



The Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
September 15, 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** – September 1, 2011 meeting
- 5. New Business**
 - A. Public Comment
 - B. Review final LMO Report – Jim Gant
 - C. Review draft RFQ – Teri Lewis
 - D. 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
September 1, 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, Irv Campbell, Chris Darnell, Jim Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio*; Charles Cousins, *Ex-Officio*

Committee Members Absent: None

Planning Commissioners Present: Loretta Warden

Town Council Members Present: Bill Ferguson

Town Staff Present: Jill Foster, Deputy Director of Community Development
Teri Lewis, LMO Official
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 August 25, 2011 meeting were approved as presented by general consent.

Before moving to New Business, Chairman Tom Crews stated that the Greater Island Council held their monthly meeting this morning, and Ms. Jill Foster was the featured speaker. Ms. Foster's presentation on the Town's new permitting process was very well received by the public.

Vice Chairman Gail Quick agreed with Chairman Crews and stated that the most exciting part of the meeting was the fact that several of the Town's most vocal critics stood up and praised the staff, not only for their presentation, but for what they personally have experienced interacting with the Town since the new process began. These individuals reported how much they appreciate the many improvements that have been made by the Town including the streamlined process and the helpful attitude of staff. Vice Chairman Quick stated that these testimonies had a big impact on the audience. The physical display of the permitting process

(across the stage showing where the process had been to where it is today) was also very well received. For the record, Vice Chairman Quick also recognized Mr. Terry Ennis for his many valuable contributions and countless volunteer hours working with staff to help make the new process a success. Vice Chairman Quick recommended that the new information be published for public review. The Town should consider having a Public Information Officer who is responsible for keeping the public informed in a pro-active and positive way. The Town's many accomplishments should be communicated effectively to the public. The LMO Rewrite Committee thanked Vice Chairman Quick for her statements.

5) **NEW BUSINESS**

Public Comment:

Chairman Crews then requested public comments from the audience and none were received.

Chairman Crews stated that the next business item is the committee's review and discussion of the revised Objectives and the tasks earmarked for a consultant and the staff for the four remaining issues: (1) Nonconformities; (2) Ward One Issues; (3) PD-1s; and (4) Revitalization and investment areas. Chairman Crews requested that Mr. Jim Gant begin his presentation (*on the attached LMO Report*).

Nonconformities:

Background: The three types of nonconformities (use, density, and site features) are confusing. These regulations limit the ability for redevelopment in that they require conformance to the extent possible: (1) the number of zone types, specific uses and development history create many nonconformities; (2) nonconforming uses do not qualify for the existing waiver process, requiring exceptions to use the floating redevelopment zone process which is complex; (3) commercial owners need the assurance that in the event of a single-building disaster, they will be allowed to rebuild the 'as is' building in the same manner they would if the building was destroyed in a major disaster; (4) the 12-month abandonment rule appears to be too short; (5) design criteria in certain areas were established for a more suburban feel and make the sites nonconforming, when they probably should be drafted for a more urban setting.

Mr. Gant and the committee reviewed their List of LMO Revision Objectives for nonconformities: (1) create an environment that enables improvement of existing non-conforming properties; (2) 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; (3) improve communication on what property owners can do to improve nonconforming site features; (4) provide education to improve communication with property owners.

The committee then reviewed their list of Tasks for a Consultant: (1) 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); (2) identify possible incentive approaches to encourage nonconforming sites/structures/features; (3) review the ordinance as it relates to nonconformities in an effort to encourage redevelopment (examples: allow for flexibility in buffers & allow for flexibility in parking design standards); (4) identify ways to reduce the number of nonconformities; (5) determine if Priority Investment Areas should have different non-conforming provisions to enhance redevelopment and private investment.

Mr. Gant and the committee then reviewed the list of Staff Tasks: (1) research whether to allow the Board of Zoning Appeals (BZA) to grant use variances. The State allows for use variances, but it isn't considered a good practice; (2) consider allowing nonconformities through some sort of vesting or waiver process (allow uses to be 'waived' versus going through a rezoning; (3) research if we have the ability to produce a letter guaranteeing a grandfathering of nonconformities (site, building, use).

As part of their discussion, the committee recommended removing and replacing the word "relax" throughout the document due to possible misunderstanding by the public. The committee will consider other wording. The committee discussed Transfer of Development Rights (TDR) as well as the RFQ (Request for Qualifications) with the staff. Ms. Lewis stated that staff is preparing a draft RFQ which will be presented to the committee in advance of the September 15th meeting. Following final comments, Mr. Gant and the committee moved to Ward One issues.

