



Town of Hilton Head Island  
**LMO Committee Special Meeting**  
**Monday, December 14, 2020 – 9:00 a.m.**  
**AGENDA**

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In accordance with the Town of Hilton Head Island Municipal Code Section 2-5-15, this meeting is being conducted virtually and can be viewed live on the Town's Public Meeting Facebook Page at <https://www.facebook.com/townofhiltonheadislandmeetings/>. Following the meeting, the video record will be made available on the Town's website at <https://www.hiltonheadislandsc.gov/>.

**1. Call to Order**

**2. FOIA Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

**3. Roll Call**

**4. Approval of Agenda**

**5. Approval of Minutes**

a. Regular Meeting of September 16, 2020

b. Special Meeting of September 23, 2020

**6. Citizen Comments**

**7. New Business**

a. Review changes to the LMO related to the adoption of the new Flood maps

**8. Committee Business**

a. Review and Adoption of 2021 Meeting Schedule

**9. Adjournment**

Public comments concerning agenda items can be submitted electronically via the Open Town Hall HHI portal at <https://hiltonheadislandsc.gov/opentownhall/>. The portal will close at 4:30 p.m. on Friday, December 11, 2020. All comments submitted through the portal will be provided to the Committee for review and made part of the official record. Citizens who wish to comment on agenda items during the meeting by phone must contact the Committee Secretary at 843-341-4684 no later than 12:00 p.m. on Friday, December 11, 2020.

**Please note that a quorum of Planning Commission may result if five (5) or more of their members attend this meeting.**

**Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.**



Town of Hilton Head Island

## Planning Commission LMO Committee Meeting

September 16, 2020 at 2:00 p.m. Virtual Meeting

### MEETING MINUTES

**Present from the Committee:** Chair Leslie McGowan, Vice Chairman Todd Theodore, Michael Scanlon

**Absent from the Committee:** None

**Present from the Planning Commission:** Peter Kristian, Lavon Stevens, Mark O'Neil

**Present from Town Council:** Marc Grant, Tamara Becker, Glenn Stanford

**Present from Town Staff:** Jeff Buckalew, Town Engineer; Sheryse DuBose, Historic Neighborhoods Preservation Administrator; Joheida Fister, Deputy Fire Chief-Administration/Fire Marshal; Teri Lewis, Deputy Director of Community Development; Jennifer Ray, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

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#### 1. Call to Order

Chair McGowan called the meeting to order at 2:00 p.m.

2. **FOIA Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the Town of Hilton Head Island requirements.

3. **Roll Call** – See as noted above.

#### 4. Approval of Agenda

Chair McGowan asked for a motion to approve the agenda. Vice Chairman Theodore moved to approve. Mr. Scanlon seconded. By way of roll call, the motion passed with a vote of 3-0-0.

#### 5. Approval of Minutes

a. Special Meeting of August 11, 2020

Chair McGowan asked for a motion to approve the minutes of the August 11, 2020 special meeting. Mr. Scanlon moved to approve. Vice Chairman Theodore seconded. By way of roll call, the motion passed with a vote of 3-0-0.

#### 6. Citizen Comments

Public comments concerning agenda items were to be submitted electronically via the Town's Open Town Hall portal. The portal closed at noon yesterday and all comments were provided to the Committee. Citizens were provided the option to sign up for public comment participation by phone during the meeting. The public comment period closed at noon yesterday and one citizen requested to participate.

7. **Unfinished Business** – None

8. **New Business**

a. Review of Historic Neighborhoods Preservation Overlay (HNP-O) District

Chair McGowan asked Dr. DuBose to make a presentation. Dr. DuBose presented the Gullah Geechee Land & Cultural Preservation Task Force (Task Force) recommendations as described in the Committee's agenda package. Dr. DuBose pointed out that while Staff supports the Task Force recommendations, there are some areas of concern. Dr. DuBose, Chief Fister, and Mr. Buckalew discussed those concerns as they relate to Community Development, Fire Rescue, and Engineering matters.

The Committee expressed overall support for the proposed HNP-O District. The Committee made comments and inquiries regarding: minimum required right-of-way width as it relates to maintenance and safety issues; clarification on the maximum impervious coverage requirements between zoning districts; if the hold is lifted off the sale of a family compound, is the Task Force confident this would not lose Gullah property, since the goal is to preserve the culture; what happens when family subdivision property is sold to a non-family member; concern the regulations will be taken advantage of in order to sell the property and as a result Gullah property will not be preserved, but lost; the building code has requirements for construction and distance between buildings; different scenarios of development under these regulations; the intent of these regulations is to preserve Gullah property.

