The Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
August 11, 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 –** August 4th meeting
5. **New Business**
   A. Public Comment
   B. Identify and prioritize Revitalization and Investment Zones
   C. Solutions and Ideas for Revitalization and Investment Zones
   D. Ward One & R/UDAT vs. Master Plan discussion
   E. 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 MEETING
August 4, 2011 Minutes
1:00p.m. – Benjamin M. Racusin Council Chambers **DRAFT**

Committee Members Present:	Chairman Tom Crews, David Bachelder, Jim Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio;* and Charles Cousins, Director of Community Development, *Ex-Officio*
Committee Members Absent:	Vice Chairman Gail Quick, David Ames, Irv Campbell, and Chris Darnell
Planning Commissioners Present:	Loretta Warden and Tom Lennox
Town Council Members Present:	Bill Ferguson
Town Staff Present:	Jill Foster, Deputy Director of Community Development Heather Colin, Development Review Administrator Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER
Chairman Crews called the meeting to order at 1:00p.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 July 28, 2011 meeting were approved as presented by general consent.

5) NEW BUSINESS
A. Public Comment – Chairman Crews requested public comments and none were received.

B. Discussion of Nonconformities – The directive from Town Council on dealing with nonconformities is: (1) to evaluate the policy; and (2) to develop a framework to facilitate improvement of existing non-conforming sites. The three types of nonconformities are: (1) Nonconforming Use; (2) Nonconforming Structure; and (3) Nonconforming Site Feature.

The staff will begin their presentation with the Nonconforming Use category. A Nonconforming Use is defined as: (1) a use that was legally established but now is not

allowed in the current zoning district; and (2) a use that was legally established but does not meet any required specific use requirements.

As a starting point to the presentation, Mr. David Bachelder stated that nonconformities have over time traditionally been viewed as a bad thing. Nonconformities should really be viewed as opportunities for the Town. The goal should be to improve and advance nonconformities. The committee briefly discussed this point and then Chairman Crews requested that staff make their presentation on nonconformities.

Ms. Heather Colin presented a couple of examples of nonconforming use. Currently someone cannot get a variance to allow a nonconforming use to be extended or enlarged. Nonconforming uses do not qualify for the existing waiver process which is only designed to work for nonconforming structures and site features. Currently the only way to redevelop (expand or enlarge), a nonconforming use is to go through the redevelopment floating zone process.

The committee and staff reviewed the following list of possible solutions for nonconforming use: (1) allow uses to go through a modified waiver process; (2) extend the grandfathering of a nonconforming use beyond the current 12 months; (3) change the zoning map to make it more reflective of the uses that exist; (4) make the use table more general and have fewer conditions for uses; (5) Change the LMO to allow the BZA to grant use variances; (6) have a codified broader interpretation of nonconforming uses; (7) make changes to the redevelopment floating zone process so that the flexibility can be granted at the staff level and so that a rezoning is no longer needed.

The committee stated that nonconforming uses will never be eliminated altogether. The goal should be to reduce the number of nonconformities. New language should be drafted that emphasizes what is allowed rather than what is not allowed. One of the nonconformities should be able to be brought up to standards without having to bring all nonconformities up to standards.

The committee suggested that the use issue should be treated in a waiver-like process rather than a floating zone process. The committee discussed extending the grandfathering of a nonconforming use beyond the current 12 months. The committee stated that this is a good idea. The committee discussed changing the LMO to allow the BZA to grant use variances.

The committee and staff discussed the two processes for dealing with nonconformities: (1) administrative waiver; and (2) floating zone. Town Council has directed that administrative waivers be improved. A process that will allow more waivers at the staff level is recommended. A floating zone is defined in the text of a zoning ordinance, but is unmapped, and requires approval by the local legislative body. Upon approval, the parcel is rezoned to reflect the new designation and becomes a zoning district. Ms. Colin reported that only one property has redeveloped so far under the floating zone (a dog kennel located on Fish Haul Road).