Ward One Issues:

Background: Some individual issues identified in the R/UDAT study and the Native Island Committee Response to the R/UDAT may be beyond the scope of the LMO Rewrite Committee.

The following issues are addressed by the LMO: (1) subdivision of property into five lots or fewer and related infrastructure issues 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; (2) existing road standards are viewed as too rigorous for family-based development; (3) setback requirements in Stoney and Chaplin limit the ability to develop on the small, narrow lots located there; (4) need for public education and understanding as to why and what residents of Ward One have to do to develop their property; (5) need flexibility to remove trees from the interior of active cemeteries; (6) lack of sewers and other infrastructure might be outside scope of LMO and solved through other methods.

Mr. Gant and the committee reviewed their list of LMO Revision Objectives for Ward One: (1) improve and simplify process for subdivision of family and heirs property for estate planning purposes and family-based development (residential only); (2) identify ways to educate people about the challenges facing development in Ward One; (3) Consider if there should be a different definition for development as it pertains to the subdivision of heirs or family property for residential purposes.

Mr. Gant and the committee reviewed the Consultant Tasks: (1) explore development of reduced residential road requirements for family subdivision and heirs property; (2) explore applicability of "family compound" regulations to ease setback and buffer requirements; (3) consider use of restrictive covenants regarding long term acceptance of minimal road standards to alleviate installation cost being borne by first property owner to build; (4) investigate if there are State and Federal regulations impacting heirs' property.

The committee discussed the requirements for infrastructure in developing fewer than five lots. The committee also discussed the need to fine tune some of the wording in this section.

Chester C. Williams, Esq., spoke regarding the Town's requirements for developing five or fewer lots. Following final comments by the committee, Mr. Gant moved to the next issue.

Council Directive - Address PD-1's:

Background: (1) Lack of consistency in Master Plans in allowed uses and densities makes it difficult to understand the zoning and master plans; (2) Property Owners Associations desire the ability to manage Natural Resources in common areas as they do in their larger communities; (3) the "use it or lose it clause" is applied to individual lots within Planned Unit Developments (PUDs) in addition to the large tracts of land that 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; (4) current LMO limits redevelopment of property to originally-built density even if the Master Plan defined larger density.

Mr. Gant and the committee reviewed their list of LMO Revision Objectives for PD-1s: (1) standardize nomenclature and explore increased flexibility in use designations within Master Plans; (2) create flexibility for redevelopment in Planned Unit Developments by reviewing "use it or lose it" clause and other restrictions.

Mr. Gant and the committee then reviewed the Consultant Tasks. These items are not related to the LMO, but could be researched by a consultant: (1) determine if the existence of the "use it or lose it" clause is a negative to redevelopment on the island; (2) consider how much density existing PUDs should have in terms of the 'use it or lose it' clause; (3) 'use it or lose it' issue deals with small lots within PUDs that 'lost' its unused density. The intent of the '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; (4) 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; (5) explore options to incent redevelopment of major hotels (all are located in PUD's), including increased density; (6) consider having consistent broader regulations among all PUDs; (7) develop standardized nomenclature and expanded use designations within master plans; (8) explore how to have a successful TDR program in PUDs despite the 'use it or lose it clause'.

Next, Mr. Gant and the committee reviewed the Staff Tasks: *Legal Discussion* (1) consider if PUDs can handle internal land use issues without going through the master plan amendment (rezoning) process; (2) 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.

As part of the discussion, Chester C. Williams, Esq., spoke regarding the amendment of the master plan, zoning and re-zoning. The committee discussed the use of master plans and the 'use it or lose it' clause. The committee reviewed the directives received from Town Council (specifically, items # 1 & 2). The committee also discussed the transfer of densities within a PUD.

Chairman Crews and Ms. Jill Foster discussed (the Town's) seeking permission from some State Agencies to take over some regulatory functions at the Town level. Ms. Foster stated

that staff is currently working on this issue. Following final comments, Mr. Gant move to the next issue, Identify and prioritize revitalization and investment zones:

Revitalization and Investment areas:

Background: Town Council directive - Identify and prioritize revitalization and investment zones: (1) ensure that the LMO enables specific development uses in key areas (including density, parking, etc); (2) develop area-specific plans (Design Standards or Neighborhood Master Plan) to address specific redevelopment zones.