Chair McGowan opened the meeting for public comment and received the following: Mr. Phillip Smith, President of Oak Marsh POA, expressed concerns with the proposal, specifically the home occupation section. Chair McGowan clarified the home occupation section has been taken out of this proposal. Councilman Grant made comments regarding the community members that desire to overcome challenges with current development standards.

The Committee continued discussion on the various aspects of the proposed amendments. Following the discussion, the Committee asked Staff to come back to the next meeting with an illustration to help understand the rationale behind the right-of-way widths. Additionally, Chair McGowan asked that on Exhibit B, pages 4 and 6, the word "dwelling" be changed to "living".

**9. Adjournment**

The meeting was adjourned at 3:16 p.m.

**Submitted by:** Teresa Haley, Secretary

**Approved:** [DATE]



Town of Hilton Head Island  
**Planning Commission LMO Committee Meeting**  
September 23, 2020 at 9:00 a.m. Virtual Meeting  
**MEETING MINUTES**

**Present from the Committee:** Chair Leslie McGowan, Vice Chairman Todd Theodore, Michael Scanlon

**Absent from the Committee:** None

**Present from the Planning Commission:** Peter Kristian, Lavon Stevens, Mark O'Neil

**Present from Town Council:** Tamara Becker

**Present from Town Staff:** Jeff Buckalew, Town Engineer; Shawn Colin, Director of Community Development; Sheryse DuBose, Historic Neighborhoods Preservation Administrator; Joheida Fister, Deputy Fire Chief-Administration/Fire Marshal; Teri Lewis, Deputy Director of Community Development; Jennifer Ray, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

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**1. Call to Order**

Chair McGowan called the meeting to order at 9:00 a.m.

**2. FOIA Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the Town of Hilton Head Island requirements.

**3. Roll Call** – See as noted above.

**4. Approval of Agenda**

Chair McGowan asked for a motion to approve the agenda. Mr. Scanlon moved to approve. Vice Chairman Theodore seconded. By way of roll call, the motion passed with a vote of 3-0-0.

**5. Citizen Comments**

Public comments concerning agenda items were to be submitted electronically via the Town's Open Town Hall portal. The portal closed at noon yesterday and all comments were provided to the Committee. Citizens were provided the option to sign up for public comment participation by phone during the meeting. The public comment period closed at noon yesterday and one citizen requested to comment by phone on the Historic Neighborhoods Preservation Overlay District.

**6. Unfinished Business**

**a. Review of Historic Neighborhoods Preservation Overlay (HNP-O) District**

Chair McGowan asked Dr. DuBose to make a presentation. As requested by the Committee at the last meeting, Staff presented an illustration to help in understanding the rationale behind the right-of-way widths. Dr. DuBose recapped the last Committee meeting and Staff's concerns. Staff and the Committee discussed those concerns, including: allowing a minimum right-of-way width to be 20' would cause maintenance

and safety issues; change the right-of-way width to 30' for a two-way road; allow for a one-way right-of-way minimum width of 24'; rounding up density causes stress on the environment, infrastructure, and the like, especially on smaller parcels; keep with the current code to round-down when it comes to density; without a hold being placed on the sale of a family compound, the new regulations could speed up the process of selling and inadvertently losing Gullah property. The Committee discussed support of the proposed regulations that include: new opportunities to pass land to future generations with a family compound and family subdivision; reductions to buffers, setbacks, and access; increased impervious cover and building heights.

Chair McGowan opened the meeting for public comment and received the following: Mr. Phillip Smith, President of Oak Marsha POA, expressed general concerns with the proposal and indicated it will cause loss of Gullah heritage. Mr. Smith suggested reducing or eliminating property taxes and business taxes to support the native island community.

Mr. Scanlon moved to forward the proposed Historic Neighborhoods Preservation Overlay (HNP-O) District to the Planning Commission for approval with the following recommendations:

- Change right-of-way width within a family subdivision to 30' and add a one-way right-of-way requirement of 24';
- Add a 3-year hold to the sale of a family compound after its established;
- Eliminate the section to round up density; and
- Change the density in the MF District to 6 du/acre along major arterials.

