



Town of Hilton Head Island **TOWN COUNCIL MEETING**

Tuesday, April 6, 2021, 4:00 p.m.

AGENDA

In accordance with the Town of Hilton Head Island Municipal Code § 2-5-15, this meeting is being conducted virtually and can be viewed on the [Town of Hilton Head Island Public Meetings Facebook Page](#) or the [Beaufort County Channel](#) as well as Hargray channels 9 and 113.

- 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. Pledge to the Flag**
- 4. Invocation – Pastor Neil M. Yongue, Jr. – St. Andrew By-The-Sea**
- 5. Approval of the Agenda**
- 6. Approval of the Minutes**
 - a. Workshop – March 10, 2021
 - b. Regular Meeting – March 16, 2021
- 7. Report of the Town Manager**
 - a. Items of Interest
- 8. Reports from the Members of Council**
 - a. General Reports from Council
 - b. Report of the Community Services & Public Safety Committee – Councilman Harkins
 - c. Report of the Public Planning Committee – Councilman Ames
 - d. Report of the Finance & Administrative Committee – Councilman Lennox
- 9. Proclamations/Commendations - NONE**
- 10. Appearance by Citizens**

*Citizens who wish to address Town Council during the meeting by phone must contact the Town Clerk at 843.341.4701 no later than **12:00 p.m. the day of the meeting**. Citizens speaking during the meeting will limit their comments to no longer than three (3) minutes and will conduct themselves in a manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, threatening, or obscene language.*

11.Unfinished Business - NONE

12.New Business

a. First Reading of Proposed Ordinance 2021-09 Permanent Drainage Easement at the Former Hilton Head Christian Academy Site

First Reading of Proposed Ordinance 2021-09 authorizing the granting of a permanent easement on, over, and across Town-owned real property, to AB PR QOZB II Property, LLC, under the authority of S.C. Code Ann. § 5-7-40 (Supp. 2020), and § 2-7-20, the Municipal Code of the Town of Hilton Head Island (1983), and providing for severability and an effective date.

b. First Reading of Proposed Ordinance 2020-26 – Historic Neighborhoods Preservation Overlay District LMO Amendments

First Reading of Proposed Ordinance 2020-26 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 2, 5, 10 and Appendix D. These amendments, commonly referred to as *Family Compound and Family Subdivision Applications* as noticed in the Island Packet on September 13, 2020, include changes that add Family Compound and Family Subdivision as a new application described in Exhibit A to the ordinance, and providing for severability and an effective date.

c. Consideration of a Resolution – Broad Creek PSD Proposed Aquifer Storage and Recovery Facility

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the Broad Creek Public Service District's proposed Aquifer Storage and Recovery Facility on a portion of Town property.

d. Consideration of a Resolution – Municipal Consent for Aerial Mosquito Control

Consideration of a Resolution of the Town of Hilton Head Island, South Carolina, authorizing the Town Manager to execute the Municipal Consent from Beaufort County to conduct aerial application of public health insecticides for mosquito control.

e. Consideration of the Municipal State Highway Project Agreement – Cross Island Parkway Toll Conversion

Consideration of the Municipal State Highway Project Agreement consenting to the construction or improvements to the Cross Island Parkway by the South Carolina Department of Transportation in accordance with the scope of work.

13. Executive Session

- a. Receipt of legal advice related to pending, threatened, or potential claim related to ATAX funding [pursuant to S.C. Freedom of Information Act § 30-4-70(a)(2)].
- b. Discussion of negotiations incident to the proposed sale, lease or purchase of property in the Beach City Road area [pursuant to S.C. Freedom of Information Act § 30-4-70(a)(2)]
- c. Discussion of Town personnel matters [pursuant to S.C. Freedom of Information Act § 30-4-70(a)(1)].

14. Possible actions by Town Council concerning matters discussed in Executive Session**15. Adjournment**

Public comments concerning agenda items can be submitted electronically via the [Town's Virtual Town Hall Portal](#). The portal will close at 2:00 p.m. the day of the scheduled meeting. All comments submitted to the portal will be provided to Town Council for review and made part of the official record.



Town of Hilton Head Island

TOWN COUNCIL WORKSHOP

Wednesday, March 10, 2021 at 10:00 a.m.

MEETING MINUTES

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Alex Brown, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*; Shawn Colin, *Interim Deputy Town Manager*; Angie Stone, *Interim Deputy Town Manager*; Jennifer Ray, *Interim Director of Community Development*; Jeff Buckalew, *Interim Director of Public Projects & Facilities/Chief Engineer*; Darrin Shoemaker, *Traffic Engineer*; Krista Wiedmeyer, *Town Clerk*

1. Call to Order

Mayor McCann called the meeting to order at 10:00 a.m. By way of roll call, attendance of all members of Town Council was affirmed.

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. U.S. 278 Gateway Corridor Project Status Update

Shawn Colin opened the Workshop by giving a timeline and quick overview of the project. Upon conclusion of his opening remarks, he introduced Craig Winn, Project Manager from the South Carolina Department of Transportation. Mr. Winn gave a presentation to the members of Town Council, reviewing the current status of the project, an overview of the community impacts and enhancements, what the next steps are and provided information on the public hearing, tentatively scheduled for May 20, 2021. He reviewed the project's *Purpose and Need*, before moving on to the status update. Mr. Winn reported that things are moving ahead as planned, and currently his team is reviewing and analyzing the alternatives, leading up to the public hearing in May. He reviewed the impacts to the community, noting that there would be no residential displacements, and two commercial displacements. Mr. Winn said that the Stoney Community has now classified as a *Traditional Cultural Property (TCP)*. He reviewed the community engagement that took place with the residents and business owners of the Stoney Community, stating that most approved of the suggestions being posed for preserving the history of this area. Mr. Winn reviewed the suggested Stoney Community Enhancements, which included updated signage, an open-air pavilion with storyboards and information regarding the Stoney Community and the Gullah-Geechee culture. He discussed and reviewed the potential wetland and stream mitigation. Mr. Winn closed out his presentation with information regarding their engagement with the community and upcoming engagements, including a private meeting with the families in Stoney.

Mr. Harkins asked about the ingress and egress to the Crazy Crab, asking if the proposed safety road would only be for the residents or go through to the Crazy Crab. Mr. Winn said that road would not extend to the Crazy Crab, and that there would be a right turn only leaving the Crazy Crab.

Mr. Stanford asked if there would be any taking of residential properties. Mr. Winn confirmed that there would be some property taken, but no residential relocation. Mr. Stanford stated that it would be important to know how much or what would be taken from residents.

3. U.S. 278 Gateway Corridor Project Status Update (cont.)

Mr. Brown stated that he felt the SCDOT has removed the verbiage regarding increasing capacity, asking what the reason for that was. Mr. Winn said the increased capacity and reduce congestion were ultimately one in the same, it means more lanes. He said that they look to different ways to reduce congestion, none of the solutions provided enough reduced congestion. Mr. Brown asked if there were studies that show the congestion. Mr. Winn affirmed. Mr. Brown said with regards to the *Guiding Principles*, could the SCDOT give some confidence that what is there today will be improved by an amount at the end of the process? Mr. Winn stated that they look at the 20 year projections of traffic, looking at the regional model through 2045. He said with the current traffic counts, the DOT developed a future volume. Mr. Brown said that he was concerned about the quality of life for both the residents of Stoney and Island-wide; asking how the proposed intersections will impede or disrupt other communities on the Island. Mr. Winn noted that the proposed intersection changes are designed to help travelers get to their location safer and quicker. Mr. Brown pointed out the increase of traffic should it be diverted down Old Wild Horse Road. Mr. Harkins stated that it was difficult to visualize the impacts at each intersection, and that it would be helpful to see traffic simulations.

4. Independent Engineering Review Status Update

Mr. Colin introduced Phillip Hutcherson, Project Engineer with HDR to give an update on the oversight review and committee. Mr. Hutcherson reported that HDR has coordinated with the SCDOT and began reviewing the information they were provided. He said the review is to verify if they are meeting both Federal and State guidelines. Mr. Hutcherson said that they are reviewing the alternatives and impact matrix. He said they started with the 19 preliminary alternatives, then the 9 reasonable alternatives, and reviewing the intersection designs. He said that they have met with the Committee four times, with one left to go. Mr. Hutcherson reviewed the *Key Questions*; is the projected growth in 25 years realistic, do the reasonable alternatives accommodate growth beyond 2045, are there safer alternative designs besides adding signals and pavement, and have all the reasonable alternative been considered and fully evaluated. Mr. Hutcherson stated that the review involves; alternative analysis, growth rate, vehicle crash data, and available funding. Lastly he reviewed what additional analysis is being done; items from the oversight committee, new alternatives through Jenkins Island and Stoney area, impact to the Stoney Community, Jenkins Island, and local communities, bike and pedestrian safety, local traffic patterns, and landscaping and roadway character.

Mr. Ames asked how tourism impacts the traffic analysis. Mr. Hutcherson stated that the model used also forecasts tourism impact. Mr. Ames stated that it is unclear how the estimates are counted with the off-island growth, asking if there was anything Mr. Hutcherson could add to better explain. Mr. Hutcherson said, from what we have seen, the growth rates in the different communities show what the impact to the Island are. Mr. Ames said there is a considerable increase in beach traffic from off-Island areas, asking what the different free flow alternatives are. Mr. Hutcherson said that there was an alternative showing free flowing movements from Windmill Harbour to the Cross Island. He said that would increase the right ins and right outs. This would change the local traffic patterns dramatically. Mr. Hutcherson said that they are still looking at that alternative, and that the SCDOT has looked at a flyover alternative too.

5. U.S. 278 Corridor Project Land Planning Status Update

Mr. Colin introduced Jennifer Ray to provide a status update on the Land Planning for the corridor. Ms. Ray stated that in late 2020, Council authorized staff to begin looking at Land Planners. In February, engagement was had with a number of different stakeholders. There were six local Land Planners from various firms looking at the reasonable alternatives and what the Land Planning could enhance. Ms. Ray said that the RFQ for the Lander Planning firm ends on March 8, 2021. She said the scope of work would include analyzing the land in and around the corridor and prepare land use plans for the reasonable and preferred alternatives that will suggest ways to create and sustain mixed-use and family oriented neighborhoods and opportunities for those impacted by the corridor improvement project, particularly the Stoney Community.

Mr. Stanford asked what the anticipated timeframe would be for hiring the consultant. Ms. Ray stated that staff would begin looking at the proposed timelines and update Town Council.

Council continued the discussion concerning each of the items presented to them during the meeting. All agreeing that communication is a vital part of this project, and that some conversations needed to be had right away. They also agreed that the information was a lot and needed to be considered appropriately. Mr. Stanford noting that it was his understanding that the DOT had been meeting with members of the Stoney Community and that he would ask the DOT to invite members of Town Council to also be present at those meetings. Mr. Ames stating that he understands that additional pavement would be required to accommodate left turns, but currently, there are already six lanes with already accommodate the left turns.

Mr. Orlando closed out the meeting by stating that he appreciates everyone's work on the project. He discussed what the next steps would be; hiring the Land Planner, connecting that firm with both the SCDOT and HDR. Mr. Orlando said he is too new to give a formal opinion, but that he believed there are some community solutions, and would be working on those solutions first.

6. Adjournment

By unanimous vote, the meeting adjourned at 11:35 a.m.

Approved: April 6, 2021

Krista M. Wiedmeyer, Town Clerk

John J. McCann, Mayor



**Town of Hilton Head Island
TOWN COUNCIL**
Tuesday, March 16, 2021 at 4:00 p.m.
MEETING MINUTES

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Alex Brown, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Marc Orlando, *Town Manager*; Josh Gruber, *Deputy Town Manager*; Shawn Colin, *Interim Deputy Town Manager*; Angie Stone, *Interim Deputy Town Manager*; John Troyer, *Finance Director*; Jennifer Ray, *Interim Director of Community Development*; Teri Lewis, *Deputy Director of Community Development*; Jeff Buckalew, *Town Engineer*; Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Mayor McCann called the meeting to order at 4:00 p.m.

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

3. Pledge to the Flag

4. Invocation – Pastor June Wilkins – Christ Lutheran Church

Pastor Wilkins delivered the invocation.

5. Approval of Agenda

Mr. Harkins moved to approve the agenda. Mr. Stanford seconded. By way of roll call, the agenda was approved by a vote of 7-0.

6. Approval of Minutes

a. Workshop – February 23, 2021

b. Regular Meeting – March 2, 2021

Mr. Harkins moved to approve the minutes as noted on the agenda. Mr. Stanford seconded. By way of roll call, the minutes were approved by a vote of 7-0.

7. Report of the Town Manager

a. Parks and Recreation Commission Update – Ray Kisiah, Chairman

Mr. Kisiah reviewed a number of items and discussions that have taken place with the Parks and Recreation Commission over the last six months.

b. Gullah-Geechee Land & Culture Preservation Task Force Project Update

Jennifer Ray provided an update to Town Council regarding the status of the Gullah-Geechee Land and Culture Preservation Task Force projects. She said that staff has been focused on the top priorities first, including the creating of a *Historical Overlay District*. Ms. Ray said that staff drafted the proposed LMO amendments, which encompassed the overlay districts, establishing new regulations for easements and rights-of-way; expediting the development review process within the historic district, and adding family compound and family subdivision provisions.

7(a). Gullah-Geechee Land and Culture Preservation Task Force Project Update (cont.)

Ms. Ray stated that staff continues to coordinate with Beaufort County Tax office to provide update concerning Gullah property owners who are delinquent in paying taxes, as well as working with the Gullah property and business owners to assist them with Town regulations. Ms. Ray said that the Town is working with the Heritage Library to set up a genealogy clinic to aid in cleaning up property titles. Lastly, she said the Cultural Comprehensive Plan, a comprehensive inventory of cultural resources and recognizing Gullah churches to be the source of leadership and communications had been started.

c. Items of Interest

Mr. Orlando reviewed and reported on a number of items of interest from the Town.

