



**Town of Hilton Head Island
Planning Commission
Wednesday, June 18, 2014
3:00 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. **Pledge of Allegiance to the Flag**
3. **Roll Call**
4. **Presentation of Crystal Awards to outgoing Planning Commissioners: Ms. Gail Quick, Mr. Terry Ennis, Mr. Tom Lennox and Mr. Brian Witmer**
A Farewell Celebration in appreciation of their service to the Planning Commission will be held in Council Chambers immediately following the meeting.
5. **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.
6. **Approval of Agenda**
7. **Approval of Minutes – June 4, 2014 Meeting**
8. **Appearance by Citizens on Items Unrelated to Today’s Agenda**
9. **Unfinished Business**
 - Public Hearing** (*Continuation of Public Hearing on June 4, 2014*)
 - a) Repeal of existing Land Management Ordinance and Adoption of a new Land Management Ordinance as part of Title 16 of the Municipal Code.
 1. Coligny Resort District Standards and Telecommunications Facilities Setbacks carried over from June 4, 2014, Public Hearing meeting.
 - Public Hearing** (*Continuation of Public Hearing on June 4, 2014*)
 - b) Repeal of existing Official Zoning Map and Adoption of a new Official Zoning Map as part of Title 16 of the Municipal Code.
 - Public Hearing** (*Continuation of Public Hearing on June 4, 2014*)
 - c) Amend Title 16 (Land Management Ordinance) of the Municipal Code, specifically Chapter 5, Article XVIII (Impact Fees). The only change to this article will be to re-number it in conjunction with the Land Management Ordinance Rewrite project.
 - d) Adoption of Amendments to the Rules of Procedure. *Presented by: Jayme Lopko*

10. New Business

None

11. Commission Business

- a) Report from Nominating Committee and Election of Officers July 1, 2014 – June 30, 2015
- b) Nomination and Election of Planning Commission Secretary July 1, 2014 – June 30, 2015

12. Chairman's Report

13. Committee Reports

14. Staff Reports

- a) Quarterly Report – *Presented by: Jayme Lopko*
- b) Coligny Update – *Presented by: Jennifer Ray*

15. Adjournment

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

TOWN OF HILTON HEAD ISLAND
Planning Commission Meeting
Wednesday, June 4, 2014
9:00a.m – Benjamin M. Racusin Council Chambers

Commissioners Present: Chairman Gail Quick, Vice Chairman David Bennett, Alex Brown, Judd Carstens, Terry Ennis, Bryan Hughes, Tom Lennox, Barry Taylor

Commissioners Absent: Brian Witmer

Town Council Present: Bill Harkins, Kim Likins and John McCann

Town Staff Present: Teri Lewis, LMO Official
Curtis Coltrane, Esq., Town Attorney
Jayme Lopko, Senior Planner & Planning Commission Coordinator
Brian Hulbert, Staff Attorney
Charles Cousins, Director Community Development
Shawn Colin, Deputy Director Community Development
Kathleen Carlin, Secretary

1. Call to Order

2. Pledge of Allegiance to the Flag

3. Roll Call

4. 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 Town of Hilton Head Island requirements.

5. Approval of Agenda

The agenda was **approved** as presented by general consent.

6. Approval of Minutes

The Planning Commission **approved** the minutes of the Special Meeting held on April 23, 2014 as submitted by general consent. The Planning Commission also **approved** the minutes of the regular May 21, 2014 meeting as submitted by general consent.

7. Appearance by Citizens on Items Unrelated to Today's Agenda

a) Mr. Jim Collett, Chairman of the Telecommunications Taskforce, presented statements in concern of the proposed draft LMO language for cell towers. Mr. Collett stated that the proposed language does not include some of the previously agreed upon improvements to the permitting process for cell towers.

Chairman Quick requested that this item be placed under Unfinished Business on the June 18, 2014 agenda.

b) Mr. John Lane, business owner of Reilly's Wine & Spirits, presented statements in concern of the proposed draft LMO language regarding the potential loss of separation requirements for liquor stores. Mr. Lane encouraged the Planning Commission to retain the existing separation requirements for liquor stores.

- c) Mr. David Martin, business owner of Piggly Wiggly, presented statements in concern of the need to improve beach parking in the Coligny area. Mr. Martin encouraged the Town to take quick action to improve beach parking.
- d) Mr. Philip Johnson, business owner of Park Plaza Wine & Liquor, presented statements in concern of the proposed draft LMO language regarding the potential loss of separation requirements for liquor stores.
- e) Ms. Dot Law, Chaplin POA representative, presented statements in concern of the potential changes to the LMO regarding minimum acreage requirements for the subdivision of land owned by members of the native island community.
- f) Mr. Bill Eisenman – Edgewater Homeowners Association, presented statements in concern of several issues including the community’s WMU classification and proposed changes in density requirements.
- g) Ms. Deborah Urato, resident and business owner, presented statements in concern of inadequate parking conditions at Coligny and unsafe walking conditions for pedestrians on Lagoon Road.

8. Unfinished Business

Chairman Quick requested that staff add a status update for Coligny Area Improvements to Unfinished Business until the Coligny project is finished.

**9. New Business
Public Hearing**

- a) Repeal of existing Land Management Ordinance and Adoption of a new Land Management Ordinance as part of Title 16 of the Municipal Code.
- b) Repeal of existing Official Zoning Map and Adoption of a new Official Zoning Map as part of Title 16 of the Municipal Code.
- c) Amend Title 16 (Land Management Ordinance) of the Municipal Code, specifically Chapter 5, Article XVIII (Impact Fees). The only change to this article will be to re-number it in conjunction with the Land Management Ordinance Rewrite project.

Chairman Quick introduced the business items and opened the public hearing. Chairman Quick requested that Mr. Jim Gant, LMO Rewrite Committee, and Curtis Coltrane, Esq., make their presentations.

Mr. Gant presented brief comments regarding the history and intent of the LMO Rewrite Committee. Town Council adopted a resolution in March 2011 to appoint the committee to lead the effort to rewrite the Land Management Ordinance. The LMO Rewrite Committee, working with the staff, a consultant and numerous experts has created a document that is easier to read and enables redevelopment while still holding true to the values and characteristics of Hilton Head Island.

Mr. Gant stated that since the proposed changes to Chapters 1 and 2 are more legal in nature, Curtis Coltrane, Esq., will present those changes. Mr. Coltrane reviewed the proposed changes to Chapters 1 and 2. All revisions are in compliance with the State Enabling Act.

Mr. Coltrane stated that the Planning Commission is asked to take the following actions following the public hearing: (1) Recommend to Town Council the repeal of the existing Land Management Ordinance document with the exception of Chapter 5, which relates to impact fees; (2) Concurrent with the recommendation to repeal the old LMO, the Planning Commission will recommend adoption of the new LMO; (3) Amend Title 16 (Land Management Ordinance) of the Municipal Code, specifically Chapter 5, Article XVIII (Impact Fees). The only change to this article will be to re-number it in conjunction with the Land Management Ordinance Rewrite project and (4) to accept or reject the proposed changes to the Zoning Map.

Mr. Coltrane stated that adoption of the new LMO is scheduled to occur by second reading by Town Council sometime in August 2014. The Planning Commission's public review of the new LMO will continue to the June 18, 2014 meeting. This completed Mr. Coltrane's presentation on Chapters 1 and 2.

Mr. Jim Gant then reviewed the proposed changes to Chapters 3 – 10. Mr. Gant combined his review of Chapters 3 and 4. The new LMO is easier to read and easier to understand. Several improvements in clarity of the document have been made including the addition of more graphics and tables. Mr. Gant briefly reviewed the changes to Development Review Procedures, Conditions, and Uses. Zoning has to be a balance between community vision and the rights of property owners.

Mr. Gant stated that the only change to Chapter 5, Article XVIII (Impact Fees) is to re-number it in conjunction with the Land Management Ordinance Rewrite project. Mr. Gant reviewed the proposed changes to Chapter 5 (Design Standards) and to Chapter 6 (Natural Resources). Mr. Gant stated that there are no substantive changes to Chapter 7, Chapter 8 or Chapter 9. Changes to these chapters are minimal, if any.

Mr. Gant reviewed the proposed changes to Chapter 10 (definitions of some important terms as well as the Appendices.) Mr. Gant reviewed the proposed changes to the new Zoning Map, which includes all of the proposed changes to the LMO. This completed Mr. Gant's presentation to the Planning Commission.

The Planning Commission complimented Mr. Gant on the clarity of his presentation as well as proposed changes. Chairman Quick stated that the public hearing will continue to the June 18, 2014 meeting.

Chairman Quick expressed her appreciation to Mr. Jim Gant for his valuable contributions to the LMO Rewrite Committee. Chairman Quick also recognized the LMO Rewrite Committee members present at today's meeting: Chairman Tom Crews, Mr. David Ames, Mr. David Bachelder, Mr. Chris Darnell, and Councilman Kim Likins. Chairman Quick then requested public comments and the following were received:

(a) Mr. David White presented statements regarding the zoning of single-family property owned by native islanders; (b) Ms. Dot Law, Chaplin POA, presented statements in concern of potential changes to density requirements for single family compounds. Mr. Gant stated that the committee was not able to find a solution to the challenges facing the subdivision and development of single-family properties in native islander communities. The committee is still investigating potential solutions; (c) Mr. Bill Eisenman presented comments in concern of the review process for timeshares; (d) Mr. Richard Pattisall,

presented statements regarding the issue of permits for cell towers; (g) Chester C. Williams, Esq., presented general statements regarding the LMO including native island family compounds; (h) Thomas Barnwell, Jr., presented comments regarding the challenges facing the redevelopment of Ward One.

