



Town of Hilton Head Island  
Planning Commission  
LMO Rewrite Committee Meeting

May 1, 2014

8:30 a.m.

Benjamin M. Racusin Council Chambers

## **AGENDA**

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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 – March 27, 2014**
- 5. Unfinished Business**
  - a. Review of updated language related to tree trimming/removal in PUDs
  - b. Review of specific language to allow the elimination of some vehicle parking spaces for bike parking
- 6. New Business**
  - a. Update on Chapter 2
- 7. Adjournment**

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

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

Draft

March 27, 2014 Minutes  
8:30a.m. – Benjamin M. Racusin Council Chambers

Committee Members Present: Chairman Tom Crews, Vice Chairman Gail Quick,  
David Ames, David Bachelder, Chris Darnell, Jim Gant, and  
Charles Cousins, *Ex-Officio*

Committee Members Absent: Irv Campbell, Walter Nester, and Kim Likins, *Alternate*

Planning Commissioners Present: None

Town Council Members Present: None

Town Staff Present: Teri Lewis, LMO Official  
Rocky Browder, Environmental Planner  
Jennifer Ray, Urban Designer  
Brian Hulbert, Staff Attorney  
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 21, 2014 meeting as presented by general consent.

**5) Unfinished Business**

a. **Discussion with PUD General Managers regarding tree trimming and removal within PUD common open space areas**

Chairman Crews presented opening comments and requested that Ms. Teri Lewis make her presentation on behalf of staff.

Ms. Lewis presented a brief review of the committee's previous discussions with a couple of PUD General Managers regarding tree trimming and tree removal within PUD common open space areas. The goal is to provide some flexibility within common space open areas.

Mr. David Ames also presented background comments regarding the PUD's request to make some of their own decisions regarding tree trimming and tree removal in common space open areas. Mr. Ames emphasized the importance of protecting the brand of Hilton Head Island – now and over time. Balancing the two objectives will be important. Chairman Crews presented statements regarding the need for qualifiers and enforcement of the ordinance. Mr. Gant suggested that we consider stewardship rather than the enforcement of the ordinance. The committee discussed the ownership of golf courses and exemptions.

Curtis Coltrane, Esq., presented proposed legal statements regarding the trimming of trees and the removal of trees in PUD common open spaces. Mr. Ames and the committee discussed the requirement of tree mitigation. Mr. Peter Kristian, General Manager, Hilton Head Plantation POA, and Mr. Ashley Davis presented public comments regarding this issue. Ms. Sally Warden, General Manager, Shipyard Plantation, POA, also presented brief public comments regarding the issue of tree removal within common open space areas.

Vice Chairman Quick stated that she believes the Town should have overarching authority over the protection of trees in PUD common open spaces. Mr. Gant and the committee discussed the tree mitigation bank.

Mr. Darnell presented comments regarding the mitigation of trees in commercial sites (900 ACI per acre). Mr. Kristian presented statements in support of the management of POAs being trusted to do the right thing – this permission should be revoked by the Town if the privilege is abused. Safety issues should be considered when considering the removal of certain trees.

Mr. Ames stated his concern with the change in PUDs managements (board of directors and general managers) over time. The threat is over time losing sight of what has made Hilton Head Island unique. Is there a way to put a statement in front of management as they change over time that protects the brand? Some degree of flexibility is needed but a statement should be included that reflects good decision making on the part of management over time.

Curtis Coltrane, Esq., presented statements regarding giving the authority to do certain things to POA general managers. A certain amount of trust is part of the process. Correction, if needed, can be taken by the Town if misuse takes place. Mr. Charles Cousins presented statements regarding the issue. Mr. Gant presented statements regarding corridor clearing and the planting of palm trees. Is corridor clearing on a golf course something that should require approval by the Town?

Curtis Coltrane reviewed his proposed language with the committee. Following their discussion, the committee decided to adopt the proposed language for golf courses as privately owned property. Cart paths need to be added and we need to come back to review mitigation. The corridor clearing on golf courses still needs to be decided (commercial and privately owned golf courses should be treated in the same way.)

