



Town of Hilton Head Island Planning Commission LMO Committee

Wednesday, September 19, 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 – April 10, 2012 Meeting

5. New Business

Development Agreement and Related LMO Modifications (Exhibit D)

A development agreement has been proposed between the Town of Hilton Head Island and Shelter Cove Towne Centre, LLC. The property subject to the agreement is that certain 42.45 acre tract known as The Mall at Shelter Cove, located at 24 Shelter Cove Lane, and further identified as Beaufort County Tax Map # 12B Parcel 26 and the 9.3 acre portion of Tax Map #12C Parcel 2. At the request of the developer, Town Council has requested that the Planning Commission review and make a recommendation on LMO modifications (Exhibit D) within the development agreement. *Presented by: Heather Colin*

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 TOWN OF HILTON HEAD ISLAND

2 Planning Commission

3 LMO COMMITTEE MEETING

DRAFT

4 Tuesday, April 10, 2012 Minutes

5 6:00p.m. – Benjamin M. Racusin Council Chambers

6
7
8 Committee Members Present: Chairman Gail Quick, Alex Brown, Jack Docherty,
9 Terence Ennis and Loretta Warden, *Ex Officio*

10
11 Committee Members Absent: None

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13 Other Commissioners Present: Tom Lennox

14
15 Town Council Members Present: None

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17 Town Staff Present: Anne Cyran, Senior Planner
18 Heather Colin, Development Review Administrator
19 Shea Farrar, Senior Planner
20 Kathleen Carlin, Administrative Assistant

21
22
23 **1. CALL TO ORDER**

24 Chairman Quick called the meeting to order at 6:00p.m.

25
26 **2. FREEDOM OF INFORMATION ACT**

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

29
30 **3. APPROVAL OF THE AGENDA**

31 The agenda was **approved** as presented by general consent.

32
33 **4. APPROVAL OF THE MINUTES**

34 The minutes of the March 5, 2012 meeting were **approved** as presented by general
35 consent.

36
37 **5. NEW BUSINESS**

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

44 Chairman Quick welcomed the committee and the public to this evening's meeting.
45 Following opening comments, Chairman Quick requested that the staff make their
46 presentation on the proposed amendments.

1 Ms. Anne Cyran made the presentation on behalf of staff. The proposed amendments to
2 the LMO are supported by Town Council's Policy Agenda for 2011 which has *Technology*
3 *Infrastructure: Evaluation and Direction of Town's Role* listed as a Top Priority. These
4 amendments are also supported by the Adopted 2010 Comprehensive Plan, Section 6.7 –
5 Communications, Goal A is to have effective communication services that minimize
6 interruptions on the Island and that support emergency management as well as economic
7 development applications.

8 The first amendment would allow Planned Unit Development (PUD) master plans to be
9 amended via minor amendments (instead of via Zoning Map Amendments (ZMA) – to
10 allow a telecommunications facility as a permitted use on nonresidential property. The
11 second amendment would base the size of telecommunications tower setbacks from the
12 Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line and
13 all publicly-owned rights-of-way on the height of the tower. The third amendment would
14 base a telecommunications tower's setback from residential properties on the height of the
15 tower's fall zone.

16
17 The staff recommends allowing PUD master plans to be amended via a minor amendment
18 (instead of via a Zoning Map Amendment) to allow a telecommunications facility as a
19 permitted use on nonresidential property. This amendment would not remove the public
20 notice requirement or the design standards currently required for new telecommunications
21 facilities. PUD master plans list the uses allowed on each parcel. If a telecommunications
22 facility cannot be built on that parcel without amending the master plan. The LMO
23 categorizes master plan amendments as one of two types – minor or major.

24
25 Minor amendments may be approved by the Administrator and include: changes that result
26 in a decrease in assigned density for a specific parcel; changes in land use designation from
27 any use to open space or passive recreation; changes in major infrastructure features (e.g.
28 roads/access, sewer, water, storm drainage) that are beneficial to the occupants of the
29 master plan area; changes in land designation from single-family to multifamily with no
30 increase in site-specific density; and changes in use, design standards or other design
31 criteria as approved by Town Council.

32
33 All other amendments to PUD master plans, including allowing telecommunications
34 facilities as an approved use on a specific parcel, are considered major amendments and
35 must be reviewed and approved as a Zoning Map Amendment. The process of reviewing
36 and approving ZMAs typically requires nine months to satisfy public notice requirements
37 and to conduct the required public hearings and meetings, whereas minor amendments are
38 typically reviewed and approved in two to three months. This amendment would greatly
39 reduce the permitting time, thereby encouraging the construction of new
40 telecommunication facilities.

41
42 Ms. Cyran then presented an in-depth review of the (*attached*) proposed amendments to
43 Chapter 3 and Chapter 4. The staff and the committee began discussing the revisions to
44 Chapter 3. Development Review Procedures, Article XV11. Planned Unit Development
45 (PUD) Review, Sec. 16-3-1707. – Minor Amendments.

46
47 The committee discussed Item # 3 as it relates to a change in land use designation of any
48 non-single family residential use to allow a telecommunications facility. Chairman Quick
49 stated concern with some of the staff's terminology regarding single-family residences.

1 The language in Item # 3 is not clear. The committee and staff also discussed several
2 issues concerning Planned Unit Development (PUD) review.
3

4 Ms. Cyran then reviewed the proposed changes to Chapter 4. Development Review
5 Procedures, Article XIII. Specific Use Standards Sec. 16-4-1351. – Telecommunications
6 Facility. The staff recommends basing the size of telecommunications tower setbacks from
7 the Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line
8 and all publicly-owned rights-of-way on the height of the tower. The current setback
9 requirement for these setbacks is the total of the tower height divided by 0.35. For
10 example, a 150-ft. tower currently requires a 429 foot setback from the OCRM Critical
11 Line, the OCRM Base Line and all publicly-owned rights-of-way. As proposed, the
12 setback from these areas would be equal to a tower's height, a better reflection of the area
13 that would be impacted by a tower's collapse. This amendment would allow many more
14 potential sites for telecommunications facilities.
15