8. Reports from Members of Council

a. General Reports from Council

Mr. Stanford reported that at the recent Lowcountry Area Traffic Study meeting, a discussion was had about the proposed changes from HUD with regards to urban density numbers. He said that currently, municipalities with 50,000 or more residents is considered urban, but the change is looking to move that number to 100,000 residents. Mr. Stanford said that LATS has begun working with the Federal Government to not make these changes due to the impacts they could have on the municipalities in Beaufort County.

Mayor McCann reported that he would like a small committee made up of Mr. Ames as the Chair, and Mr. Harkins and Mr. Lennox as members to review the process and enforcement of Appearance by Citizens as currently written.

b. Report of the Community Services & Public Safety Committee – Bill Harkins

Mr. Harkins reported that the Committee would meet on March 22, 2021 where they will discuss homelessness in Beaufort County. He encourage all the members of Town Council to participate.

c. Report of the Public Planning Committee – David Ames

Mr. Ames stated that he did not have a report.

d. Report of the Finance & Administrative Committee – Tom Lennox

Mr. Lennox reported that the Committee met earlier in the day where the Committee received an update from Mr. Troyer on the financial status of the Town and the updates to the Business License Ordinance. He said that staff is recommending the revised model be put into place with some small changes throughout the drafted document.

9. Proclamations/Commendations – NONE

10. Appearance by Citizens

Iris Shedlock, Jeanne Fraser, Cherry Norris, and Gary Smith addressed Town Council about the extension of the mask ordinance. All who spoke were not in favor of this ordinance being extended.

Amber Keuhn, Juliana Smith, and Jean Beck addressed Town Council about the second reading of the Turtle Protection Ordinance. All who spoke were in favor of Council approving, with all thanking them for their consideration.

Skip Hoagland addressed Town Council concerning matters related to the Town and Chamber.

11. Consent Agenda

- a. Second Reading of Proposed Ordinance 2020-23 – Turtle Protection
- b. Second Reading of Proposed Ordinance 2021-01 – Historic Mitchelville Freedom Park MOU Renewal & Lease Amendments
- c. Second Reading of Proposed Ordinance 2021-07 – Revisions to Title 15, Chapter 9
- d. Second Reading of Proposed Ordinance 2021-07 – Revisions to Title 15, Chapter 9

Mr. Ames moved to approve. Mr. Stanford seconded. By way of roll call, the motion carried by a vote of 7-0.

12. Unfinished Business - NONE

13. New Business

- a. Consideration of Proposed Emergency Ordinance 2021-08 – Extending the Requiring of Individuals to Wear Face Coverings

Consideration of Proposed Emergency Ordinance 2021-08 to require individuals to wear face coverings in certain circumstances and locations in the Municipal limits of the Town of Hilton Head Island, South Carolina, and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. Stanford seconded. With some discussion noting that if they could, they would rescind the ordinance at a later date; by way of roll call, the motion carried by a vote of 7-0.

12. Executive Session

Mr. Orlando stated that there was a need for Executive Session for: discussion of contractual matters.

At 5:15 p.m., Mr. Harkins moved to enter into Executive Session for the reasons described by Mr. Orlando. Mr. Stanford seconded. The motion carried unanimously.

14. Possible Actions by Town Council Concerning Matters Discussed in Executive Session

15. Adjournment

Upon returning from Executive Session with no action, the meeting adjourned at 5:23 p.m.

Approved: April 6, 2021

Krista M. Wiedmeyer, Town Clerk

John J. McCann, Mayor



Items of Interest

March 16, 2021

Town News

Floodplain Manager of the Year

Shari Mendrick, Floodplain Administrator for the Town of Hilton Head Island, was awarded Floodplain Manager of the Year at the South Carolina Hazard Mitigation Associations Virtual Annual Conference held on March 18, 2021. Shari was recognized by her peers for her outstanding dedication to Floodplain Management activities locally and throughout the State of South Carolina. Shari has been with the Town since 2017 and has been the Floodplain Administrator for two years.

Tree City USA Award

The Town was named a 2020 Tree City USA by the Arbor Day Foundation in honor of the town's commitment to effective urban forest management. This marks the 20th year the town has received this recognition. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

The Town achieved Tree City USA recognition by meeting the program's four requirements of having a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

Trees are assets to a community when properly planted and maintained. They help to improve the visual appeal of a neighborhood, increase property values, reduce home cooling costs, remove air pollutants and provide wildlife habitat, among many other benefits.

Town Meetings

Public meetings are currently being conducted virtually. For a listing of all scheduled meetings, please visit the [Town's website](#).



TOWN OF HILTON HEAD ISLAND

Public Projects and Facilities Management Department

TO: Marc Orlando, Town Manager
VIA: Josh Gruber, Deputy Town Manager
FROM: Curtis Coltrane, Town Attorney
COPY: Jeff Buckalew, PE, Town Engineer
DATE: Shawn Colin, Interim Deputy Town Manager
SUBJECT: Jeff Netzinger, Storm water Manager
March 17, 2021
Granting a Permanent Drainage Easement on Town parcel R510 008 00A
101B 0000 to serve the upstream property drainage outfall

Recommendation:

Staff recommends the Town grant a permanent drainage easement to the upstream property owner to allow for the flow of storm water runoff (see attached).

Summary:

The Town Attorney recommends this permanent drainage easement be granted and recorded to allow for the drainage of storm water runoff onto Town property. The easement grantee shall enter upon Town property to excavate and relocate a drainage ditch to run from their new outfall pipe on their property to a large existing drainage channel on Town property and have the rights to maintain that ditch in perpetuity.

Background:

The multi-family residential development project at 55 Gardner Drive (formerly the Hilton Head Christian Academy site) has an approved site and drainage plan showing a drainage outfall, end of pipe discharge on their property, but near the shared property line with the Town owned parcel (R510 008 00A 101B 0000). There is an existing drainage ditch on Town property in the vicinity that does not align well with the location of the proposed outfall pipe from the new development. Thus the grantee shall be allowed to construct a ditch from the new pipe outfall on their property, connecting it to a major trunk line drainage channel on Town property, approximately 160 feet in length. This will provide for more functional drainage conveyance than if the ditch were not relocated.

AN ORDINANCE OF THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE GRANTING OF A PERMANENT EASEMENT ON, OVER AND ACROSS TOWN OWNED REAL PROPERTY, TO AB PR QOZB II PROPERTY, LLC, UNDER THE AUTHORITY OF S. C. CODE ANN. § 5-7-40 (SUPP. 2020), AND § 2-7-20, *THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND* (1983), AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

LEGISLATIVE FINDINGS

Whereas, The Town of Hilton Head Island, South Carolina, is the owner of real property located in the municipal limits of The Town of Hilton Head Island, South Carolina, and is known as:

All that certain piece, parcel or tract of land lying, situate and being on Hilton Head Island, Beaufort County, South Carolina, containing 44.269 acres, more or less, as shown on a plat of survey, entitled "A Section of Old Woodlands Plantation," dated April 23, 1982, revised April 28, 1982, prepared by Jerry L. Richard, S.C.R.L.S. Number 4784, and which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 30 at Page 110.

LESS AND EXCEPT those certain parcels of land described as "Recreation Area," "Tennis Courts," and Lot 108 on that certain plat prepared by Sea Island Engineering, Inc., and which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 33 at Page 95.

AND ALSO:

All that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, and containing 11.95 acres, more or less, as shown on the plat thereof prepared by Jerry L. Richardson, S.C. R.L.S. Number 4784, and which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 42 at Page 73 (herein, the "Town Property").

Whereas, AB PR QOZB Property, LLC, is the owner of adjacent real property known as:

TRACT 1:

ALL that certain lot, tract or parcel of land situate, lying and being 12.16 acres

of portion of the Honey Horn Plantation, Hilton Head Island, Beaufort County, South Carolina. For a more particular description of said property, reference is made to that certain plat prepared by Hussey, Gay, & Bell, Consulting Engineers on April 23, 1982, of a portion of the Honey Horn Plantation, Hilton Head Island, South Carolina, which plat is recorded in the Beaufort County Records in Plat Book 30, at Page 125, said real property being shown upon said plat.

TRACT 2:

AND ALSO ALL that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 6.22 acres, more or less, and being shown as Parcel II and Access Easement on that certain Plat prepared by Coastal Surveying Co., Inc., and recorded December 28, 1995 in the Beaufort County Records in Plat Book 54 at Page 187.

LESS AND EXCEPT ALL that certain piece, parcel or tract of land situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina, consisting of 4.47 acres, more or less, and shown and described as "REVISED PARCEL B" on a plat entitled Boundary Recombination of Survey of Revised Parcel B, Gardner Drive & William Hilton Parkway, to be conveyed to Hilton Head Christian Academy, a South Carolina Corporation by virtue of a Quit Claim Deed from Indigo Run Limited Partnership, dated September 30, 1998, recorded June 26, 2008 in Book 2739, Page 10, Beaufort County, South Carolina.

TRACT 3:

AND ALSO ALL that certain lot, tract or parcel of land situate, lying and being located in the Town of Hilton Head Island, Beaufort County, South Carolina, which is designated as "0.193 acres to be conveyed to Hilton Head Christian Academy, Subdivided from Tax Parcel R510 008 000 101B 000 Lands of the Town of Hilton Head Island," which is recorded in the Beaufort County Records in Plat Book 128 at Page 79 (herein, the AB PR QOZB Property").

Whereas, storm and surface water drains from and through the AB PR QOZB Property to and through the Town Property.

Whereas, the Town has approved a development plan for the AB PR QOZB Property that, among other things, will result in the alteration the existing, natural flow of the storm

and surface water runoff from the AB PR QOZB Property, into the Town Property.

Whereas, The Town Council for The Town of Hilton Head Island, South Carolina, finds that it is in the best interests of The Town of Hilton Head Island, South Carolina, and its citizens and residents to formalize an agreement with AB PR QOZB Property, LLC, governing the drainage of storm and surface water runoff from the AB PR QOZB Property.

Whereas, S. C. Code Ann. § 5-7-40 (Supp. 2020), and § 2-7-20, *The Municipal Code of the Town of Hilton Head Island* (1983), require that the granting of an interest in real property owned by The Town of Hilton Head Island, South Carolina, be authorized by the adoption of an ordinance.

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

Section 1: Execution delivery of Written Easement.

- (a) The Mayor and Town Manager are hereby authorized to execute and deliver a written easement to AB PR QOZB II Property, LLC, in a form and substance shown on the document attached as Exhibit "A."
- (b) The Mayor and Town Manager are hereby authorized to take any other and further actions as may be necessary to complete the transaction authorized by this Ordinance.

Section 2. Severability.

If any section, phrase, sentence or term of this Ordinance is, for any reason, held or deemed to be invalid or unconstitutional by any court of competent jurisdiction, then such section, phrase, sentence or term shall be deemed to be separate, distinct and independent, and it shall not affect any other section, phrase, sentence or term of this Ordinance.

Section 3. Effective Date.

This Ordinance shall become effective upon adoption by The Town Council for The Town of Hilton Head Island, South Carolina.

ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA, ON THIS ____ DAY OF APRIL, 2021.

John J. McCann, Mayor

Attest:

Krista M. Wiedmeyer, Town Clerk

First Reading: April ____, 2021

Second Reading: April ____, 2021

Approved as to form:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

**EXHIBIT "A" TO PROPOSED ORDINANCE 2021-09
ORDINANCE 2021-____**

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

DRAINAGE EASEMENT

This Drainage Easement is made this _____ day of April, 2021, by and between The Town of Hilton Head Island, South Carolina, having an address of One Town Center Court, Hilton Head Island, South Carolina 29928 (herein, the "Town"), and AB PR QOZB

II Property, LLC, having an address of 205 East 42nd Street, 20th Floor, New York City, NY, 10017 (herein, "AB PR QOZB II").

WHEREAS, AB PR QOZB II is the owner of real property that is known and described as follows:

TRACT 1:

ALL that certain lot, tract or parcel of land situate, lying and being 12.16 acres of portion of the Honey Horn Plantation, Hilton Head Island, Beaufort County, South Carolina. For a more particular description of said property, reference is made to that certain plat prepared by Hussey, Gay, & Bell, Consulting Engineers on April 23, 1982, of a portion of the Honey Horn Plantation, Hilton Head Island, South Carolina, which plat is recorded in the Beaufort County Records in Plat Book 30, at Page 125, said real property being shown upon said plat.

TRACT 2:

AND ALSO ALL that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 6.22 acres, more or less, and being shown as Parcel II and Access Easement on that certain Plat prepared by Coastal Surveying Co., Inc., and recorded December 28, 1995 in the Beaufort County Records in Plat Book 54 at Page 187.

LESS AND EXCEPT ALL that certain piece, parcel or tract of land situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina, consisting of 4.47 acres, more or less, and shown and described as "REVISED PARCEL B" on a plat entitled Boundary Recombination of Survey of Revised Parcel B, Gardner Drive & William Hilton Parkway, to be conveyed to Hilton Head Christian Academy, a South Carolina Corporation by virtue of a Quit Claim Deed from Indigo Run Limited Partnership, dated September

30, 1998, recorded June 26, 2008 in Book 2739, Page 10, Beaufort County, South Carolina.

TRACT 3:

AND ALSO ALL that certain lot, tract or parcel of land situate, lying and being located in the Town of Hilton Head Island, Beaufort County, South Carolina, which is designated as "0.193 acres to be conveyed to Hilton Head Christian Academy, Subdivided from Tax Parcel R510 008 000 101B 000 Lands of the Town of Hilton Head Island," which is recorded in the Beaufort County Records in Plat Book 128 at Page 79 (herein, the AB PR QOZB II Property").

WHEREAS, The Town is the owner of real property that is known and described as follows:

All that certain piece, parcel or tract of land lying, situate and being on Hilton Head Island, Beaufort County, South Carolina, containing 44.269 acres, more or less, as shown on a plat of survey, entitled "A Section of Old Woodlands Plantation," dated April 23, 1982, revised April 28, 1982, prepared by Jerry L. Richard, S.C.R.L.S. Number 4784, and which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 30 at Page 110.

LESS AND EXCEPT those certain parcels of land described as "Recreation Area," "Tennis Courts," and Lot 108 on that certain plat prepared by Sea Island Engineering, Inc., and which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 33 at Page 95.