Mr. Gant and the committee discussed their list of LMO Revision Objectives: (1) ensure that the LMO enables specific development uses in key areas (including density, parking, etc); (2) propose the following key re-development/revitalization areas based on their opportunity to leverage additional redevelopment and overall impact to the community – (a) i.e. Bridge to the Beach and Coligny area (existing Tax Incremental Financing district); (b) Shelter Cove and Shelter Cove Mall area including Chaplin (existing Tax Incremental Financing district); (c) Mitchelville historical area, Mathews/Highway 278 intersection including Pineland Mall and Northridge areas; (d) Island entrance (including Stoney).

Mr. Gant and the committee then reviewed the Consultant Tasks: (1) create more flexibility for redevelopment projects instead of using the redevelopment floating zone to create an easy process; (2) identify incentives for redevelopment in key areas: (a) more density; (b) shift the focus of zoning use restrictions; (c) design standard flexibility; (d) shift the focus of regulations on redevelopment; (e) identify other tools; (f) brownfield development before greenfield development; (6) for hotel/tourism development/redevelopment; (3) define language to create ‘economic development’ priority zone; (4) consider using Transfer of Development Rights (TDR) 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; (9) ensure that any proposed zoning changes help not hinder redevelopment efforts in the five identified areas.

Mr. Gant and the committee then reviewed the list of Staff Tasks: (1) Non-LMO Issues - Attract a 1500 seat stand along convention center; (2) encourage a center for performing arts for children to learn; (3) five-star hotels (most likely within the PUDs); (3) Address certain impediments associated with the revitalization of the Mall at Shelter Cove and Coligny Plaza; (4) additional community space may be needed to develop a true sense of community; (5) advance Hilton Head Island as a leader in comparison to other municipalities; (6) need to figure out a way to assist older buildings with redevelopment within confines of the FEMA floodplain requirements. *Research:* (1) research and develop financial incentives; (2) identify areas that can and cannot support density (a) focus redevelopment on a small number of areas with attainable results in moderate timeframe; (b) emphasize and encourage cultural, corporations, historical aspects to enhance economic development; and (c) encourage private investment of new businesses with public infrastructure.

The committee discussed their views on revitalization and investment areas. Some larger investment areas and some smaller investment areas were discussed at length. The committee stated that some hotels are looking for ways to renovate right now. Needed flexibility in height and density could assist them to redevelop quickly. The committee discussed the hierarchy of things to identify. How is the choice made? The committee may develop a tier of

possibilities for the consultant. Some of these possibilities will take time - others are very quick. Area hotels are looking for incentives right now. The committee discussed the issue of raising densities in PUDs. Who makes that choice? The committee discussed a more limited approach as well as the restricted budget and restricted resources.

The committee discussed the role of the consultant at length. The consultant will work closely with the staff and the LMO Rewrite Committee throughout the process. The committee reviewed their upcoming meeting schedule. Ms. Lewis stated that Mr. Todd Ballantine will speak to the committee on September 22nd.

Chairman Crews presented brief comments regarding the recent Clemson Study. The committee stated that they would review their final report.

Following final comments by Chairman Crews, the meeting was adjourned at 2:35pm.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

LMO Rewrite Committee

The LMO Rewrite Committee was created by the Hilton Head Town Council was created on March 1, 2010 with the following charge:

- To simplify the Town's land development regulations and reorganize it into a format that is more user friendly and easier to understand and apply
- Encourage reinvestment to revitalize existing development and encourage investment in new development consistent with the Town's core values

The Council further identified the following directives to the committee:

- 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

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- 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

Committee Process.

The Rewrite Committee has followed a structured process to understand the issues and define objectives for the new LMO. As of this date the steps have included:

- Education Phase – staff presentations Complete
 - Current LMO
 - Process reengineering – Terry Innis

- Issue identification phase Complete
 - Community input
 - Gated communities
 - Ward 1
 - Developers

- High level solution requirement phase In Process

- Expert Input TBD
 - Sustainable Development Theresa Wade Aug 18
 - Form based development Stefan Pellegrini Aug 18
 - Water Quality and wetlands Todd Ballantine Sept 22

- Engage Consultant TBD
 - Input on best practices
 - Assistance in drafting new LMO

LMO Rewrite Committee

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Summary of Staff Tasks

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Additional Information

1. Directions to Consultant During Coordination with Staff

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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

- Review the work done by staff and Terry Ennis to ensure that all necessary changes have been appropriately captured.

