



The Town of Hilton Head Island

Regular Town Council Meeting

October 17, 2017

4:00 P.M. EXECUTIVE SESSION

5:00 P.M. REGULAR MEETING

BENJAMIN M. RACUSIN COUNCIL CHAMBERS AGENDA

**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. Contractual Matters:

Discussion of negotiations incident to proposed contractual arrangements related to beach renourishment.

b. Legal Matters:

The receipt of legal advice pertaining to a potential claim or litigation associated with Peter Buonaiuto vs. The Town Council, Town Manager, and Town Staff Attorney.

4. Pledge to the Flag – 5:00 p.m.

5. Invocation

6. Proclamations & Commendations

a. Mayor's Honored Islanders

- i.** Michael Cooke
- ii.** Pamela Cooper
- iii.** Rudy Milton

b. Red Ribbon Week Proclamation

7. Approval of Minutes

- a.** Town Council Meeting, October 3, 2017

8. Report of Town Manager

- a.** USCB Quarterly Update

b. 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 & 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 & Administrative Committee – John McCann, Chairman

10. Appearance by Citizens

11. Unfinished Business - None

12. New Business

- a. **Consideration of Recommendation – Town Council Key Priority: Workforce Availability**

Consideration of a Recommendation that Town Council review and consider approving the next steps as recommended by the Public Planning Committee at its meeting on September 28, 2017 to address the housing portion of Town Council's Key Priority: Workforce Availability.

- b. **First Reading of Proposed Ordinance 2017-19 (LMO Amendments)**

First Reading of Proposed 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 and 10 to Revise various Sections. These Amendments, commonly referred to as *2017 LMO Amendments – Second Set* as noticed in the Island Packet on August 20, 2017, including changes that proved for general amendments to a variety of Sections in the LMO, and providing for severability and an effective date.

13. Possible actions by Town Council concerning matters discussed in Executive Session

14. Adjournment

Honored Islander Award

presented to

Michael Cooke

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

Presented this 17th day of October, 2017

Mayor David Bennett

Honored Islander Award

presented to

Pamela Cooper

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

Presented this 17th day of October, 2017

Mayor David Bennett

The seal of the Town of Hilton Head Island, South Carolina, is a large, circular emblem in the background. It features a central illustration of a ship on the water, flanked by two smaller circular emblems. The outer ring of the seal contains the text "TOWN OF HILTON HEAD ISLAND" at the top and "SOUTH CAROLINA" at the bottom. A banner across the bottom of the seal reads "PRÆSERUARE ET PROSPERARE" and "1663 · 1983".

Honored Islander Award

presented to

Rudy Milton

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

Presented this 17th day of October, 2017

Mayor David Bennett

Proclamation

BY
THE TOWN OF HILTON HEAD ISLAND

WHEREAS, Substance and other drug use and abuse has reached widespread stages throughout the United States; and

WHEREAS, Red Ribbon Week, being the oldest and largest drug prevention campaign, honors U.S. Drug Enforcement Administrator, Enrique Camarena, who was tortured and murdered while working undercover, investigating a major Mexican drug cartel; and

WHEREAS, Parris Island Young Marines' mission is to positively impact America's future by providing valuable programs for boys and girls that promote a morally responsible, healthy and drug-free lifestyle; and

WHEREAS, these Young Marines participate in many events, including the Red Ribbon Campaign, to encourage others to be drug-free and live drug-free, healthy lives; and

WHEREAS, drug awareness and education are vital and key elements in the Young Marines' fight against illicit drug use and trafficking in our communities; and

WHEREAS, the Parris Island Young Marines will actively participate in the Red Ribbon Campaign to raise awareness of the destruction caused by drugs in our country; and

NOW THEREFORE, I, David Bennett, Mayor of the Town of Hilton Head Island do hereby proclaim October 23rd-31st, 2017 as

RED RIBBON WEEK

in the Town of Hilton Head Island, and call upon our citizens to stand together against the use and illegal trafficking of illicit drugs in our community.

*IN TESTIMONY WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hilton Head Island to be affixed this **Seventeenth day of October, 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, October 3, 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*; Brian Hulbert, *Staff Attorney*; Brad Tadlock, *Fire Chief*; Nancy Gasen, *Director of Human Resources*; Scott Liggett, *Director of Public Projects & Facilities/Chief Engineer*; Tom Fultz, *Director of Administrative Services*; Jenn McEwen, *Arts & Culture Network Director*; Ed Boring, *Deputy Fire Chief*; Joheida Fister, *Fire Marshal*; Tom Dunn, *Emergency Management Coordinator*; Steven Markiw, *Deputy Finance Director*; Shawn Colin, *Deputy Director of Community Development*; Jennifer Ray, *Planning and Special Projects Manager*; Teri Lewis, *LMO Official*; Emily Sparks, *Project Lead, Hilton Head Island – Our Future*; Erica Madhere, *Finance Administrator*; Cindaia Ervin, *Finance Assistant*; Tom Paige, *MIS Administrator*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*

Present from Media: Alex Kincaid, *Island Packet*; Meghan Schiller, *WJCL News*

1. Call to Order

Mayor Bennett called the meeting to order at 4:00 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) Land Acquisition Matters; Discussion of negotiations incident to the proposed sale, lease or purchase of property near the Hilton Head Island Airport, (b) Legal Matters; receipt of legal advice related to Bradley Circle Vacation Partners, LLC and Monti Development HH vs. The Town of Hilton Head Island, (c) Contractual Matters; Discussion of negotiations incident to proposed contractual arrangements related to beach renourishment, and (d) Legal Advice; Receipt of legal advice related to personnel matters and contract negotiations regarding the Town Manager and Town Manager contract.

At 4:01 p.m. Mrs. Likins moved to go into Executive Session for matters mentioned by the Town Manager. Mr. Harkins seconded.

Mr. McCann moved to amend the original motion by removing item 3(d), namely, "Receipt of legal advice related to personnel matters and contract negotiations regarding the Town Manager and Town Manager contract" from executive session. Mr. Lennox seconded. Mayor Bennett asked the members of Council if they wished to discuss the amendment.

Mr. Ames said he would like to ask the Staff Attorney, Brian Hulbert if such an amendment was consistent by Robert's Rules of Order. Mr. Hulbert stated that it is permitted to amend an agenda under Robert's Rules, and the way to handle that is to address the proposed amendment that was seconded, then address the original motion. Mr. Ames further questioned if the agenda first required amending. To which Mr. Hulbert replied he thought that's what the amendment was for, to remove one of the agenda items from Executive Session.

Mayor Bennett asked Mr. Hulbert if an agenda item can be removed. Mr. Hulbert stated that Robert's Rules of Order allows for amending the agenda, as does FOIA, and there are procedures in place to amend agendas. He further stated that there is a Town policy that Town Council has had in place since the early 1990's that allowed agenda items to be added. Which thereby, if agenda items could be added, then agenda items could be removed. This could be done one of two ways: in this instance when referring to Executive Session, if there isn't a majority vote to enter for the reasons stated by the Town Manager, or remove or move an item from Executive Session to open session of the meeting as what was done two weeks ago. Mayor Bennett stated that in retrospect, he wasn't sure amending the agenda two weeks ago was a good idea, and requested that Mr. Hulbert provide a citation from the Town Code that shows that an agenda can be amended at the time of the meeting. Mr. Hulbert conceded that he did

not have that information with him at that time. Mayor Bennett stated that the amendment to the original motion and the second to that motion would not be considered. Mayor Bennett asked the members of Council if there was any further discussion.

Mr. Harkins stated that he was removing his original second from the original motion because if he was making his vote, he would vote to support the amended motion made by Mr. McCann. Mayor Bennett asked if another member of Council was prepared to second the original motion. Mr. Ames seconded the motion made by Mrs. Likins to go into Executive Session for the matters as mentioned by the Town Manager.

Mr. Harkins stated that if Council discussed item 3(d) in Executive Session, he would excuse himself from the discussion. Mayor Bennett said that Mr. Harkins may do so. The vote was then called, and passed by a vote of 4-3. Mr. McCann, Mr. Harkins, and Mr. Lennox voted against.

Council returned to the dais at 5:08 p.m.

4. Pledge to the Flag

5. Invocation

6. Proclamations & Commendations

a. Fire Prevention Week

Mayor Bennett presented the Fire Prevention Week proclamation to Town of Hilton Head Island Fire Marshal, Joheida Fister, and the members of Fire Rescue.

b. Beaufort County Student of the Month

Mayor Bennett presented Student of the Month Awards to two Hilton Head Island children: Tariq Lester of Hilton Head Island High School who was accompanied by Assistant Principal Alvilda Graham, and Johnny Nardi of Hilton Head Island IB Elementary School who was accompanied by Hilton Head Island IB Middle School Principal Neodria Brown. Both school administrators made brief remarks about their respective students. Student Jada Brantley of Hilton Head Island Early Childhood Center was also recognized by the Mayor and Ms. Carroll from the Center.

7. Approval of Minutes

a. Town Council Meeting, September 19, 2017

Mrs. Likins moved to approve. Mr. Harkins seconded. Town Council Meeting Minutes for September 19, 2017 were approved by a vote of 7-0.

8. Report of Town Manager

a. Emergency Beach Renourishment Update, including potential project expansion and funding requirement.