Following this discussion, Ms. Colin presented the Nonconforming Structure category. A nonconforming structure is a structure that does not conform to any LMO standards including height, density, setback from any lot line or from the street, building coverage, or building

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design. It is also a structure that fails to conform to any applicable provision of an approved development plan as to height, density, setback from any lot line or from the street, building coverage, building size, or building design. Ms. Colin reviewed a couple of examples of nonconforming structure with the committee. The LMO states that nonconforming structures shall not be expanded, enlarged or extended unless the result is to bring the structure in conformance with the LMO, or if the waiver process is used. Ms. Colin stated that staff tries to be very flexible with the waiver process and works closely with applicants to ensure that it is a win-win for everyone involved.

The committee and staff reviewed the following list of possible solutions for Nonconforming Structure: (1) clarify that height and density are the only things that can make a structure nonconforming; (2) better public education so that the public understands what this waiver section offers and that one can make changes to a nonconforming structure without bringing everything into conformance; (3) offer more densities using an incentive program; (4) make changes to the redevelopment floating zone process so that the flexibility can be granted at the staff level and so that a rezoning is no longer needed. The committee stated that better public education with regard to what the waiver section offers will be important. Following this discussion, Ms. Colin presented the Nonconforming Site Feature category.

A Nonconforming Site Feature is a site feature that does not conform to current LMO standards such as lack of or size of buffers/setbacks, lack of or inadequate parking, lack of or inadequate landscaping and fence height or location. Ms. Colin presented a couple of examples of Nonconforming Site Feature, including encroachments into the required street setbacks and buffers, and parking and drive aisles that are not in conformance with current LMO standards.

The LMO states that nonconforming site features should be brought into conformance to the extent practicable when that feature is altered. Ms. Colin stated that staff tries to be very flexible with the waiver process and works closely with applicants to ensure that it is a win-win for everyone.

The committee and staff discussed a list of possible solutions to Nonconforming Site Feature: (1) create more flexibility within the design standards; (2) better public education so that the public understands what this waiver section offers and that one can make changes to a portion of a nonconforming site without bringing the entire site into conformance; (3) make changes to the redevelopment floating zone process so that the flexibility can be granted at the staff level and so that a rezoning is no longer needed.

The committee stated that the waiver process needs to be improved and made clearer.

Public Comments: Chester C. Williams, Esq., presented statements with regard to State Code and Use Variances. Mr. Williams and Mr. Charles Cousins commented on building code issues including the 50% Rule.

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C. Discussion of PD-1 Zoning District Issues

The directive from Town Council on dealing with PD-1 Zoning District Issues is: (1) to evaluate the use of master plans for zoning purposes; (2) consider more broad designations of allowed uses and densities; (3) develop a framework to establish consistent development regulations for all PUDs; (4) evaluate the 'use it or lose it' clause and determine appropriate applications.

The committee and staff discussed the 'use it or lose it' clause at length. They also discussed the development of a framework to establish consistent development regulations for all PUDs. The committee discussed allowing PUDs to handle internal land use issues without going through a ZMA.

Public Comments: Chester C. Williams, Esq., presented statements with regard to master plans in PUDs (density issues).

Please see the LMO Committee Working Notes dated August4, 2011 for the complete list of issues.

Following final comments by Chairman Crews, the meeting was adjourned at 3:10p.m.

Submitted by:	Approved by:
_____	_____
Kathleen Carlin	Tom Crews
Administrative Assistant	Chairman