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 by allowing staff to review and approve minor exterior changes.
- 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

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- 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 notice of action is 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 will alleviate this.

COMMENT: The process re-engineering work completed to date is excellent and has been well received by those in the community who have seen it, and/or used the new processes

- 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 (take a 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.
 - Define zoning requirements for specific focused redevelopment areas
 - Bridge to Beach, including Coligny Walking District through to Marriott Grand Ocean
 - Shelter Cove including Shelter Cove Mall
- Be sensitive to impacts of a proposed rezoning approach – minimize resulting non-conformities.

Consultant Tasks

- Reduce number of zoning districts & minimize non-conforming uses.
 - New zones should adequately reflect the existing land use and densities
- Broaden number of land uses within zones to provide flexibility. Reduce number of uses permitted by special exception.
- Allow the creation of additional redevelopment areas through a simplified approach (i.e. rezoning not required)
- Consider the best way to regulate interval occupancy uses by examining other cities and their methods.
- 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.

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Staff Tasks

- Consider whether the Design Review Board jurisdictional boundaries should be changed.
- Consider whether outdoor recreation should be allowed by condition instead of by special exception.
- Some Planned Unit Development (PUD) areas are outside the gates. Should they be treated the same way the areas within the gates are treated?
- 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'(undeveloped land) and a 'brownfield'(previously developed site) when it should probably consider different standards.*
- B. *Design standards (buffers, heights, parking, setbacks, streets, storm water, signage, lighting) 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

- Craft and implement specific design standards for priority areas.
- LMO should be written in a way that encourages sustainable, innovative and smart growth techniques.
- Define a balance for competing interests using a logical, common sense approach.
- Develop standards that would apply to the edge conditions.
- Provide greater public access to the waterways where appropriate and provide enhanced view corridors to the water from roadways while still improving water quality.
- Consider allowing storm water capture in the buffers. (Does this meet intent of a buffer?)

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.
- Evaluate the use of different buffer standards depending on the type of water body and land use. 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.

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.
- Review lighting standards and recommend how to bring properties up to the level of existing standards (perhaps by requiring removal of non-conforming lighting)

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4. **Natural Resources:**

- A. *Wetlands regulations have grown more difficult to meet due to the Army Corps Of Engineers 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

- Improve water quality using creative and flexible regulations.
- Define wetland buffer strategy that protects critical wetlands while allowing flexibility around certain water bodies like golf course ponds
- Shift focus from individual tree protection to overall forest management.
- Provide public access to creeks and beaches while still protecting the natural resources.
- Retain native vegetation – creates the sub-tropical character of the island.
- Identify forest preservation areas.

Consultant Tasks

- Determine how to shift the focus of 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.
- Evaluate the use of different buffer standards depending on the type of water body and land use. 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. (this line item also listed in Design Standards)
- Consider having different tree regulations on larger tracts vs smaller tracts

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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 through the development of a qualification and monitoring process (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 an 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.
- Identify possible incentive approaches to encourage non-conforming sites/structures/ features
- Review 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
- Identify ways to reduce the number of nonconformities.
- Determine if Priority Investment Areas should have different non-conforming provisions to enhance redevelopment and private investment.

9/12/2011

Staff Tasks

- Research whether to allow the Board of Zoning Appeals (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. *Subdivision of property into 5 lots or fewer 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?*
 - B. *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.*
 - a. *Lack of sewers & other infrastructure (this might be outside scope of LMO & solved through other methods).*

Committee's LMO Revision Objectives

- Improve/simplify process for subdivision of family and heirs property for estate planning purposes and family based development (residential only)
- Identify ways to educate people about the challenges facing development in Ward One.
- Consider if there should be a different definition for development as it pertains to the subdivision of heirs or family property for residential purposes.

