uses** are exempt from Development Plan Review (although they may be reviewed under a separate administrative procedure, or may be governed or prohibited by private covenants and restrictions):

##### a. – c. No Changes.

d. All **structures** (including factory-built housing) built or placed on an individual **single-family** residential **lot** with no other **dwelling** on it although such structures shall comply with the provisions set forth below:

- i. Section 16-3-106.H, Forest Beach Neighborhood Character Overlay (FB-NC-O) District;
- ii. Section 16-3-106.I, Folly Field Neighborhood Character Overlay (FF-NC-O) District;
- iii. Section 16-3-106.J, Holiday Homes Neighborhood Character Overlay (HH-NC-O) District;
- iv. Section 16-3-104, Residential Base Zoning Districts;
- v. Section 16-3-105, Mixed-Use and Business Districts;
- vi. Section 16-5-102, Setback Standards;
- vii. Section 16-5-105.I, Access to Streets;
- viii. Section 16-5-106, Parking and Loading Standards;
- ix. Section 16-5-111, Fire Protection Water Supply;
- x. Section 16-6-102.D, Wetland Buffer Standards; and
- xi. Title 15, Building and Building Codes, Chapter 9, Flood Damage Controls, of the Municipal Code of the Town of Hilton Head Island.

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**Staff Explanation:** This change will provide a reference in the buffer section to the requirement for a buffer from a loading area.

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### CHAPTER 16-5: ZONING DISTRICTS

#### *Section 16-5-103. Buffer Standards*

#### *Table 16-5-103.F: Buffer Types*

*Minimum Buffer Width and Screening Requirements<sup>1, 2, 3, 4, 5, 6, 7</sup>*

Type A Buffer – Type C Buffer. No Changes

**Type D Buffer**

The buffer includes high-density screening designed to eliminate visual contact up to a height of six feet and create a strong spatial separation between *adjacent uses*. A Type D buffer is required adjacent to all loading areas per Section 16-5-107.H.8.d, Buffering of Loading Areas.

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**Staff Explanation:** These changes will fix incorrect State Code section references.

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*APPENDIX A: Advisory and Decision Making Bodies and Persons*

**A-3. Board of Zoning Appeals**

**A. Powers and Duties**

**1. – 2. No Changes**

**3.** Carry out any other powers and duties delegated to it by the *Town Council*, consistent with the S.C. Code of Laws Section 6-29-340 800, et seq.

**B. – C. No Changes**

**D. Officers, Meetings, Quorum**

**1. – 3. No Changes**

**4. Notice of Meetings**

Public notice of all meetings of the *Board of Zoning Appeals* shall be provided in compliance with the requirements of S. C. Code of Laws Section 30-4-10, et seq.; S. C. Code of Laws Section 6-29-340 790, et seq.; and this *Ordinance*.

**A-4. Design Review Board**

**A. Powers and Duties**

**1-3. No Changes**

**4.** Carry out any other powers and duties delegated to it by the *Town Council*, consistent with the S.C. Code of Laws Section 6-29-340 880, et seq.

**B. – C. No Changes**

**D. Officers, Meetings, Quorum**

**1. – 3. No Changes**

**4. Notice of Meetings**

Public notice of all meetings of the *Design Review Board* shall be provided in compliance with the requirements of S. C. Code of Laws Section 30-4-10, et seq.; S. C. Code of Laws Section 6-29-340, et seq.; and this *Ordinance*.

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**Staff Explanation:** This will change the term ‘Administrator’ to ‘Official’.

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*APPENDIX D: Application Submittal Requirements*

**D-1. – D-5. No Changes**

**D-6. Development Plan Review, Major**

**A. – H. No Changes.**

**I. Site Lighting Plan**

Site lighting plans shall clearly demonstrate conformance to Sec. 16-5-108, Site Lighting Standards. Site lighting plans shall be submitted at a scale of 1"=30' or other appropriate scale acceptable to the ~~Administrator~~ Official, and shall include:

**1. – 4. No Changes.**



**J. – S. No Changes**

**T. Emergency Preparedness Documentation**

1. Affected **applicants** listed below shall submit an emergency preparedness plan consistent with the provisions of this section to the ~~Administrator~~ Official and to the Beaufort County Emergency Management Director at the time of **development** plan approval **application**:

**D-7 – D-19. No Changes**

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**Staff Explanation:** This change will return to the LMO the plat stamping requirement.

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**D-20. Plat Stamping**

A plat **application** shall be considered complete when the following items have been submitted.

**A. Application Form**

An **application** form as published by the **Official**.

