



Town of Hilton Head Island  
Planning Commission  
LMO Rewrite Committee Meeting  
June 27, 2013  
8:30 a.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. 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 –June 19, 2013 Meeting**
- 5. Old Business**
- 6. New Business**
  - a. PUD flexibility related to the management of common open space areas
- 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**  
June 19, 2013 Minutes  
8:30a.m. – Benjamin M. Racusin Council Chambers

Draft

Committee Members Present: Chairman Tom Crews, David Bachelder, Chris Darnell, Jim Gant, and Charles Cousins, *Ex-Officio*

Committee Members Absent: Vice Chairman Gail Quick, David Ames, Irv Campbell, Walter Nester, and Kim Likins, *Ex-Officio*

Planning Commissioners Present: None

Town Council Members Present: Councilman Bill Harkins

Town Staff Present: Heather Colin, Development Review Administrator  
Jill Foster, Deputy Director of Community Development  
Kathleen Carlin, Administrative Assistant

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- 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 June 19, 2013 meeting minutes as presented by general consent.

Chairman Crews welcomed the public and asked Ms. Heather Colin to make the presentation on behalf of staff.

Ms. Colin thanked the Chairman and stated that today's New Business is Accessory Uses and Structures. The staff and the committee will review the following issues:

- a) What makes a use or structure 'accessory'
- b) Those uses or structures that are considered to be accessory
- c) Specific conditions related to any accessory uses or structures

Ms. Colin stated that an accessory use is incidental and generally subordinate to a principal use.

The provided Accessory Use/Structure Table does not list all allowable accessory uses and structures. If a particular accessory use or structure is proposed but not listed in the table its characteristics will be reviewed to determine if it is allowable as an accessory use or structure.

Ms. Colin stated that the current LMO lists common accessory uses as examples in the use category descriptions rather than providing a separate table of accessory uses. The consultant and the staff believe that providing a separate section related to accessory uses and structures will make this topic easier to understand.

The committee received a copy of the relevant section of the draft LMO (Chapter 4) as part of their meeting 'packet'. Ms. Colin suggested that the staff and the committee review the proposed sections on an item-by-item basis, and the committee agreed.

## **SECTION 16-4-103. ACCESSORY USES AND STRUCTURES**

### **A. Purpose**

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This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. Specific accessory uses are also considered incidental and subordinate accessory uses, if they comply with all relevant provisions of this Ordinance. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands, and all requirements under this Ordinance for the principal use to which it is accessory, and all other relevant provisions of this Ordinance.<sup>1</sup>

Ms. Colin stated that the Purpose Statement remains the same as existing.

### **B. Applicability**

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1. Any use that is customarily incidental and subordinate to a principal use on the same lot is allowed as an accessory use to the principal use, and any structure that is detached from a principal structure on the same lot and incidental and subordinate in use and size to the principal structure and the principal use of the lot is allowed as an accessory structure to the principal structure and use. The Accessory Use/Structure Table in Sec. 16-4-103.D.2 does not list all allowable accessory uses and structures. If a use or structure proposed as an accessory use or structure is not listed in the Accessory Use/Structure table, the characteristics of the particular use or structure relative to the principal use or structure will be considered to determine if the use or structure is an allowable accessory use or structure.
2. Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, establishes general standards that apply to all allowed accessory uses and structures. Sec. 16-4-103.D.2, Accessory Use/Structure Table, shows whether certain types of accessory uses

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<sup>1</sup> This provision builds on Section 16-4-1209 of the current LMO.

or structures are permitted or prohibited within the various zoning districts. Sec. 16-4-103.E, Use-Specific Conditions for Accessory Uses and Structures, establishes conditions that apply to certain types of accessory uses or structures regardless of the zoning district in which they are allowed, unless expressly stated to the contrary.

### **C. General Standards for All Accessory Uses and Structures**

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1. An accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
2. If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.

### **D. Accessory Use/Structure Table<sup>2</sup>**

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#### **1. Abbreviations Used In Accessory Use/Structure Table**

- a. In the table designating the zoning districts in which an accessory use or structure is allowed, the following abbreviations apply:
- b. A “P” indicates that the use or structure is allowable as an accessory use or structure by right in the corresponding zoning district, subject to compliance with Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, and all other applicable regulations of this Ordinance.
- c. A “PC” indicates that the use or structure is allowable as an accessory use or structure in the corresponding base zoning district, subject to compliance with Sec. 16-4-103.C, General Standards for All Accessory Uses and Structures, Sec. 16-4-103.E, Use-Specific Conditions for Accessory Uses and Structures, and all other applicable regulations of this Ordinance.
- d. A blank cell indicates that the use or structure is prohibited as an accessory use or structure in the corresponding zoning district.

