



Town of Hilton Head Island
Planning & Development Standards Committee
Regular Meeting
Wednesday, January 26, 2011 4:00p.m.
Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

1. Call to Order

2. Freedom of Information Act Compliance

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

3. Approval of Minutes - Special Committee Meeting of October 18, 2010 & Regular Committee Meeting of October 27, 2010

4. New Business

ZMA090003 – Ms. Louanne C. LaRoche has requested to amend the Official Zoning Map by amending the Sea Pines Master Plan to add a Single-Family Residential use to a property that currently allows uses of Institutional and Recreational. The property is referred to as Parcel ‘A’ Cordillo Parkway and further identified on Beaufort County Tax Map 18 as parcel 218. *Presented by: Mike Roan*

LMO Amendment – The Town of Hilton Head Island is proposing a text amendment to Chapter 4 of the Land Management Ordinance (LMO) to revise the following article and sections: Article XVI. Sections 16-4-1601 and 16-4-1602: This will allow residential properties in zoning districts within the existing Tax Increment Financing districts the ability to increase their density by use conversions. *Presented by: Nicole Dixon*

LMO Amendment – The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise the following article and section: Article XIII. Section 16-4-1307: This will increase the allowable length of the runway from 4,300 linear feet to 5,000 linear feet. *Presented by: Anne Cyran*

5. Committee Business

6. Adjournment

Please note that a quorum of Town Council may result if four or more Town Council members attend this meeting.

THE TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of Special Meeting - Monday, October 18, 2010
2:30pm – Benjamin M. Racusin Council Chambers

DRAFT

Committee Members Present: Chairman Bill Ferguson, Drew Laughlin and John Safay

Committee Members Absent: None

Council Members Present: Mayor Tom Peebles; George Williams, Alternate; Bill Harkins

Town Staff Present: Shawn Colin, Comprehensive Planning Division Manager
Charles Cousins, Community Development Department Director
Jill Foster, Community Development Department Deputy Director
Teri Lewis, LMO Official; Mike Roan, Urban Design Administrator
Jayme Lopko, Senior Planner; Heather Colin, Development Review Adm.
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

2) FREEDOM OF INFORMATION ACT COMPLIANCE

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

3) NEW BUSINESS

Economic Development Program Presentation

A program providing education on economic development tools currently utilized in South Carolina communities. The speakers for the event are Mr. Fred Delk, Executive Director of the Columbia Development Corporation, and Ms. Nancy Whitworth, Economic Development Director for the City of Greenville, SC. Each speaker will discuss the origin and goals of economic development programs, as well as successful tools utilized to promote economic development for their respective jurisdictions.

Mr. Shawn Colin presented opening statements on behalf of staff. Economic Development Policy, Strategy and Direction was a Top Priority “Target for Action” included in Town Council’s 2010 Policy Agenda. In order to educate Town Council and staff, and to gain an understanding of potential programs and activities to include in these initiatives, an Economic Development Program Presentation has been coordinated to highlight successes in economic development within South Carolina municipalities.

Mr. Colin stated that the following subjects will be discussed by today’s guest speakers:

Economic Development Needs, Goals and Administrative Structure

- (1) What were the issues and needs that gave cause to action?
- (2) What are the overriding goals for economic development in your community?
- (3) What were the first steps taken in developing an economic development program?
- (4) What is the administrative structure – Who’s involved and what are their roles?

Economic Development Tools and Programs

- (5) What tools and programs have been successful?
- (6) What have been the impacts of the tools/programs?
- (7) What tools were not successful?

Case Studies

- Outline one or two sample projects that have utilized successful tools and programs, including the use of public private partnerships, and the level of public funding.

Mr. Colin then introduced Mr. Fred Delk, Executive Director, Columbia Development Corporation. Mr. Delk began his presentation with a video of the City of Columbia which briefly highlighted its history, character, and economic development. Mr. Delk discussed how a city can revitalize a district while still preserving its history and character (i.e. the city's Riverfront area). Mr. Delk discussed the importance of a public-private partnership, innovative solutions, growth of neighborhoods, small businesses, and redefining the downtown area.

Following Mr. Delk's presentation on the City of Columbia, the Committee discussed several of the policies and programs instrumental in defining the city's economic development, including the role of the private sector, and the non-profit Columbia Development Corporation.

Chairman Ferguson then opened the public Questions and Answers portion of the discussion. Citizens, Mr. Larry Heikle and Mrs. Mary Amonitti presented statements for discussion. Councilman Bill Harkins, and Planning Commissioners Tom Lennox and Terry Leary also presented statements for discussion. The group discussion included the credit process, loans, grants, and the funding process. The Committee remarked on the impressive transformation of the City of Columbia.

At 3:45p.m. Chairman Ferguson announced a brief intermission. The Committee, guests, and the public were invited to Conference Room # 3 for light refreshments. Chairman Ferguson called the meeting back to order at 4:00p.m.

Mr. Shawn Colin then introduced Ms. Nancy Whitworth, Director, Greenville Economic Development Department. Ms. Whitworth began her presentation with a Power Point presentation which briefly highlighted the city's history, its character, and its economic development. Ms. Whitworth discussed the revitalization of Main Street, and River Place, and the importance of private-public partnerships. Ms. Whitworth discussed the need to create 'anchors' (i.e. the Hyatt Regency Hotel and the Peace Center for Performing Arts). 'Anchors' are important catalysts to stimulate development. Be willing to take calculated risks and understand that economic development is a marathon, not a sprint. There will be some mistakes and stumbling blocks along the way. Have clear goals and political resolve to keep moving in a positive direction.

Ms. Whitworth stated the importance of Mixed Use Development (including new parking structures) and focusing on different types of residential. Try to create a 'Sense of Place' by the use of art in public places. Engage the public - create personality – and recruit retail.

Following Ms. Whitworth’s presentation, Chairman Ferguson opened the Questions and Answers portion of the presentation. Mrs. Mary Amonitti presented comments for discussion. At the completion of this discussion and final comments by the Committee, Chairman Ferguson thanked Mr. Fred Delk and Ms. Nancy Whitworth for their presentations on Economic Development.

4) ADJOURNMENT

The meeting was adjourned at 4:45pm.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

Bill Ferguson
Chairman

DRAFT

TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of Wednesday, October 27, 2010 Meeting
4:00pm – Benjamin M. Racusin Council Chambers

DRAFT

Committee Members Present: Chairman Bill Ferguson, Drew Laughlin, and John Safay

Committee Members Absent: None

Council Members Present: Mayor Pro Tem Ken Heitzke, Bill Harkins
George Williams, Alternate

Town Staff Present: Greg DeLoach, Assistant Town Manager-Administration
Jill Foster, Community Development Department Deputy Director
Teri Lewis, LMO Official
Brian Hulbert, Staff Attorney
Gregg Alford, Attorney for the Town
Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER

2) FREEDOM OF INFORMATION ACT COMPLIANCE

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

3) APPROVAL OF MINUTES

The Minutes of the July 28, 2010 meeting were **approved** as presented with a vote of 3-0-0.

4) UNFINISHED BUSINESS

None

5) NEW BUSINESS

Proposed Resolution - Regional Economic Development Plan for Beaufort and Jasper Counties

Mr. Greg DeLoach made the presentation on behalf of staff. Mr. DeLoach stated that the Lowcountry Economic Alliance met on Wednesday, October 20, 2010 at the Jasper County Council Chambers in Ridgeland. The Town Council joined the Alliance over one year ago; the Alliance Board of Directors is composed of elected officials and business leaders.

The Lowcountry Economic Alliance is the regional economic development arm of Jasper and Beaufort Counties formed by their respective County Councils for the purpose of creating an economic vision for the region, to attract new business, and to diversify the tax base.

The purpose of the October 20, 2010 meeting was to discuss the merits of establishing, under the auspices of the Lowcountry Economic Network and Alliance, a Regional (Beaufort/Jasper) effort to address and promote Economic Development. The discussion surfaced the fact that what is often good for one county is good for another and that if we approach e.g. the South Carolina General Assembly

or Congress with one voice, then more and better attention will result. The Alliance seeks to create a regional economic development plan and by adoption of today's Resolution, the Town of Hilton Head Island will be a part of that process. In the event that the Committee makes a favorable recommendation to Town Council, we have been asked to fast track the adoption of this Resolution.

At the completion of his presentation, Mr. DeLoach introduced Mr. Ian Wesley, the Director of Marketing and Membership of the Lowcountry Economic Development Plan Network. Mr. Wesley presented the background of the Alliance. The Committee and Mr. Wesley discussed the membership of the Alliance and the goals.

Mr. DeLoach reported that the Mayor has requested that an addition be made to page 2 of the Resolution (i.e. one member or Council Member or designee). The Committee agreed to the Mayor's request for this addition.