16 The staff and the committee discussed the recommendation to allow PUD master plans to
17 be amended via a minor amendment instead of via a Zoning Map Amendment (to allow a
18 telecommunications facility as a permitted use on nonresidential property.) Ms. Cyran
19 stated that the amendment would not remove the public notice requirement or the design
20 standards currently required for new telecommunications facilities. The PUD master plans
21 list the uses allowed on each parcel. If a telecommunications facility is not listed on the
22 master plan as an approved use for a parcel, a telecommunications facility cannot be built
23 on that parcel without amending the master plan.
24

25 The staff discussed the proposed revisions to Item D. This provision may be waived by the
26 administrator for towers located on town-owned property to provide for public safety
27 communications equipment utilized by fire and rescue or law enforcement personnel and
28 for towers designed as flag poles.
29

30 The staff recommends basing a telecommunications tower setback for residential properties
31 on the height of the tower's fall zone. The current setback requirement has precluded
32 otherwise viable sites for towers because the setback requires a large amount of area
33 outside of the tower site. For example, the current setback for a 150-foot tower is 200 feet
34 from a single family residence. Because of advances in tower design, the fall zones for
35 most towers require less distance than the height of the tower. For example, the fall zone
36 for some models of a 150-foot tower is close to 70. Reducing this setback would allow
37 many more potential sites for telecommunications facilities.
38

39 The staff and the committee discussed the proposed revisions to Item E. A tower must be
40 setback a distance of its fall zone as certified by a SC registered engineer plus 20 feet from
41 any residential structure unless the owner of the structure waives this requirement by a
42 notarized affidavit.
43

44 The committee and staff discussed the height and dimensions of cell towers. Most cell
45 towers are 150 feet or less in height so they do not have to be lighted. Ms. Shea Farrar, the
46 staff's point of contact with the PUDs, presented statements regarding the height and
47 dimensions of cell towers. Ms. Farrar also presented statements regarding the aesthetics
48 related to cell towers. The staff discussed camouflaging cell towers (i.e. a flag pole with
49 flag or a faux pine tree design).

1
2 The committee and the staff discussed the setback for residential property (the height of the
3 tower's fall zone.) They also discussed the role of Property Owner Associations (POAs).
4 POAs are the first step in the process - an application for a cell tower will not move
5 forward without approval by both the regime and property owner. Chairman Quick stated
6 that this language is unclear; the text needs to be made clearer.
7

8 Ms. Heather Colin presented statements regarding the permitting process. The committee
9 and staff discussed the wording regarding non-single family residential family, and single
10 family residential property. Chairman Quick requested that the staff clarify this language.
11

12 The committee and the staff discussed the existing zoning map process and potential
13 changes to the existing zoning map process. Following staff's presentation and discussion
14 by the committee, Chairman Quick requested public comments.
15

16 The following residents of Port Royal Plantation presented statements for the record:
17 Mrs. Madonna Huller presented statements in concern of the potential changes to the
18 setback requirements for cell towers. Cell towers should not be permitted in any residential
19 area. Mrs. Pat Cameron also presented statements in opposition to allowing cell towers to
20 be placed in any residential areas based on health concerns as well as negative impact to
21 property values. The setback requirements should not be changed. A third resident, Mr.
22 Dean (unintelligible last name), also presented statements in opposition to changing
23 setback requirements and permitting cell towers to be placed in any residential area. All
24 three property owners stated concern with the negative visual impact of cell towers being
25 placed on or near their properties.
26

27 The committee discussed the first step in the process. Home owners associations within the
28 PUD need to approve the placement of a cell tower. Chester C. Williams, Esq., presented
29 statements in support of the need for improved telecommunications on Hilton Head Island.
30 Mr. Williams recommended that the language be clarified regarding POA input – this is not
31 sufficiently included in the language at this time. Mr. Williams also stated concern with
32 the legality of a POA's ability to make this determination. This may not be legally
33 defensible. The language regarding the affected property owners should be clarified. The
34 language needs to state the written notification requirement.
35

36 Mr. Terry Ennis presented statements in support of the need for improved
37 telecommunications on Hilton Head Island. This is clearly an economic necessity for the
38 Island.
39

40 Ms. Heather Colin stated that staff will clarify and tighten the language as recommended by
41 the committee. Chairman Quick stated that the statements provided by Mr. Williams
42 regarding the role of the POAs should also be included in the recommended revisions. The
43 staff will prepare the changes in language and will e-mail the revisions to the committee.
44 The revised proposed amendments are scheduled to be reviewed by the full Planning
45 Commission on May 16, 2012.
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47 Following final discussion by committee and the staff, the meeting was adjourned.
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6. ADJOURNMENT

The meeting was adjourned at 7:15p.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Gail Quick
Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Heather L. Colin, AICP, *Development Review Administrator*
DATE: September 12, 2012
SUBJECT: The Mall at Shelter Cove Exhibit D of the proposed Development Agreement

The Development Agreement Act clearly states:

6-31-50 Public Hearings; notice and publication.

(A) Before entering into a development agreement, a local government shall conduct at least two public hearings. At the option of the governing body, the public hearing may be held by the local planning commission.

Town Council held the first public hearing on the development agreement on August 7, 2012 and the second one is scheduled for October 16, 2012. The act further makes reference to exceptions to laws in effect at the time.

6-31-80 Law in effect at the time of agreement governs development; exceptions.

(A) Subject to the provisions of Section 6-31-140 and unless otherwise provided by the development agreement, the laws applicable to development of the property subject to the development agreement, are those in force at the time of execution of the agreement.

Because Exhibit D addresses variations to the LMO (Land Management Ordinance) and the Planning Commission is responsible to make recommendations for regulations for development of land, the applicant had requested that the Planning Commission review Exhibit D. Therefore, on **August 7, 2012** Town Council passed a motion to defer Proposed Ordinance 2012-23, which would authorize the execution of a development agreement until such time that the items related to the LMO, reflected in Exhibit "D" of the Mall at Shelter Cove Development Agreement are submitted to the Planning Commission for their review and recommendation.

