



**Town of Hilton Head Island**  
**Regular Planning Commission Meeting**  
**Wednesday, May 16, 2012**  
**3:00p.m. Benjamin M. Racusin Council Chambers**  
**AGENDA**

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As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

**1. Call to Order**

**2. Pledge of Allegiance to the Flag**

**3. Roll Call**

**4. 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.

**5. Approval of Agenda**

**6. Approval of Minutes - Regular Meeting May 2, 2012**

**7. Appearance by Citizens on Items Unrelated to Today's Agenda**

**8. Unfinished Business**

None

**9. New Business**

**Public Hearing**

**ZMA120002:** The Town of Hilton Head Island has applied to amend the Official Zoning Map by amending the Palmetto Dunes Master Plan to change the land uses permitted on three parcels, located near the corner of William Hilton Parkway and Queen's Folly Road. A portion of one property is currently zoned OL, Office/Institutional, and will be incorporated into the PD-1 as part of the Palmetto Dunes Resort Master Plan. The remainder of properties are currently zoned PD-1 within the Palmetto Dunes Resort Master Plan and assigned land uses of "HHI Fire Station", "PDR Maintenance" and "Outdoor Entertainment Recreation." These designations will be changed to "Office", "Office/Maintenance" and "Government Facilities/Maintenance/Parks and Open Areas" with associated density. The properties are identified as parcels 19 and 347A on Beaufort County Tax Map 12 and parcel 2 on Beaufort County Tax Map 15. *Presented by: Shea Farrar*

**Public Hearing**

**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 height. *Presented by: Anne Cyran*

**10. Commission Business**

Appointment of Nominating Committee for the Election of New Officers 2012-2013

**11. Chairman's Report**

**12. Committee Reports**

**13. Staff Reports**

**14. Adjournment**

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

**\* Upcoming Planning Commission Meetings**

- a. Regular Planning Commission Meeting – June 6, 2012 at 9:00a.m
- b. Special Planning Commission Meeting – June 8, 2012 at 9:00a.m.
- c. Regular Planning Commission Meeting – June 20, 2012 at 3:00p.m.

\* Please visit the Town's website for complete and up-to-date information on all meetings.

1 **TOWN OF HILTON HEAD ISLAND**  
2 **Regular Planning Commission**  
3 **Wednesday, May 2, 2012 Meeting**  
4 **9:00a.m. – Benjamin M. Racusin Council Chambers**

**DRAFT**

5  
6  
7 Commissioners Present: Chairman Loretta Warden, Vice Chairman Tom Lennox, David Bennett,  
8 Alex Brown, Jack Docherty, Terry Ennis, Bryan Hughes, Gail Quick and  
9 Barry Taylor

10  
11 Commissioners Absent: None

12  
13 Town Council Present: Bill Ferguson

14  
15 Town Staff Present: Jayme Lopko, Senior Planner & Planning Commission Coordinator  
16 Charles Cousins, Director, Community Development Department  
17 Shawn Colin, Manager, Comprehensive Planning Division  
18 Kathleen Carlin, Secretary & Administrative Assistant  
19

20 **1. Call to Order**

21 **2. Pledge of Allegiance to the Flag**

22 **3. Roll Call**

23 **4. Freedom of Information Act Compliance**

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

26 **5. Approval of Agenda**

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

28 **6. Approval of Minutes**

29 The Planning Commission **approved** the minutes of the special meeting held on April 10,  
30 2012 as presented by general consent. The Planning Commission also **approved** the minutes  
31 of the regular meeting held on April 18, 2012 as presented by general consent.

32 **7. Appearance by Citizens on Items Unrelated to Today's Agenda**

33 None

34 **8. Unfinished Business**

35 None

36  
37 **9. New Business**

38 **Public Hearing**

39 The Planning Commission will review and consider a recommendation on updates to the  
40 Population, Housing, and Community Facilities Elements of the Comprehensive Plan to  
41 Town Council for adoption. Chairman Warden presented opening statements and opened  
42 the public hearing for this item.  
43

44 Chairman Warden requested that Commissioner Ennis, Chairman of the Comprehensive  
45 Planning Committee, present introductory comments. Commissioner Ennis presented a brief  
46 history of the Comprehensive Planning Committee's work. The Population Element is the

