

TOWN OF HILTON HEAD ISLAND  
Planning Commission  
**LMO REWRITE COMMITTEE MEETING**

September 21, 2012 Minutes

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

**APPROVED**

Committee Members Present: Chairman Tom Crews, Irvin Campbell, Chris Darnell, Jim Gant, Walter Nester and Councilwoman Kim Likins, *Ex-Officio*

Committee Members Absent: Vice Chairman Gail Quick, David Ames, David Bachelder and Charles Cousins, *Ex-Officio*

Planning Commissioners Present: None

Town Council Members Present: None

Town Staff Present: Teri Lewis, LMO Official  
Shea Farrar, Senior Planner  
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 1:00p.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) APPROVAL OF THE MINUTES**

The committee approved the minutes of the August 9, 2012 meeting as presented by general consent.

**5) NEW BUSINESS**

**Discussion of recommended changes to the Telecommunications Facilities portion of the LMO: Mr. Jim Collett, Chairman, Telecommunications Task Force**

Chairman Crews presented opening remarks and welcomed Mr. Collett to the meeting. Mr. Collett thanked the Committee and stated that he is speaking on behalf of the Greater Island Council Telecommunications Task Force. The Telecommunications Task Force is requesting that the Committee consider making additional changes to the requirements for Telecommunications Facilities.

An expedited set of amendments was recently approved by Town Council that addressed the most problematic issues reported by wireless companies that permit Telecommunications Facilities on the Island. Those changes created an expedited approval process for sites located in Planned Unit Developments (PUDs) and reduced setback requirements that limited potential sites for new infrastructure.

The purpose of today's discussion is to outline additional issues and changes that could be explored by the Committee to bring the LMO up-to-date with current industry standards and continue to make it easier to permit sites.

In support of these changes, the Telecommunications Taskforce and representatives of the wireless companies are available to work with the Committee. Mr. Collett introduced Mr. Jonathon Yates, Partner at Nexsen Pruet, LLC. Mr. Yates is attending today's meeting and will be happy to answer any questions that the Committee has on telecommunication issues. Mr. Yates' background in the telecommunications industry includes land use and all matters related to placing wireless networks throughout South Carolina, including the lowcountry.

Mr. Collett, the Committee, and the staff reviewed the following proposed changes:

### **Potential LMO Changes**

#### **1. Add definitions that distinguish between the different types of Telecommunications Facilities.**

*Currently, the LMO does not have separate definitions for the different types of telecommunications equipment and facilities. It does not distinguish between guyed towers, free standing towers, building mounted towers, co-locations or disguised towers and requires the same permitting process for each. Each of these facilities should have separately defined terms.*

Ms. Lewis and the Committee discussed the advantages of separating the defined terms for the above referenced facilities. The Committee reviewed the pre-approved permitting for some uses which will result in the saving of time and money for the carriers. Mr. Collett and Mr. Yates presented statements in support of the proposed changes.

#### **2. Reduce the need to rezone property for towers by using preapproved tower designs in more zoning districts.**

*Currently Telecommunications Facilities are not permitted in all zoning districts, making a rezoning amendment necessary to locate facilities in many cases, which can decrease the certainty that approval can be obtained in the timeframe needed by carriers. The LMO Rewrite process will most likely result in changes to these districts. It is recommended that the number of districts in which telecommunications facilities can be located increase and that Design Review Board preapproved designs be used in these districts to allow administrative permitting. For example, towers with less impact, such as flagpole or disguised designs, could be preapproved for permitting closer to residential areas, whereas other tower types like the standard monopole with externally*

*mounted antenna could be permitted in more commercially oriented areas.*

The Committee and staff discussed the current requirement and the advantages of a pre-approved design. The Committee stated that the number of districts in which telecommunication facilities can be located should probably be increased. The Committee would like to receive advice from Clarion on how to provide flexibility for cell towers while still protecting the single-family homeowners adjacent to potential sites. Mr. Yates stated that the current timeframe for approval of permits is difficult to meet. Staff and the Committee discussed the possible advantages of pre-approved tower designs in both residential and commercial zoning districts.

**3. Evaluate setbacks and buffers requirements for accessory structures and equipment related to a tower.**

*Compounds are usually fenced and screened with vegetation. Currently additional buffer and setbacks widths are required behind the fence. The size of compounds can be smaller than a 70 foot by 70 foot area. The requirement for buffers inside the compound consumes a large amount of the compound area. A standard fence and buffer could be specified as a preapproved design to create more flexibility inside tower compounds.*

Ms. Shea Farrar presented an overhead drawing of the proposed standards indicating the lease area, the screening, the compound, and the setback buffer. This is envisioned as a 10-ft. – 15-ft. vegetated area between the property line and the fence that shields the equipment.

**4. Reduce the separation requirement for towers from 10,500 to 1,500.**

*The separation requirement for towers needs to be reduced because towers are now needed more frequently than when the ordinance was originally adopted. The coverage area of towers has gotten smaller due to the rapid increase in the usage of data services. The minimum height that is acceptable for infrastructure should also be established.*

The staff and the Committee stated that it will be important to make sure that the language doesn't preclude antennas on buildings from being spaced closer than 1,500-ft. if necessary – this can probably be accomplished through changes to the definitions as recommended in # 1.

**5. Limit towers that must be lit.**

*Currently, towers 150 feet tall or more in height must be lit. As a condition of permitting, such towers could require special approval by the Administrator. This would prevent the construction of towers that must have lighting unless a clear need for the additional height and efforts to minimize the visual impact of the tower have been made. Criteria could include balloon tests, sight line analysis, aerial photographs or any other information that justifies the need for the tower.*

It was ultimately determined that changes were not needed in this area.

**6. Remove the requirement that towers meet setback requirements for accessory structures on residential lots that are not considered dwelling units**

*This would remove the requirement that towers meet setback requirements for accessory structures on residential lots that are not considered dwelling units, which are categorized as providing living, sleeping, eating, cooking and sanitation, for example a garage.*

It was ultimately determined that changes were not needed in this area.

**7. Increase time towers are allowed to be unused from 3 months to 6 months**

*This increases the time allowed for removing unused equipment and allows tower companies more time to secure additional locations.*

The Committee stated that an increase over 6 months (perhaps 9 months or even 12 months) may be necessary. Clarion should provide advice about whether 6 months is long enough.

**8. Require FCC approved provider for new towers**

*Require the applicant for a new tower to submit evidence that a FCC licensed or regulated communications provider has executed an agreement to locate and operate communications equipment on the tower. This prevents towers from being built in locations that are not beneficial to the carriers, which can also prevent sites that are needed due to the tower separation requirements.*

**9. Remove requirement for surveying outside of the property lines of the proposed tower location.**

*This removes the requirement for surveying 500 feet outside of the actual property proposed for the facility. This requirement was added to the LMO to enable setback*

*measurements to be made that extended beyond the tower property. Due to recent setback reductions, this is no longer needed.*

Ms. Lewis stated that currently someone cannot get a variance from anything related to cell towers because all of the conditions are listed under the specific use in Chapter 4. Can there be a separate telecommunication tower section not in the use/zoning area so that a variance can be granted to the setback requirements if necessary? Staff will check with Clarion on the legality of this issue.

The Committee thanked Mr. Collett and Mr. Yates for participating in today's review of the recommended changes to the Telecommunications Facilities portion of the LMO.

**Follow up from 8/30 Meeting – LMO Rewrite Committee high level summary of proposed LMO Changes: Mr. Jim Gant**

Mr. Jim Gant and the committee reviewed Mr. Gant's report on an item-per-item basis.

- I. Executive Summary
- II. Improve User Friendliness for Users of the LMO
- III. Update, Clarify and Streamline Review Processes
- IV. Modify and Consolidate Zone Districts
- V. Encourage Development or Redevelopment in Targeted Areas
- VI. Address Problems in Redevelopment Caused by Non-conformities, both Dimension Non-Conformities and Use Non-conformities.
- VII. Revise Design Standards
- VIII. Modify Natural Resource Regulations without Sacrificing Protection
- IX. Revise Planned Unit Development (PUD) Regulations

The Committee thanked Mr. Gant for his report. Following final comments, the meeting was adjourned.

**6) ADJOURNMENT**

The meeting was adjourned at 3:15pm.

Submitted by:

Approved by:

October 18, 2012

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Kathleen Carlin  
Administrative Assistant

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Tom Crews  
Vice Chairman