Staff **recommends that the LMO Committee** find this request to be consistent with the South Carolina Development Agreement Act and serves to carry out goals of the Town of Hilton Head Island's 2010 Comprehensive Plan, facilitating the redevelopment of this area, and recommend that the Planning Commission forward the request to Town Council with a recommendation for **Approval**.

Summary of Requested Variations to the LMO as further described in Exhibit D
Text in italics indicates the proposed variations

A. CHAPTER 3 – DEVELOPMENT REVIEW PROCEDURES

1. Article XIII. – Traffic Impact Analysis Plan

a. Sec. 16-3-1301. - Applicability

The following replaces the requirements set forth in this Article:

“Traffic study prepared by Pond & Company, titled, ‘Shelter Cove Mall Redevelopment’ Town of Hilton Head Island, South Carolina, Traffic Impact Study, dated June 25, 2012 resulting from the modifications to the Mall Tract resulting from the Zoning Map Amendment.”

Staff Summary:

This variation is required in order to allow the substitution of a traffic study that was done in a broader scope than that required in the LMO. Town Staff wanted a comprehensive study that reviewed both signalized and unsignalized intersections and also anticipated future development in the vicinity. Town staff worked closely with Pond & Company to ensure the report used accurate information and provided thorough results and analyses.

B. CHAPTER 4 – ZONING DISTRICT REGULATIONS

1. Article XIII. – Specific Use Standards

a. Sec. 16-4-1323. – Gas Sales

Omit A. in its entirety.

b. Sec. 16-4-1323. – Gas Sales

Omit C. and replace with the following definition:

“C. No more than 8 pumps (defined as a fueling area for an individual vehicle on each side)”

c. Sec. 16-4-1323. – Gas Sales

Omit D. and E. in their entirety

Staff Summary:

This variation is requested because due to the unique nature of this redevelopment site they cannot meet some of the specific use conditions required for gas sales. One of the variations relates to access to minor and major arterials. Although the site cannot meet this condition in the LMO, it is a large mixed use development with internal connectivity and numerous points of access.

There is also a proposed variation for the definition of pumps, which would allow for an increased number of fueling stations. Information from the developer suggests that the proposed maximum of 8 pumps (which is the equivalent of 16 fueling stations; 1 pump = 2 fueling stations) is appropriate due to the size and scale of the redevelopment project and follows market trends.

The proposed variations to D. and E. relate to locating the pumps in relationship to a building. The proposed gas station will not include a convenience store element. It will have an enclosed structure no more than 200 square feet (approximately the size of one parking space) where an attendant can view the pumps to comply with fire and building code requirements as well as sell incidental merchandise.

1. Article VII. – Setbacks

a. Sec. 16-5-704. – Minimum Required Setback Area

Modify A. to include the following:

“Where residential multifamily buildings are adjacent to community park and public open space, setbacks may be reduced to zero with no setback angle requirement”

b. Sec. 16-5-704. - Adjacent Street Setback

Modify B. to include the following:

“Where non-residential buildings front on-street parking, adjacent street setback may be reduced to zero with no setback angle requirement, provided a minimum 10’ sidewalk corridor is maintained.”

c. Sec. 16-5-705. – Exceptions For Setback Angle Requirements

Add C. to include the following:

“C. Setback angle is not required for residential multifamily buildings adjacent to community park or public open space and where non-residential buildings front on-street parking”

2. Article VIII. – Buffers

a. Sec. 16-5-806. – Required Buffers

Modify A. Adjacent Use Buffers to include the following:

“Adjacent use buffers internal to the overall Shelter Cove master plan amendment area may be reduced to zero.”

b. Sec. 16-5-806. – Required Buffers

Modify B. Adjacent Street Buffers to include the following:

“Where community park or public open space and non-residential buildings front on-street parking, adjacent street buffers may be reduced to zero.”

c. Sec. 16-5-807. – Specific Buffer Requirements

Modify B. Buffer for Loading, Service and Utility Areas to include the following:

“Loading, Service and Utility areas internal to the overall Shelter Cove master plan amendment area will not require buffers, but shall have screening.”

Staff Summary:

The variations related to buffers and setbacks are to allow for a more interactive and pedestrian friendly atmosphere along the portion of Shelter Cove Lane that runs behind the Mall parallel to Broad Creek. This section of the road would require 20 foot buffer and setbacks which would prohibit any outdoor activity such as outdoor dining, plazas, and other improved areas adjacent to the road.

1. Article IX. – Planned Unit Development Standards

a. Sec. 16-5-904. – Permitted Uses in PUD

Omit A.3. and replace with the following:

“3. A perimeter buffer will be maintained at all times adjacent to the Newport Community, the Town’s Veteran’s Memorial, the Plaza at Shelter Cove Shopping Center, and William Hilton Parkway as shown on the Concept Plan. Standards for open space, and impervious coverage shall be fully satisfied within the Mall Tract as a whole, including the Community Park and public open space, but do not have to be satisfied on a site-specific basis. In addition, an average 50-foot or greater buffer will be maintained between the Broad Creek marsh critical line and proposed buildings.”

b. Sec. 16-5-904. – Permitted Uses in PUD

Add A.5. to include the following:

“5. The entire Shelter Cove Mall Tract as depicted by the conceptual master plan, including the Community Park, multi-family residential and commercial will be viewed as one development plan (for stormwater, minimum tree coverage, open space, pervious/impervious, etc.). Any additional minor modifications based on the intent and purpose of this redevelopment project as documented and shown on the conceptual plan and exclusively pertaining to the regulation of any aspect of the redevelopment of the Mall tract (including minor variations to the standards for open space and pervious requirements), can be approved by the Administrator.”

Staff Summary:

This variation simply clarifies that the redevelopment of the Mall at Shelter Cove will be reviewed as one project, regardless of any internal property lines, right-of-ways, or other separation of uses. This is something that the LMO permits to an extent; therefore, this just further clarifies how the project will be reviewed and what other requirements and design criteria will apply.

Article XII. – Parking and Loading Standards

a. Sec. 16-5-1201. - Off-Street Parking Required

Omit the second sentence in A and replace with the following:

“On-street parking on non-arterial streets can be utilized for public parks, multi-family residential, and commercial within the Mall Tract.”

b. Sec. 16-5-1207. – Parking Area Design

Add J. to include the following:

“J. If not in conformance with standard width requirements, extension of existing parking lot medians and lane widths shall be allowed to align with existing widths.”

Staff Summary:

This variation is requested to allow on-street parking along the internal portions of Shelter Cove Lane to qualify for the required parking spaces that the LMO requires for each use. Because this development is reviewed as one redevelopment project, the total number of parking spaces based on each use can be provided within the same site.

The variations to the parking area design are required in order to tie in new parking spaces and drive aisles to the existing parking areas that are nonconforming in terms of dimension and median widths and spacing.

C. Chapter 6 – Natural Resource Protection

1. Article II. – Wetlands

a. Sec. 16-6-204 – Wetland Buffers

C. Prohibited Activities.

Revise 3. To include the following:

“grassed lawns and gardens, excluding open space areas within the community park and linear public waterfront corridors. Sufficient wetland buffer vegetation shall be planted and maintained along wetland edges.”

b. Sec. 16-6-204 – Wetland Buffers

C. Prohibited Activities.

Revise 4. To include the following:

“placement of structures, and pervious or impervious surfaces (excluding permitted crossings, fire access lanes and park related pathways (pervious and impervious) and site furnishings (benches, trash receptacles, trellis swings, pergolas, signage, lighting, etc.) associated with the community park and linear public waterfront corridors); and.”

c. Sec. 16-6-204 – Wetland Buffers

D. Additional Buffer Standards.

Omit 4. In its entirety and replace with the following:

“Public access along wetland edges may be provided in wetland buffers by way of a public waterfront promenade, plaza overlooks, and seating areas. Pathways shall be no wider than 10 feet and appropriate water quality measures shall be incorporated into the construction of the project. These pathways and overlooks may be constructed of pervious or impervious materials. Boarded walkways, including public piers, may be permitted within the buffer as part of a boardwalk approved or exempted under Chapter 3, Article V.”

d. Sec. 16-6-204 – Wetland Buffers

D. Additional Buffer Standards.

Omit 5. In its entirety and replace with the following:

“Bulkheads and associated backfill may be permitted in wetland buffers for the purpose of providing public access along the wetland edges.”

e. Sec. 16-6-204 – Wetland Buffers

D. Additional Buffer Standards.

Omit 6. and replace with the following:

“Community park shall have allowances for clearing to provide public access to adjacent wetlands and to establish or improve views for the public. In such cases, additional measures shall be incorporated that address water quality, wildlife habitat, native plant preservation, and other environmental concerns.”

Staff Summary:

The variations related to the wetland buffer for this particular site are to allow for the construction of a public water front park that integrates Broad Creek with the users of the park by allowing view corridors and other improvements that create the public integration with the natural environment. There is already some flexibility with this component in the LMO; however, the variations are drafted to be more specific in the treatment of the buffers.

1. Article IV. – Trees

a. Sec. 16-6-402 – Preservation of Trees and Native Vegetation

Revise B. to include the following:

“Impacts specific to utility relocation and road/transportation improvements shall be exempt from the specimen tree requirements of Article IV.”

Staff Summary:

In order to redevelop the site as shown on the conceptual plan, the overhead power lines must be relocated. After numerous on site meetings, it had been agreed that the overall best location for the power line would be the front side of the development through the parking lot. This may impact up to 4 specimen live oak trees; one of which appears to be unhealthy and will have to be removed. Although there are provisions in the LMO that grant utility

companies greater flexibility, this variation is drafted to make it clear that it only applies to impacts specifically related to utility relocation and/or transportation improvements.

Compliance to the Town of Hilton Head Island Comprehensive Plan - 2010

Economic Development Element - 7.6 Potential Strategies with Implications for the Comprehensive Plan

2. Identify and prioritize areas in need of re-development including any obsolete, or run down, commercial buildings. Incentivize the development of flexibility of streamlining in regulation of density caps, setbacks (and other controls) that enable a qualitative, principle based, asset revitalization that enhance the Island’s positive legacies.
3. A revitalization of effort to attract residential and retiree growth emphasizing not only character and natural assets but the quality, and breadth, of the service infrastructure that has developed relative to its competitor communities along the southeast coast.

Community Facilities Element Goals:

6.5 Utilities

H. The goal is to improve the utility and cooperative use of publicly owned easements on the Island.

Community Facilities Element Implementation Strategies:

6.5 Utilities

M. Coordinate with Santee Cooper and other easement holders to explore the use of such easements for such uses as wildlife corridors, roadway connections and parking.

Land Use Element Goals:

8.1 Existing Land Use

The goal is to have an appropriate mix of land uses to meet the needs of existing and future populations.

8.3 Planned Unit Developments (PUDs)

- A. The goal is to provide flexibility for the PUDs as future policies, regulations and requirements are adopted Town-wide.
- B. The goal is to have an appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town’s high quality of life and should be considered when amending PUD Master Plans.

8.4 Existing Zoning Allocation

- A. The goal is to provide flexibility for the PUDs as future policies, regulations and requirements are adopted Town-wide.
- B. The goal is to have an appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town’s high quality of life and should be considered when amending the Town’s Official Zoning Map.

8.6 Build-out

A. The goal is to monitor land use consumption and conversion rates to maintain a proper balance of public infrastructure, private development, and land conservation.

B. The goal is to consider develop regulations and requirements to maintain the Island character and meet the needs of the community as it approaches build out.

8.9 Age of Structures

B. The goal is to encourage redevelopment of properties with aging structures or that no longer meet current market demands.

Land Use Implementation Strategies:

8.3 Planned Unit Developments (PUDs)

A. Consider flexibility within the PUDs to address appropriate commercial or service land uses in areas with a high residential concentration.

8.6 Build-out

A. Consider flexibility within the Land Management Ordinance to address future development and redevelopment of existing sites. Areas of existing and future redevelopment should be reviewed and identified and additional TIF (Tax Increment Finance) districts considered.

