



## **The Town of Hilton Head Island**

### **Regular Town Council Meeting**

**May 16, 2017**

**4:00 P.M. EXECUTIVE SESSION**

**5:00 P.M. REGULAR MEETING**

**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, Thank You.**

- 1) Call to Order**
- 2) 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.
- 3) Executive Session**
  - a. Land Acquisition**

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

    - i. Related to property near the US 278 and Gumtree Road area
    - ii. Related to property in the Cordillo Parkway area
  - b. Legal Matters**

The receipt of legal advice related to pending, threatened or potential claim related to:

    - i. Karen Watson vs. Town of Hilton Head Island
    - ii. Arbournature vs. Town of Hilton Head Island
    - iii. Likins vs. Hoagland
    - iv. Hoagland vs. Town of Hilton Head Island, et al
- 4) Pledge to the Flag – 5:00 P.M.**
- 5) Invocation**
- 6) Proclamations and Commendations**
  - a. Mayor's Honored Islanders**
    - i. Barry & Ruth Edwards
    - ii. Herbert Ford
    - iii. Heather Quinn
  - b. EMS Services Week**
- 7) Approval of Minutes**

Town Council Meeting, May 2, 2017

**8) Report of the Town Manager**

- a. Town Manager's Items of Interest
  - i. Town News
  - ii. Noteworthy Events

**9) Reports from Members of Council**

- a. General Reports from Council
- b. Report of the Intergovernmental and Public Safety Committee – Bill Harkins, Chairman
- c. Report of the Community Services Committee – Kim Likins, Chairman
- d. Report of the Public Planning Committee – David Ames, Chairman
- e. Report of the Public Facilities Committee – Marc Grant, Chairman
- f. Report of the Finance and Administrative Committee - John McCann, Chairman

**10) Appearance by Citizens**

**11) Unfinished Business**

None

**12) New Business**

**a. First Reading of Proposed Ordinance 2017-09**

First Reading of Proposed Ordinance 2017-09 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, 10 and Appendix D to revise various sections. These Amendments, commonly referred to as 2017 LMO Amendments – First set as noticed in the Island Packet on March 19, 2017, include changes that provide for general amendments to a variety of sections in the LMO, and providing for severability and an effective date.

**13) Budget Workshop Carry Over Items**

- a. Review proposed budget of Beaufort County Sheriff's Office
- b. Island Recreation Association
  - i. Staff history of Island Recreation Center Expansion
  - ii. Continuation of Council budget review of Island Recreation Association proposed budget with the Association
- c. Review of General Operating Budget
- d. Review of Debt Service
- e. Review of Capital Improvement Program

**14) Possible actions by Town Council concerning matters discussed in Executive Session**

**15) Adjournment**

The seal of the Town of Hilton Head Island, South Carolina, is a large, light green watermark in the background. It features a central illustration of a ship on the water, flanked by two circular medallions. The text "TOWN OF HILTON HEAD ISLAND" is arched over the top, and "SOUTH CAROLINA" is arched on the right. At the bottom, a banner reads "PRÆSERUARE ET PROSPERARE" and the years "1663 · 1983" are displayed. A small copyright symbol is at the bottom right of the seal.

# ***Honored Islander Award***

*presented to*

***Berry and Ruth Edwards***

*In recognition and appreciation for outstanding volunteer service and  
personal commitment towards the betterment of our community.*

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*Presented this 16th day of May, 2017*

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*Mayor David Bennett*



# ***Honored Islander Award***

*presented to*

***Herbert Ford***

*In recognition and appreciation for outstanding volunteer service and  
personal commitment towards the betterment of our community.*

---

*Presented this 16th day of May, 2017*

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*Mayor David Bennett*

# ***Honored Islander Award***

*presented to*

***Heather Quinn***

*In recognition and appreciation for outstanding volunteer service and  
personal commitment towards the betterment of our community.*

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*Presented this 16th day of May, 2017*

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*Mayor David Bennett*

# Proclamation

## BY THE TOWN OF HILTON HEAD ISLAND

***WHEREAS**, emergency medical services is a vital public service; and*

***WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*

***WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*

***WHEREAS**, members of emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and*

***WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.*

***NOW THEREFORE**, I David Bennett, Mayor of the Town of Hilton Head Island, do hereby proclaim the week of May 21-27, 2017 as*

## **EMERGENCY MEDICAL SERVICES WEEK**

*in the Town of Hilton Head Island, South Carolina, with the theme, **EMS STRONG – Always in Service**. I encourage the community to observe this week with appropriate programs, ceremonies and activities.*

***IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this **Sixteenth day of May, in the Year of our Lord, Two Thousand and Seventeen**.*

*David Bennett, Mayor*

*Attest:*

*Krista M. Wiedmeyer, Town Clerk*



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

**Date:** Tuesday, May 2, 2017

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

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

**Present from Town Staff:** Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Brad Tadlock, *Fire Chief*; Scott Liggett, *Director of Public Projects and Facilities*; John Troyer, *Director of Finance*; Seven Markiew, *Deputy Finance Director*, Shawn Colin, *Deputy Director of Community Development*; Brian Hulbert, *Staff Attorney*; Jennifer Ray, *Planning and Special Projects Manager*; Teri Lewis, *LMO Official*; Melissa Cope, *Systems Analyst*; Cuiwei Zhang, *Systems Analyst*; Erica Madhere, *Finance Administrator*; Cindaia Ervin, *Finance Assistant*, Krista Wiedmeyer, *Executive Assistant/Town Clerk*

**Present from Media:** Theresa Moss, *Island Packet*

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**1) Call to Order**

Mayor Bennett called the meeting to order at 4:02 p.m.

- 2) 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.

