TOWN OF HILTON HEAD ISLAND

Planning Commission APPROVED

LMO REWRITE COMMITTEE MEETING

March 28, 2013 Minutes

8:30a.m. – Benjamin M. Racusin Council Chambers

Committee Members Present:	Vice Chairman Gail Quick, David Bachelder, Chris Darnell, Irv Campbell, Jim Gant, Walter Nester, Charles Cousins, *Ex-Officio*
Committee Members Absent:	Chairman Tom Crews, David Ames, Councilwomen Kim Likins, *Ex-Officio*
Planning Commissioners Present:	None
Town Council Members Present:	Bill Harkins and John McCann
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 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 March 14, 2013 meeting as presented by general consent.

5) NEW BUSINESS

a) <u>Telecommunications Facilities – Specific Use Standards</u>

Vice Chairman Quick welcomed the public to the meeting and requested that staff make their presentation.

Ms. Teri Lewis made the presentation on behalf of staff. The staff and the committee reviewed the revisions made to the specific use standards (conditions) related to Telecommunication Facilities. The following proposed conditions have notations with each one indicating whether the condition is new, revised or unchanged.

Ms. Lewis stated that the proposed changes/additions to the conditions reflect the recommendations of the Telecommunications Task Force as discussed with the LMO Rewrite Committee earlier in the process. The changes/additions to the conditions also reflect recommendations from Clarion Associates based on their experience working with other communities.

Ms. Lewis and the committee reviewed the following proposed conditions and the reasons for the associated recommendations:

01. Telecommunications Facilities

(A) Applicability *[NEW]*

All new telecommunications facilities, whether a principal or accessory use, shall comply with these standards unless specifically exempted in Section <>, Exemptions.

(B) Exemptions *[NEW]*

The following telecommunication facilities shall be exempt from the standards of this section (but shall be required to comply with other relevant standards in this Ordinance):

(1) Satellite dish (less than 39" in diameter) antennas.
(2) Wireless communications equipment and antennas located entirely within an enclosed nonresidential, mixed-use, or multi-family building.
(3) Receive-only television or radio antennas for noncommercial use.
(4) Antennas legally operated by FCC-licensed amateur radio operators provided the antennas meet all FAA regulations and are less than 150 feet in height.

(C) Standards Applicable to All Telecommunications Facilities *[NEW]*

All telecommunications facilities, including building-mounted wireless equipment, collocation of antenna, and monopole telecommunication towers shall comply with the following standards:

(1) No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio, television, or similar reception. ***[NEW]***
(2) No signage shall be allowed on any tower, antennae, accessory structure, or equipment except that provided for in Section <>, Utility Signs. ***[MINOR REVISIONS]***

The committee suggested deletion of the words 'or similar' from the above text of item # (1). Staff agreed to strike these two words from the text.

(D) Additional Standards for Monopole Telecommunication Towers

Monopole telecommunication towers, whether as a principal or accessory use, shall be reviewed by the Design Review Board, and shall comply with the following standards: ***[NEW]***

(1) The maximum overall height of a tower and all associated equipment shall be 180 feet above grade. ***[MINOR REVISIONS]***

(2) No new tower shall be allowed unless it is demonstrated to the Administrator that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas. ***[REVISED]***
Mr. Jim Collett, Telecommunications Task Force representative, presented brief comments regarding the building of a new tower and collocation of antennas.

(3) A new tower shall be designed to accommodate the present and future needs of the owner and at least two additional comparable users. ***[REVISED]***

The committee suggested that 'initial user' be substituted for 'the owner'. Staff agreed to make this change.

Chet Williams, Esq. presented brief public comments regarding this section.

All towers 150 feet or taller shall be lighted. Lighting shall be in accordance with FAA Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345-43E (and all future updates) and shall be red strobe lights (L-864) at night and medium-intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. All commercial communication towers approved by the Town and by the South Carolina State Historic Preservation Office prior to February 3, 2009 and operating in conformance with those approvals shall be deemed to be a lawful nonconforming use and structure and are not subject to these lighting requirements. Status as a lawful nonconforming use or structure under this subsection shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower. ***[MINOR REVISIONS]***

The committee suggested that staff clarify which 'permit' is being referred to. Staff agreed to make this change.

Chet Williams, Esq. and Jim Collett presented brief public comments regarding this section.