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<sup>2</sup> As discussed in the introductory footnote to this section, this subsection generally explains how the Accessory Use/Structure table operates, and how it is to be interpreted.

## 2. Accessory Use/Structure Table

TABLE 16-4-103.D.2: ACCESSORY USE/STRUCTURE TABLE																
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																
Blank Cell = Prohibited																
ACCESSORY USE/ STRUCTURE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED USE AND BUSINESS DISTRICTS						USE-SPECIFIC CONDITIONS	
	CON	PR	RSF-3	RSF-5	RSF-6	RM4	RM8	RM12	I-MX	COLIGNV	I-MX-C	COM-MX	WMU	SMU		RD
Amateur radio antenna <sup>3</sup>			PC	PC	PC	PC	PC	PC					PC			Sec. 16-4-103.E.1
Automatic teller machine (ATM) <sup>4</sup>									P	P	P		P	P		
Crematory (as accessory to funeral homes) <sup>5</sup>											P				P	
Divisible Dwelling Unit <sup>6</sup>									PC					PC		Sec. 16-4-103.E.2
Home Occupation <sup>7</sup>			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		Sec. 16-4-103.E.3
Outdoor display and sale of merchandise <sup>8</sup>									PC	PC	PC	PC	PC			Sec. 16-4-103.E.4
Outdoor storage (as an accessory use) <sup>9</sup>									PC	PC	PC		PC		PC	Sec. 16-4-103.E.5
Satellite dish <sup>10</sup>	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.6
Small wind energy conversion system (WEC) <sup>11</sup>			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.7

<sup>3</sup> The current LMO does not identify amateur radio antenna as an accessory use. It is included in this draft, along with use specific standards because FCC regulations require local zoning regulations to reasonably accommodate amateur radio antennas.

<sup>4</sup> The current LMO does not expressly identify ATMs as an accessory use. They are included in this draft.

<sup>5</sup> The current LMO allows crematories as accessory to a funeral home. This provision codifies that practice.

<sup>6</sup> The current LMO treats a divisible dwelling unit as a permitted use. This draft treats it as an accessory use.

<sup>7</sup> These provisions are carried forward from Section 16-4-1402. - Home Occupations, of the current LMO.

<sup>8</sup> This is a new accessory use regulating the sale and display of merchandise outside the fronts of retail sales and service uses and wholesale sales establishments (see Sec. 16-4-103.E.4).

<sup>9</sup> This is a new accessory use regulating outdoor storage as an accessory use. Standards address the location of storage areas, screening, and height limitations (see Sec. 16-4-103.E.5).

<sup>10</sup> Satellite dishes as an accessory use are carried forward from Section 16-4-1404. - Satellite Dishes, of the current LMO.

**TABLE 16-4-103.D.2: ACCESSORY USE/STRUCTURE TABLE**

**P = Permitted by Right    PC = Permitted Subject to Use-Specific Conditions**

**Blank Cell = Prohibited**

ACCESSORY USE/ STRUCTURE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED USE AND BUSINESS DISTRICTS						USE-SPECIFIC CONDITIONS		
	CON	PR	RSF-3	RSF-5	RSF-6	RM4	RM8	RM12	I-MX	COLICNY	I-MX-C	COM-MX	WMU	SMU		RD	IL
Solar collection device <sup>12</sup>			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-103.E.8

**E. Use-Specific Conditions for Accessory Uses and Structures**

As part of their review of this section, the committee stated that they wanted to discuss accessory dwelling units (which were not included in the draft from the consultant).

The committee provided the following comments that are intended to give the consultant some direction on additional materials to provide to the committee. The committee presented comments on building a garage apartment (or mother-in-law suite.)

Ms. Colin stated that whatever is built first becomes the principal use. Chairman Crews presented comments regarding accessory dwelling units (apartments over garages - mother-in-law suites). These types of accessory dwelling units have a separate entrance and possibly separate utilities as well.

Chairman Crews stated that this type of use has the potential of filling one of the needs identified in the Comprehensive Plan. This is a residential use and used to be referred to as accessory dwelling units.

Ms. Colin stated that if the committee wants to consider this as a permitted use, it may not be appropriate in all zoning districts (*please refer to the above table*). Does it require the same density per unit? RM-3 and RM-4 zoning districts might be a good fit; it would need to be controlled.