**B. Plat**

A minimum of three plats (one for the **Town** and two for Beaufort **County**). These plats shall contain a signature block which shall be signed by the owner of record before these plats can be stamped for recording purposes; this requirement may be waived if the applicant presents a written acknowledgement of the action in a legally recordable form, such as, but not limited to an easement, a right of entry, or a deed. The above requirement shall not apply to plats related to public projects. Upon such plat shall appear:

1. Owner of Record Signature (Sign plat as it appears on the deed). Example: “I the undersigned as the Owner of Record of parcel(s) R#### #### ####, agree to the recording of this plat.” This requirement may be waived if the applicant presents a written acknowledgement of the action in a legally recordable form, such as, but not limited to an easement, a right of entry, or a deed. This requirement shall not apply to plats related to public projects, such as easements obtained through condemnation for a public pathway.
2. Title – Purpose of plat.
3. Vicinity Sketch – Map of property location.
4. Address, State and County where property to be recorded is located.
5. Who the survey was prepared for, name(s) on deed.
6. Tax District, Map and Parcel Number of subject property.
7. Total acreage of parcel(s).
8. All property access improvements.
9. Easements.
10. Date of survey and date of any revisions.
11. Graphic and numeric scale.
12. North arrow.
13. Certification of surveyor stating “class” of survey.
14. Existing monuments – property pins.
15. Improvements.
16. Surveyor’s original embossed seal, signature, surveyor ID, address and registration number.
17. “S.C. Certificate of Authorization” embossed seal when survey done by corporation, firm, association, partnership, or other such entity.
18. FEMA zone information – property assigned flood zone.
19. Flood disclosure statement.
20. Notation of specific reference plats.
21. OCRM critical line and base line.

22. Space for stamp – Minimum 4x4 inches

**C. Other Requirements**

1. Property Deed/Title Source.
2. Recorded easement documents.
3. Transfer agreement – legal document showing property owner change.

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**Staff Explanation: This change will re-number these sections.**

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D-~~20~~ 21. Appeals of Official's Decision and Written Interpretations to Board of Zoning Appeals

D-~~21~~ 22 Appeals of Official's Decision to Planning Commission

D-~~22~~ 23 Appeals of Official's Decision to Design Review Board

D-~~23~~ 24 Application Deadlines

## EXHIBIT B

### DRAFT 2015 FUNCTIONAL LMO AMENDMENTS

#### CHAPTER 16-2: ADMINISTRATION

**Staff Explanation:** The way the language is currently written if Town Council makes a recommendation that differs from the Planning Commission recommendation, then the application needs to go back to the Planning Commission for review. This creates an unnecessary delay for the applicant. The applications (text amendments, zoning map amendments and PUD zonings) should only go back to Planning Commission if the application itself changes after it has been reviewed by Planning Commission. For example, the applicant decides to ask for fewer units.

##### *Section 16-2-103. Application Specific Review Procedures*

- A. No Changes
- B. Text Amendment
  - 1. – 2.d. No Changes

##### **e. Decision-Making Body Review and Decision**

i. The **Town Council** shall review the **application**, staff report, and **Planning Commission** recommendation, and make a final decision on the **application**. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission ~~No change in or departure from the text amendment as recommended by the **Planning Commission** may be made by the **Town Council** unless the change or departure is shall first be submitted to the **Planning Commission** for review and recommendation in accordance with **State** law. The **Town Council's** decision shall be one of the following:~~

- 01. Adopt an **ordinance** approving the Text Amendment; or
- 02. Adopt a resolution denying the Text Amendment.

ii. If the applicant proposes a change or departure from the text amendment that is different than what was reviewed by Planning Commission ~~If the **Town Council** proposes any changes or departures from a Text Amendment as recommended by the **Planning Commission**, it shall first remand the **application** shall be remanded to the **Planning Commission** for review of and a recommendation on the proposed changes and departures. The **Planning Commission** shall deliver its recommendation on the proposed changes and departures to the **Town Council** within 30 days after the remand; if the **Planning Commission** fails to do so, it is deemed to have recommended approval of the proposed changes and departures.~~

- C. Zoning Map Amendment (Rezoning)
  - 1. – 2.e. No Changes

**f. Decision-Making Body Review and Decision**

i. The *Town Council* shall review the *application*, staff report and *Planning Commission* recommendation, and make a final decision on the *application*. If the applicant proposes a change or departure from the Zoning Map Amendment that is different than what was reviewed by Planning Commission ~~No change in or departure from the Zoning Map Amendment as recommended by the *Planning Commission*~~ may be made by ~~*Town Council*~~ unless the change or departure is shall first be submitted to the *Planning Commission* for review and recommendation in accordance with *State* law. The *Town Council's* decision shall be one of the following:

01. Adopt an *ordinance* approving the Zoning Map Amendment; or

02. Adopt a resolution denying the Zoning Map Amendment.

ii. If the applicant proposes a change or departure from the Zoning Map Amendment that is different than what was reviewed by Planning Commission ~~If the *Town Council* proposes any changes or departures from a Zoning Map Amendment as recommended by the *Planning Commission*~~, it shall first remand the *application* shall be remanded to the *Planning Commission* for review of and a recommendation on the proposed changes and departures. The *Planning Commission* shall deliver its recommendation on the proposed changes and departures to the *Town Council* within 30 days after the remand; if the *Planning Commission* fails to do so, it is deemed to have recommended approval of the proposed changes and departures.