AND ALSO:

All that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, and containing 11.95 acres, more or less, as shown on the plat thereof prepared by Jerry L. Richardson, S.C. R.L.S. Number 4784, and which is recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 42 at Page 73 (herein, the "Town Property").

WHEREAS, storm and surface water runoff from the AB PR QOZB II Property drains into and through the Town Property; and,

WHEREAS, AB PR QOZB II Property, LLC, is re-developing the AB PR QOZB II Property, LLC, and the redevelopment and the redevelopment will alter the drainage

pattern and direct storm and surface water runoff through an outfall structure to be built on the Town Property; and,

WHEREAS, the Town has agreed to convey to AB PR QOZB II a permanent easement for the construction, maintenance and use of the aforementioned outfall structure, and a permanent easement for drainage of storm and surface water through and from the AB PR QOZB II Property in and through the Town Property, subject to the terms and conditions set forth in this Drainage Easement.

Now, Therefore, know all men by these presents that the Town, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, the receipt and sufficiency whereof is acknowledged, has bargained, granted, and sold and by these presents does hereby bargain, grant, and sell to AB PR QOZB II Property, LLC, its successors and assigns, the following easements:

1. A perpetual, non-exclusive easement on, over and across the Town Property, for the purpose of planning, laying out, building and maintaining the drainage outfall structure shown on the Plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book ____ at Page ____.
2. A perpetual, non-exclusive easement for the purpose of draining surface and storm water runoff on, over and through the Town Property, and through the drainage outfall structure authorized by this Drainage Easement..

The easement is granted and accepted subject to the following terms:

1. This easement is conveyed subject to all other easements, licenses, and conveyances of record and is subject to the right reserved by the Town, its successors and assigns, to utilize the Town Property at any time, in any manner, and for any purpose, provided,

however, that such use by the Town shall not diminish the rate of drainage of storm and surface water from or through the AB PR QOZB II Property. The rights reserved by the Town include the right to channel, pipe or otherwise alter the natural flow of storm and surface water runoff on, over or through the Town Property, provided that such action by the Town does not diminish the rate of drainage of storm and surface water from or through the AB PR QOZB II Property.

2. AB PR QOZB II shall prevent any hazardous substance, meaning any substance or mixture of substances that is toxic, corrosive, radioactive, an irritant, an oxidizer or sensitizer, a carcinogen, is flammable or combustible, or which may cause personal injury, illness or death or human beings or animals, or which may kill or degrade plant life, coming through or from all or any part of the AB PR QOZB II Property, from coming onto, in or through the Town Property.

3. AB PR QOZB II shall prevent trash and debris from all or any part of the AB PR QOZB II Property from coming onto, in or through the Town Property.

4. AB PR QOZB II agrees to plan, lay out, build and maintain the drainage outfall structure at its sole cost and expense, and further agrees that the construction, use of and maintenance of shall be under the exclusive control of the AB PR QOZB II, and that AB PR QOZB II shall at all times comply with all applicable laws, rules, codes, and regulations.

5. AB PR QOZB II agrees to cause all work authorized by this Drainage Easement to be performed in a workmanlike fashion with minimal interference to the Town. AB PR QOZB II further agrees to cause the work authorized by this Drainage Easement to be completed in an expeditious and timely fashion, that the drainage outfall structure shall at all times be maintained in a safe condition, and that all debris and construction materials relating

to work authorized by this Drainage Easement shall be promptly removed. AB PR QOZB II shall restore any other part of the Town Property which may be damaged as a result of AB PR QOZB II's exercise of the rights granted in this Drainage Easement to its pre-existing state.

To have and to hold, all and singular, the rights, privileges, and easements aforesaid unto AB PR QOZB II Property, LLC, and its successors and assigns.

The terms and conditions of this Drainage Easement are binding on The Town of Hilton Head Island, South Carolina, and AB PR QOZB II Property, LLC, and their respective successors and assigns.

In Witness whereof, the duly authorized officials of The Town of Hilton Head Island, South Carolina, and AB PR QOZB II Property, LLC, have executed this Drainage Easement on this ____ Day of April, 2021.

(Signature Pages Follow)

WITNESSES:

AB PR QOZB II PROPERTY, LLC

By: _____

Its: _____

STATE OF NEW YORK)
COUNTY OF NEW YORK)
) UNIFORM ACKNOWLEDGMENT
)

I, the undersigned Notary Public do hereby certify that AB PR QOZB II PROPERTY, LLC, by and through _____, its _____, personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument.

Sworn to and Subscribed before me
on this _____ Day of April, 2021.

Notary Public for New York
My Commission Expires: _____

WITNESSES:

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

By _____
John J. McCann

Its: Mayor _____

By _____
Marc Orlando

Its: Town Manager _____

STATE OF SOUTH CAROLINA

)

COUNTY OF BEAUFORT

)

) UNIFORM ACKNOWLEDGMENT

I, the undersigned Notary Public do hereby certify that The Town of Hilton Head Island, South Carolina, by and through John J. McCann, Mayor and Joshua A. Gruber, Interim Manager, personally appeared before me on this day and duly acknowledged the execution of the foregoing instrument.

Sworn to and Subscribed before me on
this _____ Day of April, 2021.

Notary Public for South Carolina
My Commission Expires: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Marc Orlando, ICMA~CM, *Town Manager*
VIA: Jennifer Ray, ASLA, *Interim Community Development Director*
FROM: Sheryse DuBose, PhD, *Historic Neighborhoods Preservation Administrator*
CC: Shawn Colin, AICP, *Interim Deputy Town Manager*
CC: Teri Lewis, AICP, *Deputy Community Development Director*
DATE: March 22, 2021
SUBJECT: Historic Neighborhoods Preservation Overlay (HNP-O) District LMO Amendments

Recommendation: The Public Planning Committee (PPC) recommends that Town Council approve the proposed Historic Neighborhoods Preservation Overlay (HNP-O) District Land Management Ordinance (LMO) Amendments for Family Compound and Family Subdivision.

The Public Planning Committee (PPC) met on February 25, 2021 and voted 3-1-0 to forward the Family Compound and Family Subdivision applications from the proposed HNP-O District to Town Council with a recommendation of approval.

On January 12, 2021, the PPC asked that Staff consider the following items to narrow the target area for the proposed HNP-O District:

- Clearly define geographic boundaries for the proposed HNP-O District.
- Research a definition of “ownership” for Gullah owned properties.
- Conduct community outreach to gain feedback concerning first moving forward the Family Compound and Family Subdivision applications from the proposed HNP-O District.
- Research which noxious disturbances are acceptable.

On October 14, 2020 the Planning Commission held a public hearing and voted unanimously to forward the proposed HNP-O District Amendments to the Public Planning Committee with the following revision:

- include language in the HNP-O Amendments that provides an exception for major and minor legally platted and developed single family subdivisions.

On September 23, 2020 the LMO Committee voted unanimously to forward the proposed HNP-O District LMO Amendments to the Planning Commission for approval with the following suggestions:

- 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 family compounds;
- eliminate the section to round up density; and
- change the density in the MF District to 6 du/acre along major arterials.

On September 1, 2020 the Gullah Geechee Land & Cultural Preservation Task Force (Task Force) met to review the proposed HNP-O District LMO Amendments. The Task Force voted 5-0-0 to forward the proposed HNP-O District LMO Amendments to the LMO Committee with the following conditions:

- remove proposed changes to Home Occupation;
- change calculation of density to round up;
- allow access via a 20' easement for both family compound and family subdivision;
- change density in the MF District to 8 du/acre along major arterials; and
- change setback to 25' for minor arterial.

Summary: Approval of the proposed HNP-O District LMO Amendments would provide opportunities for cultural preservation as well as provide more flexibility in the development of property within the Historic Neighborhoods on the Island.

Staff addressed the concerns regarding the balance between preserving the historic integrity of the Historic Neighborhoods versus providing economic opportunities.

Background: Beginning in September 2018, the Task Force meetings, facilitated by TWC, consisted of stakeholder meetings and community workshops. The comprehensive engagement activities resulted in 34 recommendations under the major headings of Cultural Preservation, Public Policy, and Heirs' Property. On April 22, 2019, the Task Force reviewed the recommendations from the consultant team and accepted the Report as amended. On May 7, 2019, the Task Force recommended forwarding the Report to Town Council for acceptance along with a request for \$105,000 in funding for implementation. On August 19, 2019, the Public Planning Committee voted to forward the Report for acceptance from Town Council, with a request for top priority recommendations, a work plan, identification of resources, and a timeline for completed projects. On September 17, 2019, Town Council voted to accept the Report with the high priority recommendations and directed Staff and the Task Force to prepare a work plan to be reviewed prior to the Town Council Workshop in December. On November 4, 2019, the Task Force recommended forwarding the Top Priority Recommendations Framework (Framework) to Town Council for approval. On November 17, 2019, Town Council voted to accept the Framework. The HNP-O District was identified by the Task Force as the highest priority project.

Attachments:

Proposed Ordinance 2020-26

Exhibit A - LMO Amendments

Exhibit B - LMO Changes to Reflect Family Compound and Family Subdivision

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2021-

PROPOSED ORDINANCE NO. 2020-26

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO), CHAPTERS 2, 5, 10 AND APPENDIX D. THESE AMENDMENTS, COMMONLY REFERRED TO AS *FAMILY COMPOUND AND FAMILY SUBDIVISION APPLICATIONS* AS NOTICED IN THE ISLAND PACKET ON SEPTEMBER 13, 2020, INCLUDE CHANGES THAT ADD FAMILY COMPOUND AND FAMILY SUBDIVISION AS A NEW APPLICATIONAS DESCRIBED IN EXHIBIT “A” TO THIS ORDINANCE, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, Town Council identified the Historic Neighborhoods Preservation Overlay District, including the Family Compound and Family Subdivision Applications, as a key 2020 Town Council Priority; and

WHEREAS, on November 5, 2019, Town Council accepted the Gullah Geechee Preservation Project Report prepared by The Walker Collaborative and approved a top priority projects framework for the Historic Neighborhoods Preservation Overlay (HNP-O) District; and

WHEREAS, Town staff worked with the Gullah Geechee Land and Cultural Preservation Task Force and advance the top priority projects; and

WHEREAS, from time to time it is necessary to amend the LMO; and

WHEREAS, the LMO Committee held public meetings on September 16, 2020 and September 23, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, the LMO Committee recommended that the proposed LMO amendments be forwarded to the Planning Commission with a recommendation of approval; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed *Historic Neighborhoods Preservation Overlay District*; and

WHEREAS, after consideration of the Staff presentation and public comments the Planning Commission voted 9-0-0 to forward the proposed LMO amendments to the Public Planning Committee with a recommendation of approval; and

WHEREAS, the Public Planning Committee held a public meeting on January 12, 2021, February 5, 2021, and February 20, 2021 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, after consideration of the Staff presentation and public comments, the Public Planning Committee voted 3-1-0 to recommend approval of the proposed LMO amendments related to Family Compound and Family Subdivision; and

WHEREAS, the Town Council held a public meeting on March 16, 2020 at which time an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, after due consideration of said LMO amendments, the Town Council, upon further review, finds it is in the public interest to approve the proposed *Family Compound and Family Subdivision Applications*.

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

Section 1. Amendment. That the *Family Compound and Family Subdivision Applications* are adopted and the Land Management Ordinance is amended as shown on Exhibit "A" to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

(SIGNATURE PAGE FOLLOWS)

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2021.**

THE TOWN OF HILTON HEAD ISLAND
SOUTH CAROLINA

John McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Family Compound and Family Subdivision LMO Amendments
Chapter 16-2: Administration

Sec. 16-2-101. Summary Table of Review Procedures

Table 16-2-101: Summary Table of Development Review Procedures						
R = Recommendation D = Decision A = Appeal <> = Hearing <>* = Public Hearing E = Encouraged						
Procedure	Pre-Application Conference	Review and Decision-Making Authorities				
		Official	Design Review Board	Planning Commission	Board of Zoning Appeals	Town Council
DEVELOPMENT APPROVALS AND PERMITS						
Special Exception (Sec. 16-2-103.E)		R			<D>*	
Subdivision Review (Sec. 16-2-103.F)	Minor	E	D		<A>	
	Major	E	D		<A>	
Development Plan Review (Sec. 16-2-103.G)	Minor	E	D		<A>	
	Major	E	D		<A>	
Small Residential Development Review (Sec. 16-2-103.H)			D		<A>	
Corridor Review (Sec. 16-2-103.I)	Minor		D	<A>		
	Major		R	<D>		
Traffic Impact Analysis Plan Review (Sec. 16-2-103.J)	Without Mitigation		D		<A>	
	With Mitigation		R		<D>	
Natural Resources Permit (Sec. 16-2-103.K)			D			<A>
Wetlands Alteration Permit (Sec. 16-2-103.L)			D			<A>
Sign Permit (Sec. 16-5-114.E)	Administrative Review		D	<A>		
	DRB Review			<D>		
Development Project Name Review (Sec. 16-2-103.N)			D		<A>	
	New name		R		<D>	

Updated February 17, 2021

Family Compound and Family Subdivision LMO Amendments

Street/Vehicular Access Easement Name Review (Sec. 16-2-103.O)	Modified name	R		<D>*		
Certificate of Compliance (Sec. 16-2-103.P)		D			<A>	
Public Project Review (Sec. 16-2-103.Q)	E	R		<D>*		
Utility Project (Sec. 16-2-103.W)		D		<A>		
<u>Family Compound (Sec. 16-2-103.X)</u>	<u>E</u>	<u>D</u>		<u><A></u>		
<u>Family Subdivision (Sec. 16-2-103.Y)</u>	<u>E</u>	<u>D</u>		<u><A></u>		

Notes:

All meetings of the **Town Council, Planning Commission, Board of Zoning Appeals** and **Design Review Board** are public meetings, and any "Hearing" or "Public Hearing" designated above takes place at a public meeting. See Sec. 16-2-102.E.1.