Ms. Lewis stated that the following section proposes several changes related to setback requirements:

(4) A tower shall be setback from all major arterials, the OCRM critical line and the OCRM base line by a minimum distance equal to the height of the tower. ***[REVISED]***

Mr. Jim Collett, the staff, and the committee discussed several issues including the general relationship between height and fall zones and the OCRM critical line and the OCRM base line.

Chet Williams, Esq. suggested that a map illustrating potential tower locations in relation to the above restrictions would be helpful.

(5) A tower shall be setback from all minor arterials by a minimum distance equal to eighty percent of the height of the tower. ***[REVISED]***

(6) A tower shall be setback from all other streets by a minimum distance equal to the fall zone of the subject tower plus twenty feet. ***[REVISED]***

(7) A tower shall be setback from all adjacent uses by a minimum distance equal to fall zone plus the required adjacent use setback. ***[REVISED]***

(8) A tower shall be setback a distance equal to the tower's fall zone and any other structures located on the subject property unless the property owner waives this requirement. ***[REVISED]***

(9) A tower and its associated equipment compounds shall be surrounded by a fence or wall with a minimum height of seven feet. Equipment buildings shall not be required to be setback from fencing surrounding the compound. ***[NEW]***

Mr. Jim Collett, the staff, and the committee discussed a couple of issues including the size and the location of equipment compounds. The committee asked that the words 'supporting telecommunication' be inserted between associated and equipment. Staff agreed to make this change. The committee also asked that nothing within the compound be required to be set back from the fencing. Staff agreed to make this change.

(10) A fifteen foot vegetated area shall be provided between the property line of the parcel housing the tower and the fence surrounding the tower and equipment. The Design Review Board may waive this requirement upon finding existing vegetation or other screening techniques will provide more effective screening. ***[NEW]***

The committee and the staff discussed a couple of issues including the requirement of a 15' vegetated area. Ms. Shea Farrar presented additional comments regarding associated structures and the 15' vegetated area. The committee suggested that 20' may be more appropriate give the existing buffer and setback standards. They asked staff to check some recent applications and bring alternative suggestions back to the committee.

(E) Discontinued Use

If a telecommunications facility is not used for a period of six consecutive months, the Official shall provide the facility owner notice

indicating that the facility must be removed within six months from the date of notice. ***[REVISED]***

At the completion of their review, Vice Chairman Quick requested that the staff provide clarification of the committee's comments on this section for later review. Vice Chairman Quick stated that she will be in contact with Chairman Tom Crews and Mr. David Ames to receive their thoughts and comments on this section. Vice Chairman confirmed with the committee that they agree with the staff's proposed revisions with today's committee comments taken into consideration.

The committee thanked Mr. Jim Collett and Ms. She Farrar for participating in today's review and discussion.

b) <u>Permitted Uses in the Transition Area (TA) of the Critical Storm Protection and Dune Accretion and Transition Area (CSPDAA&TA) Overlay District</u>

Ms. Teri Lewis stated that several years ago, the Town adopted regulations to eliminate the potential for seaward migration of the built environment along the beach as well as to protect the area between existing construction and the mean high water mark. The Town created an Overlay District made up of a Critical Storm Protection and Dune Accretion Area and a Transition Area. Generally the Transition Area is located adjacent to beachfront land uses other than golf courses, open space without structures and single family residential uses. Hilton Head Subdivisions 1, 2 and 3 are an exception to the above. The CSPDAA is located from the termination of the TA to the Beachfront Line, mean high water line or the seaward property line, whichever is further seaward.

During the discussion of Chapter 6, Natural Resources, the LMO Rewrite Committee asked to review whether or not additional flexibility should be provided within the Transition Area. The limitations on activities and uses permitted in the Transition Area are very specific as detailed in Section 16-4-1005 below.

The staff recommended that some of the specificity be eliminated but that any uses or activities requiring density still be prohibited in this area. Ms. Lewis presented an overhead review of several maps in support of her presentation. With the assistance of this overhead presentation, Ms. Lewis, Mr. Charles Cousins and the committee discussed the following changes to the permitted activities and uses in the Transition Area:

Section 16-4-1005. Activities and Uses Permitted in the Transition Area (TA)

~~A.~~ In addition to the activities and uses permitted in the CSPDAA, the TA may include any uses that do not require density (rooms, units, square footage) to operate. ~~the following activities and uses are permitted in the TA:~~ These activities and uses include but are not limited to swimming pools, boardwalks, fire pits, decks, required drainage improvements and necessary utilities.

