



Town of Hilton Head Island
Public Planning Committee Special Meeting
Tuesday, September 28, 2021, 9:00 a.m.
AGENDA

The Public Planning Committee Meeting will be conducted virtually and can be viewed on the [Town of Hilton Head Island Public Meetings Facebook Page](#). A Facebook account is not required to access the meeting livestream.

1. Call to Order

2. FOIA Compliance: Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Approval of Minutes

- a. Regular Meeting – July 21, 2021
- b. Workshop – August 10, 2021

4. Appearance by Citizens

Citizens who wish to address the Committee may do so by contacting the Meeting Secretary at 843.341.4691, no later than 4:30 p.m. Monday, September 27, 2021.

Citizens may also submit written comments via the [Town's Open Town Hall Portal](#). The portal will also close at 4:30 p.m. Monday, September 27, 2021. Comments submitted through the portal will be shared with the Committee and made part of the official record.

5. Unfinished Business

- a. Staff Update and Presentation of the Current Status of the Short-Term Rental Ordinance

6. New Business

- a. Consideration of the Proposed Calendar Year 2022 Meeting Dates

7. Adjournment

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



Town of Hilton Head Island
Public Planning Committee Meeting
July 21, 2021 at 3:00 p.m.
Benjamin M. Racusin Council Chambers
MEETING MINUTES

Present from the Committee: Chairman David Ames, Tamara Becker, Alex Brown, Glenn Stanford

Absent from the Committee: None

Others Present from Town Council: None

Present from Town Staff: Angie Stone; Assistant Town Manager; Jennifer Ray, Capital Projects Manager; Teri Lewis, Deputy Community Development Director; Diane Busch, Staff Attorney; Carolyn Grant, Communications Director; Nicole Dixon, Development Review Administrator; Sheryse DuBose, Historic Neighborhoods Preservation Administrator; Brad Tadlock, Fire Chief; Joheida Fister, Deputy Fire Chief - Administration/Fire Marshal; Krista Wiedmeyer; Town Clerk; Teresa Haley, Senior Administrative Assistant, Vicki Pfannenschmidt, Temporary Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 3:00 p.m.

2. Freedom of Information Act Compliance – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Agenda

Chairman Ames asked for a motion to approve the agenda. Mr. Stanford moved to approve. Ms. Becker seconded. By show of hands, the motion passed by a vote of 4-0.

4. Approval of Minutes

a. Special Meeting of June 16, 2021

Chairman Ames asked for a motion to approve the minutes of the Special Meeting of June 16, 2021. Mr. Stanford moved to approve. Ms. Becker seconded. By show of hands, the motion passed by a vote of 4-0.

5. Appearance by Citizens – There were no requests to address the Committee regarding general topics unrelated to the agenda.

6. Unfinished Business

a. A Workshop on E-Bike regulations has been scheduled for August 10, 2021 at 10 a.m.

Chairman Ames announced E-Bike regulations were originally scheduled for this agenda but will be addressed at the above referenced workshop.

7. New Business

a. Discussion related to 2021 LMO Amendments – First Set

- i) Temporary and Seasonal Signage – Staff will be presenting a concept that can be used for the temporary and seasonal signage in Historic Neighborhoods

Teri Lewis stated the Public Planning Committee reviewed the proposed first set of 2021 LMO Amendments at their meeting on June 2, 2021 and the Committee provided input and requested additional information be shared regarding temporary and seasonal signage. She explained the Temporary and Seasonal Signage Proposed Amendment was identified as a top priority project by the Gullah Geechee Land & Cultural Preservation Task Force, and was also approved by Town Council in 2019. Ms. Lewis reviewed in detail the terms and conditions for the signage.

Chairman Ames asked for input from Committee members. The Committee discussed the proposed amendment and the following comments and concerns were discussed: the need to ensure the Town is going in the right direction; concern for limiting the number of signs permitted; the benefits of signage to the Historic Neighborhoods by creating identity; the length of time for seasonal signage; zoning concerns; clarification of who qualifies for signage; legal challenges; definition of seasonal; input on design of signage; goal of the signage; benefits to the community and landowner; the need to limit permitted items to be sold to those of the Native Island culture; and the need for the signage to be designed by Native Islanders.