16-2-102. Standard Review Procedures

J. Vesting and Expiration of Development Approval or Permit

1. Vested Rights for Approvals of Site Specific Development Plans

a. General

Approval or conditional approval of an *application* for a **Special Exception, Major or Minor Subdivision Review, Major or Minor Development Plan Review, Small Residential Development Review, Variance, Family Compound and Family Subdivision** shall constitute approval of a site specific *development* plan that establishes a **vested right** in accordance with the Vested Rights Act, S.C. Code Ann. § 6-29-1510 et seq. The **vested right** shall expire two years after the approval unless the **vested right** period is extended in accordance with subparagraph b below.

16-2-103. Application Specific Review Procedures

U. Appeal of Official's Decision to Planning Commission

1. Purpose

The purpose of this subsection is to establish procedures and standards for the review and decision on appeals to the **Planning Commission** from decisions of the **Official** to approve, approve with conditions, or deny *applications* for **Family Compound, Family Subdivision, Subdivision Review, Development Plan Review, Small Residential Development Review, or Development Project Name Review**.

Family Compound and Family Subdivision LMO Amendments

2. Who May File Appeal

The **Official's** decision on an **application** for Family Compound, Family Subdivision, Subdivision Review, Development Plan Review, Small Residential Development Review or Development Project Name Review may be appealed to the **Planning Commission** by the **applicant** for the decided **application**, the owner of **land** to which the decision specifically applies, or any other party in interest, who alleges that the **Official** erred in making the decision:

3. Types of Appeal

The following decisions made by the **Official** may be appealed to the **Planning Commission** in accordance with the procedures and standards in this subsection.

- a. Family Compound;
- b. Family Subdivision;
- c. Subdivision Review;
- d. Development Plan Review;
- e. Small Residential Development Review; and
- f. Development Project Name Review.

Family Compound and Family Subdivision LMO Amendments

X. Family Compound

1. Purpose

The purpose in this section is to establish the procedures and standards for the review and decision on an *application* for Family Compound approval.

2. Applicability

a. General

- i. Applications for Family Compound Review are only permitted on property that meets these qualifications:
 1. where a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property since 1956 or earlier; or
 2. where the property has been sold to a family who has owned property on Hilton Head Island since 1956 or earlier.
- ii. The owner of record of the property shall request the family compound.
- iii. For the purposes of this section family shall be defined as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family).
- iv. Family Compounds will be considered a single-family use.

3. Family Compound Review Procedure

a. Pre-Application Conference

Prospective *applicants* for Family Compound Review are encouraged to request and hold a pre-*application* conference with *Town* staff in accordance with Sec. 16-2-102.B.

b. Application Submittal

An *application* for Family Compound Review may be submitted by *persons* identified in Sec. 16-2-102.C.1 and shall be submitted in accordance with Sec. 16-2-102.C.

c. Accelerated Application Review

- i. All applications for Family Compounds will be expedited.
 - a. New submittals for Family Compounds will be reviewed prior to other submittals.
 - b. New building permit submittals related to Family Compounds will be reviewed prior to other submittals.

Family Compound and Family Subdivision LMO Amendments

- c. Resubmittals for Family Compounds will be reviewed prior to other submittals.

d. Staff Review and Action

- i. On receiving an *application*, the *Official* shall review and make a final decision on the *application* in accordance with Sec. 16-2-102.D. The *Official's* decision shall be based on the standards in Sec. 16-2-103.X.4, Family Compound Review Standards, and shall be one of the following:
 1. Approve the *application*:
 2. Approve the *application* subject to conditions of approval; or
 3. Deny the *application*.
- ii. The *Official* shall act on an *application* for Family Compound Review, in accordance with Sec. 16-2-102.D, within 7 business days after it is submitted or such extended time agreed to by the *applicant*. If the *Official* fails to take action on the *application* within this time period, the *application* shall be deemed approved, and the *Town* shall issue the *applicant* a letter of approval and written notice to proceed based on the submitted *application*.

e. Post- Decision Actions and Limitations

i. Notice of Decision

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

ii. Appeal

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

4. Family Compound Review Standards

An *application* for Family Compound Review shall be approved if the *Official* finds the *applicant* demonstrates the proposed Family Compound complies with the following:

- a. All other applicable standards of this *Ordinance*.
- b. All other applicable requirements in the *Municipal Code*.

5. Effect of Approval

Approval of a Family Compound authorizes the submittal of any other subsequent *development applications* that may be required before *construction* or other *development*

Family Compound and Family Subdivision LMO Amendments

authorized by this **Ordinance**. Prior to the issuance of the approval, a restriction on the sale of the property to non-family members shall be recorded in the deed. The restriction shall state that the property cannot be sold to non-family members for three years after being established as a Family Compound.

6. Expiration

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

7. Amendment

An approved Family Compound may be modified or amended only in accordance with procedures and standards established for its original approval.

Family Compound and Family Subdivision LMO Amendments

Y. Family Subdivision

1. Purpose

The purpose in this section is to establish the procedures and standards for the review and decision on an *application* for Family Subdivision approval. This section will allow the *subdivision* and transfer of familial owned property to future generations.

2. Applicability

a. General

- i. Approval of a Family Subdivision in accordance with the procedures and standards of this subsection is required before any plat of a Family Subdivision may be recorded in the Office of the Register of Deeds for Beaufort County, South Carolina. No *land* in any proposed Family Subdivision may be sold, transferred, or offered for sale until a final plat for the Family Subdivision has been approved in accordance with this *Ordinance* and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina.
- ii. Approval of a Family Subdivision requires that a person(s) living in a Family Subdivision must be related to the property owner by blood, marriage, or legal adoption. For the purposes of this section family shall be defined as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family).
- iii. Applications for Family Subdivision Review are only permitted on property that meets these qualifications:
 1. where a single member of the family, multiple members of the family, or an unbroken succession of family members have owned the property since 1956 or earlier; or
 2. where the property has been sold to a family who has owned property on Hilton Head Island since 1956 or earlier.

3. Family Subdivision Review Procedure

a. Pre-Application Conference

Prospective *applicants* for Family Subdivision Review are encouraged to request and hold a pre-*application* conference with *Town* staff in accordance with Sec. 16-2-102.B.

b. Application Submittal

Family Compound and Family Subdivision LMO Amendments

An application for Family Subdivision Review may be submitted by persons identified in Sec. 16-2-102.C.1 and shall be submitted in accordance with Sec. 16-2-102.C.

c. Accelerated Application Review

- i. All applications for Family Subdivisions will be expedited.
 - a. New submittals for Family Subdivisions will be reviewed prior to other submittals.
 - b. New building permit submittals related to Family Subdivisions will be reviewed prior to other submittals.
 - c. Resubmittals for Family Subdivisions will be reviewed prior to other submittals.

d. Staff Review and Action

- i. On receiving an application, the Official shall review and make a final decision on the application in accordance with Sec. 16-2-102.D. The Official's decision shall be based on the standards in Sec. 16-2-103.Y.4, Family Subdivision Review Standards, and shall be one of the following:
 1. Approve the application;
 2. Approve the application subject to conditions of approval; or
 3. Deny the application.
- ii. The Official shall act on an application for Family Subdivision Review, in accordance with Sec. 16-2-102.D, within 60 business days after it is submitted, or such extended time agreed to by the applicant. If the Official fails to take action on the application within this time period, the application shall be deemed approved, and the Town shall issue the applicant a letter of approval and written notice to proceed based on the submitted application.

e. Post- Decision Action and Limitations

i. Notice of Decision

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

ii. Appeal

Appeals from the final decision of the Official on an application for Family Subdivision Review are governed by Sec. 162-103.U, Appeal of Official's Decision to Planning Commission, and S.C. Code § 6-29-1150.

Family Compound and Family Subdivision LMO Amendments

4. Family Subdivision Review Standards

An application for Family Subdivision Review shall be approved if the Official finds the applicant demonstrates the proposed Family Subdivision complies with the following:

- a. A notarized affidavit shall be submitted that shows a familial relationship (a person(s) living in a Family Subdivision must be related to the property owner by blood, marriage, or legal adoption, see 16-2-103.Y.2.a.ii) to those purchasing/deeding properties within the subdivision.
- b. A notarized affidavit shall be submitted stating that all infrastructure including the access must be installed and inspected prior to the sale of property within the subdivision to non-family members.
- c. All other applicable requirements in the Municipal Code.

5. Effect of Approval

1. Approval of a Family Subdivision constitutes approval of a final plat for the subdivision. Recording of the final plat in the Office of the Register of Deeds for Beaufort County, South Carolina creates developable lots that may be conveyed and may be developed in accordance with development applications authorized by this Ordinance. No further subdivision of a Family Subdivision shall be permitted. Prior to the issuance of the approval, a restriction on the sale of the property to non-family members shall be recorded in the deed. The restriction shall state that prior to the sale of the property within the Family Subdivision to non-family members, a subdivision application shall be submitted in accordance with 16-2-103.F, Subdivision Review.

6. Expiration

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

7. Amendment

An approved Family Subdivision may be modified or amended only in accordance with procedures and standards established for its original approval.

Family Compound and Family Subdivision LMO Amendments
Chapter 16-5: Development and Design Standards

Sec. 16-5-102. Setback Standards

C. Adjacent Street Setback Requirements

TABLE 16-5-102.C: ADJACENT STREET SETBACK REQUIREMENTS

PROPOSED USE	MINIMUM SETBACK DISTANCE ¹ / MAXIMUM SETBACK ANGLE ²		
	ADJACENT STREET (BY CLASSIFICATION)		
	MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
Single-Family⁵	Structure > 24 in high	50 ft ^{3,4} / 75°	40 ft ^{3,4} / 70°
	Structure ≤ 24 in high	50 ft ^{3,4} / n/a	30 ft ^{3,4} / n/a
All Other Uses		50 ft ^{3,4} / 75°	40 ft ^{3,4} / 70°
			20 ft ^{3,4} / 60°
			10 ft ^{3,4} / n/a
			20 ft ^{3,4} / 60°

NOTES: in = inches ft = feet ° = degrees

1. Measured from the **adjacent street right-of-way** or **easement** line to the closest portion of a **structure**. **A 5'** setback is required from an access easement for Family Compounds and Family Subdivisions. A street setback from an easement line is not required for non-single-family properties.
2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a **height** of 20 feet above the **base flood elevation** or **pre-development grade**, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure 16-5-102.C, Street Setback Angle).
3. For **corner lots**, reduced to 10 feet from the **right-of-way** of the **street** with the lowest average daily vehicle traffic count (ADT). If both **streets** have equal ADT, the **lot** owner may choose which **street** shall be subject to the reduced setback distance.
4. May be reduced by up to 30 percent in the S District, 20 percent in the RD and IL Districts, and 15 percent in all other districts, on demonstration to the **Official** that:
 - a. The reduction is consistent with the character of **development** on surrounding **land**;
 - b. **Development** resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards;

Family Compound and Family Subdivision LMO Amendments

- c. The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed **development**, or (2) results in improved site conditions for a **development** with **nonconforming site features** (e.g., allows the extension of a wall or fence that screens an existing **outdoor storage** area);
 - d. The reduction will not pose a danger to the public health or safety;
 - e. Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of **buildings** to a **street** are mitigated by a wider or more densely screened adjacent street buffer along that **street**);
 - f. The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 30 percent in the S District, 20 percent in the RD and IL Districts, or 15 percent in all other districts; and
 - g. In the S, RD, and IL districts, there are no reasonable options to the reduction that allow **development** of the site to be designed and located in a way that complies with LMO standards.
5. For **Family Compounds** and **Family Subdivisions**, the minimum setback from a minor arterial shall be 25' and the minimum setback from all other streets shall be 10'.

Family Compound and Family Subdivision LMO Amendments

D. Adjacent Use Setback Requirements

TABLE 16-5-102.D: ADJACENT USE SETBACK REQUIREMENTS¹				
PROPOSED USE³	MINIMUM SETBACK DISTANCE¹/MAXIMUM SETBACK ANGLE²			
	USE OF ADJACENT DEVELOPMENT PROPERTY³			
	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATION; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS	INDUSTRIAL USES
ZONING OF ADJACENT VACANT PROPERTY				
CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, RD, SPC, LC, MF, MV, MS, NC, MED		IL
Single-Family⁷	20 ft^{4,5,6}/75°	20 ft^{4,5,6}/75°	30 ft^{4,5,6}/60°	40 ft^{4,5,6}/45°
<u>Family Compounds</u>	<u>10 ft⁶/75°</u>	<u>10 ft⁶/75°</u>	<u>20 ft⁶/60°</u>	<u>30 ft⁶/45°</u>
• Any Other Residential <i>Uses</i> • Commercial Recreation	20 ft⁶/75°	20 ft⁶/75°	25 ft⁶/75°	30 ft⁶/60°
• Public, Civic, Institutional, and Education • Resort Accommodation • Offices	30 ft⁶/60°	25 ft⁶/75°	20 ft⁶/75°	20 ft⁶/75°

Family Compound and Family Subdivision LMO Amendments

<ul style="list-style-type: none"> • Commercial Services • Vehicle Sales and Services • <i>Boat Ramps, Docking Facilities, or Marinas</i> 				
Industrial Uses	40 ft ^{4,5,6} /45°	30 ft ⁶ /60°	20 ft ⁶ /75°	20 ft ⁶ /75°
<p>1. Measured from the common property line to the closest portion of a <i>structure</i>.</p> <p>2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a <i>height</i> of 20 feet above the <i>base flood elevation or pre-development grade</i>, whichever is higher, and a vertical plane extending upward at the minimum setback distance (see Figure16-5-102.D, Use Setback Angle).</p> <p>3. See Sec. 16-10-103 for a description or definition of the listed <i>use</i> classification and types.</p> <p>4. Single family subdivision exterior boundary only.</p> <p>5. For all Minor Subdivisions and Small Residential Developments, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point; it may be reduced to 5 feet where adjoining another <i>single-family dwelling lot</i> in the same <i>subdivision</i>; may be reduced to less than 5 feet if it, when combined with the platted setback distance for the adjoining <i>lot</i>, is at least 10 feet.</p> <p>6. May be reduced by up to 10 percent in any district on demonstration to the <i>Official</i> that:</p> <ol style="list-style-type: none"> The reduction is consistent with the character of <i>development</i> on surrounding <i>land</i>; Development resulting from the reduction is consistent with the purpose and intent of the adjacent setback standards; The reduction either (1) is required to compensate for some unusual aspect of the site or the proposed <i>development</i>, or (2) results in improved site conditions for a <i>development</i> with <i>nonconforming site features</i> (e.g., allows the extension of a wall or fence that screens an existing <i>outdoor storage</i> area); The reduction will not pose a danger to the public health or safety; Any adverse impacts directly attributable to the reduction are mitigated (e.g., the closer proximity of <i>buildings</i> to a property line are mitigated by a wider or more densely screened adjacent use buffer along that property line); and The reduction, when combined with all previous reductions allowed under this provision, does not result in a cumulative reduction greater than a 10 percent. 				