1 final addition to the completed Comprehensive Plan. The Population Element is data-driven  
2 and its completion was heavily dependent upon the Town's most recent census information.  
3 Commissioner Ennis thanked the committee and the staff for all of their hard work in  
4 developing the Population Element. Chairman Warden thanked Commissioner Ennis for his  
5 comments and requested that staff make their presentation.  
6

7 Mrs. Jayme Lopko made the presentation on behalf of staff. The staff recommended that the  
8 Planning Commission forward the proposed changes to the Comprehensive Plan to Town  
9 Council with a recommendation of approval.  
10

11 The Comprehensive Plan Committee met on March 7, 2012 and voted to approve the updates  
12 to the Comprehensive Plan as presented by staff. There was discussion on minor additions to  
13 include information on the native islander population and historic significance of the island.  
14 Those changes have been made by staff.  
15

16 The Town has drafted updates to the Population, Housing, and Community Facilities  
17 Elements based on information obtained from the 2010 Census. The Population Element was  
18 not completely updated during the rewrite of the current Comprehensive Plan that was  
19 adopted in 2010 because the 2010 Census information was not available until 2011.  
20

21 The 2010 Census asked fewer questions than in the past, which caused most of the  
22 information to be based on three year estimates. Some of the census information was  
23 contained within the Housing and Community Facilities Elements so they have been updates  
24 as well.  
25

26 The population of the Town of Hilton Head Island grew from 33,862 in 2000 to 37,099 in  
27 2010, while Bluffton Township grew from 19,044 in 2000 to 52,777 in 2010. The other  
28 notable change was the continuing increase in the median age for the island from 46 in 2000  
29 to 51 in 2010.  
30

31 Mrs. Lopko and the Planning Commission discussed several issues including demographic  
32 information for schools, housing vacancy rates, and the sources of data. Following the staff's  
33 presentation, Chairman Warden requested comments from the public.  
34

35 Chester C. Williams, Esq., presented comments regarding the availability of demographic  
36 information in schools. Mr. Williams also recommended several minor changes to the  
37 Population Element including revising the Title shown under Table 4 and changing the  
38 terminology shown on page 28. Chairman Warden and the other Commissioners agreed  
39 with the recommended minor changes. Chairman Warden requested that staff change the  
40 reference to the Housing Element shown on page 28; change the title shown under Table 4.1  
41 to read 1980 – 2010. The change to the terminology on page 28 is to the 4% tax rate to  
42 indicate that it is for primary residences. Following public comments, Chairman Warden  
43 stated that the public hearing for this item is closed. Following final discussion by the  
44 Planning Commission, Chairman Warden requested that a motion be made.  
45

46 Commissioner Quick made a **motion** that the Planning Commission forward by resolution  
47 the proposed updates to the Comprehensive Plan to Town Council with a recommendation of  
48 **approval**. Commissioner Hughes **seconded** the motion and the motion **passed** with a vote  
49 of 9-0-0.

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**10. Commission Business**  
None

**11. Chairman’s Report**  
None

**12. Committee Reports**

A. Commissioner Lennox stated that the CIP is the only agenda item of an upcoming fiscal year 2013 budget workshop meeting to be held later in May. A meeting date has not yet been decided.

B. Commissioner Quick presented an update on the status of the LMO Rewrite Committee. The staff is still working with the consultant on the Code Assessment.

Separately, Commissioner Quick complimented the staff and the Mayor on the Town’s outstanding 2011 accomplishments that were included in the spring edition of “Our Town”. The two-page article highlights the many achievements that are taking place on Hilton Head Island.

Commissioner Quick also stated that an official dedication of the island’s second public art piece will take place on May 3<sup>rd</sup>. The official dedication of the horse sculptures titled “The Family” will take place at 10:30a.m. at its permanent location on William Hilton Parkway across from Chaplin Park.

**13. Staff Reports**

Mrs. Lopko stated that a special meeting has been scheduled on June 8<sup>th</sup> at 9:00a.m. for review of the redevelopment plans for the Mall at Shelter Cove.

Mr. Charles Cousins stated that Town Council plans to hold a special workshop related to the rezoning agreement for the Mall at Shelter Cove. A workshop meeting date has not been decided.