1. ~~Swimming pools, wading pools, hot tubs and their decks, and fences, impenetrable landscape or structural barriers, as required by applicable State regulations; and~~

2. ~~Other pool and hot tub-related improvements as required by State regulations including facilities for bathrooms, equipment and chemical storage, lifeguard chairs, hand rails, pool rules signs, drinking fountains, telephones, trash receptacles and underwater and swimming area lighting that cannot be reasonably located elsewhere on the site; and~~
3. ~~Site lighting that does not illuminate the beach in the opinion of the administrator of title 16 of the Municipal Code; and~~
4. ~~Boardwalks, sidewalks and paths that serve as access to the development or to permitted activities and uses; and~~
5. ~~Fire pits, decks, and picnic areas; and~~
6. ~~Non-motorized sand games; and~~
7. ~~Volleyball nets and poles not to exceed eight feet and four inches in height; and~~
8. ~~Seating for permitted activities and uses; and~~
9. ~~Landscaping limited to native vegetation; and~~
10. ~~Storm water detention, retention and required drainage improvements; and~~
11. ~~Utilities as required to serve the activities and uses in the transition area.~~

B. ~~All of the activities and uses permitted in the TA shall comply with applicable state regulations and the Americans with Disabilities Act (ADA) of 1990. Any improvements necessary for permitted uses and activities to comply with applicable state regulations or the ADA are also permitted.~~

~~C. The height of any activity or use, excluding volleyball poles and nets, seating, and umbrellas, shall not exceed 18 inches above the average undisturbed ground unless required by SCDHEC. Miniature golf or putting greens shall not be permitted in the TA.~~

D. The activities and uses in the TA shall be located as far landward as possible. Activities or uses in the TA shall be accessory activities or uses to the development to which it is directly seaward.

E. The TA shall conform to the standards for impervious surface coverage and open space for the zoning district in which it lies ~~as regulated by title 16 of the Municipal Code~~.

F. Activities or uses in the TA shall not be on or in any part of a dune or dune system.

G. ~~All activities and uses in the TA shall comply with current local, state and federal laws.~~

Ms. Lewis stated that the staff would like to receive direction from the committee on the above revisions for presentation to the consultant. Does the committee believe that there are any other items that are inappropriate for the transition area? The staff has tried to expand upon the existing specific list.

Vice Chairman Quick stated that we need to be very cautious in making any changes to the beaches of Hilton Head Island. It is critical that we preserve the natural environment of our island's beaches. The visual impact needs to be carefully considered. Mr. Cousins stated that the staff agrees with this philosophy. Staff is trying to be a little more flexible about what is allowed on our beaches that will not be harmful to the environment (i.e. allowing cabanas). Ms. Lewis and the committee discussed how to prevent uses that are enclosed from being allowed in the TA – Ms. Lewis will draft language and bring it back to the committee.

Ms. Lewis presented additional comments regarding the existing buffer from the beachfront baseline. The committee discussed this issue at length with staff. The staff and the committee discussed the definition of a dune and dune system (the definitions varies considerably and they are fairly subjective). Ms. Lewis stated that the language has been reviewed and approved by Legal.

Vice Chairman Quick requested that the consultant review the Town's dune definition and make a recommendation about whether it should be kept or modified.

Chet Williams, Esq., presented public comments regarding the OCRM baseline, beach erosion, and the Town's beach renourishment program. Mr. Cousins and the committee briefly discussed the OCRM base line, beach erosion, and the dune line.

c) <u>Edge Conditions and Single Family Uses</u>

Vice Chairman Quick recommended that the staff and the committee table their review of Edge Conditions and Single Family Uses until Chairman Tom Crews and Mr. David Ames are present to participate in the discussion. The committee agreed to postpone their review of Edge Conditions and Single Family Uses until these committee members are available to join in the discussion.

Ms. Lewis stated that the next LMO Rewrite Committee meeting is scheduled to take place on Thursday, April 11, 2013 at 8:30a.m. Following final comments, the meeting was adjourned.

6) ADJOURNMENT

The meeting was adjourned at 9:45 a.m.

Submitted by:	Approved by:	April 11, 2013
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Kathleen Carlin Administrative Assistant	Gail Quick Vice Chairman	