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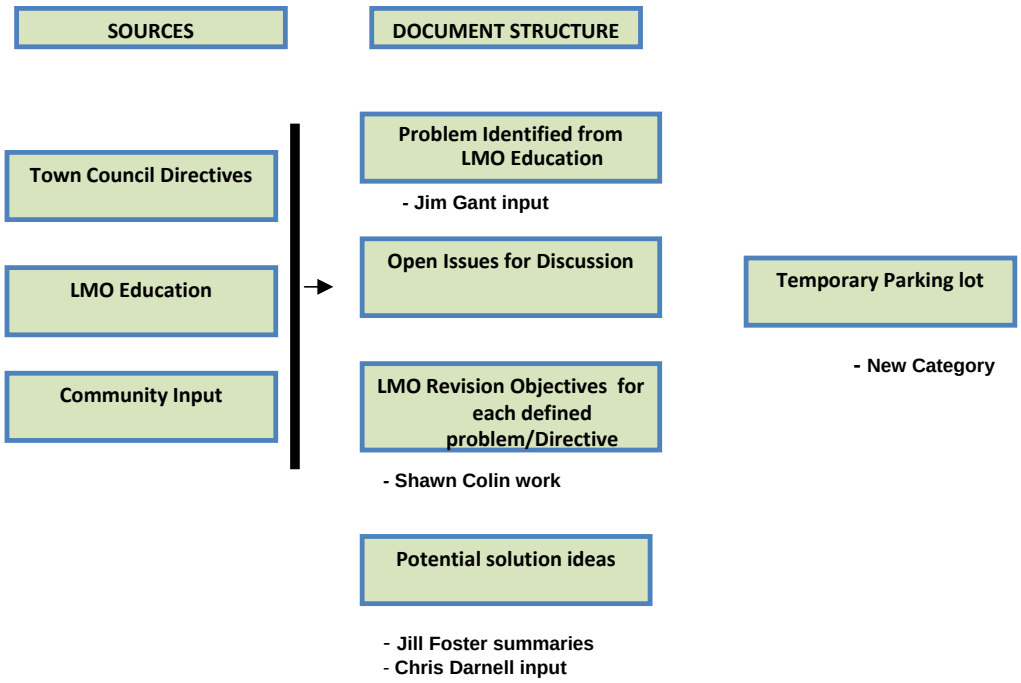
8/8/2011

LMO Committee Working Notes

The drawing below identifies the sources of input (to date) for this work, and the structure of the following notes. It is a rough working document combining several document inputs as indicated



Town Council Directives

- Address development application review and permitting processes
  - Eliminate unnecessary processes and procedures
  - Eliminate unnecessary submittal requirements
  - Conform notice requirements to State Code
  - Review criteria for special exceptions/variances and rezoning. Make them flexible and easy to understand
- Address Zoning Districts
  - Review recent rezoning requests
  - Evaluate current and future market trends
  - Evaluate and identify appropriate land uses and densities with attention to market trends and past rezoning requests
- Address Design standards
  - Develop specific design standards for selected zoning districts.
  - Review non-district specific design standards & natural resource standards.
  - Eliminate outdated requirements, create flexibility where appropriate
- Address administrative waivers
  - Develop process to allow more waivers at staff level
- Address nonconformities
  - Evaluate policy on nonconformities
  - Develop framework to facilitate improvement of existing nonconforming sites
- Address PD-1's
  - Evaluate the use of master plans for zoning purposes
  - Consider more broad designations of allowed uses & densities
  - Develop a framework to establish consistent development regulations for all PUDs
  - Evaluate the current 'use it or lose it' clause and determine appropriate applications
- Identify and prioritize revitalization and investment zones
  - The Coligny area and Shelter Cove Mall are already identified by Town Council, Comprehensive Plan and Mayor's Task Force as top priority investment areas.
  - Existing TIF district has prioritized areas.
  - Other suitable areas should be identified and prioritized

Potential Issue Statements from LMO Review

1. **LMO structure and procedures:** The current organizational structure of the LMO is not easy to follow, and procedures are not clear and often too complicated, causing increased costs and delays in approvals. The requirement to seek approval from multiple Boards also increases costs to the applicant and extends approval times.

2. **Zoning Districts:**
   A. There are too many zoning districts, each with specific uses. These specific uses are, in some cases, too narrow, restricting development of new property and redevelopment of existing non-conforming properties, and do not allow for adjustment to a variety of mixed uses (retail, office and industrial), thereby creating vacant space.
   B. Density regulations appear to be limiting the ability to attract a variety of businesses.
   C. Affordability of multi-family units are decreasing because the Town has no controls over the conversion of long term rentals (apartments) to short term rentals (condos).
   D. Central gathering spaces should be identified and encouraged in zoning districts.