Commissioner Brown recommended that Ward One be included in the Initiative Areas. Ms. Quick asked that Mr. Brown bring this item up at the June 18, 2014 meeting. Commissioner Brown agreed. Following final comments by the Planning Commission, Chairman Quick stated that the public hearing for the draft LMO will remain open until the June 18, 2014 meeting.

d) Rules of Procedure – Commissioner Hughes presented comments on behalf of the Rules of Procedure Committee. The Rules of Procedure Committee met recently to review the current rules of procedure. Attendees included Mrs. Jayme Lopko and Mr. Brian Hulbert, staff attorney. The committee discussed several issues including the Planning Commission's receipt of supplemental materials for business items on the agenda. The Planning Commission discussed the distinction between Public Hearings and Appeals as related to the timely receipt of additional or supplemental materials.

Mr. Hughes stated that new language is proposed for the hearing of an Appeal. The new language mirrors that in the BZA's Rules of Procedure. The required deadline is four business days prior to the meeting date. The Planning Commission can take a vote whether or not to consider the new information. Based on the amount of new material received, the Planning Commission may consider postponing their review of an application. Following discussion by the Planning Commission, Chairman Quick requested public comments and the following were received:

(a) Chester Williams, Esq., presented statements in concern of the proposed deadline for receipt of supplemental materials at a public hearing. Additional materials should be able to be submitted to the board up to and including the public hearing date. Mr. Williams stated that Applications for Appeals should have a cutoff date for the submission of supplemental materials.

Brian Hulbert, staff attorney, presented statements on behalf of staff. The Planning Commission can receive supplemental materials for a public hearing. The Planning Commission can consider and accept the additional materials for a public hearing. However, if the amount of new information is voluminous and too much to consider within a short timeframe, the Planning Commission may decide that it would be better to continue the review of an application.

The Planning Commission discussed the issue and recommended that the Rules of Procedure Committee meet once again prior to the June 18, 2014 meeting. The Planning Commission will consider the committee's recommendation and will vote on the proposed changes on June 18, 2014. The staff will add this item under Unfinished Business on the June 18th agenda. Following their discussion, Chairman Quick requested public comments and the following were received:

(a) Chester Williams, Esq. presented statements in support of the Planning Commission being required to accept supplemental materials up to and including the date of a public

hearing; (b) Mr. Herbert Ford, citizen, presented statements in support of the comments just presented by Mr. Chester Williams regarding the submission of supplemental materials.

10. Commission Business

(a) Appointment of a Nominating Committee for the election of Officers

Chairman Quick stated that the following Planning Commissioners are appointed to the Nominating Committee: Commissioner Lennox (Chairman), Commissioner Taylor, Commissioner Ennis and Chairman Quick. Chairman Quick requested that a motion be made to confirm the appointment of the Nominating Committee.

Vice Chairman Bennett made the **motion** to appoint the Nominating Committee as stated by Chairman Quick. Commissioner Hughes **seconded** the motion and the motion **passed** with a vote of 8-0-0.

(b) Staff update on the Coligny Project

Commissioner Ennis requested that the staff present an update on the Coligny Project. Mr. Shawn Colin presented the update on behalf of staff.

Chairman Quick and other Planning Commissioners stressed the need to move quickly with the interim improvements (particularly parking improvements at Coligny Beach). Charles Cousins presented statements in clarification of the process and procedure for moving forward to the Town Manager and Town Council.

Chairman Quick suggested securing some volunteers to advise the public of additional parking opportunities, particularly on busy weekends. Brian Hulbert, Esq., presented comments in concern of potential liability to the Town.

11. Chairman's Report

Chairman Quick stated that the following will be sworn in as new Planning Commissioners on July 2, 2014: Mr. Jim Gant, Mr. Peter Kristian, Mrs. Carolyn McVitty and Mr. Todd Theodore. Mr. Brian Witmer will be leaving the Planning Commission as of June 30th to join the Design Review Board. Mr. Witmer will be sworn in as a new member of the DRB in July.

12. Committee Reports

None

13. Staff Reports

None

14. Adjournment

There being no further business, the meeting was adjourned at 11:30a.m.

Submitted By:

Approved By:

Kathleen Carlin
Secretary

Gail Quick
Chairman



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
CC: Town Council, LMO Rewrite Committee
FROM: Teri Lewis, *LMO Official*
DATE: June 9, 2014
SUBJECT: LMO Rewrite – Coligny Resort District standards

At the LMO Rewrite public hearing on June 4, 2014, there was a discussion about the specific design standards for the Coligny Resort (CR) zoning district. It was determined by the Planning Commission that a discussion on these specific standards should be held at the June 18th Planning Commission meeting.

The LMO Rewrite Committee and the project's consultant, Clarion Associates, have been working diligently over the past three years to rewrite the Town's Land Management Ordinance. As part of their charge, the LMO Rewrite Committee worked to create very specific design standards for the Coligny Resort zoning district. The standards for this district were developed to encourage development that is pedestrian friendly and at a human scale with a high intensity of mixed uses.

The attached documents listed below help to further describe the specific design standards for the CR district.

- LMO Section 16-3-105.B, Coligny Resort District
- CR District Build-To-Line Illustration
- LMO Section 16-5-102.B.2, Adjacent Setback Standards – exceptions for development within the CR District
- LMO Section 16-10-105, Definition of Street Tree

Should you have any questions or concerns that you would like to address prior to June 18th, please contact me at 341-4698 or teril@hiltonheadislandsc.gov.

B. Coligny Resort (CR) District¹⁷⁸

CR Coligny Resort District

1. Purpose

The purpose of the Coligny Resort (CR) District is to recognize and promote further investment in the area near Coligny Circle as an activity center and a core high-energy and visitor-oriented resort destination that encourages people to live, work, and recreate within the district. The district is intended to accommodate relatively high-intensity commercial, office, residential, and **mixed-use development** that is pedestrian-oriented and human-scale. It is also intended to promote **development** that integrates civic and public gathering spaces and connects to such places in nearby developments and public places.

2. Allowable Principal Uses

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES ¹⁷⁹	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.125 per du
			Nonresidential	1 per 650 GFA
Multifamily	P		1 bedroom	1 per du
			2 bedroom	1.25 per du
			3 or more bedrooms	1.5 per du
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 525 GFA	
Education Uses	P		Colleges and High Schools	7.5 per classroom
			Elementary and Junior High/Middle Schools	3 per classroom
			Other Education Uses	See Sec. 16-5-107.D.2

¹⁷⁸ The CR District is one of the new mixed-use activity center districts—one that largely caters to the Island's resort population. It generally takes the place of the current CCW district and is proposed to be expanded to extend towards Cordillo Parkway.

As a mixed-use district, a more general and flexible approach to uses is taken, with allowable uses expanded to include multifamily residential, community service uses, education uses, religious institutions, resort accommodation uses, outdoor commercial recreation uses, and auto rentals.

This district was named the I-MX-Coligny District in earlier module drafts.

¹⁷⁹ The LMO Rewrite Committee recommends that parking requirements be eliminated or reduced to encourage public/private partnerships in constructing parking structures. Eliminating parking requirements provides no incentive because although a private developer may benefit from a public parking structure constructed nearby, the developer has no responsibility to provide parking spaces and thus no incentive to contribute to the cost of constructing the parking structure. A developer required to provide parking may be willing to contribute to construction of a nearby public parking structure, particularly if doing so frees up limited available site area for additional development—an important benefit in areas where redevelopment is to be encouraged (like the Coligny Resort District). Accordingly, parking requirements are provided, but are reduced about 25% from those applicable in the SPC and CC Districts to reflect the mixed-use character of the district (wherein a person may use one parking space to visit multiple destinations). Added is a provision allowing a further 20% reduction of the stated minimums where required parking is located in a parking structure.

