

TOWN OF HILTON HEAD ISLAND
Planning Commission
LMO REWRITE COMMITTEE MEETING
February 28, 2013 Minutes
8:30a.m. – Benjamin M. Racusin Council Chambers

APPROVED

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

Committee Members Absent: Vice Chairman Gail Quick and David Bachelder

Planning Commissioners Present: None

Town Council Members Present: Bill Harkins and John McCann

Town Staff Present: Teri Lewis, LMO Official
Anne Cyran, Senior Planner
Jill Foster, Deputy Director of Community Development
Kathleen Carlin, Administrative Assistant

- 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 minutes of the February 14, 2013 meeting as presented by general consent.
- 5) **UNFINISHED BUSINESS**
Chairman Crews presented opening comments on behalf of the committee and welcomed the public. Chairman Crews stated that staff and the committee will complete their review of the remaining existing uses in the Land Management Ordinance (LMO) that currently have conditions associated with them. Staff and the committee began their review on February 14, 2013. Chairman Crews then requested that Ms. Lewis make her presentation on behalf of staff.

Ms. Lewis stated that staff and the committee will first re-visit the conditions related to Gas Sales (specifically, condition A) and two proposed conditions. At the February 14th meeting the committee agreed with staff's proposed changes to the conditions for Gas Sales with the exception of the first condition which stated that sites should have direct access to a minor arterial only (no direct access to a major arterial should be allowed.) Staff recommended a couple of conditions, and the committee stated that they would like to take a little time to think about the proposed conditions in the context of existing gas stations on the island, in terms of how they function. Ms. Lewis then requested that Ms. Anne Cyran make her presentation on Gas Sales.

Ms. Cyran stated that she worked with GIS staff to create several maps of the island that showed the locations of existing gas stations as well as, based on the staff's proposed conditions, the locations of allowed Gas Sales use. Ms. Cyran presented an in-depth overhead review of the maps including the three areas that allow gas stations with the current zoning and proposed changes.

Ms. Cyran reviewed the staff's recommendation to restrict the location of gas stations on major arterials. There are currently three areas that are zoned to allow Gas Sales use. The specific conditions as they exist in the current LMO are noted in staff's *Attachment B*. The staff recommended the following proposed changes to Gas Sales:

- A. The site shall have direct access to a minor arterial ~~only~~, as defined in Sec. 16-5-503. No direct access to a major arterial shall be permitted. (Amended Existing Condition)
- B. The site shall be located at the intersection of at least two streets, one of which shall be a minor arterial (Proposed New Condition).
- C. If the site is within 500 feet of an intersection of any street with a major arterial, there shall be a traffic signal at that intersection. The distance shall be measured using the shortest distance a vehicle could travel from the site to the intersection. (Proposed New Condition).

The committee, Ms. Cyran and Ms. Lewis discussed the existing and proposed changes to Gas Sales. Chairman Crews presented statements in concern of non-conforming uses.

At the completion of final comments by the committee, Ms. Lewis recommended that the committee move forward with the conditions as proposed, but with changing the one that says no direct access to a major arterial (changing it to allow for some stipulations.) The committee agreed. The staff will restudy this issue and will bring it back to the committee at a later date. Following the committee's discussion on Gas Sales, Ms. Lewis continued the staff's review of remaining Uses (continued from the February 14, 2013 meeting.)

The following staff table (*Attachment A*) outlines each of the remaining uses and the recommendations for the existing conditions. The staff's recommendations are color coded as follows:

- Yellow – Keep all existing conditions
- Blue – Eliminate all conditions

- White – Eliminate some conditions but not all conditions

ATTACHMENT A	
USE	RECOMMENDATION ON CONDITIONS
Motel	Eliminate conditions
Nightclub or Bar***	Keep A
Open Air Sales	Keep as is
Other Retail Sales and Services	Eliminate conditions
Outdoor Entertainment	Keep A and C
Pharmacies	Eliminate conditions
Residential, Multifamily	Eliminate conditions
Seafood Processing Facility	Keep A
Shopping Center	Keep A
Souvenir or T-Shirt Store	Eliminate conditions
Supermarket	Eliminate conditions
Tattoo Facility	Keep A and C and add playground (all of these are required by State Law)
Telecommunications Facility	Meet recommendations of Telecommunication Task Force
Truck or Trailer Rental	Keep A
Water Oriented Facilities	Keep as is
Water Parks	Eliminate conditions
Watercraft Sales, Rental or Service	Keep as is
Wholesale Business with Accessory Retail Outlet	Keep as is

***Legal is conducting research related to this use

As a result of the committee’s discussion with Ms. Lewis, the following comments were provided:

- 1) Motel: The committee agreed with the staff’s recommendation to eliminate these conditions.
- 2) Nightclub or Bar: The committee agreed with the staff’s recommendation to keep condition “A” and to eliminate conditions “B”, “C”, and “D”.
- 3) Open Air Sales: The committee agreed with the staff’s recommendation to keep these conditions as existing. The committee recommended that the staff provide a definition of ‘approved structure’. This term is not currently provided in the LMO.
- 4) Other Retail Sales and Services: The committee agreed with the staff’s recommendation to eliminate these conditions.
- 5) Outdoor Entertainment: The committee discussed the need for condition “A” with the staff. The committee and the staff discussed keeping/eliminating the limitation on acreage. Ultimately the committee requested that condition “A” be eliminated and condition “B” be retained.
- 6) Pharmacies: The committee agreed with the staff’s recommendation to eliminate these conditions.
- 7) Residential/Multi-family: The committee agreed with the staff’s recommendation to eliminate these conditions.
- 8) Seafood Processing Center: The committee agreed with the staff’s recommendation to keep condition “A”.
- 9) Shopping Center: The committee agreed with the staff’s recommendation to keep condition “A”.
- 10) Souvenir or T-shirt Store – The committee agreed with the staff’s recommendation to

eliminate these conditions.

