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Deeds Book 1288 Page 1 on May 4, 2000

BRANIGAR
The Branigar Organization, Inc

A company of
INTERNATIONAL PAPER

DEVELOPMENT AGREEMENT

BETWEEN

SP FORESTS L.L.C.

AND

TOWN OF BLUFFTON, SOUTH CAROLINA

APRIL 19, 2000

After recording please return to:

William W. Jones, Jr., Esquire
Jones, Scheider & Patterson, P.A.
18 Pope Avenue
Post Office Drawer 7049
Hilton Head Island, South Carolina 29938
(843) 842-6111

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STATE OF SOUTH CAROLINA)
) DEVELOPMENT AGREEMENT
COUNTY OF BEAUFORT) BUCKWALTER TRACT

This Development Agreement("Agreement") is made and entered this 19th day of April, 2000, by and between **SP FORESTS L.L.C.**, a Delaware Limited Liability Company ("Owner") and the governmental authority of the Town of Bluffton, South Carolina ("Bluffton or Town").

WHEREAS, the legislature of the State of South Carolina has enacted the "South Carolina Local Government Development Agreement Act," (the "Act") as set forth in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended; and

WHEREAS, the Act recognizes that "The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning." [Section 6-31-10 (B)(1)]; and

WHEREAS, the Act also states: "Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the Development Agreement or in any way hinder, restrict, or prevent the development of the project. Development Agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State." [Section 6-31-10 (B)(6)]; and,

WHEREAS, the Act further authorizes local governments, including municipal governments, to enter Development Agreements with developers to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and,

WHEREAS, Owner has annexed to the Town approximately 5,600 acres, generally known as the Buckwalter Tract, and proposes to develop, or cause to be developed, thereon a mixture of residential, commercial and conservation uses; and

WHEREAS, Owner has annexed this Property in reliance on securing a Development Agreement, in accordance with the Act; and

WHEREAS, the Town seeks to protect and preserve the natural environment and to secure for its citizens quality, well planned and designed development and a stable and viable tax base; and

WHEREAS, the Town finds that the program of development proposed by Owner for this Property is consistent with the Town's comprehensive land use plan; and will further the health, safety welfare and economic well being of the Town and its residents; and

WHEREAS, the annexation of the Property and the program for its development presents an unprecedented opportunity for the Town to secure quality planning and growth, protection of the environment and a strengthened and revitalized tax base; and

WHEREAS, this Development Agreement is being made and entered between Owner and Bluffton, under the terms of the Act, for the purpose of providing assurances to Owner that it may proceed with its development plan under the terms hereof, as hereinafter defined, without encountering future changes in law which would materially affect the ability to develop under the plan, and for the purpose of providing important protection to the natural environment and long term financial stability and a viable tax base to the Town of Bluffton.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to both Bluffton and Owner by entering this Agreement, and to encourage well-planned development by Owner, the receipt and sufficiency of such consideration being hereby acknowledged, Bluffton and Owner hereby agree as follows:

I. INCORPORATION.

The above recitals are hereby incorporated into this Agreement, together with the South Carolina General Assembly findings as set forth under Section 6-31-10(B) of the Act.

II. DEFINITIONS.

As used herein, the following terms mean:

"Act" means the South Carolina Local Government Development Agreement Act, as codified in Sections 6-31-10 through 6-31-160 of the Code of Laws of South Carolina (1976), as amended; attached hereto as Exhibit "A".

"Buckwalter Tract" means that certain tract of land described on Exhibit "B".

"Concept Master Plan" means that map of the Property entitled "Concept Master Plan for the Buckwalter Planned Unit Development" originally dated January, 2000 and most recently revised April, 2000, that has been accepted and approved by the Town incidental to the Towns zoning of the Property to PUD, and as attached hereto as a part of Exhibit "C".

"Developer" means Owner and all successors in title or lessees of the Owner who undertake Development of the Property or who are transferred Development Rights.

"Development" means the definition of development as set forth in the Zoning Regulations.