Chapter 16-3: Zoning Districts
Sec. 16-3-105. Mixed-Use and Business Districts
B. Coligny Resort (CR) District

Government Uses	P		Fire Stations	3 per bay + 1 per 300 GFA of office space
			Other	1 per 300 GFA of office area
Major Utilities	SE			1 per 2,000 GFA
Minor Utilities	P			n/a
Public Parks	P			See Sec. 16-5-107.D.2
Religious Institutions	P			1 per 4 seats in main assembly area
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e		n/a
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e		1
Resort Accommodations				
Bed and Breakfasts	PC	Sec. 16-4-102.B.4.a		1 per 1.5 guest rooms
Hotels	PC	Sec. 16-4-102.B.4.b		1 per 1.5 guest rooms
Commercial Recreation				
Indoor Commercial Recreation Uses	P			1 per 7 persons + 1 per 300 GFA of office or similarly used area
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.ab	Miniature Golf Courses	1 per 2.5 tees
			Stadiums	1 per 5 spectator seats
			Other	1 per 4 persons + 1 per 300 GFA of office or similarly used area
Water Parks	P			See Sec. 16-5-107.D.21
Office Uses				
Contractor's Offices	PC	Sec. 16-4-102.B.6.a		1 per 450 GFA of office/administrative area
Other Office Uses	P			1 per 500 GFA
Commercial Services				
Bicycle Shops	PC	Sec. 16-4-102.B.7.c		1 per 250 GFA
Convenience Stores	PC	Sec. 16-4-102.B.7.c.ii		1 per 250 GFA
Eating Establishments	PC	Sec. 16-4-102.B.7.e		1 per 150 sf of gross floor area and outdoor eating area
Grocery Stores	P			1 per 250 GFA
Liquor Stores	SE	Sec. 16-4-102.B.7.g		1 per 250 GFA
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h		1 per 100 GFA
Open Air Sales	PC	Sec. 16-4-102.B.7.i		1 per 250 GFA of sales/display area
Shopping Centers	PC	Sec. 16-4-102.B.7.j		1 per 500 GFA
Other Commercial Services	P			See Sec. 16-5-107.D.2
Vehicle Sales and Services				
Auto Rentals	PC	Sec. 16-4-102.B.8.a		See Sec. 16-5-107.D.2
Gas Sales	PC	Sec. 16-4-102.B.8.cd		

Chapter 16-3: Zoning Districts
 Sec. 16-3-105. Mixed-Use and Business Districts
 B. Coligny Resort (CR) District

3. Development Form and Parameters

MODIFIED ADJACENT STREET AND USE SETBACK STANDARDS¹⁸⁰

Adjacent Street Setbacks	<p>Along those segments of North Forest Beach Drive and Pope Avenue within or adjoining the CR District, the minimum adjacent street setback distance shall be as follows:</p> <ul style="list-style-type: none"> • 10 feet for 50% - 70% of the building façade; and • 25 feet for 50% - 30% of the building façade. <p>The adjacent street setback angles along these street segments and the adjacent street setback distance and angle standards along other street frontages shall be as set forth in Sec. 16-5-102.C, Adjacent Street Setback Requirements.</p> <p>Plazas, courtyards, and other public open spaces may occupy up these setback areas. Additionally awnings, balconies and overhangs may occupy these setback areas. One street tree shall be planted every 25' along the street frontage.</p>
Adjacent Use Setbacks	The adjacent use setback standards set forth in Sec. 16-5-102.D, Adjacent Use Setback Requirements, shall apply only along the perimeter of the CR district.

MAX. DENSITY (PER NET ACRE)¹⁸¹

All development	Undefined, but limited by applicable design and performance standards
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LOT COVERAGE

Max. Impervious Cover	n/a
Min. Open Space for Major Residential Subdivisions	n/a

MAX. BUILDING HEIGHT¹⁸²

All development	60 ft
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USE AND OTHER DEVELOPMENT STANDARDS

See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.

TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. Where all required parking spaces are located within a parking **structure** (e.g., parking deck or parking garage), the standards for the minimum number of parking spaces shall be reduced by 20 percent.

¹⁸⁰ This provision is intended to encourage greater pedestrian activity by requiring buildings fronting certain street segments to be sited close to the adjoining sidewalk. The LMO Rewrite Committee recently requested that the height limit for the CR District be set at 60 feet, but subject to a requirement that building height be stepped back at an angle from a starting height of two stories. This is essentially how the current adjacent street setback standards work. They define a building envelope with a maximum height of 20 feet at the minimum adjacent street setback distance and building height limited to space beneath a plane extending back from the top of the 20-foot height at a specified "setback angle," up to the maximum building height standard. The current adjacent street setback standards are proposed to be carried forward in Sec. 16-5-102 of the UDO. Given that CR District height limits are to be defined as a stepped back angle from a two-story minimum, we suggest that the building setback and height relative to the specified street segments simply rely on the carried forward adjacent street setback standards. The 20-foot starting height limit is equivalent to the two-story limit requested by the LMO Rewrite Committee. The setback angle ensures a stepped back building height, as requested by the LMO Rewrite Committee.

¹⁸¹ At the request of the LMO Rewrite Committee, the current maximum density caps (6 du/acre for residential, 35 rooms per acre for hotels, and 8,000 sf/acre for other nonresidential uses) are eliminated.

¹⁸² The LMO Rewrite Committee recommends that the district have a height limit of 60 feet, with step back/setback angle requirements for any building over two stories. The proposed minor modifications of the generally applicable adjacent street setback standards would achieve the requested stepped back height limit. See footnote 180 above.



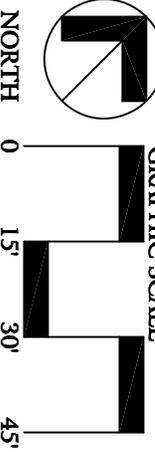
CR District Build-To Line

Town of Hilton Head Island

May 19, 2014



GRAPHIC SCALE



Chapter 16-5: Development and Design Standards

Sec. 16-5-101. General²⁹⁰

A. Purpose and Intent

The purpose of this chapter is to establish **development** and design standards for **development** in the Town. The standards promote good site design and planning to produce **development** that is functional, serves as an asset to the community, is in keeping with the general aesthetics, philosophy, and character of the Island, and protects and enhances the unique barrier island environment. The standards allow for and promote design that integrates man-made **improvements** to the **land** with the natural elements of the **land**.

B. Applicability²⁹¹

The **development** and design standards of this Chapter are applicable to all **development** in the Town except as expressly provided otherwise in this Ordinance.

Sec. 16-5-102. Adjacent Setback Standards²⁹²

A. Purpose and Intent²⁹³

The purpose of the adjacent street and use setback standards in this section is to provide separation between **structures** and adjacent **street rights-of-way** and property lines. Such separation is intended to maintain and protect the Town's Island character, ensure protection from **street** traffic, and facilitate adequate air circulation and light between **structures** and the **street**, and between **structures** in **adjacent** developments.

B. Applicability

1. General

Except as provided in subsection 2 below, the requirements of this section shall apply to all **development** in the Town.

2. Exceptions

a. For **development** within the CR District, the following exceptions shall apply:

²⁹⁰ This section carries forward Chapter 5, Article I of the current LMO, modified to delete a statement that Town staff will monitor the reasonableness and effectiveness of the development standards.

²⁹¹ This carries forward Sec. 16-5-101 of the current LMO, modified to statement that Official may deem some standards inapplicable.

²⁹² This section carries forward adjacent street and use setback standards in Art. VII of Ch. 5 of the current LMO. It modifies current standards to incorporate variations currently located in other parts of the LMO and allow commonly allowed setback encroachments.

²⁹³ This subsection consolidates and builds on Sec. 16-5-701 of the current LMO.

A.

- i. The adjacent street and use setback standards, other than the adjacent street setback angle, shall only apply along those **lot** lines and **street rights-of-way** constituting the boundaries of the district and those streets not classified as major arterials in Table 16-5-105.B.²⁹⁴ The adjacent street setback angle shall apply along all **streets**. See Sec. 16-5-103.B.3 for specific details about the Coligny Resort district development form and parameters.
- b. For **development** within a PD-1 District, adjacent street and use setback standards shall apply only along those **lot** lines and **street rights-of-way** located within a Corridor Overlay District, located outside any **gates** restricting **access** by the general public to areas within the PUD, or constituting the boundaries of the district.²⁹⁵
- c. For **development** within a PD-2 District, adjacent street and use setback standards shall apply only along those **lot** lines and **street rights-of-way** located within a Corridor Overlay District or constituting the boundaries of the district.²⁹⁶
- d. For zero **lot** line **subdivisions**, adjacent street and use setback standards shall apply only along those **lot** lines and **street rights-of-way** constituting the perimeter of the **subdivision**.²⁹⁷

C. Adjacent Street Setback Requirements

Unless expressly exempted or modified in this subsection or for the CR, S, and IL Districts in Chapter 16-3: Zoning Districts, all portions of a **structure** shall be located to the interior of the vertical and angled planes established by the applicable minimum setback distance from an adjacent street and maximum setback angle shown in Table 16-5-102.D, Adjacent Street Setback Requirements, based on the proposed **use** and the classification of the **adjacent street**. (See Figure 16-5-102.D, Street Setback Angle.)

TABLE 16-5-102.D: ADJACENT STREET SETBACK REQUIREMENTS ²⁹⁹				
PROPOSED USE		MINIMUM SETBACK DISTANCE ¹ / MAXIMUM SETBACK ANGLE ²		
		ADJACENT STREET (BY CLASSIFICATION)		
		MAJOR ARTERIAL	MINOR ARTERIAL	ALL OTHER STREETS
Single-Family	Structure ≤ 24 in high	50 ft ^{3,4} / 75°	40 ft ^{3,4} / 70°	20 ft ^{3,4} / 60°
	Structure > 24 in high	50 ft ^{3,4} / n/a	30 ft ^{3,4} / n/a	10 ft ^{3,4} / n/a
All Other Uses		50 ft ^{3,4} / 75°	40 ft ^{3,4} / 70°	20 ft ^{3,4} / 60°
NOTES: in = inches ft = feet ° = degrees				
1. Measured from the adjacent street right-of-way or easement line to the closest portion of a structure . ³⁰⁰				
2. Measured within the upper inward quadrant of the intersection of a horizontal plane at a height of 20 feet				

²⁹⁴ This exemption is discussed on pp. 8 and 30 of the Response to LMO Rewrite Committee Comments on Code Assessment.