Family Compound and Family Subdivision LMO Amendments

7. For **Family Compounds** and **Family Subdivisions**, the minimum setback from an adjacent property shall be reduced by 10' from what is required in Table 16-5-102.D except that an adjacent use setback of 5' shall be required between single-family uses.

Sec. 16-5-103 Buffer Standards

D. Adjacent Street Buffer Requirements

TABLE 16-5-103.D: ADJACENT STREET BUFFER REQUIREMENTS

PROPOSED USE	ADJACENT STREET (BY CLASSIFICATION)		
	MAJOR ARTERIAL	MINOR ² ARTERIAL	ALL OTHER STREETS ²
All <i>uses</i>	E	B	A

NOTES:

1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.
2. For **Family Compounds** and **Family Subdivisions**, only the Option 1 screening requirements apply.

Exhibit A

Family Compound and Family Subdivision LMO Amendments

E. Adjacent Use Buffer Requirements

1. TABLE 16-5-103.E: ADJACENT USE BUFFER REQUIREMENTS¹

PROPOSED USE ²	REQUIRED BUFFER TYPE ²			
	USE OF ADJACENT DEVELOPED PROPERTY ³			
ZONING OF ADJACENT VACANT PROPERTY	SINGLE-FAMILY DWELLING	ALL OTHER RESIDENTIAL USES; COMMERCIAL RECREATION	PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATION; RESORT ACCOMMODATIONS; OFFICES; COMMERCIAL SERVICES; VEHICLE SALES AND SERVICES; BOAT RAMPS, DOCKING FACILITIES, AND MARINAS; AGRICULTURAL	INDUSTRIAL USES
	CON, PR, RSF-3, RSF-5, RSF-6, RM-4	RM-8, RM-12	CR, CC, WMU, S, SPC, RD, MS, MV, MF, LC, NC, MED, PD-1	IL
Single-Family⁵	A ⁴	A ⁴	C ⁴	D ⁴
• All Other Residential Uses • Commercial Recreation	A	n/a	B	D
• Public, Civic, Institutional, and Education • Resort Accommodations • Offices • Commercial Services • Vehicle Sales and	C	B	n/a	A

Updated February 17, 2021

Family Compound and Family Subdivision LMO Amendments

Services • Boat Ramps, Docking Facilities, or Marinas				
Industrial Uses	D ⁴	D	A	n/a

NOTES: n/a = not applicable

1. Descriptions and width and screening requirements for the various buffer types are set out in Sec. 16-5-103.F, Buffer Types.
 2. When a shared **access easement** is located along a common property line, any required buffer shall be provided to the interior of the **access easement**. An adjacent use buffer from an easement line is not required for non-single-family properties.
 3. See Sec. 16-10-103 for a description or definition of the listed **use** classification and types.
 4. Single family subdivision exterior boundary only.
- 5. For Family Compounds and Family Subdivisions, the adjacent use buffers shall include the minimum planting requirements per Table 16-5-103.F.**

Chapter 16-10: Definitions, Interpretations, and Measurement

Sec. 16-10-105. General Definitions:

Family Compound

Single parcel of **land** with multiple **dwelling units** owned by one family defined for these purposes as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family).

Family Subdivision

Ownership of subdivided **lots** within a **single-family**, defined for these purposes as spouse, parent(s), biological or legally adopted child(ren), group of persons related by blood, and descended from common ancestor (as in extended family), without requiring the installation of supporting infrastructure.

Family Compound and Family Subdivision LMO Amendments

D-26. Family Compound

A. Application Form

An application form as published by the Official.

B. Certificate of Owner's Consent

If the applicant is someone other than the owner, notarized certification, written and signed by the development site owner of record that such owner formally consents to the proposed development.

C. Eligibility

Written, signed, and notarized statement that the household(s) within the Family Compound is a family member as stated in Sec. 16-2-103.X.2.a.iii.

D. Property Deed

Copy of property deed to the lot of record or portions thereof which constitute the proposed development site.

E. Boundary Survey Plat

One copy of the boundary survey plat of the lot of record or portions thereof which constitute the proposed development site at a minimum scale of 1"-50 or other appropriate scale acceptable to the Official. Upon such plat shall appear:

1. Location of primary control points used in the survey, with ties to such control points to which all dimensions, angles, bearing, distances, block numbers and similar data shall be referred.
2. Computed acreage of the surveyed tract.
3. Seal and signature of a South Carolina registered land surveyor.
4. Date of survey and date of any revisions.
5. Notation of specific reference plats, if applicable.
6. Graphic scale and reference meridian.
7. Beaufort County Tax Map and Parcel Number.

Family Compound and Family Subdivision LMO Amendments

F. Written Narrative

A written narrative outlining:

1. The nature and details of the proposed Family Compound.
2. The specifically contemplated form of ownership of **development** and detailed provisions for **maintenance** responsibility for all **improvements**, including, but not limited to: **streets**, parking areas, storm drainage facilities, water and sewer systems, and the like, up to the point of **development**.

G. Site Development Plan

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

1. Name of Family Compound.
2. Graphic scale and reference meridian.
3. Beaufort County Tax Map and Parcel Number.
4. Date of drawing and date of any revisions.
5. Topographic survey at 1-foot contour intervals, or other topographic information acceptable to the **Town** Engineer, unless waived by the **Town** Engineer.
6. Proposed **site development**, including current and future **land uses**, any **building** or other **structure** locations, **street**, **driveway**, and parking area layouts, and interconnections with **off-site** facilities, if applicable.
7. Location of proposed drainage system, including **off-site** area of interconnection.
8. Location of proposed water and sewer system, including **off-site** areas of interconnection.
9. Location of other proposed waste disposal systems, including solid waste collection areas.
10. Location and dimensions for parking.
11. Location of other utilities such as electrical, telephone, gas lines service and cable TV to the **development**.
12. Minimum **building** setback or buffer lines as required by Tables 16-5-102.C, 16-5-102.D, 16-5-103.D and 16-5-103.E.
13. Tables indicating calculations for **impervious cover** and required parking.
14. Delineation of any **zoning district** boundary which traverses or is **contiguous** to the **development site**, including overlay zones.
15. Where applicable, surveyed delineation of any **wetland** area and required buffers or other delineation of a natural feature on the **site** which is protected or defined under provisions of this Title.

Family Compound and Family Subdivision LMO Amendments

16. Notation as to FEMA/FIRM **flood** zones covering the **site**, and proposed first floor elevation of all **buildings**.
17. Where applicable, surveyed delineation of any known archaeological or historical resource feature, as defined by this Title, located on or **contiguous** with the proposed **development tract**.
18. Fire hydrant and fire protection water supply in conformance with Sec. 16-5-111, Fire Protection Water Supply.

H. Approvals, Certifications, and Recommendations

Copy of approvals, certifications and recommendations required by all appropriate **Town**, **County**, **State** and federal regulations for the proposed **development**, and documentation of compliance with such, as applicable. Failure of the **Official** to request an approval or certification required does not relieve the **applicant** of responsibility for compliance. This includes but is not limited to:

1. South Carolina Department of Health and Environmental Control approval of water and sewer system design, where applicable.
2. South Carolina Department of Health and Environmental Control air, water quality, or solid waste permit.
3. Public Service District approvals related to the provision of water and sewer service.
4. Electric, gas, telephone, or cable television provided approval of the appropriate utility service and layout as shown on the **site development** plan.
5. U.S. Army Corps of Engineers permits related to dredging, **filling**, **wetlands**, or other elements of the **development**.
6. Encroachment permit from appropriate agency, if necessary for proposed or required work.
7. For properties located within the Airport Overlay District (A-O), a Federal Aviation Administration (FAA) Advisory Form 7460-1 must be submitted to the FAA. The **applicant** must receive a determination from the FAA prior to the issuance of any approvals from the **Town**.

I. Other Requirements

1. **Access** and infrastructure must be installed to serve each **structure** in the order each **structure** is constructed.
 - a. **Access to dwelling units** within a Family Compound via a minimum 20 foot wide **access easement** constructed of an **all-weather driving surface**.
2. Any other items specifically required of a **development plan application** by any other provisions of this Title.

Family Compound and Family Subdivision LMO Amendments

D-27. Family Subdivision

A. Application Form

An application form as published by the Official.

B. Subdivision Plat

One black line print of a subdivision plat at a scale of 1"= 50' or other scale acceptable to the Official, showing:

1. Date (including any revision dates), name and location of the subdivision, name of owner, north arrow, graphic scale and reference meridian.
2. Beaufort County Tax Map and Parcel Number.
3. Location and description of all primary control points and monuments used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers, and similar data shall be referred.
4. Existing and proposed tract boundary lines, right-of-way lines, proposed street names, easements and other rights-of-way, all lot lines and other site lines with accurate dimensions, bearing or deflecting angles or radii, arcs, and central angles of all curves.
5. The proposed use of lots shall be noted and the purpose of any easement or land reserved or dedicated to public or utility use shall be designated.
6. Each block shall be numbered, and the lots within each block shall be numbered consecutively.
7. Notation of specific reference plats, if applicable.
8. Computed acreage of each lot created by the subdivision.
9. Minimum building setback or buffer lines as required by Tables 16-5-102.C, 16-5-102.D, 16-5-103.D and 16-5-103.E.
10. The location of all lines and equipment for water, sewer, electric, telephone, and cable TV as approved by the appropriate utility, if applicable.
11. Certification by a South Carolina professional land surveyor as to the accuracy of the details of the plat, with seal and signature affixed.
12. Notation of the one-hundred-year storm flood elevation MSL and Flood Disclosure Statement (if in FEMA Zone A or V).
13. Surveyed delineation as appropriate of any wetland area within or contiguous to the subdivision.
14. Delineation of any airport hazard zone, as defined in Sec. 16-3-106.E, Airport Overlay (A-O) District.
15. All existing structures or other improvements.

Family Compound and Family Subdivision LMO Amendments

16. Location of **wetland buffer** area, where applicable.
17. For **subdivisions** where a portion is **adjacent** to a **wetland**, a statement that reads, “The only activities permitted in the **wetland buffer** shall be those listed in Wetland Buffers as per the LMO.”
18. Fire hydrant and fire protection water supply in conformance with Sec. 16-5-111, Fire Protection Water Supply.

C. Certificate of Owner's Consent

If the applicant is someone other than the owner, notarized certification, written and signed by the development site owner of record that such owner formally consents to the proposed subdivision.

D. Eligibility

Written, signed, and notarized statement that the purchaser within the Family Subdivision is a family member as stated in Sec. 16-2-103.Y.2.a.ii.

E. Certification of Title Source

Certification signed by the surveyor setting forth the source of title of the owners of the land subdivided or a copy of the deed by which the property was conveyed to the owner.

F. Certificate of Title and Reference Plat

A current certificate of title referencing the proposed subdivision plat and if recorded, a copy of the last plat in the chain of title.

G. Street and Development Names

Appropriate approvals for all street and development names as listed in Sec. 16-2-103.O, Street/Vehicular Access Easement Name Review.

H. Subdivision in Phases

Whenever part of tract is proposed for platting and it is intended to subdivide additional parts in the future or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.

J. Stormwater Management

Stormwater Management Plans and calculations as specified in Sec. 16-5-109, Stormwater Management, and Erosion and Sedimentation Control Standards are required.

K. Other Items

2. **Access** and infrastructure must be installed to serve each **structure** in the order each

Family Compound and Family Subdivision LMO Amendments
structure is constructed.

- a. Access to all lots within a Family Subdivision shall be provided to the point of development as follows:
 - i. For 5 or fewer lots, direct vehicular access to each lot shall be a minimum 20 foot wide access easement constructed of an all-weather driving surface or paved street with a minimum 30 foot right-of-way.
 - ii. For 6 or more lots, direct vehicular access to each lot shall be provided via a paved street with a minimum 30 foot right-of-way for two-way streets and a minimum 24 foot right-of-way for one-way streets.
3. Prior to the sale of the property within the Family Subdivision to non-family members, a subdivision application shall be submitted in accordance with 16-2-103.F.
4. Any applicable items as identified in D-26, Family Compound.

