



The Town of Hilton Head Island  
LMO Rewrite Committee Meeting  
May 16, 2011  
1:00 p.m.  
Benjamin M. Racusin Council Chambers

## **AGENDA**

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As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**  
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of the Agenda**
- 4. Approval of the Minutes** May 6, 2011 meeting
- 5. New Business**
  - A. LMO Chapter 4
    - 1) Review and staff identified issues– Teri Lewis
    - 2) Committee identified issues
    - 3) Public comment
  - B. Open Session for committee discussion on Goals, Concepts, Concerns and other Broad scope thoughts.
- 6. Adjournment**

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

1 THE TOWN OF HILTON HEAD ISLAND  
2 Planning Commission  
3 LMO REWRITE COMMITTEE

4 May 6, 2011 Meeting Minutes

5 1:00p.m. – Benjamin M. Racusin Council Chambers

DRAFT

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7  
8 Committee Members Present: David Ames, David Bachelder, Tom Crews, Chris Darnell Jim  
9 Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio*; Gail  
10 Quick and Charles Cousins, Community Development  
11 Department Director, *Ex-Officio*  
12  
13 Committee Members Absent: None  
14  
15 Commissioners Present: None  
16  
17 Town Council Members Present: None  
18  
19 Town Staff Present: Jill Foster, Community Development Deputy Director  
20 Teri Lewis, LMO Official; Brian Hulbert, Staff Attorney  
21 Kathleen Carlin, Administrative Assistant  
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25 **1) CALL TO ORDER**

26 Chairman Crews called the meeting to order at 1:00 p.m.  
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28 **2) FREEDOM OF INFORMATION ACT**

29 Public notification of this meeting has been published, posted and mailed in compliance with  
30 the Freedom of Information Act and Town of Hilton Head Island requirements.  
31

32 **3) APPROVAL OF THE AGENDA**

33 Chairman Crews requested that the following changes be made to the agenda: (1) the  
34 committee will receive public statements from representatives of Hilton Head Island  
35 Association of Realtors; and (2) The committee will discuss making revisions to the meeting  
36 schedule. These additions will follow the Approval of the Minutes. The committee agreed to  
37 the changes; and the revised agenda was approved by general consent.  
38

39 **4) APPROVAL OF THE MINUTES**

40 The minutes of the April 29, 2011 meeting were approved as amended by general consent.  
41

42 Chairman Crews then welcomed today's guests from the Hilton Head Island Realtors  
43 Association. Ms. Karen Ryan and Ms. Jean Beck, association representatives, stated that they  
44 are pleased to announce that the Town of Hilton Head Island (LMO Rewrite Committee) has  
45 been awarded a Smart Growth Grant in the amount of \$5,000. The grant will assist in the cost  
46 of hiring a consultant. The grant money will be provided when a consultant has been hired. Ms.  
47 Ryan stated that additional grant money may be available in October 2011. Chairman Crews

1 and the membership stated their appreciation to Ms. Ryan and Ms. Beck for this recognition  
2 and grant award from the Hilton Head Island Realtors Association.

3  
4 The committee and staff then reviewed the upcoming meeting schedule. Ms. Lewis presented a  
5 couple of scheduling alternatives. The next three chapters of the LMO (Chapters 3, 4 and 5) are  
6 lengthy and rather involved. The review of Chapters 3, 4, and 5 will require two meetings for  
7 each chapter. In addition, the committee will also study the ‘mapping’ processes recently  
8 developed by Planning Commissioner Terry Ennis and the staff.

9  
10 Based on these needs, and on scheduling conflicts, the committee decided to make the  
11 following changes to the upcoming meeting schedule: Friday, May 13<sup>th</sup> meeting is canceled;  
12 Friday, May 20<sup>th</sup> meeting is canceled, and Friday, May 27<sup>th</sup> meeting is canceled.

