

THE TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE

May 16, 2011 Meeting Minutes

1:00p.m. – Benjamin M. Racusin Council Chambers

APPROVED

Committee Members Present: David Ames, David Bachelder, Tom Crews, Jim Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio*; and Charles Cousins, Community Development Department Director, *Ex-Officio*

Committee Members Absent: Chris Darnell, Gail Quick

Commissioners Present: None

Town Council Members Present: None

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

1) CALL TO ORDER

Chairman Crews called the meeting to order at 1:00 p.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 agenda was approved as presented by general consent.

4) APPROVAL OF THE MINUTES

The minutes of the May 6, 2011 meeting were approved as presented by general consent.

5) NEW BUSINESS

Chairman Crews presented opening comments and then requested that Ms. Teri Lewis make her presentation on LMO, Chapter 4, Zoning District Regulations.

Ms. Lewis began her presentation on Chapter 4, Zoning District Regulations, with a review of the Town's Official Zoning District Map. Committee members were provided with an 11" x 17" copy of the Town's Official Zoning District Map so that they could follow the staff's review. Staff described the Residential Zoning Districts, Commercial Zoning Districts, Mixed Use Zoning Districts, Resort Development Zoning Districts, and Other Zoning Districts.

Chapter 4 – Zoning District Regulations

Why Zoning Is Where It Is

- Most Planning staff was not here when the zoning districts were put into place. For the most part, however, we've been able to identify the policies behind the existing zoning map.
 - Select commercial cores
 - Resort oriented development near the beach
 - Industrial uses near the airport
 - Sensitivity around Broad Creek
 - Not have commercial strip centers located along Hwy. 278
 - Stoney Mixed Use (SMU), Marshfront Mixed Use (MMU), and Water Mixed Use (WMU) came about as a result of the Ward One plan in the late 1990s
 - Conservation (CON) district along creeks and beach
 - Character/purpose statements (brief paragraphs are listed for each zoning district)
 - Planned Development (PD-1) represents the 10 Planned Unit Developments (PUDs) inside and outside of the gates – list of items in Sec. 16-4-209.E says what uses have to be shown on the Master Plan to be allowed
 - **Q: What philosophy is the committee trying to accomplish with the zoning map?**

Ms. Lewis and the committee reviewed the current process for applying for a Zoning Map Amendment. The process is rather time consuming; Town's requirements must meet the state's minimum requirements. The committee and staff briefly discussed use and density issues. Each master plan is unique, and uses and definitions can be complicated. There should be some commonality of definitions within Planned Unit Developments (PUDs). The current Use Table is very long and may need to be more concise.

Overlay Districts

- What is an Overlay District? Answer: One that extends on top of one or more base districts and is intended to protect certain critical features and resources
- 7 Overlay Districts
 - Airport
 - Corridor Overlay District (COR)
 - Forest Beach
 - Folly Field
 - Holiday Homes
 - Critical Storm Protection Dune Accretion Area (CSPDAA)
 - Planned Development (PD-2): parcels under 250 acres, allows greater design flexibility than the base district so that natural features can be protected and development concentrated (ex. Marsh Tacky Village, Bermuda Point)
- Floating Zone – this is a zone that's described in the text of the ordinance but is unmapped – gets it through the zoning map amendment (ZMA) process

- Redevelopment Floating Zone
 - Adopted in 2007
 - Allows flexibility in redeveloping nonconforming properties
 - Only 1 owner has used this – Southpaw Pet Lodge in Fish Haul/Mitchelville area
 - **Q: Is this process too cumbersome? Is enough flexibility provided?**

Staff and the committee reviewed the purpose and conditions associated with a Floating Zone application. The approval process is rather time consuming. The application process lacks predictability.

The committee and staff briefly discussed conforming and nonconforming uses.

Challenges with the Existing Zoning Map

- Office/Institutional Low Density (OL) Zoning District
- How Many Districts?
- 24 zoning districts
- 8 residential districts
- Walking Districts were created in 2007 - Coligny Commercial Walking District (CCW) and Dunagans Commercial Walking District (DCW) – but these are not currently real walkable areas.
- 26 Zoning Map Amendments in the last five years
 - 9 were Town initiated
 - 1 for Redevelopment Floating Zone (RFZ)
 - 1 for Planned Development (PD-2) (Marsh Tacky Village)
 - 12 were in the Planned Development (PD-1) District
 - 2 denials (Towhee, Jordan parcel); 1 was withdrawn, however, it would have been denied (Main Street)
- **Q: Do the districts adequately reflect what is there and what should be there?**
- **Q: Are there too many zoning districts?**
- **Q: Is the Official Zoning District Map too complicated to read?**
- **Q: Where are the nodes/activity centers /community spaces/walking villages?**

The committee and staff discussed several issues including the current number of zoning districts (there may be too many).

Use Table

Five (5) core use categories: residential, public/civic, commercial, industrial, and other.

- Within those core use categories it is broken down into 17 additional categories: household living, educational, institutions, parks/open areas, utilities, eating establishments, indoor recreation/entertainment, outdoor recreation/entertainment, office, resort accommodations, retail sales/service, vehicle sales/service, light industrial service, manufacture/production, warehouse, wholesale sales, water oriented facilities
- Then it is broken up into an additional 94 specific use categories (ex. retail sales and service has 24 specific uses just in that single category)
- 122 uses allowed by Special Exception
- 52 special exceptions taken to the BZA from 1999 – present
- 16 in the last five years (including first 6 months of 2011 – 3 ->describe) – all approved
- 160 uses permitted by condition
- 56 uses have specific conditions

The committee and staff discussed several issues including Specific Use Standards (some of these are no longer relevant; others are important.)

Q: How many conditions are still relevant?

Q: What is the Town trying to accomplish with these conditions?

