TOWN OF HILTON HEAD ISLAND

Planning Commission Draft

LMO REWRITE COMMITTEE MEETING

August 29, 2013 Minutes

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

Committee Members Present:	Chairman Tom Crews, David Ames, David Bachelder, Irv Campbell, Chris Darnell, Jim Gant, Charles Cousins, *Ex-Officio*
Committee Members Absent:	Vice Chairman Quick, Walter Nester, Kim Likins, *Ex-Officio*
Planning Commissioners Present:	None
Town Staff Present:	Teri Lewis, LMO Official Jill Foster, Deputy Director Community Development Eileen Wilson, Senior Administrative Assistant
Town Council Member Present:	Bill Harkins

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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 August 22, 2013 meeting minutes as presented by general consent.

5) UNFINISHED BUSINESS

Discussion of Draft Chapter 7 - Nonconformities

Chairman Crews welcomed the public and requested that Ms. Teri Lewis make her presentation on behalf of staff. Ms. Lewis presented a brief history of Nonconformities as well as background details regarding the changes that have been made by staff to Chapter 7.

The staff adopted significant changes to Chapter 7 – Nonconformities in 2009. The purpose of these changes was to make it easier for nonconforming sites to redevelop. The goal of simply working to eliminate nonconformities was changed to one of working to lessen nonconformities. Over the four years that these changes have been in place, they have been working very well.

The pros of the current nonconforming chapter include:

- Provides a great deal of flexibility through the waiver process
- Allows smaller redevelopment projects (nonconforming site features and structures) to go forward without going through the Redevelopment Floating Zone process
- Allows expansion/enlargement as long as the footprint doesn't get bigger and there is no further encroachment into buffers or setbacks and the impervious does not increase
- As part of the waiver process can now eliminate some nonconformities or provide site improvements
- Allowed accessory structures to be considered site features

The cons of the current nonconforming chapter include:

- The only way a nonconforming use can be expanded is by going through the Redevelopment Floating Zone process (a 4-6 month public meeting process)
- The footprint of the nonconforming structure cannot increase

Ms. Lewis and the committee discussed staff's recommended changes to Chapter 7 – Nonconformities. The recommended changes:

1) Include an introduction paragraph to 16-7-101.G. This paragraph will provide more information about the waiver process and the purposes of the process.
2) Figure out how to allow the footprint of nonconforming site features or structures to be increased as long as the nonconformity is not increased.
3) Eliminate 16-7-101.H.3.
4) Add specificity to 16-7-101.H.5.a.
5) Change 'gas' to 'sewer' in 16-7-101.H.5.b
6) Make it clear that the section referred to in the last sentence of 16-7-101.I is the Waiver by Official section.
7) 16-7-102 (Footnote 455): Recommend allowing an accessory structure to be expanded, enlarged, extended if the accessory structure is conforming.
8) 16-7-102 (Footnote 457): Clarion needs to provide additional information (i.e. would there be criteria used to make the determination, could the determination be made by the BZA).
9) 16-7-103.A: change 'this Ordinance to Chapter 16-7'. Reference the Waiver by Official section here also.
10) 16-7-103.B: make it clear that this section covers intentional human destruction as well.
11) Eliminate 16-7-104.E.
12) 16-7-105.B.1 – make it clear that the list provided in a-e is not inclusive.
13) Eliminate 16-7-105.B 2 and 3.
14) 16-7-105.C 1-3 seem very confusing – recommend eliminating or asking Clarion to provide more information about how this would work.
15) 16-7-105.C.5 – If 16-7-105 1-3 are retained then #5 needs to include the option for a private appraisal to be used.
16) 16-7-105.D – same concerns as 16-7-105.C 1-3.
17) 16-7-105.E – If retained, there needs to be better criteria for staff to use to make this determination.

Staff Recommendations Relevant to Administrative Adjustments – Section 16-2-103.S

1) Table 16-2-103.S.2: clarify whether it is the street setback or adjacent use setback; clarify why the planting rate would be reduced if the buffer is reduced (staff believes that the intent was to make the buffer more opaque if the width was reduced); need criteria for all adjusted standards so they do not become the new minimum.
2) 16-2-103.S.4.c.ii: Clarion needs to review the purpose and intent statements for each zoning district are thorough enough to bed used to review the administrative adjustment.
3) 16-2-103.S.4.e: This is too broad.

6) NEW BUSINESS

Draft Corridor Overlay District (COD) Review

Ms. Lewis stated the Chairman Crews thought that it would be appropriate for the committee to review and comment on the proposed Corridor Overlay District as part of the LMO rewrite review process.

The draft language provided by Clarion is very similar to the existing language with a few notable exceptions:

1) 16-3-106.F.2.a.iv: All parcels in certain zoning districts are required to receive Design Review Board (DRB) review. This list of zoning districts will need to be re-studied once Clarion has finished the committee requested changes to the zoning districts.
2) 16-3-106.F.2.f: The current LMO states that if a project will not be visible from the corridor the DRB may waive review of the development. The proposed language states that if a project will not be visible from the corridor, the DRB may delegate review to the Official through the Minor Corridor Review Procedure. [**Note: the Committee discussed this delegated review during their review of the Chapter 2 draft and agreed that this approach was acceptable**]
3) 16-3-106.F.4.c: The current LMO allows the DRB to place further restrictions on signs – the draft language eliminates this ability.

As part of the discussion, Chairman Crews presented comments regarding lighting, specifically the conversion to LED lighting.

Definitions

Ms. Lewis stated that earlier this summer the committee received a copy of Chapter 10, Definitions. It was determined at that point that the committee would not go through every definition at a committee meeting but that if individual committee members had concerns about any definitions they would send them to staff. The staff has not received any feedback from the committee regarding Definitions. Ms. Lewis requested that the committee submit their thoughts and suggestions on Definitions to the staff.

Ms. Lewis reminded the committee that the consultants will be in town next week. The committee is scheduled to meet with the consultants on Wednesday, September 4th at 5:00p.m and again on Thursday, September 5th at 8:30a.m. The committee and the consultants will discuss Nonconformities, Administrative Adjustments, and the proposed Coligny Resort District standards.

Ms. Lewis stated that Mr. Jeff Buckalew, Town Engineer, will attend the September 12th committee meeting to discuss stormwater management.

7) ADJOURNMENT

The meeting was adjourned at 9:50a.m.

Submitted by: Approved by: September 12, 2013

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Eileen Wilson, Sr. Administrative Assistant
and Kathleen Carlin, Secretary

Tom Crews
Chairman