



The Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
August 25, 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 18th meeting**
- 5. New Business**
 - A. Public Comment
 - B. Review LMO Report
 - 1) Address remaining open issues (pg. 4)
 - 2) Review the tasks earmarked for a consultant and staff (pg. 5)
 - 3) Review the revision objectives identified for each issue (pg. 10)
 - 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 MEETING

August 18, 2011 Minutes

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

DRAFT

Committee Members Present: Chairman Tom Crews, Vice Chairman Gail Quick, David Ames, David Bachelder, Chris Darnell, Jim Gant, Councilman Kim Likins, *Ex-Officio* and Charles Cousins, Director of Community Development, *Ex-Officio*

Committee Members Absent: Irvin Campbell, Walter Nester

Planning Commissioners Present: Tom Lennox

Town Council Members Present: None

Town Staff Present: Jill Foster, Deputy Director of Community Development
Teri Lewis, LMO Official
Shawn Colin, Comprehensive Planning Division Manager
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 by general consent.
- 4) **APPROVAL OF THE MINUTES**
The minutes of the August 11, 2011 meeting were approved as presented by general consent.
- 5) **NEW BUSINESS**
Chairman Crews requested public comments from the audience and none were received. Chairman Crews then introduced Ms. Teresa Wade and requested that she make her presentation on Sustainable Developments.

Teresa Wade – Sustainable Developments

Ms. Teresa Wade, Executive Director of Experience Green, and Principal of Sustainable Solutions, LLC, made a power point presentation on Sustainable Developments. Ms. Wade stated that an organization's unique "impression" is the message its brand communicates to consumers. This "impression" includes consumer perception of the impact an organization

makes on society, business, and the environment. In today's increasingly competitive business environment, smart organizations seek differentiation, competitive advantage, and operating solutions for sustainable success. The right impression is critical, as it influences consumer buying decisions and business success. Today's consumer places a higher priority on eco-friendly and "green" products and services, environmentally responsible practices, and organizations of integrity and authenticity.

Ms. Wade discussed sustainability and the social, economic, and ecological benefits of going green. Sustainability is the capacity to endure and to sustain over the long haul. It is a journey and a shift from being reactive to proactive. There are three elements: (1) people; (2) planet and (3) prosperity. Long term sustainability is the goal.

Sustainable development is a pattern of resource use that aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for generations to come. Sustainable development should meet the needs of the present without compromising the ability of future generations to meet their needs.

Sustainable Solutions is a "concept to completion" company created to help organizations leave the right impression with their brand and legacy. Their goal is to implement programs that are credible, measurable, and profitable.

The Committee thanked Ms. Teresa Wade for her presentation on Sustainable Developments. Chairman Crews then introduced the next speaker, Mr. Stefan Pellegrini, Architect, with Opticos Design, Inc., and requested that he make his presentation on Form-Based Codes.

Stefan Pellegrini, Architect, with Opticos Design, Inc.

Mr. Stefan Pellegrini began his presentation by providing a definition of Form-Based Code. "Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. They are regulations, not mere guidelines. They are adopted into city or county law. Form-based codes are an alternative to conventional zoning."

Mr. Pellegrini discussed the characteristics, the components, and the process of Form-Based Codes. His presentation included a review of several case studies including preserving of small town character while allowing evolution. This discussion also included integrating into a city-wide regulatory system, and accommodating future growth. Mr. Pellegrini discussed the differences in Conventional Zoning Codes vs. Form-Based Codes.

Conventional Zoning Codes

Auto-oriented, segregated land use planning principles

Form-Based Codes

Mixed use, walkable, compact development principles

Conventional Zoning Codes (continued)

Organized around single-use zones

Use is primary

Reactive to individual development proposals

Proscriptive regulations, regulating is not permitted, as well as what unpredictable numeric parameters, like density and FAR

Regulates to create buildings

Mr. Pellegrini stated that the goal is a clear, predictable process. The Committee thanked Mr. Pellegrini for his presentation.

Timeline for Upcoming Committee Tasks:

The Committee reviewed the following meeting schedule:

- ◆ August 25th & September 1st – Jim Gant to lead discussion of what resources (we) tap to address each of the Committee’s problem statements.
- ◆ September 8th – No committee meeting
- ◆ September 15th – Review a RFQ (Request for Qualifications) drafted by the staff.
- ◆ September 22nd – Todd Ballantine discussion of environmental issues
- ◆ September 29th – Review Final Draft of RFQ
- ◆ October – Discuss public education efforts and begin this effort; develop Scope of Work/Contract

6) ADJOURNMENT

Following final comments, the meeting was adjourned at 3:15p.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

LMO Rewrite Committee

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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

LMO Rewrite Committee Decisions to be Made

Staff needs better direction on these issues to determine if it should be a consultant task or a staff task.