**3) Executive Session**

Mr. Riley stated he needed an Executive Session for a (i) Land Acquisition Matter: The discussion of negotiations incident to the proposed sale, lease or purchase of property related to 1) two properties in the Stoney area and 2) property in the Cordillo Road area; (ii) Legal Matters: The receipt of legal advice related to pending, threatened or potential claim related to 1) Karen Watson vs. the Town of Hilton Head Island; and 2) ArborNature vs. the Town of Hilton Head Island, and (iii) Contractual Matters: Discussion of negotiation incident to potential contractual arrangements related with St. James Church.

At 4:04 p.m. Mrs. Likins moved to go into Executive Session for matters mentioned by the Town Manager. Mr. McCann seconded. The motion was unanimously approved by a vote of 6-0. Mr. Harkins was absent for the vote.

Council returned to the dais at 5:01 p.m.

**4) Pledge to the Flag – 5:01 P.M.**

**5) Invocation**

**6) Proclamations and Commendations**

- a. Beaufort County School District Character Education Student of the Month
  - Cooper Prosser – Daufuskie Island Elementary School - Kindergarten
- b. Bike Month
- c. Building Safety Month

**7) Approval of Minutes**

- a. Town Council Meeting, April 18, 2017

Mrs. Likins moved to approve. Mr. Harkins seconded. Town Council Meeting Minutes for April 18, 2017 were unanimously approved by a vote of 7-0.

## **8) Report of the Town Manager**

### **a. USCB Quarterly Update**

Mr. Riley reported both USCB and the Town provided a quarterly update.

### **b. Town Manager's Items of Interest**

#### **(1) Town News**

Mr. Riley reported on a request to change the May 9<sup>th</sup> Budget Workshop start time from 5:00 p.m. to 3:00 p.m. After some discussion by Council, Mrs. Likins moved to change the start time to 3:30 p.m. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

#### **(2) Noteworthy Events**

Mr. Riley reported on items of some items of interest.

## **9) Reports from Members of Council**

### **a. General Reports from Council Report**

#### **(1) Community Foundation of the Lowcountry: 2017 Winner of HUD Secretary's Award for Project SAFE**

Mayor Bennett spoke about the HUD Secretary's Award awarded to Community Foundation of the Lowcountry who was represented by Denise Spencer and Pete Nardi. Mayor Bennett recognized CFL for their work in the community as well. Ms. Spencer spoke about the award and Project SAFE. A short video clip from HUD Secretary Carson was played.

Mr. Lennox reported about the Lowcountry Area Study Transportation Policy Committee meeting. SCDOT gave an update on the widening of Hwy. 17 to the Talmadge Bridge, a priority of the SCDOT. Beaufort County has \$22 million worth of projects listed on their website, the largest being the bridge over Jarvis Creek at approximately \$8.4 million. Concerning a joint resolution between the County, Town of Bluffton and Town of Hilton Head Island regarding the 278 Corridor, SCDOT made it clear there was to be one point of contact, either the Policy or Technical committee of LATS

### **b. Report of the Intergovernmental and Public Safety Committee – Bill Harkins, Chairman**

Mr. Harkins reported on April 20<sup>th</sup>, Mayor Bennett, Mr. Riley, Mr. Ames and himself hosted members of leadership from surrounding municipalities to discuss what should we do to make the County better for the years to come. All agreed to go back and talk to their individual Council Members and comeback as a group to develop two to four items that will be to the benefit of the entire region.

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

Mrs. Likins reported the Venue Committee met on April 24<sup>th</sup> where they reviewed the final recommendations from the consultants, then their final recommendations will then come to the Community Services Committee on May 8<sup>th</sup>, hoping to bring forth their recommendations to Council on June 6<sup>th</sup>. The Personnel Committee continues to interview applicants to the Boards and Commissions. Mayor Bennett announced the May 8<sup>th</sup> Community Services Committee meeting will be videotaped.

### **d. Report of the Public Planning Committee – David Ames, Chairman**

Mr. Ames reported the Committee met on April 27<sup>th</sup> and took action on several LMO Amendments related to utility project permits and freestanding signs, disapproved multi-level self-storage units, and approved the change of the meeting to the fourth Thursday of the month. Vision Project Management Team meets May 4<sup>th</sup> at 2:00 p.m.

#### **(1) Vision Project update by David Beurle with Future iQ Partners, Inc.**



Mr. Ames introduced the consultant for Vision Project, Mr. David Beurle of Future iQ Partners, Inc. Mr. Beurle is work closely with Town Staff to update and design a program that will be inclusive and transparent, and working on the engagement and communication plan to make sure that it is designed in a way that reaches wide and deep into the community. Engagement launches in June through October.

**e. Report of the Public Facilities Committee – Marc Grant, Chairman**

Mr. Grant reported the Committee met on April 24<sup>th</sup> and discussed Town owned land near Kirby Lane. A possible buyer came to discuss his position about sparing the tree, the Committee did not feel they were in a place to discuss the topic at that time and tabled it for an Executive Session discussion.

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

Mr. McCann reported at the Committee's meeting the Beaufort County Sheriff's Office by way of Mr. Gary Kubic made their budget presentation, which increased by \$967,800.

**10) Appearance by Citizens**

**Linda Piekut:** addressed Town Council about: *"They Served: Stories of United States Colored Troops from Hilton Head, South Carolina,"* by The Heritage Library. She read a short story from the book.

**Renea Hushour, David Schweiger Betty Treen, and Mina Scott:** Addressed Town Council about 3 Heron St. and 5 Heron St. in the N. Forest Beach Area. Two single family homes owned by one owner, joined together by one large deck to make a multiple room rental property. The neighbors within this area believe this does not comply with the existing LMO for this area. Town Staff spoke on this matter and are currently researching.

**Mary Amonitti:** Addressed Town Council about Mr. Charlie Brown who has been ill, who cannot attend the meetings. She brought a banner from the RBC for Council and others to sign as a "Get Well" for Mr. Brown.

