



Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
September 12, 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** – August 29, 2013 Meeting, September 4, 2013 Meeting and September 5, 2013 Meeting
- 5. Unfinished Business**
- 6. New Business**
 - a. Proposed Changes to Coligny Resort District
- 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
August 29, 2013 Minutes
8:30a.m. – Benjamin M. Racusin Council Chambers

Draft

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

Committee Members Absent: Vice Chairman Quick, Walter Nester, Kim Likins, *Ex-Officio*

Planning Commissioners Present: None

Town Staff Present: Teri Lewis, LMO Official
Jill Foster, Deputy Director Community Development
Eileen Wilson, Senior Administrative Assistant

Town Council Member Present: Bill Harkins

- 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 August 22, 2013 meeting minutes as presented by general consent.
- 5) **UNFINISHED BUSINESS**
Discussion of Draft Chapter 7 - Nonconformities
Chairman Crews welcomed the public and requested that Ms. Teri Lewis make her presentation on behalf of staff. Ms. Lewis presented a brief history of Nonconformities as well as background details regarding the changes that have been made by staff to Chapter 7.

The staff adopted significant changes to Chapter 7 – Nonconformities in 2009. The purpose of these changes was to make it easier for nonconforming sites to redevelop. The goal of simply working to eliminate nonconformities was changed to one of working to lessen nonconformities. Over the four years that these changes have been in place, they have been working very well.

The pros of the current nonconforming chapter include:

- Provides a great deal of flexibility through the waiver process
- Allows smaller redevelopment projects (nonconforming site features and structures) to go forward without going through the Redevelopment Floating Zone process
- Allows expansion/enlargement as long as the footprint doesn't get bigger and there is no further encroachment into buffers or setbacks and the impervious does not increase
- As part of the waiver process can now eliminate some nonconformities or provide site improvements
- Allowed accessory structures to be considered site features

The cons of the current nonconforming chapter include:

- The only way a nonconforming use can be expanded is by going through the Redevelopment Floating Zone process (a 4-6 month public meeting process)
- The footprint of the nonconforming structure cannot increase

Ms. Lewis and the committee discussed staff's recommended changes to Chapter 7 – Nonconformities. The recommended changes:

- 1) Include an introduction paragraph to 16-7-101.G. This paragraph will provide more information about the waiver process and the purposes of the process.
- 2) Figure out how to allow the footprint of nonconforming site features or structures to be increased as long as the nonconformity is not increased.
- 3) Eliminate 16-7-101.H.3.
- 4) Add specificity to 16-7-101.H.5.a.
- 5) Change 'gas' to 'sewer' in 16-7-101.H.5.b
- 6) Make it clear that the section referred to in the last sentence of 16-7-101.I is the Waiver by Official section.
- 7) 16-7-102 (Footnote 455): Recommend allowing an accessory structure to be expanded, enlarged, extended if the accessory structure is conforming.
- 8) 16-7-102 (Footnote 457): Clarion needs to provide additional information (i.e. would there be criteria used to make the determination, could the determination be made by the BZA).
- 9) 16-7-103.A: change 'this Ordinance to Chapter 16-7'. Reference the Waiver by Official section here also.
- 10) 16-7-103.B: make it clear that this section covers intentional human destruction as well.
- 11) Eliminate 16-7-104.E.
- 12) 16-7-105.B.1 – make it clear that the list provided in a-e is not inclusive.
- 13) Eliminate 16-7-105.B 2 and 3.
- 14) 16-7-105.C 1-3 seems very confusing – recommend eliminating or asking Clarion to provide more information about how this would work.
- 15) 16-7-105.C.5 – If 16-7-105 1-3 are retained then #5 needs to include the option for a private appraisal to be used.
- 16) 16-7-105.D – same concerns as 16-7-105.C 1-3.
- 17) 16-7-105.E – If retained, there needs to be better criteria for staff to use to make this determination.

Staff Recommendations Relevant to Administrative Adjustments – Section 16-2-103.S

- 1) Table 16-2-103.S.2: clarify whether it is the street setback or adjacent use setback; clarify why the planting rate would be reduced if the buffer is reduced (staff believes that the intent was to make the buffer more opaque if the width was reduced); need criteria for all adjusted standards so they do not become the new minimum.
- 2) 16-2-103.S.4.c.ii: Clarion needs to review the purpose and intent statements for each zoning district are thorough enough to be used to review the administrative adjustment.
- 3) 16-2-103.S.4.e: This is too broad.

6) NEW BUSINESS

Draft Corridor Overlay District (COD) Review

Ms. Lewis stated the Chairman Crews thought that it would be appropriate for the committee to review and comment on the proposed Corridor Overlay District as part of the LMO rewrite review process.