Design Standards:

- Is the goal is to hold the status quo on water quality, improve it or back off of it? Also mentioned was to step up LMO regulations to improve water quality & have standards. Should there be any exemptions to these standards?
- Consider having nodes where development can extend closer to the beach. (This goes against intent of new LMO amendment).
- Consider allowing storm water capture in the buffers. (Does this meet intent of a buffer?)

Zoning 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.

Revitalization & Reinvestment Priority Areas:

- Need to determine if there are other priority investment areas on the Island.
- Focus redevelopment on a small number of areas with attainable results in moderate term (1-5 years ???).

Potential development areas	Reason
Coligny & TIF area including Grand Ocean Resort	Previously identified by Town Council
Shelter Cove & Mall area	Previously identified by Town Council
Mitchelville historical area	Historical tourist attraction
Northridge/Mathews/Chaplin historical & TIF area	Existing TIF District and larger property
Stoney TIF & historical area	HHI Gateway area; Existing TIF District
Dunnagan’s Alley/Arrow Road area	Adjacent to “Bridge to Beach” area; Existing TIF District
PUD & other oceanfront accommodation areas	Need to attract 5 star hotels for tourism growth
Ashmore tract	Large tract - Potential convention center site
TBD	Education facilities
Other historical areas (Spanish Wells, Simmons Road, etc.)	

Consultant's Tasks for RFQ

These are the main tasks that are proposed to be assigned to a consultant. These will give direction for drafting the Request for Qualifications (RFQ).

Zoning Districts:

- Reduce number of zoning districts & minimize non-conforming uses.
- Broaden number of land uses within zones to provide flexibility. Reduce number of uses permitted by special exception.
- New zones should adequately reflect the existing land uses & densities.
- Consider how any changes in land use will affect existing non-conformities or create new non-conformities.
- Define some zoning districts with their own design & performance standards; consider the Town's design guideline.

Design Standards:

- Create different design standards for certain areas that are more urban in nature -- like Coligny & other priority investment areas. Evaluate applicability of Form Based Code
- 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 having different buffer standards depending on the type of water body. Look at the purpose of the water body in making this decision (why was it created or why does it exist). Determine what needs to be filtered based on the type of receiving water body.
- Consider lessening wetland buffer restrictions on water bodies that were not originally regulated by the Town (manmade & storm water mgt system).
- Consider height restriction modifications to encourage new hotel construction.

Natural Resources:

- Determine how to relax tree preservation in favor of requirements geared toward urban forest management. Consider moving from individual tree preservation/protection to a forest management approach.
- Allow for periodic removal of underbrush to keep unwanted vegetation out to avoid contributing to fires.
- Consider having different tree regulations on larger tracts vs smaller tracts.

Non-conformities:

- 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.
- Relax ordinance as it relates to non-conformities in an effort to encourage redevelopment:

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- Allow for flexibility in buffers (thinner here, wider there)
- Allow for flexibility in parking design standards
- Reduce the number of nonconformities.
- Determine if Priority Investment Areas should relax non-conforming provisions to enhance redevelopment and private investment.

Ward One:

- Explore development of reduced road requirements for family residential subdivision of heirs property.
- Explore applicability of “family compound” regulations to ease setback and buffer requirements.
- Consider use of restrictive covenants regarding long term acceptance of minimal road standards to alleviate installation cost being born by first property owner to build.

Reinvestment Areas & Revitalization Areas:

- Create more flexibility for redevelopment projects instead of using the redevelopment floating zone to create an easy process.
- Provide incentives for redevelopment in key areas:
 - More density
 - Relax zoning use restrictions
 - Design standard flexibility
 - Relax regulations on redevelopment
 - Identify other tools
 - brownfield development before greenfield development
 - for hotel/tourism development/redevelopment.
- Define language to create ‘economic development’ priority zone.
- 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 identify those areas where we want to transfer from and transfer to.

Staff List for LMO Rewrite Committee

These items are either related to the process improvement effort currently underway, specific legal questions to be addressed with the town attorney, or smaller issues that could be researched & determined by staff to relieve burden of consultant.