**11) Unfinished Business**

None

**12) New Business**

**a. Consideration of a Recommendation –Accommodations Tax Advisory Committee**

Consideration of a Recommendation from the Accommodations Tax Advisory Committee for the Chamber of Commerce Visitor and Convention Bureau's proposed 2017-18 "30 Percent" Budget.

As part of the discussions related to this Recommendation, Mrs. Likins asked questions of the Chamber related to the enhancements of the Wayfinder App., marketing to the community, as well as consideration of working with the new Arts and Culture staff member. After discussion and consideration, Mrs. Likins moved to approve the Recommendation. Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0.

**b. First Reading of Proposed Ordinance 2017-10**

First Reading of Proposed Ordinance 2017-10 to raise revenue and adopt a budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2018; to establish a property tax levy; to establish funds; to establish a policy for acquisition of rights of way and easements; and providing for severability and an effective date.

Mr. Riley presented an overview of the proposed budget for the Fiscal Year ending June 30, 2018. Mr. Riley also reminded Council about the Public Hearing for the Budget Wrap Up or Revised First Reading of the Budget on June 13, 2017. After

discussion, Mrs. Likins moved to approve. Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0.

**14) Possible actions by Town Council concerning matters discussed in Executive Session**

None

**15) Adjournment**

Mayor Bennett adjourned the meeting at 6:27 p.m.

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Krista M. Wiedmeyer,  
Executive Assistant/Town Clerk

Approved: 05/19/2017

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David Bennett, Mayor



# ITEMS OF INTEREST

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## MAY 16, 2017

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### Noteworthy Events

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Some of the upcoming meetings:

- Planning Commission – May 17, 2017, 3:00 p.m.
- Venue Committee – May 18, 2017, 9:00 a.m.
- Vision Project Management – May 19, 2017, 2:00 p.m.
- Public Facilities Committee – May 22, 2017, 10:00 a.m.
- Pre-Application Meeting – May 22, 2017, 10:30 a.m.
- Board of Zoning Appeals – May 22, 2017, 2:30 p.m.
- Design Review Board – May 23, 2017, 1:15 p.m.
- Construction Board of Adjustment & Appeals – May 23, 2017, 5:30 p.m.
- Public Planning Committee – May 25, 2017, 3:00 p.m.
- Town Council Executive Session– June 6, 2017, 4:00 p.m.
- Town Council Regular Meeting – June 6, 2017, 5:00 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.

### Hilton Head Island Events

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May 18, 2017 6:00 p.m. – 9:00 p.m.	Spring Music & Taste on the Harbour w/ The Headliners	Shelter Cove Harbour ~ Neptune Statue
May 20, 2017 11:00 a.m. – 6:00 p.m.	The Gullah Museum Memorial Day Celebration	12 Georgiana Drive
May 25, 2017 3:00 p.m. – 10:00 p.m.	Car Club Cruise-In	Shelter Cove Community Park
May 27 & 28 2017 10:00 a.m. – 5:00 p.m.	9 <sup>th</sup> Annual Hilton Head Island Art Festival	Shelter Cove Harbor
May 29, 2017 8:00 a.m. – 10:00 a.m.	Freedom 5K	Shelter Cove Community Park
May 29, 2017 10:00 a.m. – 12:30 p.m.	Memorial Day Service	Shelter Cove Veteran's Memorial Park



# **TOWN OF HILTON HEAD ISLAND**

## *Community Development Department*

**TO:** Stephen G. Riley, ICMA~CM, *Town Manager*  
**VIA:** Charles Cousins, AICP, *Director of Community Development*  
**VIA:** Shawn Colin, AICP, *Deputy Director of Community Development*  
**FROM:** Teri Lewis, AICP, *LMO Official*  
**DATE:** May 3, 2017  
**SUBJECT:** 2017 LMO Amendments – First Set Ordinance #2017-09

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**Recommendation:** The Public Planning Committee met on April 24, 2017 to review the proposed 2017 LMO Amendments – First Set. The Committee, after consideration of comments from the public and a long discussion among themselves, voted 3-0 to delete all amendments related to storage. Members of the Committee were concerned that multi-level self service storage was not an appropriate use on the Island given the required density and mass of such a use. The Committee also expressed concerns about increasing density prior to the completion of the Vision project. The Committee then reviewed and discussed the remainder of the amendments and voted 3-0 to forward them to Town Council with a recommendation for adoption.

The Planning Commission held a public hearing on April 19, 2017 to review the proposed 2017 LMO Amendments – First Set. The Commission voted 4-2 to recommend approval of the proposed amendments related to Multi-Level Self-Service Storage. Commission concerns were related to the large increase in density and the potential for a massive structure. The Commission then reviewed and voted unanimously to recommend forwarding the remainder of the proposed amendments to the Public Planning Committee with a recommendation for approval.

The LMO Committee met on January 20<sup>th</sup>, January 25<sup>th</sup> and March 29<sup>th</sup> to review the proposed 2017 LMO Amendments – First Set. The Committee recommended forwarding the amendments to the Planning Commission with a recommendation for approval with various changes as discussed by the Committee.

Staff recommends that Town Council adopt the attached amendments.

**Summary:** Through the LMO Committee process and the Planning Commission public hearing, public input has been solicited and where appropriate revisions have been made to the proposed amendments.



**Background:** A number of proposed amendments to the Town's Land Management Ordinance (LMO) have been identified. The reason for each proposed amendment is listed above the amendment. Additionally a rationale document has been prepared which gives more details about the reason for the amendment and the discussion at the LMO Committee level. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Please contact me at (843) 341-4698 or at [teril@hiltonheadislandsc.gov](mailto:teril@hiltonheadislandsc.gov) if you have any questions.

