



**The Town of Hilton Head Island
Planning and Development Standards Committee
Regular Meeting
Wednesday, May 25, 2011 4:00p.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 Minutes - Regular Meeting April 27, 2011

4. New Business

LMO Amendments - The Town of Hilton Head Island is proposing to amend Chapter 4 of the Land Management Ordinance (LMO) to revise the following sections: **Section 16-4-1204**: This will allow outdoor recreation uses to be permitted in the Water Front Mixed Use (WMU) Zoning District. **Section 16-4-13XX**: This new section will create the specific use standards for Outdoor Recreation uses.

Presented by: Anne Cyran

5. Committee Business

6. Adjournment

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

1 THE TOWN OF HILTON HEAD ISLAND
2 Planning and Development Standards Committee
3 Minutes of Wednesday, April 27, 2011 Meeting
4 4:00pm – Benjamin M. Racusin Council Chambers

DRAFT

5
6
7 Committee Members Present: Chairman Ken Heitzke, Bill Harkins and Kim Likins

8
9 Committee Members Absent: None

10
11 Council Members Present: Councilman George Williams

12
13 Town Staff Present: Nicole Dixon, Senior Planner
14 Heather Colin, Development Review Administrator
15 Trudie Johnson, Floodplain Administrator
16 Kathleen Carlin, Administrative Assistant

17
181) **CALL TO ORDER**

19 Chairman Heitzke called the meeting to order at 4:00p.m.

20
212) **FREEDOM OF INFORMATION ACT COMPLIANCE**

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

24
253) **APPROVAL OF MINUTES**

26 Mr. Harkins made a **motion** to **approve** the minutes of the March 23, 2011 meeting as presented. Mrs.
27 Likins **seconded** the motion and the motion **passed** with a vote of 2-0-1. Chairman Heitzke abstained
28 from the vote due to his absence from the meeting.

29
304) **UNFINISHED BUSINESS**

31 None

32
335) **NEW BUSINESS**

34 **ZMA100007:** The Town of Hilton Head Island has received a request from Ernest Marchetti, on behalf
35 of Karen Watson, proposing to amend the Official Zoning Map by changing the zoning designation of
36 two properties located at #2 and #4 Marina Side Drive from the OL (Office Institutional Low Density)
37 Zoning District to the CC (Commercial Center) Zoning District. The properties are further identified on
38 Beaufort County Tax Map 11, Parcels 161 and 166.

39
40 Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the committee
41 forward Application for Zoning Map Amendment ZMA100007 for the proposed rezoning to Town
42 Council with a recommendation for *denial*.

43
44 The purpose of this application is to amend the Official Zoning Map by changing the zoning designation
45 of two properties located at # 2 and # 4 Marina Side Drive from the OL (Office Institutional Low
46 Density) Zoning District to the CC (Commercial Center) Zoning District. There is a Verizon Wireless

1 business on one of the lots proposed to be rezoned. The other lot proposed to be rezoned is currently
2 undeveloped.

3
4 The Town received this request from the property owner to rezone the two parcels from OL to CC, in
5 order to have more uses available to develop the property. The staff examined this request and
6 determined that the application is inconsistent with the Comprehensive Plan and the Land Management
7 Ordinance.

8
9 The applicant states in the narrative that the proposed application to rezone the subject properties from
10 OL to CC zoning district is more in character with the existing commercial uses in the surrounding area.
11 The applicant feels that the requested CC zoning is in conformance with the objectives of the
12 Comprehensive Plan. The applicant also believes that by rezoning the properties to allow for retail
13 possibilities, the marketability of the properties will increase.

14
15 Ms. Dixon stated that although this zoning change could improve the economic development potential
16 of the property, the existing zoning district in this area was established to minimize travel impacts on the
17 street system, encourage better compatibility in and among land uses on the Island, and provide a
18 balance among land use types in major corridors. This rezoning could result in a higher intensity use
19 and/or a higher density development that would generate more traffic, possibly over taxing the existing
20 roadway infrastructure. The subject properties are situated within the OL district where the intent is to
21 limit the types of land uses allowed between commercial areas of the Island and limit any negative
22 impacts on the street system. The CC zoning is intended for high intensity commercial development
23 which is not suitable for an area where the current infrastructure may not support such development.

24
25 Ms. Dixon presented an in-depth review of the application including a visual review of the vicinity map,
26 the zoning map, and the boundary survey. Ms. Dixon stated that staff finds that application for Zoning
27 Map Amendment ZMA100009 does not meet the goals of the Comprehensive Plan or the Rezoning
28 Criteria.