Mr. Shawn Colin presented comments regarding the most recent redevelopment plan for the Mall at Shelter Cove. The latest redevelopment plan is posted on the Town’s website.

**14. Adjournment**

The meeting was adjourned at 9:50a.m.

Submitted By:  
  
\_\_\_\_\_  
Kathleen Carlin  
Administrative Assistant

Approved By:  
  
\_\_\_\_\_  
Loretta Warden  
Chairman



# TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court

Hilton Head Island, SC 29928

843-341-4757

FAX 843-842-8908

## STAFF REPORT ZONING MAP AMENDMENT

Case #:	Name of Project:	Public Hearing Date:
ZMA120002	Fire Station #6 (Palmetto Dunes)	May 16, 2012

### Applicant/Agent

Town of Hilton Head Island  
One Town Center Court  
Hilton Head Island, SC 29928

### Parcel Data

#### **Property A: Town Property Proposed for Fire Station, Tax Map 12, Parcel 19**

Existing Zoning District: OL (Office/Institutional) with 8,000 square feet of density for "Office" uses or 6,000 square feet of "Other" and PD-1 (Planned Development Mixed Use District) as part of the Palmetto Dunes Master Plan Assigned Land Use: "Outdoor Entertainment/Recreation" with no density.

Proposed Zoning District: PD-1 with land use designations of "Government Facilities/Maintenance/Parks and Open Areas" with 13,800 square feet of density.

Applicable Overlay Districts: COR

#### **Property B: Existing Fire Station Six Property, Tax Map 12, Parcel 347A**

Existing Zoning District: PD-1 within the Palmetto Dunes Master Plan designated as: "HHI Fire Station".

Proposed Zoning District: PD-1 with a land use designation of "Office".

Applicable Overlay Districts: COR

#### **Property C: Palmetto Dunes Maintenance Parcel, Tax Map 15, Parcel 2**

Existing Zoning District: PD-1 within the Palmetto Dunes Resort Master Plan designated as "PDR Maintenance".

Proposed Zoning District: PD-1 with land use designation of "Office/Maintenance".

Applicable Overlay Districts: COR

### Application Summary

**ZMA120002** - The Town of Hilton Head Island is proposing to amend the Town's Official Zoning Map by amending the Palmetto Dunes Resort Master Plan to change the land uses permitted on three parcels, located near the corner of William Hilton Parkway and Queens Folly Road. A portion of one property is currently zoned OL, Office/Institutional, and will be incorporated into the PD-1 Zoning District as part of the Palmetto Dunes Resort Master Plan. The remainder of properties are currently zoned PD-1 within the Palmetto Dunes Resort Master Plan and assigned land uses of "HHI Fire Station", "PDR Maintenance" and "Outdoor Entertainment/Recreation." These designations will be changed to "Office", "Office/Maintenance" and "Government Facilities/Maintenance/Parks and Open Areas" with associated density of 13,800 sq ft as shown on Attachment "A".

**Background:**

Fire Station 6 is located near the entrance to Palmetto Dunes Resort on Queen’s Folly Road. This facility was identified for replacement in the Town’s 2012 Capital Improvements Program based on recommendations from the Town’s Fire and Rescue Master Plan. The existing property would not accommodate the design that the Town uses for new fire stations, so alternative scenarios were explored. This resulted in an agreement between the Town, Palmetto Dune’s Property Owner’s Association (PDPOA) and Greenwood Communities and Resorts (GCR) to sell the existing fire station property to PDPOA and acquire the access needed to another Town property, better suited for the fire station. This will benefit both Palmetto Dunes and the Town. The Palmetto Dunes community will benefit by having its POA administration and security offices located at the entrance to the community, along with a new pass office. The Town will benefit by being able to relocate Fire Station 6 to a site that has better access and is of adequate size for the new fire station design. In order for the proposed uses to be permitted on the applicable properties, the Town is proposing to rezone all properties to PD-1 as part of the Palmetto Dunes Resort Master Plan and to assign the appropriate land use designations.

The density associated with the OL Zoning District will also be incorporated into the PD-1 Zoning District for use with the development of the new fire station. No other density changes are proposed.