The committee and the staff discussed PUDs with a 24-hour manned gate with areas of the PUD outside the gate. Ms. Lewis stated that the area just outside of the gate should also be considered in separation requirements and the sign ordinance. Mr. Gant asked if there are definition ordinances for a 24-hour manned gate. The committee decided to make this an Action Item.

b. **Tradeoff of parking spots for bikes or cross access driveways**

Ms. Lewis presented opening comments and requested that Ms. Jennifer Ray, Urban Designer, make her presentation on behalf of staff.

Ms. Ray presented an overhead review of several sketches and scenarios regarding the tradeoff of parking spots for bikes or cross access driveways. The committee discussed several issues including traffic flow and cut through. The committee and staff discussed incentives for reduced

parking requirements. The staff and the committee then discussed the idea of providing some bike parking and eliminating some vehicular parking. Ms. Ray presented an overhead review of a couple of scenarios. Mr. Charles Cousins and Mr. Ames discussed the loss of parking spaces for bike parking (merchants may or may not want to lose parking space(s) for bike parking). Is this something that is valuable to the community? Bike racks are costly and are not allowed in buffers at this time. The committee agreed that the ordinance should be adjusted to relieve the business owner of one parking space for every 10 required parking spaces. The staff stated that design standards and guidelines will be important to the success of the proposal. The committee decided to make this an *Action Item*.

c. **Recommendation on use modifications in the IL (Light Industrial) zoning district**

Ms. Lewis presented opening comments and distributed copies of tear sheets for the IL (Light Industrial) zoning district. Ms. Lewis presented comments regarding several existing business parks as well as the public's request for additional uses in these zoning districts, particularly Other Commercial Services. A significant amount of public education will be required. The staff recommended that the committee approve the proposed uses – Other Offices and Other Commercial Services. The committee discussed the proposal and agreed with staff's recommendation to add the two proposed uses.

d. **Neighborhood Commercial zoning district boundaries in the Fish Haul/Beach City/Dillon area**

Ms. Lewis presented opening comments and distributed copies of tear sheets for the Neighborhood Commercial zoning district boundaries in the Fish Haul/Beach City/Dillon area. Ms. Lewis presented an in-depth overhead review of the zoning district boundaries including proposed allowed uses and density. Ms. Lewis also reviewed the parcels that will be incorporated into the district. The committee discussed the proposal and stated that they do not wish to create additional non-conformities. At the completion of their discussion, the committee agreed that it would be best to keep the language as existing.

e. **Single-family compatibility standards**

Ms. Lewis presented opening comments and distributed copies of buffer requirements. The staff and the committee discussed single-family compatibility standards including existing buffer requirements. Ms. Lewis presented comments regarding the committee's previous recommendation for additional green space between the development (don't worry about other restrictions and requirements on property that could be located next to a single house).

Chester Williams, Esq., presented public comments regarding buffer requirements (the 20-ft. perimeter buffer requirement). The committee discussed the greater density that is allowed in the RM-4 zoning district. The committee stated some concern with a 10-ft. buffer providing sufficient separation. Following their discussion, the committee decided that the minimum buffer standard should be 15-ft. rather than 10-ft. and 20-ft. should become 25-ft.

6) **New Business**

a. **Chapter 2 [Administration] Advisory Committee Report**

Mr. Jim Gant presented the report on behalf of the Advisory Committee. Team Members for Chapter 2 are Vice Chairman Gail Quick and Mr. Jim Gant. The Team Members held a public meeting to discuss Chapter 2 on March 24, 2014. Ms. Teri Lewis and Curtis Coltrane, Esq., Town attorney, also attended the meeting.

Mr. Gant stated that the objective of the meeting was to: Review issues with Chapter 2 Decision Bodies, identify options, and present recommendation to the LMO Re-Write Committee. The

following issues related to Chapter 2 were discussed:

The Administrative Manual proposed by Clarion and referenced in Chapter 2 is not allowed under the pertinent South Carolina Enabling Legislation. All procedures must be included in the Ordinance itself. The Advisory Committee recommends that we drop all references to Administrative Manual and include any content in the LMO. The Manual is not written so there is no re-work with minimal impact.