Scott Liggett made remarks regarding the emergency beach renourishment project. He talked about the renourishment that was completed prior to Tropical Storm Irma, as well as the damage Irma did to the areas that had been completed and those that had not been completed. Mr. Liggett provided Council with a briefing of what the potential project expansion and funding requirements will look like.

b. Items of Interest

Mr. Riley asked Emily Sparks, the Project Lead for the Vision Project Management Team to update Council with the new dates for the Vision workshops. Ms. Sparks made remarks related to the new workshops that will take place throughout the community the end of October. She also spoke about the Our Future kiosks that are floating around the community for citizens to provide feedback by completing the Vision survey.

i. Town News

Mr. Riley reported on Town news including some upcoming public meetings and Committee meetings.

ii. Noteworthy Events

Mr. Riley reported on upcoming noteworthy events taking place in the coming weeks.

9. Reports from Members of Council

a. General Reports from Council

Mayor Bennett announced that the Beaufort County Economic Development Council had hired John O'Toole as the new Executive Director, beginning October 23, 2017.

b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman

Mr. Harkins reported that the Committee met on October 2, 2017 where Fire Rescue leadership made a presentation on the accreditation process. There was a focus on the cardiac intervention program, which serves as a teaching model for other municipalities in the southeast. Our Fire Rescue has great leadership, with the Chief and his staff, a team that is committed to continuous improvement, and they have shown that they have saved many lives, providing the intervention they have been trained for.

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

Mrs. Likins reported to Council that the Community Services Committee met for a special meeting on September 26, 2017 for the consideration of the development of criteria, terms, and conditions under which the Town would support a significant portion of the cost of the designing, acquiring, and installing a new stage lighting system for the Arts Center of Coastal Carolina. She stated that the Committee was charged with developing criteria for grant funding from the Town's operating budget which according to the FWA Group Building, that was commissioned by the Town, was estimated to cost approximately \$600,000. Mrs. Likins said she opened the meeting stating that the Committee was not charged to determine whether the Town would grant the funding for the lighting, but whether to determine the best practices for establishing the criteria for such a grant. She further explained that the significance of this action since the Town had never previously provided funds to a non-profit community initiative was there was no formal partnership or ownership, and this would be setting a precedence. She recommended that at the Committee adopt, best practice standards similar to what other municipalities have established for providing grants of this size. Prior to the Committee meeting, she said she drafted a full page of criteria to be provided for the Committee to review. Mrs. Likins said, that her fellow Committee members instead moved to recommend the funding for the lighting system up to 85% of the cost, not exceed more than \$575,000, then provided a check list of contract terms, not criteria to justify an expenditure of this amount. Mrs. Likins noted that Mr. Riley recommended that the funds needed for such a grant could come from \$1,000,000 in unused hospitality funds that had been set aside for the fly-over beautification. She stated that there was no public debate prior to the Committee taking the vote on the motion that had been made by her Committee member. She further stated that she had received a number of phone calls and emails from citizens questioning and how the Committee was able to move forward with the Recommendation being considered later in the agenda. Mrs. Likins concluded her report by stating she felt they could do better than this.

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

Mr. Ames reported that the Committee met on September 28, 2017 where they discussed workforce availability, which is a top priority of 2017. Mr. Ames stated that they have approved nine Recommendations that will come before Town Council at the next meeting, October 17, 2017. He stated that needless to say, this is not a new initiative in the Town. He further stated that in the opinion of the Public Planning Committee, this initiative has become a crisis. Mr. Ames said that in the opinion of the people who have jobs and want to live on the Island, it's a crisis. He stated that our businesses are struggling, and there are a lot of people who live here, but cannot afford to live here. Mr. Ames said he thought it behooved Council and the Town Manager to anticipate the budget and the staff resources to make this initiative possible.

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

Mr. Grant reported to Council that the Committee met earlier in the day to discuss public assembly. He stated that the Town policy states that any assembly of 500 or more people requires a permit, which must be applied for in advance. Mr. Grant said there is a ten day minimum waiting period. He said that the Town Manager does have the discretion to approve it based on public safety. He said that assemblies are held at the Town Parks due to parking arrangements. If someone wanted to hold a public assembly someplace other than one of the Town Parks, they would have to come up with some kind of alternative parking arrangement in order to seek approval of that permit. Mr. Grant reported that in terms of holding assemblies or events, such as any kind of walk, citizens can have the demonstrations, but would still require a permit. Mr. Grant said that he felt that there is an overall plan in place, and each Council

member would be receiving a formal written document in their box soon. A similar document would be posted online for citizens to review. Mr. Grant stated that at the end of October, the Committee may look to have a traffic study done with regard to the ingress and egress at Long Cove.

f. Report of the Finance & Administrative Committee – John McCann, Chairman

Mr. McCann reported that the Committee met earlier in the day where they discussed the update on the stormwater projects. He stated that he is expecting a final update by the end of the year, with what the plan is, outstanding number of projects are, and timeline to satisfy that plan. Mr. McCann stated that the Committee will add to their agenda the review of outside counsel. Mr. Ames asked Mr. McCann about \$150,000 that the Town had granted to the Chamber. He asked what the money was used for, and if it was well spent. Mr. McCann indicated that he would obtain the information by the next meeting for Mr. Ames.

Mayor Bennett stated that he wanted to make some remarks before moving on to Appearance by Citizens. He stated that he and Mr. Grant had attended a funeral of a citizen earlier in the day. Mayor Bennett talked about the last time he had talked to her, when she had left a message for him, apologizing for bothering him. Upon returning her call, he stated that it was his pleasure to be calling her back and would help out in any way he could. She and her friends were integral to the One Island One Community effort, it mattered to her, to build unity. The Mayor said that he shared with Mr. Grant recently that he wanted to make sure that his walk matches his talk. He further stated that he has been disturbed by the fact that he is the leader of the community, pointing at the members of Council, stating that we are the leaders of this community, and he's not sure that they collectively are displaying that unity. Mayor Bennett said the he was not looking around the room casting blame, he was predominately looking at himself, and he stated that he does not want any more part of it. He continued by saying that he knew that his election caught a lot of people off guard, and was an agent of change. He said that he knows with change, there is stretching and sometimes uncomfortableness. He said he knows that they can do better, and he said that he is going to double down and do better himself. The Mayor said for starters that it will require more and better communication from him to each of the Council members including Mr. Riley. He said that he has reached out so some of the members already, but will reach out to the remainder. He went on to say that he will begin scheduling meetings one on two, having regular meetings, good dialogue, and good correspondence. Mayor Bennett said that he respected each person sitting with him, and that they all needed to talk more and not to be surprise that he augment the meetings that he suggested with workshops so all the members can get together to speak openly. Mayor Bennett closed by stating that he is not looking for everyone to be in agreement, but looking for unity between all of them, asking that for his part, that they please accept his apology.

10. Appearance by Citizens

Eric Esquivel. Addressed Council about outdoor events. He stated that he felt the commitment made to Shelter Cove has made having events at the Shelter Cove Community Park is unclear. Mr. Esquivel stated that the process for the outdoor events has become cumbersome, and that there are too many individuals that one has to go through to get an event approved, including those individuals he has worked with at Shelter Cove Town Center. The Development Agreement with Shelter Cove Town Center is missing, and no one has been able to provide this information to either party, the group applying for the permit and Shelter Cove Town Center. Mr. Esquivel was contacted earlier this summer, told that his event was becoming too large, and the event needed to be moved. The question posed was where should the event be moved? Mr. Esquivel asked the members of Town Council to please provide something in writing that provides clarity as to what is required for public events. Mayor Bennett asked Mr. Riley is there is a way when citizens contact the Town for their events to have one point of contact or streamline the process more. Mr. Riley stated that because of the process itself, it is unlikely that there could only be one point of contact, but there should be a way to streamline the process.

Skip Hoagland. Addressed Council about his matters with the Town and Transparency.

11. Unfinished Business

a. Second Reading of Proposed Ordinance 2017-17 (Bradley Circle)

Second Reading of Proposed Ordinance 2017-17 to amend Title 16, "The Land Management Ordinance," of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-1-107, the official Zoning Map with respect to those certain parcels identified as parcels 22J, 22K, 22L, 22M, 22P, 22R, 22S, 22T, 22U, 22V, 279, 499, 501, 502, 505,

513, 575, 576, 591, 596, 597, 619, 624, 625, 635, 645, 669, 670, 671, 672 and 673 on Beaufort County Tax Map #8 and as parcels 11B, 11D, 11E, 264, 896, 1072, 1073, 1075, 1086, 1087, 1088, 1095, 1096, 1097, 1102, 1103 and 1201 Beaufort County Tax Map #9 to rezone the parcels from the RD (Resort Development) zoning district to the RM-8 (Moderate Density Residential) zoning district; and providing for severability and an effective date.

Mr. McCann moved to approve the Second Reading of Proposed Ordinance 2017-17. Mr. Harkins seconded the motion.

Several members of the community including residents of the Bradley Circle area, business owners, attorneys, and developers spoke both in support of excluding the three referenced parcels and against excluding the three referenced parcels.

Mrs. Likins stated that as the Ward representative, she wished she could always meet everyone's needs and desires. But that this is a situation, unfortunately, where she could not meet the needs of everyone. Mrs. Likins said that she has spoken to the residents in the area, as well as Mr. Singleton explaining why she supports these parcels going back to RM. She further stated that the safety issues are unbelievable. She described when her and her husband recently went to Bradley Circle on a Sunday. She stated that she observed one home having a party, in which both sides of the street had vehicles parked all along it. She described that there were cars parked half-way across one of the bridges that go to the ocean property. Mrs. Likins said that she felt there was no way that a fire truck or rescue vehicle would be able to safely travel down Bradley Circle, much less turn the corner and make it to one of the properties. She stated that this matter is a safety issue. Mrs. Likins said that she wished that this area had been properly planned appropriately, but it was not. She stated that the infrastructure is not there to support resort development. She further stated that the people that own these homes, and the families that live there with their children that play in the area deserve to be safe. Mrs. Likins closed by stating that she was sorry, but she cannot support leaving the three parcels out, and that the entire area needs to be RM-8.

