



**Town of Hilton Head Island
Planning Commission
LMO Committee**

**Tuesday, April 10, 2012
6:00 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 Agenda

4. Approval of Minutes – March 5, 2012 Meeting

5. New Business

LMO Amendments – The Town of Hilton Head Island is proposing to revise and amend Chapter 3, Article XVII and Chapter 4, Article XIII of the Land Management Ordinance (LMO). The proposed amendments will categorize a change in the land use designation of any non-single family residential use to allow a telecommunications facility as a minor amendment to a PUD master Plan. The proposed amendments will base the size of a telecommunications tower setback on the tower's fall zone. *Presented by: Anne Cyran*

6. Adjournment

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

1 Chairman Quick presented introductory remarks regarding this evening's meeting and then
2 requested that staff begin their presentation.
3

4 Ms. Anne Cyran made the presentation on behalf of staff. The staff recommended
5 amending Chapter 3, Article IX: Sign Permits and Chapter 5, Article XIII: Sign Standards,
6 of the LMO. The proposed changes are to clarify the purpose of the sign regulations, bring
7 the regulations into conformance with recent judicial decisions, reorganize the regulations
8 into a more intuitive order, update the regulations to reflect changes in advertising, and to
9 provide reasonable accommodation of some previously prohibited signs.
10

11 In 2010 Town Council directed staff to rewrite the sign standards, which were enacted as
12 part of the original LMO in 1987, to ensure they would stand up to legal challenges and to
13 address trends in sign technology. These amendments also meet a Top Priority of Town
14 Council's Policy Agenda for 2011 – Amending the LMO to Foster Greater Flexibility,
15 Simplicity and Revitalization.
16

17 Staff has held three informational meetings (February 3rd, February 6th and February 9th) for
18 the public to discuss and comment on the proposed amendments. The amendments were
19 posted on the Town's website on February 3rd and the public has the opportunity to submit
20 comments via email. Staff received comments from about twenty people at the meetings
21 and via email. Staff changed some parts of the proposed amendments based on the
22 comments. Comments that staff did not act on were recorded. A list of these comments is
23 included in the packet.
24

25 Per the LMO Committee's request at the February 29th meeting, staff has provided the
26 (*attached*) memo from the Town Attorney supporting the proposed amendments.
27

28 Ms. Cyran reviewed the revisions to the proposed Sign Amendments. The staff explained
29 the Notes on Formatting, the Summary of Explanation by Section, and the Purpose
30 Statements. The staff recommended that the Committee forward the proposed amendments
31 to the full Planning Commission with a recommendation for approval.
32

33 The Committee discussed the proposed revisions including clarification of the purpose of
34 the sign regulations and the need to bring the regulations into conformance with recent
35 judicial decisions. Chairman Quick then requested comments from the public. The
36 following citizens presented statements for the record: Mrs. Pamela Ovens and Chester C.
37 Williams. Following final discussion by the committee, Chairman Quick requested that a
38 motion be made.
39

40 Mr. Docherty made a **motion** that the LMO Committee forward the staff's recommended
41 changes to the full Planning Commission provided that review by the Legal staff is
42 complete. Mr. Ennis **seconded** the motion and the motion **passed** with a vote of 3-0-0.
43
44
45
46
47
48
49

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

6. ADJOURNMENT

The meeting was adjourned at 7:10p.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Gail Quick
Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: LMO Committee
VIA: Teri B. Lewis, AICP, *LMO Official*
VIA: Jayme Lopko, AICP, *Senior Planner*
FROM: Anne Cyran, AICP, *Senior Planner*
DATE: March 30, 2012
SUBJECT: Proposed Amendments to Telecommunications Facility Standards

Staff recommends amending Chapter 3, Article XVII and Chapter 4, Article XIII of the Land Management Ordinance (LMO) to allow telecommunications facilities to be permitted more efficiently and to adjust telecommunications tower setbacks to reflect the size of their fall zones. The first amendment would allow Planned Unit Development (PUD) master plans to be amended via minor amendments – instead of via Zoning Map Amendments (ZMA) – to allow a telecommunications facility as a permitted use on nonresidential property. The second amendment would base the size of telecommunications tower setbacks from the Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line and all publicly-owned rights-of-way on the height of the tower. The third amendment would base a telecommunications tower's setback from residential properties on the height of the tower's fall zone.

These amendments are supported by Town Council's Policy Agenda for 2011 which has *Technology Infrastructure: Evaluation and Direction of Town's Role* listed as a Top Priority. These amendments are also supported by the Adopted 2010 Comprehensive Plan, Section 6.7 – Communications, Goal A is to have effective communication services that minimize interruptions on the Island and that support emergency management as well as economic development applications.

Please contact me at (843) 341-4697 or at annec@hiltonheadislandsc.gov if you have any questions.

Staff Explanation: Town staff recommends amending three sections of the LMO to allow telecommunications facilities to be permitted more efficiently and to adjust telecommunications tower setbacks to reflect the size of their fall zones. The first amendment would allow Planned Unit Development (PUD) master plans to be amended via minor amendments – instead of via Zoning Map Amendments (ZMA) – to allow a telecommunications facility as a permitted use on nonresidential property. The second amendment would base the size of telecommunications tower setbacks from the Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line and all publicly-owned rights-of-way on the height of the tower. The third amendment would base a telecommunications tower’s setback from residential properties on the height of the tower’s fall zone.