The draft language provided by Clarion is very similar to the existing language with a few notable exceptions:

- 1) 16-3-106.F.2.a.iv: All parcels in certain zoning districts are required to receive Design Review Board (DRB) review. This list of zoning districts will need to be re-studied once Clarion has finished the committee requested changes to the zoning districts.
- 2) 16-3-106.F.2.f: The current LMO states that if a project will not be visible from the corridor the DRB may waive review of the development. The proposed language states that if a project will not be visible from the corridor, the DRB may delegate review to the Official through the Minor Corridor Review Procedure. [**Note: the Committee discussed this delegated review during their review of the Chapter 2 draft and agreed that this approach was acceptable.**] The committee recommended that rather than delegating the review to staff that waivers just be handled at the staff level. The committee also recommended that ‘corridor’ be changed to ‘public way’.
- 3) 16-3-106.F.4.c: The current LMO allows the DRB to place further restrictions on signs – the draft language eliminates this ability.

As part of the discussion, Chairman Crews presented comments regarding lighting, specifically the conversion to LED lighting.

Definitions

Ms. Lewis stated that earlier this summer the committee received a copy of Chapter 10, Definitions. It was determined at that point that the committee would not go through every definition at a committee meeting but that if individual committee members had concerns about any definitions they would send them to staff. The staff has not received any feedback from the committee regarding Definitions. Ms. Lewis requested that the committee submit their thoughts and suggestions on Definitions to the staff.

Ms. Lewis reminded the committee that the consultants will be in town next week. The committee is scheduled to meet with the consultants on Wednesday, September 4th at 5:00p.m and again on Thursday, September 5th at 8:30a.m. The committee and the consultants will discuss

Nonconformities, Administrative Adjustments, and the proposed Coligny Resort District standards at the September 4th meeting and trees at the meeting on September 5th.

Ms. Lewis stated that Mr. Jeff Buckalew, Town Engineer, will attend the September 12th committee meeting to discuss stormwater management.

7) ADJOURNMENT

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

Submitted by:

Approved by:

Eileen Wilson, Sr. Administrative Assistant
and Kathleen Carlin, Secretary

Tom Crews
Chairman

DRAFT

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

Draft

September 4, 2013 Minutes
5:00p.m. – Benjamin M. Racusin Council Chambers

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

Committee Members Absent: Vice Chairman Quick and Kim Likins, *Ex-Officio*

Planning Commissioners Present: None

Town Staff Present: Teri Lewis, LMO Official
Kathleen Carlin, Administrative Assistant

Town Council Member Present: None

1) **CALL TO ORDER**

Chairman Crews called the meeting to order at 5:00p.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) **UNFINISHED BUSINESS**

None

5) **NEW BUSINESS**

a. Discussion of Nonconformities

Chairman Crews welcomed the public to the meeting and requested that Ms. Teri Lewis make her presentation on behalf of staff.

Ms. Lewis stated that today's meeting will focus on a discussion of Nonconformities, Administrative Adjustments, and the build-to line that is being proposed for the Coligny District. Ms. Lewis introduced the consultants, Mr. Craig Richardson and Mr. Stephen Sizemore, from Clarion & Associates.

Ms. Lewis presented brief comments with regard to the committee's previous review of Nonconformities. The consultants had previously asked the committee if they would be interested in allowing a nonconforming use to change to another nonconforming use that was less

nonconforming. The committee seemed amenable to this idea and wanted additional information – how has this worked in other communities? What type of criteria would be used to make that judgment? Was it something that would potentially go to the Board of Zoning Appeals? Ms. Lewis requested that the consultants respond to these questions.

Mr. Stephen Sizemore began the discussion on behalf of Clarion & Associates. Mr. Sizemore explained the concept of lessening a nonconforming use. About half of the development codes that the consultant has seen do have provisions that allow for a change from one nonconforming use to another nonconforming use if it is a lesser nonconforming use. Most of the regulations that do that can probably be split into two categories. One way is to have a review by the Administrative Official and the other way is to have the issue reviewed by the BZA.

Typically those kinds of provisions will have some general principles in terms of what makes a use less nonconforming. Based on the intent and based on use classifications in the district. Things like traffic impact or a retail use that would generate less traffic or going from a light industrial use to a retail use. The consultants stated that they will need to look at the current Use Table. It will require some type of interpretation. If you allow staff to make the decision, that decision could be appealed to the BZA.

Mr. Sizemore stated that the other issue is the expansion of a nonconforming use. There are a number of communities that allow the expansion of a nonconforming use to varying degrees. One provision that is used by other communities is the provision that would allow for the expansion of a nonconforming use in an existing building that was originally designed for that use in that building. This is fairly straight forward and is handled administratively.

Another way to handle it is to require a special exception from the BZA. The BZA looks at issues related to the impact to make sure that the expansion is consistent with the character.

The criteria are going to be measureable – there will have to be some judgments involved. There might be a couple of uses that are nonconforming that you would not want to have expanded (a gas station, for example). The expansion can be tailored.

The committee and the consultant discussed a couple of potential examples on the island. The committee and Ms. Lewis discussed the process compared to the Redevelopment Floating Zone concept. Ms. Lewis stated that the biggest difference is the time requirement. BZA would be a 45-day process instead of a four to six-month process involved with the Redevelopment Floating Zone.

Mr. Gant presented statements regarding changes to the Use Table – some will be fairly simple (for example, light industrial use to retail or office use). A process for the others may require BZA review.

