



Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
February 28, 2013
8:30 a.m.
Benjamin M. Racusin Council Chambers

AGENDA

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

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of the Agenda**
- 4. Approval of the Minutes – February 14, 2013 Meeting**
- 5. Old Business**
 - a) Discussion of Specific Use Conditions
- 6. New Business**
 - a) Interval Occupancy (Time Share)
 - b) LMO Section 16-7-107, Discontinuance or Abandonment of Nonconforming Uses
- 7. Adjournment**

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

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING
February 14, 2013 Minutes
8:30a.m. – Benjamin M. Racusin Council Chambers

DRAFT

Committee Members Present: Chairman Tom Crews, Vice Chairman Gail Quick, David Ames, David Bachelder, Chris Darnell, Jim Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio*; and Charles Cousins, *Ex-Officio*

Committee Members Absent: Irvin Campbell

Planning Commissioners Present: None

Town Council Members Present: Lee Edwards

Town Staff Present: Teri Lewis, LMO Official
Anne Cyran, Senior Planner
Jill Foster, Deputy Director of Community Development
Kathleen Carlin, Administrative Assistant

- 1) **CALL TO ORDER**
Chairman Crews called the meeting to order at 8:30a.m.
- 2) **FREEDOM OF INFORMATION ACT**
Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and Town of Hilton Head Island requirements.
- 3) **APPROVAL OF THE AGENDA**
The committee **approved** the agenda as presented by general consent.
- 4) **APPROVAL OF THE MINUTES**
The committee **approved** the minutes of the January 24, 2013 meeting as presented by general consent.
- 5) **NEW BUSINESS**
Discussion of Specific Use Conditions
Chairman Crews presented opening comments on behalf of the committee and welcomed the public. Chairman Crews then requested that Ms. Teri Lewis make her presentation on behalf of staff.

Ms. Teri Lewis stated that staff and the committee will discuss the existing uses in the Land Management Ordinance (LMO) that currently have conditions associated with them. Staff would like to make sure that the committee is in agreement with the staff's

recommendations. Ms. Lewis and the committee reviewed the uses shown in the staff's handout, *Attachment A*. Each of the uses and the staff's recommendations for existing conditions are color coded: Yellow = Keep all existing conditions; Blue = Eliminate all conditions; and White = Eliminate some of the conditions, but not all.

Ms. Lewis and the committee reviewed each of the following uses, the associated condition(s), and the reason for the existing conditions and associated recommendations on an individual basis.

In conjunction with their review of *Attachment A*, the staff and the committee also reviewed the specific conditions as they currently exist in the LMO, *Attachment B*.

ATTACHMENT A	
USE	RECOMMENDATION ON CONDITIONS
Adult Entertainment	Eliminate B, 4, C and E.
Active Sports Complex	Eliminate conditions
Auto Rental	Keep as is
Auto Sales	Eliminate conditions
Aviation Services	Keep as is
Aviation Surface/Passenger Terminal	Keep as is
Banks	Eliminate conditions
Bed and Breakfast	Keep A and B
Bicycle Shop with outdoor storage	Eliminate conditions
Central Reception/Check-in Facility	Eliminate conditions
Community Theater Company	Eliminate conditions
Contractor's Materials	Eliminate conditions
Contractor's Office	Eliminate use, if keep as separate use then only outdoor storage in IL
Convenience Store	Eliminate 'only' in condition A. Eliminate other conditions
Dance Studio	Eliminate conditions
Day Care	Keep A
Department or Discount Store	Eliminate conditions
Divisible Dwelling Unit (lock out unit)	Keep as is
Docking Facility or Boat Ramp	Keep as is
Eating Establishment with seating	Eliminate conditions
Eating Establishment without seating	Eliminate conditions
* Gas Sales	Eliminate 'only' in condition A. Keep B and F. Change C from '8 pumps' to '14 pumps'. Add 2 new conditions related to proximity to arterial roads.

* Ms. Anne Cyran presented the recommended changes to Gas Sales on behalf of staff. The staff recommended the elimination of 'only' in condition "A". The staff recommended keeping conditions "B" and "F". The staff recommended changing "C" from eight pumps to 14 pumps. Staff also recommended adding two new conditions related to proximity to arterial roads. The staff and the committee discussed the distinction between major, minor, and arterial roads. Following this discussion, Ms. Lewis continued with her review of uses through 'Mixed Use'.