At the completion of the discussion, Chairman Ferguson requested a motion stating that the Committee recommends **approval** of the Resolution, the Town Council of the Town of Hilton Head Island, South Carolina, endorses the creation of a Regional Economic Development Plan by the Lowcountry Economic Network and Alliance. Mr. Laughlin made the **motion** as stated by Chairman Ferguson. Mr. Safay **seconded** the motion and the motion **passed** with a vote of 3-0-0.

Proposed Ordinance No. 2010-15 - To amend Title 15 of the Municipal Code of the Town of Hilton Head Island, South Carolina. This amendment commonly referred to as the Property Maintenance Amendment includes changes that provide for regulations for maintenance of buildings/structures, property and outdoor equipment; enforcement actions; and appeals procedures.

Ms. Jill Foster made the presentation on behalf of staff. Ms. Foster briefly reviewed the staff's past conceptual presentations to the Committee, to Town Council, and to the Planning Commission. Today is the first presentation to the Committee of the actual Ordinance language.

The Planning Commission had recommended that the staff broaden the proposed standards a bit and include an appeal procedure and single-family properties to the proposal. This addition was not made because the Committee and the Town Council were opposed to including single-family properties in the Ordinance language. The Ordinance regulates non-residential properties and multi-family properties. Staff discussed a problem with enforcement issues (concerning such issues as length of grass, weeds, and the issue of peeling paint). Ms. Foster stated that these issues are more subjective and more difficult to enforce.

Ms. Foster and the Committee discussed a number of enforcement issues related to the Municipal Code - Public Nuisance Chapter, and the International Building Code. They also discussed the duties of the Building Official. The staff and the Committee reviewed the notification procedure with regard to compliance problems.

The Committee, Ms. Foster, and Brian Hulbert, Esq., discussed the issue of a quorum (majority of five members) that would be required to overturn a decision by the Building Official. Gregg Alford, Attorney for the Town, presented statements regarding this issue. Mr. Laughlin stated that this type of decision should represent a majority of those present instead of a majority of the board.

Chairman Ferguson recommended that the Committee direct the staff to change the wording on this issue (a majority vote of those present is recommended instead of a majority of board members).

The staff and the Committee then discussed the issue of Emergency Regulations. Mr. Laughlin and the staff discussed 'unsafe conditions' and the Building Code. The staff is looking to consolidate this information.

Gregg Alford, Esq., stated that the Building Official has requested that the information contained in the Code be consolidated for ease of use including by the public. Mr. Laughlin stated concern with the proposed change in language as it may be unnecessary and inappropriate. The Committee then moved to a discussion of an existing stair problem (with one property owner). This is a safety issue.

The Committee discussed the existing Ordinance with the legal staff. Brian Hulbert, Esq., discussed the current Municipal Code with regard to uninhabited and unsafe building conditions. The Committee discussed the role of the Building Official. At the completion of the discussion by the Committee, Chairman Ferguson requested public statements.

Russell Patterson, Esq., stated that he represents Mr. Robert Glover, property owner of the Carolina Office Building (with the broken stair). Mr. Patterson stated his opposition to the Ordinance.

The Committee and Ms. Foster discussed the need to better classify duplex buildings. Chairman Ferguson requested clarification on this issue from legal staff. Mr. Safay stated that he thought we were excluding single family and multi family residences from the Ordinance. Mr. Safay stated that we should not be involved in residential regulation. We should stick to commercial properties only.

Chester C. Williams, Esq., presented statements in opposition to the proposed Ordinance. Mr. Williams discussed concerns with the International Property Maintenance Code.

Councilman George Williams stated that there are other issues under current consideration that may be more important than this issue. Mr. William recommended that we table action on this issue until Town Council's next Workshop. Additional review is needed regarding the subjectivity of the issue.

Gregg Alford, Esq., presented statements with regard to staff's efforts in developing the proposal. The goal is to protect the social and economic welfare of the community from deterioration. The creation was intended to put another "tool in the toolbox". Mr. Alford discussed the notification process and staff's perception of the issue.

Mr. Safay stated that he supported the original intent of the Ordinance, but he would be unable to vote for the Ordinance as it stands if it includes single/multi-family residences. Mr. Laughlin stated that he believes that this Ordinance is flawed. The Ordinance should not cover single/multi family residences. The subjectivity issue is troublesome.

Mr. Charles Cousins presented statements regarding the issue of including commercial property in the Ordinance. According to the LMO, commercial property includes resort properties and timeshare properties. It is difficult to separate that from some multi-family properties. Aging multi-family (some of which are resort accommodations) can be challenging.

At the completion of the discussion, Mr. Laughlin **made** a motion that the Committee directs Town Council to send this item back to the 'drawing board' for additional study. The motion **died** for the lack of a second.

Chairman Ferguson recommended that the Committee take all of the information received today and forward it to Town Council for review.

Mr. Safay made a **motion** that the Committee recommend that Town Council **adopt** the Proposed Ordinance No. 2010-15 - To amend Title 15 of the Municipal Code of the Town of Hilton Head Island, South Carolina as written with the exception of the part where it states that multi-family is included. This Ordinance should not apply to any residence. Mr. Laughlin **seconded** the motion for discussion purposes. There were no additional comments on the motion and the motion **passed** with a vote of 2-1-0.

6) Committee Business:

Mr. Safay made a **motion** that the Committee **approves** the Planning & Development Standards Committee's 2011 Schedule of Meetings as **presented**. Mr. Laughlin **seconded** the motion and the motion **passed** with a vote of 3-0-0.

7) ADJOURNMENT

The meeting was adjourned at 5:25pm.

Submitted By:

Approved By:

Kathleen Carlin
Administrative Assistant

Bill Ferguson
Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, AICP, *LMO Official*
CC: Charles Cousins, AICP, *Director of Community Development*
FROM: Mike Roan, *Urban Design Administrator- Community Development*
DATE: January 13, 2010
SUBJECT: Proposed Ordinance No. 2010-26- ZMA090003

Recommendation: Staff recommends that the Planning and Development Standards Committee forward the attached amendment to Town Council with a recommendation of approval, per the recommendation of the Planning Commission. Staff had originally recommended denial, finding the rezoning could potentially put development of the parcel in violation of the Land Management Ordinance. The Planning Commission voted to recommend approval of the proposed Zoning Map Amendment as presented by staff at the December 15, 2010 public hearing.

Summary: The Planning Commission held a public hearing for the proposed amendment on December 15, 2010. A motion was made to recommend approval of the proposed amendment to Town Council as presented by staff. The motion passed with a vote of 8-0.

Background: Lot A Cordillo Parkway is part of the Sea Pines Master Plan as shown on the attached Zoning Map and Vicinity Map (Attachments A & B). The Sea Pines Master Plan was approved by the Town in 1984. Under this approval, Lot A Cordillo Parkway was part of a tract of land designated as Parcel 22, which was assigned institutional and recreational use.

In 2009, Louanne LaRoche applied to add commercial and residential as allowed uses on the subject parcel. The allowed commercial density would be 19,700 square feet, and the allowed residential density would be 1 single family dwelling unit. The parcel in question originally allowed institutional and recreational uses as part of the 1984 Master Plan adopted by the Town of Hilton Head Island. Sea Pines made revisions to the document in 1992; these revisions included the addition of commercial and residential as allowed uses on the subject parcel. It is important to note, however, that the Town of Hilton Head Island, not Sea Pines, is the only entity authorized to approve changes to the adopted Master Plan. There is no documentation of the additional uses being permitted for the subject site. Since inheriting the property Ms. LaRoche has been assessed by Community Services Associates for institutional, recreational and residential uses and by the Beaufort County Assessor's office as owning a parcel with institutional, recreational, commercial, and residential designations; however, the residential and commercial uses are not allowed on the parcel without the adoption an amendment to the Sea Pines master plan. This application proposes an amendment to the master plan to allow residential use.

Staff has concluded that to allow the addition of 'Residential' use as part of this ZMA would create a parcel that currently has no density unit assigned or reserved, and would therefore rezone the parcel in violation of Article I, Section D of the Sea Pines covenants, which state:

"Residential Lot shall mean any unimproved parcel of land located within Sea Pines Plantation which is intended for use as a site for a single family detached dwelling, townhouse, or patio dwelling as shown upon any recorded final subdivision map of

01/14/2011

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any part of Sea Pines Plantation.”

thereby violating South Carolina Code of Laws, Section 6-29-1145 (copy attached) which prohibits rezoning in violation of restrictive covenants.

Miss LaRoche has since produced a Title to Real Estate dated October 4, 1977 (Beaufort County Property Records Book 254, Page 1853), which states the parcel “is subject to all obligations, restrictions, limitations, covenants, etc. Applicable to Class ‘A’ limited Residential Areas of Sea Pines Plantation”.