Mr. Darnell asked how appropriate the expansion of a nonconforming use will be. The longer review process may be appropriate. Chairman Crews stated that the public will have an opportunity to speak to the issue. The staff will have an opportunity to review and speak to the degree of the relative expansion. Chairman Crews stated that this should probably not be a problem.

Ms. Lewis stated that the committee needs to provide direction to the consultant if they want to change the current process. The Redevelopment Floating Zone is the only process in place at this time. If the committee wants to add a review by the BZA, they will need to direct the consultant to do that. Mr. Darnell stated that this is a pretty significant change in nonconforming uses and maybe it should go continue to through the public hearing process. Chairman Crews stated that some benign things that should be able to go through the BZA process. The committee discussed the issue with Ms. Lewis.

Mr. Nester stated that the purpose of a zoning ordinance is to eliminate nonconformities and to direct the development to take place in certain areas. This is in contrast with the committee's task - if a business is successful in a particular location, why would the government interfere with that?

Chairman Crews stated that if the proposed guideline is adopted, would it be appropriate to keep the Redevelopment Floating Zone. Ms. Lewis stated that the Redevelopment Floating Zone will remain in place because it is there for other reasons, too.

The Floating Zone was developed to make it easier for someone to redevelop their site. The consultant made a good case for keeping the Redevelopment Floating Zone in place. This is just another way for the expansion of a nonconforming use (BZA). There are some uses that are nonconforming that are not a problem.

Mr. Gant stated that the first tier should be changing a nonconforming use to a less nonconforming use. The second tier should be the expansion of a nonconforming use (BZA review process) and the third tier would be the more complicated nonconforming cases which would fall into the Redevelopment Floating Zone classification.

The committee stated that they generally agree with allowing a nonconforming use to expand with a review by the BZA and special exception process. Chet Williams, Esq., presented comments regarding a nonconforming use as related to the State Enabling Act. Following this discussion the committee and consultants moved to a discussion of Sec. 16-7-105 B & C. Remodel Costs 25 Percent or less Structure Value.

Mr. Stephen Sizemore presented statements regarding the proposed sliding scale. The committee discussed the issue and ultimately decided to eliminate the sliding scale shown in "C" & "D". The committee decided that the Waiver will continue to work on nonconforming sites and the proposed sliding scale is not needed.

Following final comments, the staff, the committee and the consultants moved to a discussion of Administrative Adjustments.

b. Discussion of Administrative Adjustments

An Administrative Adjustment is intended to allow minor variations, or adjustments, to certain dimensional or numerical standards of this Ordinance based on specific criteria, with the intent of allowing minor modifications where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards of this Ordinance and the Comprehensive Plan, and is compatible with surrounding development. An Administrative Adjustment is also intended to provide limited flexibility, in specific areas, to allow alternative design that is better than that afforded by strict application of certain dimensional or numerical standards. The purpose of this subsection is to establish procedures and standards for review of applications for Administrative Adjustments.

Mr. Sizemore and the committee discussed Table 16-2-103.S.2: Allowable Administrative Adjustments. An Administrative Adjustment may be approved only for the standards identified in the above referenced table. Allowable Administrative Adjustments, up to the limits set forth in the table for the zoning district within which the adjustment is requested. The committee and the consultants briefly discussed the Adjusted Standard, the Districts, and the Allowable Adjustment and Special Criteria contained within the table.

The committee and the consultants discussed item #4. Administrative Adjustment Review Standards. The committee stated that the standards need to be made specific enough so they do not cause a problem. Some flexibility is shown in the proposal; the intent is to allow just enough

flexibility but not too much.

c. Discussion of proposed Coligny Resort District standards

Ms. Lewis presented brief background comments on Chapter 16-3: Zoning Districts – Sec. 16-3-105 Mixed Use and Business Districts B. Coligny Island Activity Center (I-MX-Coligny) District.

Ms. Lewis requested that Mr. Sizemore make his presentation on the staff's handout, Page 3-27, # 3 - Development Form and Parameters – Build-To Zone. Along all streets in the I-MX-Coligny District except those that form or contain the boundary of the district, building facades adjacent to the street shall be located within a build-to-zone extending between 5 and 30 feet from the street right-of-way. Mr. Sizemore and the committee discussed the Build-To Zone in the Coligny District.

Ms. Lewis presented an overhead review of the Coligny zoning district. The committee, the staff, and the consultant discussed the intent of the district. Mr. Charles Cousins presented statements regarding the purpose of the district. The purpose of the Coligny District is to recognize and promote further growth of the area near Coligny Circle as an activity center and a core high-energy and visitor-oriented place that encourages people to live, work, and recreate within a compact area. The district is intended to accommodate relatively high-intensity, commercial, office, residential, and mixed-use development that is pedestrian-friendly and human scale, and integrates civic and public spaces into the development.

The committee stated concern that the boundaries of this district may be too large. The consultant presented statements regarding set-back regulations. Mr. Chet Williams presented statements in support of an Overlay District.