²⁹⁵ This carries forward Sec. 16-5-904.A.4 of the current LMO.

²⁹⁶ This carries forward Sec. 16-5-904.B.3 of the current LMO.

²⁹⁷ This subsection carries forward a current exemption in a note in the tables in Sec. 16-5-806A of the current LMO, and in the current Sec. 16-5-711.

²⁹⁹ This table carries forward the adjacent street setback table in Sec. 16-5-704 B of the current LMO, with modest changes, as noted in the footnotes. In addition, provisions defining how to measure the minimum street setback and maximum distance angle is added to the table.

³⁰⁰ This is based on the measurement of setbacks in Sec. 16-5-703 of the current LMO, and refined for the measurement of street setbacks.

Tree Protection Zone

A defined area containing one or more healthy **trees** designated for preservation and protection in accordance with Sec. 16-6-104, Tree Protection, delineated generally by the outermost drip line of the **tree(s)**.

Tree, Street

A **tree** with a 3" caliper **diameter at breast height** with a trunk free of branches 7' to 9' from the grade immediately adjacent to the **tree** and generally located in the area between the **street** and any pathway or sidewalk.

Tree Survey

A survey of **trees** protected by Sec. 16-6-104, Tree Protection. See Sec. 16-6-104.C.2.

Underbrushing⁷⁵⁴

The removal of the shrub layer or understory from a **site** by hand or machine (also known as bush-hogging).

Understory Trees

Trees that grow beneath the overstory.

Upland

For purposes of the **wetland** protection standards in Sec. 16-6-102, Wetland Protection, any area that does not qualify as a **wetland** because the associated hydrologic regime is not sufficiently wet to elicit **development** of vegetation, soils, or hydrologic characteristics associated with **wetlands**. Such areas occurring within floodplains are more appropriately termed non-**wetlands**.

Use⁷⁵⁵

The purpose or activity of which the **land** or **building** is designed, arranged, or intended, or for which it is occupied or maintained. **Accessory use** is subordinate to the main or **principal use** of **land** or **building**.

Use, Accessory⁷⁵⁶

A **use** of a **building**, **lot**, or portion thereof, which is customarily incidental and subordinate to the **principal use** of the **building** or **lot**.

Use, Principal⁷⁵⁷

The primary purpose for which a **lot** or the main **building** thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

⁷⁵⁴ This is a new definition.

⁷⁵⁵ This definition carries forward the definition from Section 16-10-201 of the current LMO.

⁷⁵⁶ This definition carries forward the definition from Section 16-10-201 of the current LMO.

⁷⁵⁷ This definition carries forward the definition from Section 16-10-201 of the current LMO.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
CC: Town Council, LMO Rewrite Committee
FROM: Teri Lewis, *LMO Official*
DATE: June 9, 2014
SUBJECT: LMO Rewrite – Setbacks for Telecommunication Facilities

At the LMO Rewrite public hearing on June 4, 2014, there was a brief discussion on the setbacks for Telecommunication Facilities. It was determined by the Planning Commission that additional discussion should be held on this topic at the June 18th Planning Commission meeting. Specific details related to this topic are below.

The LMO Rewrite Committee and the project's consultant, Clarion Associates, have been working diligently over the past three years to rewrite the Town's Land Management Ordinance. As part of their work, the LMO Rewrite Committee reviewed the existing conditions related to Telecommunications Facilities.

Some of the conditions related to setbacks for Telecommunication Facilities were amended in July, 2012 based on recommendations from the Telecommunications Task Force. Among other changes, the setbacks for Telecommunications Facilities from the Ocean & Coastal Resource Management (OCRM) Base Line and Critical Line and from publicly owned rights-of-way were reduced from *the tower height divided by .35 to the fall zone plus 20 feet*.

The LMO Rewrite Committee spent quite a bit of time discussing the protection of 'edge conditions' – those areas along our major thoroughfares and waterways; as part of this discussion it was determined that a greater setback was needed for Telecommunication Facilities along the major and minor arterials and along the water in an effort to protect the aesthetics of the edge conditions. It is for this reason that the proposed setbacks for Telecommunication Facilities are as follows:

- Setbacks from OCRM Base Line, Critical Line and Major Arterials: *setback a minimum distance equal to the overall height of the tower*
- Setbacks from Minor Arterials: *setback a minimum distance equal to 80 percent of the height of the tower*

Should you have any questions or concerns that you would like to address prior to June 18th, please contact me at 341-4698 or teril@hiltonheadislandsc.gov.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning Commission
FROM: Jayme Lopko, AICP, Senior Planner
DATE: June 11, 2014
SUBJECT: Rules of Procedure

At the June 11, 2014 Rules of Procedure Committee meeting, the Committee directed staff to make additional changes to the rules with regard to submission of additional materials to the Planning Commission. The proposed changes to the rules also include procedures for hearing appeals.

The Rules of Procedure Committee recommended the proposed changes be forwarded to the full Planning Commission for review and approval.

Attached is a full set of the current Rules of Procedure with the changes that have been proposed. The only changes appear on pages 11 through 13. Items that are proposed for deletion will be struck through. Items that are new additions will be double underlined.

If you have any questions, feel free to contact Jayme Lopko at 341-4695 or jaymel@hiltonheadislandsc.gov.

Planning Commission Rules of Procedure

Town of Hilton Head Island

Article I

Purpose and Function

The Planning Commission exists to provide an ongoing and futuristic look at a continuing planning program that allows for the physical, societal and economic growth, as well as direction for the development and redevelopment of the Town of Hilton Head Island. Its main responsibilities include: the required and timely review of the Comprehensive Plan; to provide for the implementation of the Land Management Ordinance to ensure and promote the public health, safety, and community values; and to promote the general welfare of the Island community while providing economic opportunities for all Islanders. The Commission deliberates with public input, and serves as a recommending body to Town Council and not as a final decision-making entity except as provided by law. During public forums it may also act as an arbiter among staff, the public, applicants, and special interest groups. In carrying out its duties, the Planning Commission must work within the framework and requirements of the governing law while exercising elemental fairness and open mindedness.

Article II

Authority

Section 1. Authority.

The Town of Hilton Head Island Planning Commission is established by Sec. 16-2-201 of the Land Management Ordinance (LMO) of the Town of Hilton Head Island pursuant to the authority of Section 6-29-310, *et seq.*, of the Code of Laws of South Carolina, and hereinafter shall be referred to as the "Commission."

Section 2. Territorial Jurisdiction.

Pursuant to Section 16-2-204 of the LMO, the Commission shall have jurisdiction over all the lands within the Town. This jurisdiction may be expanded by the Town Council by ordinance and/or by intergovernmental agreement, in accordance with Section 6-29-330 of the Code of Laws of South Carolina.

Article III
Rules of Procedure

Section 1. Rules of Procedure.

These *Rules of Procedure* are adopted by the Commission pursuant to SC Code 6-29-360 and Chapter 2 Article II of the LMO. Any Committee of the Commission so appointed by the Chairperson shall follow these *Rules of Procedure* to the extent applicable to the conduct of its proceedings. These *Rules of Procedure* can be suspended by majority vote of the Commission or Committee members to meet circumstances that may arise in the course of the deliberations. If a situation arises in which these *Rules of Procedure* are not specific concerning an issue, then the most recent edition of *Robert's Rules of Order* shall govern the conduct of meetings of the Commission or Committee on the issue not covered.

Section 2. Amendment.

These *Rules of Procedure* may be amended at any regular meeting of the Planning Commission after review and recommendation by its Rules and Procedures Committee. Any amendment must be by a majority vote of the Commission members held at a meeting of the Commission at least seven (7) days after a written draft of the amendment is delivered to all of its members.

Article IV
Commission Organization and Duties

Section 1. Membership.

A. Number and Qualifications. The Commission shall consist of nine members appointed as Commissioners by the Town Council. To the extent practicable, the appointed members shall include at least one attorney and one design professional (either a registered architect or a registered landscape architect). None of the members shall hold an elected public office or position with the Town of Hilton Head Island or Beaufort County, South Carolina.

B. Length of Terms. One third of the members of the Commission shall be appointed annually for three-year terms effective each July 1, with all such terms ending on June 30 of the applicable year, unless a member is appointed to fill a vacancy. Vacancies shall be filled by the Town Council by appointments for the balance of any unexpired terms.

C. Term Limits. No member may serve more than two successive terms, except at the pleasure of the Town Council for extraordinary circumstances where Council believes it is in the best interest of the community to have a continuation for a specified period of a particular member of the Commission. This limitation shall not prevent any person from being appointed to the Commission after an absence of one year. Service to fill an

unexpired term of less than one and one-half years shall not constitute a term of service for the purpose of these term limits.