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4688

FAX 843-842-8908

STAFF REPORT ZONING MAP AMENDMENT (ZMA090003) PROPOSED ORDINANCE 2010-26

Case #:	Name of Project or Development:	Public Hearing Date:
ZMA#090003	Parcel A- Cordillo Parkway	December 15, 2010

Parcel Data:	Parcel Location and Size:	Agent/Applicant/Owner
<p><u>Existing Zoning & Density</u> PD-1, Planned Development Recreational and Institutional</p> <p><u>Proposed Zoning & Density</u> PD-1, Planned Development Recreational, Institutional, and Residential @ 1 Single Family Residence</p> <p><u>Applicable Overlay District</u> Corridor Overlay</p>	<p><u>Parcel Number</u> R550 018 000 0218 0000</p> <p><u>Parcel Size</u> 1.97 Net Acres</p>	<p><u>Agent/Applicant</u> Chester C. Williams 17 Executive Park Rd, Suite 2 Hilton Head Island, SC, 29938</p> <p><u>Owner</u> Ms. Louanne LaRoche 51 Pine View Drive Bluffton, SC 29910</p>

Application Summary:

An application has been submitted by Chester C. Williams, LLC on behalf of Louanne LaRoche to amend the Official Zoning Map by amending the Sea Pines Master Plan and its associated text to add Residential as an additional permitted use on Lot A Cordillo Parkway. The parcel is further identified as Parcel 218 on Beaufort County Tax Map #18.

Staff Recommendation:

Staff recommends the Planning Commission find this application to be consistent with the Town's Comprehensive Plan but does not serve to carry out the purposes of the Land Management Ordinance (LMO) as it pertains to the addition of Residential use, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein.

Other Commission or Committee Recommendations:

- On July 15, 2009, the Planning Commission held a public hearing to discuss the application, and postponed its review until the August 19 meeting.
- On August 19, 2009 the Planning Commission postponed its review until the October 7 meeting.
- On October 7, 2009 the review of the application was postponed at the request of the applicant and staff to an anticipated review date of January 6, 2010.
- On December 15, 2010, the Planning Commission held a public hearing and voted unanimously to **approve** the application
- On January 26, 2011, the Planning and Development Standards Committee will hold a public hearing to discuss the application.

Background:

Lot A Cordillo Parkway is part of the Sea Pines Master Plan as shown on the attached Zoning Map and Vicinity Map (Attachments A & B). The Sea Pines Master Plan was approved by the Town in 1984. Under this approval, Lot A Cordillo Parkway was part of a tract of land designated as Parcel 22, which was assigned institutional and recreational use.

In 2009, Louanne LaRoche applied to add commercial and residential as allowed uses on the subject parcel. The allowed commercial density would be 19,700 square feet, and the allowed residential density would be 1 single family dwelling unit. The parcel in question originally allowed institutional and recreational uses as part of the 1984 Master Plan adopted by the Town of Hilton Head Island. Sea Pines made revisions to the document in 1992; these revisions included the addition of commercial and residential as allowed uses on the subject parcel. It is important to note, however, that the Town of Hilton Head Island, not Sea Pines, is the only entity authorized to approve changes to the adopted Master Plan. There is no documentation of the additional uses being permitted for the subject site. Since inheriting the property Ms. LaRoche has been assessed by Community Services Associates for institutional, recreational and residential uses and by the Beaufort County Assessor's office as owning a parcel with institutional, recreational, commercial, and residential designations; however, the residential and commercial uses are not allowed on the parcel without the adoption an amendment to the Sea Pines master plan. This application proposes an amendment to the master plan to allow residential use.

Staff has concluded that to allow the addition of 'Residential' use as part of this ZMA would create a parcel that currently has no density unit assigned or reserved, and would therefore rezone the parcel in violation of Article I, Section D of the Sea Pines covenants, which state:

“Residential Lot shall mean any unimproved parcel of land located within Sea Pines Plantation which is intended for use as a site for a single family detached dwelling, townhouse, or patio dwelling as shown upon any recorded final subdivision map of any part of Sea Pines Plantation.”

thereby violating South Carolina Code of Laws, Section 6-29-1145 (copy attached) which prohibits rezoning in violation of restrictive covenants.

Miss LaRoche has since produced a Title to Real Estate dated October 4, 1977 (Beaufort County Property Records Book 254, Page 1853), which states the parcel “is subject to all obligations, restrictions, limitations, covenants, etc. Applicable to Class ‘A’ limited Residential Areas of Sea Pines Plantation”.

Applicant’s Grounds for ZMA, Summary of Facts and Conclusions of Law:

Grounds for ZMA:

The applicant is requesting to amend the Sea Pines Master Plan to add residential use at 1 dwelling unit to the subject parcel which already allows institutional and recreational uses. The site is currently undeveloped. The applicant contends the additional use would be compatible with the existing development and character of the area.

As set forth in LMO Section 16-3-1505, Zoning Map Amendment Review Criteria, the applicant shall make findings and conclusions for the criteria listed in this LMO Section regarding the proposed amendment.

Summary of Facts:

1. Residential are approved land uses within the Comprehensive Plan.
2. The zoning would remain PD-1 within Sea Pines Plantation with residential use added to the previously adopted institutional and recreational uses for the parcel.
3. The property would be zoned for institutional, recreational, and residential uses.
4. The property is zoned for institutional and recreational uses.
5. This property is currently surrounded by both developed and undeveloped properties with compatible zoning.
6. The property would have an additional use permitted that not all properties in the area would have.
7. The property does not currently have adequate water, sewer, and stormwater facilities, although they are available.

Conclusions of Law:

- A. This application is supported by the Comprehensive Plan, because residential is an approved land use within the Comprehensive Plan.
- B. The additional allowed use would be suitable since there are other parcels in the area with use requested in this application.
- C. The property is suitable for residential use because of similar uses in the immediate area.
- D. The marketability of the property would be enhanced by the additional use being permitted on the property.
- E. There are adequate facilities in place to serve the uses that are and would be permitted on the property.

Summary of Facts and Conclusions of Law:

Findings of Facts:

- Notice of the application was published in the Island Packet on November 14, 2010 as set forth in LMO Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- A public hearing will be held on December 15, 2010 as set forth in LMO Section 16-3-1504A.
- The Commission has authority to render their decision reached here as set forth in LMO Section 16-3-1504.

Conclusions of Law:

- The application is in compliance with the submittal requirements established in LMO Section 16-3-1502.
- The application and notice requirements comply with the legal requirements established in LMO Sections 16-3-110 and 16-3-111.
- The applicant submitted an affidavit stating they met the mailed notice requirements in LMO Section 16-3-111.

As set forth in LMO Section 16-3-1505, Zoning Map Amendment Review Criteria, the Commission shall consider and make findings on the following matters regarding the proposed amendment:

Summary of Facts and Conclusions of Law:

Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505A):

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Land Use Element:

One of Six Land Use Goals

Identify an acceptable level of future development that does not overtax the area's natural environment and infrastructure.

Goal 8.1 – Existing Land Use

- A. The goal is to have an appropriate mix of land uses to meet the needs of the existing and future populations.

Goal 8.3 - Planned Unit Developments (PUDs)

- B. The goal is to have an appropriate mix of land uses to accommodate permanent

and seasonal populations and existing market demands is important to sustain the Town's high quality of life and should be considered when amending PUD Master Plans.

Goal 8.4 - Existing Zoning Allocation

- A. An appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town's high quality of life and should be considered when amending the Town's Official Zoning Map.

Goal 8.10 - Zoning Changes

- A. The goal is to provide appropriate modifications to the Zoning designations to meet market demands while maintaining the character of the Island.

Conclusions of Law:

While this parcel is currently vacant, adequate infrastructure is in place to accommodate the development of the mix of uses that are proposed for the property. This application would add residential use to a parcel that currently allows recreational and institutional uses, providing for the potential of a mix of land uses to be developed. The ability to provide this mix of land uses gives greater potential to meet the market demands for development needs in the area.

This application is consistent with the adopted Comprehensive Plan as described in the *Land Use Element* as set forth in LMO Section 16-3-1505A, as it pertains to the addition of Residential Use.

Summary of Facts and Conclusions of Law:

Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505B):

Findings of Fact:

- o The tract (Tract 20 on the 1984 Sea Pines Master Plan) bordering the northern property line is zoned institutional, recreational, commercial, and residential.
- o The tract (Tract 25 on the Sea Pines Master Plan) to the east of this parcel is zoned institutional, recreational, commercial, and residential.
- o The parcels to the west of this parcel underwent administrative rezoning in 1996 to limit land uses per covenants, namely single family residential or duplex, an art/design/sales gallery or architectural studio or training center. All of these uses are consistent with the allowed uses under the residential and commercial designations of the Sea Pines master plan.
- o The parcels across the street to the south are zoned residential. Currently there is an architect's office located in this residentially zoned area; the architect's office is considered a legally nonconforming use.
- o The subject parcel is located within the Corridor Overlay District and any non-single family development would require review and approval from the Town's

Design Review Board.