3. **Design Standards:**
   A. LMO was written for new development vs redevelopment and on a parcel-by-parcel basis vs entire street or area approach. The LMO has the same standards for developing both a 'greenfield' and a 'brownfield' when it should probably consider different standards.
   B. Design standards (buffers, heights) can also limit the useable space available on the parcel.
   C. Design standards tend to be 'one size fits all' which limits creativity and flexibility.
   D. Goals and design standards of built environment are too restrictive. There is no flexibility to accommodate areas that are urban (pedestrian-related) as well as others that are less urban (more automobile-related), or which should have specific design goals (e.g., street definition, signs, etc. in an area like Coligny).
   E. Design standards minimize and impact the pedestrian scale & movement. The impact of the automobile on design of parcels or street has directed the development.

4. **Natural Resources:**
   A. Wetlands regulations have grown more difficult to meet due to the COE identifying <u>all</u> HHI wetlands and water bodies to be areas which then require compliance with the same LMO buffer requirements (e.g., golf course ponds, different

'function' of the wetlands, etc.) LMO does not allow creativity or flexibility in addressing water quality (only approach appears to be by using buffers).

B. Wetland buffer standards are too strict & should allow some uses in the buffer other than vegetation.
C. Maintaining or re-establishing view of water is in conflict with tree, setback and dune requirements.
D. LMO currently has a 'one size fits all' approach. Goal of tree protection is clear (to protect every tree over 6 inches). Tree preservation regulations emphasize the number of trees, but do not allow for context, purpose, location, tree types, and sizes of tracts (larger tracts vs small lots). In some cases, overgrowth, waste, and possible fire hazards have resulted.
E. Regulations or interpretations beyond the statements in the LMO by Town Staff create complex and costly impediments to redevelopment.

5. **Dunes Protection:** Dunes protection requirements (of Town, State and Federal governments) are at times confusing.

6. **Non-conformities:** Requirements on three types of non-conformities (use, density, site features) are confusing. These regulations limit the ability for redevelopment in that they require conformance to the extent possible.
   A. The number of zone types, specific uses and development history leave us with many non-conformities,
   B. Non-conforming uses do not qualify for the existing waiver process, requiring exceptions to use the floating redevelopment zone process which is complex,
   C. Commercial owners need the assurance that in the event of a single building disaster (fire, explosion, tornado etc)they will be allowed to rebuild the "as is" building in the same manner they would if the building were destroyed in a major declared disaster
   D. 12 month abandonment rule appears to be too short.
   E. Design criteria in certain areas were established for a more sub-urban feel and make the sites non-conforming, when they probably should be drafted for a more urban setting.

7. **Ward One issues:** Some individual issues may be beyond scope of LMO Rewrite Committee, but others addressed by LMO are:
   A. Density issues & heirs property.
   B. Subdivision of property into greater than 5 lots and related infrastructure issue—who puts in the infrastructure? (title issues relating to heirs property). In some cases the need to subdivide is driven by estate settlement versus any desire to actually build on property at the current time. What infrastructure is actually needed during subdivision to avoid creating problems later when some lots want to develop?

C. Need for public education as to why and what residents of Ward One have to do to develop their property
D. Need the ability to remove trees from the interior of active cemeteries
E. Lack of sewers (this might be outside scope of LMO).

1. Potential Issue Statement:

LMO structure and procedures: The current organizational structure of the LMO is not easy to follow, and procedures are not clear and often too complicated, causing increased costs and delays in approvals. The requirement to seek approval from multiple Boards also increases costs to the applicant and extends approval times.

Council Directive

- Address development application review and permitting processes
  - Eliminate unnecessary processes and procedures
  - Eliminate unnecessary submittal requirements
  - Conform notice requirements to State Code
  - Review criteria for special exceptions/variances and rezoning. Make them flexible and easy to understand

LMO Revision Objectives

- Rewrite code with customer in mind.
- Make it easier to access, understand and navigate.
- Develop a user's manual or executive summary
- Integrate a web based option
- Establish a transparent tracking system
- Reduce duplicate information, multiple submissions, subjectivity in review and notice requirements that exceed State Code.
- Increase Staff flexibility – latitude to balance interests
- Delineate between State, Federal and local requirements