**Summary of Facts and Conclusions of Law:**

**Findings of Facts:**

- o Notice of the Application was published in the Island Packet on April 8, 2012 as set forth in LMO (Land Management Ordinance) Sections 16-3-110 and 16-3-111.
- o Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- o A public hearing will be held on May 16, 2012 as set forth in LMO 16-3-1504A.
- o The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

**Conclusion of Law:**

The application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111 and 16-3-1504.

*As set forth in Section 16-3-1505, Zoning Map Amendment Review Criteria, Planning Staff has based its recommendation on analysis of the following criteria:*

**Summary of Facts and Conclusions of Law:**

*Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505A):*

**Findings of Facts:**

**Economic Development Element:**

**Section 7.6 – Potential Strategies with Implication for Comprehensive Plan**

Identify and prioritize areas in need of redevelopment, 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 enhances the Island’s positive legacies.

**Land Use Element:**

**An Implication for Zoning Changes**

Future land use decisions and requests for zoning changes will be determined using the background information contained in this plan as well as the future land use map, currently represented by the Town's Official Zoning Map.

**An Implication for Building Permit Trends**

Redevelopment of our existing built environment and infill development should be a focus for the future development of our community, while the Town has entered a more mature level of development.

**Goal 8.1 – Existing Land Use**

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

**Goal 8.3 –Planned Unit Developments (PUDs)**

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.

**Goal 8.4 – Existing Zoning Allocation**

A. 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.

**Goal 8.5 – Land Use Per Capita**

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

**Goal 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.

**Goal 8.10 – Zoning Changes**

A. The goal is to provide appropriate modifications to the zoning designations to meet market demands while maintaining the character of the Island.

**Implementation Strategy 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.

**Implementation Strategy 8.6 – Build-out**

A. Consider flexibility within the Land Management Ordinance to address future development and redevelopment needs.

**Community Facilities Element**

**Implementation Strategy 6.2 – Town Government**

A. Review the scope of Town government to determine if any increases or decreases should be made to the services that are provided by the Town.

**Implementation Strategy 6.2 – Town Government**

C. Ensure that adequate facilities are available to continue the high level of services offered by the Town.

## **2004 Town of Hilton Head Island Fire and Rescue Master Plan**

### **Recommendations for Locations**

It is recommended that Fire Station 1 and Fire Station 6 undergo significant updating or replacement.

### **Conclusions of Law:**

- Staff concludes that this application is consistent with the Town's Comprehensive Plan, to which the 2004 Fire and Rescue Master Plan is an appendix, as described in the Community Facilities, Economic Development and Land Use Elements as set forth in LMO Section 16-3-1505A.
  - The proposed rezoning provides the flexibility that is needed in the regulation of land use within the PD-1 District to allow for the designation of an appropriate mix of land uses in the appropriate locations to meet the needs of the population and improve the quality of life on the Island.
  - The proposed rezoning will help promote redevelopment of Fire Station 6, an aging structure that no longer meet current market demands.
  - The proposed rezoning will help ensure that adequate facilities are available to continue the high level of services offered by the Town by approving the land uses needed to support the development of a new and modernized Fire Station 6.

### **Summary of Facts and Conclusions of Law:**

*Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505B):*

#### **Findings of Facts:**

- The area in which the subject properties are located is near the entrance to Palmetto Dunes Resort. Present conforming uses on nearby properties include multi-family, office, church, golf course, maintenance area, and government facility (Fire Station 6).
- The purpose of the PD-1 District is to recognize the existence of unique mixed use Planned Unit Developments. (LMO Section 16-4-209).
- The purpose of the OL District is to "establish areas between major commercial areas that are intended to limit the types of nonresidential uses permitted. Land uses permitted are office and institutional in order to minimize travel impacts on the street system, encourage better compatibility in and among land uses on the Island, provide balance among land use types in major corridors and improve visual appearance along major corridors." (LMO Section 16-4-216)
- The subject properties are currently zoned OL and PD-1 with the following assigned land uses: "Outdoor Entertainment/Recreation", "HHI Fire Station" and "PDR Maintenance".

#### **Conclusion of Law:**

Staff concludes that the land uses proposed by this amendment are compatible with the present zoning, the conforming uses of nearby property and with the character of the neighborhood as set forth in LMO Section 16-3-1505B. The properties are currently developed with conforming uses that are compatible with the conforming uses of nearby properties and with the character of the neighborhood.