Government Facilities	Keep as is
Group Living	Eliminate conditions
Health Club or Spa	Eliminate conditions
Hotel	Eliminate conditions
Indoor Entertainment	Eliminate conditions
Inn	Keep B
Institutions	Eliminate conditions
Interval Occupancy (Timeshare)	**Eliminate as separate use**
Kennel, Boarding/Pet Store/Vet Hospital	Keep A
Light Industrial	Eliminate conditions
Limited Manufacturing	Eliminate conditions
Liquor Store***	Eliminate conditions
Manufactured Housing Park	Keep (A)1, 3, 6, (B)1, 2

Marina	Eliminate conditions
Mixed Use	Keep B

***Legal is conducting research related to these uses.

Based on their discussion, the committee provided Ms. Lewis with the following comments:

1. Adult Entertainment Use: The committee agreed with the staff's recommendation to eliminate conditions B.4, C, and E.2 and remove 'or transferred in ownership or control' from B.2
2. Active Sports Complex: The committee agreed with the staff's recommendation to eliminate the existing conditions.
3. Auto Rental: The committee agreed with the staff's recommendation to keep the existing conditions and add 'rental' to condition 'B'.
4. Auto Sales: The committee agreed with the staff's recommendation to eliminate the existing conditions.
5. Aviation Services: The committee agreed with the staff's recommendation to keep the existing conditions and change '1/2 mile' to '2640 linear feet'.
6. Aviation Surface/Passenger Terminal: The committee agreed with the staff's recommendation to keep the existing conditions and change 'the' to 'any'.
7. Gas Sales: The committee agreed with the staff's recommendations to eliminate Conditions D, E and G and suggested that the maximum number of pumps be increased to 16. The committee intends to revisit Condition A at their 2/28/13 meeting.
8. Banks: The committee agreed with the staff's recommendation to eliminate the existing conditions.
9. Bed & Breakfast: The committee agreed with the staff's recommendation to keep condition B and recommended eliminating condition A.
10. Bicycle Shop with outdoor storage: The committee agreed with the staff's recommendation to eliminate condition B but recommended keeping condition A and adding more specificity to it.
11. Central Reception/Check In Facility: The committee agreed with the staff's recommendation to eliminate the existing conditions.
12. Community Theater Company: The committee agreed with the staff's recommendation to eliminate the existing conditions.
13. Contractor's Materials: The committee agreed with the staff's recommendation to eliminate the existing conditions.
14. Contractor's Office: The committee agreed with the staff's recommendation to eliminate the existing conditions.
15. Convenience Store: The committee asked staff to restudy condition A in conjunction with the changes being proposed for Gas Sales. The committee agreed with the staff's recommendation to eliminate the other conditions, B-D.
16. Dance Studio: The committee agreed with the staff's recommendation to eliminate

the existing conditions.

17. Day Care: The committee recommended eliminating all of the existing conditions.
18. Department or Discount Store: The committee agreed with the staff's recommendation to eliminate the existing conditions.
19. Divisible Dwelling Unit (lock out unit): The committee agreed with the staff's recommendation to keep the existing conditions.
20. Docking Facility or Boat Ramp: The committee agreed with the staff's recommendation to keep the existing conditions.
21. Eating Establishment with Seating: The committee agreed with the staff's recommendation to eliminate the existing conditions.
22. Eating Establishment without Seating: The committee agreed with the staff's recommendation to eliminate the existing conditions.
23. Government Facilities: The committee agreed with the staff's recommendation to keep the existing conditions.
24. Group Living: The committee agreed with the staff's recommendation to eliminate the existing conditions.
25. Health Club or Spa: The committee agreed with the staff's recommendation to eliminate the existing conditions.
26. Hotel: The committee agreed with the staff's recommendation to eliminate the existing conditions.
27. Indoor Entertainment: The committee agreed with the staff's recommendation to eliminate the existing conditions.
28. Inn: The committee agreed with the staff's recommendation to eliminate conditions A, C and D and recommended eliminating condition B.
29. Institutions: The committee agreed with the staff's recommendation to eliminate the existing conditions.
30. Interval Occupancy (Timeshare): *Discussion of this use will take place at a later time.*
31. kennel, Boarding/Pet Store/Vet Hospital: The committee agreed with the staff's recommendation to keep "A" and eliminate "B".
32. Light Industrial: The committee agreed with the staff's recommendation to eliminate the existing conditions.
33. Limited Manufacturing: The committee agreed with the staff's recommendation to eliminate the existing conditions.
34. Liquor Store: The committee recommended eliminating 'residential district' from condition A and eliminating condition B.
35. Manufacturing Housing Park: The committee agreed with the staff's recommendation to keep (A) 1, 3, 6, (B) 1, 2 and suggested that A.4 be re-studied.
36. Marina: The committee agreed with the staff's recommendation to eliminate these conditions.