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## **2017 LMO AMENDMENTS – SET 1**

### **RATIONALE FOR AMENDMENTS**

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#### **This change will add multi-level self-service storage as an allowed use in the LMO and assign conditions**

##### **Proposed Change**

This change will allow multi-level self-service storage as a permitted use in the IL and LC zoning districts with conditions and in the SPC zoning district by special exception, establish a maximum density for this use and decrease the amount of allowable impervious coverage related to this use, establish conditions and a definition for this use.

##### **Reason for Change**

The Planning Commission was approached in 2016 about adding this use to the LMO. The LMO Committee met 8 times with the public and the proponents of this use to establish the parameters for the use.

##### **Considerations**

The Planning Commission considered this use in December as recommended at the LMO Committee but sent it back to the Committee for additional changes. The Committee considered that such a large increase in density was being requested but looked at the fact that the proposed use would generate much less traffic than by right commercial uses and that any concerns about the scale of the building could be dealt with through the DRB and a larger than normal setback requirement from all arterial roads. The Committee ultimately considered only allowing this use by special exception (BZA review) in the SPC zoning district and requiring a reduction in impervious surface coverage in the three districts where this would be permitted.

This proposed usage is controversial because of the significant increase in density versus what Hilton Head Island has previously approved. The Committee proposed conditions to ameliorate the mass of the building: a 200 foot setback (4 times the normal setback), 35,000 maximum square feet per floor and allowing it in the Sea Pines Circle district by Special Exception ONLY. A Special Exception requires a specific site, with specific plans and conditions approved by the BZA before a site and building permits are issued.

## **Pros/Cons**

### ***Pros***

- Will generate less traffic than some by right uses in the SPC and LC zoning districts
- Staff analysis of potential traffic using the Traffic Manual for trip volumes based on building type and size indicates the following:

USE	PROPOSED SQ FT	TRAFFIC TRIPS GENERATED/DAY
Multi-Level Self-Service Storage Pre-application plan	105,000	<b>138</b>
Alternate Pre-application plan:		
Restaurant	4,500	231
Grocery	36,000	903
Retail (Shopping Center)	20,000	305
<b>Total</b>		<b>1439</b>

The developer requesting this change also indicated plans to replace the existing row of commercial structures fronting Palmetto Bay Road with new single story commercial structures, further masking the building size.

Assuming those structures to have approximately the same size as existing, the Traffic Trips generated per day would add 331 to the 138 for Self Service Storage as shown below:

Existing Use	Existing Sq Ft	Traffic Trips Generated/Day
Shopping Center	12906	196
General Retail	4568	118
Warehouse	7180	17
<b>TOTAL</b>		<b>331</b>

COMPARISON		
USE	PROPOSED SQ FT	TRAFFIC TRIPS GENERATED/DAY
Self Service Storage	105,000	138
Replace existing retail		331
<b>Total</b>		<b>469</b>
Alternate By Right Development	60,500	<b>1439</b>

### *Cons*

- Will allow a significantly larger amount of density than currently allowed in the LMO
- Will allow a building of greater mass than previously approved

### **Recommendation**

The LMO Committee voted 3-0 to recommend establishing multi-level self-service use as an allowable use in the LMO and to establish density, impervious coverage requirements, conditions and a definition for this use.



## **This change will amend the allowable density and impervious coverage requirements for self-service storage uses in the IL zoning district**

### **Proposed Change**

This change will increase the allowable square footage for self-service storage uses in the IL zoning district and decrease the amount of allowable impervious coverage related to this use.

### **Reason for Change**

During the discussions in 2017 about the multi-level self-service storage use, the Committee was asked to consider increasing the density for traditional self-service storage uses.

### **Considerations**

The Committee considered that an increase in density would best be offset with a decrease in the allowable impervious coverage. The Committee also determined that this increase would only be allowed in the IL zoning district given its more industrial nature.

### **Pros/Cons**

#### ***Pro***

- Will allow an increase in a use that traditionally requires more square footage to operate

#### ***Con***

- none

### **Recommendation**

The Planning Commission voted 3-0 to recommend increasing the density and decreasing the impervious coverage requirements for self-service storage in the IL zoning district.

## **This change will establish a new application process, Utility Projects**

### **Proposed Change**

This change will establish the decision-making and appeal process for a new application process, Utility Projects as well as a separate review and approval process for these projects.

### **Reason for Change**

Staff was approached by Hilton Head PSD about streamlining the review, approval and inspection process for utility projects. The LMO Committee heard from HHPSD representatives and agreed that staff should draft amendments to eliminate duplication between State, County and Town requirements and streamline the process for utility projects.

### **Considerations**

The Committee heard from representatives of the 3 PSDs on the Island and took into considerations their concerns related to final inspections and tree mitigation.

### **Pros/Cons**

#### ***Pro***

- will allow a more expedited process for utility projects and the elimination of duplication which will result in cost and time savings to both the PSD and Town (which is funding some of the north end sewer work)

#### ***Con***

- none

### **Recommendation**

The Planning Commission voted 3-0 to recommend establishing a new decision-making, appeal, review and approval processes for utility projects.

## **This change amends what activities are covered by the stormwater section and which activities are exempt from the stormwater requirements**

### **Proposed Change**

This change clarifies what activities are covered by the stormwater section, which activities are exempt from the stormwater requirements, ensures that the LMO meets the requirements of the Town's NPDES MS4 Permit and adds two definitions.

### **Reason for Change**

The Town is under a new State permit – NPDES MS4 and as part of that permit, these changes are required to be made.

### **Considerations**

These changes have to be made in order for the Town to comply with the State permit.

### **Pros/Cons**

#### ***Pro***

- will bring the Town into compliance with the State requirements

#### ***Con***

- none

### **Recommendation**

The Planning Commission voted 3-0 to amend the activities that are covered by the stormwater section and the activities that are exempt from stormwater requirements and to add two definitions.

## **Administrative changes**

- Adds Agricultural Use to the Adjacent Use Buffer Table
- Adds the PD-1 zoning district to the Adjacent Use Buffer Table
- Adds a variety of uses from the Use Table to the freestanding sign table

## **Recommendations**

The Planning Commission voted 3-0 to recommend approval of the above three amendments.



