



The Town of Hilton Head Island
LMO Rewrite Committee Meeting
May 6, 2011
1:00 p.m.
Benjamin M. Racusin Council Chambers

AGENDA

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** April 29, 2011 meeting
- 5. New Business**
 - A. LMO Chapter 3
 - 1) Review and staff identified issues– Teri Lewis
 - 2) Committee identified issues
 - 3) Public comment
 - B. Discussion of Future Meeting Dates
 - C. 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.

THE TOWN OF HILTON HEAD ISLAND

Planning Commission

LMO REWRITE COMMITTEE

April 29, 2011 Meeting Minutes

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

Committee Members Present: David Ames, David Bachelder, Tom Crews, Chris Darnell
Jim Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio*; Gail Quick and Charles Cousins, Community
Development Department Director, *Ex-Officio*

Committee Members Absent: None

Commissioners Present: None

Town Council Members Present: None

Town Staff Present: Jill Foster, Deputy Community Development Dept. Director
Teri Lewis, LMO Official
Shawn Colin, Comprehensive Planning Manager
Nicole Dixon, Senior Planner

1) CALL TO ORDER

Chairman Crews called the meeting to order at 1:00 p.m.

2) FREEDOM OF INFORMATION ACT

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

3) APPROVAL OF THE AGENDA

The agenda was approved as presented by general consent.

4) APPROVAL OF THE MINUTES

The minutes of the April 14, 2011 meeting were approved as presented by general consent. The minutes of the April 22, 2011 meeting were approved with the following correction per David Ames: page 3, fourth paragraph... “The committee commented on the need for additional community space vs. a desire for privacy by many of the residents of the Island’s gated communities.” The gist of that comment was that we don’t have a lot of community space on the Island because of way the community was planned with gated communities.

Change to: The committee commented on the need for privacy vs. the privacy provided by gated communities.

5) **NEW BUSINESS**

Chairman Crew stated that Mrs. Teri Lewis will present the chapters and as she does, Ms. Jill Foster will record comments relative to that chapter under one list.

The Committee asked for a list of the past five years of variances in the chapters showing historical problems, complaints, requests.

Chairman Crews stated that he has on the agenda an Open Session for committee discussion of goals, concepts, concerns and other broad scope thoughts.

LMO Chapter 1 General Provisions

Teri gave a brief history of the LMO stating that it is Title 16 of the Town of Hilton Head Island's Municipal Code. The LMO was adopted in 1987 and then repealed in 1998 with the adoption of a new LMO. Since that adoption, the LMO has been amended 85 times.

In Chapter One the following items were the main issues:

- Jurisdiction: all property located in incorporated Hilton Head Island is bound by the LMO.
- It was agreed that Section 16-1-105 Applicability To Specific Development Activities Item B needs further discussion.
- Section 16-1-106 Item B plat stamping requirements: it was agreed that items 1-25 should come out of the LMO and go into a process and procedures manual. This would allow for greater ease in updating any requirements that come from Beaufort County.
- Numerous items in the LMO need to have a clearer definition in particular Structures.
- Conflicting Provisions: some standards need to be made clearer.
- Deed restrictions and restrictive covenants: language needs to be added to the LMO or reference the state code. Staff should not be reviewing covenants.
- It is a state requirement that the Comprehensive Plan is reviewed every five years and updated every ten years. Need to look at the six General Planning Policies – does one have to meet every item or most of them. There is no mention of property owners and property owner rights. The Committee needs to be familiar with the Comprehensive Plan and the strong connection to the LMO.
- This section addresses vested rights. Is there a legal reason that if a section does not apply, can it be eliminated. New ways to condense districts, keep them descriptive. Create an Appendix of items that used to be, keep it as concise as possible. Create two documents – one for user and one for history and legal requirements. Make it customer friendly.

Public Comments

Chester C. Williams

Mr. Williams went through each section in all three Articles of Chapter One referencing and quoting state codes. Ultimately the Town must ensure that the end product complies with state statutes. The average person needs to know what is expected of them before walking through the door. The end result is legally enforceable. The LMO is out there because of state statutes. More public comments are attached to these minutes.

LMO Chapter 2 Review and Decision-Making Bodies

Mrs. Teri Lewis, LMO Official, stated that in each instance in the LMO the term Administrator refers to her or she may appoint a designee. Mrs. Lewis stated that based on advice from the town attorney, a set list of designees cannot be released because a designee is selected on a case by case basis. Anyone requesting to know who the designee is for a particular portion of a project will be provided that information.

The Appeal process will be discussed in greater detail in Chapter 3. The following comments were made relating to the Planning Commission, Board of Zoning Appeals and the Design Review Board.

- These boards were established pursuant to the authority of the Code of Laws of South Carolina.
- Review state code for all boards to ensure compliance and consistency.
- It was suggested that the language for part of the membership, terms, meetings and officers be consolidated for all the boards.
- Continue to provide education and training to board members.
- Add language reflecting that the Planning Commission according to state code can hear appeals.
- Eliminate reference to the Corridor Review Commission (CRC).
- Change language in Section 16-2-401 for Design Review Board that states: “No design professional shall serve sequential terms.”
- BZA powers and duties relating to special exceptions needs more discussion in Chapter 3.
- This new LMO document needs to work for the first-time user as well as the frequent user. Perhaps two different documents.

Public Comments

Chester C. Williams

Mr. Williams stated that it is crucial to know if the LMO Administrator’s designee is authorized to make an LMO decision that can be relied on.

State code does not state that the BZA can decide on land development issues. Zoning and land development issues must comply with state law.

Mrs. Lewis stated that Town staff does consult with the town attorney for direction relating to state code.

The Committee suggested that Mr. Williams submit a compilation of high priority items in writing to give to the Committee as a resource.

6) ADJOURNMENT

There being no further business, the meeting adjourned at 3:20 p.m.

Submitted by:

Approved by:

Eileen Wilson

Tom Crews

CHAPTER 1 ISSUES

- Should move items required to be on a plat out of LMO into a procedure manual
- Change to Register of Deeds (not meynes conveyances)
- Look at items needed for plat stamping and a 'survey' requirement—do we really need that? Expensive.
- Confusion between structure definition of LMO vs building code definition
- Should change the LMO to reflect the state code language regarding private covenants. Possibly get holder of covenants to 'sign off' on application—who has right to sign off? Need to examine how to enforce/implement this legally. There are different layers of covenants (condo, ARB, PUD, etc.)
- Need to look at 16-1-205—do you have to meet all or only some of them? What about property owner rights as a policy?
- May be able to eliminate some of this language as we transition to new code
- Can we put in an appendix the table showing the transition of zone names—anything that explains things that 'used to be' should be moved to an appendix
- Can code be presented in a way customer can 'get to it'? Is our current structure of LMO still adequate—user friendly? Customer wants to get quickly to what they need to do vs all requirements set forth by law. Give a customer friendly explanation of how to use LMO & Building Codes.
- Should we clarify what is a state/federal requirement to help customer know the difference?
- 16-1-105B—look at this—"may". Gets confusing to applicant.
- 11-16-106.a.3. If no impact on water quality, is it development?
- **Public Comment:**
 - Make clear what is development vs not development (plat stamping, etc.) and when LMO kicks in
 - Make sure LMO is in conformance with state law on subdivisions—what falls under exemption process?
 - Land use intensity was taken out of code as criteria defining development. There are other ways to judge land use intensity that should be in LMO. Does decrease in intensity exempt development? If so, need standards in the LMO.
 - 106-4.a—3 exemptions in state law. LMO carries over only 2 of these. Are other LMO exemptions allowed by state law?
 - All laws need to be in conformance with state code.
 - Applicant needs to know what is expected of them when they get to town hall, including state requirements.
 - ZMA requirements require compliance with covenants—staff is overly conservative on this—we don't need proof of compliance for a ZMA
 - 16-1-106--9 Comp plan elements now required by state code.
 - New zoning ordinance does not require posting requirement on each parcel

CHAPTER 2 ISSUES

- Need to add to duties that PC can hear appeals on staff action to approve or disapprove a land development plan (SC 6-29-1150)
- Suggest that we consolidate the membership/terms, officers/meetings/quorum, jurisdiction and staffing into a general section for BZA, PC, DRB except for number/appointment
- Eliminate references to COR
- Why do we have design professionals not allowed to serve 2 consecutive terms?
- Does committee want to look at state code for BZA? LMO is loosely based on it.
- Look at state code for all boards to ensure compliance.
- Get comments from process mapping on chapters 1 & 2
- **Public comment:**
 - Quail Run case – property owner needs to rely on staff’s ability to make decisions if they have that ability & it’s not a board or LMO Official decision
 - State code indicates BZA has zoning appeals; PC has other duties including appeals on land decisions. The way LMO is written (zoning vs land development) is challenging and confusing as to where appeal is taken.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: LMO Rewrite Committee
FROM: Teri Lewis, *AICP, LMO Official*
DATE: May 3, 2011
SUBJECT: Proposed Calendar for Completion of LMO Education

Attached is a proposed calendar for discussion purposes under Agenda Item B. Staff has determined that a minimum of nine sessions will be required to complete the LMO education. Staff suggests that certain chapters, at a minimum Chapter 4 [Zoning District Regulations] and Chapter 5 [Design & Performance Standards], will require two meetings each to go through the chapter and associated issues. During this discussion committee members will weigh in on availability of weekly meetings with the possibility of including some evening meetings as well. Members are requested to bring their calendars to the meeting for the purpose of finalizing a schedule for the remainder of the LMO education.

May 2011 – Alternative 2

◀ Apr 2011		~ May 2011 ~					Jun 2011 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
1	2	3	4	5	6 Chapter 3 Development Review Procedures	7	
8	9	10	11	12 Chapter 4 <i>*would need to meet from 2-4 due to an earlier conflict with Council Chambers</i>	13 Chapter 4 Zoning District Regulations	14	
15	16	17	18	19 Chapter 5 Design & Performance Standards	20 Chapter 5	21	
22	23	24	25	26	27 Chapter 6 Natural Resources <i>*recommend moving this to Thursday 5/26 to avoid conflicts with Memorial Day travel</i>	28	
29	30	31	Notes:				

June 2011 – Alternative 2

◀ May 2011							~ June 2011 ~							Jul 2011 ▶							
Sun			Mon			Tue			Wed			Thu			Fri			Sat			
									1			2			3 Chapter 7 Nonconformities			4			
5			6			7			8			9			10 Chapters 8 & 9 Violations & Enforcement and Disaster Recovery			11			
12			13			14			15			16			17 Chapter 10 Definitions			18			
19			20			21			22			23			24			25			
26			27			28			29			30			Notes:						