

TOWN OF HILTON HEAD ISLAND  
Planning Commission  
**LMO COMMITTEE MEETING**      **APPROVED**  
Tuesday, April 10, 2012 Minutes  
6:00p.m. – Benjamin M. Racusin Council Chambers

Committee Members Present:      Chairman Gail Quick, Alex Brown, Jack Docherty,  
Terence Ennis and Loretta Warden, *Ex Officio*

Committee Members Absent:      None

Other Commissioners Present:      Tom Lennox

Town Council Members Present:      None

Town Staff Present:      Anne Cyran, Senior Planner  
Heather Colin, Development Review Administrator  
Shea Farrar, Senior Planner  
Kathleen Carlin, Administrative Assistant

---

**1. CALL TO ORDER**

Chairman Quick called the meeting to order at 6:00p.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 agenda was **approved** as presented by general consent.

**4. APPROVAL OF THE MINUTES**

The minutes of the March 5, 2012 meeting were **approved** as presented by general consent.

**5. NEW BUSINESS**

**LMO Amendments:** The Town of Hilton Head Island is proposing to revise and amend Chapter 3, Article XVII and Chapter 4, Article XIII of the Land Management Ordinance (LMO). The proposed amendments will categorize a change in the land use designation of any non-single family residential use to allow a telecommunications facility as a minor amendment to a PUD master Plan. The proposed amendments will base the size of a telecommunications tower setback on the tower's fall zone.

Chairman Quick welcomed the committee and the public to this evening's meeting. Following opening comments, Chairman Quick requested that the staff make their presentation on the proposed amendments.

Ms. Anne Cyran made the presentation on behalf of staff. The proposed amendments to the LMO are supported by Town Council's Policy Agenda for 2011 which has *Technology Infrastructure: Evaluation and Direction of Town's Role* listed as a Top Priority. These amendments are also supported by the Adopted 2010 Comprehensive Plan, Section 6.7 – Communications, Goal A is to have effective communication services that minimize interruptions on the Island and that support emergency management as well as economic development applications.

The first amendment would allow Planned Unit Development (PUD) master plans to be amended via minor amendments (instead of via Zoning Map Amendments (ZMA) – to allow a telecommunications facility as a permitted use on nonresidential property. The second amendment would base the size of telecommunications tower setbacks from the Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line and all publicly-owned rights-of-way on the height of the tower. The third amendment would base a telecommunications tower's setback from residential properties on the height of the tower's fall zone.

The staff recommends allowing PUD master plans to be amended via a minor amendment (instead of via a Zoning Map Amendment) to allow a telecommunications facility as a permitted use on nonresidential property. This amendment would not remove the public notice requirement or the design standards currently required for new telecommunications facilities. PUD master plans list the uses allowed on each parcel. If a telecommunications facility cannot be built on that parcel without amending the master plan. The LMO categorizes master plan amendments as one of two types – minor or major.

Minor amendments may be approved by the Administrator and include: changes that result in a decrease in assigned density for a specific parcel; changes in land use designation from any use to open space or passive recreation; changes in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) that are beneficial to the occupants of the master plan area; changes in land designation from single-family to multifamily with no increase in site-specific density; and changes in use, design standards or other design criteria as approved by Town Council.

All other amendments to PUD master plans, including allowing telecommunications facilities as an approved use on a specific parcel, are considered major amendments and must be reviewed and approved as a Zoning Map Amendment. The process of reviewing and approving ZMAs typically requires nine months to satisfy public notice requirements and to conduct the required public hearings and meetings, whereas minor amendments are typically reviewed and approved in two to three months. This amendment would greatly reduce the permitting time, thereby encouraging the construction of new telecommunication facilities.

Ms. Cyran then presented an in-depth review of the (*attached*) proposed amendments to Chapter 3 and Chapter 4. The staff and the committee began discussing the revisions to Chapter 3. Development Review Procedures, Article XV11. Planned Unit Development (PUD) Review, Sec. 16-3-1707. – Minor Amendments.

The committee discussed Item # 3 as it relates to a change in land use designation of any non-single family residential use to allow a telecommunications facility. Chairman Quick stated concern with some of the staff's terminology regarding single-family residences.

The language in Item # 3 is not clear. The committee and staff also discussed several issues concerning Planned Unit Development (PUD) review.