8.9 Age of Structures

A. Develop flexible regulations and incentives to encourage redevelopment of aging structures and districts.

Transportation Element Implementation Strategies:

9.1 Road Network

Y. Utilize the streetscape to establish a character or theme for redevelopment areas, recreation or activity centers, pedestrian oriented areas, and gateways.

Recreation Element Goals:

Goal 10.1 - Recreation Needs

A. Continue to expand the public recreation system by providing adequate facilities to meet the needs of a broad spectrum of the Island population (including visitors) while maintaining sensitivity to the specific needs of the Island.

Goal 10.2 Protection of Unique Features

A. Acquire conservation and park lands as a means to preserve natural and cultural resources for educational, interpretive, and passive recreation uses.

Recreation Element Strategies:

Implementation Strategy 10.2 – Protection of Unique Features

B. Acquire properties located in areas of need for both passive and active uses, and for access points to waterways.

Town Council Goals:

- As a result of the discussions at the Town Council workshop on December 9-11, 2010, ‘Shelter Cove Mall Redevelopment: Conceptual Plan Direction and Town’s Role’, was approved by resolution of Town Council on December 21, 2010 as a High Priority Target for Action.

Exhibit D – Mall at Shelter Cove Development Agreement

09/14/2012

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- Town Council discussed it again at their annual 2011 workshop, December 1-3, which resulted in it being approved through a resolution on December 20, 2011 as a Top Priority Target for Action as part of the 'Shelter Cove Area Redevelopment: Determine Town's Role, and Approve a Plan.
- On November 16, 2011 Mark Senn from Blanchard & Calhoun made a presentation on the conceptual redevelopment plans for the Mall to the Planning Commission who stated their support for the direction of the project.
- On May 31, 2012, Town Council held an informational meeting at which the conceptual plans for the mall redevelopment were discussed.

EXHIBIT D
Shelter Cove Mall Redevelopment
Modifications to
Town of Hilton Head Island's Land Management Ordinance

A. CHAPTER 3 – DEVELOPMENT REVIEW PROCEDURES

1. Article XIII. – Traffic Impact Analysis Plan

a. Sec. 16-3-1301. - Applicability

The following replaces the requirements set forth in this Article:

“Traffic study prepared by Pond & Company, titled, ‘Shelter Cove Mall Redevelopment’ Town of Hilton Head Island, South Carolina, Traffic Impact Study, dated June 25, 2012 resulting from the modifications to the Mall Tract resulting from the Zoning Map Amendment.”

B. CHAPTER 4 – ZONING DISTRICT REGULATIONS

1. Article XIII. – Specific Use Standards

a. Sec. 16-4-1323. – Gas Sales

Omit A. in its entirety.

b. Sec. 16-4-1323. – Gas Sales

Omit C. and replace with the following definition:

“C. No more than 8 pumps (defined as a fueling area for an individual vehicle on each side)”

c. Sec. 16-4-1323. – Gas Sales

Omit D. and E. in their entirety

1. Article VII. – Setbacks

a. Sec. 16-5-704. – Minimum Required Setback Area

Modify A. to include the following:

“Where residential multifamily buildings are adjacent to community park and public open space, setbacks may be reduced to zero with no setback angle requirement”

b. Sec. 16-5-704. - Adjacent Street Setback

Modify B. to include the following:

“Where non-residential buildings front on-street parking, adjacent street setback may be reduced to zero with no setback angle requirement, provided a minimum 10’ sidewalk corridor is maintained.”

c. Sec. 16-5-705. – Exceptions For Setback Angle Requirements

Add C. to include the following:

“C. Setback angle is not required for residential multifamily buildings adjacent to community park or public open space and where non-residential buildings front on-street parking”

2. Article VIII. – Buffers**a. Sec. 16-5-806. – Required Buffers****Modify A. Adjacent Use Buffers to include the following:**

“Adjacent use buffers internal to the overall Shelter Cove master plan amendment area may be reduced to zero.”

b. Sec. 16-5-806. – Required Buffers**Modify B. Adjacent Street Buffers to include the following:**

“Where community park or public open space and non-residential buildings front on-street parking, adjacent street buffers may be reduced to zero.”

c. Sec. 16-5-807. – Specific Buffer Requirements**Modify B. Buffer for Loading, Service and Utility Areas to include the following:**

“Loading, Service and Utility areas internal to the overall Shelter Cove master plan amendment area will not require buffers, but shall have screening.”

3. Article IX. – Planned Unit Development Standards**a. Sec. 16-5-904. – Permitted Uses in PUD****Omit A.3. and replace with the following:**

“3. A perimeter buffer will be maintained at all times adjacent to the Newport Community, the Town’s Veteran’s Memorial, the Plaza at Shelter Cove Shopping Center, and William Hilton Parkway as shown on the Concept Plan. Standards for open space, and impervious coverage shall be fully satisfied for the within the Mall Tract as a whole, including the Community Park and public open space, but do not have to be satisfied on a site-specific basis. In addition, an average 50-foot or greater buffer will be maintained between the Broad Creek marsh critical line and proposed buildings.”

b. Sec. 16-5-904. – Permitted Uses in PUD**Add A.5. to include the following:**

“5. The entire Shelter Cove Mall Tract as depicted by the conceptual master plan, including the community park, multi-family residential and commercial will be viewed as one development plan (for stormwater, min. tree coverage, open space, pervious/impervious, etc.). Any additional minor modifications based on the intent and purpose of this redevelopment project as documented and shown on the conceptual plan and exclusively pertaining to the regulation of any aspect of the redevelopment of the Mall tract (including minor modifications to the standards for open space and pervious requirements), can be approved by the Administrator.”

4. Article XII. – Parking and Loading Standards**a. Sec. 16-5-1201. - Off-Street Parking Required****Omit the second sentence in A and replace with the following:**

“On-street parking on non-arterial streets can be utilized for public parks, multi-family residential, and commercial within the Mall Tract.”

b. Sec. 16-5-1207. – Parking Area Design**Add J. to include the following:**

“J. If not in conformance with standard width requirements, extension of existing parking lot medians and lane widths shall be allowed to align with existing widths.”