"Development Agreement Ordinance" means the ordinance ratified by the Town Council of Bluffton on June 10, 1998, establishing procedures for the execution of the Development Agreement in the Town of Bluffton.

"Development Rights" means Development undertaken by the Owner or Developer(s) in accordance with the Zoning Regulations and this Development Agreement.

"Equitable Owners" means those entities identified on Exhibit "F" attached hereto.

"Owner" means SP Forests L.L.C., International Paper Company, or their successor or The Branigar Organization.

"Owners Association" means an entity formed pursuant to the Zoning Regulations which is responsible for the construction and/or maintenance and/or upgrading of the infrastructure in Initial Master Plans approved under the Zoning Regulations and this Development Agreement, to include but not be limited to roads, common areas, water, sewer and storm water management systems.

"Property" means those certain tracts of land described as Exhibit "B".

"PUD Ordinance" means the Planned Unit Development Ordinance of the Town Council of Bluffton, designed as Section 5.8 of the Bluffton Zoning Ordinance, attached hereto as a part of Exhibit "C".

"Term" means the duration of this agreement as set forth in Section III hereof.

"Zoning Regulations" means the ordinance adopted by the Town Council of Bluffton establishing a Planned Unit Development for the Property (Buckwalter PUD), including but not limited to the Buckwalter Planned Unit Development Concept Plan dated April 19, 2000, and all attachments thereto, including but not limited to the Concept Master Plan for Buckwalter Planned Unit Development originally dated January, 2000 and most recently revised April, 2000, narratives, applications, site development standards and applicable ordinances, as the same may be hereafter amended by mutual agreement of the Town and the Owner, and the Ordinance ratifying this Development Agreement. The Zoning Regulations constitute all of the Town of Bluffton's rules, regulations and ordinances governing the development of the Property as of the date of enactment of the Buckwalter PUD, notwithstanding any other ordinances of the Town of Bluffton existing as of that date. The Zoning Regulations are attached hereto collectively as Exhibit "C", and incorporated herein by reference.

III. TERM.

The term of this Agreement shall commence on the date this Agreement is executed by the Town and Owner or the effective date of the annexation of the Property, whichever occurs later, and terminate twenty (20) years thereafter; provided however, that the term of this agreement will be renewed for two (2) successive five (5) year periods, absent a material breach of any term of this Agreement by the Owner during the initial or any renewal term, as applicable.

IV. DEVELOPMENT OF THE PROPERTY.

The Property shall be developed in accordance with the Zoning Regulations and this Development Agreement. The Town shall, throughout the Term, maintain or cause to be maintained, a procedure for the processing of reviews as contemplated by the Zoning Regulations. All costs charged by or to the Town for such reviews shall be paid by the Owner or Developer, as applicable.

V. CHANGES TO ZONING REGULATIONS.

The Zoning Regulations relating to the Property subject to this Development Agreement, except as provided for in Paragraph X herein, shall not be amended or modified during the Term, without the express

written consent of the Owner. Owner does, for itself and its successors and assigns, including Developer(s) and notwithstanding the Zoning Regulations, agrees to be bound by the following:

1. No Initial Master Plan for any portion of the Property shall be submitted for processing unless that plan encompasses twenty (20) or more acres of high land, provided, however, that in the event any single parcel of land owned by Owner or Developer that is the subject of an Initial Master Plan is less than twenty (20) acres but under no circumstances less than ten (10) acres unless the Property that is the subject of the Initial Master Plan is a single parcel, and the parcel size and circumstances thereof dictate otherwise and is approved by the Planning Commission.

2. The Owner shall be required to notify the Town, in writing, as and when Development Rights are transferred to a Developer. Such information shall include the identity and address of the Developer, a Developer contact person, the location and number of acres of the Property transferred, and the number of residential units and/or commercial acreage, and/or conservation acreage, as applicable, subject to the transfer. A Developer transferring Development Rights to another Developer shall be subject to this requirement of notification, and any Developer acquiring Development Rights shall be required to file with the Town an acknowledgment of this Development Agreement and a commitment to be bound by it.