Susan Livingston addressed the Committee with a suggestion that a specific location be provided for sales as opposed to home-based sales. Tai Scott addressed the Committee noting the signage will be an economic opportunity for the Native Island Community which is specific to their culture.

Ms. Lewis thanked the Committee and said Staff will be taking all input provided and will update the Committee on the progress of the proposed amendment at their next regularly scheduled meeting.

- ii) Waivers – Staff will be presenting a list and description of the various waiver types currently in the LMO, specifically, Sections 16-5-102.C – Adjacent Street Setbacks, 16-5-102.D – Adjacent Use Setbacks, 16-5-102.D.4 – Adjacent Use Setbacks, 16-5-103.E.2 – Adjacent Use Buffers, 16-5-103.F – Adjacent Street Buffers, 16-3- (all zoning districts standards for height), 16-5-105.I.8 – Access to Streets, 16-5-107.D.1 – Minimum Number of Parking Spaces, 16-5-109.D.2 – Drainage Design Standards, 16-6-102.D.2.b – Wetland Buffer Width, 16-6-104.G.1.c – Minimum Tree Coverage Standard, 16-7-101.F – Substitution of Nonconformities for Redevelopment, and 16-10-102.C.2.b – Height

Nicole Dixon explained one suggestion on the LMO Amendment list was the removal of all or some of Staff granted waivers. She stated Staff is asking for input from the Committee as to which waivers they would suggest be removed. Mr. Ames provided background on the subject noting that when the LMO was rewritten, in order to expedite development, waivers at the Staff level were created. Ms. Dixon reviewed the list of waivers included in the packet in detail. Mr. Ames asked who would make the decisions if the waivers were eliminated. Ms. Dixon answered that the Board of Zoning Appeals

would hear a variance request and the applicant would have to meet the four criteria required for a variance.

Chairman Ames asked for input from Committee members. The Committee discussed the proposed amendment and the following comments and concerns were discussed: the need to be cautious in moving waivers back to the BZA purview; the need to see case studies on waivers that have been granted; the impact of granted waivers on neighboring properties; the number of waivers granted; and definition of what waivers need to rise to the BZA level.

Following discussion, the Committee requested Ms. Dixon come back with a detailed summary of waivers granted up to this date.

Truitt Rabun addressed the Committee suggesting neighboring property owners get notification of the waiver application so concerns can be heard. He added that with nonconforming properties, the waiver process is advantageous for the reuse of buildings and caution is needed when crafting the amendment.

Patsy Brison, Chair of the Board of Zoning Appeals addressed the Committee to reference a letter from past BZA Chairman Cutrer which included a summary of waivers granted in 2018 through 2020, suggesting it may assist the Committee.

iii) Dwelling Unit Definition – Consideration as to what constitutes a dwelling unit

Teri Lewis referenced the materials provided in the packet regarding modification of the definition of dwelling unit. She reviewed the existing definition and noted staff is suggesting consideration of adding more detailed language. Ms. Lewis explained density is key in adding an additional dwelling unit to a property.

Chairman Ames asked for input from Committee members. The Committee discussed the proposed amendment and the following comments and concerns were discussed: the need for a number of examples defining a dwelling unit; concern for unintended consequences when defining; consideration of workforce housing while working on the definition; the need for safe, comfortable housing for residents; the existing definition of family in the LMO; consideration to include a standard dwelling unit size in the definition; and the impact the definition will have on other things such as short term rentals, rental properties, etc.

Tai Scott addressed the Committee regarding mother-in-law suites and concern for the effect the definition will have regarding such.