The committee discussed how this model works along both sides of Pope Avenue. Mr. Cousins stated that the space between the buildings and the sidewalk (build-to line) needs to be treated in a special way. The committee and the staff discussed several issues including density, design and neighborhood character. Where does the incentive come from to redevelop the Coligny area? Maybe the area needs to have its own classification of design standards (a Floating Zone perhaps that allows the option of a build-to line).

The committee stated concern that the Coligny area is too big at this time. Maybe two separate districts are needed for Coligny. Mr. Chet Williams presented statements regarding the need for incentives for redevelopment of Coligny to occur. The committee agreed with the need for incentives for redevelopment of Coligny. The committee and Ms. Lewis reviewed the increased density in Coligny. The committee agreed that there is a difference between the southwest side of Pope Avenue and the northeast side. The two sides should be treated differently. What should the character of this area be? The committee and Ms. Lewis briefly discussed the Resort Development District and its applicability in the Coligny area.

The consultants stated that they need more direction from the committee regarding what they would like to see in the way of two separate base districts, density, and use of the Hotel Resort District. Allow for build-to line – the unknowns are do you want incentives for developments that come in? If so, what kind? The committee and staff discussed setback requirements for buildings with parking located behind the building. The committee and staff also commented on bonus density as related to infrastructure. The consultants responded to several questions from the committee regarding an increase in residential density. Mr. Cousins presented statements regarding base density. Ms. Lewis presented comments regarding the existing and proposed increases in density in the CCW zoning district and CFB zoning district. Ms. Lewis requested that the committee give staff a chance to break up the district as recommended by the committee. The committee and staff discussed the recommended parameters including both sides of Pope Avenue.

Ms. Lewis stated that the committee will meet again with the consultant tomorrow morning at 8:30a.m. The committee will complete their review of Tree Regulations at tomorrow meeting. Following final comments, the meeting was adjourned.

6) ADJOURNMENT

The meeting was adjourned at 7:00p.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

DRAFT

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING

Draft

September 5, 2013 Minutes
8:30a.m. – Benjamin M. Racusin Council Chambers

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

Committee Members Absent: None

Planning Commissioners Present: Thomas Lennox

Town Staff Present: Teri Lewis, LMO Official
Rocky Browder, Environmental Planner
Jill Foster, Deputy Director Community Development
Kathleen Carlin, Administrative Assistant

Town Council Member Present: None

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) **UNFINISHED BUSINESS**

None

5) **NEW BUSINESS**

Discussion of proposed Tree Protection Regulations

Chairman Crews welcomed the public and presented opening comments regarding today's review of the proposed Tree Protection Regulations. Following these comments, Chairman Crews requested that Ms. Teri Lewis make her presentation.

Ms. Lewis presented a brief history of the committee's previous review of trees. Ms. Lewis then introduced Mr. Craig Richardson and Mr. Stephen Sizemore, consultants from Clarion & Associates.

Mr. Craig Richardson began his presentation by referring to the staff's handout on Sec. 16-6-104,

Tree Protection. Mr. Richardson stated that the consultants understand the staff's and the committee's concern with changing the regulations on Tree Protection. Hilton Head Island has achieved impressive results with their existing Tree Protection Ordinance. The goal is now integrating Tree Protection with development and redevelopment on the island. Mr. Richardson stated that the concept of Urban Forest Management provides a little more flexibility with the Town's regulations while still protecting the island's tree protection goals.

The committee defined the purpose and intent of the standards in Sec. 16-6-104. Tree Protection is to preserve and protect the tree canopy and specimen trees that contribute so much to the ambience, economy, and quality of life on Hilton Head Island.

Mr. Richardson discussed Urban Forest Management which is protection of the existing tree canopy – protecting large areas of canopy on site rather than protecting individual trees. The committee began with a review of Minimum Tree Canopy. Existing tree canopy consists of the crowns of all healthy self-supporting trees included in the categories of Category I through Category IV. The staff previously expressed the concern that understory trees were not included. The consultant will include stronger definitions to include understory trees if directed to do so.

Mr. Richardson reviewed the Retention of Existing Tree Canopy. The table included in the staff's handout represents a sliding scale in which minimum percentage of existing tree canopy that must be retained varies inversely with the percentage of existing tree canopy. Where the existing tree canopy cover falls between two percentage points shown on the table, the minimum required tree canopy retention shall be prorated between the corresponding percentage points for minimum required tree canopy retention in the applicable district. For example, if existing tree canopy cover is 65% (25 percent of the difference between 60% and 80%) minimum required tree canopy retention shall fall at 25 percent of the difference between 60% and 52%, or 60%.

Mr. Richardson discussed tree canopy conditions on sites that are undeveloped versus redeveloped. Percentages for the Coligny District are different than those of all other zoning districts. Mr. Richardson discussed a couple of examples of tree canopies in districts other than the Coligny District.

