



The Town of Hilton Head Island
Planning Commission
LMO Rewrite Committee Meeting
July 7, 2011
1:00 p.m.
Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting.

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of the Agenda**
- 4. Approval of the Minutes** – June 30th meeting
- 5. New Business**
 - A. Identification of Issues - LMO Chapters 8, 9, and 10
 - B. Review proposed New Process for Non-residential Development
 - C. Staff handout – Summation of Issues identified in LMO Chapters 1 – 7
 - D. Open Session for committee discussion on Goals, Concepts, Concerns and other broad scope thoughts.
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

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

June 30, 2011 Minutes

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

DRAFT

Committee Members Present: David Ames, David Bachelder, Chairman Tom Crews, Chris Darnell, Jim Gant, Walter Nester, Councilwoman Kim Likins, *Ex-Officio* and Charles Cousins, Director of Community Development, *Ex-Officio*

Committee Members Absent: Irvin Campbell and Gail Quick

Planning Commissioners Present: None

Town Council Members Present: Mayor Drew Laughlin and Councilman Bill Ferguson

Town Staff Present: Teri Lewis, LMO Official
Jill Foster, Deputy Director of Community Development
Shawn Colin, Comprehensive Planning Division Manager
Kathleen Carlin, Administrative Assistant

- 1) **CALL TO ORDER**
Chairman Crews called the meeting to order at 1:00 p.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 June 23rd meeting were approved as presented by general consent.
- 5) **NEW BUSINESS**
LMO Chapter 7, Nonconformities
Chairman Crews presented introductory remarks regarding the review of Chapter 7, Nonconformities. Chairman Crews then requested that Ms. Teri Lewis make her presentation on this chapter.

Ms. Lewis began her presentation by identifying the three types of nonconformities contained in Chapter 7: (1) building nonconformities; (2) land use nonconformities; and (3) site nonconformities.

Ms. Lewis described the challenges of dealing with each of these types of nonconformities. The committee discussed these challenges with staff and stated the potential for an emerging set of problems related to dealing with these nonconformities. The committee stated that the ordinance needs to be more flexible. A goal should be to eliminate as many of the nonconformities as possible.

The committee recommended drafting language that will emphasize what is 'allowed' instead of what is 'not allowed'. New language is also recommended that will emphasize what is 'allowed' instead of what is 'required'. The committee also discussed the 12-month rule on activity to eliminate a land use (*please see the attached List of Issues for details*).

Ms. Lewis then reviewed nonconforming signs (particularly signs that are located off premises). Ms. Lewis stated that the number of nonconforming signs will decrease over time. This completed the staff's review of Chapter 7 – Nonconformities.

Following final discussion by the committee, Chairman Crews asked for staff's recommendation for the presentation of LMO Chapters 8, 9 and 10. Ms. Lewis stated that it may be a good idea for the committee to review this information on their own prior to next week's meeting. Staff will be happy to answer any questions that committee members may have at the July 7th meeting. The committee agreed that this would be a good idea for review of Chapters 8, 9, and 10.

In addition to adding the Identification of Issues for Chapters 8, 9, and 10 to next week's agenda, the committee also requested that staff provide the Review of the Proposed New Process for Non-residential Development. Also the committee would like to receive a Summary of Issues identified in LMO Chapter 1 – 7. The staff agreed to provide this information on July 7th.

Following final comments by Chairman Crews, the meeting was adjourned at 2:55p.m.

Submitted by:

Approved by:

Kathleen Carlin
Administrative Assistant

Tom Crews
Chairman

LMO REWRITE COMMITTEE

June 30, 2011

CHAPTER 7 ISSUES

- LMO wording: make it clear that you can bring one non-conformity up to standards without have to bring them all up to standards
- Flexibility needs to be built into this chapter

- Are some nonconformities more important than others? Look at wording Sec.16-7-106A-C.
- Sec. 16-7-106D: substantial compliance could be a deal killer. What does this mean? Should this be re-worded?
- Approach to non-conformities: should different parts of the island be recognized in different ways, such as redevelopment areas are different from lower intensity areas? This could be affected via new zones. Land use non-conformities could also be removed via new zoning districts that allow what is there now. Design standard non-conformities are different. Whatever we do could create new non-conformities.
- LMO wording: draft language to emphasize what is allowed more than what is not allowed.
- Do we 'allow' them to do things or do we 'require' them to do things?
- Does Committee want to eliminate the 12-month rule on activity to eliminate a land use? Should take into consideration whether the business was successful at this location—what would be wrong with allowing it to continue?
- Only way to expand a non-conforming use is to go through redevelopment zone.
- Have to look at why zones are created.
- How does the Committee want to deal with over-density parcels other than making them go through a redevelopment zone? Can we 'grandfather' the density?
- Policy Decision: Do we want to keep non-conformities that we have? Need flexibility to allow non-conformities to stay instead of making them go through a complicated process to stay. Or keep the goal of eliminating the non-conformities. There are building non-conformities, site non-conformities and land use non-conformities.
- Should we change the 12 month rule for non-conforming land uses by extending it due to recent economic times?
- Should keep in mind need to allow hotels in certain zones to keep tourism base.
- How do you get condo association to upgrade? What kind of incentives can we offer?
- Density & height seem to be the biggest incentives to hotels/condos. Should we work this into new zones descriptions?
- Hotels need to have amenities to them.
- How do non-conforming sign get upgraded? Suggest we allow this to happen.