Conclusions of Law:

Due to the fact that the surrounding area is currently developed or zoned for residential use, the proposed use for the subject property is compatible with the neighboring parcels. In addition, this parcel is required to be reviewed by the Design Review Board for aesthetics of any recreational or institutional structures and landscaping proposed for the property to ensure that it is compatible with the character of the surrounding neighborhood. Any residential development would be subject to the same review effort by the Sea Pines Architectural Review Board. Based on the above, the proposed additional use is compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood as set forth in LMO Section 16-3-1505B.

Summary of Facts and Conclusions of Law:

Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):

Findings of Fact:

- LMO Section 16-4-219 describes the purpose of the existing zoning district for this parcel. *“The purpose of the Planned Development Mixed Use District (PD-1) is to recognize the existence within the Town of certain unique mixed use Planned Unit Developments (PUDs) which are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a quality resort and residential community and it is the intent in establishing this District to allow the continuation of well-planned development within these areas.”* (Land Management Ordinance – page 4-12)
- The current zoning does not allow residential development on the property.
- This application would add residential use on the property with a maximum of 1 single family residence.
- All design and performance standards of the LMO would apply to any development on the property.
- There are four residential density units reserved under the Sea Pines Master Plan cap of 5,890 dwelling units available for use on Cordillo Parkway for the parcels that currently have Residential Use assigned. There is no density unit currently assigned to, or reserved for Parcel ‘A’.

Conclusions of Law:

The purpose of the PD-1 zoning district to provide a mixture of uses is supported by the additional use requested in the application. The additional use that would result from the approval of the amendment would be required to meet all the requirements of the LMO for development, including approval by the Design Review Board where applicable.

Staff further concludes that to allow the addition of Residential use as part of this ZMA would create a parcel that currently has no density unit assigned or reserved, and would

therefore rezone the parcel in violation of Article I, Section D of the Sea Pines covenants, which state:

“Residential Lot shall mean any unimproved parcel of land located within Sea Pines Plantation which is intended for use as a site for a single family detached dwelling, townhouse, or patio dwelling as shown upon any recorded final subdivision map of any part of Sea Pines Plantation.”

thereby violating South Carolina Code of Laws, Section 6-29-1145 (copy attached) which prohibits rezoning in violation of restrictive covenants. Due to the lack of a density unit assigned to this parcel, staff concludes that the property is not suitable for Residential use, as set forth in LMO Section 16-3-1505C.

Summary of Facts and Conclusions of Law:

Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):

Findings of Fact:

- The current uses allowed on the property per the Sea Pines Master Plan are institutional and recreational.
- The Sea Pines Master Plan identifies institutional use as land used for educational facilities, fire stations and/or community service maintenance facilities.
- The Sea Pines Master Plan identifies recreational use as any piece of land set aside and maintained within Sea Pines Plantation for the purpose of ornament, pleasure, exercise, amusement, entertainment, or recreation.
- The property is currently vacant and could be developed as an institutional or recreational use.

Conclusion of Law:

Based on the above, this property is suitable for the uses currently permitted on the property as set forth in LMO Section 16-3-1505D.

Summary of Facts and Conclusions of Law:

Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505E):

Findings of Fact:

- The property is currently vacant and could be developed for institutional and recreational uses.
- This rezoning, if approved, would result in the additional use of residential being permitted on the property.

Conclusion of Law:

Allowing the additional Residential use would increase the marketability of this property

as set forth in LMO Section 16-3-1505E.

Summary of Facts and Conclusions of Law:

Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505F):

Findings of Fact:

- LMO Sections 16-5-1702 and 16-5-602A require that sufficient stormwater facilities, water supply, and sewage and waste disposal be provided for each development.
- Sewer and water services currently exist nearby and can be provided by the South Island Public Service District (PSD) under specific conditions as outlined in a letter from the PSD to the applicant dated June 8, 2009 (Attachment E).
- Storm water facilities were designed and implemented for this site as a part of the overall Sea Pines Master Plan.

Conclusions of Law:

The subject property is currently undeveloped; however, at the time it is developed it will be required to provide the utilities necessary to serve the proposed use. This property has adequate stormwater facilities and can provide water and sewer facilities suitable and adequate for the proposed uses as set forth in LMO Section 16-3-1505F.

LMO Official Determination

Determination: Staff determines that the application for the addition of Residential use is consistent with the Comprehensive Plan but does not serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law specifically found in the review of criteria 3 in this staff report.

Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

PREPARED BY:

MR

Mike Roan, ASLA, RLA
Urban Design Administrator

January 12, 2011

DATE

REVIEWED BY:

TBL

Teri Lewis, AICP
LMO Official

January 13, 2011

DATE

JL

Jayne Lopko, AICP
*Senior Planner, Comprehensive Planning
Planning Commission Coordinator*

January 13, 2011

DATE

ATTACHMENTS:

- A) Zoning Map
- B) Vicinity Map
- C) LMO Section 16-4-209
- D) Owner's Narrative
- E) South Island Public Service District Letter
- F) Boundary and Wetlands Survey
- G) July 1, 2009 Letter from Sea Pines Resort, LLC
- H) July 1, 2009 Letter from McNair Law Firm on Behalf of Community Services Assoc.
- I) Petition from Night Heron Property Owners Association
- J) SC State Code Section 6-29-1145
- K) February 12, 2010 Letter from McNair Law Firm on Behalf of Community Services Assoc.
- L) March 18, 2010 Letter from Russell P. Patterson, P.A. on Behalf of Sea Pines Resort, LLC

**PD-1
ZONING**

*SUBJECT
PARCEL*

CORDILLO PARKWAY

CORDILLO PARKWAY

NIGHT HERON LAKESIDE

FOX GRAPE ROAD

**RS-5
ZONING**

HICKORY LANE

Town of Hilton Head Island

ZMA090003 - Parcel "A" Cordillo Parkway

July 15, 2009

Attachment A - Zoning Map


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

0 62.5 125 250 375 500
 Feet



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



Town of Hilton Head Island

ZMA090003 - Parcel "A" Cordillo Parkway

July 15, 2009

Attachment B - Vicinity Map


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



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

Sec. 16-4-209. PD-1--Planned Development Mixed Use District ATTACHMENT 'C'

- A. The purpose of this Planned Development Mixed Use District is to recognize the existence within the Town of certain unique mixed use Planned Unit Developments (PUDs) which are greater than 250 acres in size. Generally, these PUDs have served to establish the special character of Hilton Head Island as a quality resort and residential community and it is the intent in establishing this District to allow the continuation of well-planned development within these areas.
- B. In limited situations, the zoning map places some commercially planned portions of those PUDs in other base districts to more specifically define the types of commercial uses allowed.
- C. PUD-1 Listed Master Plans. The following PUDs are included in the PD-1 District 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 Land Management Ordinance text:
1. Hilton Head Plantation
 2. Indigo Run
 3. Long Cove Club
 4. Palmetto Dunes Resort (including Shelter Cove)
 5. Palmetto Hall
 6. Port Royal Plantation (and surrounds)
 7. Sea Pines
 8. Shipyard Plantation
 9. Spanish Wells Plantation
 10. Wexford Plantation
- D. These master plans and associated text, as approved and, when applicable, as amended by the Town, establish general permitted uses and maximum area densities for the PUDs, except as may be modified by the overlay of a specific district other than the PD-1 District. Undesignated areas on these master plans shall be considered as open space.
- E. In the PD-1 District the following uses are restricted to locations where the Town-approved master plan or master plan text specifically states such uses are permitted. In addition the specific use standards of Chapter 4, Article XII must be met for any new use or changes to the site for any existing such use.
1. Adult Entertainment
 2. Auto Rentals
 3. Auto Sales
 4. Convenience Stores
 5. Divisible Dwelling Units
 6. Gas Sales
 7. Interval Occupancy
 8. Liquor Store
 9. Marinas
 10. Nightclub or Bar
 11. Outdoor Entertainment
 12. Telecommunications Facilities
 13. Truck or Trailer Rental
 14. Veterinary Hospital
 15. Watercraft Sales or Rentals
 16. Water-Oriented Embarkation Facilities
 17. Tattoo Facilities
- F. Amendments to these master plans and/or master plan text shall follow the requirements set forth in Chapter 3, Article XVII.

(Revised 11/17/98--Ordinance 1998-35; Revised 4/3/01--Ordinance 2001-17; Revised 8/17/04--Ordinance 2004-32)

Narrative**Parcel Owner: Louanne Carrene LaRoche**

Area: 85015.7662551, Pin: R550 018 000 0218 0000, Key no: 00482640, Tax map: 18, Tax Parcel: 218, Parcel legal1: Parcel A
PB 32 P 32, Pud Name: Sea Pines, Mp land use: Recreational and Institutional

This property was purchased originally in 1986. I inherited it in 2004. The current Sea Pine's Master Plan designates this parcel can be used as Institutional, recreational, residential, and commercial purposes. Sea Pines has allocated at least one density unit for a single family home or two units for a town house.

The current master plan is a change from the original recreational and institutional land use specified in the 1984 Sea Pine's Master Plan.

The 1992 zoning map amendment is not available. Therefore, I am asking that my parcel be rezoned to reflect the current Sea Pine's Master Plan.

The current zoning of bordering parcels would be compatible with this change of use.

My parcel is bordered by: Sea Pines Resort LLC # R550-018-0248, zoned institutional, residential, recreational and commercial. (#18 – 248)

Parcel "B" # R550-018-218B (# 18-212) owned by Low Country Schools Inc. (zoned institutional and recreational)

Night Heron Lakes (18A-496) zoned residential

(#18-174)(Former architect's office, residence, and art gallery) zoned residential and commercial

Morris Whiteside Art Gallery (#18-190)(former Red Piano Gallery and residence) zoned residential and commercial

#18-292 and #18-191 (townhouses zoned residential and commercial)

***All of these properties fall under the Sea Pine's Master Plan.**

The current zoning of the Town of Hilton Head prohibits marketing the property to be sold for a residence or commercial usage permitted and assessed under the Sea Pines Master Plan and covenants.

Public services would be available for my parcel. Surrounding properties currently have Sewer, water and storm water facilities.

SOUTH ISLAND PUBLIC SERVICE DISTRICT

POST OFFICE BOX 5148 • 25 BOW CIRCLE • HILTON HEAD ISLAND, S.C. 29938

ATTACHMENT 'E'

June 8, 2009

Ms. Louanne LaRoche

RE: Parcel A Cordillo Parkway, PIN R550
018 000 0218

Dear Ms. LaRoche:

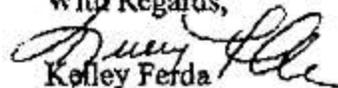
The District cannot determine whether or not it can provide water and sewer service to the above referenced property without more information. The survey you provided does not show enough of the surrounding property.

There is a 2-inch water line in front of the property that could serve the parcel nearest to Cordillo Parkway. There is no sewer service available, unless you install a manhole and bore a sewer line under Cordillo Parkway and connect to a manhole on the opposite side of the road. This would require a SCDOT permit.

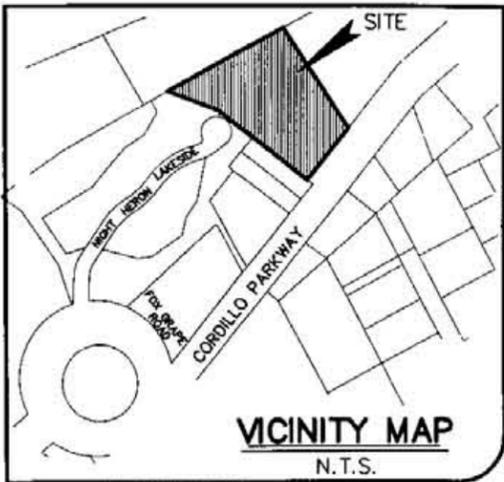
The parcel in the back, designated as Parcel A, does not have water or sewer service. You would need to have an engineer evaluate the site and elevations to determine if the lot could be served through Night Heron Lakeside. This routing would require easements from the property owners at Night Heron Lakeside. The District does not allow any water or sewer line to be routed through a lagoon. I don't think you could excavate through a wetland to route the water from the front parcel to the back, but you could check with a representative from the Town.

If you would like to have an engineering firm review this parcel, I will make a District representative available to meet with them. I can be reached at 671-2907.

With Regards,


Kelley Ferda
Operations Manager

PHONE: 843/785-6224 • FAX: 843/842-6029



REFERENCE PLATS

- 1) A PLAT OF PARCELS "A" & "B"
A SECTION OF SEA PINES PLANTATION
DRAWN: 11/12/84
RECORDED IN BOOK 32, PAGE 189, DATED 12/28/84
RMC, BEAUFORT COUNTY, SC
BY: JERRY L. RICHARDSON, S.C.R.L.S. NO. 4784
- 2) A PLAT OF 1,866 ACRES NIGHT HERON PHASE III, FOX GRAPE ROAD,
A SECTION OF SEA PINES PLANTATION
DRAWN: 5/26/82, LAST REVISED: 6/30/82
RECORDED IN BOOK , PAGE , DATED
RMC, BEAUFORT COUNTY, SC
BY: JERRY L. RICHARDSON, S.C.R.L.S. NO. 4784

LINE	LENGTH	BEARING
L1	12.54	N88°13'49"E
L2	21.81	N88°13'49"E
L3	14.30	S78°39'47"E
L4	15.42	N37°12'57"E
L5	19.51	N58°05'07"E
L6	32.66	N45°42'41"E
L7	30.51	N41°59'55"E
L8	28.70	N40°11'21"E
L9	32.02	N52°21'11"E
L10	40.24	N73°25'14"E
L11	48.43	N47°49'24"E
L12	28.55	N44°05'22"E
L13	45.46	S47°24'37"W
L14	18.53	S53°57'13"W
L15	32.38	S44°28'29"W

LINE	LENGTH	BEARING
L16	26.81	S53°39'15"W
L17	35.57	S49°40'12"W
L18	18.67	S49°20'57"W
L19	43.03	S42°23'42"W
L20	32.78	S52°50'45"W
L21	8.43	N72°20'42"E
L22	15.69	N49°34'35"E
L23	18.67	N62°09'28"E
L24	18.46	N62°46'11"E
L25	27.33	N56°03'10"E
L26	36.33	N53°06'49"E
L27	35.96	N58°02'27"E
L28	21.06	N53°43'24"E
L29	35.59	N81°48'41"E

NOTES:

- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
- 2). THIS PROPERTY IS SUBJECT TO RESTRICTIONS AS RECORDED IN THE OFFICE OF THE RMC FOR BEAUFORT COUNTY.
- 3). THIS PROPERTY IS SUBJECT TO EASEMENTS OF RECORD.

THIS MAP IS A GENERAL REPRESENTATION OF THE LOCATIONS OF 404 WETLANDS (FRESHWATER WETLANDS) LOCATED WITHIN THE PROPERTY AS SHOWN. THESE WETLANDS ARE SUBJECT TO REVIEW AND APPROVAL BY THE U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT. THE WETLANDS HAVE BEEN LOCATED AS FLAGGED BY TERRA NOVA ENVIRONMENTAL, INC.

PROPERTY AREA = 1.974 Ac.
ADDRESS: CORDILLO PARKWAY
DISTRICT: 550, MAP: 18, PARCEL: 218

THIS PROPERTY LIES IN F.E.M.A. ZONE A7
BASE FLOOD ELEVATION = 14.0'
COMMUNITY NO. 450250, PANEL: 0012D, DATED: 9/29/86

SYMBOLS

- ☐ - TELEPHONE SERVICE
- IPF ○ - 1/2" IRON PIN (FOUND)
- CMF □ - 3" CONCRETE MONUMENT FOUND

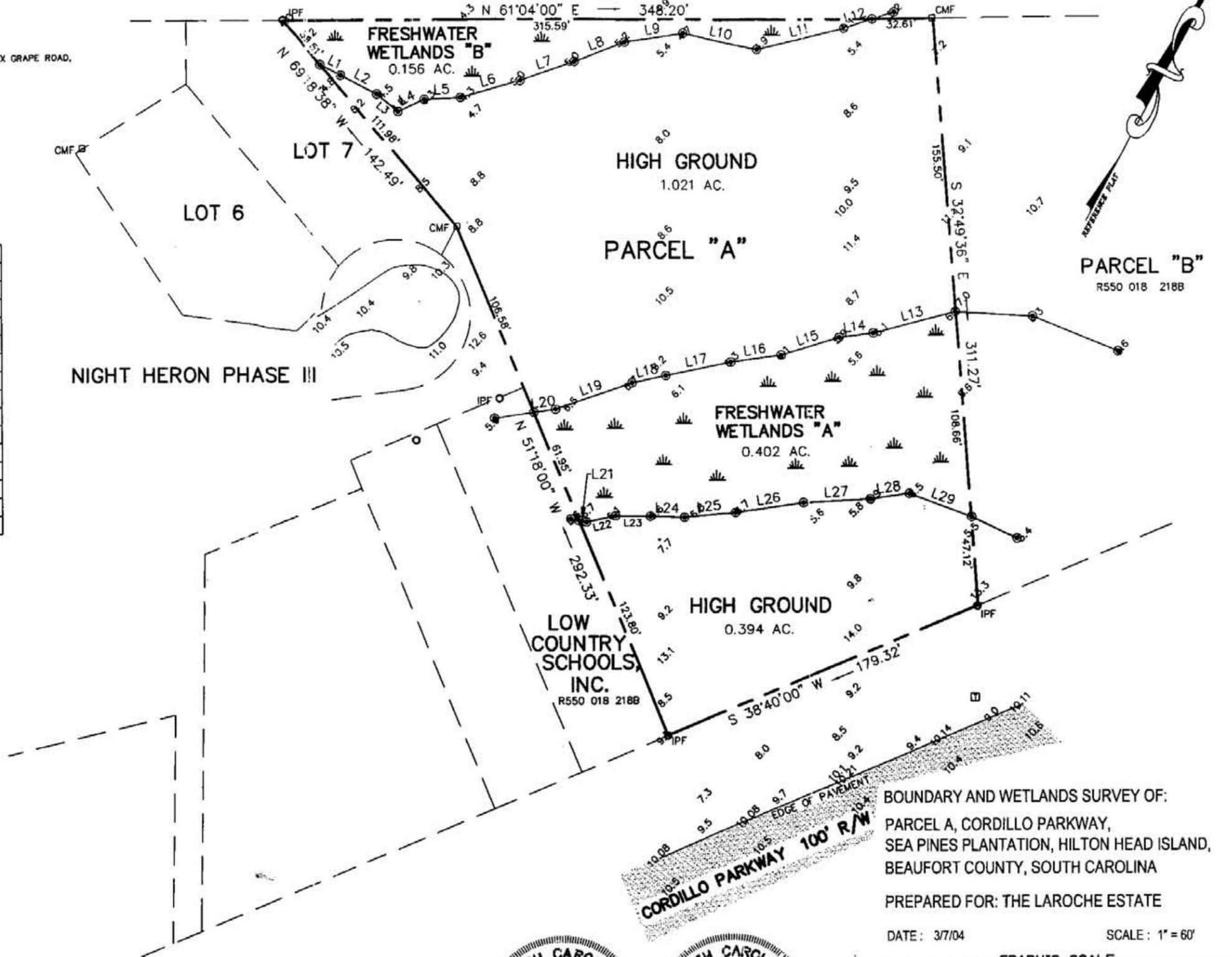
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING II: SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

NOT VALID UNLESS EMBOSSED.

SEA PINES PLANTATION COMPANY

PB. 30, PG. 22
R550 018 0248

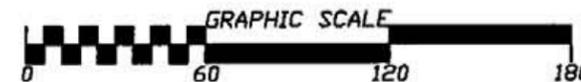
ATTACHMENT 'F'



BOUNDARY AND WETLANDS SURVEY OF:
PARCEL A, CORDILLO PARKWAY,
SEA PINES PLANTATION, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: THE LAROCHE ESTATE

DATE: 3/7/04 SCALE: 1" = 60'



SIS Sea Island Land Survey, LLC.
P.O. Box 21568, Hilton Head Island, SC 29925 Tel (843) 681-3248
4-D Mathews Court, Hilton Head Island, SC 29926 Fax (843) 689-3871

FILE No.: 04058 DWG No.: 1-1561



July 1, 2009

Town of Hilton Head Island
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

Re: Case #ZMA090003
Parcel A – Cordillo Parkway

To Whom It May Concern:

We would like to voice our concern and opposition to the proposed zoning change regarding the referenced parcel on Cordillo Parkway. The proposed zoning change would add residential and commercial uses to this property.

The property is included within the boundaries of the Sea Pines Planned Unit Development (Sea Pines PUD). Sea Pines Resort, LLC holds certain rights within the Sea Pines PUD including, but not limited to, (1) the Right to Approve Change in Master Plan; and, (2) an Assignment of Development Rights along with the ownership of all unassigned residential density within the Sea Pines PUD.

We are not aware of any request to approve a change in the Sea Pines Master Plan nor have we approved such change. Also, no specific residential density has been assigned to this parcel in the density unit count maintained by CSA; therefore, it is our understanding no residential construction will be approved by the Sea Pines ARB. For these reasons, we respectfully oppose the proposed zoning change for the referenced property.

Please contact me at (843) 785-3333 to further discuss this matter.

Sincerely,

SEA PINES RESORT, LLC

Steven P. Birdwell
President

cc: Cary Kelly, Community Services Associates, Inc.

Walter J. Nester III

July 1, 2009

wnester@mcnair.net

T (843) 785-2171
F (843) 686-5991

VIA E-MAIL ONLY

Mr. Mike Roan
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

Re: Case No. ZMA090003
Community Services Associates, Inc. - 2 Acre Parcel on Cordillo Parkway
Our File No. 109426.00062

Dear Mike:

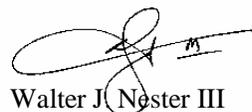
This office represents Community Services Associates, Inc., the Association that represents all property owners in Sea Pines Plantation. I am writing to voice our client's concern with the referenced application for a zoning map amendment. As you know, Sea Pines Plantation is a Planned Unit Development and the density and uses of the property within that Planned Unit Development are governed by the Sea Pines Master Plan dated February 22, 1984. That Master Plan depicts the subject property as a portion of Parcel 22 and describes the permitted uses thereof for institutional and recreational use as permitted under applicable Covenants. The proposed map amendment changes the use to include commercial and/or residential uses. However, the Master Plan also describes existing allocated density and for this parcel that density is zero (0). Certainly the Master Plan has been amended since 1984 and density reallocated in various areas. Our client is responsible under applicable Covenants to track and assure that density does not exceed that described in the Master Plan nor in the Covenants applicable thereto and referenced therein. We are not aware of any density having been allocated to this property and believe that the Town should consider that fact when considering amending the zoning map. If the applicant claims a right or title to density for this property, we would appreciate your advising us of the same. We do not believe property in Sea Pines Plantation should be rezoned unless the rezoning allows the use thereof in accordance with applicable Covenants and Restrictions applicable to such property, which would include title to the necessary and appropriate density.

I am glad to answer any questions or concerns that you may have.

With best regards, I am

Sincerely,

McNAIR LAW FIRM, P.A.



Walter J. Nester III

WJN:dkr

c: Community Services Associates, Inc. (via e-mail)
HILTONHEAD-#702065-v1

McNair Law Firm, P. A.
23-B Shelter Cove, Suite 400
Hilton Head Island, SC 29928

Mailing Address
Post Office Drawer 3
Hilton Head Island, SC 29938

mcnair.net

ATTACHMENT "I"

To: Town of Hilton Head Planning Commission
From: Homeowners of the Night Heron Lakeside Association
Re: LaRoche Proposal Re: Parcel A
Date: July 15, 2009

We, the Homeowners of the Night Heron Lakeside Association, wish by this letter to request that the Town of Hilton Head oppose the LaRoche Proposal which, if approved, would permit Commercial Use of Parcel A in the Sea Pines Master Plan.

We believe the zoning amendment requested by Louanne LaRoche would, if approved, compromise the privacy, natural beauty and wildlife habitat of Night Heron Lakeside, an established residential community, for the following reasons:

It would permit the building of commercial enterprises such as restaurant or bar, warehouse or storage, offices, retail shops, hotels, motels, inns, banks, theaters, lounges, stable buildings, recreation clubhouses and tennis courts.

It would encroach upon the wetlands adjacent to Night Heron Lakeside which we are legally bound to protect.

It would destroy considerable natural area and thereby negatively impact upon the indigenous plant and wildlife.

It would lessen the aesthetic and environmental qualities which were the very reasons we chose to invest in and reside in Night Heron Lakeside and affect the value of our properties.

Copies of this letter bearing our signatures to officially affirm our unanimous support of the position stated above were delivered to Michael Roan and Cary Kelley on July 13, 2009 prior to the Public Hearing.

Sincerely,

The Homeowners of the Night Heron Lakeside Association:

Gary & Lucille Wurth
Dr. Sang & Seung Lee
Sigrid Carlson
Dr. Peter & Ann Marie Furnari
Charles & Wendy Pero
Lisa Knight
George & Lynn Rice

ATTACHMENT "J"

SC Code of Laws Section 6-29-1145

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

(1) in the application for the permit;

(2) from materials or information submitted by the person or persons requesting the permit; or

(3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

(1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;

(2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and

(3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."

Walter J. Nester, III

wnester@mcnair.net

T (843) 785-2171
F (843) 686-5991

February 12, 2010

Via E-Mail

Chester C. Williams, Esq.
Law Office of Chester C. Williams, LLC
Post Office Box 6028
Hilton Head Island, SC 29938-6028

Re: Community Services Associates, Inc.
Parcel A Cordillo Parkway – Louanne LaRoche
Our File No. 109426.00062

Dear Chet:

I am writing in response to your inquiry about title matters on the property known as Parcel A Cordillo Parkway, specifically your request for me to identify which of the Covenants applicable in Sea Pines Plantation apply to this property. While such request may be construed as a title opinion, I understand your concerns relate to zoning so I am providing this response. However, I am compelled to state and qualify that this correspondence is for informational purposes only and may not be relied upon by you or any other person as an opinion of title or as an opinion of any other matter of title which would be disclosed by a title abstract.

As you know, the chain of title for your client's property, which is known as Parcel A and more particularly described and shown in that certain plat, a Plat of A and B 3.944 Acres Cordillo Parkway, which plat was recorded in the Office of the Register of Deeds for Beaufort County ("ROD") in Plat Book 32 at Page 189 ("Parcel A"). Parcel A was conveyed by the Sea Pines Plantation Company to Central Real Estate Investments, Inc. pursuant to a deed recorded in the ROD in Deed Book 226 at Page 1596 on February 18, 1975. It was a portion of a 24.319 acre parcel depicted in Plat Book 21 at Page 114 recorded in the ROD. The Central Real Estate Investments, Inc. deed was made subject to the restriction that no part of the property conveyed therein could be reconveyed without the imposition by the grantee of either what are described therein as "standard form Class A Covenants such as those recorded in Book 173 at Page 46 in the ROD or the standard Class B form Covenants recorded in Book 124 at Page 35 of the ROD", according to whether the parcels conveyed were to be used for single family or multi-family use.

Pursuant to a deed recorded in the ROD in Book 254 at Page 1853, Central Real Estate Investments, Inc. conveyed an 8.81 acre portion of the 24.319 acre parcel described above to Night Heron Development Associates. Consistent with the restriction in the

McNair Law Firm, P. A.
Shelter Cove Executive Park
23-B Shelter Cove Lane, Suite 400
Hilton Head Island, SC 29928

Mailing Address
Post Office Drawer 3
Hilton Head Island, SC 29938

mcnair.net

Chester C. Williams, Esq.
February 12, 2010
Page 2

deed from the Sea Pines Plantation Company, Central Real Estate Investments, Inc. made this deed subject to the Class A Covenants recorded in Book 173 at Page 46 in the ROD and further the Covenants recorded in Book 224 at Page 1036 in the ROD, more commonly described as the "1974 Covenants".

As you also know, a 1.972 acre portion of the above 8.81 acre parcel was conveyed by Night Heron Development Associates to Caribbean Associates, Inc. pursuant to a deed recorded in Book 410 at Page 676 in the ROD. This 1.972 acre parcel is the parcel depicted in Plat Book 32 at Page 189 and described as "Parcel A". The chain of title further describes that this 1.972 acre parcel is now owned by your client, Ms. LaRoche.

The 1974 Covenants provide, among other matters, for the payment of assessments by owners of property subject thereto. Lots intended for residential use pay either an unimproved or improved assessment depending upon whether a dwelling is constructed thereon. The 1974 Covenants also provide for a maximum of 5,890 residential densities on the property subject thereto.

As I have consistently stated in the past, density units are neither issued nor controlled by CSA nor the Association of Sea Pines Plantation Property Owners. ASPPPO is the organization responsible for ensuring compliance with Covenants within Sea Pines Plantation and, therefore, it endeavors to track density within the Sea Pines master planned community. However, neither organization issues or controls the issuance of density.

I trust this correspondence is responsive to your questions, but ask that you contact me if you require further information.

Sincerely,

McNAIR LAW FIRM, P.A.



Walter J. Nester, III

WJN:dkr

c: Community Services Associates, Inc. (via e-mail)
HILTONHEAD 715429v1

Russell P. Patterson, P.A.



Serving the Lowcountry for over 25 years

21 Office Park Road
Carolina Bldg. Suite 104
Hilton Head, SC 29928
russell@russellpattersonlaw.com

P.O. Box 8047
Hilton Head, SC 29938
(843) 341-9300
(843) 341-9301 fax

March 18, 2010

Chester C. Williams, Esquire
Chester C. Williams, LLC
P.O. Box 6028
Hilton Head Island, SC 29938

Via e-mail: firm@ccwlaw.net
and First Class Mail

Re: Parcel B, Cordillo Parkway
Your File No.: 01461-001

Dear Chet:

I have been asked by my client, Sea Pines Resort, LLC ("Sea Pines"), to respond to your letter of November 20, 2009, as well as subsequent e-mails from your office. My client has reviewed carefully the history of this property, the applicable Sea Pines Master Plans, the density unit counts, as well as the additional information you provided to determine the status of this property. Here is what Sea Pines is willing to do at this time based upon all of the above:

1. Sea Pines will not object to any efforts by the property owner and/or the Town to zone the property for residential uses, consistent with the Class A Residential Covenants that are applicable to the property. However, our records reflect there is no residential density unit assigned to this property. Prior to construction of a residence, a single-family residential unit must be acquired. If the property is to be used for more than one (1) residence, a request to Sea Pines to subdivide the lot must be submitted and, of course, additional density units for each residence must be acquired.
2. In reference to your clients' desire to use the property for commercial purposes, although we have not completed a detailed title examination, it does not appear that under the applicable Class A Residential Covenants, the property can be used for commercial purposes. However, we have no objection if your client wishes to take whatever steps you may deem advisable to have the property rezoned for commercial uses, and to take such other steps to try to modify or amend the

Chester C. Williams, Esquire
March 18, 2010
Page 2

applicable covenants to allow for commercial usage. If any of these steps require the consent or approval of Sea Pines, we would require an indemnification and hold harmless agreement in connection with said request.

I am sorry it has taken so long for this response to be issued, but as you can imagine, these are fairly complicated issues.

Please contact me with any questions. Thanks.

Sincerely,
RUSSELL P. PATTERSON, P.A.



Russell P. Patterson

RPP:djt

cc: Steve Birdwell – via e-mail
Craig Ostergard – via e-mail
Malia Flatt, Esq. – via e-mail

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.:

PROPOSED ORDINANCE NO.: 2010-26

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE, BY AMENDING SECTION 16-4-102, THE OFFICIAL ZONING MAP, SPECIFICALLY AMENDING A 1.97 ACRE PARCEL IDENTIFIED AS PARCEL 218 ON BEAUFORT COUNTY TAX MAP #18, WITHIN THE SEA PINES MASTER PLAN UNDER THE PLANNED DEVELOPMENT MIXED-USE DISTRICT, TO ASSIGN RESIDENTIAL USE TO LOT A CORDILLO PARKWAY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on April 23, 1984, the Town of Hilton Head Island did adopt the Sea Pines Master Plan; and

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (the "LMO"); and

WHEREAS, the Town Council now finds that, upon further review, it is in the public interest that the subject 1.97 acre parcel be rezoned to include 'Residential' as a permitted use under the Sea Pines Master Plan; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on December 15, 2010 and voted to recommend that Town Council approve the amendment; and

WHEREAS, the Planning and Development Standards Committee met on January 26, 2011 and voted to recommend that Town Council <MOTION> the proposed amendment; and

WHEREAS, Town Council now finds that, upon further review, it is in the public interest to <MOTION> the attached revision to Chapter 4 of the Land Management Ordinance.

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

Section 1. Amendment. That the official zoning map of the Town of Hilton Head Island, as referenced by Section 16-4-102 of the Land Management Ordinance, be, and the same hereby amended as follows:

The parcel identified as Parcel 218 on Beaufort County Tax Map #18 be rezoned to include 'Residential' as a permitted use under the Sea Pines Master Plan

Section 2. Severability. If any sections, 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 attest the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council for 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 _____ 2011.

Drew A. Laughlin, Mayor

ATTEST:

Betsy R. Mosteller, CMC, Town Clerk

Public Hearing: December 15, 2010

First Reading:

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, AICP, *LMO Official*
CC: Charles Cousins, AICP, *Director of Community Development*
FROM: Nicole Dixon, *Senior Planner*
DATE: January 12, 2011
SUBJECT: Proposed Ordinance No. 2011-01
Proposed Density Conversion Land Management Ordinance (LMO)
Amendment

Recommendation: Staff recommends that the Planning and Development Standards Committee forward the attached amendments to Town Council with a recommendation of approval. The Planning Commission voted to recommend approval of the proposed Density Conversion LMO Amendments as presented by staff at the December 15th, 2010 public hearing.

Summary: The Planning Commission canceled the LMO Committee meeting for the proposed amendments.