Open Issues

Solution Approach/Ideas

- Simplify the permitting process
  - Reduce number of submissions
  - Eliminate useless submissions
  - Eliminate unnecessary reviews
  - Reduce number of special exceptions
  - Reduce number of zones
  - Reduce the jurisdiction of Design Review Board
- Implement revised workflow as defined by "Workflow Project" and automate for electronic submission/tracking
- Executive Summary: Have a customer friendly explanation of how to use LMO & Building Codes
  - *Move authorizing of Comprehensive Plan out of Ch 1*
  - *Move all of Ch 2 to back*
- Consider a bond for an expedited process
- Cite section name when we reference where something is required 'as per …..'
- Put in an appendix the table showing the transition of zone names. Put in appendix anything that explains things that 'used to be'
- Allow building permit to be submitted before site plan NOA issued
- Ch. 3: Add procedure and project status to web and make interactive – link to the various parts of the LMO that are referenced
- Provide a bonus incentive to provide bike parking for other uses
- Encourage shared parking – maybe through incentives
- Reduce the list of what is required for a variance to mirror state code
- The LMO needs to allow for flexibility yet not get too subjective.
- The LMO should have criteria to follow that meets the intent of the code to allow for flexibility yet give good direction

2. Potential Issue Statement:

Zoning Districts:

A. There are too many zoning districts, each with specific uses. These specific uses are, in some cases, too narrow, restricting development of new property and redevelopment of existing non-conforming properties, and do not allow for adjustment to a variety of mixed uses (retail, office and industrial), thereby creating vacant space.
B. Density regulations appear to be limiting the ability to attract a variety of businesses.
C. Affordability of multi-family units are decreasing because the Town has no controls over the conversion of long term rentals (apartments) to short term rentals (condos).
D. Central gathering spaces should be identified and encouraged in zoning districts.

Council Directive

- Address Zoning Districts
  - Review recent rezoning requests
  - Evaluate current and future market trends
  - Evaluate and identify appropriate land uses and densities with attention to market trends and past rezoning requests

LMO Revision Objectives

- Reduce the number of Zoning Districts (more generalized approach)
- Allow for integration and mixes of uses while protecting the edge conditions.
- Reduce use restrictions to allow for market influence
- Guide uses to logical places
- Prescribe appropriate density allocation for Zoning Districts
- Identify Activity areas and craft zoning text to reflect desired outcome. Codify and implement
- Be sensitive to impacts of a proposed rezoning approach – minimize resulting nonconformities

Open Issues

- Determine how many zoning districts the Town should have & where and what the density should be in those districts.

- Determine the most appropriate place for activity centers within the Town – these are probably the areas where an increase in density makes the most sense
- Review recent rezoning requests
- Evaluate current and future market trends
- Evaluate and identify appropriate land uses and densities with attention to market trends and past rezoning requests

Solution Approach/Ideas

- Enable zones to adequately reflect the existing land uses
- Define some zoning districts with their own design & performance standards.
- Importance of design element
- Consider the best way to regulate interval occupancy uses.
- Consider how any changes in land use will affect existing non-conformities or create non-conformities.
- Consider whether the COR boundaries should be changed.
- Consider whether outdoor recreation should be allowed by condition instead of by special exception.

3. Potential Issue Statement:

Design Standards:

A. LMO was written for new development vs redevelopment and on a parcel-by-parcel basis vs entire street or area approach. The LMO has the same standards for developing both a 'greenfield' and a 'brownfield' when it should probably consider different standards.
B. Design standards (buffers, heights) can also limit the useable space available on the parcel.
C. Design standards tend to be 'one size fits all' which limits creativity and flexibility.
D. Goals and design standards of built environment are too restrictive. There is no flexibility to accommodate areas that are urban (pedestrian-related) as well as others that are less urban (more automobile-related), or which should have specific design goals (e.g., street definition, signs, etc. in an area like Coligny).
E. Design standards minimize and impact the pedestrian scale & movement. The impact of the automobile on design of parcels or street has directed the development.