37. Mixed Use: The committee agreed with the staff's recommendation to eliminate condition A and keep condition B.

Based on the meeting's time constraints, the staff and the committee will complete their review and discussion of the remaining uses beginning with Motels on Thursday, February 28, 2013.

The committee stated their appreciation to Ms. Lewis for the staff's presentation. The staff's color-coded presentation was clear, complete and easily understood by the committee and public.

Chairman Crews thanked the public for attending today's committee meeting. The next LMO Rewrite Committee meeting will be held on February 28, 2013 at 8:30a.m. Following final comments, the meeting was adjourned.

6) ADJOURNMENT

The meeting was adjourned at 10:30a.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: LMO Rewrite Committee
FROM: Teri Lewis, *LMO Official*
DATE: February 20, 2013
SUBJECT: Specific Use Conditions and Recommended Changes

At the LMO Rewrite Committee meeting on February 28th staff will go over the remainder of the existing uses in the Land Management Ordinance (LMO) that currently have conditions associated with them as well as re-visiting conditions related to Gas Sales, specifically condition A and two proposed conditions. The following table [Attachment A] outlines each use and the recommendations for the existing conditions. The recommendations are color coded as follows:

- Yellow – Keep all existing conditions
- Blue – Eliminate all conditions
- White – Eliminate some conditions but not all

The specific conditions as they existing in the current LMO are included with this packet [Attachment B].

The proposed changes to Gas Sales would be:

- 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. [AMENDED EXISTING CONDITION]
- B. The site shall be located at the intersection of at least two streets, one of which shall be a minor arterial. [PROPOSED NEW CONDITION]
- C. If the site is within 500 feet of an intersection of any street with a major arterial, there shall be a traffic signal at that intersection. The distance shall be measured using the shortest distance a vehicle could travel from the site to the intersection. [PROPOSED NEW CONDITION]

Please review the existing conditions and the staff recommendations in preparation for the discussion on February 28th.

ATTACHMENT A	
USE	RECOMMENDATION ON CONDITIONS
Motel	Eliminate conditions
Nightclub or Bar***	Keep A
Open Air Sales	Keep as is
Other Retail Sales and Services	Eliminate conditions
Outdoor Entertainment	Keep A and C
Pharmacies	Eliminate conditions
Residential, Multifamily	Eliminate conditions
Seafood Processing Facility	Keep A
Shopping Center	Keep A
Souvenir or T-Shirt Store	Eliminate conditions
Supermarket	Eliminate conditions
Tattoo Facility	Keep A and C and add playground (all of these are required by State Law)
Telecommunications Facility	Meet recommendations of Telecommunication Task Force
Truck or Trailer Rental	Keep A
Water Oriented Facilities	Keep as is
Water Parks	Eliminate conditions
Watercraft Sales, Rental or Service	Keep as is
Wholesale Business with Accessory Retail Outlet	Keep as is

***Legal is conducting research related to this use

ATTACHMENT B

Sec. 16-4-1339. - Motel

Motels are permitted subject to the following standards.

- A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- B. Is not located in an existing residential subdivision;
- C. Adequate commercial services are available within walking distance; and
- D. If the proposed project will generate more than 50 peak hour trips, the applicant must submit a traffic study that meets the requirements of Sec. 16-3-1304
- E. In the SMU District, the site must be located south of US Highway 278.

Sec. 16-4-1340. - Nightclub or Bar

Nightclubs and bars are permitted subject to the following standards.

- A. Is not located within 200 feet from the nearest property line of any existing church or place of worship, public or private school, or residential district.
- B. Is not located within 500 feet of an existing nightclub or bar.
- C. These distances shall be measured from the nearest property line of the affected use to the nearest property line of the proposed nightclub or bar or any parking lot designated to be used by patrons of the nightclub or bar.
- D. In the SMU District, the site must be located south of US Highway 278.

Sec. 16-4-1341. - Open Air Sales

Open air sales are permitted subject to the following standards.

- A. Temporary open air sales shall meet all of the requirements of Article XV.
- B. Open air sales that are not considered temporary uses in accordance with Article XV shall occur only from an approved structure.

Sec. 16-4-1342. - Other Retail Sales and Service

- A. In the MMU District other retail sales and service are permitted provided they are clearly designed to serve the neighborhood.
- B. Only service uses shall be permitted in the OL, OCIL and OM Districts.