C. Chapter 6 – Natural Resource Protection

1. Article II. – Wetlands

a. Sec. 16-6-204 – Wetland Buffers

C. Prohibited Activities.

Revise 3. To include the following:

“grassed lawns and gardens, excluding open space areas within the community park and linear public waterfront corridors. Sufficient wetland buffer vegetation shall be planted and maintained along wetland edges.”

b. Sec. 16-6-204 – Wetland Buffers

C. Prohibited Activities.

Revise 4. To include the following:

“placement of structures, and pervious or impervious surfaces (excluding permitted crossings, fire access lanes and park related pathways (pervious and impervious) and site furnishings (benches, trash receptacles, trellis swings, pergolas, signage, lighting, etc.) associated with the community park and linear public waterfront corridors); and.”

c. Sec. 16-6-204 – Wetland Buffers

D. Additional Buffer Standards.

Omit 4. In its entirety and replace with the following:

“Public access along wetland edges may be provided in wetland buffers by way of a public waterfront promenade, plaza overlooks, and seating areas. Pathways shall be no wider than 10 feet and appropriate water quality measures shall be incorporated into the construction of the project. These pathways and overlooks may be constructed of pervious or impervious materials. Boarded walkways, including public piers, may be permitted within the buffer as part of a boardwalk approved or exempted under Chapter 3, Article V.”

d. Sec. 16-6-204 – Wetland Buffers

D. Additional Buffer Standards.

Omit 5. In its entirety and replace with the following:

“Bulkheads and associated backfill may be permitted in wetland buffers for the purpose of providing public access along the wetland edges.”

e. Sec. 16-6-204 – Wetland Buffers

D. Additional Buffer Standards.

Omit 6. and replace with the following:

“Community park shall have allowances for clearing to provide public access to adjacent wetlands and to establish or improve views for the public. In such cases, additional measures shall be incorporated that address water quality, wildlife habitat, native plant preservation, and other environmental concerns.”

2. Article IV. – Trees

a. Sec. 16-6-402 – Preservation of Trees and Native Vegetation

Revise B. to include the following:

“Impacts specific to utility relocation and road/transportation improvements shall be exempt from the specimen tree requirements of Article IV.”

End of Modifications

Applicable Sections of the LMO related to Exhibit D

Sec. 16-3-1301. - Applicability

The traffic impact analysis plan, monitoring and mitigation requirements and procedures set forth herein are applicable to development as defined in this Title, except for that specifically exempted below.

Sec. 16-4-1323. - Gas Sales

Gas sales are permitted subject to the following standards.

- A. The site shall have direct access to a minor arterial only, as defined in [Sec. 16-5-503](#). No direct access to a major arterial shall be permitted.
- B. No more than two facilities offering gas sales shall be located at the intersection of a major arterial with a minor arterial. The two permitted facilities shall be located on opposite sides of the major arterial.
- C. No more than 8 pumps (defined as a fueling area for an individual vehicle) shall be permitted. In the NC district not more than 2 pumps will be allowed.
- D. If more than 4 pumps are proposed, the pumps shall be split and located on either side of the building.
- E. Pumps shall not be located between the building and the adjacent arterial, but shall be placed to either side of the building.
- F. No signs shall be located on any canopy over the pumps.
- G. All canopy lighting shall meet the requirements of [Chapter 5](#), Article XIV.

(Revised 10/5/99—Ordinance 1999-29; Revised 4/3/01—Ordinance 2001-17)

Sec. 16-5-704. - Minimum Required Setback Area

The minimum required setback area is set forth in the tables below. Minimum setback distances are for structures up to 20 feet in height, measured from the minimum elevation required by FIRM/FEMA or average pre-development grade where no FIRM/FEMA floor elevation is established. Structures exceeding this 20-foot height shall require additional setback according to the appropriate setback angle set forth below.

- A. **Adjacent Use Setback.** All development shall conform to the following minimum setback distances and maximum setback angles, except as expressly provided in this Article. Adjacent use setbacks between two adjoining parcels that are functioning as one development may be eliminated as deemed appropriate by the Administrator.

Proposed Use	Adjacent Use				
	Single Family	Multifamily, Recreational	Institutional, Commercial	Industrial, Warehouse	
Single Family*	Min. Distance Max. Angle	20' 75°	20' 75°	30' 60°	40' 45°
Multifamily, Recreational	Min. Distance Max. Angle	20' 75°	20' 75°	25' 75°	30' 60°
Institutional, Commercial	Min. Distance Max. Angle	30' 60°	25' 75°	20' 75°	20' 75°
Industrial, Utility	Min. Distance Max. Angle	40' 45°	30' 60°	20' 75°	20' 75°

[*NOTE: Single family subdivision exterior boundary only]

1. For all minor subdivisions and Abbreviated Development Plan Review (ADPR) applications, the entire single family exterior boundary setback may be reduced by 50% in area. The setback area shall not be reduced to less than 5 feet wide at any point. The total boundary setback area shall not be required to exceed 20% of the original parcel.

2. [Sec. 16-5-205](#) requires a 5-foot setback along all internal property lines for lots divided for single family detached homes. A side setback may be reduced to less than 5 feet as long as the resultant setback combined with the adjacent lot is at least 10 feet wide and shown on the recorded subdivision plat.

3. For properties located in the CCW, DCW, and SMU zoning districts, the adjacent use setback requirement may be reduced in accordance with [Section 16-5-402A](#).