**D. Planned Unit Development (PUD) District**

**1. – 2.e. No Changes**

**f. Decision-Making Body Review and Decision**

i. The *Town Council* shall review the *application*, staff report, and *Planning Commission* recommendation, and make a final decision on the *application*. If the applicant proposes a change or departure from the PUD zoning that is different than what was reviewed by Planning Commission ~~No change in or departure from the PUD zoning as recommended by the *Planning Commission*~~ may be made by the ~~*Town Council*~~ unless the change or departure is shall first be submitted to the *Planning Commission* for review and recommendation in accordance with *State* law. The *Town Council's* decision shall be one of the following:

01. Adopt an ordinance approving the PUD District as submitted; or

02. Adopt a resolution denying the PUD District.

ii. If the applicant proposes a change or departure from the PUD zoning that is different than what was reviewed by Planning Commission ~~If the *Town Council* proposes any changes or departures from a PUD District as recommended by the *Planning Commission*~~, it shall first remand the *application* shall be remanded to the *Planning Commission* for review of and a recommendation on the proposed changes and departures. The *Planning Commission* shall deliver its recommendation on the proposed changes and departures to the *Town Council* within 30 days after the remand; if the *Planning Commission* fails to do so, it is deemed to have recommended approval of the proposed changes and departures.

---

**Staff Explanation:** Currently any development that is not visible from an arterial can be approved by staff rather than the Design Review Board (DRB). The unanticipated consequence of this is that large projects that would typically require a two-step review by the DRB would not go through this review process.

---

**E. – H. No Changes**

**I. Corridor Review (Minor and Major)**

1. – 2.a. No Changes

b. Minor and Major Corridor Review

There are two types of Corridor Review: Major and Minor.

i. Minor Corridor Review is required for the following types of **development** within the Corridor Overlay District:

01. **Multifamily accessory structure**;

02. The addition of minor **building** or site elements (such as patios, decks, railings, awnings, and shutters, landscaping, exterior lighting, fences and walls, dumpster enclosures);

03. The use of the same color(s) on the exterior of an **accessory structure** as authorized by a Major Corridor Review approved for the principal **structure**; and

04. Outdoor merchandising; ~~and~~

05. Any **development** alteration/addition within the Corridor Overlay District that is not visible from an arterial **street**, the OCRM Beachfront Baseline, or the OCRM Critical Line.

## CHAPTER 16-3: ZONING DISTRICTS

---

**Staff Explanation:** Group Living was inadvertently left out as a permitted use in the Main Street zoning district. The consequence of this is that Indigo Pines is currently a nonconforming use.

---

### *Section 16-3-105. Mixed-Use and Business Districts*

A. – E. No Changes

F. Main Street (MS) District

MS Main Street District			
1. Purpose			
The purpose of the Main Street (MS) District is to provide <b>lands</b> for <b>shopping center</b> , other commercial, and <b>mixed-use development</b> at moderate to relatively high intensities in the Main Street area and the portion of Indigo Run between U.S. Highway 278 and Pembroke Drive. Generally, the district places an emphasis on moderate-scale <b>buildings</b> , quality design, and pedestrian orientation (balanced with some accommodation of auto-oriented <b>development</b> ).			
2. Allowable Principal Uses			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
<u>Group Living</u>	<u>P</u>		<u>1 per 3 rooms</u>

## CHAPTER 16-4: USE STANDARDS

**Staff Explanation:** Group Living was inadvertently left out as a permitted use in the Main Street zoning district. The consequence of this is that Indigo Pines is currently a nonconforming use.

### *Section 16-4-102. Principal Uses*

A.1 – 5. No Changes

#### 6. Principal Use Table

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
RESIDENTIAL USES																					
Group Living						P	P	P				PC						P			

## CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

**Staff Explanation:** When the new LMO was adopted, the requirement that the single-family setback only apply to the exterior subdivision boundary was inadvertently eliminated. This change fixes that error.

### *Section 16-5-102. Setback Standards*

A. – C. No Changes

D. Adjacent Use Setback Requirements

**TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS <sup>1</sup>**

PROPOSED USE <sup>3</sup>	MINIMUM SETBACK DISTANCE <sup>1</sup> / MAXIMUM SETBACK ANGLE <sup>2</sup>			
	USE OF ADJACENT DEVELOPMENT PROPERTY <sup>3</sup>			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, SPC, LC, MF, MV, MS, NC, MED	IL
<i>Single-Family</i>	20 ft <sup>4,5,6</sup> / 75°	20 ft <sup>4,5,6</sup> / 75°	30 ft <sup>4,5,6</sup> / 60°	40 ft <sup>4,5,6</sup> / 45°
<ul style="list-style-type: none"> <li>Any Other Residential <i>Uses</i></li> <li>Commercial Recreation</li> </ul>	20 ft <sup>6</sup> / 75°	20 ft <sup>6</sup> / 75°	25 ft <sup>6</sup> / 75°	30 ft <sup>6</sup> / 60°
<ul style="list-style-type: none"> <li>Public, Civic, Institutional, and Education</li> <li>Resort Accommodation</li> <li>Offices</li> <li>Commercial Services</li> <li>Vehicle Sales and Services</li> <li><b>Boat Ramps, Docking Facilities, or Marinas</b></li> </ul>	30 ft <sup>6</sup> / 60°	25 ft <sup>6</sup> / 75°	20 ft <sup>6</sup> / 75°	20 ft <sup>6</sup> / 75°
Industrial <i>Uses</i>	40 ft <sup>4,5,6</sup> / 45°	30 ft <sup>6</sup> / 60°	20 ft <sup>6</sup> / 75°	20 ft <sup>6</sup> / 75°

1. Measured from the common property line to the closest portion of a **structure**.

2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a **height** of 20 feet above the **base flood elevation** or **pre-development grade**, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.D, Use Setback Angle).