LMO Structure & Procedures:

- 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
- 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
- Need to prioritize staff decisions to balance all issues (ie trees v fire access roads). Strong project manager would alleviate this.

Zoning Districts:

- Consider the best way to regulate interval occupancy uses by examining other cities and their methods.
- Consider whether the COR boundaries should be changed.

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- Consider whether outdoor recreation should be allowed by condition instead of by special exception.
- Some PUD areas are outside the gates. Should they be treated the same way we treat the areas within the gates?
- Evaluate & identify appropriate PUD land uses & densities with attention to market trends & past rezoning requests.

Design Standards:

- Review the hierarchy of roads list to make sure that they are all in the correct category & analyze if this hierarchy is appropriate in regard to buffers & setbacks.
- Analyze if our lighting standards for commercial parking lots are high enough or whether we should require higher standards than those used.

Natural Resources:

- Consider constraining the areas designated for dune 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?
- **Legal Discussion:**
 - Consider turning over regulation of trees in common areas of PUDs to PUDs. Determine if this is appropriate for all PUDs (see PD-1 section below).

Non-conformities:

- **Legal Discussion:**
 - Research whether to allow the BZA to grant use variances. State allows for use variances; but not considered a good practice.
 - Consider allowing non-conformities through some sort of vesting or waiver process (allow uses to be ‘waived’ vs going through a rezoning).
 - 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?

PD-1:

- **Legal Discussion:**
 - 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-- specifically design standards & natural resources regulations (ex. Design of South Gate in Palmetto Dunes & forest management).

Revitalization & Reinvestment Priority Areas:

- ***Non-LMO Issues:***
 - Attract 1500 seat stand alone convention center
 - Encourage a center for performing arts for kids to learn (similar to golf & tennis facilities we have), 5 star hotels (probably within the PUDs). Need to find the ‘customer’ to build it.
 - Address certain impediments associated with the revitalization of the Mall at Shelter Cove and Coligny Plaza (currently being researched).
 - Additional community space may be needed to develop a true sense of community.
 - Advance Hilton Head Island as a leader in comparison to other municipalities.
 - Need to figure out a way to assist older buildings with redevelopment within confines of the FEMA floodplain requirements.
- ***Research:***
 - Research & develop financial incentives.
 - Identify areas that can & cannot support density.
 - Focus redevelopment on a small number of areas with attainable results in moderate timeframe (1-5 years ???)
 - Emphasize and encourage cultural, corporations, historical aspects to enhance economic development
 - Encourage private investment of new businesses with public infrastructure.

Administrative Waivers:

- Should we also have an administrative waiver for new construction 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 in the revised LMO.
- Need better public education on when people can use the waiver process.

Committee's Issue Statements & Objectives 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.*

Committee's 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.

Consultant Tasks

NONE Town staff currently working with consultant Terry Innis

Staff List

- 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

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- Executive Summary: Have a customer friendly explanation of how to use LMO & Building Codes
 - *Move authorizing of Comprehensive Plan out of Ch 1*
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- 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
- 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
- Need to prioritize staff decisions to balance all issues (ie trees v fire access roads). Strong project manager would alleviate this.

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.*

Committee's 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 non-conformities.

Consultant Tasks

- Reduce number of zoning districts & minimize non-conforming uses.
- Broaden number of land uses within zones to provide flexibility. Reduce number of uses permitted by special exception.
- New zones should adequately reflect the existing land uses & densities.
- Consider how any changes in land use will affect existing non-conformities or create new non-conformities.
- Define some zoning districts with their own design & performance standards; consider the Town's design guideline

Staff Tasks

- Consider the best way to regulate interval occupancy uses by examining other cities and their methods.
- Consider whether the COR boundaries should be changed.
- Consider whether outdoor recreation should be allowed by condition instead of by special exception.
- Some PUD areas are outside the gates. Should they be treated the same way we treat the areas within the gates?
- Evaluate & identify appropriate PUD land uses & densities with attention to market trends & past rezoning requests

3. Design Standards:

- A. *LMO was written for new development instead of redevelopment and on a parcel-by-parcel basis as opposed to the 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.*

Committee's LMO Revision Objectives

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

Consultant Tasks

- Create different design standards for certain areas that are more urban in nature -- like Coligny & other priority investment areas. Evaluate applicability of Form Based Code
- 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 having different buffer standards depending on the type of water body. Look at the purpose of the water body in making this decision (why was it created or why does it exist). Determine what needs to be filtered based on the type of receiving water body.
- Consider lessening wetland buffer restrictions on water bodies that were not originally regulated by the Town (manmade & storm water mgt system).
- Consider height restriction modifications to encourage new hotel construction.