(Revised 9/5/06—Ordinance 2006-19; Revised 3/6/07—Ordinance 2007-05)

B. Adjacent Street Setback. Minimum setback distances from adjacent roads are specified in the table below.

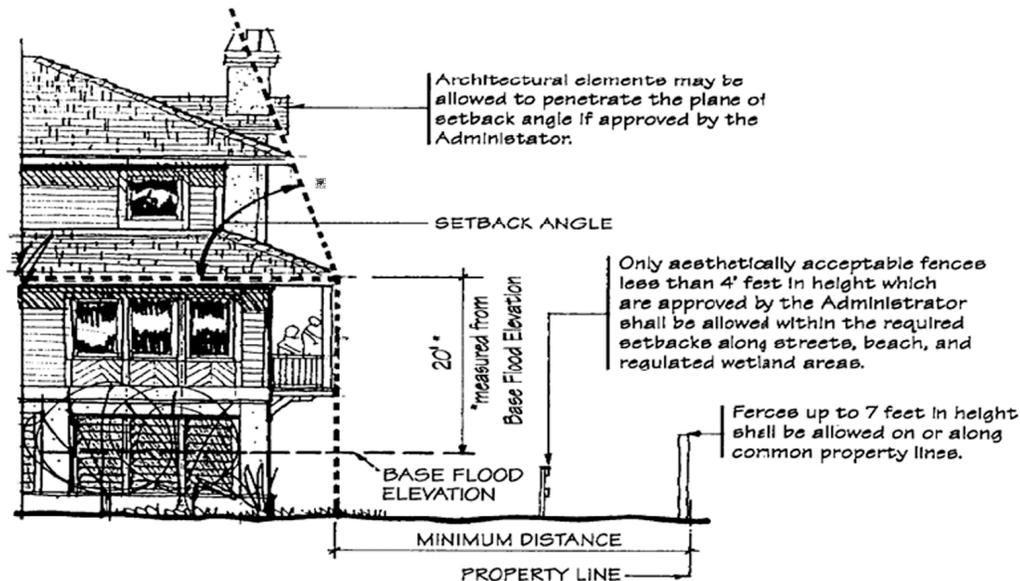
(Revised 3/6/07—Ordinance 2007-05)

Proposed Use		Major Arterials	Minor Arterials	All Other Streets
Single Family Residences				
Structures > 24" in height	Min. Distance Max. Angle	50' 75°	40' 70°	20* 60°
Structures < 24" in height	Min. Distance Max Angle	50' none	30' none	10' none
All Other Uses	Min. Distance Max. Angle	50' 75°	40' 70°	20' 60°

*Note: For all corner lots, the 20 ft. adjacent street setback may be reduced to 10 ft. for one street. The 20 ft. adjacent street setback shall apply to the street having the highest number of average daily vehicle traffic (ADT) as determined by the Administrator. If both streets have equal ADT the property owner may choose which street the residence will front.

For properties located in the CCW, DCW, and SMU zoning districts, the adjacent street setback requirement may be reduced in accordance with [Section 16-5-402B](#).

(Revised 3/6/07—Ordinance 2007-05)



Sec. 16-5-705. - Exceptions For Setback Angle Requirements

- A. Architectural elements may be allowed to penetrate the plane of the setback angle if approved by the Administrator. Architectural elements are parts of a structure which provide visual interest to that structure and are generally non-habitable and decorative in nature. These elements include, but are not limited to, pitched roofs, dormer windows, cupolas, bay windows, eaves and overhangs, chimneys, and church spires.
- B. Exceptions may be allowed by the Administrator only if the applicant demonstrates that:
 1. The required setback angle cannot be met for the architectural elements using alternate site layouts without major modifications to an otherwise acceptable application; and
 2. The excepted architectural elements will not cause detriment to adjacent properties through alteration of natural elements; and
 3. The excepted architectural elements shall not be major or dominant features of the structure; and
 4. The excepted architectural elements will not penetrate the plane of the minimum required setback; and
 5. The exception is the minimum reasonably required to achieve the architectural goal; and, if applicable,
 6. The placement of the structure provides protection of prominent natural features on the site such as trees and wetlands, or historic sites.

Sec. 16-5-806. - Required Buffers

- A. **Adjacent Use Buffers.** Buffers for adjacent uses shall be provided in accordance with the table below. Adjacent use buffers between two adjoining parcels that are functioning as one development may be eliminated as deemed appropriate by the Administrator.

(Revised 3/6/07—Ordinance 2007-05)

Proposed Use	Adjacent Use			
	Single Family (Exterior Boundary)	Multifamily, Recreational	Institutional, Commercial	Industrial, Warehouse
Single Family (Exterior boundary)	20 feet*	20 feet	25 feet plus structural elements	30 feet plus structural elements
Multifamily, Recreation	20 feet	20 feet	25 feet	30 feet plus structural elements
Institutional, Commercial	25 feet plus structural elements	25 feet	20 feet	20 feet
Industrial, Utility	30 feet plus structural elements	30 feet plus structural elements	20 feet	20 feet

[*NOTE: Single family subdivision exterior boundary only]
 For all minor subdivisions and Abbreviated Development Plan Review (ADPR) applications, the entire single family exterior boundary buffer may be reduced by 50% in area. The buffer area shall not be reduced to less than 5 feet wide at any point along the common property line. The total boundary buffer area shall not be required to exceed 20% of the original parcel.
 For properties located in the CCW, DCW, and SMU zoning districts, the adjacent use buffer requirement may be reduced in accordance with [Section 16-5-402C](#).

(Revised 9/5/06—Ordinance 2006-19)

(Revised 2/7/06—Ordinance 2006-02; Revised 3/6/07—Ordinance 2007-05)

B. **Adjacent Street Buffers.** Buffers are required along all streets. In addition to the required distance from the table below, the buffer shall contain appropriate plant material to soften the visual impact of development from the street.

Proposed Use		Major Arterial	Minor Arterial	All Other Streets
All Uses	Average	60 feet	30 feet	—
	Minimum	50 feet	25 feet	20 feet

* **Note:** For all corner lots, the 20-foot adjacent street buffer may be reduced to 10 feet for one street. The 20-foot adjacent street buffer shall apply to the street having the highest number of average daily vehicle traffic (ADT) as determined by the Administrator. If both streets have equal ADT the property owner may choose which street the residence will front.

For properties located in the CCW, DCW, and SMU zoning districts, the adjacent street buffer requirement may be reduced in accordance with [Section 16-5-402D](#).