The Planning Commission held a public hearing for the proposed amendments on December 15th, 2010. There was discussion clarifying the intent and potential impacts of the proposed amendments. A motion was made to recommend approval of the proposed amendments to Town Council as presented by staff with the condition that staff will modify the language as requested to delete the words “identified redevelopment” from the first sentence of Section 16-4-1602. The motion passed with a vote of 6-2-0. Vice Chairman Warden opposed the motion because of concerns regarding the proposed amendments’ impact, and possible unintended consequences, to the Town of Hilton Head Island as a whole – both now and in the future. Commissioner Leary stated that she is opposed to the motion for the same reasons stated by Vice Chairman Warden.

Background: This amendment is supported by Town Council’s Policy Agenda for 2011 which includes amending the LMO to foster greater flexibility, simplicity and revitalization as a top priority. This amendment is also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities.

This amendment is also supported by the following Town Council 2010 goals: having a Sustainable Town by Protecting Island Character and Stimulating Economic Investment and Rewriting the LMO to Reflect Community Expectations.

The proposed changes are indicated with new text by a double underline and deleted text by ~~strike through~~.

Staff Explanation: *In order to be more flexible for redevelopment opportunities, staff recommends adding language that will allow residential properties the ability to increase their density by use conversions. Staff is proposing to allow the use conversion in zoning districts within the adopted Tax Increment Financing districts, as these areas have been identified as targeted redevelopment areas. This amendment is supported by Town Council's Policy Agenda for 2011 which has amending the LMO to foster greater flexibility, simplicity and revitalization listed as a top priority. This amendment is also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities. This amendment was supported by the following Town Council 2010 goals: having a Sustainable Town by Protecting Island Character and Stimulating Economic Investment and Rewriting the LMO to Reflect Community Expectations.*

Sec. 16-4-1601. Density Standards Table

Maximum density in any District shall conform to the Table below unless use conversions are permitted to allow additional density or bonus densities are used as set forth in Sections 16-4-1602 and 16-4-1603.

Sec. 16-4-1602. Use Conversions

In order to promote flexibility in the following areas: DCW, CC, CFB, CCW, WMU, MMU, RD, and SMU Zoning Districts, an existing eating establishment or retail sales and service establishment that is accessory to and within an existing residential structure may be converted to a residential unit or units upon the Administrator's determination that the development can support the required amount of parking. The alteration shall not expand beyond the footprint of the existing residential structure and shall not cause the structure to become nonconforming.

Sec. 16-4-16023. Bonus Densities

Sec. 16-4-16034. Maximum Site Density in PUDs

Sec. 16-4-16045. Computation of Density for Lock-Out Room

Sec. 16-4-16056. Maximum Impervious Coverage and Minimum Open Space

Sec. 16-4-16067. Impervious Coverage in PD-1 District

Sec. 16-4-16078. Open Space in PD-1 District

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.:

PROPOSED ORDINANCE NO.: 2011-01

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE, CHAPTER 4, TO REVISE SECTIONS 16-4-1601 AND 16-4-1602. THIS AMENDMENT COMMONLY REFERRED TO AS THE *DENSITY CONVERSION LMO AMENDMENTS* AS NOTICED IN THE ISLAND PACKET ON NOVEMBER 28, 2010, INCLUDES CHANGES THAT PROVIDE FOR AMENDMENTS TO DENSITY STANDARDS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (LMO); and

WHEREAS, the Town Council now intends to amend Chapter 4 to provide for general amendments to Density Standards; and

WHEREAS, this amendment is supported by Town Council's Policy Agenda for 2011 which includes amending the LMO to foster greater flexibility, simplicity and revitalization as a top priority; and

WHEREAS, this amendment is also supported by the 2010 Comprehensive Plan promotes providing flexibility for redevelopment opportunities; and

WHEREAS, the Town Council intends to amend the Density Standards requirements in an effort to be more flexible for redevelopment opportunities to allow residential properties the ability to increase their density by use conversions; and

WHEREAS, the Planning Commission held a public hearing on December 15, 2010 and voted to recommend that Town Council approve the amendments; and

WHEREAS, the Planning and Development Standards Committee met on January 26, 2011 and voted to recommend that Town Council *<MOTION>* the proposed amendments; and

WHEREAS, Town Council now finds that, upon further review, it is in the public interest to *<MOTION>* the attached revisions to Chapter 4 of the Land Management Ordinance.

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

Section 1. Amendment. That the Land Management Ordinance of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages.

NOTE: New text is indicated by a double underline and deleted text is indicated by a ~~strike through~~.

Section 2. Severability. If any sections, 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 attest the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council for 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 _____ 2011.

Drew A. Laughlin, Mayor

ATTEST:

Betsy R. Mosteller, CMC, Town Clerk

Public Hearing: December 15, 2010

First Reading:

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, AICP, *LMO Official*
CC: Charles Cousins, AICP, *Director of Community Development*
FROM: Anne Cyran, AICP, *Senior Planner*
DATE: January 11, 2010
SUBJECT: Proposed Ordinance No. 2011-02
Airport Runway Length Land Management Ordinance (LMO) Amendment

Recommendation: Staff recommends that the Planning and Development Standards Committee forward the attached amendment to Town Council with a recommendation of approval. The Planning Commission voted to recommend approval of the proposed Airport Runway Length LMO Amendment as presented by staff at the December 15, 2010 public hearing.

Summary: The Planning Commission held a public hearing for the proposed amendment on December 15, 2010. A motion was made to recommend approval of the proposed amendment to Town Council as presented by staff. The motion passed with a vote of 7-1-0. Commissioner Ennis opposed the motion because he was concerned that there is a potential conflict between LMO Section 16-4-1307, the Master Plan (page 45), and LMO Section 16-4-403. Commissioner Ennis stated he believed that LMO Section 16-4-1307 is redundant and sets up unnecessary conflict and potential complication in modifying the length of the runway to 5,000 linear feet.

Background: At the Special Joint Session of Beaufort County Council and Town Council on October 27, 2010, Town Council approved Resolution 2010-24, directing the Town Manager to begin the process of amending LMO Section 16-4-1307 to provide for a runway length of 5,000 linear feet. Accordingly, staff is proposing to change the allowable runway length from 4,300 linear feet to 5,000 linear feet. This amendment is supported by the Adopted 2010 Hilton Head Island Airport Master Plan, which recommends lengthening the existing runway.

The proposed changes are indicated with new text by a double underline and deleted text by ~~strike through~~.

Staff Explanation: *At the Special Joint Session of Beaufort County Council and Town Council on October 27, 2010, Town Council approved Resolution 2010-24, directing the Town Manager to begin the process of amending LMO Section 16-4-1307 to provide for a runway length of 5,000 linear feet. Accordingly, staff is proposing to amend this section to change the allowable runway length from 4,300 linear feet to 5,000 linear feet. This amendment is supported by the Adopted 2010 Hilton Head Island Airport Master Plan, which recommends lengthening the existing runway.*

Sec. 16-4-1307. Aviation/Surface Passenger Terminal

The length of the runway is limited to ~~4,300~~ 5,000 linear feet.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.:

PROPOSED ORDINANCE NO.: 2011-02

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE, CHAPTER 4, TO REVISE SECTION 16-4-1307. THIS AMENDMENT COMMONLY REFERRED TO AS THE *AIRPORT RUNWAY LENGTH AMENDMENT* AS NOTICED IN THE ISLAND PACKET ON NOVEMBER 7, 2010, INCLUDES CHANGES THAT PROVIDE FOR AN AMENDMENT TO AVIATION/SURFACE PASSENGER TERMINAL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (LMO); and

WHEREAS, the Town Council now intends to amend Chapter 4 to provide for an amendment to Aviation/Surface Passenger Terminal; and

WHEREAS, the Adopted 2010 Hilton Head Island Airport Master Plan supports lengthening the existing runway; and

WHEREAS, the Beaufort County Council and Town Council on October 27, 2010 jointly approved Resolution 2010-24, directing the Town Manager to begin the process of amending LMO Section 16-4-1307 to provide for a runway length of 5,000 linear feet; and

WHEREAS, the Planning Commission held a public hearing on December 15, 2010 and voted to recommend that Town Council approve the amendment; and

WHEREAS, the Planning and Development Standards Committee met on January 26, 2011 and voted to recommend that Town Council *<MOTION>* the proposed amendment; and

WHEREAS, Town Council now finds that, upon further review, it is in the public interest to *<MOTION>* the attached revision to Chapter 4 of the Land Management Ordinance.

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

Section 1. Amendment. That the Land Management Ordinance of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages.

NOTE: New text is indicated by a double underline and deleted text is indicated by a ~~strike through~~.

Section 2. Severability. If any sections, 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 attest the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council for 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 _____ 2011.

Drew A. Laughlin, Mayor

ATTEST:

Betsy R. Mosteller, CMC, Town Clerk

Public Hearing: December 15, 2010

First Reading:

Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____