Staff Tasks

- Review the hierarchy of roads list to make sure that they are all in the correct category & analyze if this hierarchy is appropriate in regard to buffers & setbacks.

- Analyze if our lighting standards for commercial parking lots are high enough or whether we should require higher standards than those used.

4. Natural Resources:

- A. *Wetlands regulations have grown more difficult to meet due to the COE identifying all 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. *Dunes protection requirements (of Town, State and Federal governments) are at times confusing.*
- E. *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.*
- F. *Regulations or interpretations beyond the statements in the LMO by Town Staff create complex and costly impediments to redevelopment.*

Committee's LMO Revision Objectives

Consultant Tasks

- Determine how to relax tree preservation in favor of requirements geared toward urban forest management. Consider moving from individual tree preservation/protection to a forest management approach.
- Allow for periodic removal of underbrush to keep unwanted vegetation out to avoid contributing to fires.
- Consider having different tree regulations on larger tracts vs smaller tracts

Staff Tasks

- Consider constraining the areas designated for dune 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?
- **Legal Discussion:**

- Consider turning over regulation of trees in common areas of PUDs to PUDs. Determine if this is appropriate for all PUDs (see PD-1 section below).

5. **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 create 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. *The 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.*

Committee’s 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.

Consultant Tasks

- 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.
- Relax ordinance as it relates to non-conformities 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.
- Determine if Priority Investment Areas should relax non-conforming provisions to enhance redevelopment and private investment.

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Staff Tasks

- Research whether to allow the BZA to grant use variances. State allows for use variances; but not considered a good practice.
- Consider allowing non-conformities through some sort of vesting or waiver process (allow uses to be ‘waived’ vs going through a rezoning).
- 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?

6. **Ward One issues:** *Some individual issues identified in the R/UDAT study and the Native Island Committee Response to the R/UDAT may be beyond scope of LMO Rewrite Committee, but others addressed by the LMO are:*
- A. *Density issues & heirs property.*
 - B. *Subdivision of property into greater than 5 lots and related infrastructure issue creates problems with who puts in the infrastructure (title issues & other legislative 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?*
 - 1. *Existing road standards are viewed as too rigorous for family-based development.*
 - C. *Setback requirements in Stoney and Chaplin limit the ability to develop on the small, narrow lots located there.*
 - D. *Need for public education & understanding as to why and what residents of Ward One have to do to develop their property.*
 - E. *Need flexibility to remove trees from the interior of active cemeteries.*
 - F. *Lack of sewers & other infrastructure (this might be outside scope of LMO & solved through other methods).*

Committee's LMO Revision Objectives

Consultant Tasks

- Explore development of reduced road requirements for family residential subdivision of heirs property.
- Explore applicability of “family compound” regulations to ease setback and buffer requirements.
- Consider use of restrictive covenants regarding long term acceptance of minimal road standards to alleviate installation cost being born by first property owner to build.

7. Council Directive -Address 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.*
- B. Lack of consistency in Master Plans in allowed uses and densities makes it difficult to understand the zoning and master plans.*
- C. Property Owners Associations desire the ability to manage Natural Resources in common 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 its density when developed.*
- E. Current LMO limits redevelopment of property to originally-built density even if the Master Plan defined larger density.*

[Do we have Committee LMO Revision Objectives?](#)

Consultant Tasks - These items are not related to the LMO, but could be researched by a consultant.

- Consider how much density existing PUDs should have in terms of the ‘use it or lose it ‘clause.
- 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.
- Does it make sense to eliminate the clause at least in terms of commercial development – fairness issue between the PUDs and areas outside of PUDsConsider having consistent broader regulations among all PUDs.

Staff Tasks

- **Legal Discussion:**
 - 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-- specifically design standards & natural resources regulations (ex. Design of South Gate in Palmetto Dunes & forest management).