## DRAFT 2017 LMO AMENDMENTS – 1<sup>st</sup> Set

Planning Commission 4/19/17

### **MULTI-LEVEL SELF-SERVICE STORAGE**

#### **CHAPTER 16-3: ZONING DISTRICTS**

*Sec.16-3-105. - Mixed-Use and Business Districts*

**Staff Explanation:** This change will add multi-level self-service storage as an allowed use with conditions in the LC and IL zoning districts and as a special exception in the SPC zoning district, establish a maximum density for this use and decrease the amount of allowable impervious coverage related to this use. This change will also increase the allowable density for self-service storage and decrease the amount of allowable impervious coverage related to this use.

#### D. Light Commercial (LC) District

LC Light Commercial District		
1. No Change		
2. Allowable Principal Uses		
	USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF- STREET PARKING SPACES
Industrial Uses		

<u><b>Multi-Level Self-Service Storage</b></u>		PC	Sec. 16-4-102.B.9.c	<u>1 per 15,000 GFA of storage and office area</u>
3. Development Form Standards				
MAX. DENSITY (PER <i>NET ACRE</i> )			LOT COVERAGE	
Residential	4 du		Max. <b><i>Impervious Cover</i></b>	60% <sup>4</sup>
<b><i>Hotel</i></b>	35 rooms		Min. <b><i>Open Space</i></b> for Major Residential <b><i>Subdivisions</i></b>	16%
Nonresidential <sup>1,2,3</sup>	10,000 GFA			
MAX. BUILDING HEIGHT				
All <b><i>Development</i></b>	45 ft <sup>45</sup>			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b><i>dwelling units</i></b> ; sf = square feet; GFA = <b><i>gross floor area</i></b> in square feet; ft = feet; n/a = not applicable				
1. No Change				
2. No Change				
3. <u>The maximum density for <b><i>multi-level self-service storage</i></b> shall be 55,000 GFA.</u>				
4. <u>The maximum impervious coverage for <b><i>multi-level self-service storage</i></b> shall be 50%.</u>				
45. May be increased by up to ten percent on demonstration to the <b><i>Official</i></b> that:				

a. – f. No Change

E. Light Industrial (IL) District

IL Light Industrial District			
1. No Change			
2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF- STREET PARKING SPACES
Industrial Uses			
<u><i>Multi-Level Self-Service Storage</i></u>	<u>PC</u>	<u>Sec. 16-4-102.B.9.c</u>	<u>1 per 15,000 GFA of storage and office area</u>
3. Development Form and Parameters			
MODIFIED ADJACENT STREET SETBACK STANDARDS			
Adjacent Street Setback	No Change		
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Nonresidential <i>Development</i> <sup>1,2</sup>	10,000 GFA	Max. <i>Impervious Cover</i> <sup>3</sup>	65%
MAX. BUILDING HEIGHT			
All <i>Development</i>	35 ft <sup>4a</sup>		

## USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

### TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. The maximum density for **multi-level self-service storage** shall be 55,000 GFA.

2. The maximum density for **self-service storage** shall be 18,000 GFA.

3. The maximum impervious coverage for **multi-level self-service storage** and **self-service storage** shall be 55%.

14. May be increased by up to ten percent on demonstration to the **Official** that:

a. - f. No Change

### M. Sea Pines Circle (SPC) District

## SPC Sea Pines Circle District

1. No Change

### 2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF- STREET PARKING SPACES
Industrial Uses			
<u><b>Multi-Level Self-Service Storage</b></u>	<u>SE</u>	<u>Sec. 16-4-102.B.9.c</u>	<u>1 per 15,000 GFA of storage and office area</u>



3. Development Form Standards				
MAX. DENSITY (PER <i>NET ACRE</i> )			LOT COVERAGE	
Residential	12 du		Max. <i>Impervious Cover</i> <sup>2</sup>	60%
Nonresidential <sup>1</sup>	10,000 GFA		Min. <i>Open Space</i> for Major Residential <i>Subdivisions</i>	16%
MAX. BUILDING HEIGHT				
All <i>Development</i>	45 ft <sup>43</sup>			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
<b>TABLE NOTES:</b>				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b><i>dwelling units</i></b> ; sf = square feet; GFA = <b><i>gross floor area</i></b> in square feet; ft = feet; n/a = not applicable				
1. <u>The maximum density for <b><i>multi-level self-service storage</i></b> shall be 55,000 GFA.</u>				
2. <u>The maximum impervious coverage for <b><i>multi-level self-service storage</i></b> shall be 50%.</u>				
3. <u>May be increased by up to ten percent on demonstration to the <b><i>Official</i></b> that:</u>				
a. - f. No Change				

## CHAPTER 16-4: USE STANDARDS

### Sec.16-4-102. – Principal Uses

#### A. Principal Use Table

##### 1. - 5. No Changes

**Staff Explanation:** This change will add multi-level self-service storage as an allowed use with conditions in the LC and IL zoning districts and as a special exception in the SPC zoning district.

##### 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	
	C O N	PR	RS F- 3	RS F- 5	RS F- 6	R M -4	R M -8	R M -12	C R	SP C	C C	M S	W MU	S	M F	M V	N C	L C	R D	M ED		IL
INDUSTRIAL USES																						
<u>Multi-Level Self-Service Storage</u>										<u>SE</u>								<u>P</u> <u>C</u>			<u>P</u> <u>C</u>	<u>Sec. 16-4-102.B.9.C</u>

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**Staff Explanation:** This change establishes conditions for Multi-Level Self-Service Storage uses.