Council Directive

- Address Design standards
  - Develop specific design standards for selected zoning districts.
  - Review non-district specific design standards & natural resource standards.
  - Eliminate outdated requirements, create flexibility where appropriate

LMO Revision Objectives

- Identify universal design standards
- Craft and implement specific design standards for priority areas
- Define a balance for competing interests among ??? using a logical, common sense approach
- Develop standards that would apply to the edge conditions.

Open Issues

- Need to decide if the goal is to hold the status quo on water quality, improve it or back off of it.

- Theme of island should be natural vegetation -but in some cases, protecting slivers of vegetation, when it comes to allowing density, it isn't worth it. Should be a width or minimum size so that it doesn't become useless.
- What may be applicable in one area, may not be applicable in another area. Moving building to the road and having a streetscape is also a good idea, depending on the district, like Coligny.

Solution Approach/Ideas

- Step up LMO regulations to improve water quality
- The Committee should review the hierarchy of roads list to make sure that they are all in the correct category.
- Determine what needs to be filtered based on the type of receiving water body
- Concerns about our lighting standards with roadways not being lit, and that light levels for commercial parking lots are not high enough. Even though there may be a light there, it isn't bright enough- safety concern.
- Hierarchy of roads affects buffers & setbacks. In light of redevelopment, the committee should review the list to see if they still fit into the correct category
- Consider having different buffer standards depending on the type of water body. Maybe look at the purpose of the water body in making this decision (why was it created or why does it exist).
- Consider lessening wetland buffer restrictions on water bodies that were not originally regulated by the Town (man made/stormwater mgt system). Maybe consider them nonconforming with certain exemptions.
- Consider having nodes where development can extend closer to the beach.
- Consider having setbacks only and no buffers in certain priority investment areas.
- Consider having separate buffer requirements for single family properties outside of the overlay districts
- Consider prioritizing major roads where visitors spend time to permit tower coverage?
- Consider allowing stormwater capture in the buffers
- Determine if commercial lighting levels in parking lots high enough.
- Need buffers to hide/protect the mish-mash of architecture that already exists on the island.
- Need to prioritize staff decisions to balance all issues (ie trees v fire access roads). Strong project manager would alleviate this.
- Privacy fences in addition to required buffers are excessive.
- Make sure the LMO doesn't make it hard for cell towers to get approved
- Eliminate the average buffer – it is hard to calculate
- Need to have standards for exemptions to alleviate contributing to deteriorating water quality
- Complete streets-public and private realm, should work together.
- Edge conditions along roads should be important.

- What may be applicable in one area, may not be applicable in another area. Moving buildings closer to the road and having a streetscape is a good idea, depending on the district-- like Coligny.
- Look at the state & federal agencies' regulations to see how they 'connect to or impact' the LMO and if we need to change anything in the LMO because of the way those agencies 'do business.'

4. Potential Issue Statement:

Natural Resources:

A. Wetlands regulations have grown more difficult to meet due to the COE identifying <u>all</u> HHI wetlands and water bodies to be areas which then require compliance with the same LMO buffer requirements (e.g., golf course ponds, different 'function' of the wetlands, etc.) LMO does not allow creativity or flexibility in addressing water quality (only approach appears to be by using buffers).
B. Wetland buffer standards are too strict & should allow some uses in the buffer other than vegetation.
C. Maintaining or re-establishing view of water is in conflict with tree, setback and dune requirements.
D. LMO currently has a 'one size fits all' approach. Goal of tree protection is clear (to protect every tree over 6 inches). Tree preservation regulations emphasize the number of trees, but do not allow for context, purpose, location, tree types, and sizes of tracts (larger tracts vs small lots). In some cases, overgrowth, waste, and possible fire hazards have resulted.
E. Regulations or interpretations beyond the statements in the LMO by Town Staff create complex and costly impediments to redevelopment.