D. Attendance/Absences. Commissioners are expected to attend all Commission meetings and all Committee meetings to which they are appointed. If a Commissioner is unable to attend a meeting, the Chairperson or Secretary of the Commission shall be notified in advance of the scheduled meeting. The Chairperson will determine if the absence is excused or unexcused. The Secretary shall keep records on an annual basis of the number of unexcused absences of members.

E. Removal. If a Commissioner has a total of three unexcused absences from the annually scheduled regular meetings, the Commission shall consider and may recommend to the Town Council that the Commissioner's appointment be revoked. The Town Council may remove a Commissioner for cause, according to Section 2-13-70(b) of the Code of the Town of Hilton Head Island. Cause may include, but shall not be limited to, nonattendance at the Commission's meetings.

Section 2. Officers.

The officers of the Commission shall be a Chairperson and a Vice-Chairperson, elected annually by the Commissioners at the last meeting in the month of June for one-year terms beginning on the first meeting in July. Neither of these two positions shall be filled by a Commissioner beginning his or her first year of service as a Commissioner.

A. Chairperson. The Chairperson shall be a voting member of the Commission and shall:

1. In consultation with the Staff Coordinator, create agendas for all meetings;
2. Preside at all meetings and hearings of the Commission;
3. Act as spokesperson for the Commission;
4. Sign documents for the Commission;
5. Designate a Commissioner or personally act as liaison with other governmental agencies and Town Commissions;
6. Assign or delegate tasks to other Commissioners as may be necessary to perform the Commission's functions;
7. Make appointments to Committees of the Commission and be an ex-officio member of all Committees with a voice in discussions, but with no authority to vote on questions before Committees of the Commission unless otherwise specified herein;
8. Prepare a semi-annual report of Planning Commission's activities;
9. Transmit reports and recommendations to Town Council;
10. Work with the Staff Coordinator to ensure all business is conducted in accordance with these Rules of Procedure;
11. Cancel a scheduled Commission meeting if there are no agenda items; and
12. Perform such other duties as approved by the Commission.

B. Vice-Chairperson. The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability, or disqualification of the Chairperson, or if the Chairperson is the proponent of a motion as provided in these Rules of Procedure. In the absence of both the Chairperson and Vice-Chairperson, an acting Chairperson shall be elected by the members present at a meeting of the Commission.

C. Secretary. With the advice and consent of the Town's Community Development Director, the Chairperson annually shall appoint or reappoint a member of the Town's Community Development Department staff as Secretary of the Commission. The Secretary will not be eligible to vote or to otherwise deliberate in the proceedings of the Commission. The Secretary shall:

1. Publish and post notices of all meetings of the Commission;
2. Assist the Commission's Staff Coordinator in preparation of meeting agendas;
3. Distribute the agenda, prior minutes and other relevant materials to each Commissioner in advance of each meeting;
4. Record the proceedings of Commission's meetings on audio tape and prepare written minutes of meetings for approval by the Commission at its next regular meeting, as well as recording in the written minutes the attendance of Commissioners at each meeting;
5. Maintain the Commission's notices, correspondence, reports and forms as public records for a period of time consistent with the records retention schedule of the Town of Hilton Head Island; and,
6. Assist in the preparation and forwarding of all reports and recommendations of the Commission.

Section 3. Staff Coordinator.

The Town's Community Development Director shall appoint a member of Staff to assist the Chairperson and the Secretary in Commission coordination, including discussing agenda items and any other item that needs attention for the efficient running of the Commission's meetings.

Section 4. Duties of the Commission.

The LMO and the Code of South Carolina set forth the duties of the Commission and those mandated items that fall under the Commission's purview, including the review process. These duties include, among others:

1. periodically preparing and revising plans and programs for development and redevelopment;
2. preparing and recommending for adoption to the Town Council as a means for implementing the plans and programs:
 - a. zoning ordinances to include zoning district maps and revisions;

- b. an Official Zoning Map and appropriate revisions;
 - c. a landscaping ordinance setting forth required planting, tree preservation and other aesthetic considerations for land and structures;
 - d. a capital improvements program setting forth projects required to implement plans; and
 - e. policies, procedures or strategies to facilitate implementation of planning documents including the periodic review, evaluation and report of the existing Comprehensive Plan status;
3. reviewing and taking action on street names;
 4. reviewing and making a determination of compatibility with the Comprehensive Plan for location, character and extent of public projects;
 5. reviewing and taking action on traffic impact analysis plans;
 6. reviewing and making recommendations to the Town Council on text amendments to the LMO; and
 7. reviewing and approving all subdivisions. The Commission has currently delegated review and approval authority for subdivision plats to the LMO Official. Staff shall submit a monthly report to the Commission summarizing all subdivision plats approved for the past year.

Pursuant to the Code of South Carolina, all new members of the Commission shall attend a 6 hour Orientation Program and all members shall attend a 3 hour/year Continuing Education Program.

Section 5. Committees.

With permission of Town Council, the Commission, in the performance of its duties, has formed Committees consisting of members of the Commission. These Committees assist staff in refining plans and issues before them, and report their findings to the Commission for action.

A. Standing Committees.

1. *Comprehensive Plan Committee.* This Committee reviews all elements and appendices of the Town of Hilton Head Island Comprehensive Plan, and other special studies or plans as directed by the Commission. This Committee will review the staff prepared periodic updates on implementation of the Comprehensive Plan and make timely recommendations to the Planning Commission.
2. *LMO Committee.* This Committee reviews all proposed amendments to the Land Management Ordinance.
3. *CIP Committee.* This Committee reviews the Capital Improvements Program in light of the implementation of the Comprehensive Plan.
4. *Rules of Procedure Committee.* This Committee reviews and recommends revisions to these Rules of Procedure as may be needed.
5. *Nominating Committee.* This Committee is formed by appointment by the Chairperson with confirmation of the Committee members by the Commission, no later than the first meeting in the month of June of each year. This Committee shall

recommend a slate of officers for the coming year, and shall report their recommendation to the Commission at the election. In the event the Committee fails to recommend the appointees, the slate of officers shall be elected by the members of the Commission. The Commission may decide to not elect a nominating Committee, instead holding the election of officers by accepting all nominations from the floor during the election.

A majority vote is normally required to be elected to office. If no one in an election receives a majority vote, the vote must be repeated until one of the candidates does get a majority. Votes can be taken by secret ballot or show of hands if there is more than one candidate.

B. Membership of Committees.

1. No Committee shall have more than four regular members.
2. The Chairperson of the Commission shall sit as an Ex-officio member on all Committees except the Nominating Committee. The Chairperson may be a member of the Nominating Committee with voting privileges.
3. Committee members are responsible for attending Committee meetings in accordance with these Rules of Procedure.

C. Referral Back to Committee.

The Planning Commission may refer an agenda item back to a Committee for further review no more than two times after it has been sent to the full Commission for action.

D. Ad Hoc Committee.

From time to time Town Council may establish an *ad hoc* committee with its membership and charge determined by Town Council and such committee may be designated a committee of the Planning Commission with duty to report regularly to the Planning Commission and periodically to Town Council.

Article V
Meetings and Quorum

Section 1. Regular and Special Meetings.

A. Meeting Schedule. An annual schedule of regular meetings of the Commission shall be adopted, published and posted at the Town Government Center in December of each year.

B. Regular Meetings. On the first and third Wednesday of each month, the Commission may hold a regular meeting to take action on such items as applications, ordinance amendments, map amendments or projects as set forth in Chapter 2 of the LMO. A Public Hearing may be required as part of these meetings as provided in Chapter 3 of the

LMO. The Commission may also conduct a regular meeting as a work session on certain projects and other business to allow for discussion of a project or for training of the Commissioners.

C. Special Meetings. Other special meetings may be called by the Chairperson of the Commission, or by majority vote of the Commission, upon 24 hours notice that is posted and delivered to all members of the Commission and to the local media.

Section 2. Quorum.

A majority of the members of the Commission or a majority of a Committee shall constitute a quorum for that body. A quorum shall be present on each agenda item before any action is taken by the Commission or Committee. If there is lack of a quorum of the Commission, the agenda item may be discussed by those members present; however, no action shall be taken and the item will be rescheduled to the next meeting. If there is a lack of a quorum of a Committee, the item may be discussed by those members present and they may forward their comments to the full Commission at their next meeting. Since Committees are advisory in nature, the Commission Chairperson may take the submitted Committee comments, note in the record that they represent comments from individual members and not the full Committee, and may then decide to take action on the project or remand the project back to the Committee for a full Committee recommendation.

The Secretary will notify the Chairperson in the event projected absences will result in the lack of a quorum.

If a quorum is initially established at a meeting, then a member leaves, the quorum is no longer present. In such an event, transaction of substantive business will not continue for lack of a quorum and the item will be postponed to the next meeting.

Article VI **Meeting Administration**

Section 1. Media Notices.

The Secretary shall give the notice required by statute or ordinance for all meetings of the Commission and Committees to include LMO Section 16-3-110 and 16-2-203D.

Section 2. Agenda.

