

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

ORDINANCE 2024-04

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND TO AMEND CHAPTER 16 OF THE MUNICIPAL CODE, THE LAND MANAGEMENT ORDINANCE, TO AMEND FLOOR AREA RATIO REQUIREMENTS WITHIN THE FOREST BEACH NEIGHBORHOOD CHARACTER OVERLAY DISTRICT OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on April 3, 2001, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2001-17, by which the then existing Land Management Ordinance by, among other things, adopting the “Forest Beach Neighborhood Overlay District;” and,

WHEREAS, among other things, the “Forest Beach Neighborhood Overlay District” was intended to protect the single-family residential character of the Forest Beach Area; and,

WHEREAS, the “Forest Beach Neighborhood Overlay District” imposed setbacks and buffers a Floor Area Ratio of 0.65 on property in the “Forest Beach Neighborhood Overlay District;”

WHEREAS, on August 5, 2003, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2003-19 which amended the “Forest Beach Neighborhood Overlay District;” and re-named it the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, among other things, Ordinance 2003-19 included findings that the existing “Forest Beach Neighborhood Overlay District” regulations had proven insufficient to prevent the detrimental effects of development of disproportionate sized residences in the area, and were insufficient to prevent the detrimental effects of such disproportionate sized residences on the residential single-family character of the Forest Beach neighborhood; and,

WHEREAS, Ordinance 2003-19 also reduced the Floor Area Ratio from 0.65 to 0.55; and,

WHEREAS, on May 17, 2016, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2016-07, which made amendments text related to the

“Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, on December 5, 2017, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2017-19, which made amendments text related to the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, on March 7, 2023, the Town Council for the Town of Hilton Head Island, South Carolina, adopted Ordinance 2023-04, which made amendments text related to the “Forest Beach Neighborhood Character Overlay District;” and,

WHEREAS, among other things, the “Forest Beach Neighborhood Character Overlay District” was intended to protect the single-family residential character of the Forest Beach Area; and,

WHEREAS, the Town Council finds that the “Forest Beach Neighborhood Character Overlay District” regulations have been demonstrated to be insufficient to address the detrimental effects of the construction of large residences on proportionately small lots, and the large residences have continued to be built; and,

WHEREAS, the construction of such disproportionately large residences has continued to create detrimental effects on the residential character of the Forest Beach Neighborhood, including overcrowding, with attendant noise and trash, lack of adequate parking on the property where such structures exist; drainage issues resulting from impervious coverage on lots in the Forest Beach neighborhood; and,

WHEREAS, the Town of Hilton Head Island, South Carolina, finds that further amendments to the “Forest Beach Neighborhood Character Overlay District” are needed to address the detrimental effects of disproportionately large residences; and,

WHEREAS, the Town of Hilton Head Island conducted a critical review of the Land Management Ordinance in a code assessment in January 2023. The code assessment identified core strengths, weaknesses, opportunities, and threats of existing code regulations; and,

WHEREAS, the Town Council identified a continued need for the adoption of LMO Amendments to address development and design standards to address single-family development mass, scale, and parking, to address the detrimental effects that have been experienced in the “Forest Beach Neighborhood Character Overlay District” to date; and,

WHEREAS, on January 11, 2024, the Public Planning Committee discussed amendments to the Land Management Ordinance and voted 4-0 to amend Floor Area Ratio

(FAR) regulations in the Forest Beach Neighborhood Character Overlay (FB-NC-O) District from 0.55 to 0.45; and,

WHEREAS, on April 17, 2024, the Planning Commission held a Public Hearing to consider an amendment to the LMO and voted 6-0 to reduce the FAR regulations in the FB-NC-O District from 0.55 to 0.45 and the public had an opportunity to comment on the proposed ordinance; and,

WHEREAS, the Town Council finds it is in the best interest of the Town and its citizens, residents and visitors to amend the “Forest Beach Neighborhood Character Overlay District” to establish a floor area ratio of .45 within the overlay district.

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


Section 1. Amendment. That the LMO Amendment is 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.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS 7th DAY OF MAY, 2024.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA



Alan R. Perry, Mayor

ATTEST:

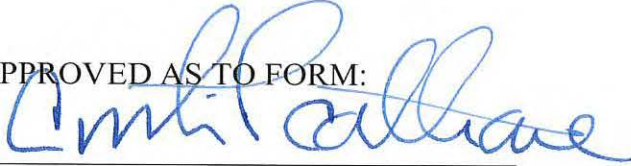


Kimberly Gammon, Town Clerk

First Reading: February 20, 2024

Second Reading: May 7, 2024

APPROVED AS TO FORM:



Curtis L. Coltrane, Town Attorney