<u>Council Directive</u>
Not Directly Mentioned

<u>LMO Revision Objectives</u>

Open Issues

Solution Approach/Ideas

- Relax tree preservation in favor of requirements geared toward urban forest management
    - Fire prevention
    - Requirements for different zones
- Consider turning over regulation of trees in common areas of PUDs to PUDs. Determine if this is appropriate for all PUDs.
- Consider moving from individual tree preservation/protection to a forest management approach
- Consider having different tree regulations on larger tracts vs smaller tracts
- Consider constraining the areas designated for walkovers and walkways via sand fencing or other means
- Need to accommodate for views to water bodies through vegetation
- Which trees get taken down can greatly affect a site design—should have a broader perspective and look at it as part of landscape, aesthetics, ongoing construction vs each tree.
- Eliminate requirement to report downed/dead trees
- Need a policy to periodically allow for removal of underbrush to keep unwanted vegetation out that would contribute to fires.

5. Potential Issue Statement:

Dunes Protection: Dunes protection requirements (of Town, State and Federal governments) are at times confusing.

Council Directive
Not Directly Mentioned

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

6. Potential Issue Statement:

Non-conformities: Requirements on three types of non-conformities (use, density, site features) are confusing. These regulations limit the ability for redevelopment in that they require conformance to the extent possible.

A. The number of zone types, specific uses and development history leave us with many non-conformities.
B. Non-conforming uses do not qualify for the existing waiver process, requiring exceptions to use the floating redevelopment zone process which is complex.
C. Commercial owners need the assurance that in the event of a single building disaster (fire, explosion, tornado etc)they will be allowed to rebuild the "as is" building in the same manner they would if the building were destroyed in a major declared disaster.
D. 12 month abandonment rule appears to be too short.
E. Design criteria in certain areas were established for a more sub-urban feel and make the sites non-conforming, when they probably should be drafted for a more urban setting.

Council Directive

- Address nonconformities
  - Evaluate policy on nonconformities
  - Develop framework to facilitate improvement of existing nonconforming sites

LMO Revision Objectives

- Create environment that enables improvement of existing non-conforming properties

- Eliminate nonconforming uses through a more comprehensive integrated zoning approach that reduces specificity of uses and has fewer districts and employs a mix of uses
- Improve communication on what property owners can do to improve nonconforming site features.
- Implement incentives to reduce or eliminate nonconforming site features.
- Provide education and brochure to improve communication with property owners.
- Determine if Priority Investment areas should be allowed to relax nonconforming provisions to enhance redevelopment and private investment.

Solution Approach/Ideas

- Relax ordinance as it relates to nonconformities in an effort to encourage redevelopment
  - Allow for flexibility in buffers (thinner here, wider there)
  - Allow for flexibility in parking design standards
- Reduce the number of nonconformities.

Heather recommendations

- Change the LMO to allow the BZA to grant use variances
- Change the zoning map to make it more reflective of existing uses
- Make the use table more general and have fewer conditions for uses
- Extend the grandfathering of a non-conforming use beyond the current 12 months (via waiver process?)
- Have a broader interpretation of nonconforming uses

- Consider allowing non-conformities through some sort of vesting/waiver (allow uses to be 'waived' vs going through a rezoning). State allows for use variances; should we allow this?
- Should keep in mind need to allow hotels in certain zones to keep tourism
- Draft language to emphasize what is allowed more than what is not allowed.
- Make it clear that you can bring one non-conformity up to standards without bringing them all up to standards.
- Some non-conformities may be more important than others, maybe more flexibility should be given to these in terms of redevelopment.
- Consider eliminating the 12 month rule (abandonment of a nonconforming use) or extending it.

- Consider what methods can be used to continue to allow non-conformities or to make the non-conformities conforming without making changes to the site/structure
- Maybe different parts of the island should be recognized in different ways like redevelopment areas.
- Substantial compliance seems like it could be a deal killer – may need to reword this.
- Need to see if there are any incentives the Town can use to get condos to upgrade.
- Non-conformities represent an opportunity for the Town.
- Do we have the ability to produce a letter guaranteeing a grandfathering of non-conformities (site, building, use)? How is this affected if the code changes?
- Need better public education on when people can use the waiver process.

7. Potential Issue Statement:

Ward One issues: The lack of sewers, title issues relating to heirs property, buffer requirements and lack of understanding of actual LMO requirements are preventing development of Ward 1 properties (may be beyond scope of LMO Rewrite Committee.)