3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

4. Single family subdivision exterior boundary only.

5. For all Minor Subdivisions and Small Residential Developments, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point; it may be reduced to 5 feet where adjoining another **single-family dwelling lot** in the same **subdivision**; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining **lot**, is at least 10 feet.

6. May be reduced by up to 10 percent in any district on demonstration to the **Official** that:

- The reduction is consistent with the character of **development** on surrounding **land**;
- Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;
- The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the extension of a wall or fence that screens an existing **outdoor storage** area);
- The reduction will not pose a danger to the public health or safety;
- Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and
- The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent.

---

**Staff Explanation:** The intent of the LMO Rewrite Committee in creating the CR (Coligny Resort) zoning district was to eliminate the adjacent street buffers and instead create very specific adjacent street setback standards. The exception for street buffers was inadvertently left out during the LMO rewrite. This error is corrected with this amendment.

---

*Section 16-5-103. Buffer Standards*

**A. No Changes**

**B. Applicability**

**1. General**

Except as provided in subsection 2 below, the requirements of this section shall apply to all *development* in the *Town*.

**2. Exceptions**

**a.** For *development* within a PD-1 District, adjacent street and use buffer standards shall apply only along those *lot* lines and *street rights-of-way* located within a Corridor Overlay District, located outside any *gates* restricting *access* by the general public to areas within the PUD, or constituting the boundaries of the district.

**b.** For *development* within a PD-2 District, adjacent street and use buffer standards shall apply only along those *lot* lines and *street rights-of-way* located within a Corridor Overlay District or constituting the boundaries of the district.

**c.** For zero *lot* line *subdivisions*, adjacent street and use buffer standards shall apply only along those *lot* lines and *street rights-of-way* constituting the perimeter of the *subdivision*.

**d.** Adjacent street buffers shall not apply to *development* within the CR District.



**Staff Explanation:** When the new LMO was adopted, the requirement that the single-family buffer only apply to the exterior subdivision boundary was inadvertently eliminated. This change fixes that error. Additionally, a review of the table indicated that there was an error in the required buffer between a proposed single-family use and an existing other residential use or commercial recreation use.

## C. – D. No Changes

## E. Adjacent Use Buffer Requirements

**TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS<sup>1</sup>**

PROPOSED OR EXISTING USE <sup>2</sup>	REQUIRED BUFFER TYPE <sup>2</sup>			
	USE OF ADJACENT DEVELOPED PROPERTY <sup>3</sup>			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATIONS; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
	ZONING OF ADJACENT VACANT PROPERTY			
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, SPC, RD, MS, MV, MF, LC, NC, MED	IL
<i>Single-Family</i>	n/a <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	D <sup>4</sup>
<ul style="list-style-type: none"> <li>All Other Residential <i>Uses</i></li> <li>Commercial Recreation</li> </ul>	A	n/a	B	D
<ul style="list-style-type: none"> <li>Public, Civic, Institutional, and Education</li> <li>Resort Accommodations</li> <li>Offices</li> <li>Commercial Services</li> <li>Vehicle Sales and Services</li> <li><b>Boat Ramps, Docking Facilities, or Marinas</b></li> </ul>	C	B	n/a	A
Industrial <i>Uses</i>	D <sup>4</sup>	D	A	n/a

NOTES: n/a = not applicable

1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F. Buffer Types.

2. When a shared **access easement** is located along a common property line, any required buffer shall be provided to the interior of the **access easement**.

3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.

4. Single family subdivision exterior boundary only.

---

**Staff Explanation:** Applicants often want to plant ornamentals in the street buffer adjacent to the sign and to the driveway entrance. The Design Review Board often approves ornamental plantings in these specific areas. This change will allow ornamental plants when reviewed as part of a minor or major corridor review application.

---

F. – H. No Changes

**I. Buffer Materials**

At the time of planting, overstory and understory *trees* included as part of required buffers shall comply with the size standards for supplemental and replacement *trees* in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees; evergreen shrubs shall be at least three feet in *height* above ground level. All buffer plantings must be native species of plants, see Appendix C, except where ornamental plantings or plants that have historically been prevalent on Hilton Head Island are approved as part of a Corridor Review approval.

---

**Staff Explanation:** This language specifies when a street is considered a cul-de-sac.

---

*Section 16-5-105*

A. – E. No Changes

**F. Cul-de-Sac**

To be classified as a *cul-de-sac*, a street must terminate at one end with the hammerhead or *cul-de-sac* geometric end treatment described in 16-5-105.F and 16-5-105.G, respectively.

G. No Changes

H. 1-5. No Changes

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**Staff Explanation:** The changes within the figure more accurately reflect the associated language in the LMO.