Consultant Tasks

- Explore development of reduced residential road requirements for family subdivision and 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 borne by first property owner to build.
- Investigate if there are State and Federal regulations impacting heirs property

7. Council Directive -Address PD-1's:

- A. Lack of consistency in Master Plans in allowed uses and densities makes it difficult to understand the zoning and master plans.*
- B. Property Owners Associations desire the ability to manage Natural Resources in common areas as they do in their larger communities.*
- C. 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.*
- D. Current LMO limits redevelopment of property to originally-built density even if the Master Plan defined larger density.*

Committee LMO Revision Objectives

- Standardize nomenclature and explore increased flexibility in use designations within Master Plans
- Create flexibility for redevelopment in Planned Unit Developments by reviewing “use it or lose it” clause and other restrictions

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

- Determine if existence of “use it or lose it” clause is a negative to redevelopment on HHI
- 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 PUDs
- Explore options to incent redevelopment of major hotels (all are located in PUD’s), including increased density
- Consider having consistent broader regulations among all PUDs.
- Develop standardized nomenclature and expanded use designations within master plans.
- Explore how to have a successful TDR program in PUDs despite the use it or lose it clause

Staff Tasks

- **Legal Discussion:**
 - Consider if PUDs can handle internal land use issues without going through the master plan amendment (rezoning) process.
 - 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).
- Propose the following key re-development/revitalization areas based on their opportunity to leverage additional redevelopment and overall impact to the community.
 - Bridge to Beach and Coligny area (existing Tax Incremental Financing district)
 - Shelter Cove and Shelter Cove Mall area including Chaplin (existing Tax Incremental Financing district)
 - Mitchelville historical area
 - Mathews/Highwayway 278 intersection including Pineland Mall and Northridge areas
 - Island entrance including Stoney

Consultant Tasks

- Create more flexibility for redevelopment projects instead of using the redevelopment floating zone to create an easy process.
- Identify incentives for redevelopment in key areas:
 - More density
 - Shift the focus of zoning use restrictions
 - Design standard flexibility
 - Shift the focus of 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 (Transfer of Development Rights) 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.
- Ensure that any proposed zoning changes help not hinder redevelopment efforts in the five identified areas.

Staff Tasks

- *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

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. [Note: the need for this may go away if most nonconforming uses become conforming as a result of broader land use categories and zoning districts.]
- 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.
- ***Legal Discussion:***
 - Provide a pro and con discussion on allowing use variances to be granted by the BZA

Summary of Consultant 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).

LMO Structure and Process

- Review the work done by staff and Terry Ennis to ensure that all necessary changes have been appropriately captured.

Zoning Districts

- Reduce number of zoning districts & minimize non-conforming uses.
 - New zones should adequately reflect the existing land use and densities
- Broaden number of land uses within zones to provide flexibility. Reduce number of uses permitted by special exception.
- Allow the creation of additional redevelopment areas through a simplified approach (i.e. rezoning not required)
- Consider the best way to regulate interval occupancy uses by examining other cities and their methods.
- 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.
- Evaluate the use of different buffer standards depending on the type of water body and land use. 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.

Natural Resources

- Determine how to shift the focus of 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.
- Evaluate the use of different buffer standards depending on the type of water body and land use. 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. (this line item also listed in Design Standards)
- 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.
- Identify possible incentive approaches to encourage non-conforming sites/structures/ features
- Review 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
- Identify ways to reduce the number of nonconformities.
- Determine if Priority Investment Areas should have different non-conforming provisions to enhance redevelopment and private investment.

Ward One Issues

- Explore development of reduced residential road requirements for family subdivision and 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 borne by first property owner to build.
- Investigate if there are State and Federal regulations impacting heirs property

Council Directive - Address PD 1's

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

- Determine if existence of “use it or lose it” clause is a negative to redevelopment on HHI
- 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 PUDs
- Explore options to incent redevelopment of major hotels (all are located in PUD’s), including increased density
- Consider having consistent broader regulations among all PUDs.
- Develop standardized nomenclature and expanded use designations within master plans.
- Explore how to have a successful TDR program in PUDs despite the use it or lose it clause

Council Directive – Identify and prioritize revitalization and investment areas

- Create more flexibility for redevelopment projects instead of using the redevelopment floating zone to create an easy process.
- Identify incentives for redevelopment in key areas:
 - More density
 - Shift the focus of zoning use restrictions
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- Ensure that any proposed zoning changes help not hinder redevelopment efforts in the five identified areas.

Staff List for LMO Rewrite Committee

LMO Structure and Process

- . 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 by allowing staff to review and approve minor exterior changes.
- 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 notice of action is 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 will alleviate this.

Zoning Districts

- Consider whether the Design Review Board jurisdictional boundaries should be changed.
- Consider whether outdoor recreation should be allowed by condition instead of by special exception.
- Some Planned Unit Development (PUD) areas are outside the gates. Should they be treated the same way the areas within the gates are treated?
- 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.
- Review lighting standards and recommend how to bring properties up to the level of existing standards (perhaps by requiring removal of non-conforming lighting)

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 through the development of a qualification and monitoring process (see PD-1 section below).