Administrative Waivers were envisioned by the consultant and the committee as a method of providing more flexibility in the LMO, but a waiver is essentially a variance and SC law requires variances be administered through the Board of Zoning Appeals. The Advisory Committee recommends that we drop all references to administrative waivers.

The final draft for Chapter 2 has not been received from Clarion yet and while significant issues are not expected based on versions to date, the final copy will not be available until mid-April.

The Advisory Committee recommends that we schedule the final LMO Rewrite Committee meeting sometime in late April to approve the final draft. The first Planning Commission Public Hearing is not scheduled until May 21 so this delay should not impact the schedule.

**b. Chapter 7 [Nonconformities] Advisory Committee Report**

Mr. David Bachelder made the presentation on behalf of the Advisory Committee for Chapter 7. Team members are: Mr. David Bachelder and Mr. Jim Gant. The Team Members held a public meeting on Chapter 7 on March 27, 2014. Ms. Teri Lewis and Curtis Coltrane, Esq., also attended the meeting.

The objective of the meeting was to review issues with Chapter 7 on Non-Conformities, identify options, and present recommendations to the LMO Rewrite Committee.

Mr. Bachelder presented the following background information: (1) reducing non-conformities was one of the primary goals of the LMO Rewrite Committee. Non-conformities can be the site, use or building. Substantial changes were made in other sections of the LMO to address these issues (e.g. buffers, setbacks, design standards and uses and conditions.) Chapter 7 deals primarily with administrative matters. Significant changes had already been made by the Town through amendment to the current LMO over the last five years that are carried forward into the new LMO.

The following issues were identified:

- P 7-1 Sections D and E. These sections are not necessary. All non-conformities on Hilton Head Island are by definition legal since they pre-date Town regulation. There is no need of burden of proof or change of ownership protection. The Advisory Team recommends that we delete these sections.
- P 7-2 Section G. Waiver by Official. While the tradeoffs defined in this section are acceptable under SC law the use of term "Waiver" is not. The Advisory Team recommends that we substitute language in the title to convey "ability to approve development that reduces non-conformities" under the conditions in 1-5 below. Legal to create title of section.

- P 7-4 Section C1. Change in Use. This section while carried forward from the current LMO is both confusing and unnecessary. It creates a subjective assessment of what is less non-conforming that is better handled by the Administrator under provisions of Section G on p 7-2. The Advisory Committee recommends that we delete item C.1 - retain number 2.
  
- Redevelopment Floating Zone is an important method available to address redevelopment of non-conformities but is not referenced in this section. The Advisory Team recommends that we include a reference in this chapter to Redevelopment Floating Zone in Chapter 3.

The LMO Rewrite Committee discussed Chapter 7 and presented comments on several issues including the desire to reduce non-conformities. The committee thanked Mr. Bachelder for his presentation on Chapter 7.

Ms. Lewis distributed copies of the new waiver language that is in keeping with State Code. Mr. Gant presented statements regarding plans for the first joint Prep Team meetings with members of the Planning Commission. Revisions to Chapters 3 and Chapter 4 will be reviewed and discussed. The meeting will take place on April 7, 2014 at 3:30p.m.

Vice Chairman Quick presented statements regarding the Planning Commission Workshop on the Coligny Project. The workshop is scheduled to be held on Wednesday, April 2, 2014 at 4:00p.m.

**7) ADJOURNMENT**

The meeting was adjourned at 10:20a.m.