3. The Owner and Developers, and their respective heirs, successors and assigns, agree that all Development, with the exception of irrigation, incidental maintenance facilities and facilities existing at the date of this Development Agreement will be served by potable water and sewer prior to occupancy, except as otherwise provided herein for temporary use.

4. The Owner and Developers, and their respective heirs, successors and assigns shall comply with the provisions of the Bluffton Town Highway Corridor Overlay District for Highway 46, Highway 170 and the Highway 278 Corridor Overlay District(s), as applicable, except as provided in the Zoning Regulations.

5. The following modifications to the PUD Ordinance, at the election of the Town, may be made:

The Town may amend the PUD Ordinance to delegate any or all the review functions required thereunder to any individuals or body, board or commission, provided that such individuals or all persons serving on any such body, board or commission are appointed and/or approved by the Town Council or is the Town Council, provided that the scope of review pursuant to the PUD Ordinance shall remain unchanged and the Town continues to have the ultimate approval authority.

It is acknowledged that nothing in this agreement shall be deemed or construed to affect the right of any person to seek a variance from the provisions of the Zoning Regulations in accordance with applicable state and local laws in effect at the time of the variance application.

VI. <u>DEVELOPMENT SCHEDULE</u>.

The Property shall be developed in accordance with the development schedule, attached as Exhibit "D". Pursuant to the Act, the failure of the Owner and Developer(s) to meet the development schedule shall

not, in and of itself, constitute a material breach of this agreement. In such event, the failure to meet the development schedule shall be judged by the totality of circumstances, including but not limited to the Owner's and Developer(s)' s good faith efforts made to attain compliance with the development schedule. These schedules are planning and forecasting tools only. The fact that actual development may take place at a different pace, based on future market forces, is expected and shall not be considered a default hereunder. Furthermore, periodic adjustments to the development schedule which may be submitted by Owner/Developers in the future, shall not be considered a material amendment or breach of the Agreement.

VII. **DENSITY.**

Mixed use development on the Property shall be limited to the following:

A. Six Thousand Eight Hundred Eighty-Five (6,885) residential dwelling units; and

B. Four Hundred Fifty (450) acres of commercial and neighborhood commercial as set forth in the Zoning Regulations.

Owner and Developers shall have the right to convert commercial and/or neighborhood commercial density to residential density. One (1) acre of commercial shall be convertible into four (4) residential dwelling units; provided, however, that total residential dwelling units resulting from conversions shall never exceed five hundred (500) additional units. The number of units converted during the prior year shall be made known to the Town during each annual compliance meeting associated with this Development Agreement.

VIII. **RESTRICTED ACCESS.**

Owner and/or Developer shall have the right to develop restricted access communities within the Property.

IX. **RESERVATION OF MINERAL RIGHTS.**

Owner and/or its designee intends to reserve mineral and/or royalty rights in minerals located on or under the Property.

X. **EFFECT OF FUTURE LAWS.**

Owner and Developers shall have vested rights to undertake Development of any or all of the Property in accordance with the Zoning Regulations, as defined herein and modified hereby, and as may be modified in the future pursuant to the terms hereof, and this Development Agreement for the entirety of the Term. Future enactments of, or changes or amendments to Town ordinances, including zoning or development standards ordinances, which conflict with the Zoning Regulations shall apply to the Property only if permitted pursuant to the Act.

The parties specifically acknowledge that this Agreement shall not prohibit the application of any present or future building, housing, electrical, plumbing, gas or other standard codes, of any tax or fee of general application throughout the Town, or of any law or ordinance of general application throughout the Town found by Bluffton Town Council to be necessary to protect the health, safety and welfare of the citizens of Bluffton. Not withstanding the above, the Town may apply subsequently enacted laws to the Property only in accordance with the Act.