The committee recommended that the staff ask the consultant to provide some definition and structure on how this might be done. Mr. Cousins presented comments on the issue of separate utilities as related to accessory dwelling units. The committee may wish to allow separate utilities rather than requiring them. Chairman Crews requested that staff ask the consultant to advise the committee on what they may be able to provide. The staff and the committee discussed density. The committee requested that the consultant provide some direction to the committee with regard to conditions, density, and aesthetics.

<sup>11</sup> The current LMO is silent about whether a small wind energy conversion system can be used in the Town as a source of alternative energy, where, and subject to what standards. This new provision allows small WEC systems subject to their compliance with a specific set of standards to mitigate their external impacts.

<sup>12</sup> Solar collection devices are carried forward from Section 16-4-1405. - Solar Collection Devices Standards, of the current LMO. Revisions to the standards are made to further ensure they are visually compatible with the surrounding environment (see Sec. 16-4-103.E.8).

Mr. Cousins and the committee discussed the issue of ‘lock out units’ as currently identified in the LMO. The committee discussed the impacts associated with this type of use including requirements for parking. Lot size is important, and becomes a challenge with regard to parking requirements. The committee stated that they wanted to receive input from the consultant with regard to not counting it towards density.

Chairman Crews also presented comments regarding general standards that would apply if a principal use is destroyed. In this case, an accessory use structure is no longer allowed. The staff and the committee discussed the issue particularly as related to hardship. The committee discussed imposing a time limitation.

Mr. Darnell discussed the issue of parking requirements as associated with the number of bedrooms in a single-family home. Mr. Bachelder and Mr. Gant presented general statements on this issue as well.

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### **1. Amateur Radio Antenna<sup>13</sup>**

Amateur radio (ham radio) antennas shall comply with the following conditions:

- a. The antenna shall not exceed a height of 150 feet above grade.
- b. An antenna attached to a principal structure shall be located on a side or rear elevation of the structure.
- c. A freestanding antenna shall be located to the rear of the principal structure on the lot, but shall be set back from any lot line by a distance equal to or exceeding its height.
- d. The Official may grant modifications of the above standards if the amateur radio operator can satisfactorily demonstrate that the modification is necessary to reasonably accommodate the operator’s amateur radio communications needs, as guaranteed by federal law.

### **2. Divisible Dwelling Unit<sup>14</sup>**

A divisible dwelling unit incorporating lock-out rooms is allowed as an accessory use to a multifamily dwelling if it complies with the following conditions:

- a. The unit shall not have a separate outside entrance serving the lock-out rooms.
- b. The lock-out rooms may not exceed 75 percent of the gross floor area of the entire dwelling.
- c. Each lock-out room in a divisible dwelling unit shall count as ½ dwelling unit in addition to the one dwelling unit counted for the entire divisible dwelling.

The staff and the committee discussed the uses and conditions for divisible dwelling unit.

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<sup>13</sup> These are new conditions for a new use.

<sup>14</sup> This subsection carries forward Section 16-4-1319 of the current LMO.

### 3. Home Occupation<sup>15</sup>

Home occupations are allowed as accessory to a dwelling unit in accordance with the following conditions:

- a. The home occupation is conducted entirely within a single-family dwelling or integral part thereof and has no outside storage of any kind related to the home occupation or in the case where activities take place away from the dwelling such activities are in full compliance with the provisions of this Ordinance.
- b. The home occupation is clearly incidental and secondary to the principal use of the dwelling. It shall not occupy an area exceeding 25 percent of the floor area of the dwelling unit.<sup>16</sup>
- c. The home occupation is conducted only by persons residing on the premises (nonresident employees are not permitted).
- d. The home occupation does not necessitate or cause the exterior appearance of any structure to be other than residential and is not disruptive of the residential character of the neighborhood.
- e. There is no advertising of the home occupation on the site.
- f. The home occupation creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic or parking problem.

Ms. Colin stated that these conditions are the same as existing.

### 4. Outdoor Display and Sale of Merchandise<sup>17</sup>

Where the outdoor display and sales of merchandise is allowed as accessory to retail sales and service uses and wholesale sales establishments, it shall comply with the following conditions, which are intended to allow such outdoor display and sales to the extent it does not impede the flow of pedestrian or vehicular traffic or create an unsafe condition:

- a. Outdoor display/sales areas shall be depicted on any Site Plan or photograph for the principal use.
- b. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.
- c. Outdoor display/sales areas shall be limited to no more than one-half of the length of the front or side of the principal building. In the case of a multitenant building, the total amount of outdoor display/sales area for all the in-line tenants combined shall not exceed one-half the aggregate length of the front of the building.

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<sup>15</sup> These provisions are carried forward from Section 16-4-1402. - Home Occupations, of the current LMO.