Council Directive
Not Mentioned

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

Potential Issue Statement – PD-1"s

A. Regulation/relationship of LMO to State and Federal regulations is complex and confusing. LMO buffer requirements may apply to all bodies of water – Need expert input to clarify issue
B. Lack of consistency in Master Plans in allowed uses and densities makes it difficult for zoning
C. Property Owners Associations desire the ability to manage Natural Resources in commercial areas as they do in their larger communities
D. The "use it or lose it clause" is applied to individual lots within PUD's in addition to the large tracts of land it was intended to address. The result is an equity issue between lots in a PUD and a lot outside which does not lose it's density
E. Current LMO limits redevelopment of property to originally built density even if the Master Plan defined larger density

LMO Revision Objectives

Council Directive

Address PD-1's:

- Evaluate the use of master plans for zoning purposes

- Consider more broad designations of allowed uses & densities
- Develop a framework to establish consistent development regulations for all PUDs
- Evaluate the current 'use it or lose it' clause and determine appropriate application

Open Issues

- 'Use it or lose it' issue deals with small lots within PUDs that 'lost' its unused density. Intent of 'use it or lose it' clause was to catch very large tracts and their unused density. There is an equity issue since this clause applies only to PUDs and not non-PUD areas.
- Move to zoning district area. Some PUD areas are outside the gates. Should they be treated the same way we treat the areas within the gates?

Solution Approach/Ideas

- Consider how much density existing PUDs should have in terms of the use it or lose it clause.
- Does it make sense to eliminate the clause at least in terms of commercial development – fairness issue between the PUDs and areas outside of PUDs
- Consider having consistent broader regulations among all PUDs.
- Consider if PUDs can handle internal land use issues without going through a ZMA
- Consider whether some PUDs should be allowed to manage their own open space and some other internal projects with very limited Town review (ex. South Gate PD). (specifically design standards & natural resources regulations)

8. Council Directive

- Identify and prioritize revitalization and investment zones
    - The Coligny area and Shelter Cove Mall are already identified by Town Council, Comprehensive Plan and Mayor's Task Force as top priority investment areas.
    - Existing TIF district has prioritized areas.
    - Other suitable areas should be identified and prioritized

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

- Provide incentives for redevelopment in key areas through changes to the LMO
    - More density
    - Relax zoning use restrictions
    - Design standard flexibility
    - Relax regulation on redevelopment
    - Identify other tools
- Provide incentives for hotel/tourism development/redevelopment
- Provide incentives for brown field development
- Encourage revitalization, redevelopment & reinvestment for the Island as a whole.
- Find a combination of tools to allow for redevelopment.
- Apply philosophy of redevelopment zone island-wide without a ZMA process and provide flexibility.
- Address certain impediments associated with the revitalization of the Mall at Shelter Cove and Coligny Plaza.
- Additional community space may be needed to develop a true sense of community.
- Encourage certain things as opposed to restricting things

- Advance Hilton Head Island as a leader in comparison to other municipalities.
- Density & uses affect reinvestment & need flexibility in zoning districts.
- Develop financial incentives.
- Need to figure out a way to give incentives to hotels to redevelop (density/height)?
- Identify areas that can & cannot support density.
- Need to determine if there are other priority investment areas on the Island.
- Need to create more flexibility for redevelopment projects – change the redevelopment floating zone so it doesn't have to go through the rezoning process – needs to be an easy process.
- Consider using TDRs as a tool to encourage redevelopment. Need to think about how far densities can be bumped up or down without negatively affecting property rights.
- Need to figure out a way to assist older building with redevelopment within confines of the FEMA requirements.

9. Council Directive

Address administrative waivers

- ***Develop process to allow more waivers at staff level***

LMO Revision Objectives

Open Issues

Solution Approach/Ideas

- Jim—see above for various waiver suggestions.
- Should we have an administrative waiver for new construction also, that does not become an arbitrary process? Could any of these replace the variance procedure?
- Make the intent of waivers and when they apply very clear however the revised LMO is written.
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Temporary Parking Lot

A. Lighting conditions in parking lots – safety issue