**Summary of Facts and Conclusions of Law:**

*Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505C):*

**Findings of Facts:**

- The purpose of the PD-1 District is to recognize the existence of unique mixed use Planned Unit Developments. (LMO Section 16-4-209)
- This rezoning would result in all properties being located in the PD-1 District with the following assigned land uses: “Government Facilities/Maintenance/Parks and Open Areas”, “Office” and “Office/Maintenance”.
- One of the properties is split between the OL and PD-1 Zoning Districts. This rezoning will result in the 2.3 acres of that property currently zoned OL being rezoned to the PD-1 Zoning District. The associated density from the OL portion of the property of 13,800 square feet will be incorporated into the Palmetto Dunes Resort Master Plan for this property.

**Conclusion of Law:**

The approval of this application will provide the flexibility that is desired for land use designations in the PD-1 Zoning District by approving the uses and density necessary for the proposed redevelopment project.

**Summary of Facts and Conclusions of Law:**

*Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505D):*

**Findings of Facts:**

- Approximately 22 acres are located in the PD-1 District with the following assigned land uses: “Outdoor Entertainment/Recreation”, “HHI Fire Station” and “PDR Maintenance”.
- Approximately 2.3 acres are located in the OL District.
- All property has been developed with the exception for one property that zoned for both OL and PD-1 as “Outdoor Entertainment/Recreation”.
- The Town purchased this property in 2001 to preclude additional commercial development in the area because of the property’s proximity to residential areas and frontage along William Hilton Parkway.

**Conclusion of Law:**

The properties are suitable for uses permitted in the current district, with the exception of the Town owned property that permits “Outdoor Entertainment/ Recreation” and the OL District property. This property was purchased by the Town to preclude these types of development.

**Summary of Facts and Conclusions of Law:**

*Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505E):*

**Findings of Fact:**

- The subject properties are currently zoned OL and PD-1 with the following assigned land uses: “Outdoor Entertainment/Recreation”, “HHI Fire Station” and “PDR Maintenance”.
- This rezoning would result in all properties being located in the PD-1 District with the

following assigned land uses: “Government Facilities/Maintenance/Parks and Open Areas”, “Office” and “Office/Maintenance”.

**Conclusion of Law:**

The land use designations that would result from this rezoning are more generalized and could result in flexibility that may increase the marketability of the properties.

**Summary of Facts and Conclusions of Law:**

*Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505F):*

**Findings of Facts:**

- The subject properties have water and sewer service provided by Broad Creek Public Service District.
- A portion of the properties affected were included in the stormwater master plan for Palmetto Dunes. The area currently zoned OL, if developed, must meet all the requirements of the LMO.

**Conclusion of Law:**

Staff concludes that these properties either have or will have in the future available sewer, water and stormwater facilities that are suitable and adequate for the proposed uses as set forth in LMO Section 16-3-1505F.

**Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.**

**PREPARED BY:**

SF  
\_\_\_\_\_  
Shea Farrar  
Senior Planner

5/2/12  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

TBL  
\_\_\_\_\_  
Teri B. Lewis, AICP  
LMO Official

5/2/12  
\_\_\_\_\_  
DATE

**REVIEWED BY:**

JL  
\_\_\_\_\_  
Jayme Lopko, AICP  
Senior Planner & Planning Commission  
Coordinator

5/2/12  
\_\_\_\_\_  
DATE

**ATTACHMENT:**

A) Existing and Proposed Zoning

**Existing Zoning**

-  CC - Commercial Center District
-  OL/OM - Office/Institutional District
-  PD-1- Planned Development Mixed Use District

CHRIST LUTHERAN CHURCH

PLANTATION CENTER

William Hilton Parkway

Queens Folly Road

ST ANDREWS COMMON

A

B

C

**Proposed Zoning**

PD-1 as part of Palmetto Dunes Resort Master Plan with assigned land uses of:

-  A- "Government Facilities/Maintenance/Parks and Open Areas" (Town Property)
-  B- "Office/Maintenance" (Greenwood Maintenance Property)
-  C- "Office" (Future PDPOA Property)



**ZMA 12002**  
**Existing and Proposed Zoning**  
**Fire Station 6 Relocation**  
**Town of Hilton Head Island**  
**April, 2012**



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## TOWN OF HILTON HEAD ISLAND