Submitted by:

Approved by:

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 Kathleen Carlin  
 Administrative Assistant

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 Tom Crews  
 Chairman

**\*\*Please note that newly proposed language is shown in italics and with a double underline\*\***

**From LMO Rewrite Draft Chapter 6 – 16-6-104 (Tree Protection).B (Applicability)**

**2. Exemptions**

- a. The following activities are exempt from the standards in this section and the requirement for a Natural Resources Permit:
  - i. Removal of damaged protected trees during an emergency such as a hurricane, tornado, ice or wind storm, flood, wildfire or any other such act of nature;
  - ii. Removal of a dead or naturally fallen tree or limb, or a diseased tree posing a threat to adjacent trees, or a tree that constitutes an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree, provided such removal is reported to the Official within five days after removal;
  - iii. The selective and limited pruning and removal of trees or vegetation within sight triangles (see Sec. 16-5-105.H.4, Sight Triangles) as necessary to obtain clear visibility at street and driveway intersections;
  - iv. Necessary tree removal by a utility company consistent with plans submitted periodically to the Official for approval in accordance with Sec. 16-5-110, Utility Standards, provided such plans include appropriate provision for removal of any felled trees;
  - v. Topping of healthy trees is only permitted on land of the Hilton Head Island Airport, and only for the maintenance of the slope approaches to the airport as referenced in Sec. 16-3-106.E, Airport Overlay (A-O) District;
  - vi. Tree removal associated with forestry activities shielded from local development regulation in accordance with S.C. Code Ann. § 48-23-205, subject to the limitations on subsequent development in Sec. 16-6-104.E, Limitations on Development Applications Subsequent to Exempt Forestry Activity;
  - vii. Routine or seasonal pruning (see Sec. 16-5-103.H, Existing Vegetation, for restrictions on limbing trees in adjacent street and use buffers), subject to the following requirements and conditions:
    - 01.** Pruning shall be done according to the guidelines of the International Society of Arboriculture, as published in the *Arborist Certification Guide*.
    - 02.** No more than ten percent of the tree's leaf surface shall be removed.
    - 03.** Climbing spikes shall not be used on trees that are not being removed.
    - 04.** Property owners bear the burden of proving that they have met the above requirements; and

**viii. Removal or pruning of trees in PD-1 zones under the following conditions:**

01. On the Common Property owned by a Property Owners Association that is behind any security gate or access point that is manned a minimum of eight (8) hours per day, or at any point within the Spanish Wells PD-1, where the tree or trees to be removed or pruned are:

02. Damaged, dead, dying or a fall hazard; or,

03. Causing an actual, imminent hazard to pedestrian, bicycle or vehicular travel because roots of any tree or trees have uplifted pavement, or because branches and foliage are impeding travel sight lines, or because branches and foliage impede travel areas for pedestrians, bicycles and vehicles, and no feasible alternative to removing or pruning the tree or trees exists.

b. No Natural Resources Permit is required where the proposed tree removal or alteration is reviewed and authorized in accordance with an approved Subdivision Plan (see Sec. 16-2-103.F), Development Plan (Minor or Major) (see Sec. 16-2-103.G), Small Residential Development (see Sec. 16-2-103.H) or Public Project (see Sec. 16-2-103.Q)—though compliance with the standards in this section is required.

**\*\*Please note that newly proposed language is shown in italics and with a double underline\*\***

**From LMO Rewrite Draft Chapter 5 – 16-5-107 (Parking and Loading Standards).H (Off-Street Parking Alternatives)**

**7. Bicycle Parking**

**a.** All multifamily and nonresidential development within the CR and RD Districts shall provide bike racks sufficient to accommodate the parking of at least four bicycles for every ten vehicle parking spaces required, or major fraction thereof. Such uses in all other districts shall provide bike racks sufficient to accommodate the parking of at least one bicycle for every ten vehicle parking spaces required, or major fraction thereof.

**b.** The bike racks shall be located in visible, well-lit areas conveniently accessible to the primary entrances of the development's principal building(s). They shall be located where they do not interfere with pedestrian traffic and are protected from conflicts with vehicular traffic.

**c.** *The required minimum number of vehicular parking spaces may be reduced by one space for every ten bicycle parking spaces provided—provided the bicycle parking is located:*

**i.** *In an area surfaced and maintained with an all-weather surface:*

**ii.** *In a convenient location that can be viewed from the building:*

**iii.** *Within 50 feet of a primary entrance to the building they serve; and*

**iv.** *With an aisle at least five feet wide between the rows of bicycle parking spaces.*