Mr. Grant stated that he has empathy and understands the problems with regards to the safety issues that have been discussed, and agrees on many levels with what has been said. He stated that he understands that many of the individuals that have bought property in the area have built across marshes, where animals and nature exists. He also said that some of these individuals have built bridges connecting to their homes realizing what would need to cross over these particular bridges. Mr. Grant stated that what he didn't understand is that when the homes were built, that they were built in an area that was considered to be wetlands. Mr. Grant said that he is not asking for something that has not been voted on before. Mr. Grant continued by saying that he is being consistent with how he votes. He stated that in the past, Council had similar discussions allowing property owners to develop their property based on their property rights. He said that he has not changed his position on this type of matter during any of the discussions Council has had. Mr. Grant said that he is asking his fellow Council members to be consistent, and that they all look at this matter the same way they have to similar matters in the past, and find an alternative way to address the traffic. Mr. Grant pointed out that Mr. Singleton's property sits adjacent to the Marriott which in his opinion should receive some type of variance. Mr. Grant said that although race has been discussed earlier in the evening, that at no time had he ever call race in this matter. He further stated that a Native Islander could be an African American or Caucasian, that there have many different types of people living on Hilton Head Island. Mr. Grant closed by asking his fellow Council members to focus on the one matter that he brought up two weeks ago, which was to keep the three parcels of land as RD.

Mayor Bennett asked Mr. Grant if his intent was to limit Mr. Singleton's properties to RD. Mr. Grant said that he would like Council to vote on the motion that is on the table, and proceed with the vote. Mayor Bennett, asked Mr. Grant about addressing the traffic in the area. Mr. Grant said that after this current item is approved, then Council can come back and have a more detailed conversation about the traffic and the safety issues in this area and looked at what can be done to improve the quality of life in this particular area.

Mr. Lennox stated that this matter is not about race or wealth distribution as had been stated throughout the public comment; it's about a unique, apparent and easily seen carve out of a property that is somewhat unassociated with the other properties within this area. He stated that the three properties that are on the outside of the circle to the west are contiguous to other RD properties. He further stated that when you look at the plat plan of the entire area affected, it is apparent that the triangle shape of the three parcels is somewhat disassociated from the rest. Mr. Lennox said based upon this information

he can support the second reading of this Ordinance as is.

Mayor Bennett said that he does not believe that this rezone is the answer to this matter, and that it doesn't address either side with a solution for what's on the table. He said that he felt that there just isn't an answer to this question, and understands the desire to grandfather Mr. Singleton's parcels and trying to address what the Mayor believes is an equity matter. Mayor Bennett said that he did not believe that those responsible for adequately compensating the equity matter should be the residents of Bradley Circle. He said that he believed that it should be the responsibility of the Town to compensate the equity matter because of past poor planning.

Mr. Harkins said that if the vote went in favor of Mr. Grant it is imperative of the Town's Engineering Department to do a review of the area in terms of traffic, sewer, and water movement in the area. He said because of what has been done in this area in the past, in terms of overall design and development which was ill-advised, a compromise was advanced by the Planning Commission. Mr. Harkins pointed out that both Alex Brown, Chairman and Peter Kristian, Vice-Chairman of the Planning Commission were both in the audience, and stated that he would like to hear from the Planning Commission of what the rationale was behind their thinking for this compromise.

Mayor Bennett asked Mr. Brown if he would care to speak to the matter. Mr. Alex Brown, Chairman of the Planning Commission addressed Council to explain the rationale of the Planning Commission to proceed with the rezoning of this area at Bradley Circle. Mr. Brown said that the majority of the property owners in the Bradley Circle area wanted a change. He said that the Planning Commission agreed that after lengthy discussion that a compromise would be made. Mr. Brown said that the Planning Commission was simply trying to do the right thing for all parties. He said that Mr. Lennox was right, looking at the three parcels, they are adjacent to the Marriott. When the Marriott was built, it changed the entire dynamic of this area, and the Planning Commission's thought was to leave the three parcels RD. This should also satisfy those that were concerned about the circle, those properties would then be rezoned from RD to RM-8. Mr. Brown said, that in the minds of the Planning Commission, it was a compromise for all. Mayor Bennett ask Mr. Brown if during their discussions, was there a discussion about whether or not those parcels were different from the others and if they would continue to rely on the main road network that services that neighborhood. Mr. Brown said that to his recollection, that discussion had not taken place.

Mr. Kristian stated that he supported Mr. Brown's comments. The Planning Commission was being asked to review plans to change the entire area back to RM-8; however Mr. Singleton made a convincing argument that there should be a carve out.

Mr. Harkins stated that both Mr. Brown and Mr. Kristian addressed his question about compromise. He said that based on the information, there is work to do at the Town and maybe there are some creative suggestions that the Commission is thinking of. He said that there are traffic issues, stormwater issues, sewer issues, and safety issues. Mr. Harkins said that the only way he would support this Ordinance is if there is a collect will to address these issues immediately.

Mayor Bennett asked if there were any further discussion before calling the vote, the motion was approved by a vote of 4-3. Mayor Bennett, Mr. Ames, and Mrs. Likins voted against.

b. Second Reading of Proposed Ordinance 2017-18

Second Reading of Proposed Ordinance 2017-18 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30 2018, to provide for the budgeted appropriations of prior year budget roll forwards and the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and effective date.

Mr. Likins moved to approve the Second Reading of Proposed Ordinance 2017-18. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

c. Discussions of Negotiations Incident to Proposed Contractual Arrangements with the Town Manager

Pursuant to Municipal Code Section 2-7-50, Mr. McCann moved that the Town Council of the Town of Hilton Head Island, South Carolina adopt a resolution affirming Council's support of Steve Riley as the Town Manager, maintaining his current status as the Town Manager, and terminating any discussions, in executive session, in open session of meetings of Council, regarding any amendment or termination of Mr. Riley's current employment agreement with the Town. Mr. McCann further moved that Council terminate its lawyer-client relationship with its outside counsel regarding this matter. Mr. McCann

further moved that this resolution be stated policy of Council until a majority of the member of Council votes otherwise at a regular meeting of Council. Mr. Grant seconded the above motion.

Mr. Harkins said that he felt that it was time to move on. He said that it not only applies to the Mayor, but to himself, and all the persons sitting at the dais. Mr. Harkins stated that had all of them been working together as they should have, things may not be where they are now. He said that this is a second chance for everyone. Mr. Harkins said that we have a Town Manager that has demonstrated exemplary performance in the past; he's not perfect, and neither are any of us, but we are here to work as a team. Mr. Harkins stated that he felt if all of the members of Council worked together as a team, they can get further ahead.

Mr. Ames said that there are many things that are important to him as a Councilman. He stated that forward planning is important, striking new goals, and establishing new expectations. He said that he doesn't feel as though they have done a good job of doing any of this in the past. Mr. Ames continued by saying that he knew where the votes were, and that although he was not 100% confident with where Council was going at this point, he knew that some work needed to be done. He further stated that in the spirit of unity and the rebuilding of bridges that were damaged not by the behavior of the Town Manager, but by the antics of the members of Town Council. He closed by saying if they were going to rebuild bridges, that he would support the motion.

Several citizens spoke in favor of Mr. Riley maintaining his status with the Town as Town Manager.. Some citizens did ask that if Mr. Riley was to maintain his status as the Town Manager, that he keep the Town's promises made to the Native Islanders.

Mr. Grant stated that many of the citizens feel as though they have been left behind. He said that he hoped that Town staff heard what was said, because the issues need to be addressed. Mr. Grant indicated that the Town needed to address the stormwater issue, the affordable housing issue, safe streets, and various other matters in terms of economic development. He said that as they continue to work as a team and with staff as a team that they will look at each issue and continue to move forward. He continued by saying that moving forward will allow citizens to be productive with their property.

Mayor Bennett stated that if Council is going to be completely transparent that he explain what has transpired over the last fourteen months. He explained that when informed by Mr. Riley last June that he was a finalist for positions with other municipalities, Town Council acted immediately to reach out or start a search. He further stated that the search came to a halt when Hurricane Matthew came through in October. Mayor Bennett said that then again, this past May, Mr. Riley told us that he was a finalist for another position, we again started discussions regarding his contract. Mayor Bennett said that he meant what he said earlier, he wants to build unity, and nobody gets a free pass. He said he feels that there are a lot of conversations to take place, and he is ready to have conversations with everyone, including Mr. Riley.

Mayor Bennett asked if there were any further comments before calling the vote, the motion passed by a vote of 7-0.

12. New Business

a. Introduction to the Mayors' Commission on Homelessness and Affordable Housing and the Housing First Model

Introduction to the Mayors' Commission on Homelessness and Affordable Housing and the Housing First Model as an approach to end homelessness and combat the affordable housing challenge within the community by providing access to permanent housing with no readiness requirements.

The Commissioners had to leave prior to this agenda item being called to the floor. It will be rescheduled for another meeting at a later date.

b. Consideration of a Recommendation - South Island Dredging Project

Consideration of a Recommendation of the Finance and Administrative Committee to Town Council of the Town of Hilton Head Island, South Carolina, authorizing the Town Manager to enter into an agreement related to the South Island Dredging Project within the limits of the funds set aside for this purpose, \$600,000.00.