### *Community Development Department*

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**TO:** Planning Commission  
**VIA:** Teri B. Lewis, AICP, *LMO Official*  
**VIA:** Jayme Lopko, AICP, *Senior Planner*  
**FROM:** Anne Cyran, AICP, *Senior Planner*  
**DATE:** May 3, 2012  
**SUBJECT:** Proposed Amendments to LMO Telecommunications Facility & Tower Standards

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#### **Recommendation**

The LMO Committee discussed the proposed amendments at their April 10, 2012 meeting. The Committee suggested changes to the proposed language and recommended that the revised amendments be presented to the Planning Commission at the May 16, 2012 meeting. The changes staff made to the proposed language are summarized below.

Staff recommends that the Planning Commission forward the attached amendments to Town Council with a recommendation of approval.

#### **Summary**

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 telecommunications facilities as permitted uses on non-single-family properties. The LMO categorizes master plan amendments as one of two types – minor or major. Minor amendments may be approved by the Administrator. All other amendments to PUD master plans are considered major amendments and must be reviewed and approved as a Zoning Map Amendment.

The second amendment would reduce 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. The proposed setback would be equal to the tower's height plus twenty feet.

The third amendment would reduce the size of telecommunications tower setbacks from residential structures. The proposed setback would be equal to the tower's height plus twenty feet.

In response to the comments and concerns expressed by the LMO Committee during their April 10, 2012 meeting, staff researched the following issues:

Allowing Telecommunications Facilities as a Permitted Use on Non-Single-Family Property

Staff originally proposed allowing PUD master plans to be amended via a minor amendment (as opposed to a regular ZMA) to allow telecommunications facilities to be classified as a permitted use on non-single family properties, including multi-family properties. The LMO Committee expressed concern about allowing telecommunications facilities on residential properties. Staff believes telecommunications facilities can be appropriate uses on multi-family properties for the following reasons:

- Multi-family structures have a greater density of residents in a smaller area, which means that more coverage and capacity for wireless service is needed there.
- Multi-family properties tend to be in proximity to, and sometimes act as a transition between, single family uses and other types of uses. The placement of telecommunications facilities in multi-family areas allows the placement of telecommunications facilities in close proximity to single family properties.
- Multi-family properties are usually of a size and layout that accommodates a telecommunications facility. Generally, there are utility areas in such developments where a telecommunications facility would be more acceptable.
- In some cases, multi-family structures are of sufficient height to support the installation of antennas on the roof of the structure.

The Procedure to Change the Land Use Designation to Allow a Telecommunications Facility

The LMO Committee expressed concern that the procedure to change the land use designation to allow a telecommunications facility was not clear. Staff revised the language to specify that:

- Property owners within 100 feet of the subject parcel shall be notified in writing via first class mail no less than 30 calendar days prior to the scheduled Design Review Board (DRB) meeting.
- The notification shall also be sent to all relevant property or regimes managers.
- The Administrator must approve the letter prior to being mailed, and the Administrator shall ensure recipients are directed to contact the Administrator with questions and concerns.
- The applicant shall submit to the Administrator no less than 7 calendar days prior to the DRB meeting an affidavit stating the letters were mailed.
- The applicant requesting the change must submit to the Administrator a written consent of the proposed amendment from the subject property owner and from the PUD property owners' association.
- If the Administrator determines the change doesn't have the support of the affected property owners, the request will be denied. The applicant may then propose a major amendment (ZMA) to the PUD master plan.

The Setback from the OCRM Base Line, the OCRM Critical Line, from Publicly Owned Rights-of-Way and from Single Family Structures

The LMO Committee expressed concern that the setback reduction proposed by staff was too great of a change and that the setbacks would not create a sufficient buffer from the telecommunications facility and adjacent uses and structures. Staff made the following revisions:

- Instead of basing the setback on a tower's fall zone, which may vary based on the tower's design, the setback is based on a tower's height.
- The setback from the OCRM Base Line, the OCRM Critical Line and from Publicly Owned Rights-of-Way is now proposed to be equal to the tower's height plus 20 feet.

- The setback from single family structures is now proposed to be equal to the tower's height plus 20 feet.