---

## **9. Industrial Uses**

a. – b. No Changes

### **c. Multi-Level Self-Service Storage**

**Multi-level self-service storage** facilities shall comply with the following conditions:

- i. The only **uses** allowed **on-site** shall be the rental of storage bays, the pickup and deposit of goods or property in dead storage, and limited incidental sales of storage and moving materials (e.g., boxes, tape).
- ii. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or **repair** vehicles, small engines or electrical equipment, or conduct similar **repair** activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- iii. The structure shall be set back a minimum of 200' from any arterial road.
- iv. There is a maximum of up to 35,000 GFA per floor.

In addition, multi-level self-service storage facilities in the LC and SPC Districts shall comply with the following conditions:

- i. All storage units and all property stored on the site shall be contained entirely within the building.
- ii. There shall be no outside storage of vehicles or other goods.
- iii. There shall be no exterior functional storage doors on the ground level. Storage doors serving individual storage units shall be located so as to only be accessible to the interior of the enclosed buildings.

### **d. Self-Service Storage**

## CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

### Sec.16-5-102. - Setback Standards

#### A. – B. No Changes

**Staff Explanation:** This change establishes a specific street setback for multi-level self-service storage uses.

#### C. Adjacent Street Setback Requirements

Unless expressly exempted or modified in this subsection or for the CR, S, and IL Districts in Chapter 16-3: Zoning Districts, all portions of a **structure** shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from an adjacent street and maximum setback angle shown in Table 16-5-102.C, Adjacent Street Setback Requirements, based on the proposed **use** and the classification of the **adjacent street**. (See Figure 16-5-102.C, Street Setback Angle.)

TABLE 16-5-102.C: ADJACENT STREET SETBACK REQUIREMENTS				
PROPOSED USE		MINIMUM SETBACK DISTANCE <sup>1</sup> / MAXIMUM SETBACK ANGLE <sup>2</sup>		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
<b>Single-Family</b>	Structure > 24 in high	50 ft <sup>3,4</sup> /75°	40 ft <sup>3,4</sup> / 70°	20 ft <sup>3,4</sup> /60°
	Structure ≤ 24 in high	50 ft <sup>3,4</sup> /n/a	30 ft <sup>3,4</sup> /n/a	10 ft <sup>3,4</sup> /n/a
All Other <b>Uses</b> <sup>5</sup>		50 ft <sup>3,4</sup> /75°	40 ft <sup>3,4</sup> /70°	20 ft <sup>3,4</sup> /60°
NOTES: in = inches ft = feet ° = degrees 1. - 4. No Change				

5. All *multi-level self-service storage* structures shall be set back a minimum of 200' from any arterial road.

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

### *Sec.16-10-103. Use Classifications, Use Types and Definitions*

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**Staff Explanation:** This change establishes a definition for a new use, multi-level self-service storage.

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#### I. Industrial Uses

##### • Multi-Level Self Service Storage

An enclosed multi-level establishment providing individual, self-contained units or areas leased to individuals, organizations, or businesses for *multi-level self-service storage* of household and personal property. The storage units or areas are designed to allow private *access* by the tenant for storing or removing personal property. The *use* does not include a transfer and storage business not involving individual storage areas and businesses where employees are the primary movers of property being stored or transferred (an *Industrial, Manufacturing, and Warehouse Use*). *Accessory uses* may include leasing offices and incidental sales or rental of moving supplies and equipment. Use of the storage areas for sales, service, *repair*, or manufacturing operations is not considered accessory to *multi-level self-service storage*. The rental of trucks or equipment is also not considered accessory to the *use*.

## UTILITY PROJECTS

**Staff Explanation:** This change establishes the decision-making and appeal process for a new application process, Utility Projects.

### CHAPTER 16-2: ADMINISTRATION

Table 16-2-101: Summary Table of Development Review Procedures						
R = Recommendation D = Decision A = Appeal < > = Hearing < >* = Public Hearing E = Encouraged						
Procedure	Pre-Application Conference	Review and Decision-Making Authorities				
		Official	Design Review Board	Planning Commission	Board of Zoning Appeals	Town Council
DEVELOPMENT APPROVALS AND PERMITS						
<u>Utility Project (Sec. 16-2-103.XX[New Section])</u>		<u>D</u>		<u>&lt;A&gt;</u>		
Notes: All meetings of the <b>Town Council</b> , <b>Planning Commission</b> , <b>Board of Zoning Appeals</b> and <b>Design Review Board</b> are public meetings, and any "Hearing" or "Public Hearing" designated above takes place at a public meeting. See Sec. 16-2-102.E.1.						

#### Sec. 16-2-103. Application Specific Review Procedures

**Staff Explanation:** This change will establish a separate review and approval process for utility projects.

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

1. No Change
2. Applicability

a. No Change

b. Minor and Major Development Plans

There are two types of Development Plans: Minor and Major.

- i. Approval of a Minor Development Plan is required for the following types of *development*, provided the *development* does not involve any *wetland alteration*:
  01. Accessory *uses* and *structures*;
  02. Temporary *uses* and *structures*, including temporary *construction* storage and staging; and
  03. Any other *development* that does not involve *construction* of a new *building* or addition, such as parking *lot* changes, new pools or decks, recreation fields or courts, ~~utility line *construction*~~, or changes in general site design.

XX. [New Section] Utility Project Permit

1. Purpose

The purpose of this subsection is to establish the procedures and standards for the review and decision on an *application* for a Utility Project Permit.

2. Applicability

All utility projects in the Town shall be approved in accordance with this subsection.

3. Utility Project Permit Review Procedure

a. Application Submittal

An *application* for a Utility Project Permit may be submitted by *persons* identified in Sec. 16-2-102.C.1, and shall be submitted in accordance with Sec. 16-2-102.C.