XI. INFRASTRUCTURE AND SERVICES.

Bluffton and Owner recognize that the majority of the direct costs associated with the Development of the Property will be borne by the Owner and Developers, and many necessary services will be provided by other governmental or quasi-governmental entities, and not by the Town of Bluffton. For clarification, the parties make specific note of and acknowledge the following:

A. Private Roads. All roads within the Property which are within gated communities, or for the exclusive use by Owners within the Property shall be constructed by the Owner and/or Developers, and maintained by them and/or an Owner's Association, or dedicated to other appropriate entities. The Town of Bluffton will not be responsible for the construction or maintenance of any roads within the Property, and the Owner and/or Developer and/or Owner's Association shall continue the maintenance thereof.

B. Public Roads. All public roads outside the Property that serve the Property are under the jurisdiction of the State of South Carolina regarding access, construction, improvements and maintenance. These roads include Highway 46, Highway 170 and Highway 278. Owner acknowledges that it must comply with all applicable state statutes, and rules and regulations of the South Carolina Department of Transportation, or its successor. Future public roads may serve the Property. The Town shall not be responsible for construction, improvements or maintenance of the public roads which now or hereafter serve the Property, unless it otherwise agrees.

To assist in mitigating the traffic impact of Development, Owner agrees to donate to the appropriate governmental entities a one hundred twenty foot (120') rights of way across the Property of Owner, generally referred to as the East/West Connector as shown on the attached Concept Master Plan. Neither the Owner nor any developer shall be responsible for the construction and/or the maintenance of the East/West Connector except for the payment of any applicable impact fees, and this road shall be dedicated to and maintained by the appropriate governmental entity. The number and location of median breaks on the East/West Connector shall be consistent with those agreed to on the Buckwalter Parkway in accordance with the terms of the Letter Agreement attached hereto and marked Exhibit "E". The dedication of the East/West Connector shall satisfy all of Owner's obligations to donate road right of ways under the Palmetto Bluff Development Agreement, and this Development Agreement.

Owner will encourage the subsequent consideration of a Highway 170 to Buckwalter Commons public connection provided, however, if making this access a public road rather than a private roadway increases the expense thereof, any additional expense associated therewith will be funded with public funds. This provision, however, cannot negate the possible development of a private community which may preclude the public roadway access. In no way does this provision limit the transferability, use, subdivision or other rights, actions, or activities of Owner, Developers, or their respective assigns with regard to any property within Buckwalter Tract.

C. Potable Water. Potable water will be supplied to the Property by Beaufort/Jasper Water and Sewer Authority or some other legally constituted provider allowed to operate in the Town, at the election

of the Owner. Owner will construct or cause to be constructed all necessary water service infrastructure within the Property, which will be maintained by it or the provider. The Town of Bluffton shall not be responsible for any construction, treatment, maintenance or costs associated with water service to the Property. Nothing herein shall be construed as precluding the Town from providing potable water to its residents in accordance with applicable provisions of laws.

Owner and/or Developers shall have the limited right to construct wells on the Property for potable water for temporary service prior to the construction of permanent water service infrastructure to be supplied by Beaufort-Jasper Water and Sewer Authority, and for small uses in remote areas (such as comfort stations on golf courses).

D. **Sewage Treatment and Disposal.** Sewage treatment and disposal will be provided by Beaufort/Jasper Water and Sewage Authority or some other legally constituted provider allowed to operate in the Town, at the election of the Owner. Owner will construct or cause to be constructed all related infrastructure improvements within the Property, which will be maintained by it or the provider. The Town of Bluffton will not be responsible for any treatment, maintenance or costs associated with sewage treatment within the Property. Nothing herein shall be construed as precluding the Town from providing sewer services to its residents in accordance with applicable provisions of laws .

E. **Use of Effluent**. Owner agrees to accept treated effluent and utilize the effluent to the maximum degree practical for golf course irrigation and/or to dispose of effluent in any other way as may be allowed and permitted by DHEC and the Beaufort-Jasper Water and Sewer Authority.

F. **Water Conservation**. Owner agrees to encourage the use of indigenous plants for landscaping purposes, to help minimize irrigation requirements, and to encourage the use of other water conservation methods. Owner shall install, or cause to be installed, rain sensors on automatic sprinkler systems within the common areas of the Property. Owner will agree in any automatic water systems to include rain sensors. Owner will include in its restrictive covenants a provision that requires the inclusion of rain sensors whenever irrigation is installed.