#### The Legality of Minor PUD Amendments

Local attorney Chester Williams questioned whether South Carolina State Code allows minor amendments to PUDs. Gregg Alford and Mitch Thoreson of Alford, Wilkins and Coltrane have reviewed this issue and have determined that minor modifications to PUDs are permissible. Specifically, State Code Section 6-29-740, Planned Development Districts, states "The adopted plan may include a method for minor modifications to the site plan or development provisions."

#### **Background**

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. To address this Priority, the Telecommunications Taskforce was formed in March 2011 by the Greater Island Council at the request of Mayor Laughlin. The Taskforce was asked to examine the island's telecommunications problems and provide recommendations for how the Town can improve telecommunications service.

A memo outlining the Taskforce's recommendations was presented to Town Council on December 6, 2011, and Town Council voted 7-0-0 to accept the recommendations. One of the Taskforce's findings was that wireless carriers are deferring investments in new infrastructure because of the lengthy process to approve new facilities and because of the restrictions on the location of those facilities, namely setback requirements. The lack of infrastructure investment is particularly acute in the PUDs because the PUD master plans must typically be amended via a zoning map amendment to permit a telecommunications facility as an allowed use on a potential site.

To resolve these problems, the Taskforce recommended amending the LMO to expedite the review process for new telecommunications facilities and to reduce the restrictions on their locations. The Taskforce also recommended decoupling these amendments from the ongoing LMO rewrite process to expedite the changes.

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.

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**Staff Explanation:** Staff recommends amending three sections of the LMO to allow telecommunications facilities to be permitted more efficiently and to reduce telecommunications tower setbacks to allow facilities to be constructed on additional sites.

I. Staff recommends allowing PUD master plans to be amended via a minor amendment to allow a telecommunications facility as a permitted use on non-single family 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 facility cannot be built on that parcel. The only way a telecommunications facility could be built on that parcel is by amending the PUD master plan.

The LMO categorizes master plan amendments as one of two types – minor or major. Minor amendments may be approved by the Administrator. All other amendments to PUD master plans are considered major amendments and must be reviewed and approved as a Zoning Map Amendment. Allowing a telecommunications facility to be an approved use on a specific parcel is currently classified as a major amendment.

The process of reviewing and approving major amendments typically requires four to five months to satisfy public notice requirements and to conduct the required public hearings and meetings, whereas minor amendments are typically reviewed and approved in one month. This amendment would 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 use to allow a telecommunications facility.
    - a. The applicant requesting such a change shall send a written notification to all property owners within 100 feet of the subject parcel at their last known address, the record of ownership and last known address being that which is currently on

file at the Beaufort County Assessor's Office. In cases where the owners of record of real property within 100 feet of the parcel under consideration are part of a condominium or time-share development, the applicant shall also notify the regime/association manager. The notification shall be sent by first class mail no less than 30 calendar days prior to the scheduled Design Review Board (DRB) meeting. The written notification shall be approved by the Administrator prior to being mailed, and the notification shall state that all comments about the proposed amendment shall be directed to the Administrator. The applicant shall submit to the Administrator not less than 7 calendar days prior to the DRB meeting an affidavit of compliance with the notice requirement including a list of all owners to which a notice was mailed.

- b. The applicant requesting such a change shall submit to the Administrator written consent from the subject property owner and from the PUD property owners' association.
- c. If the Administrator determines that the change does not have the support of the affected property owners, the request for a minor amendment will be denied. The applicant may then propose to rezone the Official Zoning Map as described in Chapter 3, Article XV [Amendments to Zoning Map].

~~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. No Change.

## 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 reducing 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. [The OCRM Critical Line marks the boundary of critical areas such as tidelands, coastal waters and the beach. The OCRM Base Line marks the crest of the primary sand dune.]

The current 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 plus 20 feet, which is 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 towers height plus 20 feet, ~~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 reducing the size of a telecommunications tower setback for residential structures.

The current requirement for the setback from any residential structure is the tower height plus 50 feet. For example, the current setback for a 150 foot tower is 200 feet from a single family structure. The proposed setback for a 150 foot tower would be 170 feet from a single family structure. As proposed, the setback from residential structures would be equal to a tower's height plus 20 feet, which is a better reflection of the area that would be impacted by a tower's collapse. Reducing this setback would allow additional potential sites for telecommunications facilities.

E. A tower must be setback a distance of its height 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.