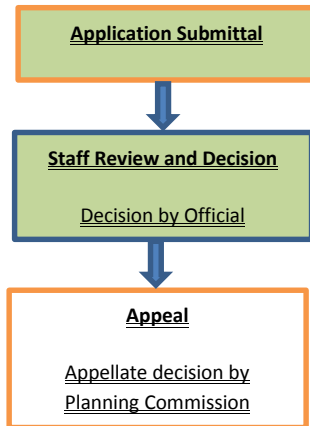
b. Staff Review and Action

On receiving an *application*, the *Official* shall review and make a final decision on the *application* in accordance with Sec. 16-2-102.D. The *Official's* decision shall be based on the standards in Sec. 16-2-103.XX.4, Utility Project Permit Review Standards, and shall be one of the following:

- i. Approve the *application*;
- ii. Approve the *application* subject to conditions of approval; or

iii. Deny the *application*.

#### Utility Project



#### c. Post-Decision Actions and Limitations

##### i. Notice of Decision

The *Official* shall provide notice of the final decision on the *application* in accordance with Sec. 16-2-102.H.1.

##### ii. Appeal

Appeals from the final decision of the *Official* on an *application* for a Utility Project Permit are governed by Sec. 16-2-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code Ann. § 6-29-1150.

#### 4. Utility Project Permit Review Standards

An *application* for a Utility Project Permit shall be approved on a finding the *applicant* has demonstrated the proposed work complies with:

a. The relevant standards and requirements in Chapter 16-3: Zoning Districts, Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards and Chapter 16-6: Natural Resource Protection; and

b. All other applicable standards of this *Ordinance*; and

c. All other applicable requirements in the *Municipal Code*.

#### 5. Effect of Approval

Approval of a Utility Project Permit authorizes only the particular utility work approved, and not any other utility work.

#### 6. Expiration

Approval of a Utility Project Permit establishes a *vested right* in accordance with Sec. 16-2-102.J.1, Vested Rights for Approvals of Site Specific Development Plans.

#### 7. Amendment

A Utility Project Permit may be amended only in accordance with the procedures and standards for its original approval.

#### 8. Final Inspection

Utility projects are exempt from the Certificate of Compliance process as listed in Section 16-2-103.P. At the completion of the Utility Project, the applicant shall do the following:



- a. Provide the Town with one complete set of as-built drawings as accepted by the utility provider, indicating accurate site conditions to include utilities, structures and drainage; and
- b. Request a final inspection from the Town. The *Official* shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this *Ordinance*. After the final site inspection, the *Official* shall either approve or deny the final inspection, based on the Utility Project Permit. In instances where the project is within a *right-of-way* not owned by the Town, the requirement for a final inspection may be waived by the *Official* if the owner of the road conducts a final inspection.

## **APPENDIX D: APPLICATION SUBMITTAL REQUIREMENTS**

### **D-XX [New Section]. Utility Project**

The following shall be submitted with an *application* for a utility project permit:

#### **A. Application Form and Fee**

An *application* form as published by the *Official* and appropriate fee as required by Sec. 16-2 102.C.2, Application Fees.

#### **B. Written Narrative**

A written narrative outlining the nature and details of the proposed utility work.

#### **C. Site Development Plan**

One black line print of a final *site plan* or set of plans, at a minimum scale of 1"=30' or other appropriate scale acceptable to the *Official*, showing the following:

1. Name of utility project.
2. Graphic scale and reference meridian.
3. Beaufort County Tax Map and Parcel Number.
4. Date of drawing and date of any revisions.
5. Vicinity sketch showing the general *site* location and depicting vehicular *access* routes accurately referenced to the nearest public road.
6. Topographic survey at 1-foot contour intervals, or other topographic information acceptable to the Town Engineer, unless waived by the Town Engineer. For water and sewer lines the profile which illustrates the topography above the water or sewer line shall be used to meet this requirement.
7. All permanent *structures* and facilities 15' from any right-of-way line within the proposed project.
8. Location of proposed utility lines, including *off-site* areas of interconnection.
9. Location and dimensions for parking and off-street loading areas, where applicable.
10. Location of proposed buffer areas as required by Sec. 16-5-103 (aboveground structures only).

11. Where applicable, surveyed delineation of any *wetland* area and required buffers or other delineation of a natural feature on the *site* which is protected or defined under provisions of this Title.
12. See Section 16-6-104.G.1.c for requirements related to trees.

## GENERAL AMENDMENTS

### CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

**Staff Explanation:** This change adds Agricultural Use and the PD-1 zoning district to the adjacent use buffer table.

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

A. – D. No Change

E. Adjacent Use Buffer Requirements

1. Unless expressly exempted or modified in this subsection, **development** shall provide a buffer along common property lines with adjoining properties that is of the type designated in Table 16-5-103.E, Adjacent Use Buffer Requirements, for the proposed **use** and the classification of the **use** of the **adjacent** property (or zoning of a vacant **adjacent** property). Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.

TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS <sup>1</sup>				
PROPOSED 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; <u>AGRICULTURAL</u>	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, <u>PD-1</u>	IL
<b>Single-Family</b>	A <sup>4</sup>	A <sup>4</sup>	C <sup>4</sup>	D <sup>4</sup>
<ul style="list-style-type: none"> <li>• All Other Residential <b>Uses</b></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 <b>Uses</b>	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.

## Sec. 16-5-109. Stormwater Management and Erosion and Sedimentation Control Standards

A. No Change

B. Applicability

---

**Staff Explanation:** This change clarifies what activities are covered by the stormwater section, and ensures that the LMO meets the requirements of the Town's NPDES MS4 Permit.

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### 1. General

~~Except as otherwise provided in paragraph 2 below, this section applies to all **development**. This section applies to all land disturbing activity that disturbs ½ acre or greater of land and all development that is within ½ mile of **coastal receiving waters**, regardless of disturbed area. Additionally, this section applies to any project or activity that is part of a **Larger Common Plan**, regardless of size. Exceptions to these requirements are listed in sub-section 2 below.~~

---

**Staff Explanation:** This change clarifies what activities are exempt from stormwater requirements, in accordance with NPDES requirements.