Exhibit B

LMO Changes to Reflect Family Compound and Family Subdivision

Family Compound	Element	Current LMO		Proposed Amendments
A single parcel of land that allows the construction of multiple homes and is owned by a single family. Construction of access and infrastructure is the responsibility of the individual currently building on the property and must be installed in the order each structure is constructed.	Access	N/A		Minimum 20' wide access easement constructed of an all-weather driving surface.
		Setbacks	Minor Arterial	40'
			All Other Streets	20'
			Access Easement	20'
	Buffers	Adjacent Use		20' Single Family (Varies 20' – 40')
		Minor Arterial	25'	Minimum Planting Requirements Overstory Trees: 3 Every 100 Linear Feet Understory Trees: 6 Every 100 Linear Feet Evergreen Shrub: 10 Every 100 Linear Feet
			15'	Maximum Planting Requirements Overstory Trees: 4 Every 100 Linear Feet Understory Trees: 8 Every 100 Linear Feet Evergreen Shrub: 12 Every 100 Linear Feet
		All Other Streets	20'	Minimum Planting Requirements Overstory Trees: 2 Every 100 Linear Feet Understory Trees: 3 Every 100 Linear Feet Evergreen Shrub: 8 Every 100 Linear Feet
			10'	Maximum Planting Requirements Overstory Trees: 2 Every 100 Linear Feet Understory Trees: 4 Every 100 Linear Feet Evergreen Shrub: 10 Every 100 Linear Feet
		Access Easement	20'	Minimum Planting Requirements Overstory Trees: 2 Every 100 Linear Feet Understory Trees: 3 Every 100 Linear Feet Evergreen Shrubs: 8 Every 100 Linear Feet
	Adjacent Use	Varies (20' – 30')		Minimum Planting Requirements

Exhibit B

Family Subdivision	Element	Current LMO		Proposed Amendments
Lots that are subdivided and owned by one family. Family Subdivisions do not require infrastructure to be installed for all of the lots prior to construction.	Access	<p>For 5 or fewer lots, direct vehicular access to each lot shall be a minimum of 20' wide access easement constructed of an all-weather driving surface or paved street with a minimum 30' right-of-way, access must be installed before subdivision plans are stamped.</p> <p>For 6 or more lots direct vehicular access to each lot shall be provided via a paved street with a minimum 40' right-of-way; access must be installed before subdivision plans are stamped.</p>		<p>For 5 or fewer lots, direct vehicular access to each lot shall be a minimum 20' wide access easement constructed of an all-weather driving surface or paved street with a minimum 30' right-of-way; access shall be provided to the point of development.</p> <p>For 6 or more lots, direct vehicular access to each lot shall be provided via a paved street with a minimum 30' right-of-way for two-way streets and a minimum 24' right-of-way for one-way streets; access shall be provided to the point of development.</p>
	Setbacks	Minor Arterial	40'	25'
		All Other Streets	20'	10'
		Access Easement	20'	5'
		Adjacent Use	20' Single Family (Varies 20' – 40')	The required minimum setback is 5' between single family uses The required minimum setback is reduced by 10' for other uses.
	Buffers	Minor Arterial	25'	<u>Minimum Planting Requirements</u> Overstory Trees: 3 Every 100 Linear Feet Understory Trees: 6 Every 100 Linear Feet Evergreen Shrub: 10 Every 100 Linear Feet
			15'	<u>Maximum Planting Requirements</u> Overstory Trees: 4 Every 100 Linear Feet Understory Trees: 8 Every 100 Linear Feet Evergreen Shrub: 12 Every 100 Linear Feet

Exhibit B

Family Subdivision (Cont.)	Element			Current LMO	Proposed Amendments
	Buffers (Cont.)	All Other Streets	20'	<u>Minimum Planting Requirements</u> Overstory Trees: 2 Every 100 Linear Feet Understory Trees: 3 Every 100 Linear Feet Evergreen Shrub: 8 Every 100 Linear Feet	Minimum Planting Requirements
			10'	<u>Maximum Planting Requirements</u> Overstory Trees: 2 Every 100 Linear Feet Understory Trees: 4 Every 100 Linear Feet Evergreen Shrub: 10 Every 100 Linear Feet	
		Access Easement	20'	<u>Minimum Planting Requirements</u> Overstory Trees: 2 Every 100 Linear Feet Understory Trees: 3 Every 100 Linear Feet Evergreen Shrubs: 8 Every 100 Linear Feet	Minimum Planting Requirements
	Adjacent Use		Varies (20' – 30')		Minimum Planting Requirements



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Marc Orlando, ICMA~CM, *Town Manager*
VIA: Jennifer Ray, ASLA, *Interim Community Development Director*
VIA: Teri Lewis, AICP, *Deputy Community Development Director*
FROM: Nicole Dixon, AICP, CFM, *Development Review Administrator*
CC: Shawn Colin, AICP, *Interim Deputy Town Manager*
DATE: March 24, 2021
SUBJECT: Broad Creek PSD ASR Facility Proposal

Recommendation:

The Finance and Administrative Committee recommends that Town Council approve a proposal to lease a portion of Town-owned property to Broad Creek Public Service District (BCPSD) in order to develop an Aquifer Storage and Recovery (ASR) Facility.

The Committee met on January 19, 2021 and voted 4-0-0 to recommend approval of the proposal to lease the property with the following conditions:

- If Town Council decides to sell rather than lease a portion of Town land for the proposed project, request a right of first refusal on any future exchange of the property.
- Maintain an adequate buffer along US278.
- Prohibit access to the ASR Facility from US278.
- The ASR Facility must be located outside of the spray field easement area.
- Support BCPSD efforts to secure agreement from Greenwood Communities and Resort, Inc. to allow the proposed use on the property.

Summary:

Support from Town Council will allow staff to prepare a lease agreement with BCPSD for the development of an ASR Facility on a portion of the parcel (R520 012 000 0019 0000) known as the Greenwood Tract adjacent to Fire Station 6. The proposed ASR Facility will allow BCPSD to store water in a well in a suitable aquifer during times when the water is available, and recovery of the stored water from the same well when needed.

Background:

Saltwater Intrusion into the Upper Floridian Aquifer has been documented since the 1970's. Intrusion continues due to excessive pumping in Savannah. Hilton Head PSD and South Island PSD have already lost wells due to saltwater intrusion. BCPSD commissioned a water supply study to address their future water supply needs should their wells become intruded with salt water. A result of that study was the recognition that salt water intrusion would occur in the BCPSD wells. The study provided BCPSD with several options for ensuring a reliable water supply for the next few decades.

Broad Creek ASR Facility Proposal

March 24, 2021

Page 2

After extensive review and discussion, the BCPSD Commissioners decided to move forward with the installation of a new ASR Facility to secure the water supply. The ASR infrastructure requires a small area within close proximity to their elevated tank and supply line. Based on this requirement, the Town property adjacent to Fire Station 6 (Exhibit A) was identified by BCPSD as an ideal location. BCPSD already has an easement on the subject property for use as a spray field for excess treated effluent water. The proposal includes the development of two wells and a well house.

The Town purchased the subject property in 2001 using real estate transfer fee money with the specific source of funding being the 2000 Bond Ordinance adopted as Ordinance 2000-21. The intent of purchasing this property was for public use or uses of management of growth and development, public facilities, passive and active park land or preservation of historic sites. The proposed BCPSD ASR facility would qualify as a public facility based on the use by a public utility for providing water services to the public. There are restrictive covenants on the property, one of which prohibits several uses (Exhibit B). The Town will secure an agreement with BCPSD, Greenwood Communities and Resorts, Inc. that states the proposed use, being underground water wells and a pump facility, is not prohibited by the text in the deed restrictions.

Attachments:

Resolution

Exhibit A – Location Map

Exhibit B – Deed and Restrictive Covenants

Exhibit C – Plat of Property

A RESOLUTION OF THE TOWN OF HILTON HEAD ISLAND

RESOLUTION NO. 2021-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE BROAD CREEK PUBLIC SERVICE DISTRICT'S PROPOSED AQUIFER STORAGE AND RECOVERY FACILITY ON A PORTION OF TOWN PROPERTY.

WHEREAS, the Town of Hilton Head Island, South Carolina, owns that certain tract or parcel of land, known generally as the “Greenwood Tract” or R520 012 000 0019 0000; and

WHEREAS, the Town purchased the subject property in 2001 using real estate transfer fee money with the specific source of funding being the 2000 Bond Ordinance adopted as Ordinance 2000-21; and

WHEREAS, the intent of purchasing this property was for public use or uses of management of growth and development, public facilities, passive and active park land or preservation of historic sites; and

WHEREAS, the proposed Broad Creek Public Service District Aquifer Storage and Recovery Facility would qualify as a public facility based on the use by a public utility for providing water services to the public; and

WHEREAS, on January 19, 2021, the Finance and Administrative Committee met and voted to recommend consideration of a lease agreement with Broad Creek Public Service District for the proposed Aquifer Storage and Recovery Facility with the staff recommended conditions; and

WHEREAS, the Broad Creek Public Service District seeks the approval of the full Town Council prior to working out the project details needed for the lease agreement; and

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina has determined that it is in the best interest of the Town of Hilton Head Island, South Carolina, to authorize the Broad Creek Public Service District to lease a portion of the Town property to develop an Aquifer Storage and Recovery Facility.

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA THAT A PORTION OF TOWN OWNED PROPERTY BE LEASED TO THE BROAD CREEK PUBLIC SERVICE DISTRICT FOR A PROPOSED AQUIFER STORAGE AND RECOVERY FACILITY, AS SUBMITTED IN THE ATTACHMENT TO THIS RESOLUTION.

(SIGNATURE PAGE FOLLOWS)

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2021.**

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

John McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

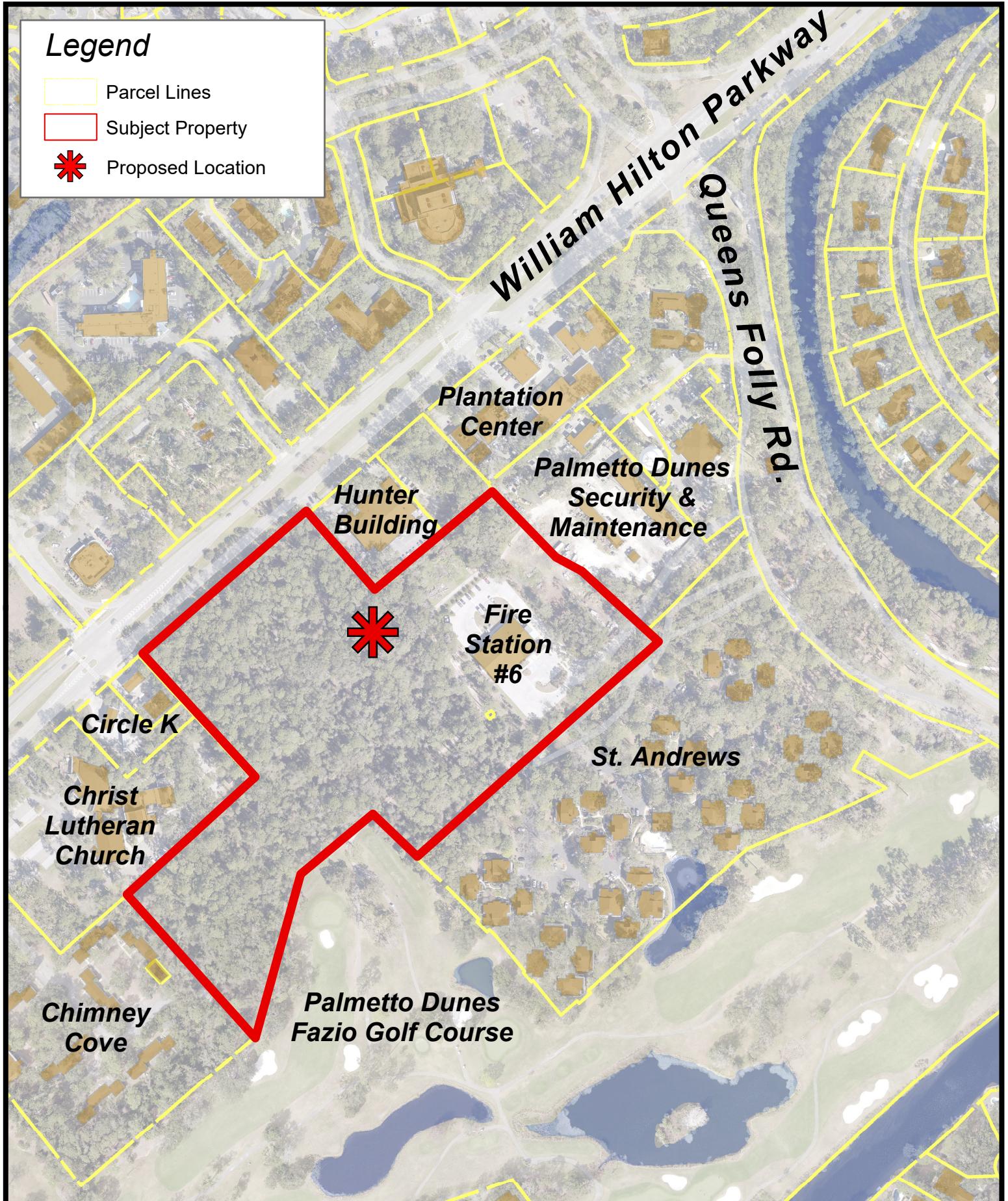
APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Legend

- Parcel Lines
- Subject Property
- * Proposed Location



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 345-4600
Data Created
Project - map.mxd

Town of Hilton Head Island
Proposed Aquifer Storage and Recovery Location
January, 2021

150 75 0 150 300 450 Feet
1 inch = 300 feet



This information is for informational purposes only. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.

2001 Apr -10 10:24 AM

Sharon W. Burns

BEAUFORT COUNTY AUDITOR

Prepared by:

BETHEA, JORDAN & GRIFFIN, P.A.
 Shelter Cove Executive Park, Suite 400
 23-B Shelter Cove Lane
 Post Office Drawer 3
 Hilton Head Island, SC 29938
 (843) 785-2171

CHANGE DMP Record 4/9/2001 11:24:47 AM
 BEAUFORT COUNTY TAX MAP REFERENCE

COUNTY Beaufort County

BK 01307 PG 0351

FILE NUM 2001009986

RECORDING FEES 13.00

RECORDED BY W BOILLES

RECORDED 02/23/2001 02:34:45 PM

Cottrane
3305

Dist	Map	SubMap	Parcel	Block	Week
R620	012	000	0017	0000	00

STATE OF SOUTH CAROLINA)**TITLE TO REAL ESTATE****COUNTY OF BEAUFORT)****(Limited Warranty)**

KNOW ALL MEN BY THESE PRESENTS, THAT GREENWOOD DEVELOPMENT CORPORATION, hereinafter "Grantor(s)", in the State aforesaid for and in consideration of the sum of Four Million One Hundred Fifty Thousand and 00/100 (\$4,150,000.00) Dollars, to it in hand paid at and before the sealing of these presents by THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, hereinafter "Grantee(s)", whose address is c/o Manager, One Town Center Court, Hilton Head Island, SC 29928, in the State aforesaid the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said The Town of Hilton Head Island, South Carolina, its Successors and Assigns forever, the following described property:

Week
00

All that certain piece, parcel or tract of land, lying and being on Hilton Head Island, South Carolina, being designated as "16.87 Acres" on a plat entitled "Plat of 16.87 acres, a Portion of Palmetto Dunes Resort, Hilton Head Island, Beaufort County, South Carolina for Greenwood Development Corporation," said plat dated December 21, 2000 and revised February 13, 2001; said plat prepared by Hussey, Gay, Bell & DeYoung, Consulting Engineers, James M. Sims, S.C. Reg. L.S. 13169; said plat having been recorded in the Office of the Register of Mesne Conveyances for Beaufort County in Plat Book **78**, at Page **91**. For a further description of the above-mentioned property, reference is had to the aforementioned plat of record.