13  
14 The committee will meet on Monday, May 16<sup>th</sup> and on Monday, May 23<sup>rd</sup>. Both of these  
15 meetings will start at 1:00p.m. and will last until about 6:00p.m. The committee will study  
16 LMO Chapter 4 on May 16<sup>th</sup> and Chapter 5 on May 23<sup>rd</sup>. The committee will resume their  
17 Friday meeting schedule starting on June 3<sup>rd</sup> with the review of the process portion of Chapter  
18 3. Chapter 3, Articles 9-21 will be discussed at the Friday, June 10<sup>th</sup> meeting.

19  
20 Following the LMO education training, the committee may decide to hold their meetings in the  
21 evening to accommodate the working public. The staff will provide the committee with an  
22 updated calendar based on the revisions made today.

## 23 24 5) **NEW BUSINESS**

25 Ms. Teri Lewis, LMO Official, made the following presentation:

### 26 27 **CHAPTER 3 – Development Review Procedures**

#### 28 ***Article I- General***

- 29 • Agent
  - 30 ○ Requires that there be a single point of contact from the applicant’s side
  - 31 ○ **Generally happens, doesn’t need to be a formal requirement**
- 32 • Pre-application meeting
  - 33 ○ States that it is strongly encouraged, but still mandatory
  - 34 ○ **Should it be mandatory? This is one of the processes we heard in the process walk-**
  - 35 **throughs that is considered the most positive and beneficial**
  - 36 ○ **Recommendation is to offer informal pre-application meetings as well**
  - 37 ○ **Suggest that the application case manager and owner are present at these**
  - 38 **meetings. Other departments come in to provide comments and then leave**
- 39 • Application Forms & Check-In Conference
  - 40 ○ Just states that the Administrator determines what types of forms and how many are
  - 41 required
  - 42 ○ Gives the purpose of an Administrative Check-in Conference – to determine that
  - 43 minimum items are present
  - 44 ○ Required for some applications, only preferred for others

- 1           ○ **Probably do not need to require this anymore – it’s done automatically when the**
- 2           ○ **permit is entered into the permit tracking system**
- 3           ● Fees
- 4           ○ Town Council establishes fees to defray cost of application processing (last updated in
- 5           ○ 2004)
- 6           ○ Applicants can get half of fee back if they withdraw an application prior to review or
- 7           ○ action
- 8           ● Application Deadline
- 9           ○ Gives deadlines for applications to the Administrator (none), the Planning Commission
- 10           ○ (45 days), Board of Zoning Appeals (45 days), and Design Review Board (21 days for
- 11           ○ new development and 14 days for all others)
- 12           ○ **This creates too much of an unnecessary delay in the process. Need to have the**
- 13           ○ **deadlines mirror state code**
- 14           ○           ▪ **30 days for Planning Commission, 30 days for Board of Zoning Appeals,**
- 15           ○           ▪ **and 7 days for Design Review Board**
- 16           ● Application Log
- 17           ○ States that Town should maintain a log of all submitted applications (Permits +)
- 18           ○ **Automatically done through Permits + - do not need it here**
- 19           ● Complete Applicant Requirement
- 20           ○ 30 days to review an application and determine if it’s complete. What does complete
- 21           ○ mean → minimum items listed on application. Staff lets applicant know in writing if
- 22           ○ application is incomplete. Applicant has 60 days to provide missing items, ask for an
- 23           ○ extension, or application is withdrawn
- 24           ● Maximum Review Period
- 25           ○ Staff has 60 days to act on an application or it is considered approved. We consider
- 26           ○ action to be approval, denial or issuance of a comment letter
- 27           ○ Mutual agreement can extend the deadline
- 28           ○ **Combine complete application requirement and maximum review period to more**
- 29           ○ **closely mirror state code**
- 30           ○ **Once an application is accepted, staff has 60 days to act (act still can include**
- 31           ○ **comment letter not just approval or denial)**
- 32           ○ **If application determined to be complete, a Notice of Action is issued. If not, a**
- 33           ○ **written letter detailing the deficiencies is sent to the applicant within 60 days**
- 34           ● Summary of notice requirements
- 35           ○ Table shows whether notices for a variety of application types are required to be mailed,
- 36           ○ posted or published
- 37           ● Public Notice Requirement
- 38           ○ Lists when the notice must be published or posted
- 39           ○ Lists who the mailed notice must be sent to, and how it must be sent
- 40           ○ Lists what must be included in/on the notices
- 41           ○ **Change to 15 days (instead of current 30) for published, posted and mailed notices**