Mrs. Likins moved to approve the Recommendation from the Finance and Administrative Committee. Mr. Harkins seconded, the motion was approved by a vote of 7-0.

c. Consideration of a Recommendation from the Community Services Committee regarding the Theatrical Lighting for the Arts Center of Coastal Carolina

Consideration of a Recommendation from the Community Services Committee that Town Council approve the Town funding 85% of the cost to design, acquire, and install a new Arts Center of Coastal Carolina theatre lighting system not to exceed \$575,000 with criteria and conditions as outlined in the supporting staff memo and determined by the Committee.

Mr. Harkins moved to approve the Recommendation from the Community Services Committee. Mr. Grant seconded.

Mr. Harkins moved that the Town Council direct the Town Manager to enter into a lease agreement with the Arts Center of Coastal Carolina for the design, acquisition, and installation of new theatre lighting system subject to the following terms and conditions: (1) the total cost of the system shall not exceed \$575,000, (2) the Town shall fund no more than 85%, or \$488,750 in the form of a lease agreement with the Arts Center of Coastal Carolina, (3) the Arts Center of Coastal Carolina shall contribute 15% of the total cost of the system as a down payment, (4) the least shall be secured with the system, (5) the Arts Center of Coastal Carolina shall (i) comply with the Town procurement procedures and policy, (ii) show proof of funds for down payment, (iii) provide detail of disposition of existing system, (iv) provide a schedule and timeline of project, (v) provide any and all financial information requested by the Town, including by not limited to; (a) CPA prepared statements for the most recent three fiscal year ends, and (b) most recent internally prepared interim YTD financial statements, (6) the Arts Center of Coastal Carolina acknowledges that, should the Town and the Arts Center of Coastal Carolina ever enter into an agreement whereby the Town acquires the real property owned by the Arts Center of Coastal Carolina within the term of the lease, that the amount of funding under this lease by the Town will represent a credit toward any consideration, and (7) the Arts Center of Coastal Carolina will continue to provide a senior level board member to the Town Venue Committee to support the Committee's work. Mr. McCann seconded the motion.

Several members of the community spoke both in support of and against the amended motion Mr. Harkins made in reference to the Town providing funds to the Arts Center of Coastal Carolina for theatre lighting.

Mrs. Likins stated that what concerns her is not just the \$600,000, but the report from the consultant group, under the write up, number two, same category is replacing the building mechanical system at a cost of \$750,000. She said that she feels that this could be the next thing that the Arts Center of Coastal Carolina asks for from the Town. Mrs. Likins said that there has to be a business plan and an audit, something to show the citizens what exactly the Town is paying for and do the right thing.

Mr. Ames said that he would support this motion if Council would pay for an audit too. He stated that he felt that the citizens were being fooled if this was a one-time payment. He said there has to be a plan in place, show something that shows how this stands up to other arts and culture organizations.

Mayor Bennett said that he is a big believer in the Island's arts and culture. He is thankful for those that brought about the Arts Center. The Mayor said that there needs to be accountability, that this is a private business owned by them, occupied primarily by them. He stated that a couple of years ago the sound system required replacement, now it's the lighting, next it will be something else. He said that he is concerned about where the money is being pulled from.

Mr. Lennox stated that the due diligence in communication has been done, and has been taking place for almost two years now. He said that the Town has already set a precedence by giving funds to organizations such as Honey Horn, the Heritage, and the Rec. Center. Mr. Lennox said that it is now time to stop talking and it is now time to act.

Mayor Bennett asked if there were any further comments before calling the vote, the motion was approved by a vote of 4-3. Mayor Bennett, Mr. Ames, and Mrs. Likins voted against.

d. Consideration of a Recommendation – Potential Engagement of an Executive Search Firm

Consideration of a Recommendation from the Finance and Administrative Committee that Town Council seek the potential engagement of a search firm for the purposes of the assistance of searching and hiring a new Town Manager with the assistance of the Municipal Association of South Carolina.

Council did not move on this item, nothing to consider.

13. Possible actions by Town Council concerning matters discussed in Executive Session.

14. Adjournment

Mayor Bennett adjourned the meeting at 9:30 p.m.

Krista M. Wiedmeyer,
Executive Assistant/Town Clerk

Approved: 10/03/2017

David Bennett, Mayor

DRAFT



UNIVERSITY OF
SOUTH CAROLINA
BEAUFORT

Date: October 5, 2017

To: Stephen G. Riley, ICMA-CM, Town Manager
One Town Center Court
Hilton Head Island SC 29928.

From: Mike Parrott, USC Beaufort



Re: USCB Hospitality Management 3rd Quarter 2017 Construction Report

CONSTRUCTION PROGRESS

Work continues to progress as scheduled. Concrete exterior foundations and foundation perimeter walls are complete. Interior foundations are 75% complete. Underground mechanical, electrical, and plumbing rough-ins begin next week. The 1st floor concrete slab is scheduled to be complete October 20, 2017. Vertical construction is scheduled to begin October 24, 2017 as we begin to install the structural steel.

SCHEDULE

The current tentative contractor schedule allows the University to occupy the facility September 21, 2018.

BUDGET

The budget numbers continue to track well. We have committed \$17,878,361 in contracts to the architect, construction contractor, and a testing and inspections firm. The remaining large procurements not yet under contract are for furniture, site lighting, and audio visual instruction equipment. These procurements are underway and are on schedule.

Total expenses paid to date are \$2,833,267. The University has fulfilled its commitment to contribute \$2,500,000 to the project. The remaining project expenses will be paid by the Town of Hilton Head.



ITEMS OF INTEREST

October 17, 2017

TOWN OF HILTON HEAD ISLAND MEETINGS

- Accommodations Tax Advisory Committee – October 19, 2017, 9:00 a.m.
- Public Facilities Committee – October 23, 2017, 10:00 a.m.
- Vision Project Management Team – October 23, 2017, 5:00 p.m.
- Design Review Board – October 24, 2017, 1:15 p.m.
- Construction Board of Adjustment & Appeals – October 24, 2017, 5:30 p.m.
- Venue Committee – October 26, 2017, 9:00 a.m.
- Public Planning Committee – October 26, 2017, 3:00 p.m.
- Intergovernmental & Public Safety Committee – November 6, 2017, 10:00 a.m.
- Finance & Administrative – November 7, 2017, 2:00 p.m.
- Town Council Executive Session – November 7, 2017, 4:00 p.m.
- Town Council Regular Meeting – November 7, 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 for Committee meeting dates and agendas.

HILTON HEAD ISLAND EVENTS

Thursday, October 19, 2017 6:00 – 9:00 p.m.	Fall Music & Taste On the Harbour	Shelter Cove Harbour
Saturday, October 21, 2017 8:30 - 12:00 p.m.	2017 NAMI Lowcountry Walk	Coligny Beach
Saturday, October 21, 2017 10:00 – 5:00 p.m.	Lowcountry VegFest 2017 Town of Hilton Head Island	Shelter Cove Community Park
Sunday, October 22, 2017 10:00 – 12:00 p.m.	Starfish Walk A Thon	Coligny Beach
Thursday, October 26, 2017 3:00 – 10:00 p.m.	Car Club Cruise-In Town of Hilton Head Island	Shelter Cove Community Park
Friday, October 27, 2017 4:00 – 8:00 p.m.	Pumpkin Patch Town of Hilton Head Island	Shelter Cove Community Park
Friday, November 3, 2017 5:30 – 8:00 p.m.	SurfWatch MVCI-Children's Miracle Network Torch Relay	SurfWatch Parking Lot / Burke's Beach
Saturday, November 4, 2017 and Sunday, November 5, 2017	Lowcountry Tiny House Show Town of Hilton Head Island	Shelter Cove Community Park
Saturday, November 4, 2017 and Sunday, November 5, 2017	HHI Motoring Fest. & Concours d'Elegance	Port Royal Golf Club
Saturday, November 4, 2017 10:00 – 2:00 p.m.	Fall Festival	St. Andrews by the Sea Parking Lot

THE TOWN OF HILTON HEAD ISLAND
INVITES YOU TO

SAVE THE DATE

You're invited to help shape your Town's future by attending an upcoming workshop. These workshops are part of the Town's long term visioning project, **Our Future**, which will create an inclusive vision and roadmap for the Island.



Oct 19	University of South Carolina Beaufort <small>Session designed for college students. Advance registration required.</small>	1:40-3:15pm
Oct 19	First Baptist Church of HHI, Youth Building <small>Parking in the back.</small>	5-7pm
Oct 20	Hilton Head High School <small>Session designed for high school students. Advance registration with Hilton Head High School required.</small>	9-11am
Oct 20	Town Hall	12:30-2:30pm
Oct 20	FISH Seafood & Raw Bar	5-7pm
Oct 21	Central Oak Grove Baptist Church	2-4pm
Oct 21	Central Oak Grove Baptist Church	5-7pm
Oct 23	Hilton Head Area Association of Realtors <small>Session designed for real estate professionals. Advance registration required.</small>	9-11am
Oct 23	First Presbyterian Church	1-3pm
Oct 24	Sea Pines, Community Center	9-11am
Oct 24	Palmetto Electric, Community Room <small>Parking in the back.</small>	1-3pm
Oct 24	Shelter Cove Community Park - Pavilion	5-7pm
Oct 25	Fishcamp On Broad Creek	9-11am

<http://lab.future-iq.com/hhiourfuture>

¡ESTÁS INVITADO!



Te invitamos a participar en un taller donde podrás expresar tus ideas para que Hilton Head Island sea un lugar mejor para todos.