Non Conformities

- Research whether to allow the Board of Zoning Appeals (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?

Council Directive - Address PD 1’s

- ***Legal Discussion:***
 - Consider if PUDs can handle internal land use issues without going through the master plan amendment (rezoning) process.
 - 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).

Council Directive – Identify and prioritize revitalization and investment 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.

9/12/2011

- *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
 - Emphasize and encourage cultural, corporations, historical aspects to enhance economic development
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Address 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.
- *Legal Discussion:*
 - Provide a pro and con discussion on allowing use variances to be granted by the BZA

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.
- 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.
- 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.
-

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.
- New zones should adequately reflect the existing land uses & densities.

Natural Resources:

- Eliminate requirement to report downed/dead trees.

9/12/2011

- 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.
- 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.

**TOWN OF HILTON HEAD ISLAND
REQUEST FOR QUALIFICATIONS (RFQ 2011-XXX)
LAND MANAGEMENT ORDINANCE (LMO) REWRITE PROJECT**

The Town of Hilton Head Island is soliciting responses from qualified consultants for multiple professional planning services, resulting in the development of a new Land Management Ordinance (LMO) for the Town that addresses sustainable development ideals and a hybrid of smart growth land development principles. New documents should identify and propose innovative techniques for the management of land use and environmental concerns (i.e. stormwater runoff, water quality, tree preservation) affecting the coastal zone and address other planning elements identified in the 2010 Comprehensive Plan and appendices, the Town Council's Guiding Principles and Goals. The provided services are envisioned to develop a set of new documents that will supplant the existing LMO and become the organizing framework for redevelopment in the Town while supporting new development throughout the Town as well. Revised codes would consider a variety of land use planning techniques and include a focus on those methods that specifically achieve the items outlined above.

Responses shall be hand carried or delivered by traceable means (i.e. Federal Express etc.) to Teri Lewis, LMO Official, at The Town of Hilton Head Island Town Hall, One Town Center Court, Hilton Head Island, SC 29928-2701. Proposals are due not later than 2:00 pm on October 28, 2011. Please submit five copies of the submittal, all clearly marked on the outside of the sealed envelopes with the following label: **Land Management Ordinance (LMO) Rewrite Project**. For questions about this RFQ 2011-XXX, contact Teri Lewis at One Town Center Court, Hilton Head Island, SC 29928 (843-341-4698) or teril@hiltonheadislandsc.gov.

The Town will entertain questions concerning this RFQ until October 19, 2011.

PROJECT OVERVIEW:

The Town of Hilton Head Island was officially incorporated in 1983 and a Land Management Ordinance (LMO) adopted in 1987. At that time the goal was to slow development in this quickly developing municipality. The LMO was rewritten in 1998 generally to come into compliance with the State enabling legislation; since that time the LMO has been amended over 80 times in response to requests from citizens and Town Council.

In response to their 2011 goal of rewriting the LMO to foster greater flexibility, simplicity and revitalization, Town Council created an LMO Rewrite Committee in March 2011. This committee, which serves as a subcommittee of the Planning Commission, was created because Town Council recognized a need to rewrite the LMO to reflect the needs and expectations of its residents, business community and visitors so that the island remains a viable and attractive place to live, work and visit. Charges given to this committee include rewriting the LMO to simplify the Town's land development regulations and reorganize them into a format that is user friendly and easier to understand and apply than the current LMO. The code should also encourage reinvestment to revitalize existing development and encourage investment in new development consistent with the Town's guiding principles and goals. The Committee, working within seven directives provided by the council, has developed nine issue statements and associated objectives and tasks to assist the consultant team in their approach.

SCOPE OF SERVICES:

The Scope of Services to be provided by the Consultant shall include, but not be limited to, the elements defined in this RFQ. The Town expects ordinances and other products that are tailored to meet the specific and unique conditions of the Town of Hilton Head Island. Qualifications should feature a Consultant team with specific experience in the development of codes, land use laws, ordinances and procedures that promote smart growth, innovative techniques and sustainability and direct new development toward infill and redevelopment while also improving certainty, flexibility and predictability in the development process.