G. **Mulching Of Landscape Waste.** Owner or Developer shall provide facilities for the disposal of landscape waste produced within the Property, either by grinding such waste into mulch for use within the Property, or by contracting to dispose of such landscape waste through a private contractor who grinds such landscape waste into mulch offsite, provided he returns an equivalent tonnage of mulch to the Property . Owner shall make such disposal mandatory within the Property, provided that the Owner shall have the flexibility to participate in regional projects, where practical, and the flexibility to modify the landscape waste disposal method to comply with all applicable laws. This provision shall not apply at all to waste produced during initial site preparation and clearing, or to construction activities within the first five (5) years of development under any subsequently approved initial Master Plan, all of which waste may be disposed of in any normal and legal manner.

H. **Drainage System.** All storm water runoff and drainage improvements within the Property will be designed in accordance with the Zoning Regulations and Section X hereof and, best efforts shall be made to coordinate such systems with the County Master Drainage Program. All storm water runoff and drainage system improvements will be constructed by Owner or Developers and maintained by Owner, Developers and/or an Owner's Association. The Town of Bluffton will not be responsible for any construction or maintenance costs associated with the drainage system within the Property.

I. **Solid Waste Collection.** Owner shall provide or cause to be provided solid waste collection services to the Buckwalter Tract until such time as: (1) the Town is requested to provide such services; and (2) ad valorem tax revenues generated from the Buckwalter Tract, less such amount thereof as are applied to other Town-wide services, are sufficient to pay the costs the Town incurs to provide solid waste collection to the Buckwalter Tract, at the level provided to other residents and businesses within the pre-annexation boundaries of the Town.

The Town reserves the right to require refuse generated from the Buckwalter Tract to comply with standards promulgated for the Beaufort County landfill, provided the waste is being taken to a landfill designated by Beaufort County.

In the event that a court of competent jurisdiction shall require the Town, prior to its election, to provide solid waste services to the Buckwalter Tract, and if, at that time, the ad valorem tax revenues generated from the Buckwalter Tract are not sufficient to enable the Town to provide such solid waste service, absent a town-wide tax increase, the Owner shall be responsible to pay to the Town the costs of providing such service and shall be obligated to continue such payment until such point in time when the ad valorem tax revenues from the Buckwalter Tract are sufficient to pay for the solid waste collection services required by it, without the necessity of a town-wide tax increase. Payment to the Town shall be made on an annual basis and within thirty (30) days of the Town notifying the Owner of those costs.

J. **Police Protection**. The Town shall provide police protection services to the Buckwalter Tract on the same basis as is provided to other residents and businesses within the Town with the exception of restricted access communities.

Owner acknowledges the concurrent jurisdiction of the Town's police department and the Sheriff of Beaufort County on the Property and shall not interfere or in any way hinder law enforcement activities of either on the Property.

In the event that a court of competent jurisdiction shall require the Town, prior to its election,, to provide police protection services to the Buckwalter Tract, without requiring private security, and if the ad valorem tax revenues generated from the Buckwalter Tract are not sufficient to enable the Town to provide such police service, without a Town-wide tax increase, the Owner shall be responsible to pay to the Town the costs of providing such service, and shall be obligated to continue such payment until such point in time when the ad valorem tax revenues from the Buckwalter Tract are sufficient to pay for the police protection expenses

required by it, without the necessity of a Town-wide tax increase. Payment to the Town shall be made on an annual basis and within thirty (30) days of the Town notifying the Owner of the costs.

K. **Recycling Services.** The Town shall not be obligated to provide recycling services to the Buckwalter Tract.

The Town reserves the right to require recycling materials generated from the Property to comply with standards promulgated by it or Beaufort County, as applicable, if the solid waste is to be deposited in a facility designated by Beaufort County.