Ms. Cyran then reviewed the proposed changes to Chapter 4. Development Review Procedures, Article XIII. Specific Use Standards Sec. 16-4-1351. – Telecommunications Facility. The staff recommends basing the size of telecommunications tower setbacks from the Ocean & Coastal Resource Management (OCRM) Critical Line, the OCRM Base Line and all publicly-owned rights-of-way on the height of the tower. The current setback requirement for these setbacks is the total of the tower height divided by 0.35. For example, a 150-ft. tower currently requires a 429 foot setback from the OCRM Critical Line, the OCRM Base Line and all publicly-owned rights-of-way. As proposed, the setback from these areas would be equal to a tower's height, a better reflection of the area that would be impacted by a tower's collapse. This amendment would allow many more potential sites for telecommunications facilities.

The staff and the committee discussed the recommendation to allow PUD master plans to be amended via a minor amendment instead of via a Zoning Map Amendment (to allow a telecommunications facility as a permitted use on nonresidential property.) Ms. Cyran stated that the amendment would not remove the public notice requirement or the design standards currently required for new telecommunications facilities. The PUD master plans list the uses allowed on each parcel. If a telecommunications facility is not listed on the master plan as an approved use for a parcel, a telecommunications facility cannot be built on that parcel without amending the master plan.

The staff discussed the proposed revisions to Item D. 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.

The staff recommends basing a telecommunications tower setback for residential properties on the height of the tower's fall zone. The current setback requirement has precluded otherwise viable sites for towers because the setback requires a large amount of area outside of the tower site. For example, the current setback for a 150-foot tower is 200 feet from a single family residence. Because of advances in tower design, the fall zones for most towers require less distance than the height of the tower. For example, the fall zone for some models of a 150-foot tower is close to 70. Reducing this setback would allow many more potential sites for telecommunications facilities.

The staff and the committee discussed the proposed revisions to Item E. A tower must be setback a distance of its fall zone as certified by a SC registered engineer plus 20 feet from any residential structure unless the owner of the structure waives this requirement by a notarized affidavit.

The committee and staff discussed the height and dimensions of cell towers. Most cell towers are 150 feet or less in height so they do not have to be lighted. Ms. Shea Farrar, the staff's point of contact with the PUDs, presented statements regarding the height and dimensions of cell towers. Ms. Farrar also presented statements regarding the aesthetics related to cell towers. The staff discussed camouflaging cell towers (i.e. a flag pole with flag or a faux pine tree design).

The committee and the staff discussed the setback for residential property (the height of the tower's fall zone.) They also discussed the role of Property Owner Associations (POAs). POAs are the first step in the process - an application for a cell tower will not move forward without approval by both the regime and property owner. Chairman Quick stated that this language is unclear; the text needs to be made clearer.

Ms. Heather Colin presented statements regarding the permitting process. The committee and staff discussed the wording regarding non-single family residential family, and single family residential property. Chairman Quick requested that the staff clarify this language.

The committee and the staff discussed the existing zoning map process and potential changes to the existing zoning map process. Following staff's presentation and discussion by the committee, Chairman Quick requested public comments.

The following residents of Port Royal Plantation presented statements for the record: Mrs. Madonna Huller presented statements in concern of the potential changes to the setback requirements for cell towers. Cell towers should not be permitted in any residential area. Mrs. Pat Cameron also presented statements in opposition to allowing cell towers to be placed in any residential areas based on health concerns as well as negative impact to property values. The setback requirements should not be changed. A third resident, Mr. Dean (unintelligible last name), also presented statements in opposition to changing setback requirements and permitting cell towers to be placed in any residential area. All three property owners stated concern with the negative visual impact of cell towers being placed on or near their properties.

The committee discussed the first step in the process. Home owners associations within the PUD need to approve the placement of a cell tower. Chester C. Williams, Esq., presented statements in support of the need for improved telecommunications on Hilton Head Island. Mr. Williams recommended that the language be clarified regarding POA input – this is not sufficiently included in the language at this time. Mr. Williams also stated concern with the legality of a POA's ability to make this determination. This may not be legally defensible. The language regarding the affected property owners should be clarified. The language needs to state the written notification requirement.

Mr. Terry Ennis presented statements in support of the need for improved telecommunications on Hilton Head Island. This is clearly an economic necessity for the Island.

Ms. Heather Colin stated that staff will clarify and tighten the language as recommended by the committee. Chairman Quick stated that the statements provided by Mr. Williams regarding the role of the POAs should also be included in the recommended revisions. The staff will prepare the changes in language and will e-mail the revisions to the committee. The revised proposed amendments are scheduled to be reviewed by the full Planning Commission on May 16, 2012.

Following final discussion by committee and the staff, the meeting was adjourned.

**6. ADJOURNMENT**

The meeting was adjourned at 7:15p.m.

Submitted by:

Approved by:

September 19, 2012

---

Kathleen Carlin  
Administrative Assistant

---

Gail Quick  
Chairman