The Consultant must become familiar with the Town of Hilton Head Island's 2010 Comprehensive Plan and appendices, the existing LMO, the South Carolina Comprehensive Planning Guide, the Mayor's Task Force for the Future final report, Town Council directives relative to the LMO Rewrite, the nine issue statements and associated objectives developed by the LMO Rewrite Committee and other technical documents. Additionally, the Consultant team should become aware of the current planning process to include permitting and development review. The Consultant team should be interdisciplinary in nature and show demonstrated experience in crafting land development regulations that address urban design, environmental preservation and economic development as well as innovative zoning and land use management strategies.

Key staff will serve as a liaison between the consultant and the LMO Rewrite Committee. Staff will provide necessary background information and will assist on other assigned research tasks as designated by the committee as well. A list of staff tasks will be provided to the consultant upon selection. The consultant is expected to oversee the work of staff on these tasks.

The consultant is expected to use the objectives below as a basis for rewriting the LMO:

a. 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.
- Allow the creation of additional reinvestment areas through a simplified approach (i.e. rezoning not required).
- Consider the best way to regulate interval occupancy uses by examining other cities and their methods.
- 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.

b. 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
- Evaluate the use of different buffer standards depending on the type of water body and land use. 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.

c. Natural Resources:

- Determine how to shift the focus of 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.
 - Evaluate the use of different buffer standards depending on the type of water body and land use. 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 having different tree regulations on larger tracts vs smaller tracts.
- d. 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.
 - Identify possible incentives to encourage redevelopment of nonconforming sites/structures/features.
 - Review the 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
 - Identify ways to reduce the number of nonconformities.
 - Determine if Priority Investment Areas should have different non-conforming provisions to enhance redevelopment and private investment.
- e. Ward One:**
- Explore development of reduced residential road requirements for family subdivisions and 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 borne by the first property owner to build.
 - Investigate if there are State and Federal regulations impacting heirs property.
- f. PD-1s**
- Determine if existence of “use it or lose it” clause is a negative to redevelopment on HHI
 - 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 PUDs
 - Explore options to incent redevelopment of major hotels (all are located in PUD’s), including increased density
 - Consider having consistent broader regulations among all PUDs.
 - Develop standardized nomenclature and expanded use designations within master plans.
 - Explore how to have a successful TDR program in PUDs despite the use it or lose it clause
- g. Reinvestment Areas & Revitalization Areas:**

- Create more flexibility for redevelopment projects instead of using the redevelopment floating zone to create an easy process.
- Identify incentives for redevelopment in key areas:
 - More density
 - Shift the focus of zoning use restrictions
 - Relax zoning use restrictions
 - Design standard flexibility
 - Shift the focus of 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 (Transfer of Development Rights) 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.
- Ensure that any proposed zoning changes facilitate rather than hinder redevelopment efforts in the 5 identified areas

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PROPOSED GENERAL PROJECT TASKS:

TASK (1): Attend meetings with the LMO Rewrite Committee and key staff to discuss code additions, modifications and alterations.

TASK (2): Work with the LMO Rewrite Committee to develop a process to engage community members and other stakeholders in the process.

TASK (3): Review the improvements to the commercial permitting process that were recently developed by staff to ensure that all necessary changes have been appropriately captured and that there will be no conflicts between these process improvements and changes to the LMO.

TASK (4): Develop ideas and options for incorporating innovative environmental preservation and management techniques into the LMO.

TASK (5): Develop ideas and options for innovative techniques that encourage redevelopment and integrate them into the LMO.

TASK (6): Review the staff developed 'Procedures' Manual to determine if the necessary procedural information has been appropriately captured and that there will be no conflicts between this Procedure Manual and changes to the LMO.

TASK (7): Make presentations to the LMO Rewrite Committee regarding suggested code additions, modifications and alterations.

TASK (8): Make periodic presentations to the Planning Commission and Town Council regarding the status of the project.

TASK (9): Rewrite the LMO to reflect the goals of the 2010 Comprehensive Plan and Appendices, the Town Council directives set out in Resolution 2011-07 and the issue statements and associated objectives developed by the LMO Rewrite Committee. The new LMO should include a new zoning map for the Town of Hilton Head Island.

TASK (10): Provide support (to include making presentations to boards/commissions/council) through the adoption and public education process.

DELIVERABLES:

Drafts and presentation materials will be provided for public hearings and other public meetings as necessary.

All project materials will be provided in both electronic and hard copy format.

All mapping data must be provided in a compatible format.

Electronic format must be editable (no pdf or image files) and searchable, have navigation capabilities and be user friendly.