In the event a court of competent jurisdiction shall require the Town, prior to its election, to provide recycling services to the Buckwalter Tract, and if the ad valorem tax revenues generated from the Buckwalter Tract are not sufficient to enable the Town to provide such service without a Town-wide tax increase, the Owner shall be responsible to pay the Town costs of providing such service, and shall be obligated to continue such payment until such point in time when the ad valorem tax revenues from the Buckwalter Tract are sufficient to pay for the recycling expenses required by it, without the necessity of a Town-wide tax increase. Payment to the Town shall be made on an annual basis and within thirty (30) days of the Town notifying the Owner of the costs.

L. **Emergency Medical Services.** Such services are now provided by Beaufort County. The Town of Bluffton shall not be obligated to provide emergency medical services to the Property, absent its election to provide such services on a town-wide basis.

M. **Library Services.** Such services are now provided by Beaufort County. The Town of Bluffton shall not be obligated to provide library services to the Property, absent its election to provide such services on a town-wide basis.

N. **School Services.** Such services are now provided by Beaufort County. The Town of Bluffton shall not be obligated to provide school services to the Property, absent its election to provide such services on a town-wide basis.

O. **Fire Services**. Such services are now provided by The Bluffton Township Fire District. The Town of Bluffton shall not be obligated to provide fire services to the Property, absent its election to provide such services on a town-wide basis.

XII. DEDICATIONS

The Town of Bluffton and Owner understand and agree that Development of the Property shall impose certain costs to the Town. Eventually, ad valorem taxes collected from the Property may meet or exceed the burdens placed upon the Town, but certain initial costs and capital expenditures are now required in order to ensure that the present residents of the Town are not called upon to pay higher taxes to accommodate the Development of the Property. The following items are hereby agreed upon to be provided by Owner, its successors and assigns, to offset such future costs and expenditures:

A. **Dedication of Sites for Government Facilities and Participation in Cost.**

The Owner agrees to make available to the Town that certain twenty-one and one-tenth (21.1) acre parcel, of ground within the Property more fully shown and identified as "Dedicated Municipal Services Site", on the Concept Master Plan for facilities and equipment as may be required by the Town or other governmental entities to reasonably serve the Buckwalter Tract. The dedication of said parcel will be finalized within six (6) months of execution hereof unless the parties hereto agree otherwise.

B. **Dedication of Site(s) For Recreational Facilities and Participation in Cost.** No later than four (4) months following the execution of this Agreement, the Owner shall donate to the Town or its designee one hundred three and three-tenths (103.3) acres of high ground (non-jurisdictional wetlands) and thirty-nine and two-tenths (39.2) acres of jurisdictional wetlands more fully shown and identified as "Dedicated Public Park", on the Concept Master Plan for a park area. The Park Site will be accessible to the general public by public roads or over roads by which Owner, by easement as granted to the Town or its designee. Title to the land and easement, as applicable, shall be insurable, and the Owner shall be responsible for all costs associated with the transfer of title of the Town or its designee.

At the time of the transfer, Owner shall remit to the Town the sum of Fifty Thousand and no/100 Dollars ($50,000.00) for the design of the park. Upon completion of the design, the Owner shall remit to the Town the sum of Two Hundred Fifty Thousand and no/100 Dollars ($250,000.00) to construct the park and shall harvest trees off the site in accordance with the Park Plan and silviculture best management practices. Owner acknowledges that the park and/or playground may be constructed in phases. The Town agrees to cause the park to be designed and construction commenced within 3 years of acquiring title to the land, and to thereafter cause it to be maintained in a safe and usable condition. The Town also agrees to use best efforts to have the park fully constructed as soon as reasonably possible. The requirement to design and commence construction within three (3) years shall be to the extent of the Three Hundred Thousand and no/100 Dollars ($300,000.00) donation to the Town as set forth in this Paragraph.