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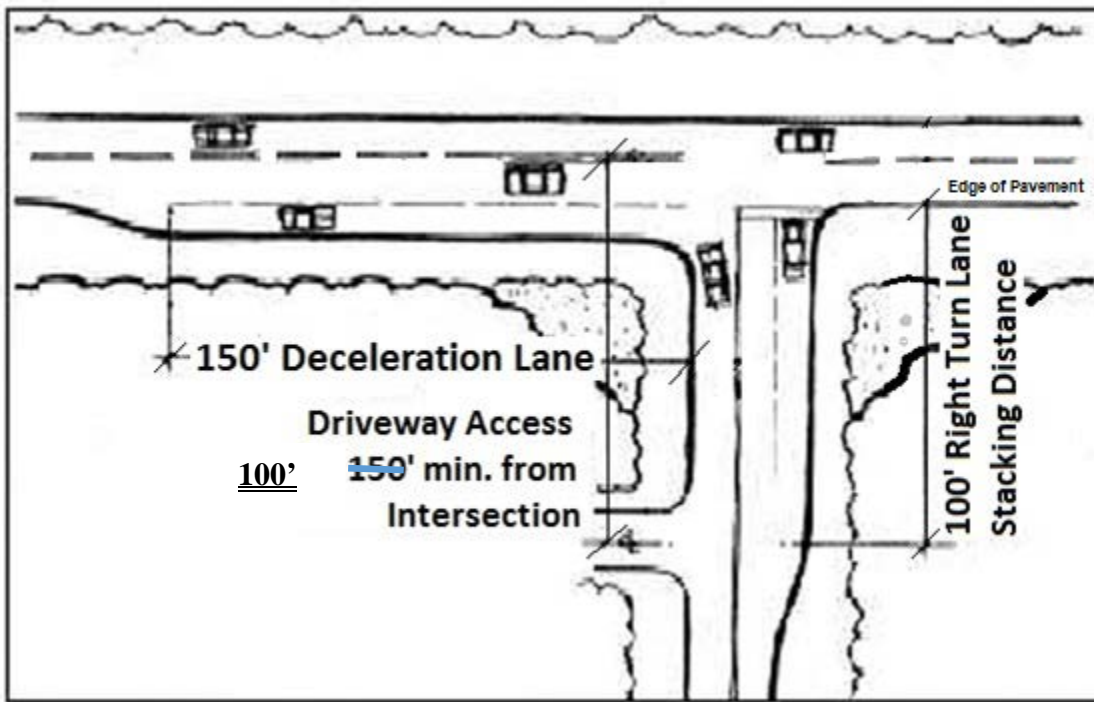


Figure 16-5-105.H.6 Deceleration Lanes

---

**Staff Explanation:** The LMO currently does not permit LED lights. This change will allow LED lights to be used.

---

*Section 16-5-108. Lighting Standards*

A. – B. No Changes

**C. General Exterior Lighting Standards**

1. No Change

2. Light Source (lamp)

Only LED, incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any one *development* site or Planned Unit Development district.

---

**Staff Explanation:** This change will clarify that in a redevelopment scenario, only the new impervious surfaces shall be used when calculating the on-site retention of the first inch of runoff.

---

### *Section 16-5-109*

#### **A - C. No Changes**

#### **D. 1-2. No Changes**

D.3.a All **development** shall provide for **on-site** retention (dry or wet) or percolation of a minimum of one inch of runoff from **on-site impervious surfaces**, ~~regardless of pre-development condition~~. Major drainage canals may not be used for retention where doing so may adversely impact the storm hydrology upstream or downstream.

---

**Staff Explanation:** It is important for emergency purposes that the Town's critical facilities (such as fire stations, hospitals, etc.) be built at an elevation of 20'. Currently fill materials is limited to 3' above grade regardless of the elevation of the site. This amendment would provide an exception to this regulation for critical facilities only. A definition of critical facilities is also being added.

---

### *Section 16-5-112*

#### **A. – B. No Changes**

#### **C. Elevation of Sites**

Sites shall not be elevated with fill material to an average **height** greater than three feet above existing **grade** with the exception of critical facilities. The fill material shall be retained under the footprint of the **structure**. Other methods of elevation may be used solely or in conjunction with three feet of fill to meet **base flood elevation** requirements. **Single-family** residential **development** is exempt from this provision.

## **CHAPTER 16-6: NATURAL RESOURCE PROTECTION**

---

**Staff Explanation:** The prior LMO had language that allowed mobi-mats or similar products for the purpose of providing handicap access to the beach. This language was inadvertently left out during the rewrite. This change fixes that omission. The prior LMO also allowed small wooden decks per OCRM regulations; this was also left out during the rewrite. This change fixes that omission.

---

### *Section 16-6-103. Beach and Dune Protection*

#### **F. Development on Dunes**

#### **1. General**

No **dune** in an active **beach** system shall be leveled, breached, altered, or undermined in any way by **development** or other human-caused activity, and no **dune** vegetation may be disturbed or destroyed, except for:

- a. The **construction** and **maintenance** of very limited elevated boardwalks with a two foot minimum clearance or similar beach access for handicap accessibility necessary for pedestrian and bicycle **access** to the **beach**, in accordance with the standards in paragraph 2 below and their associated wooden deck not larger than 144 square feet;

---

**Staff Explanation:** The prior LMO allowed flexibility for tree replacement during the development of single-family subdivisions, athletic fields, airport runways and golf courses given the nature of these types of development. This language was inadvertently left out during the rewrite. This change fixes that omission.