8. Council Directive - Identify and prioritize revitalization and investment zones:

- A. *Ensure that the LMO enables specific development uses in key areas (including density, parking, etc).*
- B. *Develop area-specific plans (Design Standards or Neighborhood Master Plan) to address specific redevelopment zones.*

Committee LMO Revision Objectives

- Ensure that the LMO enables specific development uses in key areas (including density, parking, etc).
- Develop area specific plans (Neighborhood Master Plans) to address specific redevelopment zones.
- Focus redevelopment on a small number of areas with attainable results in moderate term (1-5 years ???).

Consultant Tasks

- Create more flexibility for redevelopment projects instead of using the redevelopment floating zone to create an easy process.
- Provide incentives for redevelopment in key areas:
 - More density
 - Relax zoning use restrictions
 - Design standard flexibility
 - Relax regulations on redevelopment
 - Identify other tools
 - brownfield development before greenfield development
 - for hotel/tourism development/redevelopment.
- Define language to create ‘economic development’ priority zone.
- 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 identify those areas where we want to transfer from and transfer to.

Staff Tasks

- *Non-LMO Issues:*
 - Attract 1500 seat stand alone convention center

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- Encourage a center for performing arts for kids to learn (similar to golf & tennis facilities we have), 5 star hotels (probably within the PUDs). Need to find the ‘customer’ to build it.
- Address certain impediments associated with the revitalization of the Mall at Shelter Cove and Coligny Plaza (currently being researched).
- Additional community space may be needed to develop a true sense of community.
- Advance Hilton Head Island as a leader in comparison to other municipalities.
- Need to figure out a way to assist older buildings with redevelopment within confines of the FEMA floodplain requirements.
- *Research:*
 - Research & develop financial incentives.
 - Identify areas that can & cannot support density.
 - Focus redevelopment on a small number of areas with attainable results in moderate timeframe (1-5 years ???)
 - Emphasize and encourage cultural, corporations, historical aspects to enhance economic development
 - Encourage private investment of new businesses with public infrastructure.

9. **Council Directive -Address administrative waivers:**

Non-conforming uses do not qualify for the existing waiver process, requiring exceptions to use the floating redevelopment zone process which is complex and time-consuming.

Committee LMO Revision Objectives

- Investigate the possibility of having use variances granted by the BZA.
- Extend the grandfathering of a non-conforming use beyond the current 12 months (via waiver process or other method).
- Need better public education on when people can use the waiver process.

Staff Tasks

- Should we also have an administrative waiver for new construction 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 in the revised LMO.
- Need better public education on when people can use the waiver process.

Directions to Consultant during Coordination with Staff

These items were placed in this category because they were either requests for changes to specific LMO sections, or general direction or statements to consider when completing their specified tasks in the RFQ. These can be discussed with the consultant.

Design Standards:

- Coordinate with Telecommunications Committee to seek their input on major roads where visitors spend time to ensure zoning districts allow cell towers.
- Make sure the LMO doesn't make it hard for cell towers to get approved.
- 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.
- Privacy fences in addition to required buffers are excessive.
- Eliminate the average buffer – it is hard to calculate.
- Complete streets-public and private realm—should work together.
- Edge conditions along roads should be important.
- 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.'
- Need buffers to hide/protect the mish-mash of architecture that already exists on the island.

Zoning:

- Apply philosophy of redevelopment zone island-wide without a ZMA process and provide flexibility.
- Should keep in mind need to allow hotels in certain zones to keep tourism.
- Maybe different parts of the island should be recognized in different ways like redevelopment areas.

Natural Resources:

- Eliminate requirement to report downed/dead trees.
- Consider fire prevention in new regulations.

Non-conformities:

- Draft language to emphasize what is allowed more than what is not allowed. Non-conformities represent an opportunity for the Town.
- Extend the grandfathering of a non-conforming use beyond the current 12 months (via waiver process?) or eliminating the rule.
- Have a broader interpretation of nonconforming uses.
- Make it clear that you can bring one non-conformity up to standards without bringing them all up to standards.

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- Substantial compliance of a non-conformity seems like it could be a deal killer – may need to reword this.
- Some non-conformities may be more important than others, maybe more flexibility should be given to these in terms of redevelopment.

Revitalization & Priority Investment Areas:

- Density & uses affect reinvestment & need flexibility in zoning districts.
- Encourage sustainable community concepts.
- Encourage certain things as opposed to restricting things.
- Encourage revitalization, redevelopment & reinvestment for the Island as a whole.
- Commercial (for new job creation & economic generators) should take higher priority than recreational.
- Find a combination of tools to allow for redevelopment.