Mr. Richardson discussed the Minimum Tree Canopy as Percentage of Site Area. Mr. Richardson also reviewed the Tree Protection Zone. Vice Chairman Quick and other committee members stated concern with the illustration shown in Figure 16-6-104.E.2 (example of Existing Tree Canopy Retention). The loss of trees shown in the "Before and "After" illustrations is too aggressive for Hilton Head Island. The consultants said they would fix the illustrations.

The consultant stated that the staff will determine what trees will be preserved (those smaller than specimen tree size). Mr. Darnell stated that this will be a burden on the applicant to have to come to the staff for permission to remove trees smaller than specimen tree size. Ms. Lewis, Mr. Browder, and Mr. Darnell discussed the Town's current process for making this determination. Mr. Chet Williams presented comments on this subject. Mr. Williams stated that the developer should be able to use his property to the best possible extent within the confines of the code. Mr. Richardson presented comments on the precise standards of an existing canopy on the site.

Mr. Darnell stated concern with a group of smaller than specimen tree size. The Tree Protection Zone will protect everything under it – this is an expansion of the tree ordinance. Given the island's soil conditions, we should consider allowing some encroachment into the dripline of specimen trees.

Mr. Richardson presented comments on behalf of the consultant. The concept of the Tree Protection Zone was discussed by the committee. The committee might consider certain types of activities that might be allowed within the dripline of specimen trees. Mr. Gant presented

statements regarding the Minimum Canopy and the Priority Retention Areas. The committee discussed eliminating items “c” and “e” from the list shown under Priority Retention Area. The committee agreed with this idea.

Vice Chairman Quick stated the importance of preserving existing trees. Developers should have to justify their reasons for removing trees on their sites. Chairman Crews presented statements regarding the Category of trees (specifically 50 – 60 year old pine trees). Many of these trees are in declining health and should not necessarily be saved. There is a balance that should be considered when developing land. The ordinance should capture this difference. Mr. Darnell stated that the canopy approach addresses new development and there is not much new development on the island. The real issue is not only redevelopment but also changes to the properties that might include the removal of trees (for instance, trees that are hanging over roofs and causing those types of problems). There is no place in the current LMO that addresses the removal of trees without mitigation requirements. Mr. Gant stated the need for minimum or acceptable tree canopy percentage requirements.

Mr. Darnell stated his concern with the nicer trees in a wooded area that are in need of better growing conditions (i.e. thin out the lesser trees that crowd the health of the nicer trees). Mr. Ames and other committee members agreed with this concern. Mr. Browder stated that many of these concerns are already being taken care of by the current LMO regulations. Mr. Stephen Sizemore, consultant, presented statements on this subject and the consultants agreed that this item should be codified in the new LMO. Mr. Gant stated that Tree Regulations are an extremely important part of the LMO rewrite process. Mr. Richardson and Mr. Sizemore and the committee discussed the issue of pine trees. How does the committee feel about including smaller pine trees in the regulations? Does the committee want to exclude certain pine trees from the regulations?

Chairman Crews presented comments in concern of pine trees on the island that are “lightning rods” and hazardous. Mr. Nester agreed and stated concern with aged agricultural pines (engineered pines) on the island that are in poor condition and become a hazard to homes and businesses in storm conditions. We should encourage people to remove these types of engineered pine trees. Mr. Todd Ballantine stated at a previous meeting that these types of pine trees are not natural on the island and should not be protected. Mr. Ames stated there are certain types of trees that are natural to the island, in good health, and they should be protected under the regulations.

Mr. Browder presented comments in support of the staff’s efforts to work with the public in the removal of dangerous trees. The committee stated that this should be codified in the LMO. Mr. Browder stated that the current LMO already contains this. Mr. Nester stated that the ordinance should be clear in providing the needed information regarding trees. We need to have an ordinance that is clear and easily understood by property owners and citizens.

Mr. Browder presented comments regarding the stringent mitigation requirements in the consultant’s proposal. The proposal talks about tree canopy requirements and yet contains stringent mitigation requirements. The committee thanked Mr. Browder for these comments and stated that the existing mitigation rate is probably more appropriate.

Mr. Browder stated concern with the loss of diversity when understory trees and vegetation are removed from a site. The committee discussed the importance of diversity and understory trees with regard to location on the island. Coligny is a different kind of tree scheme – it will be done differently than other places on the island. Will the new ordinance give us the result that we need? The committee stated that it will be difficult for the staff to codify everything that is important.

Mr. Chet Williams presented comments regarding the current requirement for development and redevelopment as related to caliper inches. Mr. Browder and Mr. Williams discussed canopy

coverage requirements. Mr. Nester stated again the importance of the public being able to open up the ordinance and know what trees must be kept and what trees can be removed on his or her piece of property. The consultants agreed that the goal is to provide some very precise standards in the new ordinance. The committee might want more aggressive standards than what is in today's proposal. Mr. Charles Cousins and Mr. Richardson discussed Tree Canopy Standards.

The committee stated the importance of having additional information from the staff before Tree Regulations are taken to the next public level. An example of how this will actually work on a site plan on different parts of the island should be reviewed and discussed. Ms. Teri Lewis agreed to provide the requested information to the committee.