Block
0000

Parcel

018A

CHANGE DMP Record 4/9/2001 11:25:38 AM
 BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SubMap	Parcel	Block	Week
R620	012	000	0018	0000	00

**R 520 / Map 16 / Parcel 339
 520 / Map 12 / Parcels 17, 18, 18-A & 19**

CHANGE DMP Record 4/9/2001 11:27:51 AM
 BEAUFORT COUNTY TAX MAP REFERENCE

Dist
R620

Map
012

SubMap

000

Dist	Map	SubMap	Parcel	Block	Week
R520	012	000	0019	0000	00

Said property is conveyed subject to those certain covenants, restrictions and affirmative obligations as described in Exhibit "A" attached hereto and incorporated herein

The property intended to be conveyed herein is a portion of the same property conveyed to the within Grantor by Deeds from Palmetto Dunes Resort, Inc., dated November 16, 1979, and recorded in Book 292 at Page 143 and Book 292 at Page 203, Beaufort County Records, on November 16, 1979.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Grantee, its Successors and Assigns forever; subject, however, to the rights, conditions and restrictions that constitute covenants running with the land, all as set forth herein.

AND Grantor does hereby bind itself and its Successors, to warrant and forever defend, all and singular, the said Premises unto the said Grantee, its Successors and Assigns, against itself and its successors lawfully claiming or to claim the same, or any part thereof, by, through or under it.

WITNESS its Hand and Seal, this 19th day of February in the year of our Lord two thousand and one in the two hundred and twenty-fifth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

(2) _____
Signature of 1st Witness

(3) _____
Signature of 2nd Witness/Notary Public

GREENWOOD DEVELOPMENT CORPORATION (SEAL)

By:(1) _____
Julian J. Nexsen, Jr.
Its: President

STATE OF SOUTH CAROLINA)
COUNTY OF GREENWOOD)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Julian J. Nexsen, Jr., as President of Greenwood Development Corporation, on behalf of the corporation, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 19th day of February, 2001.

(4) _____ (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires: 08/08/2007

16.87 Acres
Final
1/31/01

240620

**EXHIBIT A TO LIMITED WARRANTY DEED
FROM GREENWOOD DEVELOPMENT CORPORATION
TO THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA**

PERMITTED ENCUMBRANCES, RESTRICTIONS AND COVENANTS

The 16.87 acre parcel (the "Property") described in the Limited Warranty Deed is being conveyed by Grantor to Grantee subject to the following:

1. Taxes or assessments which are not shown as existing liens on the records of any taxing authorities that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Property, or by making inquiry of persons in possession thereof.
3. Easements, or claims of easements or encumbrances which are not shown by the public record.
4. Taxes for the year 2001, and all subsequent years, a lien not due and payable.
5. Any and all easements of record of Broad Creek Public Service District relating to water mains, sewer mains, effluent main and ability to spray treated effluent.
6. Any and all easements of record in favor of Adelphia Cable, Palmetto Electric Cooperative and Hargray Telephone Company for infrastructure located within the Property.
7. A drainage easement located on the northeastern boundary line contiguous with St. Andrews Common depicted by a grate inlet which drainage flows from the Property to St. Andrews Common.
8. The continuing right of Grantor, or its successors and assigns, to maintain monitoring wells on the Property and for access to same.
9. A building setback line of 30 feet from any boundary line.
10. All matters as shown on the survey entitled "Plat of 16.87 Acres, a Portion of Palmetto Dunes Resort, Hilton Head Island, Beaufort County, South Carolina", said survey prepared by James M. Sims, S.C. REGS 13169, originally dated December 21, 2000 and revised February 13, 2001, said plat recorded in the Beaufort County Records in Plat Book 78 at Page 91.
11. The Property is also subject to use restrictions. Prohibited uses for this Property are:

16.87 Acres
Final
1/31/01

- (a) Manufactured Housing Park;
- (b) Aviation Passenger Service Terminal;
- (c) Hospital;
- (d) Major or Minor Utility;
- (e) Telecommunications Facility;
- (f) Waste Treatment Plant;
- (g) Restaurant with Drive-Through;
- (h) Amusement Park;
- (i) RV Park;
- (j) Timeshare Development;
- (k) Adult Entertainment;
- (l) Community Theater;
- (m) Kennel;
- (n) Liquor Store;
- (o) Nightclub or Bar;
- (p) Shopping Center;
- (q) Souvenir or T-Shirt Store;
- (r) Supermarket;
- (s) Veterinary Hospital;
- (t) Video Gambling Arcade;
- (u) Self Storage Facility;
- (v) Auto, Truck or Trailer Rental;
- (w) Auto Repair or Auto Sales;
- (x) Car Wash;
- (y) Gasoline Sales;
- (z) Taxicab Service;
- (aa) Towing Services;
- (bb) Contractor's Office with On-Site Storage;
- (cc) Light Industrial;
- (dd) Seafood Processing;
- (ee) Manufacturing and Production;
- (ff) Moving and Storage;
- (gg) Warehousing;
- (hh) Wholesale sales of Contractor's or other materials; or,
- (ii) Wholesale Businesses with Accessory Retail Outlet.

12. In addition to the prohibited uses set forth above, the Property shall also be subject to the following restrictions and limitations:

- (a) No building, fence or other structure shall be erected, placed or altered on said Property until proposed building plans, specifications, exterior color or finish, plot plans (showing proposed location of such building or structure, drives and parking areas) shall have been approved in writing by Grantor, its successors or assigns. Such approval shall be in the sole discretion of Grantor, but shall not be unreasonably withheld.

16.87 Acres
Final
1/31/01

(b) No commercial signs, including "for rent", "for sale", or other similar signs may be erected or maintained on the Property by anyone, including, but not limited to the owner, a realtor, a contractor or subcontractor except with the permission of Grantor or except as may be required by legal proceedings. If such permission is granted, Grantor reserves the right to restrict size, color and content of such signs.

(c) Grantor reserves unto itself, its successors and assigns, a perpetual, alienable, releasable easement and right on, over and above the ground to maintain and use electric and telephone poles, wires, cables, conduits, sewers, water mains, drainage pipes, effluent main and other related equipment or other public conveniences or utilities, on, in or over the Property as shown on the survey referenced above. Such reserved rights may be exercised by any licensee of Grantor, but this reservation shall not be considered an obligation of Grantor to provide or maintain any such utility or service.

(d) In the event of a violation or breach of any of the restrictions contained herein by Purchaser, its agents, successors-in-title or assigns, Grantor, its successors and assigns shall have the right to proceed at law or in equity to compel a compliance to the terms hereof, or to prevent violation or breach in any event. The failure to enforce any rights, reservations, restrictions, or conditions contained in the Deed, however, will continue, and shall not be deemed a waiver of the right to do so hereafter as to the same breach, or as to a breach occurring prior to, or subsequent thereto, it shall not bar or affect its enforcement. The invalidation by any court of any restrictions of these Covenants shall in no way affect any of the other restrictions, but they shall remain in full force and effect.

{240620.1}

**AFFIDAVIT OF TRUE CONSIDERATION
and
CLAIM FOR EXEMPTION FROM:**

STATE RECORDING FEE - S.C. CODE OF LAWS SECTION 12-24-40;
APPLICABLE COUNTY & MUNICIPAL TRANSFER FEE ORDINANCES

STATE OF SOUTH CAROLINA)

)

COUNTY OF BEAUFORT)

PERSONALLY appeared before me the undersigned, who is duly sworn, deposes and says that the following is a true and correct statement concerning the CONSIDERATION for the conveyance set forth below, and concerning any EXEMPTION claimed under the laws of the State of South Carolina and the Town of Hilton Head Island, South Carolina:

GRANTOR: Greenwood Development Corporation

GRANTEE: The Town of Hilton Head Island, South Carolina

GRANTEE MAILING ADDRESS: One Town Center Court, Hilton Head Island, SC, 29928

DATE OF CONVEYANCE: 2/23/01

TRUE CONSIDERATION: \$4,150,000.00

TAX DISTRICT / MAP / PARCEL NO.: R520/Map 16/Parcel 339 and R520/Map 12/Parcels 17,18,18-A & 19
(NOTE: This information must also appear on the Deed.)

STATE RECORDING FEE EXEMPTION (if applicable): This transfer is exempt from the statutory Recording Fee required by the State of South Carolina in accordance with Section 12-24-40, subparagraph (2).

TRANSFER FEE EXEMPTION (if applicable): This transfer is exempt under § 4-5-80-3, *Code of the Town of Hilton Head Island, South Carolina* (1983). 

Signed: 

Printed Name: Curtis L. Coltrane

Sworn to and subscribed before me on
this 23rd Day of February, 2001

 Notary Public for South Carolina

My Commission Expires: 12-14-2004

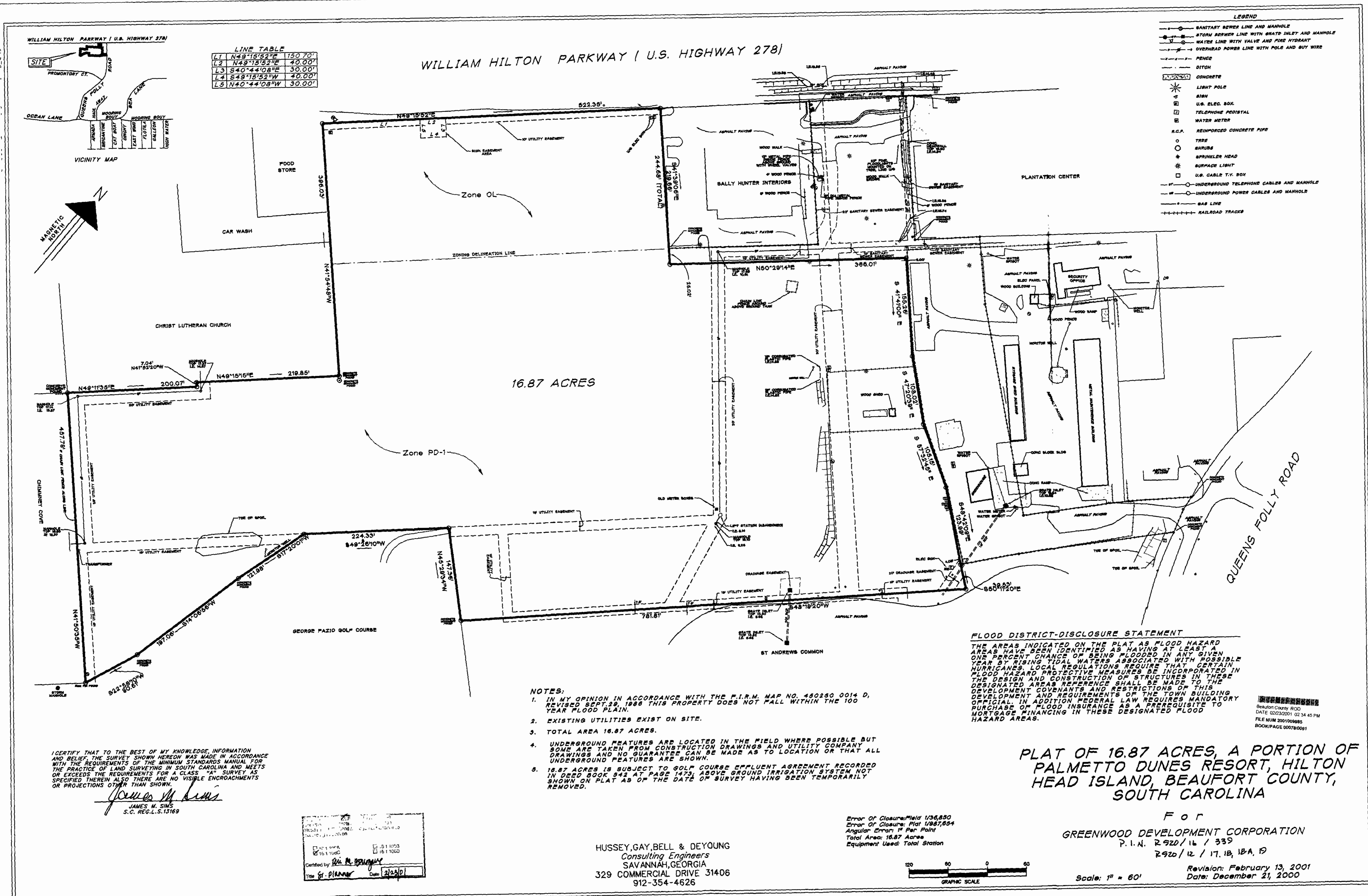
RMC OFFICE USE ONLY

State Stamps Collected: \$ _____

Recording Date: _____

Transfer Fees Collected: \$ _____

Book: _____ Page: _____



MEMORANDUM

TO: Marc Orlando, ICMA-CM, Town Manager
FROM: Diane Busch, Staff Attorney
RE: Aerial Mosquito Control Treatments
DATE: March 19, 2021
CC: Joshua A. Gruber, Esq., Deputy Town Manager

Issue presented: The Town of Hilton Head Island (hereinafter, the “Town”) has been invited by The Beaufort County Mosquito Control Department (hereinafter, “BCMC”) to participate in the Aerial Application of Public Health Insecticides program. In accordance with Federal Aviation Administration requirements, consent from the Town Manager is required.

Background: The BMCS has been using aerial treatment as a strategy to control adult and immature mosquitoes since 1974. BCMC uses aircraft to apply EPA-registered and Clemson Department of Pesticide Regulation (hereinafter, “Clemson”) approved public health insecticides. The application of these products is strictly regulated and aircraft fly during daylight hours with the expectation the bees are in their hives. The mission of BCMC is to provide safe, effective, and economical abatement of mosquitoes and reduce the risk of mosquito-borne diseases for the residents and visitors.