A written agenda shall be furnished by the Secretary to each member of the Commission and media. An agenda may be changed at the related meeting by a majority vote of the members present. Any agenda item which requires a public hearing shall be so noted on the agenda and publicly announced at the scheduled meeting. Generally, the agenda should contain:

1. Call to Order;
2. Pledge of Allegiance to the Flag;
3. Roll Call;
4. Freedom of Information Act Compliance;
5. Use of Cellular Telephone Prohibited;
6. Approval of Agenda;
7. Approval of Minutes;
8. Appearance by Citizens for Items Not on Agenda;
9. Unfinished Business;
10. New Business;
11. Commission Business;
12. Chairperson's Report;
13. Committee Reports;
14. Staff Reports;
 - a. Subdivision Report with summaries of pending subdivision plan applications;
 - b. Others; and
15. Adjournment.

Section 3. Minutes.

A. Meetings. Minutes of meetings is governed by the Code of South Carolina Sections 30-4-70 through 30-4-90. Minutes of each Commission and Committee meeting shall be recorded by the Secretary and approved at the next available meeting after their preparation. Minutes of the Commission shall be sent to the Town Council and distributed to the Commission. Final approved Minutes shall be available on microfilm for previous years, and may be posted on the Town's Web site for public information.

B. Minimum Contents of Minutes.

1. Kind of meeting (regular, working or special).
2. Name of the organization.
3. Date and place of the meeting.
4. Presence of the Chairperson and Secretary or the names of substitutes.
5. Presence of a quorum.
6. Names of all members present.
7. Names of all those elected or appointed in appearance, including Town Council members.
8. Time the meeting was called to order.
9. Whether the minutes of the previous meeting were approved or corrected.
10. All adopted and defeated motions. (Withdrawn motions need not be recorded.)
11. Name of the maker of the motion.
12. Record the vote of each member upon each motion, or, if absent or failing to vote, indicating that fact.
13. Record reason for a member voting against the motion.

14. The adjournment and the time of adjournment.
15. Attached reports.

C. **Lack of Quorum.** If there is lack of a quorum of the Commission or a Committee, minutes may be recorded but shall include a statement in the header of each page indicating that a quorum was not present and the minutes are not official. Such minutes shall not be approved by the Commission or Committee at a later meeting.

D. **Motions.** Motions must be recorded verbatim.

Article VII **Meeting Organization**

Section 1. Regular Meetings.

The below sequence shall generally be followed:

1. The Chairperson introduces the agenda item by reading its description on the agenda;
2. Staff presents the item and their recommendation to approve, approve with conditions, or disapprove;
3. If the item involves an application, the Applicant, his attorney, or agent may make remarks;
4. At the discretion of the Chairperson, comments from the public may be received on the agenda item. (Public comment is not required during these types of meetings; only during a public hearing.)
5. Staff may speak to clarify the issue.
6. If the item involves an application, the Applicant, his attorney, or agent shall have the right to reply last;
7. Motion and discussion by the Commission;
8. Clarification from Staff, if necessary; and
9. Vote by the Commission.

Section 2. Public Hearings.

The below sequence shall be followed:

1. The Chairperson *declares the Public Hearing open* after reading the item on the agenda;
2. Staff presentation of the application or proposal and their recommendation to approve, approve with conditions, or disapprove;
3. The Applicant, his attorney, or agent may make remarks;
4. Comments from the public. No person shall speak for more than five minutes without the consent of the Commission Chairperson. All questions will be posed by members of the Commission. The Chairperson asks the public to approach the podium and speak their name into the microphone for the record. The Chairperson has a right to get the speaker

‘back on track.’ The Chairperson has the right to limit the number of times a member of the public may speak.

5. The Applicant, his attorney, or agent shall have the right to reply last. The Chairperson has the right to limit the number of times the Applicant, his attorney, or agent may speak.
6. No member of Staff, the public, or the Commission shall be subjected to cross-examination by the Applicant, his attorney, or his agent.
7. The Chairperson *declares the public hearing closed*. No other comment from the public should be allowed after the closing of the public hearing.
8. Motion and discussion by the Commission. Motions should not be made until the hearing on the issue is closed and the Commission then discusses the information they have heard, deliberates, and a motion is made.
9. Clarification from Applicant, if necessary;
10. Clarification from Staff, if necessary; and
11. Vote by the Commission.

Section 3. Recess.

A recess shall be declared as deemed appropriate by the Chairperson or by majority vote of the Commissioners present at the meeting.

Section 4. Executive Session.

Executive Session is a meeting at which the proceedings are closed to the public. A member can be punished under disciplinary procedures if he violates the secrecy of an executive session. Any non-members permitted to be present in Executive Session are honor-bound not to divulge anything that occurred or that was discussed in Executive Session.

Permitted reasons for Executive Session are:

1. Personnel reasons
2. Contracts
3. Legal advice relating to a pending, threatened or potential claim(s)
4. Discussion regarding development of security personnel
5. Investigative proceedings regarding allegations of criminal misconduct
6. Economic development (specific criteria in FOIA)
7. Other specific criteria contained in the FOIA).

Entering and Adjourning an Executive Session:

1. A motion to close the current meeting and go into executive session is made and passed by a majority vote;
2. Chairperson must announce the specific purpose of the executive session;
3. No formal action may be taken in executive session except to:
 - a. Adjourn

- b. Return to public session

The Commission can request attendance by non-members as they deem appropriate.

Section 5. Submission of Additional Material Information.

1. ~~The Staff, Applicant, proponents or opponents may submit additional information on the item scheduled to be on the agenda at the discretion or request of the Chairperson of the Commission. However, any additional material submitted after the mailing of the agenda and Meeting Packet may result in a postponement of the Commission action until a future date. Any~~ Except for materials submitted for a matter which is the subject of a public hearing, all additional material must be submitted to the Secretary of the Commission and received by the Secretary no later than four business days prior to the meeting hearing date. This material shall be sent by the Secretary to the Commission on the third business day prior to the meeting date ~~the next day.~~
2. Written materials or other communication which has not been sent to the Secretary, but which has been sent directly to the Commission Members, shall not be considered by the member or the Commission. This is to ensure ~~so~~ that the Staff and the Planning Commission members have adequate proper time to review and consider the additional material submission, and to ensure that all Commission members receive the same information.

Section 6. Communication (Written or Oral) with Outside Parties.

1. Once a decision or action has been rendered by the Commission on any agenda item, discussions between Commission members and applicants and their attorneys on that agenda item should no longer take place. All further communications should be handled through the Town Attorney.
2. Communication with non-Commission members on behalf of the Commission on any matter will be at the discretion of the Chairperson or by a majority vote of the majority of the members.
3. Commission members shall refrain from discussing a pending agenda item with the Applicant, his Attorney, or his Agent prior to the scheduled public meeting. Commission members shall refrain from discussions other than administrative matters regarding a pending agenda item with staff prior to the public meeting. All discussion of a pending matter before the Commission shall take place in the public meeting. This is to avoid the appearance of improper ex parte communications and comply with the Freedom of Information Act.

Section 7. Communication (Written or Oral) among Commission Members.

All discussion of agenda items among Commission Members, with the exception of administrative

matters, is to be conducted only during the public meeting and not prior to the meeting or during recesses.

Section 8. Postponement of Agenda Items.

At the Chairman's discretion, no scheduled agenda item may be postponed by the Applicant, his Attorney, or Town Staff for more than one meeting without reasonable cause. If an Applicant, his Attorney or Town Staff is denied a postponement of a scheduled agenda item, they may withdraw the application. Nothing shall prevent refile of the application at a later date.

Article VIII **Procedures for Hearing an Appeal**

The following procedures shall be applicable in the presentation of an Appeal from a decision of any Administrator:

Section 1. Jurisdiction.

Once an appeal has been accepted by the Planning Commission, the jurisdiction of the Administrator shall cease.

Section 2. Presentation of the Appellant, Town Staff and Applicant.

1. Staff shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Staff believes support the position of Staff with respect to the Appeal. During the presentation by Staff, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, Staff's time may be extended if the Staff is unable to complete the presentation due to questioning from the Planning Commission.
2. The Appellant shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Appellant believes support the position of Appellant with respect to the Appeal. During the presentation by Appellant, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, Appellant's time may be extended if the Appellant is unable to complete the presentation due to questioning from the Planning Commission.
3. The Party in Interest, if other than the Appellant, shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Party in Interest believes supports the Application that is the subject of the Appeal. During the presentation by the Party in Interest, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, the Applicant's time may be extended if the Party in Interest is unable to complete the presentation due to questioning from the Planning Commission.

4. The parties may determine who shall present their case first to the commission. If the parties do not agree, then the Planning Commission shall determine who shall present their case first. The party that presents their case first shall have a maximum of five (5) minutes to present any desired rebuttal. The other party shall then have a maximum of five (5) minutes to present any desired rebuttal to any new matters raised or discussed.
5. Following the presentation, the Planning Commission may ask such additional questions of the Appellant, Party in Interest or Staff as the members deem appropriate.
6. Either party may call witnesses to testify regarding facts related to the appeal case. Witnesses shall be sworn in by the Chairperson.
7. The Planning Commission may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction over such matters.
8. Public comment is not normally permitted in a case involving an appeal.

Section 3. Vote on the Appeal.

Following the presentation by all parties as set forth above, the Planning Commission, upon a Motion duly made and seconded, shall vote on the Appeal.