C. **Administrative Charges for Professional Assistance.** The parties acknowledge that the increased development within the Bluffton area has created a need for a professional staff to assist the Town in the planning and permitting. According, Owner has agreed to make an initial administrative payment to the Town upon the execution of this Contract and to thereafter make annual administrative payments for the purpose of hiring personnel who will be directly related to the planning and permitting responsibilities of the Town. The initial payment by Owner to Town shall be Two Hundred Thousand and no/100 Dollars ($200,000.00) in the year 2000 and on the anniversary date of the Development Agreement for each year thereafter for five (5) successive years, Owner shall make additional payments of One Hundred Fifty Thousand and no/100 Dollars ($150,000.00) per year.

Nothing herein shall be construed as relieving the Owner, its successors and assigns, from payment of any such fees or charges as may be assessed by entities other than the Town. Any impact fee which is payable to Beaufort County, to support infrastructure provided by Beaufort County, such as, but not

limited to, schools, libraries, parks, and roads, shall not be affected by this Agreement, so long as such fees apply to all development and not specifically the Property. Owner specifically agrees to support joint efforts between the Town and Beaufort County regarding the establishment of traffic impact fees to determine and implement improvements to road and highway systems within the area of the Shults, Palmetto Bluff, and Buckwalter Tracts, provided such fees are at least partially expended for road improvements in Southern Beaufort County. Moreover, the Owner, its successors and assigns, shall be subject to the payment of any and all present or future fees enacted by the Town that are of town-wide application and that relate to processing applications, development permits, building permits, review of plans, or inspections or other matters.

D. **Interim Development Fees.**

(i) To assist the Town in meeting expenses resulting from ongoing development, Developers shall pay development fees ("Development Fees") as follows:

DEVELOPMENT FEES	AMOUNT
Single Family Residential (SFR) (Affordable Housing)	-0-
SFR ≤ 2,000 sq. ft.	$500.00
SFR > 2,000 sq. ft. or ≤3,000 sq. ft.	$750.00
SRF > 3,000 sq. ft.	$1,000.00
MULTI-FAMILY (MF) - 1 bedroom	$200.00
MF - 2 bedroom	$250.00
MF - 3 bedroom	$350.00
Commercial Development	$.75¢ per square foot

(ii) Owner agrees that commencing on the third anniversary date of this Agreement and for each year thereafter, the Development Fees set forth above shall be increased on an annual basis in accordance with the CPI, not to exceed fifty percent (50%) of the increase in the CPI for the previous twelve (12) months.

(iii) During the term of this Agreement, pursuant to the provisions of Section XII, (C), Owner shall pay the Town an initial payment of Two Hundred Thousand and no/100 Dollars ($200,000.00) in the year 2000, and shall make payments on the anniversary date of the Development Agreement of One

Hundred Fifty Thousand and no/100 ($150,000.00) for each year thereafter for five (5) successive years. On an annual basis, Owner or its designee shall be entitled to a credit against residential Development Fees that would otherwise be due in that year of an amount equal to fifty percent (50%) of the Administrative Charge payment made by Owner to the Town during that same year. The credits shall not be cumulative.

(iv) The Town specifically agrees to apply sixty percent (60%) of the Development Fees collected from residential development for the construction of the park as more fully described in Section XII(B). The fees shall, at the option of the Town, be applied as collected, or accumulated over a period not to exceed three (3) years at a time before being spent on park improvements.

(v) All Development Fees shall be collected at the time of obtaining a building permit.

(vi) Notwithstanding any provisions to the contrary contained within this Agreement, the Development Fees herein are being paid in lieu of any other impact fees or Development Fees adopted by the Town at any time hereafter during the term of this Contract; provided, however, that the Owner and/or Developers shall be subject to the payment of any and all present or future fees enacted by the Town that are of town-wide application and that relate to processing applications, development permits, building permits, review of plans, or inspections or other matters.

(vii) The Development Fees to be paid by Developers to the Town pursuant to the terms hereunder shall at all times be no more than the Development Fees paid by any other Developer to the Town under any Development Agreement involving more than one hundred (100) acres. Notwithstanding the above, Development Fees charged to any Developer under a Development Agreement containing less than one hundred fifty (150) acres can be adjusted by the Town proportionately to offset the impact of Subparagraph D(iv) above.