The committee then discussed Tree Protective Fencing and Signage, Tree Protection Zone Encroachments and Protective Measures. Tree protection zones shall include the areas of a development site that is within the drip lines of the all individual trees, and stands of trees proposed to be retained and protected in accordance with Sec. 16-6-104.F.3, Retention of Existing Tree Canopy, and Sec. 16-6-104.G, Specimen Tree Preservation, as well as areas for any planted, relocated, or replacement trees proposed to be provided in accordance with Sec. 16-6-104.1, Waiver of Tree Retention Requirements, or Sec. 16-6-104.K, Tree Damage During Development.

The committee discussed examples of specimen trees on the island that have adjusted to paving within the dripline (i.e. in parking lots). Mr. Browder presented comments regarding innovative techniques in dealing with issue. Mr. Williams asked why the consultant wants to increase the current restrictions? The consultant stated that they can modify the restrictions if the committee would like them to. The committee discussed the general requirements versus # 1 and # 2 of the Tree Protection Zones (shown on the staff's handout).

Chairman Crews and the committee discussed the area under the dripline of trees and the survivability of specimen trees. The area within the drip line of any specimen tree shall not be subject to paving or soil compaction greater than ten percent of the total area within the drip line, or within 12 feet of the tree trunk per the proposed ordinance.

Mr. Chet Williams and the committee discussed the protection of existing trees versus an incentive for developers to install new trees. The committee and the consultant discussed tree canopy retention standards and the incentive for the installation of new trees particularly in parking lots. The developer may need an incentive to install trees in parking lots. These should be allowed to count towards the canopy calculation.

Mr. Gant stated that the first objective should be to protect large beautiful specimen trees, the second objective should be to have as much tree canopy as possible while still facilitating new development, and the third objective should be to incent the planting of trees in parking lots. Mr. Nester recommended that an incentive for the removal of engineered pines be included in the list of objectives. The committee asked that the consultants work on this.

The committee and the consultant discussed a certain level of tree canopy as well as the requirement for the planting of new trees where they are needed. The committee and staff discussed the existing Tree Replacement Fund.

The consultant provided final comments on the requirement of trees in parking lots as part of the tree canopy requirements. Mr. Gant presented comments regarding the issue of tree management within PUDs (discussed by the committee at a previous meeting) specifically regarding the management of trees behind a 24-hour manned gate. Mr. Cousins stated that the staff will work on the correct language for this. Differentiating between small and large POAs needs to be worked out by staff and the committee.

Ms. Lewis stated that the committee will discuss Coligny at their September 12, 2013 meeting.

7) ADJOURNMENT

The meeting was adjourned at 10:25a.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: LMO Rewrite Committee
FROM: Teri Lewis, *LMO Official*
DATE: September 12, 2013
SUBJECT: Review of Coligny Resort and Resort Development zoning district standards

At the LMO Rewrite Committee meeting on September 4, 2013 the Committee suggested that the boundaries of the proposed Coligny Resort zoning district be revised. The Committee asked that the commercial area along Pope Avenue from Cordillo Parkway/Shipyard Plantation to Coligny Circle be included in the Coligny Resort zoning district and that the remainder of the parcels that had been shown in the initial Coligny Resort zoning district be changed to the Resort Development zoning district.

For the discussion on September 12th, staff has provided the following:

- List of uses proposed to be allowed in the Coligny Resort zoning district
- List of uses proposed to be allowed in the Resort Development zoning district
- Map illustrating existing zoning of the subject area
- Map illustrating proposed boundary changes to the Coligny area
- Map illustrating the existing Resort Development zoning district in the Folly Field area (the RD district is shown in purple)

Staff recommends that the proposed build to zone (between 5 and 30 feet from the street right-of-way on major arterials only) in the Coligny Resort zoning district remain but that this zone be optional instead of required. Additionally staff recommends that the density in the Coligny Resort zoning district be as proposed below:

Residential: 8DU
Hotel, Inn or Motel: 35 Rooms
Nonresidential: 8,000 SF

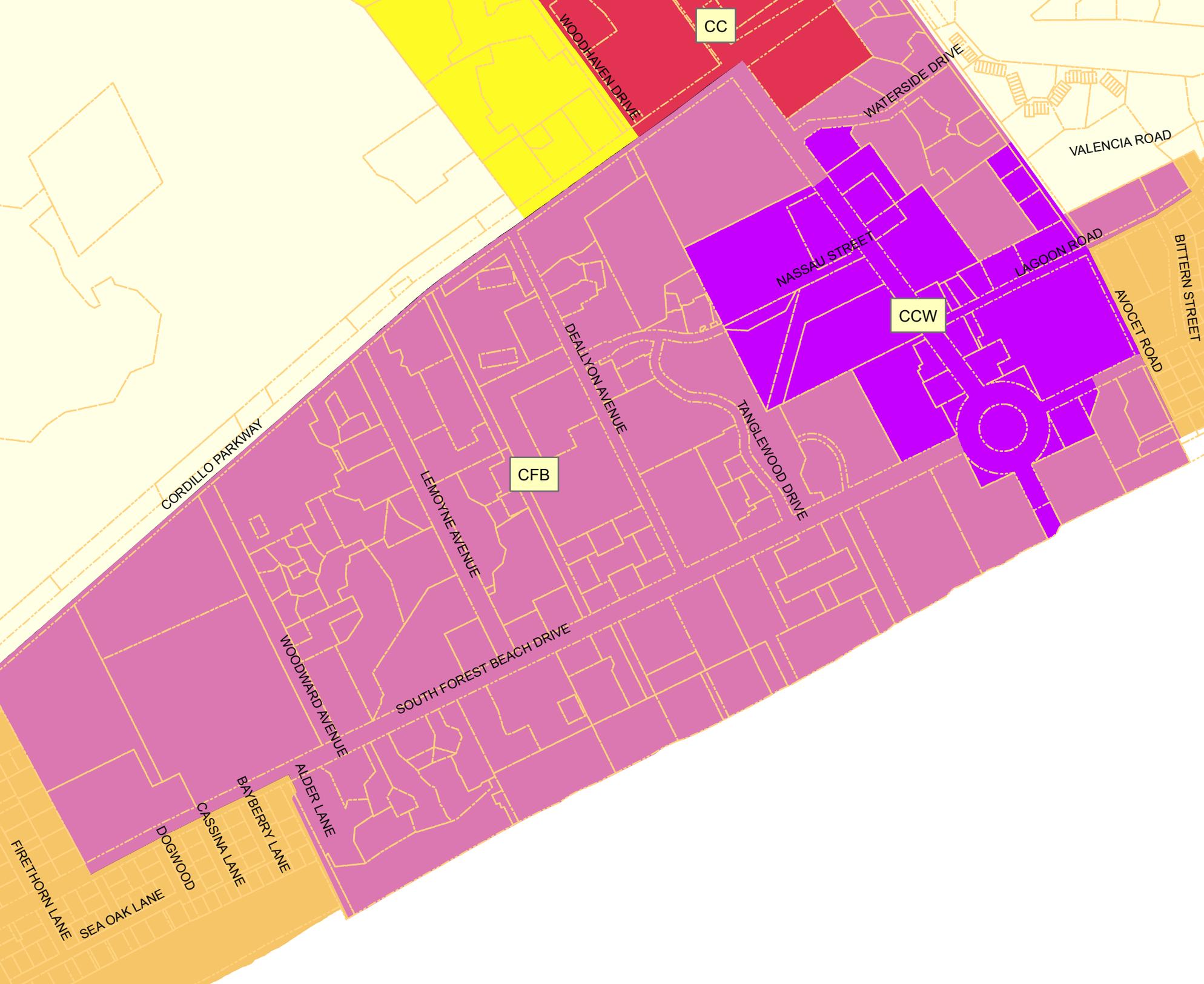
and that additional residential density and nonresidential square footage be provided through a variety of incentives. **The Committee needs to be prepared to discuss ideas for incentives and how the incentives will work.** Staff will provide aerials at the meeting of a couple of specific sites in the Coligny area to use in working through ideas for incentives.

COLIGNY RESORT ZONING DISTRICT USES

USE	P (Permitted), PC (Permitted with Conditions), SE (Permitted by Special Exception)
Mixed Use	PC
Multifamily	P
Community Service	P
Education	P
Government Uses	P
Major Utilities	SE
Minor Utilities	P
Public Parks	P
Religious Institutions	P
Telecommunications Antenna, Collocated or Building-Mounted	PC
Telecommunication Towers, Monopole	PC
Beds and Breakfasts	PC
Hotels, Inns and Motels	P
Indoor Commercial Recreation	P
Outdoor Commercial Recreation uses other than Water Parks	PC
Water Parks	P
Office	P
Bicycle Shops	PC
Convenience Stores	PC
Eating Establishments	PC
Grocery Stores	P
Liquor Stores	SE
Nightclubs or Bars	PC
Open Air Sales	PC
Shopping Centers	PC
Other Commercial Services	P
Auto Rentals	PC
Gas Sales	PC

RESORT DEVELOPMENT ZONING DISTRICT USES

USE	P (Permitted), PC (Permitted with Conditions), SE (Permitted by Special Exception)
Mixed Use	PC
Multifamily	P
Single Family	P
Community Service	P
Government Uses	P
Major Utilities	SE
Minor Utilities	P
Public Parks	P
Religious Institutions	P
Telecommunications Antenna, Collocated or Building-Mounted	PC
Telecommunication Towers, Monopole	PC
Beds and Breakfasts	PC
Hotels, Inns and Motels	P
Indoor Commercial Recreation	P
Outdoor Commercial Recreation uses other than Water Parks	PC
Water Parks	P
Office	P
Bicycle Shops	PC
Eating Establishments	PC
Liquor Stores	SE
Nightclubs or Bars	PC
Other Commercial Services	P
Auto Rentals	PC