Vice Chairman Theodore seconded. By way of roll call, the motion passed with a vote of 3-0-0.

## **7. New Business**

### **a. Review of Dirt Road Paving LMO Amendments**

Chair McGowan asked Staff to present the item. Ms. Lewis presented the item as described in the Committee's agenda package. Staff recommends proposed changes that include the following:

- Add language to the RM-4, RM-6, RM-8, RM-12, MF, MV, NC, S and WMU zoning districts that states that parcels along a right-of-way (ROW) acquired as part of the Town's Dirt Road Paving Program shall be permitted to develop to the density potential that existed prior to the establishment of the ROW;
- Add language that the adjacent street setback will only be 5' along any parcels abutting a Town ROW acquired as part of the Town's Dirt Road Paving Program;
- Add language that an adjacent street buffer will not be required along any parcels abutting a Town ROW acquired as part of the Town's Dirt Road Paving Program;
- Add a new section to establish the exceptions that will apply to all rights-of-way created as part of the Town's Dirt Road Paving Program; and
- Add language that allows the Town Engineer to accept a minimum ROW of 30' for streets acquired under the Town's Dirt Road Paving Program where physical and property constraints exist.

There was no public comment on this item.

The Committee briefly discussed the proposed changes and suggested that the minimum width requirement of a one-way right-of-way be 24'.

Mr. Scanlon moved to forward the proposed Dirt Road Paving LMO Amendments to the Planning Commission for approval with the following recommendation:

- Add a one-way right-of-way width requirement of 24'.

Vice Chairman Theodore seconded. By way of roll call, the motion passed with a vote of 3-0-0.

#### **8. Adjournment**

The meeting was adjourned at 10:52 a.m.

**Submitted by:** Teresa Haley, Secretary

**Approved:** [DATE]

DRAFT



# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

**TO:** LMO Committee  
**VIA:** Teri Lewis, *AICP, Deputy Director of Community Development*  
**FROM:** Shari Mendrick, *P.G., CFM, Floodplain Administrator*  
**DATE:** November 20, 2020  
**SUBJECT:** Calculation of Height and Flood Zone Standards LMO Amendments

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**Recommendation:** Staff recommends that the LMO Committee forward the proposed amendments to Planning Commission with a recommendation of approval.

**Summary:** The current Land Management Ordinance (LMO) Section 16-10-102.C states that building height shall be measured from the base flood elevation. If the site does not lie within a flood zone with a designated base flood elevation, the maximum structure height shall be calculated from pre-development grade.

To maintain consistency between the proposed changes to the lowest floor elevation requirements of the Flood Damage Controls Ordinance and the maximum building height measurement in the LMO, staff is proposing the following changes to the Town's building height requirements:

1. Residential building height shall be measured from 14' above mean sea level.
  - a. Minimal change to footprint of regulated vs. unregulated residential construction.
  - b. No increase to maximum building heights. Minor decreases in a few areas.
  - c. No drastic height deviations between new and existing construction.
  - d. Allows for parking under structures to meet minimum parking requirements without further reducing required buffers.
2. Nonresidential building height shall be measured from 11' above mean sea level.
  - a. Offers flexibility for redevelopment of underperforming and vacant commercial property without being overly restrictive.
  - b. Discourages the use of excessive fill to meet elevation requirements.

In conjunction with the adoption of the updated Flood Insurance Rate Maps (FIRMs), the flood zone designations in Section 16-5-112 of the LMO must be updated for consistency with the flood zones on the updated FIRMs.

**Background:** The Town of Hilton Head Island is a participant in the National Flood Insurance Program. As a participant, FEMA conducts flood hazard analyses and mapping studies to generate Flood Insurance Rate Maps (FIRMs) that display areas that fall within the 100-year flood boundary. The term 100-year flood indicates that the area has a one-percent chance of flooding in any given year, not that a flood will occur every 100 years. The maps are only intended to convey potential flood risk and do not predict storm surge, flooding due to sea level rise or flooding caused by local storm drainage issues.

FEMA released preliminary FIRMs for Beaufort County in November 2017 and these maps will become effective for flood insurance rating on March 23, 2021. FEMA uses the best available technical data to create flood hazard maps; however the modeling for these maps was completed prior to local impacts of Hurricanes Matthew, Irma and Dorian. The storm surge and associated beach erosion from these storms resulted in removal of the Town's primary frontal dune system, which drastically changes the modeling dynamics for a barrier island.