- 1           ○ **Remove required for affidavit from owner that notice requirement met**
- 2           ○ **Delete items that must be on the notices – maintain in a separate manual**
- 3           ● Review Constitutes a public hearing
- 4           ○ Details when an application has its public hearing
- 5           ○ Specifies that if it goes to the Planning Commission first, and then to Town Council, the
- 6           ○ Planning Commission provides a recommendation to Town Council along with any
- 7           ○ other comments about the project
- 8           ● Written Notice of decisions
- 9           ○ States that the decisions of the Planning Commission, the Board of Zoning Appeals, and
- 10           ○ the Design Review Board must be in writing and must be sent within 10 days of the
- 11           ○ decision. A copy must be maintained at the Town
- 12           ● Time Limits for Resubmission
- 13           ○ States that if an application is denied or disapproved, the same application cannot be
- 14           ○ resubmitted for a period of one year
- 15           ○ If there are changes to the parcel or to the LMO, the applicant can ask that this be
- 16           ○ reduced to 6 months
- 17           ● Enactment of Interim Ordinances
- 18           ○ States that periodically the provisions of the LMO specifically related to timing and
- 19           ○ issuance of approvals may be superseded by interim ordinances
- 20           ● Expiration of Permits and Approvals
- 21           ○ States that the expiration is more specifically covered in each section
- 22           ○ Lists the exception to those expiration dates
- 23           ○ States that all permits must be legally maintained, and that if they expire it can
- 24           ○ invalidate any previously issued permits
- 25           ○ **Need to figure out a way to better emphasize requirements associated with 16-3-**
- 26           ○ **310 “C”**
- 27           ○ **Consider moving expiration to general section as part of processes instead of**
- 28           ○ **individual to each section**
- 29           ● Summary table of review procedures
- 30           ○ Lists the approval procedures and who provides the review/report, public hearing and
- 31           ○ recommendation, final approval, and appeal body
- 32           ○ **Need to be clear about which of these go to the Board of Zoning Appeals vs. to the**
- 33           ○ **Planning Commission (land development regulations)**
- 34           ● Written interpretations
- 35           ○ Sets out a process for requesting an interpretation and who makes the interpretation of
- 36           ○ the LMO (the LMO Official)
- 37           ○ States that an official record of the interpretations must be kept
- 38           ○ Sets out a process for appeal of written interpretations (14 days – Board of Zoning
- 39           ○ Appeals)
- 40
- 41

1 **Article III - Development Plan Review**  
2

- 3 • Applicability/Development Exempt from Approval  
4 ○ States that all development as listed in Chapter 1 is subject to development plan review  
5 except for one of the 7 exceptions  
6 ○ Most exemptions still have to comply with other portions of the LMO  
7 ○ **Consider deleting the requirement that building permit cannot be submitted until**  
8 **after Development Plan Review issued**  
9 ○ **Consider eliminating some of the exemptions**  
10 • Requirements for a complete application  
11 ○ Lists the items that must be submitted in order for the application to be complete  
12 ○ 20 items included with some of those items requiring additional approvals  
13 ○ Examples include site plan, narrative, stormwater management and outside agency  
14 approvals  
15 ○ **Consider removing all of these types of requirements and putting into**  
16 **process/procedures manual**

17 **Public Comments:**

18 Chester C. Williams, Esq., presented public comments on several issues including  
19 requirement for a single agent, requirement for a check-in conference, permit applications, and  
20 notice requirements.  
21

22 **6) ADJOURNMENT**

23 Following final comments by the committee, the meeting adjourned at 3:15 p.m.  
24  
25

26 Submitted by:

Approved by:

27  
28  
29  
30 \_\_\_\_\_  
31 Kathleen Carlin  
32 Administrative Assistant

30 \_\_\_\_\_  
31 Tom Crews  
32 Chairman

1  
2 *LMO REWRITE COMMITTEE*

3 *May 5, 2011*

4  
5 **CHAPTER 3 ISSUES**

- 6 • 3-101- Agent—can delete—already happens as normal procedure
- 7 • Case manager should stay involved through entire process through certificate of occupancy
- 8 • Committee suggested leaving this as it is
- 9 • 3-102-pre-application conference — make it mandatory?
- 10 • Make sure requirements for this are minimal as possible
- 11 • Recommend informal pre-application meetings, if desired, with fewer staff present
- 12 • Have case manager, applicant & owner present. Staff filters in one-by-one or a few at a
- 13 time instead of all at once
- 14 • Graphic of process map should be in procedure manual and accessible in pre-application
- 15 meeting
- 16 • Emphasize that pre-application meeting is an opportunity and a time for partnership.
- 17 Emphasize last sentence of this section in public education.
- 18 • Possibly have an expiration date on comments given during a pre-application meeting, or a
- 19 disclaimer in case the applicant waits a long time & codes might change in between
- 20 • FLAG — no determination made by the committee at this time. Bring it up again later.
- 21 • 3-103 & 104—forms & check in conference—
- 22 • Items are being submitted electronically now. Do we need this requirement? It's done
- 23 automatically when permit is entered into computer. Do not need a meeting for this.
- 24 • Committee suggests that we do **not** require a check-in conference.
- 25 • 3-105 fees—"C"—this wording is punitive. Can we re-word this?
- 26 • 3-106 deadline—
- 27 • Want to conform to state code deadlines since they are not as long as those in the LMO
- 28 • Deadlines for submission for the next board meeting need to be realistic (see DRB deadline
- 29 to catch next meeting)
- 30 • Should there be a difference between a new application vs. modifications of the application?
- 31 • 3-107 log—automatically done—can we take this out? Try to get log on line.
- 32 • 3-108 & 109—complete application
- 33 • Duplicates check-in section
- 34 • Staff suggests we combine 108 & 109 and mirror state code (60 days to take action).
- 35 Clarify that a comment letter also means taking action.
- 36 • Keep wording that a complete application is required. Put 'for good cause' in section.
- 37 • 3-110 & 111 notices-
- 38 • Mirror state code? What about out-of-town owners who need a mail out?
- 39 • Change to 15 days for published, posted & mailed notices
- 40 • Remove requirement for affidavit from owner that notice requirement was met
- 41 • Delete items that must be on the notices—maintain in separate procedure manual
- 42 • 3-112 public hearing—
- 43 • Reference section when we say something is required.
- 44 • 3-113 notice of decision
- 45 • 3-114 resubmission

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- Can we let denied applicants know if LMO has changed, if it would affect them?
  - 3-115 interim ordinances
  - 3-116 expiration
  - Can we move expiration to general section as part of processes instead of individual to each section?
  - Better emphasize requirements associated with “C”
  - 3-117 chart
  - Need to be clear which goes before the Board of Zoning Appeals (zoning) & the Planning Commission (land development regulations)
  - Article III – development plan review
  - 301 & 302—consider deleting wording on not being able to submit for building permit until the Notice of Action is issued. Figure out how to run concurrently, if possible.
  - Consider eliminating some exemptions?
  - 303—
  - Consider pulling out all of these types of requirements and putting into a procedure manual for flexibility
  - Suggest additional review of Sec. 303-807 & discussion at committee meeting. Possibly after staff makes changes to the procedure & can better show what staff thinks should be in a procedure manual. Review this in June?
  - Public comments:
  - Might want to look at how the Planning Commission delegates subdivision applications to staff. Allowed by state.
  - Nothing wrong with the Town having longer public notice requirements
  - Suggests a change to a zoning district (via text amendment) constitutes a rezoning
  - Article 9--