Oct 21	Providence Presbyterian	11am-1pm
<small>Se están programando más eventos en español. Por favor, consulte el sitio web.</small>		



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*
CC: Jennifer Ray, ASLA, *Planning and Special Projects Manager*
CC: Marcy Benson, *Senior Grants Administrator*
DATE: October 4, 2017
SUBJECT: Workforce Availability -Town Council Key Priority – Housing Recommendations

Recommendation: That Town Council review and consider approving next steps as recommended by the Public Planning Committee at its meeting on September 28, 2017 to address the housing portion of Town Council's Key Priority: Workforce Availability.

PPC Recommendations - Immediate Action

- Given the importance of and urgent need for affordable housing, Council supports a dedicated staff position to direct and implement affordable housing strategies.
- Staff with PPC and outside assistance will implement a Communication/Education Messaging Plan for residents, businesses and other stakeholders.
- Staff and Planning Commission will establish location criteria for overlay or floating zones and propose amendments to ordinances to stimulate affordable housing investment.
- Council with the assistance of State Delegation will seek to have State Legislature amend criteria for housing tax credits.
- Town and community partners will commit to creating a plan for a 25-unit affordable housing development and ground breaking within 18 months.
- The Private Sector is encouraged to identify steps it can take independently, whether led by the Chamber or some other business group.

PPC Recommendations - Strategic Planning

- Staff will define scope of work for research, analysis and options for Town's Affordable Housing Strategy.
- Council with staff will identify working groups to oversee planning process.
- Council will establish an appropriate budget to prepare the Strategic Plan.

Summary: Town Council developed Key Priorities for 2017. One of the Key Priorities is Workforce Availability; housing is a subset of this Key Priority. The approach of Town Council for the Housing subset of Workforce Availability was a recommendation that the Public Planning Committee form a task force to thoroughly study this issue and make recommendations to Town Council regarding viable solutions prior to year-end.

Background: As stated above one of Town Council's Key Priorities for 2017 is Workforce Availability. There are two main subcomponents of workforce availability: housing and transportation. Initial meetings between the Public Planning Committee and various stakeholders provided a backdrop for moving forward on these issues. Through those meetings it has become evident that both affordable housing and workforce housing are critical elements of the Town's infrastructure. Transportation, the other element of workforce availability, will be considered over time and efforts made to date will be discussed.

It is important to note that the County is embarking on an affordable housing needs assessment in October with a target completion date of May 2018; the information contained in that assessment will be critical to the Town's discussion on affordable housing. A significant portion of the Town's workforce travels from off-island so it will be important to consider the regional aspects of workforce availability as well. This assessment will help to identify the need which spikes during the summer season but tends to be low the remainder of the year.



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: October 2, 2017
SUBJECT: 2017 LMO Amendments – Second Set

Recommendation: The Public Planning Committee met on October 2, 2017 to review the proposed 2017 LMO Amendments – Second Set. The Committee voted 2-0 to recommend Town Council approve the proposed amendments with the exception of those pertaining to commercial parking lots. The Committee voted to forward the commercial parking lot amendments to Town Council without a recommendation. The Committee expressed the following concerns related to adding commercial parking lots as a conditional use in five other zoning districts:

- the use is more appropriate in districts that have higher intensity uses; and
- it is not obvious how this will open up economic opportunities for property owners in the additional zoning districts.

The Planning Commission held a public hearing on September 20, 2017 to review the proposed 2017 LMO Amendments – Second Set. The Commission voted 7-0 to recommend forwarding the proposed amendments to the Public Planning Committee with a recommendation for approval.

The LMO Committee met on July 26th and August 16th to review the proposed 2017 LMO Amendments – Second 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 recommend approval of the attached amendments.

Summary: Through the LMO Committee process, the Planning Commission public hearing and the Public Planning Committee meeting 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 ~~strike through~~.

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

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2017-#

PROPOSED ORDINANCE NO. 2017-19

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 AND 10 TO REVISE VARIOUS SECTIONS. THESE AMENDMENTS, COMMONLY REFERRED TO AS *2017 LMO AMENDMENTS – SECOND SET* AS NOTICED IN THE ISLAND PACKET ON AUGUST 20, 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 July 26, 2017 to develop a list of proposed LMO Amendments; and

WHEREAS, the LMO Committee held a public meeting on August 16, 2017 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 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 September 20, 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 Planning Commission, after consideration of the staff presentation and public comments, voted 7-0 to recommend that Town Council approve the proposed amendments; and

WHEREAS, the Public Planning Committee held a public meeting on October 2, 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 2-0 to recommend approval of the proposed LMO amendments as drafted with the exception of the amendments pertaining to commercial parking lots; 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 *2017 LMO Amendments – Second 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 M. Wiedmeyer, Town Clerk

Public Hearing: September 20, 2017
First Reading:
Second Reading:

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

EXHIBIT A

DRAFT 2017 LMO AMENDMENTS – Second Set

Town Council 10/17/17

GROUPED AMENDMENTS

CHAPTER 16-3: ZONING DISTRICTS

D. Light Commercial (LC)

Staff Explanation: These changes will allow commercial parking lots in the LC (Light Commercial), MF (Marshfront), MV (Mitchelville), (NC) Neighborhood Commercial and S (Stoney) zoning districts subject to the existing conditions for commercial parking lots.

2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Vehicle Sales and Services			
<i>Auto Rentals</i>	P		See Sec. 16-5-107.D.2
<i>Auto Repairs</i>	PC	Sec. 16-4- 102.B.8.b	2 per service bay + 1 per 200 GFA of office and waiting area
<i>Auto Sales</i>	P		See Sec. 16-5-107.D.2
<i>Car Washes</i>	P		10 per wash unit for automatic wash + 5 per bay for manual wash
<i>Commercial Parking Lot</i>	PC	<u>Sec. 16-4- 102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<i>Gas Sales</i>	PC	Sec. 16-4- 102.B.8.d	
<i>Taxicab Services</i>	P		1 per 200 GFA of office or waiting area
<i>Watercraft Sales, Rentals, or Services</i>	PC	Sec. 16-4- 102.B.8.e	1 per 200 GFA

G. Marshfront (MF)

2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Vehicle Sales and Services			
<i>Auto Rentals</i>	P		See Sec. 16-5-107.D.2
<i>Car Washes</i>	P		10 per wash unit for automatic wash + 5 per bay for manual wash
<u><i>Commercial Parking Lot</i></u>	<u>PC</u>	<u>Sec. 16-4- 102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<i>Gas Sales</i>	PC	Sec. 16-4- 102.B.8.d	

I. Mitchelville (MV)

2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF- STREET PARKING SPACES
Vehicle Sales and Services			
<i>Auto Rentals</i>	PC	Sec. 16-4- 102.B.8.a	See Sec. 16-5-107.D.2
<u><i>Commercial Parking Lot</i></u>	<u>PC</u>	<u>Sec. 16-4- 102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<i>Watercraft Sales, Rentals, or Services</i>	PC	Sec. 16-4- 102.B.8.e	1 per 200 GFA

J. Neighborhood Commercial (NC)

2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Vehicle Sales and Services			
<u>Commercial Parking Lot</u>	PC	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<i>Gas Sales</i>	PC	Sec. 16-4-102.B.8.d	

N. Stoney (S)

2. Allowable Principal Uses			
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Vehicle Sales and Services			
<i>Car Washes</i>	PC	Sec. 16-4-102.B.8.c	10 per wash unit for automatic wash + 5 per bay for manual wash
<u>Commercial Parking Lot</u>	PC	<u>Sec. 16-4-102.B.8.d</u>	<u>See Sec. 16-5-107.D.2</u>
<i>Gas Sales</i>	PC	Sec. 16-4-102.B.8.d	
<i>Taxicab Services</i>	P		1 per 200 GFA of office or waiting area
<i>Watercraft Sales, Rentals, or Services</i>	P		1 per 200 GFA

CHAPTER 16-4: USE STANDARDS

Sec.16-4-102. – Principal Uses

A. Principal Use Table

Staff Explanation: This change adds Commercial Parking as a use permitted with conditions in the LC, MF, MV, NC and S zoning districts.

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 CLASSIFI CATION/ USE TYPE	SPECI AL DISTR ICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS														USE-SPECIF IC CONDI TIONS
	CO N	P R	RS F- 3	RS F- 5	RS F- 6	R M -4	R M -8	R M - 12	C R	S P C	C C	M S	W M U	S	M F	M V	N C	L C	R D	M E D	I L		
VEHICLE SALES AND SERVICES																							
Commercial Parking Lot									P C	P C	P C		PC	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	P C			Sec. 16-4-102.B.8.d	

CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

Sec.16-5-102. - Setback Standards

Staff Explanation: Currently setbacks and buffers are required from all access easements. This creates issues when an access easement is located between commercial properties. These changes will eliminate the setback and buffer requirements for access easements located on non-single-family properties.