1. Pursuant to the provisions of Section 6-29-1150, South Carolina Code of Laws and Section 16-3-607, Code of the Town of Hilton Head Island, South Carolina, the Planning Commission shall:
 - a) Approve the Staff Action on the land development plan from which the Appeal was taken; or,
 - b) Modify the Staff Action on the land development plan from which the Appeal was taken, and to that end, the Planning Commission shall have authority to impose any conditions on the Land Development Plan authorized by law; or,
 - c) Reverse the Staff Action on the land development plan from which the Appeal was taken.
2. The Motion shall contain, at a minimum, a finding of those facts which the member making the Motion deems material to the decision.
3. Following the Vote, the Planning Commission shall issue a written Notice of Action. The written notice of action shall include the decision as well as the findings of fact and conclusions of law, if any, adopted by the Planning Commission.
4. The Notice of Action shall be mailed by certified letter to the Appellant and Applicant affected by the Appeal, if different from that of the Appellant.
5. The decision of the Planning Commission shall be deemed final and applicable upon mailing of the Notice of Action.

The certificate of mailing shall be made a part of the Planning Commission's file on the Appeal.

Article IX

Conducting the Meeting

The Chairperson:

1. Is responsible for maintaining order.
2. Should begin the meeting promptly at the scheduled hour if a quorum is present.
3. Should have a well prepared agenda and follow it.
4. Should be familiar with these Rules of Procedure.
5. Keeps the Commission working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his duty to clarify it. This may mean helping a member rephrase a motion or requiring that a long motion be submitted in writing.
6. “Assigns” the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. Private discussion between Commission or Committee members while another has the floor is out of order and disruptive members should be reminded of this rule.
7. Should impartially call on members of the public wishing to speak. He should give such members on both sides of an issue an opportunity to speak.
8. Should remain calm and objective, keeping the meeting moving. A sense of humor and a smile can often save the day!
9. Should always restate the motion before taking a vote. If a motion is confusing, it is the Chairperson’s duty to clarify it – rephrasing it or putting a long motion in writing. (Complex motions may be brought to the meeting pre-written.) The motion is said to be pending once it has been stated by the Chairperson. It must be disposed of in some manner before other business can be considered.
10. States, “Since there is no second, the motion is not before this meeting,” if a motion fails to get a second.
11. Opens debate by saying “Is there any discussion?” The Chairperson *must* open all debatable questions to debate.
12. May take part in the discussion and vote on the issue. The Chairperson should not dominate the discussion, but seek to involve everyone’s comments in an equal and impartial manner.
13. May make a motion by passing the gavel to the Vice-Chairperson or designee who will then preside over the issue.
14. Recognizes members who wish to speak by stating their names.
15. Puts the question to vote. The vote is taken in the following way:
 - a. The Chairperson restates the motion – keeping the members clear about the purpose of the vote.
 - b. “All in favor of the motion please say aye.....those opposed say no.”
16. Announces the result of the vote by interpreting the action taken.
17. Should not allow irrelevant discussion. Restate the question and, if necessary directly request the member to “confine his remarks to the pending question.”
18. Should use the gavel sparingly, tapping it once to open and close the meeting.
19. Can assist a member in making a motion.

20. Should not make the motion unless it is a small Committee.
21. Can adjourn the meeting without a motion by stating “If there is no further business and there is no objection, the meeting will be adjourned. There being no objection, the meeting is adjourned.”

Article X
Commission Actions

Section 1. Motions.

Main Motions	A main motion is defined as a proposal that certain action is taken or an opinion be expressed by the group. The words to use are: "I Move."
Secondary Motions	A secondary motion is one which can be made <i>while</i> the main motion is on the floor and <i>before</i> it has been decided. Secondary motions are divided into three classes which relate to their use in parliamentary procedure. Those classes are: <ul style="list-style-type: none"> ○ Subsidiary motions ○ Privileged motions ○ Incidental motions
Subsidiary Motions	Subsidiary motions relate directly to the motion on the floor. They may change the words, send it to a Committee, delay it, etc. They are designed to expedite business by disposing of the pending motion other than by adopting or rejecting it. <i>Subsidiary motions are the class of motions most frequently used in meetings.</i> These motions have rank (order of precedence of motions) among themselves. A motion of higher rank can be made while a motion of lower rank is on the floor. The lower rank motion "yields" to the higher rank motion. (Motion to postpone has higher rank than the motion to commit and takes precedence. If motion to postpone is adopted, the main motion and the motion to commit are postponed until the next meeting.)
Privileged Motions	Privileged motions are motions of an emergency nature, such as to recess or adjourn. They do not relate to the motion on the floor but to the welfare of the group. They are of high rank and must be handled before any other business that may be pending.
Incidental Motion	Incidental motions are procedural. They deal with process, such as enforcing proper procedure, correcting errors, verifying votes, etc. When introduced, they must be decided before business can resume.
Amending Motion	General consent can be used with amendments to motions if the Chairperson feels the group will accept the amendment. "If there is no objection, the motion is so amended." <i>Restate the motion.</i>
Motions Commit	Have precedence over the motion to amend. More than one motion can be on the floor but only one question. All pending motions must relate to the main motion on the floor. No new business may be introduced.
Point of Order	Motion used if a Commission member feels the Chairperson is failing to operate within the rules.

Restorative Motions or Motions that Bring Back a Question

Restorative Motion	Allows a group to change its mind. <ul style="list-style-type: none"> ○ They are a separate category because of their contradiction to the parliamentary rule that once a question has been decided it cannot be brought up again at the same meeting. ○ Within limits, members have the right to rethink a situation if they feel their decision has been made too quickly or without enough information. ○ The two most commonly used restorative motions are: <i>Rescind</i> and <i>Reconsider</i>.
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Rescind	<p>Rescind is the motion to use to quash or nullify a previously adopted motion. It may strike out an entire motion, resolution, bylaw, etc.</p> <ul style="list-style-type: none"> ○ Rescind is <i>not in order</i> when any action has already been taken as a result of the vote, such as any kind of contract when the other party has been notified. ○ It must be seconded. ○ It requires a <i>two-thirds</i> vote unless <i>notice has been given</i> at the previous meeting, either verbally or in writing. If notice has been given, the motion requires only a <i>majority</i> vote.
Reconsider	<p>Reconsider is the motion which allows a group to reconsider the vote on a motion. It enables a majority of the members, within a limited time, to bring back a motion for further consideration after it has been acted upon. Its purpose is to prevent hasty or ill-advised action.</p> <ul style="list-style-type: none"> ○ Reconsider has special rules to prevent its abuse by a disgruntled minority, since it allows a question already decided to be brought up again. ○ Rules limit who can make the motion. It can only be made by someone who voted on the prevailing (winning) side. ○ It has a time limit. It must be made on the same day that the vote to be reconsidered was taken. ○ It requires a second. ○ It may be debated and it opens up the motion to which it is applied to debate. ○ It requires only a majority vote. ○ It may be made and seconded while other business is pending because of its time limit. However, it is not debated and voted on until the business on the floor is completed. ○ All action that might come out of the original motion is stopped at the time that reconsider is made and seconded. This is the main value of the motion, and it should be made as quickly as the situation calling for it is recognized.
Amend a Motion	<p>Change the wording to make it clearer, more complete, or more acceptable before the motion is voted upon. The amendment must be germane to the motion on the floor to be in order. Adoption of the amendment does not adopt the motion. If the group votes “no” on the amendment, the motion is on the floor in its original wording.</p>
Amend an Amendment	<p>First amendment is called the primary and the amendment to the amendment is the secondary amendment. Only two amendments may be pending at any time. First vote on the amendment to the amendment (secondary), then vote on the original amendment (primary), then vote on the main motion. Amendments require a majority vote.</p>
Friendly Amendments	<p>Change in wording to enhance the original motion – can be changed by general consent.</p>
Hostile Amendments	<p>Gives a different meaning to a motion and may defeat the intent of the main motion.</p>
To Commit or Refer a Motion	<p>Sends the question to a small group (Committee) to be studied and put into proper form for the group to consider. Motion includes specific directions as to where the question ought to go (what Committee). Motion can be applied to any main motion with any amendments that may be pending. It must be seconded, it can be debated, and requires a majority vote.</p>
Postpone	<p>Delays action on a question until later in the same meeting or until the next meeting. A motion cannot be postponed further than the next regular meeting. Can be applied to all main motions, it must be seconded, it can be debated, it can be amended (as to time of the postponement), it requires a majority vote. Motion is called up automatically when the time to which it was postponed arrives (place under Unfinished Business on agenda of next meeting).</p>
Limit Debate	<p>Motion to exercise special control over debate – reducing the number and length of speeches allowed. Used with any motion, must be seconded, is not debatable, can be amended (but only as to the length of speeches or when the vote will be taken), requires 2/3 vote, vote must be taken by show of hands or a rising vote in a large group. (Need a timekeeper and timer if speeches have a time limit.)</p>

Previous Question	The motion used to cut off debate and to bring the group to an immediate vote on the pending motion. (Call the question for an immediate vote). Previous question can be ruled out of order if the motion is debatable and has not received debate. Motion requires 2/3 vote (by show of hands or standing vote). Not debatable.
Postpone Indefinitely	Lowest-ranked subsidiary motion is used to kill a main motion. It avoids a direct vote on the question on the floor. Shouldn't be used.
Lay on the Table	Highest-ranked subsidiary motion. Cannot be amended or debated. It is out of order when used to "kill or avoid dealing with a measure". Was designed as a courtesy motion to allow a group to set aside a question for something more important, such as arrival of a speaker.
Withdraw a Motion	Permission to withdraw a motion allows a member who realizes he has made a hasty or ill-advised motion to withdraw it with the consent of the group. This device saves time in disposing of the motion. The presiding officer usually handles the request by use of general consent.
Dilatory Tactics	A dilatory tactic is the misuse of parliamentary procedure to deliberately delay or prevent action in a meeting. It is the duty of the presiding officer to prevent a dissident minority from misusing legitimate forms of motions to obstruct business. Such motions should be ruled out of order or those members engaged in such game playing should not be recognized.