I. Staff recommends allowing PUD master plans to be amended via a minor amendment – instead of via a Zoning Map Amendment – to allow a telecommunications facility as a permitted use on nonresidential property. This amendment would not remove the public notice requirement or the design standards currently required for new telecommunications facilities.

PUD master plans list the uses allowed on each parcel. If a telecommunications facility is not listed on the master plan as an approved use for a parcel, a telecommunications facility cannot be built on that parcel without amending the master plan.

The LMO categorizes master plan amendments as one of two types – minor or major.

Minor amendments may be approved by the Administrator and include: changes that result in a decrease in assigned density for a specific parcel; changes in land use designation from any use to open space or passive recreation; changes in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) that are beneficial to the occupants of the master plan area; changes in land designation from single family to multifamily with no increase in site-specific density; and changes in use, design standards or other design criteria as approved by Town Council.

All other amendments to PUD master plans, including allowing telecommunications facilities as an approved use on a specific parcel, are considered major amendments must be reviewed and approved as a Zoning Map Amendment.

The process of reviewing and approving ZMAs typically requires nine months to satisfy public notice requirements and to conduct the required public hearings and meetings, whereas minor amendments are typically reviewed and approved in two to three months. This amendment would allow greatly reduce the permitting time, thereby encouraging the construction of new telecommunications facilities.

Chapter 3. Development Review Procedures

Article XVII. Planned Unit Development (PUD) Review

Sec. 16-3-1707. – Minor Amendments

- A. The following minor amendments to PUD master plans listed in Sec. 16-4-209, Sec. 16-4-604 or associated master plan text shall be reviewed and, if appropriate, approved by the Administrator:

1. Changes which result in a decrease in assigned density or intensity for a specific parcel, either residential or nonresidential.

2. Change in land use designation from multifamily to single family or a change from any other use to open space/passive recreation.

3. Change in land use designation of any non-single family residential use to allow a telecommunications facility. The applicant requesting such change shall notify all property owners within 100 feet of the subject property of the request and ask that all comments be directed to the Administrator. Owners of property that are both within 100 feet of the subject parcel and are in within the PD-1 Zoning District may be notified by the applicable property owners' association. Proof of such notification shall be provided to the Administrator. If the Administrator determines that the change does not have the support of the affected property owners, the request will be referred to Town Council for review.

~~3.~~ 4. Change in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) of the master plan area which are clearly beneficial to the occupants of the master plan area. The applicant requesting such change shall notify the property owners association that would be affected by the change of the request and ask that all comments be directed to the Administrator. Proof of such notification shall be provided to the Administrator. If the Administrator determines that the change does not have the support of the affected property owners, the request will be referred to Town Council for review.

~~4.~~ 5. Change in land use designation from single family to multifamily with no increase in permitted site-specific density.

~~5.~~ 6. Changes in use, design standards or other design criteria adopted by Town Council through a Zoning Map Amendment for the Redevelopment Floating Zone. These are limited to minor changes included but not limited to the parking layout, landscaping placement and sidewalk alignment.

B. Appeals of administrative decisions on minor amendments made by the Administrator shall be made to the Board of Zoning Appeals within 14 calendar days of the receipt of the decisions, in accordance with the procedures in Article XX.

Chapter 4. Development Review Procedures

Article XIII. Specific Use Standards

Sec. 16-4-1351. – Telecommunications Facility

Telecommunications facilities are permitted subject to the following standards.

A. – C. No Change.

II. Staff recommends basing the size of telecommunications tower setbacks from the Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line and all publicly-owned rights-of-way on the height of the tower.

The current setback requirement for these setbacks is the total of the tower height divided by 0.35. For example, a 150 foot tower currently requires a 429 foot setback from the OCRM Critical Line, the OCRM Base Line and all publicly-owned rights-of-way. As proposed, the setback from these areas would be equal to a tower's height, a better reflection of the area that would be impacted by a tower's collapse. This amendment would allow many more potential sites for telecommunications facilities.

D. A tower must be setback from the OCRM critical line, the OCRM base line and all publicly owned rights-of-way a distance equal to the tower's fall zone, as certified by a registered engineer, plus 20 feet. ~~tower height divided by .35.~~ This provision may be waived by the administrator for towers located on town-owned property to provide for public safety communications equipment utilized by fire and rescue or law enforcement personnel and for towers designed as flag poles.

III. Staff recommends basing a telecommunications tower setback for residential properties on the height of the tower's fall zone.

The current setback requirement has precluded otherwise viable sites for towers because the setback requires a large amount of area outside of the tower site. For example, the current setback for a 150 foot tower is 200 feet from a single family residence. Because of advances in tower design, the fall zones for most towers require less distance than the height of the tower. For example, the fall zone for some models of a 150 foot tower is close to 70. Reducing this setback would allow many more potential sites for telecommunications facilities.

E. A tower must be setback a distance of its ~~height fall zone~~ as certified by a South Carolina registered engineer plus ~~50~~ 20 feet from any residential structure unless the owner of the structure waives this requirement by a notarized affidavit.

F. – J. No Change.