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 ¹ / MAXIMUM SETBACK ANGLE ²		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
<i>Single-Family</i>	Structure > 24 in high	50 ft ^{3,4} /75°	40 ft ^{3,4} / 70°	20 ft ^{3,4} /60°
	Structure ≤ 24 in high	50 ft ^{3,4} /n/a	30 ft ^{3,4} /n/a	10 ft ^{3,4} /n/a
All Other <i>Uses</i>		50 ft ^{3,4} /75°	40 ft ^{3,4} /70°	20 ft ^{3,4} /60°
NOTES: in = inches ft = feet ° = degrees				
1. Measured from the adjacent street right-of-way or easement line to the closest portion of a structure . <u>A street setback from an easement line is not required for non-single-family properties.</u>				

Sec.16-5-103. - Buffer Standards

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 ¹				
PROPOSED USE ²	REQUIRED BUFFER TYPE ²			
	USE OF ADJACENT DEVELOPED PROPERTY ³			
	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>	A ⁴	A ⁴	C ⁴	D ⁴
<ul style="list-style-type: none"> • All Other Residential Uses • Commercial Recreation 	A	n/a	B	D

<ul style="list-style-type: none"> • Public, Civic, Institutional, and Education • Resort Accommodations • Offices • Commercial Services • Vehicle Sales and Services • <i>Boat Ramps , Docking Facilities , or Marinas</i> 	C	B	n/a	A
Industrial <i>Uses</i>	D ⁴	D	A	n/a
<p>NOTES: n/a = not applicable</p> <p>1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.</p> <p>2. When a shared <i>access easement</i> is located along a common property line, any required buffer shall be provided to the interior of the <i>access easement</i> . <u>An adjacent use buffer from an easement line is not required for non-single-family properties.</u></p>				

Staff Explanation: Town Council asked staff to ensure that the ability to waive the setback and buffer between single-family properties was eliminated and that criteria were established to use related to the waiver.

Sec.16-5-102. - Setback Standards

D. Adjacent Use Setback Requirements

4. The ***Official*** may waive the requirement for an adjacent use setback for non-single-family properties on determining that the proposed ***development*** and the ***adjacent development*** function as a single ***development***. The criteria to determine if the properties will function as a single development may include the recording of a cross-access easement agreement between the two properties.

Sec. 16-5-103. - Buffer Standards

E. Adjacent Use Buffer Requirements

2. The *Official* may waive the requirement for an adjacent use buffer for non-single-family properties on determining that the proposed *development* and the *adjacent development* function as a single *development*. The criteria to determine if the properties will function as a single development may include the recording of a cross-access easement agreement between the two properties.

Staff Explanation: This change sets out what triggers the requirement that the buffers, EV charging stations and bike parking be brought into compliance when changes are being made to a building on the site.

Section 16-5-103 – Buffer Standards

F. Buffer Types

Table 16-5-103.F, Buffer Types, describes the five different buffer types in terms of their function, opacity, width, and planting requirements. Either of the options under a specific buffer type may be used at the option of the *developer / applicant*. If the square footage of an existing building on a site is being increased by more than 50% then the buffers must be brought into compliance with the standards in this table.

Section 16-5-107 – Parking and Loading Standards

D.10. Use of Parking Spaces as Electric Vehicle (EV) Charging Station

All *multifamily* and nonresidential *development* shall provide one *electric vehicle (EV) charging station* per *site*. If the development requires over 100 parking spaces, the electric vehicle (EV) charging station shall have a sign that states that only electric vehicles being charged can park in that particular parking space. If the square footage of an existing building on a site is being increased by more than 50% then the applicant will be required to provide an EV charging station on site.

H.7. Bicycle Parking

d. If the square footage of an existing building on a site is being increased by more than 50% then the applicant will be required to meet the bicycle parking standards.

Staff Explanation: This change establishes minimum and maximum widths for service driveways.

Sec. 16-5-105 – Mobility, Street, and Pathway Standards

A.5.e.ii. Driveway Width

01. All ***driveways*** shall comply with the following minimum and maximum width requirements:
 - (A) One-way one-lane ***driveways*** shall be at least 14 feet wide and no more than 20 feet wide, as measured between the edges of paving.
 - (B) Two-way, two-lane ***driveways*** shall be at least 20 feet wide and no more than 30 feet wide, as measured between the edges of paving.
 - (C) ***Service driveways*** shall be a minimum of 10 feet wide and no more than 14 feet wide, as measured between the edges of paving.
02. The ***Official*** may require a wider ***driveway*** on determining that it is needed to facilitate special vehicle or traffic demand requirements.

CHAPTER 16-10: DEFINITIONS, INTERPRETATION AND MEASUREMENT

Sec.16-10-105. General Definitions

Staff Explanation: This change establishes a definition for a service driveway.

Driveway, Service: a private driveway providing access for vehicles to a dumpster or something similar

STAND ALONE AMENDMENTS

CHAPTER 16-2: ADMINISTRATION

Sec. 16-2-103.I – Corridor Review (Minor and Major)

Staff Explanation: This change will make it clear that the final notice of action (not an interim notice of action) is what is required to be submitted to the DRB before the DRB can take final action on a project.

iii. Decision-Making Body Review and Decision

01. A private architectural review board whose jurisdiction includes the subject site shall submit written final notice of any action it takes on the proposed project. The applicant shall submit this final notice to the *Official* at least seven days before the meeting at which the *Design Review Board* conducts its final review of the Corridor Review *application*. The Board shall consider, but is not bound by, the action of such private architectural review board.

CHAPTER 16-3: ZONING DISTRICTS

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

I. Mitchelville (MV) District

Staff Explanation: During a recent variance request before the Board of Zoning Appeals (BZA), it became clear that the maximum impervious coverage for the MV (Mitchelville) zoning district was much less than required for other mixed use districts. The majority of the area that is currently zoned MV had a maximum impervious coverage requirement of 50% prior to the LMO rewrite so staff suggests that the maximum impervious coverage requirement for this district be increased to 50%. The BZA has submitted a letter requesting that the maximum impervious coverage in the MV zoning district be re-studied.

3. Development Form Standards

LOT COVERAGE	
Max. <i>Impervious Cover</i>	35% <u>50%</u>

Sec. 16-3-106 – Overlay Zoning Districts

H. Forest Beach Neighborhood Character Overlay (FB-NC-O) District

Staff Explanation: During the LMO Rewrite process the driveway width in the Forest Beach Overlay District was changed from 24' to 18'. There is no obvious reason for this change and has created many nonconformities. This change will take it back to 24'.

4.b.ii. Buffers shall comply with the standards of Sec. 16-5-103, Buffer Standards, except that *driveways* for *street access* as permitted in Sec. 16-5-103.J, Development Within Required Buffers, shall be limited to a total of ~~48~~ 24 feet wide within the buffer.

CHAPTER 16-5: DEVELOPMENT AND DESIGN STANDARDS

Staff Explanation: This change will allow bollards in the setback and changes the language related to how far a deck or patio can encroach into a setback.

16-5-102 – Setback Standards

E. Allowable Setback Encroachments

Table 16-5-102.E, Allowable Setback Encroachments, identifies features that are allowed to encroach beyond the vertical and angled planes defined by minimum adjacent street and use setback requirements.

TABLE 16-5-102.E: ALLOWABLE SETBACK ENCROACHMENTS	
FEATURE	EXTENT AND LIMITATIONS
Fences or walls	<ul style="list-style-type: none">• Allowed in adjacent use setbacks if located along common property lines and no more than 7 feet high• Allowed in adjacent street setbacks if less than 4 feet high
Open balconies, fire escapes, or exterior stairways	May extend up to 5 feet into any setback
Chimneys or fireplaces	May extend up to 3 feet into any setback if no more than 5 feet higher than the highest point of <i>building</i> to which it is attached
Roof eaves and overhangs	May extend up to 3 feet into any setback
Awnings	May extend up to 5 feet into any setback

Bay windows	May extend up to 3 feet into any setback if no more than 9 feet wide
Sills or entablatures	May extend up to 1 foot into any setback
Uncovered porches, stoops, decks, patios; <u>or</u> terraces; or walkways	May extend or be located in any setback if set back from lot lines by a distance no more than the feature's height <u>May extend up to 5 feet into any setback</u>
Lighting fixtures	May be located in any setback if no more than 20 feet high
Roof dormers	May extend up to 5 feet beyond the setback angle plane (horizontally or vertically)
Spires, cupolas, domes, skylights, and similar rooftop architectural features	May extend up above the setback angle plane if they occupy no more than 25% of the roof area of the structure to which they are attached and extend no more than 25% more than the height limit defined by the setback angle plane at the point(s) of penetration
Solar collection devices	See Sec. 16-4-103.E.8
<i>Television or radio antennas</i>	May extend up to 10 feet above the setback angle plane if they are attached to a side or rear elevation of a structure
Small wind energy conversion systems	See Sec. 16-4-103.E.7
Amateur radio antenna	See Sec. 16-4-103.E.1
Bike racks, <u>bollards</u> and other site furnishings (<u>such as tables and chairs</u>)	Allowed in adjacent use and adjacent street setbacks
Other architectural features not listed above (parts of a structure that provide visual interest to the structure and are nonhabitable and decorative in nature)	May be allowed to penetrate the plane of the setback angle if the Official makes the following determinations: <ul style="list-style-type: none"> • The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable application ; • The excepted architectural elements will not be major or dominant features of the structure ; • The excepted architectural elements will not penetrate the vertical plane of the minimum required setback distance; • The exception is the minimum reasonably required to achieve

	<p>the architectural goal; and</p> <ul style="list-style-type: none"> • If applicable, the placement of the structure provides protection of prominent natural features on the site, such as trees , wetlands, or historic sites .
Flagpoles/Flags	Unless they constitute a "sign" and thus subject to Sec. 16-5-114.E, Flagpoles no more than 20 feet high and flags no greater than 20 square feet in area may be located in setbacks
Signs	See Sec. 16-5-114.E

Section 16-5-107. Parking and Loading Standards

Staff Explanation: This change establishes that parking requirements for golf courses and miniature golf courses should be based on the number of holes rather than the number of tees.

D. Parking Space Requirements

1. Minimum Number of Parking Spaces

Except as otherwise expressly provided elsewhere in this **Ordinance** , **development** shall provide the minimum number of off-street parking spaces in accordance with Table 16-5-107.D.1, Minimum Number of Parking Spaces, based on the **principal use(s)** involved and the extent of **development** . Required off-street loading spaces, spaces in **buildings** used for **auto repairs** or **car washes** , and stacking spaces in **driveways** serving **drive-through** and related **uses** shall not be counted as meeting parking space requirements.