- 11) Supermarket - The committee agreed with the staff's recommendation to eliminate these conditions. Comments on access to minor or major arterial were also presented.
- 12) Tattoo Facility - The committee agreed with the staff's recommendation to keep "A" and "C" and to add day care. These conditions mirror State Law. The committee also recommended adding youth activity centers as well. Definitions should be included. The staff will eliminate "A", "F", 2 and 3. The committee recommended that "D" also be eliminated.
- 13) Telecommunication Facility: Meet recommendations of the Telecommunication Task Force. The staff and committee will discuss this use further when the draft language is available.
- 14) Truck or Trailer Rental: The committee discussed this use with staff. The staff recommended keeping condition "A" and the committee recommended that this condition be deleted.
- 16) Water Oriented Facilities: The staff recommended keeping these conditions as existing.
- 17) Water Parks: The committee agreed with the staff's recommendation to eliminate these conditions.
- 18) Water Craft Sales, Rental or Service: The staff recommended keeping these conditions as existing.
- 19) Wholesale Business with Accessory Retail Outlet: The staff recommended keeping these conditions as existing.

6) NEW BUSINESS

A. Interval Occupancy (Time Share)

Ms. Lewis stated that during the 1990s Town Council had some concerns about interval occupancy uses (also referred to as timeshares). The LMO was amended to classify interval occupancy as a specific use in the Use Table. Currently interval occupancy is listed as an individual use within the Resort Accommodations section of the Use Table. This is the only use in the LMO that is regulated by ownership. The staff recommended that interval occupancy no longer be regulated as a separate use; the use should be removed from the Use Table. Mr. Charles Cousins presented statements on behalf of staff regarding the history of this issue from the standpoint of Town Council. Ms. Lewis stated that the staff believes that it is time to revisit this issue. The committee discussed the issue of timeshares with the staff. Many of the negative aspects of timeshares seem to no longer exist. The committee stated that they agree with staff that Time Share use no longer should be regulated.

B. LMO Section 16-7-107, Discontinuance or Abandonment of Nonconforming Uses

Section 16-7-107.A of the current LMO states:

Any nonconforming use which has been discontinued for a period of twelve consecutive months shall not be re-established. Any structure or land, or structure and land in combination which was formerly devoted to a nonconforming use which has been discontinued for a period of twelve consecutive months, shall not again be devoted to any

use other than those uses which are allowable in the zoning district in which the land is located. A conforming use shall not be permitted to revert back to a nonconforming use.

Section 16-7-107.E states:

Discontinuance of a nonconforming use or abandonment of a nonconforming structure shall be deemed to exist upon the occurrence of any one or more of the following for twelve consecutive months:

1. Any failure to take all necessary steps to resume a nonconforming use; or
2. Utility services, such as water, gas, and electricity to the property have been disconnected; or
3. Removal of equipment or fixtures which are necessary for the operation of a nonconforming use; or
4. Any structures that have fallen into disrepair as defined by Section 9-8-10 of the Town's Municipal Code; or
5. Signs advertising a nonconforming use have been removed.

Ms. Lewis stated that the Final Report from the LMO Rewrite Committee suggested that the 'twelve consecutive months' rule seemed to be too short and that perhaps that time should be extended or eliminated.

The committee discussed the need to provide further direction with regard to this issue. The committee stated that the goal of the ordinance is to ensure that there are no non-conformities; however, there will always be some non-conformities. There needs to be some control on when a non-conformity is abandoned; some structure is needed – perhaps it could be extended beyond the 12 months to 18 months or even 24 months. Ms. Lewis stated that the staff does not recommend eliminating the requirement as it goes against the premises of eliminating non-conformities. Ms. Lewis stated that 12 months is pretty standard when compared to other communities.

Chester C. Williams, Esq., presented public comments regarding extending a non-conforming use (via proof of a valid business license with the Town). Mr. Cousins presented statements with regard to this issue. The committee discussed the issue in depth with the staff. The committee recommended that the staff add some language regarding the need for having a valid business license with the Town.

The committee discussed keeping the 12-month limit. The committee asked the staff to work with this a bit more. At the completion of the discussion, Chairman Crews thanked the public for attending the meeting. The next LMO Rewrite Committee meeting will be held on March 14, 2013 at 8:30a.m. Following final comments, the meeting was adjourned.

7) ADJOURNMENT

The meeting was adjourned at 10:15a.m.

Submitted by:

Approved by:

March 14, 2013

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman