



Town of Hilton Head Island  
**COMMUNITY SERVICES AND PUBLIC SAFETY  
COMMITTEE MEETING**  
Monday, June 16, 2025, 10:00 AM  
Minutes

Call to Order

Chair Becker called the meeting to order at 10:00 a.m.

Adoption of the Agenda

**Mrs. Becker made a motion to amend the agenda to allow for public comment prior to the new business item. Mr. Alfred seconded. Motion carried 3-0.**

Public Comment - Non Agenda Items

There was no public comment at this time.

Approval of the Minutes

Special Meeting Minutes of May 12, 2025

**Mr. DeSimone made a motion to adopt. Mr. Alfred seconded. Motion carried 3-0.**

Special Meeting Minutes of May 13, 2025

**Mr. DeSimone made a motion to adopt. Mr. Alfred seconded. Motion carried 3-0.**

Regular Meeting Minutes of May 19, 2025

**Mr. DeSimone made a motion to adopt. Mrs. Becker seconded. Motion carried 2-0-1 (Alfred abstained).**

Special Meeting Minutes of May 28, 2025

**Mr. DeSimone made a motion to adopt. Mr. Alfred seconded. Motion carried 3-0.**

New Business

Consideration of an Ordinance of the Town of Hilton Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend the current regulations for Tree Protection to include sections: 16-5-115, 16-6-104 and Appendix C for the Town of Hilton Head Island, South Carolina and Providing for Severability and an Effective Date - Missy Luick, Director of Planning

Missy Luick provided the Committee with the following information.

At the September 24, 2024, Town Council Workshop, Town staff received the following comments and direction regarding amendments related to tree protection:

1. Increase requirements for Live Oak and Laurel Oak tree preservation by reducing the diameter breast height (DBH):
  - a. Live Oak single trunk from 35 to 30 DBH
  - b. Live Oak multiple trunk from 60 to 55 DBH
  - c. Laurel Oak from 35 to 30 DBH
2. Update mitigation requirements by increasing the plant back tree size requirements (i.e., minimum height from 10 to 12 feet and diameter from 2 inches to 4 inches)
3. Update the list of native plants.
4. Remove the exception of specimen trees on single-family lots to reduce unnecessary removal of specimen trees.

On May 21, 2025, the Planning Commission held a public hearing and voted unanimously to forward the amendment to Town Council with a recommendation of approval.

Priority updates are proposed to strengthen tree protection during development and ensure that new projects align with the community's environmental values. These changes aim to improve tree preservation, enhance ecological outcomes, and promote sustainable development.

These changes strengthen protections for significant trees and promote the use of native vegetation. Key updates include lowering the diameter breast height (DBH) thresholds for preserving Live Oak and Laurel Oak trees for specimen and significant classifications, resulting in more trees receiving protection. Mitigation requirements for tree removal are also enhanced by increasing the minimum size standards for replacement trees, ensuring greater environmental impact and maturity. Additionally, the list of approved native plants is expanded to support ecological diversity.

Lastly, specimen tree protections are extended to single-family lots which is consistent with existing private tree preservation standards within PUDs.

The proposed amendments are as follows:

1. Enhance tree preservation for Live Oak and Laurel Oak Trees
2. Updated mitigation provisions require larger replacement trees
3. Expand native plant list
4. Specimen tree protections and single-family lot exceptions

The priority amendment changes aim to strengthen tree preservation, promote ecological health, and maintain the aesthetic and environmental character of the area. Additional changes to tree protection will be analyzed during the full LMO overhaul project.

The proposed text amendment aligns with the review criteria, as it:

1. Supports the Comprehensive Plan's goals concerning natural resource preservation and tree protection.
2. It is required due to continuing concerns with tree cutting and the loss of specimen and significant trees.
3. Addresses a demonstrated and vocalized community need to strengthen tree preservation, promote ecological health, and maintain the aesthetic and environmental character of the area.
4. It is consistent with the intent of the Ordinance and the Town's efforts to preserve tree

cover and habitat.

5. Results in more attractive and sustainable development, ensuring a logical and orderly development pattern.
6. Minimizes the impact of development on the natural environment by protecting trees and strengthening mitigation for the removal of trees.