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY/USE TYPE	MINIMUM NUMBER OF PARKING SPACES ^{1,2,3,4}	
	CR DISTRICT	ALL OTHER DISTRICTS
COMMERCIAL RECREATION		

<i>Indoor Commercial Recreation Uses</i>		1 per 7 <i>persons</i> + 1 per 300 GFA of office or similarly used area	1 per 3 <i>persons</i> + 1 per 200 GFA of office or similarly used area
<i>Outdoor Commercial Recreation Uses</i> Other than <i>Water Parks</i>	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per 2.5 tees <u>holes</u>	1 per tee <u>hole</u>
	Stadiums	1 per 5 spectator seats	1 per 4 spectator seats
	Other	1 per 4 <i>persons</i> max. occupancy + 1 per 300 GFA of office or similarly used area	1 per 3 <i>persons</i> max. occupancy + 1 per 200 GFA of office or similarly used area
<i>Water Parks</i>		See Sec. 16-5-107.D.2	See Sec. 16-5-107.D.2

Staff Explanation: This change will keep vehicles in parking spaces from intruding into sidewalks.

F. Design of Parking Areas

3. Curbs and Wheel Stops

- a. Permanently anchored wheel stops shall be provided at the end of all parking spaces that abut a sidewalk or walkway or are not bounded by curbing.
- b. The vehicle side of the wheel stop shall be no ~~less~~ more than 18 inches from the end of the parking space.

Sec.16-5-114. Sign Standards

H. Standards for Specific Types of Signs

Staff Explanation: This change establishes when post mounted banners will be allowed and establishes a maximum size limitation.

9. Temporary Special Event Signs

- a. Off-Premises Signs Directing Traffic

- i. **Signs** directing traffic to the site of an event may be used for events at which more than 5,000 attendees are expected.
- ii. **Signs** shall meet South Carolina DOT standards.

b. Off-Premises Signs Identifying Race Routes

Signs intended to direct pedestrians, runners, and bicyclists on race routes are subject to the following standards:

- i. Such **signs** shall be no larger than two square feet each.
- ii. Such **signs** may be displayed one day prior to the event, during the duration of the event, and one day after the event.

c. Off-Premises Post Mounted Banners

- i. Post mounted banners may only be used for events which are multi-day and at which more than 18,000 attendees are expected during the course of the event.
- ii. The banners shall be no larger than 16" in width and 45" in height.
- iii. The banners must be approved and installed as part of the Town permitting process.

e. d. On-Premises Signs Identifying an Event

Signs located at the entrances of **special events** that are meant to identify a special event are subject to the following standards:

- i. No more than two **signs** shall be displayed per event, with no more than four **sign faces**. Any single **sign face** shall not exceed 16 square feet.
- ii. **Signs** shall be constructed of 1/2-inch MDO, or a material of equal durability, mounted on four-by-four wood posts.
- iii. The amount of information on **signs** shall be no more than is necessary to provide reasonable identification of the event or other information to be conveyed.
- iv. **Signs** shall be displayed no sooner than one day prior to the event, during the duration of the event, and one day after the event.
- v. **Signs** shall not be illuminated by artificial light.

~~d.~~ e. On-Premises Signs

Signs displayed within a special event are subject to the following standards:

- i. **Signs** shall be displayed no sooner than one day prior to the event, during the duration of the event, and one day after the event.
- ii. Banners and pennants are permitted within the area where the special event takes place.

ADMINISTRATIVE AMENDMENTS

CHAPTER 16-3: ZONING DISTRICTS

Sec.16-3-103. – Mixed-Use and Business Districts

B. Coligny Resort (CR) District

Staff Explanation: This change lets people know that there are no street buffers in the CR zoning district. This language is currently only found in the buffer section in Chapter 5.

3. Development Form Standards

MODIFIED ADJACENT STREET AND USE SETBACK STANDARDS

Adjacent Street Setbacks	No Changes
Adjacent Use Setbacks	No Changes

MODIFIED ADJACENT STREET BUFFER STANDARDS

There are no adjacent street buffers in the CR zoning district.

Sec.16-3-106. – Overlay Zoning Districts

G. Planned Development Overlay (PD-2) District

Staff Explanation: Town Council adopted an amended master plan for the former Marsh Tacky Village PD-2 earlier in 2017. This change will reflect the updated information related to this PD-2 master plan.

5. PD-2 Listed Plans

- The following PUDs are included in PD-2 Overlay Districts and their Town-approved Master Plans including associated text and any subsequent amendments are hereby incorporated by reference as a part of the *Official Zoning Map* and LMO text.

TABLE 16-3-106.G.4: PD-2 LISTED MASTER PLAN			
FILE NAME		NUMBER PARCEL	TAX MAP #
Palmetto Headlands and H.H. Hospital	CUR-3-88	27/103/103A/337	4,8
Centre Court on Mathews Drive	CUR-1-89	88B	8
Presbyterian Conference Center	CUR-2-89	2	18
Marriott-South Forest Beach	CUR-1-90	67/69/71/73/252	15-A,18
Park Plaza Self Storage	CUR-2-90	336	15
Tidepointe Retirement	CUR-1-92	342/342A	14
Exec/Air Hilton Head	CUR-1-94	271A	5
Spanish Grove	CUR-1-95	34A/34B	10
First Baptist Church	CUR-1-96	138A/138C	18
Bermuda Point	CUR-1-97	1B	7
Waterside (Town Center)	N/A-JPC	202/202D	18
Palmetto Bay Marina	N/A-JPC	47/66A/273/273A/273C/314E	10
Marsh Tacky Village Tabby Village	ZMA080007 ZA-000954- <u>2017</u>	2B, 2D, 2E, 2F, 2H, 2I, 14, 14D, 14I, 16, 16A, 16B, 19C, 19D, 19E, 49, 58, 58A, and 223 <u>223, 49, 14D, 16, 14I, 14, 58, 58A</u>	3

CHAPTER 16-4: USE STANDARDS

Sec. 16-4-102 – Principal Uses

B. Use-Specific Conditions for Principal Uses

Staff Explanation: The word ‘have’ is missing from this condition. This change fixes the error.

7.c.iii. In the S District, a *bicycle shop* shall not have direct vehicular *access* to a major arterial.

2017 LMO AMENDMENTS – SECOND SET

RATIONALE FOR AMENDMENTS

These changes will allow commercial parking lots in the LC, MF, MV, NC and S zoning districts subject to the existing conditions for commercial parking lots.

Proposed Changes

These changes will allow commercial parking lots to be located within the Light Commercial, Marshfront, Mitchelville, Neighborhood Commercial and Stoney zoning districts as a PC (permitted with conditions) use. Commercial parking lots in these districts would be subject to the existing conditions for this use.

Reason for Change

The Town was approached by someone who wished to have commercial parking lot as an available use in the LC zoning district. During the LMO Committee meeting about this amendment, an audience member requested that this use be added to all of the predominantly Native Islander zoning districts as well.

Considerations

Staff explained that the use had been proposed in these districts during an earlier set of amendments and that the Public Planning Committee and ultimately Town Council voted to remove them from consideration. Reasons given during the March 2, 2017 PPC meeting against allowing this use in all zoning districts were as follows:

- the use only fits in certain districts, those districts with higher density or more of a possibility of having a higher concentration of people
- the use should be in areas where the Town proposes to have a shuttle
- in areas without the higher density this use just becomes additional impervious surface

Pros/Cons

Pro

- Will provide more flexibility for additional uses

Con

- Will increase impervious surfaces in the allowable zoning districts

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

These changes will eliminate the setback and buffer requirements for access easements located on non-single-family properties.

Proposed Change

This change will eliminate the setback and buffer requirements for access easements located on non-single-family properties.

Reason for Change

Currently setbacks and buffers are required for access easements on all properties. This creates issues when an access easement is located on non-single-family properties. These changes will eliminate the conflicts.

Considerations

These changes were originally recommended only for commercial properties. The Committee suggested that multi-family properties be included in these changes.

Pros/Cons

Pro

- will eliminate the conflict created when setback and buffers are required from an access easement is located within a property

Con

- none

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Eliminates the ability to waive the setback and buffer requirements between single-family properties and establishes criteria to use related to the waiver.

Proposed Change

These changes will eliminate the ability for the buffers and setbacks to be waived between any single-family properties. These changes will also establish criteria for staff to use when considering waiving buffers and setbacks between non-single-family properties.

Reason for Change

The LMO Official made the determination that the buffer and setback requirements between two single-family homes in the Forest Beach area could be waived. Nearby residents were very unhappy with this determination and in addition to appealing the determination, petitioned Town Council to change to LMO to eliminate this waiver provision for single-family homes. As an additional note, the BZA overturned the determination of the LMO Official on August 28, 2017.

Considerations

The Committee recognized that these changes reflect what Town Council and some residents of the Forest Beach area have requested.

Pros/Cons

Pro

- per comments from some Town Council and Forest Beach residents these changes will protect the single-family character of the Forest Beach area

Con

- none

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Sets out what triggers the requirements that buffers, bike parking and EV charging stations come into compliance during a redevelopment or addition project

Proposed Change

These changes will specify that if an existing building on a site is being increased by more than 50% then the buffers, bike parking and EV charging requirement must be met.

Reason for Change

Since the LMO was adopted staff, per legal guidance, has used this philosophy; however, there is currently nothing in the LMO to codify this interpretation.