---

#### *Section 16-6-104. Tree Protection*

##### A. – F. No Changes

##### G. Minimum Tree Coverage Standard

###### 1. Applicability

- a. All new **development** except for the **construction** of any public **street**, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility and the redevelopment or alteration of existing **development** (see subparagraph b below) shall include at least 900 adjusted caliper inches (ACI) of **trees** per acre of **pervious** surface area. **Pervious** surface area equals the **gross acreage** less the maximum **impervious cover** required for the proposed **development**.
- b. Redevelopment or alteration of existing **development** shall have the option of meeting the standard in subparagraph a above or meeting replacement requirements in Sec. 16-6-104.I, Standards for Supplemental and Replacement Trees, based on **trees** removed by **tree** category
- c. For the construction of any public **street**, pathway, drainage project, single family subdivision, athletic field, airport runway, golf course or minor utility the applicant shall make all reasonable efforts to save significant trees and stands of trees. In these cases, at the discretion of the official, a centerline field inspection may relieve the applicant of the tree survey requirement. Reasonable tree replanting may be required by the Official for these uses.

## CHAPTER 16-10: DEFINITIONS, INTERPRETATION, AND MEASUREMENT

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**Staff Explanation:** This has been changed to match the language used in 16-2-102.E.2.1.

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#### *Section 16-10-101. General Rules for Interpretation*

##### A. – C. No Changes

##### D. Computation of Time

1. The time in which an act is to be done shall be computed by excluding ~~first day the day the notice is postmarked or published and including the day of the hearing, and including the last day.~~ If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the **Town**, the deadline or required

date of action shall be the ~~next~~ day prior that is not a Saturday, Sunday, or holiday observed by the *Town*. References to days are calendar days unless otherwise stated.

---

**Staff Explanation:** A definition is being provided for critical facilities in conjunction with the proposed amendment which will allow an exception to the maximum fill requirements for critical facilities.

---

#### *Section 16-10-105. General Definitions*

##### **Critical Facility**

A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired. Critical facilities include but are not limited to health and safety facilities, utilities and government facilities.

---

**Staff Explanation:** The Design Review Board (DRB) is dependent on design professionals. At-large members without a design background typically have little to nothing to add compared to trained professionals and this is a disservice to the community.

---

#### *Appendix A: Advisory and Decision Making Bodies and Persons*

##### A-4. Design Review Board

###### A. No Changes

##### **B. Membership, Terms and Compensation**

###### **1. Number, Appointment**

The ***Design Review Board*** shall consist of seven members, appointed by the *Town Council*, and shall include, ~~to the extent practicable, at least one attorney and at least two but not more than three design professionals (such as a registered architects, a landscape architects or a graphic artists).~~ None of the members shall hold elected public office in the *Town* or *County*.

#### *Appendix D: Application Submittal Requirements*

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**Staff Explanation:** This section is being amended to make it clear which days count in the computation.

---

##### **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. The date of the hearing shall be included when computing the required deadlines.



# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

---

**TO:** Stephen G. Riley, ICMA – CM, Town Manager

**FROM:** Charles F. Cousins, AICP, Community Development Director

**DATE:** October 22, 2015

**SUBJECT:** Proposed Fifth Street Extension

---

**Recommendation:** Staff recommends Town Council execute a Quit-Claim Deed to Marriott Ownership Resorts Inc. for 1.288 acres of Town land which is the site of the formerly proposed Fifth Street Extension.

**Summary:** The Town acquired this property in 2008 from Marriott as part of a land swap with the intent of providing access across Marriott's SurfWatch property to other Town property surrounding Driessen Beach Park. The Town agreed when it acquired this land that if we did not build this road by January 1, 2015 the land would be transferred back to Marriott. The road was never built and Marriott has notified the Town they would like the land deeded back to them.

**Background:** In 2008 the Town worked with the Marriott Ownership Resorts to facilitate the development of their SurfWatch resort off Burkes Beach Road. The Town's involvement was to participate in a land swap that allowed Marriott to bring forward a better design for their development while allowing the Town to acquire green space along US 278. As part of this land swap, the Town acquired right of way to allow Fifth Street to be extended through the Marriott's property. At that time the Town was considering expanding the Driessen Beach Park with Fifth Street as a new access road. The Town agreed at the time of this land swap that if the Fifth Street extension was not built by January 1, 2015 the right of way for this proposed road would be given back to Marriott. Town Council has made decisions over the years not to create this roadway. Marriott has now requested the Town execute a deed to transfer these 1.288 acres back to them.

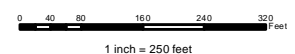




TOWN OF HILTON HEAD ISLAND  
ONE TOWN CENTER COURT  
HILTON HEAD ISLAND, S.C. 29928  
PHONE (843) 341-4600

09/30/2015

# Town of Hilton Head Island Fifth Street Parcel



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



**AN ORDINANCE OF THE TOWN OF HILTON HEAD, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A DEED FOR THE CONVEYANCE OF 1.288 ACRES OF REAL PROPERTY KNOWN AS THE “PROPOSED FIFTH STREET EXTENSION” TO MARRIOTT OWNERSHIP RESORTS, INC., PURSUANT TO THE AUTHORITY OF S.C. CODE ANN. § 5-7-40 (SUPP. 2011), AND § 2-7-20, *CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA*, (1983); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**LEGISLATIVE FINDINGS**

WHEREAS, on or about November 14, 2008, Marriott Ownership Resorts, Inc. (“Marriott”) conveyed the following real property to the Town of Hilton Head Island, South Carolina (“Town”):

All that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, having and containing 1.288 acres, more or less, shown and designated as the “Proposed Fifth Street Extension” containing 1.288 acres (the “Property”) on that certain plat entitled “Boundary Plat of 1.288 Acres Fifth Street Extension, A Portion of SurfWatch”, dated October 9, 2007, prepared by Surveying Consultants, certified to by Terry G. Hatchell, S.C.R.L.S #11059, and recorded in the Land Records of Beaufort County, South Carolina, in Plat Book 126 at Page 183.