Members of the Committee had questions, comments and discussion regarding: the life expectancy of Laural Oaks vs Live Oaks Trees; elaboration of the pros and cons of replanting Laural Oaks vs Live Oaks; clarification of the responsible party for replanting the trees and what specimen; the impacts to the changes to single-family residence inside and outside of the planned unit developments; and clarification of development plans with tree impacts.

**Mr. Alfred made a motion to forward to Town Council for Consideration of Approval an Ordinance of the Town of Hilton Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend the current regulations for tree protection to include sections: 16-5-115, 16-6-104 and Appendix C for the Town of Hilton Head Island, South Carolina and providing for severability and an effective date. Mr. DeSimone seconded.**

Chair Becker asked for public comment.

Chester Williams addressed the committee with his feelings of how the proposed amendment would affect the Native Island Community and their ability to use their property as they wish.

**Motion carried 3-0.**

Consideration of an Ordinance of the Town of Hilton Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend current regulations for Sign Standards to include sections: 16-5-114 and 16-10-105 for the Town of Hilton Head Island, South Carolina and providing for severability and an effective date - Missy Luick, Director of Planning

The Planning Commission held a public hearing on May 21, 2025, and, after consideration of the criteria set forth in Land Management Ordinance (LMO) Section 16-2-103.B, voted unanimously to recommend that Town Council approve the proposed text amendment.

At the September 24, 2024, Town Council Workshop, Town staff received the following comments and direction regarding amendments related to sign regulation:

1. Sign standards are not content neutral as required from Reed v. Town of Gilbert Supreme Court decision.
2. Amending our sign code to be compliant with the Supreme Court decision will reduce our ability to regulate certain sign types.

The proposed updates to the sign regulations aim to ensure compliance with federal case law by adopting a "content-neutral" approach. This change is in response to the U.S. Supreme Court's 2015 decision in Reed v. Town of Gilbert, which invalidated a town's sign regulations for distinguishing between different types of non-commercial messages, such as political or event-related signs. The Court's decision made it clear that regulations based on the content

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of signs must be avoided, as content-based rules are subject to strict scrutiny, requiring a compelling governmental interest and narrowly tailored measures.

The following updates are designed to align with these evolving legal standards and create fairer, more defensible sign regulations that preserve to the maximum extent possible current Town regulations regarding size, height, location, design, and permitting of signs. In addition, the amendments include minor clarifications and housekeeping changes to streamline the process and make the regulations easier to navigate.

The proposed amendment addresses the following:

1. Noncommercial message substitution:
2. Flag regulations
3. Interior yard signs
4. Temporary yard signs
5. Temporary yard sign standards
6. Driveway access point signs
7. Interior site signs

Given the importance of ensuring legal compliance, these changes are part of the priority amendments and will address immediate concerns. Further adjustments are expected during the full LMO update project.

The proposed text amendment aligns with the review criteria, as it:

1. Supports the Comprehensive Plan by minimizing the impact of signs and ensuring high-quality signage.
2. It is required due to a US Supreme Court decision.
3. Addresses a community need to hold signage to high standards for aesthetics and to reduce the visual clutter caused by unregulated signage.
4. It is consistent with the zoning districts in this Ordinance by ensuring high-quality and visually unobtrusive signage.
5. Will result in more attractive street corridors and properties.
6. Will have no impact on the natural environment.

**Mr. Alfred made a motion to forward to Town Council for consideration of approval an Ordinance of the Town of Hilton Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to Amend current regulations for sign standards to include sections 16-5-114 and 16-10-105 and to include the proposed changes raised by the Committee as listed below. Mr. DeSimone seconded.**

Members of the Committee had questions, comments and discussion regarding: the rules of displaying of signs during sporting events; code enforcements involvement for displaying flags and signs on private property; clarification on the removal of wayfinding signs being displayed on US Highway 278 identifying neighborhoods by South Carolina Department of Transportation in the right of way; this ordinance makes a way for visual clutter to remain; concerns of election and referendum yard signs permissions are too vague as well as the length of time they are allowed to be displayed as it does not clarify the election or referendum as local, state or federal; concerns with the size of signs not being in line with the "island character and values";

clarification of driveway access points allows for two signs and is not explained clear enough; implementation of illustrations to allow for clear communication with the public; and there was a request for Staff to reevaluate the temporary signs and the length of time allowed to be displayed.

Chair Becker called a question to Curtis Coltrane, Legal Counsel, regarding amending the motion on the floor. Mr. Coltrane explained what the Committees role is when evaluating a matter that goes to Town Council. The Committee has three options; forward to Council with a recommendation of approval, denial or no recommendation as these are policy decisions that should be made by the full Town Council not by a minority of Council. Mr. Coltrane stated that the procedure would be for the Chair to relinquish the gavel in order to amend the motion to forward the proposed amendments to Council with a recommendation for approval.

**Mrs. Becker made a motion to amend the motion on the floor to send the proposed ordinance of the Town of Head Island to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to Amend current regulations for sign standards to include section 16-5-114 and 16-10-105 back to Town Staff for further revisions, and upon completion return the revised ordinance to the Community Services & Public Safety Committee for additional review and consideration. Mr. DeSimone seconded.**

Members of the Committee had questions, comments and discussion regarding: consideration that the revisions that the Committee is seeking be included in the proposed ordinance for the full Town Council to review rather than delaying the process by sending it back to Staff for revisions; there was additional concern of elections and referendums not pertaining to our area could be displayed as the language does not specify location; and clarification of regulating other signs from being displayed during the election window.

Chair Becker asked for public comment.

Chester Williams addressed the Committee on his feelings of free speech. He suggested that the ordinance not be sent back to Staff for revisions as that will further delay the process and that Committee amend the wording to make corrections to the proposed ordinance prior to it being sent to Town Council.

Katie Henderson addressed the Committee regarding the chaos she witnessed during the last election cycle; and everyone should be allowed to have signs.

Linda Herrington addressed the Committee regarding her thoughts on floor area ratio and that the text is hard to understand now and it should be sent back for revisions.

Members of the Committee had questions, comments and discussion regarding: how this amendment could affect the Gullah Geechee Task Force recommendation that will come forward soon for review; changes should happen at the Committee level and once approved, sent to Town Council for final approval; and the potential impact(s) on the Town Planned Unit Developments.

Shawn Leninger confirmed with the Committee the list of proposed amendments to be  
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included in the final ordinance that will be presented at a future Town Council Meeting:

- Temporary Signs
  - Define elections and the amount of time displayed
  - Incorporate a dimension of flags and temporary signs
  - Provisions of driveway size; two sided or one
  - Incorporate illustrations or renderings for the public relevant to Hilton Head Island
  - Regulate off-site signs

**Amended Motion failed 1-2 (Alfred and DeSimone opposed)**

**Motion passed 2-1 (Becker opposed)**

Consideration of an Ordinance of the Town of Hilton Head Island, to Amend Chapter 16 of the Municipal Code, the Land Management Ordinance, to amend the Current Regulations for the Measure of Height and Setback Encroachments for Residential and Nonresidential Development to Include Land Management Ordinance Sections 16-3-106, 16-5-102 and 16-10-102, and Providing for Severability and an Effective Date - Missy Luick, Director of Planning

Missy Luick made a presentation on the following information.

At the September 16, 2024, Town Council Workshop, Town staff received the following comments and direction regarding amendments related to the measurement of height and setback encroachments for residential and commercial development:

Residential:

1. Changes need to apply to existing subdivisions where possible. Current building heights are too high.
2. There needs to be more lighting, air, and separation between units.
3. Need to increase setbacks.
4. Need to establish minimum lot sizes (to be addressed during the full LMO update).

Nonresidential:

1. Current building heights are too high.
2. There needs to be more light, air, and separation between units. Need to increase setbacks.
3. Need to establish minimum lot sizes (to be addressed during the full LMO update).
4. There should be a relationship between height and proximity to the street and boundaries (lower closer to the street and boundaries of property).

On May 21, 2025, the Planning Commission held a public hearing and voted unanimously to forward the amendment to Town Council with a recommendation of approval.

The mass and scale of recent developments have been of concern for both residential and nonresidential developments. New buildings are often larger and out of character with the existing

surroundings. This priority amendment will modify how height is measured and reduce the allowable setback encroachments.

Current regulations require that building heights be measured relative to flood zone elevations, which effectively increases the allowable height of the building. This amendment would change this to measure height from the pre-development grade elevation. This will provide a more accurate representation of the building's scale relative to the surrounding landscape by adjusting the building height measurement.