29
30 Ms. Dixon stated that the Planning Commission reviewed this application at a public hearing on March
31 16, 2011 and voted unanimously to approve the proposed application for rezoning. The Planning
32 Commission discussed the fact that there are currently many non-conforming uses in the vicinity, some
33 of which are commercial uses. There was also discussion about the function of and the uses allowed in
34 the OL Zoning District and how it needs to be addressed during the LMO re-write. The Planning
35 Commission did not believe the proposed rezoning would generate additional traffic in the area.

36
37 As part of today's discussion, the Planning & Development Standards committee recognized that there
38 are existing issues with the OL Zoning District that need to be addressed. These issues will be reviewed
39 by the staff and the LMO Rewrite Committee. The Planning & Development Standards Committee
40 stated that they look forward to hearing the LMO Rewrite Committee's recommendations following
41 their examination of these issues.

42
43 Ms. Heather Colin requested that the committee hear comments from the applicant, Mr. Ernest
44 Marchetti. Mr. Ernest Marchetti, commercial broker for Ms. Karen Watson, presented statements in
45 support of the application. Mr. Marchetti stated that he believes the proposed application to rezone the
46 two properties from OL to CC zoning district is more in character with the existing commercial uses in
47 the surrounding area. Mr. Marchetti stated that he believes rezoning the properties to allow for retail
48 possibilities will increase the marketability of the properties.

1 The committee and the applicant discussed the application. Mrs. Likins stated that she supports the
2 recommendation made by the Planning Commission on March 16, 2011. Mrs. Likins stated agreeing
3 with the fact that there are currently many non-conforming uses in the vicinity, some of which are
4 commercial. Mrs. Likins stated that denial of the application does not seem fair to the applicant. At the
5 completion of the committee's discussion, Chairman Heitzke requested comments from the public.
6

7 Chester C. Williams, Esq., presented statements in regard to the commercial uses surrounding the
8 subject properties. Councilman George Williams presented statements in support of the staff's
9 recommendation for denial of the application because the application is inconsistent with the
10 Comprehensive Plan and the existing Land Management Ordinance. Councilman Williams stated
11 concern with the appearance of 'spot zoning' and increased traffic in the area.
12

13 Following public comments, the committee stated that it is difficult to make a decision on this
14 application at this time due to the transition of the Land Management Ordinance. Chairman Heitzke
15 then requested that a motion be made.
16

17 Mr. Harkins made a **motion** to support the staff's recommendation to forward application for Zoning
18 Map Amendment ZMA100009 to Town Council with a recommendation for **denial** because the
19 application is inconsistent with the Comprehensive Plan and Land Management Ordinance as stated in
20 the staff's report. The committee looks forward to seeing what the vision of this area is through the eyes
21 of the LMO Rewrite Committee. Chairman Heitzke **seconded** the motion and the motion **passed** with a
22 vote of 3-1-0. Mrs. Likins was opposed to the motion.
23

24 **Proposed Ordinance 2011-08: Revisions to Title 15, Chapter 9:** Proposed Ordinance 2011-08 will
25 revise language and defined terms to be consistent with the National Flood Insurance Program
26 regulations 44 CFR Parts 59 and 60; clarify the scope and purpose of the Ordinance and correct outdated
27 references to the International Building Code.

28 Ms. Trudie Johnson made the presentation on behalf of staff. The staff recommended that the Planning
29 & Development Standards Committee forward the proposed amendments to Town Council with a
30 recommendation of **approval** to adopt proposed Ordinance 2011-08 which will revise language and
31 defined terms to be consistent with the National Flood Insurance Program regulations 44 CFR Parts 59
32 and 60; clarify the scope and purpose of the Ordinance and correct outdated references to the
33 International Building Code.
34

35 Title 15, Chapter 9 of the Town's Municipal Ordinance has not undergone a comprehensive review for
36 ten years. When this review was conducted by the State NFIP Coordinator during a Community
37 Assistance Visit late last year, language was identified as inconsistent with terms and definitions
38 contained in the Federal Regulations; these regulations are adopted in Section 15-9-311 as the standard
39 and made part of this chapter. The requested revisions are the minimum necessary to correct the
40 deficiencies and ensure consistency.
41

42 Also, the outdated 2000 International Building Code reference is corrected to "currently adopted" to
43 minimize ordinance revisions as code editions change every three years. Several minor language
44 modifications and sub section reorganizations are included to clarify the intent and purpose of the
45 Ordinance
46

1 Mrs. Johnson stated that the flood hazard in Beaufort County was identified in 1977 when the first Flood
2 Insurance Study and Flood Insurance Rate Maps were published and adopted. Subsequent updates to the
3 maps were published in 1984. In 1986 the County maps were again revised to recognize the
4 incorporation of the Town. The first Town Council adopted both maps and the first ordinance titled
5 "Flood Damage Controls". Since 1985 the Town of Hilton Head Island has been a member in good
6 standing of the National Flood Insurance Program. Currently the NFIP provides flood insurance for
7 more than seven billion dollars of property coverage. This completed Mrs. Johnson's presentation on
8 Proposed Ordinance 2011-08: Revisions to Title 15, Chapter 9. The committee thanked Mrs. Johnson
9 for her excellent presentation.