The updated data shows a 5-6 foot decrease in current base flood elevations across the Town. The updated data includes a 1-foot decrease directly related to the transition from NGVD29 to NAVD88, which is the vertical sea level reference used by surveyors.

The drastic reduction in base flood elevations is of great concern as several areas with repeated flood losses, such as beachfront homes and homes in low-lying areas, are being removed from the high-risk flood zone. Implications of these flood maps changes without consideration of the current lowest floor elevation requirements in the Town's Municipal Code Section 15-9. Flood Damage Controls will result in a higher potential for flood losses throughout our community.

Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

## **Attachment**

### A. LMO Amendments



## ATTACHMENT A

### Chapter 16-5: Development and Design Standards

#### Sec.16-5-112. - Flood Zone Standards

##### A. Applicability

2. The location of the *flood* zones on Hilton Head Island ~~is are identified by the shown on the FEMA Flood Hazard Zones Map of the Comprehensive Plan, which is adopted as part of this Ordinance, or any more recent Town-adopted flood zones map.~~ Flood Insurance Rate Maps (FIRMs).
3. The Island is covered by the following ~~four~~ *flood* zones that range from most vulnerable to flooding and *flood* damage to least vulnerable:
  - a. VE- Zone, or coastal high hazard area, subject to 100-year coastal flooding and storm surge;
  - b. Coastal A Zone, or the area landward of a V-zone and seaward of the Limit of Moderate Wave Action as shown on the FIRMs.
  - ~~bc.~~ AE- Zone, or 100-year flood plain area;
  - ~~d.~~ AO Zone, or areas of shallow flooding;
  - ~~ee.~~ B-X(shaded) Zone, or 100 to 500-year flood plain area; and
  - ~~df.~~ C-X Zone, or areas of minimal flooding.

##### B. Flood Zone Standards

On all plats within "VE" or "AE" zones for which *lots*, *sites*, or *structures* are to be sold, the following statement shall be clearly affixed to the plat and shall be recorded:

Some or all areas on this plat are *flood* hazard areas and have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain *flood* hazard protective measures be incorporated in the design and *construction* of *structures* in these designated areas. Reference shall be made to the *development* covenants and restrictions of this *development* and requirements of the Town Building Official. In addition, federal law requires mandatory purchase of *flood* insurance as a prerequisite to federally insured mortgage financing in these designated *flood* hazard areas.

## Chapter 16-10: - Definitions, Interpretation, and Measurement

### Sec.16-10-102. - Rules of Measurement

#### C. Height

##### 1. Calculation of Height

- a. Maximum *structure height* for *development* in each zoning district shall be calculated as follows: from the ~~base flood elevation~~. If the ~~site~~ does not lie within a ~~flood~~ zone with a designated ~~base flood elevation~~, the maximum ~~structure height~~ shall be calculated from ~~pre-development grade~~.
  - i. Residential maximum building height shall be measured from fourteen feet (14') above mean sea level using the NAVD 88 vertical datum; and
  - ii. Nonresidential maximum building height shall be measured from eleven feet (11') above mean sea level using the NAVD 88 vertical datum.
- b. The measurement of the *height* of a *structure* shall be measured from the intersection of a horizontal plane at the ~~height~~ the distance from the preconstruction grade or ~~base flood elevation~~ immediately ~~adjacent~~ to the ~~structure~~ to a point level with the highest point of the *structure*.



**DRAFT**

The Town of Hilton Head Island  
**Planning Commission LMO Committee**  
**2021 Meeting Schedule**

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Regular meetings will be held on the third Wednesday of each month at **2:00 p.m.** in Benjamin M. Racusin Council Chambers at Town Hall, One Town Center Court, unless otherwise noticed. Changes to meeting dates, times and/or the location, and special meetings will be noticed.

<b>PUBLIC MEETING DATES</b>	<b>MEETING TIMES</b>
January 20, 2021	2:00 p.m.
February 17, 2021	2:00 p.m.
March 17, 2021	2:00 p.m.
April 21, 2021	2:00 p.m.
May 19, 2021	2:00 p.m.
June 16, 2021	2:00 p.m.
July 21, 2021	2:00 p.m.
August 18, 2021	2:00 p.m.
September 15, 2021	2:00 p.m.
October 20, 2021	2:00 p.m.
November 17, 2021	2:00 p.m.
December 15, 2021	2:00 p.m.