---

### 2. Exceptions

The following ~~**development**~~ activities are exempt from the standards in this section:

- a. **Development** exempt from Development Plan Review in accordance with Sec. 16-2-103.G.3, Exemptions, with the exception of public street or minor utility construction;
- b. No Change
- c. ~~Development that does not disturb more than a total of ½ acre of **land** or alter or disrupt existing drainage patterns;~~
- d. c
- e. d
- f. e

## *Sec.16-5-103. Sign Standards*

A. – E. No Change

**Staff Explanation:** This change clarifies freestanding sign requirements for a variety of uses based on changes to the Use Table as part of the LMO Rewrite project.

## F. Freestanding Signs

1. The total area and quantity of any freestanding *signs* for which a Sign Permit is required shall conform to the standards in Table 16-5-114.F, Freestanding Sign Standards. For *planned unit developments* that contain more than one category of *use*, the *Official* shall apply the appropriate *use* category to each *building* or *development* to calculate the total area and quantity of freestanding *signs* allowed. The number of freestanding *signs* for any *development* may not exceed the total number allowed in Table 16-5-114.F: Freestanding Sign Standards.

TABLE 16-5-114.F: FREESTANDING SIGN STANDARDS				
RESIDENTIAL DEVELOPMENT				
NUMBER OF DWELLING UNITS	NUMBER OF SIGNS	NUMBER OF FACES PER SIGN	NO SINGLE SIGN FACE SHALL EXCEED	TOTAL SIZE OF ALL SIGN FACES
> 500 Dwelling Units	1 per entrance	4	120 sf	240 sf
300—500 Dwelling Units	1 per entrance	4	80 sf	160 sf
< 300 Dwelling Units	1 per entrance	4	40 sf	80 sf
PUBLIC, CIVIC, INSTITUTIONAL, EDUCATIONAL, HEALTH SERVICES, RESORT ACCOMMODATIONS, COMMERCIAL RECREATION, OFFICE, COMMERCIAL SERVICES, VEHICLE SALES AND SERVICES, INDUSTRIAL OR OTHER USES				
TOTAL SQUARE FEET OF GROSS FLOOR AREA	NUMBER OF SIGNS	NUMBER OF FACES PER SIGN	NO SINGLE SIGN FACE SHALL EXCEED	TOTAL SIZE OF ALL SIGN FACES
> 100,000	6, if the <i>development</i> has <i>frontage</i> on 4 or more	4	120 sf	480 sf

	<b>streets</b> 4, if the <b>development</b> has <b>frontage</b> on 2 or 3 <b>streets</b> 2, if the <b>development</b> has <b>frontage</b> on 1 <b>street</b>			
40,000—100,000	3, if the <b>development</b> has <b>frontage</b> on more than 1 <b>street</b> 2, if the <b>development</b> has <b>frontage</b> on 1 <b>street</b>	4	80 sf	320 sf
2,500—39,999	2	4	40 sf	160 sf
2,499 or Less <sup>1</sup>	1	2	40 sf	40 sf
<p>NOTES sf = square feet</p> <p>1. If an <b>applicant</b> in this category shall waive the right to have a <b>freestanding sign</b>, the <b>applicant</b> shall be permitted to exceed the size limitations of Sec. 16-5-114.G, Facade and Hanging Signs, by 50 percent.</p>				

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

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**Staff Explanation:** This change adds definitions for certain terms used in section 16-5-109 – Stormwater Management and Erosion and Sediment Control Standards.

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### **Coastal Receiving Waters**

The navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark.

### **Larger Common Plan**

A Larger Common Plan (LCP) is "broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot."

63 Federal Register No. 128, July 6, 1998, p. 36491

For example, if master calculations have been prepared and/or submitted for an entire site, then all phases and parcels at that site would be considered part of an LCP. If the site is part of a subdivision, industrial park, commercial park, etc., then it is considered to be part of an LCP.

Any land-disturbing activities, including clearing, grading or excavating, on any site considered part of a Larger Common Plan, based on the definition above, would be required to obtain coverage under the NPDES Construction General Permit even if the land-disturbing activities resulted in a disturbed area of less than one (1) acre.



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

**ORDINANCE NO. 2017-#**

**PROPOSED ORDINANCE NO. 2017-09**

**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, 10 AND APPENDIX D TO REVISE VARIOUS SECTIONS. THESE AMENDMENTS, COMMONLY REFERRED TO AS *2017 LMO AMENDMENTS – FIRST SET* AS NOTICED IN THE ISLAND PACKET ON MARCH 19, 2017, 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**, from time to time it is necessary to amend the LMO; and

**WHEREAS**, the LMO Committee met on January 20, 2017 to develop a list of proposed LMO Amendments; and

**WHEREAS**, the LMO Committee held public meetings on January 25, 2017 and March 29, 2017 at which times 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 the Planning Commission with a recommendation of approval with the changes as discussed by staff, the public and the Committee; and

**WHEREAS**, the Planning Commission held a public hearing on April 19, 2017 at which times 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 unanimously to recommend that Town Council approve the proposed amendments with the exception of the amendments related to Multi-Level Self-Service Storage, the vote on the Storage amendments was 4-2; and

**WHEREAS**, the Public Planning Committee held a public meeting on April 27, 2017 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 Public Planning Committee, after consideration of the staff presentation and public comments, voted 3 – 0 to recommend approval of the proposed LMO amendments as drafted with the exception of any amendments related to storage; 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 adopt 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 *2017 LMO Amendments – First Set* are adopted as indicated on the attached pages (Exhibit A). Newly added language is illustrated with double underline and deleted language is illustrated with ~~striketrough~~.

**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 \_\_\_\_\_, 2017.**

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

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

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

Public Hearings: April 19, 2017  
First Reading:  
Second Reading:

APPROVED AS TO FORM:

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

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