Research: It is well established that the public is at risk for mosquito-borne diseases and deserves protection. The Center for Disease Control and Prevention (hereinafter, the “CDC”), the Environmental Protection Agency (hereinafter, the “EPA”), and a multitude of federal, state, and local agencies work together to protect the public from diseases such as Eastern Equine Encephalitis, West Nile, and Zika. Use and application of pesticides is highly regulated, both at the federal level (7 USC Section 136, et seq.) and at the state level by Code (SC Code of Laws Chapter 12, Section 46-13-10, et seg.), and through South Carolina Department of Pesticide Regulation (hereinafter, “SC Regulation”). Proper application of pesticides is as important as the selection of the chemicals themselves and all commercial applications of pesticides are subject to various levels of training, education, testing, and licensure.

Staff at the BCMC adhere to the principles of Integrated Mosquito Management (hereinafter, “IMM”) to accomplish these goals. IMM is a comprehensive approach of managing mosquito populations to relieve nuisance and protect public health. This strategy depends on a multidisciplinary approach including surveillance, physical source reduction, larvicide, adulticiding, resistance monitoring, public education, and record keeping.

Surveillance reveals where particular species reside, which is critical to determine the level of disease risk for the area. Surveillance also allows staff to identify areas of pollinators not previously known and eliminate those locations from aerial treatment. Source reduction includes eliminating standing water, stocking ponds with mosquito predator fish, and chemical control. Larvicide is the use of chemicals to eliminating mosquito larvae. Adulticides kill adult mosquitos. Mosquitos are extremely adaptable and can develop resistance to pesticides. As a result, part of the IMM program is to monitor a location, identify which species is adapting and respond with a change of chemical applications. Maintaining records allow technicians to predict future breeding sites and to understand the trends in mosquito breeding.

One of the greatest concerns from each of the regulatory bodies is the impact mosquito control pesticides have on honey bees and other pollinators. Aerial application is subject to the highest licensure requirements, regulated by Clemson and subject to guidelines of the SC Regulation. Much of the protocol regarding aerial mosquito application include guidelines to protect the honey bees. For example, prior to any spraying, the technicians survey the area to be sprayed, looking for, among other things, pollinators. They avoid areas of any honey bee farm which is registered with Clemson and through community outreach and social media encourage all bee keepers to report their locations. Additionally, aviators do not spray over the salt marshes.

However, aerial applications have the highest risk of pesticide poisoning. Most bee kills happen when the pesticide drifts or moves from the target area into the apiary or onto crops attractive to bees. The BCMC take weather into account and fly only when the conditions are ideal. BCMC fly during daylight hours with the expectation bees are in their hives, yet my research reveals during warm weather, the bees do not return to their hives until sundown.

There are steps beekeepers may take when made aware of aerial spray days such as covering colonies with ventilated screens to restrict bee flight during peak foraging hours. Covering the colonies with wet burlap sacks will reduce the risk of overheating when the bees are confined to their hives. In addition, bee keepers may take steps to help recovery if their colonies are exposed to pesticides.

Summary: Even though there are risks associated the aerial application to control mosquitos, the benefit of protecting the public from mosquito-borne disease outweighs those concerns. Bee Keepers are able to act proactively to reduce risk of exposure to their colonies, and are able to remediate if exposure occurs. By the very nature of their hobby or business, beekeepers are more likely to be informed as to the risks associated with pesticide exposure. The public can also be proactive and apply topical application of insect deterrents. The greater onus should be on the beekeepers to be apprised of the risks to their colonies because bee keeping is a specialty endeavor and requires great deal of education for success.

A RESOLUTION OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE TOWN MANAGER TO EXECUTE A MUNICIPAL CONSENT FROM BEAUFORT COUNTY TO CONDUCT AERIAL APPLICATION OF PUBLIC HEALTH INSECTICIDES FOR MOSQUITO CONTROL

WHEREAS, Beaufort County (hereinafter referred to as “County”), has invited the Town of Hilton Head Island, South Carolina (hereinafter referred to as “Town”) to participate in its yearly aerial treatment strategy to control adult and immature mosquitos to reduce the risk of mosquito-borne diseases; and

WHEREAS, the County will perform the service at no cost to the Town.

WHEREAS, some of the mosquito-borne diseases include Eastern Equine Encephalitis, West Nile, and Zika; and

WHEREAS, the program is conducted by the County division entitled Beaufort County Mosquito Control (hereinafter referred to as “BCMC), which is highly regulated by federal, state, and local agencies; and

WHEREAS, the products used are applied by the County in accordance with the manufacturer’s product labels as mandated by Federal and State regulations and are among the least toxic available; and

WHEREAS, the public will be notified of the dates that BCMC will be conducting aerial training, surveillance, and/or treatments, (subject to weather conditions), which include the application of EPA-registered public health insecticides during daylight hours; and

WHEREAS, surveillance is both for research and protection of any bee habitats within the Town and if bee habitats are located or if notified by bee keepers of the locations, the areas are excluded from treatment; and

WHEREAS, BCMC uses low-flying aircraft and the aerial treatments are dependent upon ideal weather as wind may cause the chemicals to drift away from the intended location; aviators shall fly only during daylight hours as bees are more likely to be in their hives at that time; and BCMS does not treat the salt marsh habitats for adult mosquitos during aerial application; and

WHEREAS, the Federal Aviation Administration regulations (FAR 137) require governmental authorization for aerial applications; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Hilton Head Island, SC:

1. The Town Manager, Marc Orlando, is authorized to execute a Consent to Conduct Aerial Application of Public Health Insecticides by Beaufort County Mosquito

Control.

2. This resolution shall take effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2021.

**TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA**

John McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Town Council
FROM: Joshua Gruber, Deputy Town Manager
DATE: March 31, 2021
SUBJECT: Cross Island Parkway Toll Conversion

Recommendation: Staff recommends Town Council consider inclusion of modifications to the Cross Island Parkway in the scope of work to be prepared by the South Carolina Department of Transportation (SCDOT) as shown on Exhibit A and recommend Town Council execute a resolution authorizing the construction and improvements to the Cross Island Parkway (Exhibit B).

Summary: At the Community Services and Public Safety meeting on February 22, 2021, the Committee reviewed and unanimously approved forwarding the materials for the Cross Island Parkway Toll Conversion to Town Council. Approval of a resolution by Town Council will authorize the construction and improvements to the Cross Island Parkway by SCDOT. This construction will allow opportunities to reduce the amount of pavement, to add landscaped medians, and to modify the existing pathway segment adjacent to the toll plaza.

Background: The SCDOT will discontinue the collection of tolls on Hilton Head Island's Cross Island Parkway in June 2021. In conjunction with the conversion to a non-tolled roadway, SCDOT will be altering the existing roadway configuration including the removal of the existing toll plaza. SCDOT will be responsible for the majority of the design and construction, however, they have allowed the Town to give input into the treatment of the resulting roadway profile. Recommendations include removal of additional pavement around the existing toll plaza to reduce traffic to two-lanes in each direction; the extension of a +/- 40' wide landscape median as close to the bridge as possible; continuation of a wide shoulder to accommodate disabled vehicles; and modification of the pathway connection to Marshland Road.

Attachments:

Exhibit A – Cross Island Toll Plaza Replacement Concept
Exhibit B – Municipal State Highway Project Agreement

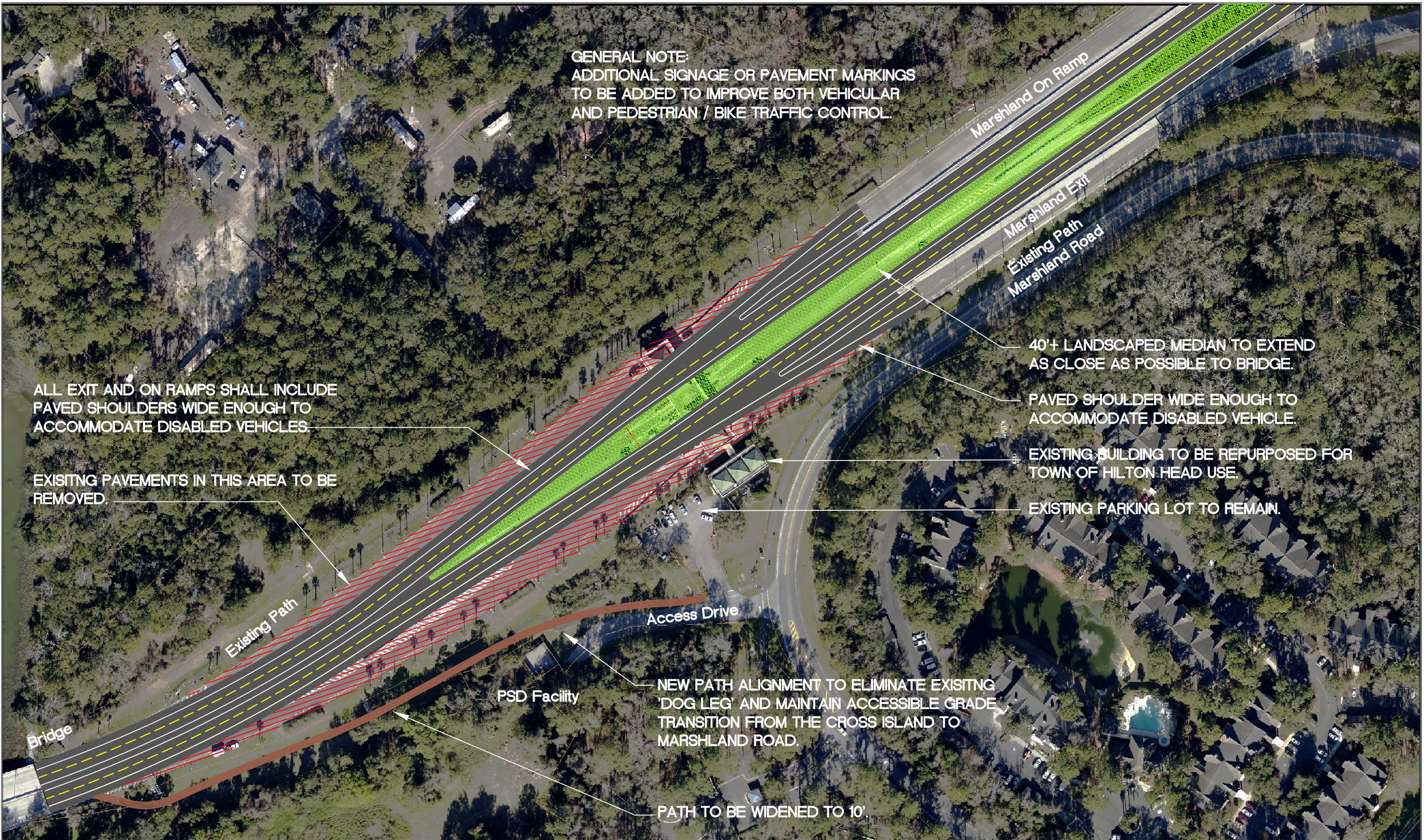


EXHIBIT A - CROSS ISLAND TOLL PLAZA REPLACEMENT CONCEPT
Town of Hilton Head Island, SC

MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT

STATE OF SOUTH CAROLINA

)

RESOLUTION

COUNTY OF BEAUFORT

)

Road/Route **US 278**

Project **Cross Island Parkway Toll Conversion**

PIN **P040119**

WHEREAS, the South Carolina Department of Transportation (“SCDOT”) proposes to construct, reconstruct, alter, or improve the certain segments of the highway(s) in the State Highway System referenced above which are located within the corporate limits of Town of Hilton Head (hereinafter, “the Town”); and

WHEREAS, the Town wishes to authorize the construction and improvements of the aforesaid highway(s) in accordance with the scope of work prepared by SCDOT (“the scope of work”);

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code §57-5-820 (1976, as amended), the Town does hereby consent to the construction or improvements of the aforesaid highway(s) within its corporate limits in accordance with the scope of work.

BE IT FURTHER RESOLVED, that the foregoing consent represents the sole approval necessary from the Town for SCDOT to complete the project and constitutes a waiver of any and all other requirements with regard to construction within the Town’s limits. The foregoing waiver and consent shall extend to the benefit of utility companies engaged in relocating utility lines on account of the project. Further, the Town shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the highway(s) from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED, that the Town will assist SCDOT in causing all water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located within the existing right-of-way to be relocated under the plans, provided to the Town after approval by SCDOT, at the utility company’s expense. To the extent that Town-owned utilities are to be relocated in accordance with the project plans, those utility pipes, lines, or hydrants may be replaced upon the new highway right-of-way at such locations as may be approved by SCDOT’s project manager. The Town agrees to indemnify and hold harmless SCDOT to the fullest extent allowed by law against any and all claims or actions brought against it arising out of the placing, maintenance, or removal of any utilities by the Town or its contractors. Future utility installations by the Town within the limits of the new right-of-way after project completion shall be pursuant to a standard utility encroachment permit obtained in the normal course and issued pursuant to SCDOT’s “A Policy for Accommodating Utilities on Highway Rights-of-Way”, August 2005, as revised.

BE IT FURTHER RESOLVED, that the Town hereby signifies its intention to faithfully observe the provisions of Chapter 5, Title 56, Code of Laws of South Carolina, 1976, and all amendments thereto relating to the regulation of traffic on the street, or streets, to be constructed, reconstructed, altered or improved as hereinabove identified and further agrees to refrain from placing or maintaining any traffic control devices upon any section of said street, or streets, without having first obtained written approval of the South Carolina Department of Transportation as required in S.C. Code §56-5-930 (1976, as amended), nor enacting any traffic regulation ordinances inconsistent therewith.

IN WITNESS WHEREOF, This Resolution is adopted and made a part of the Municipal records this _____ day of _____, 20_____, and the original of this Resolution will be filed with the South Carolina Department of Transportation at Columbia.

Dated:

_____, South Carolina

Municipality

ATTEST:

By: _____
Mayor

Clerk