TOGETHER with a perpetual and appurtenant easement for access to and over the twenty foot (20’) setback area depicted on said Plat, said easement expressly and solely for the purpose of landscaping and maintenance of such landscaping.

(the “Property”); and

WHEREAS, in that certain Indenture Title to Real Estate (Quit-Claim Deed with Right of Re-Entry), which conveyed the Property to the Town, dated July 14, 2008 and recorded November 14, 2008 in the Office of the Register of Deeds for Beaufort County, South Carolina in Book 2783 at Page 1314, the conveyance of the Property was subject to “the right of re-entry running in favor of [Marriott] providing that in the event the property is not developed and used by the [Town] as a public roadway by January 1, 2015, then [Marriott] shall be entitled to enter upon and take possession of the property”; and

WHEREAS, the Property was not developed and used by the Town as a public roadway by January 1, 2015, and therefore the Town desires to work in good faith with Marriott to formally convey the Property back to Marriott by Deed; and

WHEREAS, under the provisions of S.C. Code Ann. § 5-7-40 (SUPP. 2011) and § 2-7-20, *Code of the Town of Hilton Head Island , South Carolina*, (1983), the conveyance or granting of an interest in real property owned by the Town of Hilton Head Island must be authorized by Ordinance.

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

***Section 1.*** Execution and Delivery of Deed.

- (a) The Mayor and/or Town Manager are hereby authorized to execute and deliver the Quit-Claim Deed in a substantially similar form to that attached hereto as Exhibit "A" for the conveyance of Town-owned real property to Marriott Ownership Resorts, Inc.; and
- (b) The Mayor and/or Town Manager are hereby authorized to take such other and further actions as may be necessary to complete the transactions contemplated and authorized hereby, including the execution and delivery of the Deed.

***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 adoption thereof 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 \_\_\_\_\_, 2015.**

\_\_\_\_\_  
David Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Victoria L. Pfannenschmidt, Town Clerk

First Reading: \_\_\_\_\_

Second Reading:\_\_\_\_\_

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

Introduced by Council Member:\_\_\_\_\_

*This deed was prepared in the law offices of*  
**McNAIR LAW FIRM, P.A.**  
 23-B Shelter Cove Lane, Suite 400  
 Hilton Head Island, SC 29928  
 (843) 785-2171

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

## Quit-Claim Deed

**WHEREAS**, the below described Grantee transferred the below described real property to the below described Grantor pursuant to a certain Quit-Claim Deed dated February 19, 2007 and recorded in the Land Records of Beaufort County, South Carolina in Deed Book 2783 at Page 1314 (the “Prior Deed”); and

**WHEREAS**, pursuant to said Prior Deed, Grantee reserved unto itself a right of re-entry providing that in the event the property was not developed and used by Grantor as a public roadway by January 1, 2015, then Grantee would be entitled to enter upon and retake possession of said property;

**WHEREAS**, said property has not been developed and used by Grantor as a public roadway;

**WHEREAS**, Grantee has now re-entered and retaken possession of said property; and

**WHEREAS**, Grantor desires to execute and deliver this Quit-Claim Deed to Grantee in order to confirm Grantee's ownership of said property as contemplated by the Prior Deed.

**NOW, THEREFORE**, this Indenture Deed is made effective this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the **TOWN OF HILTON HEAD ISLAND** and **MARRIOTT OWNERSHIP RESORTS, INC.**

**KNOW ALL MEN BY THESE PRESENTS**, that the **TOWN OF HILTON HEAD ISLAND**, herein referred to as “Grantor”, in the State aforesaid, in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and no other consideration to it in hand paid at and before the receiving of theses presents by **MARRIOTT OWNERSHIP RESORTS, INC.**, having an address of 6649 Westwood Boulevard, Suite 500, Orlando, Florida 32821, herein referred to as “Grantee”, the receipt of which is hereby acknowledged, has granted, conveyed, and released, and by these presents does grant, convey, and release unto the said Grantee, the following described property:

All that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, having and containing 1.288 acres, more or less, shown and designated as the "Proposed Fifth Street Extension" containing

1.288 acres (the "Property") on that certain plat entitled "Boundary Plat of 1.288 Acres Fifth Street Extension, A Portion of SurfWatch", dated October 9, 2007, prepared by Surveying Consultants, certified to by Terry G. Hatchell, S.C.R.L.S #11059, and recorded in the Land Records of Beaufort County, South Carolina, in Plat Book 126 at Page 183 (the "Plat").