Sec. 16-4-1343. - Outdoor Entertainment

- A. The site shall not exceed 4 acres.
- B. The site shall not be located within 750 feet of any other such facility or any RS-2, RS-3, RS-4, RS-5, RS-6, RM-8 or RM-12 zoning district.
- C. The site shall have access to a minor arterial only as defined in Section 16-5-503
- D. Seating for spectators shall not exceed 250 seats.
- E. Is clearly designed to serve the needs of Island residents or tourists utilizing Island overnight accommodations.

Sec. 16-4-1344. - Pharmacies

Pharmacies are permitted in the OL District provided that it is co-located with a doctor's office and shall not exceed 2,500 square feet in size.

Sec. 16-4-1345. - Residential, Multifamily

Multifamily residential units in the NC, OL, OM and CC Districts provided the site not exceed 5 acres in size.

Sec. 16-4-1346. - Seafood Processing Facility

Seafood processing facilities are permitted subject to the following standards.

- A. The facility shall have direct access to a navigable waterway.
- B. The facility is not located in an existing residential subdivision.
- C. The gross floor area of the facility shall not exceed 5,000 square feet.

Sec. 16-4-1347. - Shopping Center

Shopping centers are permitted subject to the following standards.

- A. All shopping centers shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
- B. New shopping centers are permitted provided they contain only uses permitted by right or as conditional uses within the District.
- C. In the RD District, shopping centers not exceeding 50,000 square feet shall be permitted subject to conditional use review and centers not exceeding 75,000 square feet shall be permitted subject to special exception review.
- D. In the SMU and MMU Districts, shopping centers shall contain no more than 15,000 square feet of gross building square footage.
- E. In the CC District, shopping centers not exceeding 50,000 square feet shall be permitted subject to conditional use review and centers not exceeding 150,000 square feet shall be permitted subject to special exception review. Shopping centers shall contain less than 25 stores and no department store exceeds 75,000 square feet in gross floor area.

Sec. 16-4-1348. - Souvenir or T-Shirt Store

Souvenir and T-shirt stores are permitted subject to the following standards.

- A. The gross floor area of the store shall not exceed 2,500 square feet.
- B. Except in the CCW District, stores shall be located either:
 - 1. In an existing shopping center; or
 - 2. If freestanding, no closer than 1,000 feet from another souvenir or T-shirt store.

Sec. 16-4-1349. - Supermarket

Supermarkets are permitted subject to the following standards.

- A. Supermarkets located in a shopping center in the CC District shall not have a maximum gross floor area of more than 75,000 square feet.
- B. Supermarkets located in the CCW District shall not have a maximum gross floor area of more than 40,000 square feet.
 - A. The site shall have direct access to a major or minor arterial, as defined in Sec. 16-5-503
 - B. The site shall not be located within an existing residential neighborhood.

Sec. 16-4-1350. - Tattoo Facility

Tattoo facilities are permitted subject to the following standards:

1. The site is not located within a minimum of 1,000 feet of:
 - a. A church, or
 - b. A daycare center, or
 - c. A school, or
 - d. A place that is provided by the public or members of a community for recreation, or
 - e. Publicly owned land, or
 - f. The property line of a residential zoning district.

This distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, daycare center, school, place that is provided by the public or members of a community for recreation or residential zoning district to the nearest point of the building in use as a tattoo facility.

2. Such use shall be located a minimum of 500 feet from any existing tattoo facility.
3. Such use shall be located a minimum of 500 feet from any major arterial.

Sec. 16-4-1351. - Telecommunications Facility

Telecommunications facilities are permitted subject to the following standards.

- A. The proposed tower, antenna or accessory structure and equipment will be placed in a location and in a manner which will minimize the visual impact on the surrounding area. Any tower, antenna or accessory structure shall be approved by the Design Review Board for compliance with this requirement. Accessory structures and equipment must meet all applicable standards of this Title.
- B. Approval for a proposed tower within a radius of 10,500 feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner.
- C. A tower must be set back from all lot lines a distance equal to the tower's fall zone, as certified by a registered engineer, plus 20 feet.
- D. A tower must be setback from the OCRM critical line, the OCRM base line and all publicly owned right-of-way a distance equal to the tower height divided by 0.35. 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.

E. A tower must be setback a distance of its height plus 50 feet from any residential structure unless the owner of the structure waives this requirement by a notarized affidavit.

F. The proposed tower must be designed to accommodate additional antennae equal in number to applicant's present and future requirements.