Upon satisfactory completion, all deliverables will become the property of the Town of Hilton Head Island.

Expected Deliverables include:

1. New LMO
2. New Zoning Map for the Town of Hilton Head Island
3. A plan for implementing the new LMO and generating public support and understanding of the changes

The selected consultant team will attend meetings with Town staff and the LMO Rewrite Committee as necessary throughout the process to report project status, review field data and make field investigations.

MINIMUM REQUIREMENTS FOR RESPONSES:

Responses must address and meet the following minimum requirements. Responses not meeting these requirements and general format shall not be considered responsive to this RFQ and shall not be considered for award.

General project approach, application of resources and company background/ experience:

Provide a proposed draft work plan for accomplishing each task reflected above. The work plan should clearly reflect the consultant's understanding of the tasks and provide both details and insight as to the methodology and resources that will be allocated to complete all tasks and provide all deliverables in a timely and cost efficient manner. The schedule should reflect a project timeline of not more than six (6) months from the date of notice to proceed deliver a draft LMO to the LMO Rewrite Committee.

Provide a detailed organizational chart identifying the proposed project team composition to include any sub consultants. Provide a detailed resume for each individual reflected on this chart. Clearly define the role and responsibilities of each person. Include in this information their education, professional certifications/registration and years of service with your company.

Provide at least three similar projects completed successfully (include client references – name and phone number). The personnel assigned to this project should have been involved in at least one of the projects referenced as similar.

Provide the present and anticipated workload of the project team during the time period of January 2012 – June 2012. (Please show in tabular format with each team member's anticipated obligations depicted over the life of the project). Provide a description of available backup personnel, resources and their location.

Provide the name of any firm(s) that will be providing sub-consulting services to your firm. Also include the services they will provide, their office location, and a contact name and phone number.

List of litigation history of the firm for the past 5 years.

Additional information you feel may be relevant.

Evaluation Factors:

All proposals shall be reviewed and evaluated by a selection committee comprised of Town Staff and representatives from the LMO Rewrite Committee. The highest qualified firms, using the evaluation factors reflected below, shall be required to provide an oral presentation of their qualifications to the selection committee.

Demonstrated understanding of the project tasks as reflected by your proposed work plan and the qualifications/abilities/experience of personnel assigned. 45 Points

Nature/Comparability/Quality of previously completed projects of similar scope. (Town projects can be referenced). Demonstrated success on projects of similar scope and size. 30 Points

Current workload and available resources. 15 Points

Local knowledge: 10 Points

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AWARD OF A CONTRACT:

Following the conduct of the oral interviews a final ranking of those firms interviewed will be determined. The selection committee will seek the authorization of the Town Manager to enter into negotiations with the highest ranked firm. The Town will attempt to negotiate a final scope of work and fee for performing the tasks required for this project with the highest ranked firm. Should the Town fail to reach satisfactory terms and conditions for a contract with the highest ranked firm, the Town will enter into negotiations with the next most qualified firm.

The contract that will be used for this project will be the Town's standard contract for services and supplies (see exhibit A) and comply with applicable laws and standard provisions and in general contain the following terms:

- Detailed scope of services;
- Schedule for providing services;
- Fee schedule itemized by tasks;
- Not-to-exceed contract amount.

GOVERNING LAW

The firm must comply with the laws of the State of South Carolina and the ordinances of the Town of Hilton Head Island, a municipal corporation organized and existing under the laws of the State of South Carolina.

AFFIRMATIVE ACTION

The firm shall take affirmative action in complying with all state and federal requirements concerning fair employment, and the treatment of all employees, without regard to, or discrimination by reason of race, color, religion, sex, national origin, or physical handicap.

INSURANCE

The firm shall maintain, throughout the performance of its obligations, a policy of Worker's Compensation insurance with such limits as may be required by law. It shall also maintain a policy or policies of general liability insurance insuring against liability for injury and death of persons, and damage and destruction of property. Such general liability insurance shall have limits as required by Town, county, state and federal standards.

BUSINESS LICENSE

Any Consultant regularly doing business in the Town is required to possess a current Town of Hilton Head Island Business License. For those consultants not located on Hilton Head Island and not regularly doing business in the Town a special business license will be issued.

INDEMNIFICATION

The Town, its directors, agents, and employees shall be held harmless from liability from any claims, damages, and actions of any nature arising from the completion of the project, provided that such liability is not attributable to negligence of the part of the town.

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