Q: Should the Town consider consolidating uses?

Accessory Uses:

- What is one: a use customarily associated with a principal use but subordinate to that principal use
 - other uses listed under this section are home occupations, signs, satellite dishes and solar collection devises
 - accessory uses must meet any conditions and all design and performance standards

Temporary Uses:

- Section provides regulations that apply to all
 - basically no permanent changes to the site, no reduction in parking
- Specifically listed are construction/storage trailers, construction staging/storage, fairs/carnivals/public gatherings, open air sales, parking lot/sidewalk sales, temporary sales/leasing offices, temporary tents

Density:

- Densities used to be higher when the Land Management Ordinance (LMO) was adopted then as a result of findings by the Growth Management Task Force (GMTF) – they were changed to reflect what actually could be built on a site
- Densities are broken down into dwelling units (residential), rooms (hotel/motel/inn) and square footage (nonresidential) by district
- Bonus densities
 - Allowed in Marshfront Mixed Use (MMU) if certain conditions are met
 - Used to be allowed in other districts for dune restoration, stormwater improvements but those were removed in the last 5 years because the Town generally has done those
- **Q: Should the committee look at identifying the areas that can and cannot support density and then look at ways to transition between the two and allow a new mix of uses to exist?**

Impervious Coverage and Open Space:

- Broken down by district
- Broken down into maximum impervious coverage that can be provided and minimum open space that must be provided, also section for minimum open space related to major subdivisions
- Additionally provides standards for the Planned Development (PD-1) District as well

Height:

- Broken down by district
- Maximum height of 75 feet (equates to 5 stories over parking) allowed in Planned Development (PD-1), Water Orientated Mixed Use (WMU), Central Forest Beach (CFB) - ocean side and Resort Development (RD)
- Describes how height is calculated
- Provides flexibility for certain facilities that have to be higher (example: water storage tank) and certain architectural elements (example: church steeples, chimneys)

This completed Ms. Lewis' presentation on Chapter 4, Zoning District Regulations. At the completion of comments by the committee, Chairman Crews requested public comments, and none were received.

Chairman Crews and staff then reviewed the committee's upcoming meeting schedule. Effective June 1, 2011, the LMO Rewrite Committee will hold their meetings on Thursdays

instead of Fridays. All committee meetings begin at 1:00p.m and are held in Council Chambers.

Ms. Lewis stated that staff will present Chapter 5, Design and Performance Standards, on Monday, May 23rd. The committee will review the process portion of Chapter 3 on Thursday, June 2nd. The committee will review Chapter 3, Articles 9-21, on Thursday, June 9th.

6) ADJOURNMENT

Following closing comments by Chairman Crews, the meeting was adjourned at 5:15 p.m.

Submitted by:

Approved by:

May 22, 2011

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

*LMO Rewrite Committee Meeting
May 16, 2011*

CHAPTER 4 ISSUES:

- Broaden the purpose statements for any zoning district
- Can nonconformities be allowed via Zoning Map Amendments?
- Density and uses affect reinvestment and need flexibility in zoning districts
- Is there a way to allow property owner associations (POAs) to handle internal (land use) issues without going through a Zoning Map Amendment (ZMA)?
- Sec. 16-4-105B -- check the language regarding items that are prohibited.
- Sec. 16-4-105C -- how to change land use or density without going through a Zoning Map Amendment (ZMA)
- Redevelopment Floating Zone — can we take this out of the Zoning Map Amendment (ZMA) process to make it easier and quicker for the applicant? Is enough flexibility provided? Why can't we apply philosophy of redevelopment zone island-wide without the Zoning Map Amendment (ZMA) process?
- What philosophy are you trying to accomplish with the zoning map?
- Is it state law that we cannot expand non-conforming uses? The answer is: No
- Give direction on how many zoning districts we should have
- Is the map too complicated to read?
- Do the zones adequately reflect the existing land uses?
- Where are the walking districts that we should have?
- Where should priority investment zones be? Where does density make the most sense?
- Should Transfer of Density Rights (TDRs) be considered? Identify areas that can and cannot support density. How to transition between the two? Should it just be with commercial? How far can you bump up or bump down densities without negatively affecting property rights. What other mechanisms are out there to allow this?

- Should we consider any type of conditions on commercial properties abutting residential to lessen the impact to residential?
- How many conditions for specific uses are still relevant? What are we trying to accomplish with these conditions? Should we consider consolidating uses?
- Discuss interval occupancy uses and outdoor recreation uses later.
- Is interval occupancy more appropriate in a residential use instead of a resort use? Impact of the use could give direction of where to classify it (traffic impact). Should we examine where interval occupancies should occur? Can you regulate by 'interval' as to where it is located? Quarter share vs. weekly share, etc.
- Look at definition of interval occupancy to see if it's still valid.
- How to give incentives to hotels?
- Location of outdoor recreation should be considered; should not clash with sensibilities of natural protection. Should be careful on water-front areas or semi-natural place. Should be near short-term rentals. Design review of the area is important.
- Are we too restrictive with outdoor recreation? Should it not be special exception? Do not want Myrtle Beach, but do not want to prohibit it altogether.
- Is short-term rental in a single-family neighborhood a 'business?' Does it fall or should it fall under home occupation?
- Find a combination of tools to allow for redevelopment
- For Overlays, should we just reference other documents instead of trying to mirror them in the Land Management Ordinance (LMO)? Example: Airport standards & FAA requirements of Airport Master Plan?
- Take a look at the Design Review Board (DRB) and see what the staff can take over.
- Need to work on perception of what the Design Review Board (DRB) does. Some folks do not want to improve because they think that they will need to go to Design Review Board (DRB) who would turn them down.
- Revisit Design Review Board (DRB) jurisdictional boundaries