G. The height of a tower is limited to 160 feet as measured from existing grade at its base to the highest point of the tower or antenna. An additional 20 ft. of height may be approved if the tower is designed to accommodate twice the applicants antennae requirements. Antennae or equipment mounted on a building must meet the height requirements of Chapter 4, Article XVII.

H. Lighting shall be in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red strobe lights (L-864) at night and medium-intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. In addition, all towers 150 feet or taller shall be lighted. All commercial communication towers approved by The Town of Hilton Head Island and by the South Carolina State Historic Preservation Office prior to the adoption of this amendment [February 3, 2009] and operating in conformance with those approvals shall be deemed to be lawful nonconforming uses and structures and are not subject to these lighting requirements. Status as a lawful nonconforming use or structure under this subsection shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower.

I. The color of a tower and its antennae shall be one which will blend to the greatest extent possible with the natural surroundings and shall be approved by the Design Review Board.

J. No signage shall be allowed on any tower, antennae, accessory structure or equipment except that provided for in Sec. 16-3-902 G.

K. Existing towers may be replaced or modified providing that the existing height is not exceeded by more than 20 feet and the new or modified tower meets all of the above requirements except for the setback provisions.

L. Any tower, antennae, accessory structure or equipment that is not used for communication purposes for more than 120 days shall be considered as abandoned and shall be removed by the owner within 60 days.

Sec. 16-4-1352. - Truck or Trailer Rental

Truck or trailer rental is permitted subject to the following standards.

A. The site shall be a minimum of 1 acre in size.

B. Any storage areas shall be screened from view from any street or adjacent property by a structural element that shall be located along the interior buffer line.

Sec. 16-4-1353. - Water Oriented Facilities

Water oriented facilities are allowed in the CON District provided they are associated with an approved use in the adjacent zoning district.

Sec. 16-4-1354. - Water Parks

- A. The site shall not exceed 4 acres.
- B. The site shall not be located within 750 feet of any other water park or any RS-2, RS-3, RS-4, RS-5, RS-6, RM-8 or RM-12 zoning district.
- C. The site shall have access to a minor arterial only as defined in Section 16-5-503
- D. Is clearly designed to serve the needs of Island residents or tourists utilizing Island overnight accommodations.

Sec. 16-4-1355. - Watercraft Sales, Rental or Service

Watercraft Sales, Rental or Service is allowed in the WMU District provided it is located at a water-oriented facility. Only non-motorized watercraft rentals are allowed in the SMU District.

Sec. 16-4-1356. - Wholesale Business with Accessory Retail Outlet

Accessory retail outlet associated with a wholesale business are permitted subject to the following standards. No more than 15 percent of the gross floor area of the building shall be devoted to the accessory retail outlet.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: LMO Rewrite Committee
FROM: Teri Lewis, *LMO Official*
DATE: February 20, 2013
SUBJECT: Interval Occupancy (Time Share)

During the 1990s Town Council had some concerns about interval occupancy uses (also referred to as timeshares) and the LMO was amended to classify interval occupancy as a specific use in the Use Table. Currently interval occupancy is listed as an individual use within the Resort Accommodations section of the Use Table. This is the only use in the LMO that is regulated by ownership. Staff recommends that interval occupancy no longer be regulated as a separate use.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: LMO Rewrite Committee
FROM: Teri Lewis, *LMO Official*
DATE: February 20, 2013
SUBJECT: LMO Section 16-7-107, Discontinuance or Abandonment of
Nonconforming Uses

Section 16-7-107.A of the current LMO states:

Any nonconforming use which has been discontinued for a period of twelve consecutive months shall not be re-established. Any structure or land, or structure and land in combination which was formerly devoted to a nonconforming use which has been discontinued for a period of twelve consecutive months, shall not again be devoted to any use other than those uses which are allowable in the zoning district in which the land is located. A conforming use shall not be permitted to revert back to a nonconforming use.

Section 16-7-107.E states:

Discontinuance of a nonconforming use or abandonment of a nonconforming structure shall be deemed to exist upon the occurrence of any one or more of the following for twelve consecutive months:

1. Any failure to take all necessary steps to resume a nonconforming use; or
2. Utility services, such as water, gas, and electricity to the property have been disconnected; or
3. Removal of equipment or fixtures which are necessary for the operation of a nonconforming use; or
4. Any structures that have fallen into disrepair as defined by Section 9-8-10 of the Town's Municipal Code; or
5. Signs advertising a nonconforming use have been removed.

The Final Report from the LMO Rewrite Committee suggested that the 'twelve consecutive months' rule seemed to be too short and that perhaps that time should be extended or eliminated. The Committee should provide further direction regarding this issue.