<sup>17</sup> As discussed earlier, this is a new accessory use regulating the sale and display of merchandise outside the fronts of retail sales and service uses and wholesale sales establishments. Standards address the locations of these areas, protecting vehicular and pedestrian accessways, and prohibition of the sale/display of noxious or dangerous materials.

- d. Outdoor display/sales areas shall be located to maintain a clearance area in front of primary building entrances for a depth of at least ten feet, projected straight out from the width of entrance doors.
- e. An obstruction-free area at least five feet wide shall be maintained through the display/sales area or between it and adjacent parking areas for the length of the front building facade, so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building, or along the front of the building, without having to detour around the display/sales area.
- f. No goods shall be attached to a building's wall surface.
- g. The height of the outdoor display shall not exceed six feet.

Chairman Crews recommended that the consultant add some graphics to this section for clarity. Mr. Darnell and the committee discussed outdoor displays and outdoor sale of merchandise (i.e. Wal-mart, Lowe's, etc), and inquired how their outdoor merchandise, (plants, etc.) would be classified.

#### **5. Outdoor Storage (as an accessory use)<sup>18</sup>**

Outdoor storage may be allowed as an accessory use in accordance with the following conditions:

- a. Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site, and shall be located to the side or rear of the principal structure.
- b. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by any combination of an opaque fence, wall, or landscaped berm that is at least six feet high.
- c. Materials in outdoor storage areas shall not be stored higher than the height of the primary structure.

#### **6. Satellite Dish**

Satellite dishes are allowed as accessory to any principal use or structure, provided they are no more than 39 inches in diameter.

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<sup>18</sup> As discussed earlier, this is a new accessory use regulating outdoor storage as an accessory use. Standards address the location of storage areas, screening, and height limitations.

## 7. Small Wind Energy Conversation (WEC) System<sup>19</sup>

Small-scale wind energy conversion (WEC) systems are allowed as accessory to any principal use or structure in accordance with the following conditions.

### a. Location and Setback

- i. Tower-mounted WEC systems shall not be located within a front setback.
- ii. A small WEC system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines). Guy wires and other support devices shall be set back at least five feet from all property lines.

### b. Height

The maximum extended height of a small WEC system shall be the maximum height allowed in the zoning district plus 70 feet.

### c. Blade Clearance

The blade tip or vane of any small WEC system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

### d. Access to Tower

On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

The staff and the committee discussed the maximum height allowed in the district plus 70 feet (145-foot tall). The committee and staff also discussed the districts that they are allowed in. The committee also discussed setback requirements from the property line and the potential need for an additional layer of scrutiny (review by the Design Review Board).

The staff and the committee discussed permitting this use in the PR district with conditions. Horizontal versus a large three-bladed propeller is preferred. Aesthetics is an issue.

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<sup>19</sup> As noted earlier, these are standards for a new accessory use, reflecting growth in the use and promotion of alternative energy systems as a means of reducing fuel costs for property owners. The standards address height, blade clearance, and access to tower. The height standard is intended to provide wind turbines sufficient clearance above surrounding buildings and trees to ensure the unobstructed wind flow needed to operate efficiently. The 70-foot extension of the generally applicable height limit should provide sufficient clearance above buildings, but perhaps not tall trees.

## 8. Solar Collection Devices<sup>20</sup>

Solar collection devices are allowed as accessory to any principal use or structure in accordance with the following conditions:

- a. The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground.
- b. The system shall comply with all the requirements of this Ordinance, except that the maximum height standards for the zoning district may be varied by up to eight feet for a roof-mounted system if it can be demonstrated that the system needs to be extended above the height limit to properly operate.
- c. In no case shall the device deprive an adjacent property owner of direct sunlight.

<sup>1</sup> As noted earlier, these standards build on the provisions in Section 16-4-1405. - Solar Collection Devices Standards, of the current LMO. They are intended to ensure solar collection devices are visually compatible with the surrounding environment. The one significant modification is that the provisions are modified to allow the solar collection device to exceed the height limit by eight feet if it can be demonstrated the system needs to be extended above the height limit to properly operate.

The committee and staff discussed Solar Collection Devices particularly with regard to the issue of height (8-ft. requirement). Visibility and aesthetics are a concern and conditions will be important. The committee discussed a potential review by the Design Review Board. The committee requested that the consultant provide some input on this topic.

Following final comments, the meeting was adjourned. The next committee meeting will be held on Thursday, June 27, 2013 at 8:30a.m.

## 7) ADJOURNMENT

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

Submitted by:

Approved by:

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Kathleen Carlin  
Administrative Assistant

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Tom Crews  
Chairman