10
11 Following the staff's presentation, Chairman Heitzke requested public comments. Chester C. Williams,
12 Esq., presented comments regarding the currently adopted edition of the International Building Code.
13 At the completion of public comments and final discussion by the committee, Chairman Heitzke
14 requested that a motion be made.

15
16 Mrs. Likins made a **motion** to accept the staff's recommendation of **approval** to adopt the Proposed
17 Ordinance 2011-08: Revisions to Title 15, Chapter 9 and the language revisions and defined term
18 changes to be consistent with the National Flood Insurance Program. Mr. Harkins **seconded** the motion
19 and the motion **passed** with a vote of 3-0-0.

20
216. **COMMITTEE BUSINESS**

22 None

23
247. **ADJOURNMENT**

25 The meeting was adjourned at 4:55pm.

26
27
28 Submitted By:

Approved By:

29
30
31
32 _____
33 Kathleen Carlin
Administrative Assistant

Ken Heitzke
Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Anne Cyran, AICP, *Senior Planner*
CC: Charles Cousins, AICP, *Director of Community Development*
DATE: May 11, 2011
SUBJECT: Proposed Ordinance No. 2011-11
LMO Text Amendment to permit Outdoor Recreation in the Waterfront
Mixed Use (WMU) Zoning District

Recommendation: Staff recommends that the Planning & Development Standards Committee forward the attached proposed amendments to Town Council with a recommendation for approval.

At the May 4, 2011 public hearing, the Planning Commission voted 7-1-0 to recommend approval of the proposed WMU LMO Amendment as presented by staff with the modification that *special exception* be changed to *permitted with conditions*. Staff has made this modification and the attached amendments reflect the recommendation of the Planning Commission.

Summary: Staff presented a draft amendment to the LMO Committee during a public meeting March 18, 2011. The Committee discussed the following concerns: limiting outdoor recreation uses to those that will protect and enhance sites' natural features; limiting uses to daylight hours and limiting site lighting to prevent light pollution; limiting related structures from being built in the marsh, open space or over water; limiting mechanical and other noises; and ensuring sites have adequate infrastructure to support outdoor recreation uses. Staff discussed the recommendations and presented revised language at the April 6, 2011 LMO Committee meeting. The Committee recommended approval of the amendment as it was presented.

Background: The owner of Broad Creek Marina requested that the LMO be amended to allow outdoor recreation uses – including zip lines and ropes courses – on parcels in the WMU Zoning District. Staff is proposing to allow outdoor recreation uses to be permitted with conditions in the WMU Zoning District and to create specific use standards for outdoor recreation uses that meet the purpose of the district.

Parcels in the WMU Zoning District are adjacent to Broad Creek, Skull Creek and Port Royal Sound. Allowing limited outdoor recreation uses on these properties will broaden the scope of outdoor recreation opportunities on the island. This amendment will also expand opportunities for property owners to develop, redevelop and market their properties.

These amendments are supported by Town Council's Policy Agenda for 2011 which has amending the LMO to foster greater flexibility, simplicity and revitalization listed as a Top Priority. These amendments are also supported by the Adopted 2010 Comprehensive Plan, which promotes providing flexibility for redevelopment opportunities.

Chapter 4. Zoning District Regulations

Article XII. Use Regulations

Sec. 16-4-1204. - Use Table

Specific Use	WMU
P = Permitted By Right SE = Special Exception PC = Permitted With Conditions	
Outdoor Recreation/Entertainment	
Outdoor Recreation	<u>PC</u>

Article XIII. Specific Use Standards

Sec. 16-4-13XX. - Outdoor Recreation

Outdoor recreation uses in the WMU Zoning District are permitted subject to the following standards:

- A. Uses shall be limited to those that both preserve and enhance the natural features of the subject parcel.
- B. Use of recreation facilities shall be limited to daylight hours.
- C. Site lighting fixtures shall not exceed 20 feet in height, whether attached to a structure or freestanding.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.:

PROPOSED ORDINANCE NO.: 2011-11

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE, CHAPTER 4, TO REVISE SECTION 16-4-1204 AND TO ADD SECTION 16-4-13XX. THIS AMENDMENT COMMONLY REFERRED TO AS THE *WMU OUTDOOR RECREATION AMENDMENT* AS NOTICED IN THE ISLAND PACKET ON MARCH 27, 2011, INCLUDES CHANGES THAT PROVIDE FOR AN AMENDMENT TO LMO SECTION 16-4-1204, USE TABLE AND THE ADDITION OF A NEW SECTION, 16-4-13XX, OUTDOOR RECREATION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance (LMO); and