CC

CFB

CCW

CORDILLO PARKWAY

WOODHAVEN DRIVE

WATERSIDE DRIVE

VALENCIA ROAD

BITTERN STREET

AVOCET ROAD

LAGOON ROAD

NASSAU STREET

TANGLEWOOD DRIVE

DEALLYON AVENUE

LEMOYNE AVENUE

SOUTH FOREST BEACH DRIVE

WOODWARD AVENUE

ALDER LANE

BAYBERRY LANE

CASSINA LANE

DOGWOOD

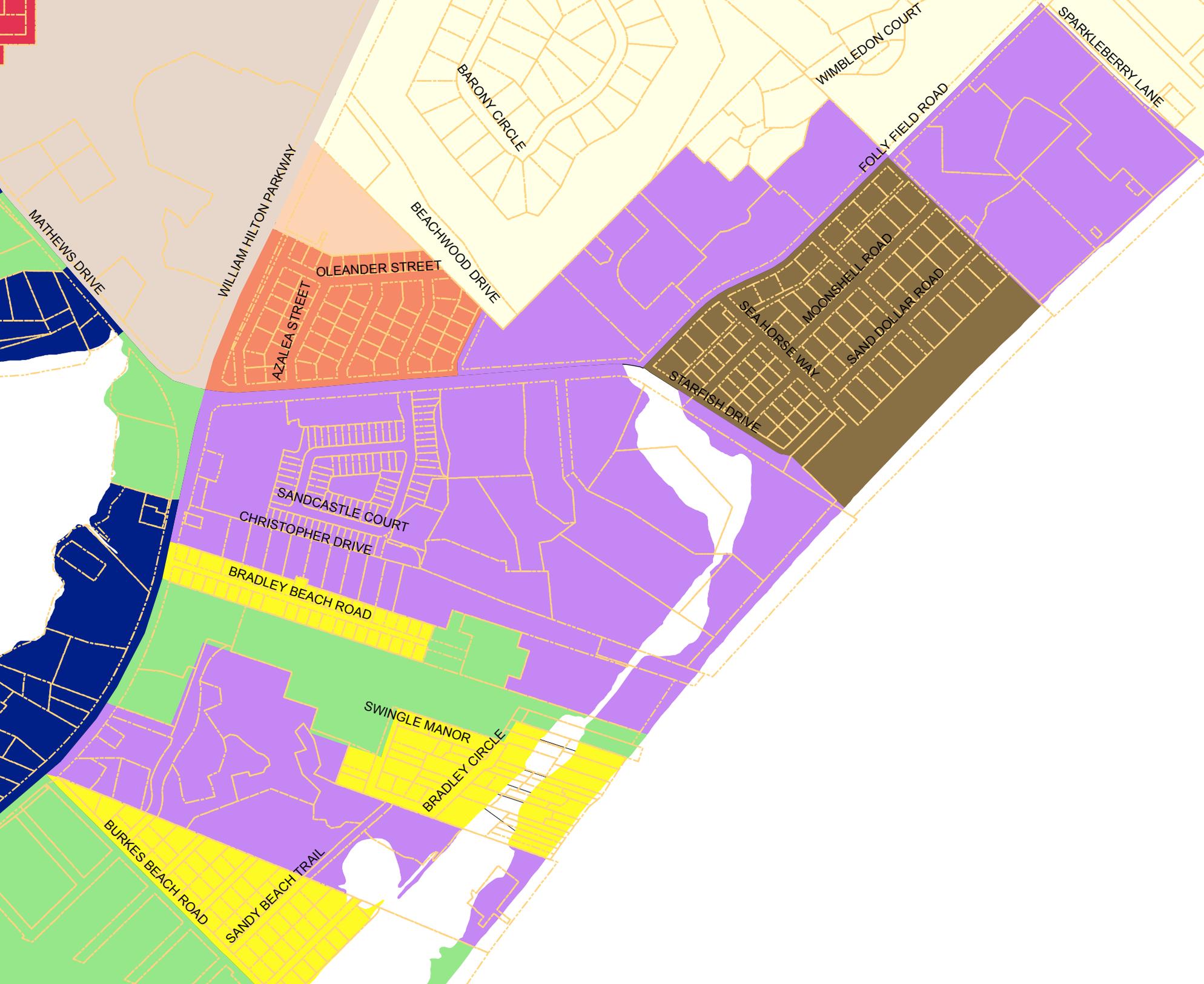
SEA OAK LANE

FIRETHORN LANE



COLIGNY RESORT

RESORT DEVELOPMENT



MATHUEWS DRIVE

WILLIAM HILTON PARKWAY

BEACHWOOD DRIVE

BARONY CIRCLE

WIMBLEDON COURT

SPARKLEBERRY LANE

FOLLY FIELD ROAD

OLEANDER STREET

AZALEA STREET

SEA HORSE WAY

MOONSHELL ROAD

SAND DOLLAR ROAD

STARFISH DRIVE

SANDCASTLE COURT

CHRISTOPHER DRIVE

BRADLEY BEACH ROAD

SWINGLE MANOR

BRADLEY CIRCLE

BURKES BEACH ROAD

SANDY BEACH TRAIL

WIMBLEDON COURT