

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 5 AND 10. THESE AMENDMENTS, COMMONLY REFERRED TO AS *FLOOD MAP LMO AMENDMENTS* AS NOTICED IN THE ISLAND PACKET ON JANUARY 17, 2021, INCLUDE CHANGES THAT MODIFY THE FLOOD ZONE STANDARDS FOR CONSISTENCY WITH THE MARCH 23, 2021 FLOOD INSURANCE RATE MAPS AND MODIFY THE RULE OF MEASUREMENT FOR THE CALCULATION OF BUILDING HEIGHT, AS 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, from time to time it is necessary to amend the LMO; and

WHEREAS, the Town of Hilton Head Island Flood Insurance Rate Maps (FIRMs) have been updated by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Town will adopt these new Flood Insurance Rate Maps effective March 23, 2021; and

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

WHEREAS, in conjunction with the adoption of the updated Flood Insurance Rate Maps, the flood zone designations in the LMO must be updated for consistency with the new flood zones on the updated FIRMs; and

WHEREAS, the LMO Committee held a public meeting on December 14, 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 February 17, 2021 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed *Flood Map LMO Amendments*; and

WHEREAS, after consideration of the Staff presentation the Planning Commission voted 9-0 to forward the proposed LMO amendments to the Public Planning Committee with a

recommendation of approval with the following change: residential building height shall be measured from 14' above mean sea level; and

WHEREAS, the Public Planning Committee held a public meeting on February 25, 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 <> to recommend <> of 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 *Flood Map LMO Amendments*.

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

Section 1. Amendment. That the *Flood Map LMO Amendments* 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.

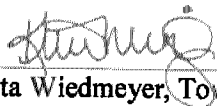
PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS 16th DAY OF March, 2021.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA



John J. McCann, Mayor

ATTEST:



Krista Wiedmeyer, Town Clerk

First Reading: March 2, 2021

Second Reading: March 16, 2021

APPROVED AS TO FORM:


Curtis L. Coltrane, Town Attorney

Introduced by Council Member: William D. Harkins

EXHIBIT A

Chapter 16-5: Development and Design Standards

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

A. Applicability

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

B. Flood Zone Standards

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

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

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

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

C. Height

1. Calculation of Height

- a. Maximum *structure height* for *development* in each zoning district shall be calculated as follows: ~~from the *base flood elevation*. If the *site* does not lie within a *flood* zone with a designated *base flood elevation*, the maximum *structure height* shall be calculated from *pre-development grade*.~~
 - i. Residential maximum building height shall be measured from fourteen feet (14') above mean sea level using the NAVD 88 vertical datum; and
 - ii. Nonresidential maximum building height shall be measured from eleven feet (11') above mean sea level using the NAVD 88 vertical datum.
- b. The measurement of the *height* of a *structure* shall be the distance from the *height* as determined by 16-10-102.C.a ~~preconstruction grade or *base flood elevation*~~ immediately *adjacent* to the *structure* to a point level with the highest point of the *structure*.



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 B. Lewis, AICP, *Deputy Community Development Director*
FROM: Shari Mendrick, P.G., CFM, *Floodplain Administrator*
CC: Shawn Colin, AICP, *Interim Deputy Town Manager*
DATE: March 3, 2021
SUBJECT: Proposed Ordinance 2021-06 - Calculation of Height and Flood Zone Standards LMO Amendments

Town Council reviewed Proposed Ordinance 2021-06 regarding Calculation of Height and Flood Zone Standards LMO Amendments at their March 2, 2021 meeting. At that meeting, Town Council voted to approve the amendments related to the calculation of height and flood zone standards based on staff's recommendation that the maximum residential building height be calculated from 13' above mean sea level and maximum nonresidential building height be calculated from 11' above mean sea level using NAVD88.

Per State Code Section 6-29-760, if Town Council recommends a change to a proposed text amendment after the public hearing, then that text amendment must be reviewed again by the Planning Commission before the change can be adopted by Town Council. The changes proposed by Town Council to measure maximum residential building height from 13' above mean sea level using NAVD88 were required to go back to the Planning Commission for their review and comment.

Planning Commission met on March 3, 2021 and recommended 6-2 that Town Council adopt the amendments related to the Calculation of Height and Flood Zone Standards LMO Amendments as drafted by staff.

Attachments:
Proposed Ordinance 2021-06
Exhibit A



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: Shari Mendrick, *P.G., CFM, Floodplain Administrator*
CC: Shawn Colin, *AICP, Interim Deputy Town Manager*
DATE: February 18, 2021
SUBJECT: Calculation of Height and Flood Zone Standards LMO Amendments

Recommendation:

That Town Council approve the proposed Calculation of Height and Flood Zone Standards LMO Amendments.

The Public Planning Committee will hold a public meeting on February 25, 2021, at which time they will review and provide a recommendation on the proposed Calculation of Height and Flood Zone Standards LMO Amendments. Town staff will provide Public Planning Committee's recommendation to Town Council during the March 2, 2021 meeting.

The Planning Commission held a public hearing on February 17, 2021 to review the proposed amendments. Planning Commission voted 9-0 to recommend that Town Council approve the amendments with the following change:

- Residential building height shall be measured from 14' above mean sea level rather than 13' above mean sea level as proposed by staff.

The recommended change has been incorporated into the proposed amendments.

Summary:

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

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

1. Residential building height shall be measured from 13' above mean sea level. This change will have minimal to no negative impact as noted below:
 - Minimal change to footprint of regulated vs. unregulated residential construction.
 - No increase to maximum building heights. Minor decreases in a few areas.
 - No drastic height deviations between new and existing construction.
 - Allows for parking under structures to meet minimum parking requirements without further reducing required buffers.

2. Nonresidential building height shall be measured from 11' above mean sea level. This change will have positive impacts as noted below:
 - Offers flexibility for redevelopment of underperforming and vacant commercial property without being overly restrictive.
 - Discourages the use of excessive fill to meet elevation requirements.

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

Background:

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

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

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

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

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

Exhibit:

- A. Flood Zone Standards and Rules of Measurement, Calculation of Height LMO Amendments