WHEREAS, the Town Council now intends to amend Chapter 4 to allow outdoor recreation uses to be permitted with conditions in the Waterfront Mixed Use (WMU) Zoning District and to create specific use standards for outdoor recreation uses in the WMU Zoning District ; and

WHEREAS, the proposed amendments are supported by Town Council's Policy Agenda for 2011 which lists amending the LMO to foster greater flexibility, simplicity and revitalization as a Top Priority; and

WHEREAS, the proposed amendments are supported by the Adopted 2010 Comprehensive Plan goal of providing flexibility for redevelopment opportunities; and

WHEREAS, the Land Management Ordinance Committee held public meetings on March 16, 2011 and April 6, 2011 to discuss the proposed amendments; and

WHEREAS, the Planning Commission held a public hearing on May 4, 2011 and voted 7-1 to recommend that Town Council approve the amendments; and

WHEREAS, the Planning and Development Standards Committee met on May 25, 2011 and voted to <MOTION> the proposed amendments; and

WHEREAS, Town Council now finds that, upon further review, it is in the public interest to <MOTION> the attached revision to Chapter 4 of the Land Management Ordinance.

NOW, THEREFORE BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY SAID AUTHORITY OF COUNCIL:

Section 1. Amendment. That the Land Management Ordinance of the Town of Hilton Head Island, South Carolina, be, and the same hereby is, amended to read as indicated on the attached pages.

NOTE: New text is indicated by a double underline and deleted text is indicated by a ~~strike through~~.

Section 2. Severability. If any sections, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council for the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____ 2011.

Drew A. Laughlin, Mayor

ATTEST:

Victoria L. Pfannenschmidt, Acting Town Clerk

Public Hearing: May 4, 2011
First Reading:
Second Reading:

Approved as to form:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

May 10, 2011

Mr. Kenneth Heitzke, Chair
Planning and Development Standards Committee
Town Council
Town of Hilton Head Island
1 Town Center
Hilton Head Island, SC 29928

Re: LMO Text Amendment Allowing Outdoor Recreation in the WMU District

Dear Ken,

At the request of Roger Freedman, owner of Broad Creek Marina, we suggest revisions to the Town Planning Commission's recommended LMO Text Amendment for Outdoor Recreation Uses in the WMU District. Our concerns are that the proposed Specific Use Standards are too broad and subject to considerable debate as to its intent, and unnecessarily add restrictions on night-time use and lighting of the property.

The suggested Specific Use Standards follow:

Article XIII. Specific Use Standards

Sec. 16-4-13XX. - Outdoor Recreation

Outdoor recreation uses in the WMU Zoning District are permitted subject to the following standards:

- A. "Uses shall be limited to those that are participatory in nature and include such facilities as challenge course activities, including such activities as zip lines, ropes courses, and climbing walls; natural/cultural history based recreation such as nature trails and interpretive facilities; and arts and crafts activities."

Evening operations are essential to the success of any family oriented recreational activity on Hilton Head Island. We suggest eliminating the proposed subparagraph B. which limits outdoor recreational uses to daylight hours; and, subparagraph C. which limits site lighting fixtures to 20 feet in height.

Site lighting is already under excellent control by the LMO; witness the effects of the ordinance and review/approval procedures already in effect. The amount of light and how it is applied is covered by Article XIV – Site Lighting Standards. In addition, the Town's Municipal Code Section 17-4-114(5) limits daytime and nighttime sounds in the WMU District.

Further, WMU is within the COR District and subject to the terms of the LMO, adherence to the Hilton Head Guide, and review and approval by Town staff and the DRB. These set high standards and call for design compatible with Hilton Head Island's natural environment and sense of place.

The suggested outdoor recreational uses are limited in scope and of much less potential night-time impact than the uses already permitted in WMU, such as hotels, restaurants, night clubs, 75' tall multi-story residential uses, etc.

Please consider the concerns stated herein and adopt a text amendment that is clear in its intent as to use; allows night-time hours of operation for outdoor recreational uses similar to the night-time operations already allowed for multiple other uses; and, recognizes the numerous protections already afforded by the LMO by not adding unnecessary additional restrictions. Doing so would certainly support the Town's Comp Plan and Vision 2025 by broadening family friendly, eco-tourism related recreational opportunities for residents and visitors alike, while protecting the Island's natural beauty, environmental resources and unique sense of place.

With best regards,

A handwritten signature in black ink, appearing to read 'F. Truitt Rabun, Jr.', with a long horizontal line extending to the right.

F. Truitt Rabun, Jr., FASLA, LEED AP
Principal

CC: Roger M. Freedman
Planning and Development Standards Committee