(Revised 3/6/07—Ordinance 2007-05)

Sec. 16-5-807. - Specific Buffer Requirements

B. **Buffer for Loading, Service and Utility Areas.** For all loading, service, and utility areas for commercial, industrial and institutional developments, the required buffer adjacent to these areas shall be as required in [Sec. 16-5-806](#) plus 20 feet, except where the existing or zoned adjoining use is commercial or industrial. In addition, these buffer areas shall provide structural elements as required in [Sec. 16-5-805](#)

Sec. 16-5-904. - Permitted Uses in PUD

- A. For a PUD located within a PD-1, Planned Development Mixed Use District:
 1. Uses permitted shall be only those expressly permitted by Town approved "master plans" (see Sec. 16-4-209) and, when applicable, Town approved "master plans" as amended per Chapter 3, Article XVII.
 2. Maximum and site specific densities shall comply with the standards set forth in Chapter 4
 3. For those areas of the PUD which do not have restricted access and are open to the general public, all applicable standards of this Title shall apply, including site specific standards as to open space, impervious coverage, setbacks and buffers.
 4. For those areas of the PUD that have vehicular access that is restricted by a security gate staffed 24 hours each day by a security guard, standards for open space and impervious coverage shall be fully satisfied for the PUD as specified in Chapter 4, but do not have to be satisfied on a site-specific basis. In addition, site-specific development within those restricted access areas is exempt from buffer and setback requirements except along external PUD boundaries, as required adjacent to regulated wetlands (see Sec. 16-6-204) and in the Corridor Overlay District (see Sec. 16-5-806).

Sec. 16-5-1201. - Off-Street Parking Required

- A. All development shall provide permanent off-street parking at a minimum in the amount specified below and in compliance with the standards of this Article. An exception to this requirement may be approved by the Administrator for public parks where it is determined that on-street parking on non-arterial streets can be utilized.

Sec. 16-5-1207. - Parking Area Design

Sec. 16-6-204. - Wetland Buffers

- A. Buffers shall be required adjacent to all wetlands.
- B. Minimum Width of Buffer.
 1. All structures, impervious and pervious paved surfaces, and lagoons and stormwater retention/detention areas shall be set back from wetlands in accordance with the following table.

Use	Tidal Wetland	Freshwater Wetland
Multifamily Residential/Nonresidential Impervious Paved Surfaces	50 feet average 25 feet minimum	40 feet average 20 feet minimum
Multifamily Residential/Nonresidential Pervious Paved Surfaces	35 feet average 15 feet minimum	35 feet average 10 feet minimum

Multifamily Residential/Nonresidential Structures	40 feet average 20 feet minimum	35 feet average 20 feet minimum
Single Family Dwelling including accessory structures and impervious or pervious paved surfaces.	20 feet	---
Lagoons and Stormwater Retention/Detention Areas	---	20 feet minimum

2. For vacant property an undisturbed wetland buffer shall be maintained equal to that required for impervious paved surfaces.
3. The minimum wetland buffer shall be measured from the wetland boundary as determined by the survey required by Sec. 16-3-502. Lagoons and stormwater retention/detention areas shall be measured from the wetland boundary to the top of the bank of the lagoon or stormwater retention/detention area.
4. Average buffer is determined by quantifying the distance to the wetland for each 10 linear foot increment of impervious surface, pervious paved surface or structure, summing these, and dividing by the number of increments measured. Quantification of each increment of buffer shall be approved by the Administrator.

C. Prohibited Activities. The following activities are specifically prohibited in the buffer area:

1. removal, excavation or disturbance of the soil, except for minimal disturbance associated with the installation of native trees and plants as approved by the Administrator where the buffer needs to be re-established;
2. dumping or filling with any materials;
3. grassed lawns and gardens;
4. placement of structures, and pervious or impervious surfaces except for permitted crossings; and
5. removal or destruction of trees, plants, grasses, or vines, however the Administrator may approve selective pruning of the buffer for the purpose of providing views into the wetland.

D. Additional Buffer Standards.

1. The area of the average wetland buffer may be landscaped and maintained in a manicured fashion as approved by the Administrator if desired.
2. Impervious surfaces shall be either sloped away from the wetland and runoff routed over a greater distance for filtration purposes, or filtration shall be provided by another method approved by the Administrator.
3. Limited clearing or underbrushing for pathways may be permitted in the buffer in accordance with an approved mitigation plan. Larger trees must remain undisturbed unless they constitute a safety hazard.
4. Public access along wetlands may be provided in wetland buffers by way of Town pathway projects provided such pathways are no wider than 10 feet and appropriate water quality measures are incorporated into the construction of the project. These Town pathways may be constructed of pervious or impervious materials. All other pathways must be no greater

than 4 feet in width and must not be paved or boarded. Boarded walkways may be permitted across the buffer as part of a boardwalk approved or exempted under Chapter 3, Article V.

5. Bulkheads and associated backfill may be permitted in the tidal wetland buffer provided that the required buffer as set forth in the Minimum Width of Buffer section of the LMO is re-established. The Administrator shall approve the replanting plan and any tree removal.
6. For Town projects, the Administrator may approve clearing to provide public access to adjacent wetlands and to establish or improve views for the public. In such cases, additional measures shall be incorporated that address water quality, wildlife habitat, native plant preservation, and other environmental concerns.

(Revised 7/3/01—Ordinance 2001-15; Revised 11/6/02—Ordinance 2002-37; Revised 5/4/04—Ordinance 2004-22; Revised 8/17/04—Ordinance 2004-32; Revised 2/7/06—Ordinance 2006-02; Revised 9/5/06—Ordinance 2006-19)

Sec. 16-6-402. - Preservation of Trees and Native Vegetation

- B. Consistent with the purposes of this Article, all persons shall make reasonable efforts to preserve and retain any existing, self-supporting plants, whether such plants are trees as defined herein or flora which are part of the understory, shrub layer or herb layer. The minimum protection size for Categories I and II is 6 inches in Diameter at Breast Height (DBH), for Category III is 8 inches in DBH and for Category IV is 2 inches in DBH. Specimen trees (see [Sec. 16-6-408](#)), and endangered, threatened or rare species, as designated by the government of the state of South Carolina or the federal government, may not be removed unless they are hazardous, and every effort must be made to protect them. Any activities performed within the dripline of such trees must have the prior approval of the Administrator. If preservation of a specimen tree causes unnecessary hardship, the applicant may apply for a variance from this section (see [Section 16-3-1901](#)) once approval to remove is received in writing from the appropriate agency.