The aforementioned 1.288 acre parcel is described by courses and distances, metes and bounds as follows:

To find the POINT OF BEGINNING, commence at a northwestern right-of-way of Burke's Beach Road and Fifth Street marked by State Plain Coordinates N 132,261.003 and E 2,092,753.523, and running with the western right-of-way of Fifth Street N44°53'34"E, a distance of 176.22 feet to the POINT OF BEGINNING; thence N44°22'39"E, a distance of 9.97 feet to a point of curve to the left having a radius distance of 120.00 feet, an arc length of 110.32 feet with a chord bearing of N18°02'29"E and a chord distance of 106.47 feet to a point of reverse curve to the right having a radius distance of 355.00 feet and an arc length of 264.52 feet with a chord bearing of N13°03'06"E and a chord distance of 258.45 feet; thence N34°23'53"E, a distance of 29.99 feet; thence N.69°59'05"W, a distance of 5.28 feet; thence N34°22'05"E, a distance of 61.06 feet; thence N70°14'56"W, a distance of 5.00 feet; thence N19°48'07"E, a distance of 300.13 feet; thence S72°08'07"E, a distance of 5.00 feet; thence N19°48'07"E, a distance of 144.29 feet; thence S72°03'54"E, a distance of 126.05 feet to the point of curve of a non tangent curve to the left, said curve having a radius distance of 200.00 feet and an arc length of 254.52 feet with a chord bearing of S41°28'45"W and a chord distance of 237.69 feet; thence S05°01'21"W, a distance of 104.20 feet to the point of curve of a non tangent curve to the right, said curve having a radius distance of 260.08 feet and an arc length of 131.65 feet with a chord bearing of S19°31'34"W and a chord distance of 130.25 feet; thence S34°23'53"W, a distance of 103.14 feet to a point of curve to the left having a radius distance of 295.00 feet and an arc length of 64.53 feet with a chord bearing of S28°07'54"W and a chord distance of 64.40 feet; thence continue southerly along said curve with an arc length of 155.29 feet with a chord bearing of S06°47'07"W with a chord distance of 153.50 feet to a point of reverse curve to the right having a radius distance of 180.00 feet and an arc length of 151.37 feet with a chord bearing of S15°47'47"W and a chord distance of 146.95 feet; thence N67°39'17"W, a distance of 64.13 feet to the POINT OF BEGINNING.

In the event there is any discrepancy between the above description and the aforementioned recorded Plat, said Plat shall be controlling.

**AND ALSO**, all of Grantor's rights, title and interest in and to that perpetual and appurtenant easement for access to and over the twenty foot (20') setback area depicted on said Plat, said easement being described in the Prior Deed and being for the purpose of landscaping and maintenance of such landscaping.

This Quit-Claim Deed was prepared in the Law Offices of McNair Law Firm, P.A., Post Office Drawer 3, Hilton Head Island, South Carolina 29928.

**SUBJECT TO** all applicable matters of record.

**TOGETHER** with all and singular the rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.

**TO HAVE AND TO HOLD** all and singular the said premises before mentioned, unto Grantee, it successors and assigns forever.

**IN WITNESS WHEREOF**, our Hands and Seals, this \_\_\_\_ day of \_\_\_\_\_, 2015.

**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

**GRANTOR:  
THE TOWN OF HILTON HEAD  
ISLAND**

\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**STATE OF**  
  
**COUNTY OF**

)  
)  
)

**ACKNOWLEDGMENT**

I, the undersigned Notary Public, do hereby certify that \_\_\_\_\_,  
as \_\_\_\_\_ on behalf of the Town of Hilton Head Island personally  
appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public for: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## **MEMORANDUM**

**TO:** Town Council

**FROM:** Finance and Administrative Committee

**DATE:** October 28, 2015

**RE:** **Recommendation from the Finance and Administrative Committee  
regarding selection of firm for Public Communication Program**

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Town Council budgeted \$100,000.00 for the purpose of enhancing public communications. To that end, an RFQ was developed and 6 firms submitted bids and all information related to such bids were provided to council 2 weeks ago. Two (Chernoff Newman and Rawle Murdy) firms scored highest, and the Finance and Administrative Committee met on October 27, 2015 and interviewed these 2 firms over the course of 2 ½ hours. Each firm was required to present a general approach to one (Arts and Cultural Collaborative Strategy) of council's 6 identified priorities that the chosen firm will devote its time/effort to. Rawle Murdy was chosen by the Committee for Town Council consideration and approval. Some of the rationale for recommending Rawle Murdy was as follows:

- Strong on branding and vision concepts
- Impressed with plan to monitor online social media
- Linked/tied together the issue of the Arts and the Vision
- Multi-dimensional approach
- Very strong systematic approach/process for determination and delivery of services
- Ability to measure hard data, provide metrics, and recommend course corrections in strategy using proprietary software.

The Committee recommends that the Town Manager be authorized to enter into a contract with Rawle Murdy. The Committee also recommends that council member Kim Likins and Town Manager Steve Riley designee, Greg DeLoach, manage the work of the firm. As a reminder, Town Council will publicly select the priorities the firm will provide services on. Mrs. Likins and Mr. DeLoach will work with appropriate chairpersons and others in the development of various public communication programs.