8. Staff Reports

Teri Lewis reviewed the first set of 2021 LMO Amendments included in the agenda packet noting the list will be formalized to move forward. She explained all of the items will get additional research and discussion. She added Staff will come to the Committee as necessary throughout the process.

a. Update on Standalone 2021 LMO Amendments

i) Short-Term Rental Ordinance

Teri Lewis stated Staff is getting close to getting someone under contract to draft the ordinance and will provide an update at the August meeting.

ii) Wetland Mitigation Requirements for Projects with a Community Benefit (Airport, Gateway Corridor, Parks)

iii) Changes to Massing and Height of Buildings (DRB Concerns)

Ms. Lewis informed the Committee Staff is hoping to add Items 8.a.i and 8.a.ii to the first set of 2021 LMO amendments.

iv) Airport Approach Path and Incompatible Uses

Ms. Lewis noted Staff will be working with Jon Rembold and his consultants regarding the Airport Approach Path and the amendment will likely be drafted in mid-2022.

9. Adjournment

The meeting was adjourned at 4:31 p.m.

Submitted by: Vicki Pfannenschmidt, Secretary

Approved: [DATE]

DRAFT



Town of Hilton Head Island
Public Planning Committee Workshop

August 10, 2021 at 10:00 a.m.

Benjamin M. Racusin Council Chambers

WORKSHOP MINUTES

Present from the Committee: Chairman David Ames, Tamara Becker, Alex Brown, Glenn Stanford

Absent from the Committee: None

Others Present from Town Council: Bill Harkins

Present from Town Staff: Josh Gruber, Deputy Town Manager; Angie Stone, Assistant Town Manager; Teri Lewis, Deputy Community Development Director; Diane Busch, Staff Attorney; Carolyn Grant, Communications Director; Teresa Haley, Senior Administrative Assistant, Vicki Pfannenschmidt, Temporary Administrative Assistant

1. Call to Order

Chairman Ames called the workshop to order at 10:00 a.m.

2. FOIA Compliance – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Electric Bikes – Discussion on Electric Bike regulations

Chairman Ames explained the purpose of the workshop was to discuss E-bikes on leisure trails on Hilton Head Island. He invited Diane Busch to address the Committee.

Diane Busch stated that under South Carolina law, the Town should treat electric bicycles as we currently treat traditional bicycles by adding a definition for or, alternatively, adopting the state's definition of "electric-assist bicycles" and "bicycles with helper motors." She added that a new Code Section was added by the legislature in January of 2020 that specifically sets out an E-Bike definition which is below:

SC State Law:

Electric bicycles

S.C. Code Ann. §56-1-10 (29): (E-bicycle definition)

- Motors that have a power output of less than 750 watts/1hp;
- Top speed 20 mph (assist motor shuts down at 20 mph);
- Motor disengages when brakes applied;
- Fed Consumer Product Code requires original stickers/labels from point of sale remain affixed; and
- Are not mopeds.
- Not subject to licensing/registration

Ms. Busch clarified that the above definition limits E-bikes to Class 1 E-bikes. She went on to include further definition of the E-bikes from South Carolina Code which is below:

S.C. Code Ann. §56-5-3520:

“Bicyclists operating bicycles with helper motors, as defined in Section **56-1-10**, are subject to all statutory provisions applicable to bicyclists, as provided in Section **56-5-3420**.”

She concluded that E-bicycles are bicycles.

Ms. Busch reviewed the rights and duties of bicyclists according to South Carolina Code which is below:

S.C. Code Ann. §56-5-3420: the Rights/Duties of Bicyclists:

One riding a bicycle on a roadway is granted all rights/subject to all duties applicable to bikes, except those applicable/excepted by special provisions of Chapter 5*.

*Laws for bikes regarding bike lanes, roadways, bike paths, manner of riding, etc.