Section 2. Voting.

A. General. A Commissioner must be present to vote. Each Commissioner, including the Chairperson, shall vote on every question before the Planning Commission unless disqualified by law. The Chairperson, who sits as an ex-officio member of all Committees, shall not vote on any question before any Committee. However, the Chairperson may be a member of the Nominating Committee with voting privileges.

B. Disqualification. The question of disqualification shall be decided by the Commissioner affected, who shall announce the reason for disqualification, give it to the Chairperson in writing, and have it placed in the minutes of the meeting. Any Commissioner so disqualified shall leave the dais while the disqualifying matter is being considered and refrain from deliberating or voting on the question.

C. Reason(s) for "No" Votes. If the Commission's determination by vote is reached by other than a unanimous vote, each Commissioner voting "No" shall state, and the Secretary shall record in the minutes, the reason(s) for the "No" vote.

D. Types of Votes.

Majority Vote	<ul style="list-style-type: none"> • More than half of the votes cast. • The minority has the right to be heard, but once a decision has been reached by a majority of the members present and voting, the minority must then respect and abide by the decision.
Silence is Consent	Those members who do not vote, agree to go along with the decision of the majority by their silence.
Two-thirds Vote	A two-thirds vote is necessary whenever you are limiting or taking away the rights of members or whenever you are changing something that has already been decided. A two-thirds vote has at least twice as many votes on the winning side as on the losing side. A show of hands should be taken for <i>all</i> motions requiring a <i>two-thirds vote</i> . If a motion requires a two-thirds vote, the Chairperson should inform the group of that.
General Consent	<p>Is an informal agreement of the group, the method in which action is taken without a formal vote or on occasion without a motion. The Chairperson initiates the procedure to expedite business. Usually done to approve and correct the minutes.</p> <ul style="list-style-type: none"> • The presiding officer always pauses after asking if there is any objection. If there is <i>any</i> objection, the matter is put to a vote in the usual way. • A member may object because he feels it is important to have a formal vote and dispel any suspicion of railroading.

Article XI
Finances and Personnel

Section 1. Expenditures.

Reimbursement for expenses incurred in the performance of official duties approved in advance by the Town’s Community Development Director shall be made to members of the Commission upon submission of vouchers supported by receipts.

Section 2. Staff or Consultants.

The Commission may recommend to Town Council the need for hiring additional staff personnel or consultants needed to assist the Commission in completing its duties.

For the Planning Commission
Town of Hilton Head Island, South Carolina

Date of Approval:

By: _____
Its Chairperson

PLANNING COMMISSION QUARTERLY REPORT
3rd Quarter 2014

Previously Reviewed Applications or Documents:

<i>Land Management Ordinance Amendments:</i>	<i>Status:</i>
<p>LMO Rewrite Committee</p>	<p>The Committee is expected to be finished with their review of the draft LMO by early May. The public hearing for the document is scheduled for June 4, 2014.</p>
<p>The Town of Hilton Head Island is rewriting the Land Management Ordinance (LMO). This document guides new development and redevelopment within the Town limits. The Town proposes to repeal the majority of the existing LMO (with the exception of the section on Impact Fees – this section will simply be re-numbered) and adopt a new LMO. The Town also plans to repeal the existing Zoning Map and adopt a new Zoning Map.</p>	<ul style="list-style-type: none"> • Public Hearing Date: June 4, 2014
<i>Zoning Map Amendments:</i>	<i>Status:</i>
<p><u>ZMA130009:</u> A request from Brian Witmer, on behalf of Palmetto Dunes Property Owners Association, proposing to apply the RFZ (Redevelopment Floating Zone Overlay District) to the existing PD-1 (Planned Development) Zoning District for the property located at 16 Queens Folly Road. The site contains a nonconforming structure (old Fire Station 6) and several nonconforming site features. The Palmetto Dunes POA is proposing to redevelop the property, and has applied for the RFZ to allow flexibility in certain design standards that constrain the redevelopment. The property is further identified on Beaufort County Tax Map 12, Parcel 347A.</p>	<ul style="list-style-type: none"> • Public Hearing Date: February 5, 2014 • Adoption Date: April 22, 2014
<p><u>ZMA140001:</u> A request from Terry Thomas of EMEGC on behalf of Hilton Head Plantation Property Owners Association proposing to amend the Official Zoning Map by amending the PD-1 Zoning District, specifically the Hilton Head Plantation Master Plan to add Telecommunications Facilities as a permitted use on property located at 68 Dolphin Head Drive. The property is further identified on Beaufort County Tax Map 3 as Parcel 263.</p>	<ul style="list-style-type: none"> • Public Hearing Date: April 16, 2014 • Adoption Date: May 13, 2014

PLANNING COMMISSION QUARTERLY REPORT
3rd Quarter 2014

<i>Appeals:</i>	<i>Status:</i>
<u>APL100006</u> : Request for Appeal from Chester C. Williams on behalf of Ephesian Ventures, LLC. The Community Development Department issued a notice of action, approving the construction of a tabby walkway and brick areas at Edgewater on Broad Creek. The appellant contends that the Community Development Department erred in its decision to issue a notice of action and is requesting that the notice of action be declared void.	This item was postponed to a future date to be determined after a decision is made by the Circuit Court.
<u>APL140001</u> : Request from Jeffrey D. Kaplan. The appellant is appealing the Town's decision on November 26, 2013 to issue a revised Notice of Action (approval) for subdivision application SUB130006. The subject subdivision subdivided a .20 acre parcel out a larger tract of land within Hilton Head Plantation; the larger tract is designated as Beaufort County Tax Parcel 510-003-000-0060-0000.	<ul style="list-style-type: none"> • Hearing Date: March 19, 2014 • Planning Commission upheld the staff determination.

Ongoing Capital Improvement Projects:

<i>Pathways:</i>	<i>Status:</i>
Gardner Drive	<ul style="list-style-type: none"> • Project Complete.
Pembroke Drive Includes 3 New Pedestrian Signals	<ul style="list-style-type: none"> • Project Complete.
Fresh Market to Shelter Cove	<ul style="list-style-type: none"> • Submitting for permits. • Anticipated start of construction September 2014.

<i>Roadway Improvements:</i>	<i>Status:</i>
Ground Mounted Street Name Sign Installations / Replacements	Project Complete.
Leamington/Fresh Market Shoppes Intersection Improvements	Project Complete.
Mathews Drive Connectivity	<ul style="list-style-type: none"> • Contract executed. • Anticipated start of construction June 2014. • Target completion October 2014.
New Traffic Signal Mast Arm at Queens Way/Leamington	Project Complete.
Replacing Mast Arm at Queens Folly and 278	Project Complete.

PLANNING COMMISSION QUARTERLY REPORT
3rd Quarter 2014

<i>Park Development:</i>	<i>Status:</i>
Rowing & Sailing Center	<ul style="list-style-type: none"> • Dock and pier under construction. • Target completion August 2014. • Upland construction anticipated start of construction June 2014. • Upland portion target completion October 2014.

<i>Existing Facilities and Infrastructure:</i>	<i>Status:</i>
Fire Station #6	<ul style="list-style-type: none"> • Under construction. • Target completion July 2014.
Upgrade Emergency Vehicle Preemption System	<ul style="list-style-type: none"> • Sole source procurement approved by Town Manager. • Field assessments with vendor completed May 2014. • Contract package being prepared. • Anticipated start of construction July 2014.

<i>Power Line Burials</i> <i>15 year project due to be completed in 2019</i>	<i>Not CIP funded, included for update. Funded by 3% franchise fee from Palmetto Electric</i>
<ul style="list-style-type: none"> • Marshland Road • Spanish Wells Road feeder • Muddy Creek/Bryant Road • Squire Pope Road • William Hilton Pkwy/Chaplin Area 	<ul style="list-style-type: none"> • 80% Complete • 0% Complete (Jarvis Creek section postponed for new bridge) • 100% Complete • 100% Complete • 50% Complete

<i>New Facilities and Infrastructure:</i>	<i>Status:</i>
Palmetto Dunes Emergency Access Gate	<ul style="list-style-type: none"> • Easement documents being executed. • In-house design underway.
F&R Computer Systems Upgrades	Ongoing.

<i>Beach Maintenance:</i>	<i>Status:</i>
Dune Refurbishment	Ongoing.
Ocean Pointe Beach Renourishment	Project Complete.