Current regulations also permit significant projections/ encroachments into setback areas. This amendment will provide more separation between buildings. Both of these changes will help to reduce the overall mass and scale of development in residential and nonresidential building types. *(Full written details of the proposed amendment can be found in the Staff Report).*

Setback Angle: this priority amendment proposes to change the elevation above the ground at which the setback angle is measured.

Allowable encroachments: A limited number of setback and height encroachments are allowable per Table 16-5-102.E.

Height: Building height is also proposed to be measured from pre-development grade in all cases, rather than the higher elevation of the pre-development grade or 13 feet or 11 feet above mean sea level (depending on residential or non-residential use).

Affected properties: Maps in the Staff report show (figures 6-7) residential and nonresidential properties that may be affected by the proposed change to the LMO. Figure 6 shows that of 18,015 residential properties, 11,394 properties fall completely or partially below the threshold of 13 feet above mean sea level, which means the effective allowable height is being reduced. In Figure 7, of the 895 nonresidential properties, 380 are below the threshold of 11 feet above mean sea level.

#### *Nonconformities*

Changes to building height calculations and allowable setback encroachments may result in the creation of legal nonconforming structures (structures that do not comply with current dimensional standards). Such structures are addressed in LMO Section 16-7, Nonconformities, and also in LMO Section 16-9, Disaster Recovery. In most cases, there is flexibility in the LMO to address the various situations that apply.

The proposed text amendment aligns with the review criteria, as it:

1. Supports the Comprehensive Plan, by ensuring new and redeveloped housing maintains and enhances the character of the Island.
2. Is required due to concerns with the scale of buildings and impacts on adjacent properties and residents.
3. Addresses a demonstrated community need to control the overall mass, scale, and height of new buildings.
4. Ensures that development meets the intent of the Town's zoning districts.
5. Results in logical and orderly development at the proper scale and are compatible with

nearby buildings and structures.

6. Reduces the overall impact of Town-wide development, thus minimizing adverse effects on the environment and natural resources.

Members of the Committee had questions, comments and discussion regarding: clarification of the setback diagram; the impacts of the amendments across the island and what the exceptions are; heights is too tall; encroachments need to be removed; concerns of those affected by homes and development are losing their air and quality of life due to them being surrounded by concrete; suggestions of certain properties being grandfathered in; Heating, Ventilation, and Air Conditioning should be included in the total height of the home as it is an encroachment that should be removed; if placed on top of the dwelling as it is add; the potential affects on overlay districts; the residential impacts should be considered; the commercial age of properties should be reviewed as far as how many are actually occupied that this affects; 18K residential properties affects is a large number of people; 18 months to rebuild when dealing with insurance is not a realistic timeline if there were a major disaster; fences and walls 7ft tall on a property do not require a permit and should not be included in this amendment as they are not the same; and this could turn many lots into unusable space due to this change.

Chair Becker asked for public comment.

Chester Williams addressed the Committee regarding his feeling of what the affects could be given this proposed amendment heights

**Mr. Alfred made a motion to forward to Town Council for consideration of approval an Ordinance of the Town of Hilton Head Island to Amend Title 16 of the Municipal Code, the Land Management Ordinance, to Amend the Current Regulations for the Measure of Height and Setback Encroachments for Residential for Residential and Nonresidential Development to Include Land Management Ordinance Sections: 16-3-106, 16-5-102 & 16-10-102 and to include the proposed changes raised by the Committee (as listed below). Mr. DeSimone seconded.**

Shawn Leninger confirmed with the Committee the list of proposed changes to be included in the final ordinance that will be presented at a future Town Council Meeting:

- For the required means of egress state that it is required per the Building Code
- Examine not requiring existing neighborhoods with vacant lots to comply with the new code
- Examine Heating, Ventilation & Air Conditioning units and if there should be restrictions of them being above the roof line in residential
- Fences and walls are not the same and should be separated from the amendment
- Examine only including encroachment restrictions now and height later with the full code
- Establish a minimum lot size
- Examine the pervious and impervious relationship

Adjournment

Chair Becker adjourned the meeting at 12:48 p.m.

**Approved: July 17, 2025**

**The recording of this Meeting can be found on the Town's website at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov)**