Ms. Busch concluded with a list of the Federal classifications for E-bikes which is below:

Classifications:

- Motor size -- 750w (1hp) or less to not be classified as a moped
- Speed at which electric assistance stops:
 - Class 1 – 20 mph (pedal assist only)
 - Class 2 – 20 mph (throttle assist)
 - Class 3 – 28 mph (pedal assist only)
 - Assistance type:
 - Pedal assist only – Class 1 + Class 3
 - Throttle assist – Class 2

*Under SC law, e-bicycles that equal bicycles are Class 1 and Class 2 (throttle assist/motor stops at 20 mph).

Ms. Busch stated that the Town Code defines E-bikes as motorized bikes and they are prohibited but that conflicts with State Code which pre-empts Town Code. She added that the Town does have the ability to differentiate usage and allowances on the Town leisure trails but cannot mandate private communities within the Town.

The Committee made comments and inquiries regarding: how to differentiate classes when looking at an E-bike; how to stop the motor; various controls on an E-bike; inquiry into E-Bike usage on pathways; safety concerns; and enforcement of regulations.

Chairman Ames called on the PUD/POA General Managers for input. Lance Pyle, General Manager of the Port Royal Community reviewed how they assessed for their regulations regarding E-bikes. He stated they determined E-bikes would not work on their winding pathways so they approved road usage only. He added the Community does not distinguish between classes. Peter Kristian, General Manager of Hilton Head Plantation explained that their pathways are their number one amenity and they have banned E-bikes for safety reasons. He noted enforcement is a challenge but safety is their main issue.

Chairman Ames called on bike shop owners for input. A number of owners made comments and inquiries regarding: different interpretations of the code of law; the growth of E-bike usage; safety concerns; statistics regarding E-bike accidents; the extreme

changes in demographics; the asset of bike paths for usage; consideration of regulation rather than prohibiting E-bikes; the increased technology in installation and weight of motors; suggestion to follow Greenville's model for regulation; acknowledgement that pathways outside of the private communities are to get from one location to another; and the need to provide safety information to the public.

Chairman Ames called on bike advocates for input. A number of advocates made comments and inquiries regarding: benefits from the use of E-bikes; the use for access to areas that are a far distance; the benefit of seeing more of Hilton Head Island; the need for bike etiquette; signage on the pathways; public education and the need for bike shops to assist in education of the public and reviewing safety regulations; suggestion that the Town maintain the prohibition of E-bikes on the pathways; the need for bicycle lanes on the roadways; encouragement that the Town look at a better interpretation of the law; the difficulty in regulating speed on the pathways; regulations need to be reasonable; enforcement of any and all regulations; and the need for accountability.

After hearing from the various groups, the Committee made further comments and inquiries regarding: expression of gratitude to the groups that attended and addressed the Committee; consideration of regulations for the rental companies; the need for additional clarification of State Law and Hilton Head Island responsibilities; pathway design and capacity issue; enforcement challenges; safety and quality of life inside and outside the gates and visitors; encouragement for additional input from stakeholders; with the investment in the Town pathways, suggestion of the need for someone beyond staff to help along the way; acknowledgement of the use of paths for transportation to and from places of business and work; acknowledgement the focus needs to be on safety on pathways and education of the users; consideration of training for rental agency representatives for dissemination of information; the need for a standard practice across the board; concern over the Town creating conflict between the Town and private communities; the need for a focus on what diminishes safety on our pathways; the challenge of enforcement of speed limits; and turning the focus to safety, training, the need for experience in operating, courtesy and enforcement.

4. Adjournment

Chairman Ames thanked all for attending and adjourned the workshop at 11:32 a.m.

Submitted by: Vicki Pfannenschmidt, Secretary

Approved: [DATE]



Town of Hilton Head Island
Public Planning Committee
Calendar Year 2022
Meeting Dates

Regular meetings of the Public Planning Committee shall be held on the fourth Thursday of each month at 3:00 p.m. in the Benjamin M. Racusin Council Chambers.

January 27	July 28
February 24	August 25
March 24	September 22
April 28	October 27
May 26	November 17**
June 23	December 22

**Due to Thanksgiving, the November meeting will take place one week earlier on November 17, 2022.