Considerations

None

Pros/Cons

Pro

- these changes will make it easier for the public to understand when these requirements (which were added in October 2014) apply.

Con

- increased cost to applicant to meet the noted requirements

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Adds minimum and maximum widths and a definition for service driveways

Proposed Change

These changes will add minimum and maximum widths for a service driveway. These changes will also add a definition for service driveway.

Reason for Change

On several recent projects, applicants have wanted to provide a driveway to a dumpster. This driveway does not need to be any wider than 10 feet to be functional but under the existing LMO, this is not allowed.

Considerations

The Committee added the phrase, 'or something similar' to the definition and agreed that 'roadway' should be changed to 'driveway'.

Pros/Cons

Pro

- will make it easier for applicants to develop their property when such a driveway is involved, reduces impervious surface

Con

- none

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Change requiring a final notice of action from ARBs before final DRB review

Proposed Change

This change will make it clear that the final notice of action (not an interim notice of action) is what is required to be submitted to the DRB before the DRB can take final action on a project.

Reason for Change

Without this change, it is unclear whether the notice of action from the ARB needs to be the final action an ARB takes.

Considerations

Through the request of an audience member, the Committee asked staff to clarify that the applicant, not the ARB, is responsible for furnishing the final notice of action to the DRB.

Pros/Cons

Pro

- will make it easier for applicants to understand which notice of action is required before final DRB action

Con

- none

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Increases the maximum impervious coverage in the MV zoning district

Proposed Change

This change will increase the maximum impervious coverage in the Mitchelville zoning district from 35% to 50%.

Reason for Change

During a recent variance request before the Board of Zoning Appeals (BZA), it became clear that the maximum impervious coverage for the MV (Mitchelville) zoning district was much less than required for other mixed use districts. The majority of the area that is currently zoned MV had a maximum impervious coverage requirement of 50% prior to the LMO rewrite so staff suggests that the maximum impervious coverage requirement for this district be increased to 50%. The BZA has submitted a letter requesting that the maximum impervious coverage in the MV zoning district be re-studied.

Considerations

As part of the review process for this amendment, the Committee reviewed the maximum impervious coverage requirements for each zoning district and also questioned whether there was a technical effort to determining maximum impervious coverage requirements for zoning districts.

Pros/Cons

Pro

- will bring the maximum impervious coverage for the MV zoning district more into alliance with other mixed-use zoning districts

Con

- increases amount of impervious surface coverage in the MV zoning district

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Changes the maximum width of driveways in Forest Beach to 24'

Proposed Change

This change will increase the maximum width of driveways in the Forest Beach Neighborhood Character Overlay district from 18' to 24'.

Reason for Change

Prior to the LMO Rewrite in October 2014, the maximum width for driveways in this area was 24'. Staff can find no research or notes to indicate why this change was made. The effect has been that many driveways are now non-conforming.

Considerations

The Committee considered that there appeared to be no reason for the change from 24' to 18'.

Pros/Cons

Pro

- will eliminate nonconformities

Con

- none

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Changes what is allowed in a setback

Proposed Change

These changes will allow bollards and walkways in the setback, will add 'such as tables and chairs' as an example of site furnishings and will change the language related to how far a deck or patio can encroach into a setback.

Reason for Change

Staff was requested to consider whether bollards should be allowed in a setback since bike racks and site furnishings are allowed in a setback. Staff identified that the language related to how far a deck or patio could encroach into a setback was confusing.

Considerations

During the Committee review, staff was asked to change the code to always allow walkways in a setback. Additionally, the Committee asked that during a future set of amendments, staff consider allowing uncovered porches, stoops, decks, patios and terraces to be located within a setback.

Pros/Cons

Pro

- make the LMO easier to understand and more flexible

Con

- could reduce amount of pervious coverage/green space

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Changes how parking for golf courses and mini golf courses are determined

Proposed Change

This change establishes that parking requirements for golf courses and miniature golf course should be based on the number of holes rather than the number of tees.

Reason for Change

It was brought to staff's attention that by requiring parking spaces by tee rather than hole, more parking than necessary was being required.

Considerations

none

Pros/Cons

Pro

- will keep golf courses and miniature golf courses from building unnecessary parking spaces, reduces amount of impervious surface

Con

- none

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Keeps parked cars from encroaching into adjacent walkways

Proposed Change

This change will clarify the distance that wheel stops need to be placed from the end of a parking space.

Reason for Change

The Town's Traffic and Transportation Engineer pointed out that this change was necessary to keep vehicles in parking spaces from intruding into sidewalks.

Considerations

The Committee through input from an audience member asked that 'approximately' be replaced with 'no less than'.

Pros/Cons

Pro

- will keep vehicles from intruding into walkways

Con

- none

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Establishes when post-mounted banners will be allowed

Proposed Change

This change establishes when post mounted banners will be allowed and establishes a maximum size limitation.

Reason for Change

Representatives of the Heritage approached the Town about changing to LMO to allow rectangular banner signs along some of the Town's major roadways to accommodate larger special events.

Considerations

The Committee asked staff to clarify that the minimum number of attendees was the number expected over the duration of the event. The Committee further asked staff to add language such as 'subject to meeting the permitting requirements of the Town' to this amendment.

Pros/Cons

Pro

- will allow large special events to call attention to their events through the use of community-type signage

Con

- will add installation and administrative costs to the Town

Recommendation

The LMO Committee voted 4-0 to recommend the proposed changes.

Administrative changes

- Chapter 3 - Adds cross reference to make it clear there are not street buffers in the CR zoning district
- Chapter 3 - Adds the updated rezoning information related to the Tabby Village PD-2
- Chapter 4 - Adds a missing word

Recommendations

The LMO Committee voted 4-0 to recommend approval of the above three amendments.

TOWN OF HILTON HEAD ISLAND

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Mayor

July 25, 2017

Kim W. Likins
Mayor Pro Tem

Council Members

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Marc A. Grant
William D. Harkins
Thomas W. Lennox
John J. McCann

Stephen G. Riley
Town Manager

Hilton Head Island Town Council
Hilton Head Island Planning Commission
One Town Center Court
Hilton Head Island, SC 29928

Re: Impervious Surface Coverage Ratio Mitchelville Mixed Use District

Dear Town Council and Planning Commission Members:

At its June 26, 2017 meeting, the Board of Zoning Appeals heard Case VAR-1254-2017, a variance application by K. Hovnanian Homes in connection of its proposed purchase of 7.61 acres at 66 Mitchelville Road on which it planned to construct 46 single family detached and zero lot line residential homes. The subject property is in the Mitchelville Mixed Use District (MV District) and the application sought a variance from the Town's Land Management Ordinance (LMO) Section 16-3-105.1.3, Development Form Standards, in order to increase the impervious coverage from 35% to 60%.

During the BZA hearing, testimony was presented by the Town Staff and the Applicant's counsel that:

- The homes planned to be constructed would range between 2,000 and 3,000 conditioned square feet with anticipated sales prices between \$350,000 and \$450,000 in order to compete with comparable "off Island" single family residential communities.
- Prior to the 2014 adoption of the LMO, the subject property was zoned Waterfront Mixed Use District (WMU) which allowed residential density of up to 12 units per acre with a maximum impervious coverage of 50%.
- Under the 2014 LMO, zoning for the property was changed to come under the new MV District which also allows residential density of up to 12 units per acre but limits maximum impervious coverage to 35%. Residential density for the WMU District under the 2014 LMO was increased from 12 to 16 units per acre with the maximum impervious coverage of 50%.
- The 2014 LMO contains 14 Mixed Use and Business Districts. Maximum impervious coverage is "N/A" in the Coligny Resort District (CR) and dependent upon the applicable PUD Master Plan and associated text in the Planned Development Mixed-Use District (PD). Of the twelve remaining Districts, seven permit maximum impervious coverage of 60%, three 50%, one 45% and only the MV District is limited to 35%.

- Prior to the June 26 meeting, BZA members asked Town Staff to research the rationale that lead the LMO Rewrite Committee and Town Council to create a new MV District with more restrictive impervious coverage out of a portion of the former WMU District, however the LMO Official was unable to locate any record of why lower impervious coverage was assigned to the MV District.

In order to grant a variance, the Board of Zoning Appeals must conclude that the LMO imposes an unnecessary hardship on the subject property and the property meets four specific criteria set out in the LMO:

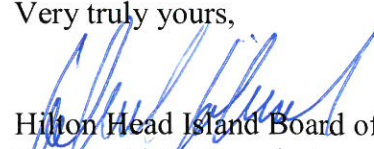
- there are extraordinary and exceptional conditions pertaining to the particular property,
- these conditions do not generally apply to other properties in the vicinity
- application of the Ordinance will effectively prohibit or unreasonably restrict the utilization of the property, and
- authorization of the variance will not be of substantial detriment to adjacent property or the public good and the character for the zoning district will not be harmed.

Since all property within the MV District is subject to the same impervious coverage ratio, there was nothing exceptional about the subject property and the BZA had no choice but to deny the request for variance.

The consensus among BZA members, however, was that in the absence of an explanation of why the MV District has a lower impervious coverage ratio than any other Mixed Use and Business District, there appears to be inconsistent treatment of this District. Instead, the maximum impervious cover for the MV district appears to be consistent with the six Residential Zoning Districts mentioned in LMO Section 16-9-104. In that section, all six Residential Zoning Districts limit impervious cover to 35%.

The Board of Zoning Appeals respectfully recommends that the Town review the impervious coverage ratio of the MV District and determine whether any adjustment to the LMO is warranted.

Very truly yours,



Hilton Head Island Board of Zoning Appeals
By: David L. Fingerhut
Chairman

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