E. **Boat Ramp Repair Fund.**

As additional consideration for the covenants of the Town of Bluffton hereunder, Owner agrees to pay to the Town of Bluffton Twenty-Five and no/100 Dollars ($25.00) per dwelling unit, paid one time for each dwelling unit within the Property upon application for a building permit for that dwelling unit, for a boat ramp repair fund which the Town hereby agrees shall be used exclusively for the repair of public access boat ramp facilities in or near the Town of Bluffton.

F. **Special Districts.**

Nothing in this Agreement shall be construed to prevent the establishment by the Town of a tax increment, municipal improvement or other district on the Property in accordance with applicable provisions of the Code of Laws of South Carolina, 1976, as amended.

XIII. **PROTECTION OF ENVIRONMENT AND QUALITY OF LIFE.**

The Town of Bluffton and Owner recognize that Development can have negative as well as positive impacts. Specifically, Bluffton considers the protection of the natural environment and nearby waters, and the preservation of the character and unique identity of the Town of Bluffton, to be mandatory goals, to be achieved without compromise. Owner shares this commitment and therefore agrees to the following:

1. **Storm Water Quality.** Protection of the quality in nearby waters is a primary goal of the Town. The Owner and Developers shall be required to abide by all provisions of federal and state laws and regulations, including those established by the Department of Health and Environmental Control, the Office of Ocean and Coastal Resource Management, and their successors for the handling of storm water. In order to protect water quality of the rivers, the Owner agrees to prepare a study of pre-development drainage characteristics of the Property, prepare a Master Plan of the storm water drainage systems for each Initial Master Plan, construct storm water drainage systems in accordance with the approved Plans, and maintain the systems allowing proper operation and function. In order to meet the water quality and anti-degradation goals which are impacted by the amount of impervious surfaces, Owner, its successors and assigns commits to design storm water management systems in such a way that the storm water quality delivered to the receiving waters is mitigated to a level which is no more than that associated with ten percent (10%) impervious coverage. Further, owner agrees to provide pretreatment BMP's, including supplemental Open Space (in accordance with Beaufort County's Manual for Storm water Best Management Practices, prepared by Camp Dresser & McKee, as of March, 1998), where required by engineering design and calculations. In addition to the water quality safeguards as committed to by Owner above, notwithstanding Section V hereof, Owner and Developers shall adhere to any and all future ordinances or regulations of the Town (or portions thereof) governing detention, filtration, and treatment of storm water provided those ordinances and regulations apply town wide and are consistent with sound engineering practices. It is specifically agreed however, that any such ordinances of the Town that directly or indirectly affect the setback, buffer or open space requirements permitted pursuant to the Zoning Regulations will not be applicable to the Owner and Developers and the Property without the Owner and Developers' express written consent thereto; provided, however, open space requirements may be modified as a result of specific implementation requirements for future storm water management BMP's related to detention and treatment of storm water that apply Town wide and are consistent with sound engineering practices.

2. **Buckwalter Tract - River Protection Overlay District.** It is agreed that at the Rose Dhu, Stoney Creek and Okatie Rivers, setbacks shall be one hundred fifty feet (150') from the OCRM critical line as shown on the Concept Master Plan for residential, multi-family, clubhouse and other building

OR BR

construction. All other setbacks and buffers adjacent to these headwaters shall conform to the standards of the River Protection Overlay District included in the Zoning Regulations.

3. **Affordable Housing**. Owner and the Town recognize the increasing need for affordable housing in the Bluffton area. Owner will encourage and use best efforts to promote affordable housing within Buckwalter Tract and in consideration therefore, the Town will define affordable housing and develop reasonable incentives to encourage the development of affordable housing within Bluffton. Reasonable incentives may include but not be limited to the elimination of Development Fees on affordable housing, and density increases within any given tract to allow developers to offset any negative economic impacts as a result of the development of affordable homes. Owner will consult with Town regarding incentives to encourage and promote affordable housing which would include but not be limited to price discounts, and land and density adjustments.

4. **Tree Preservation.** All standards of the Beaufort County Tree Protection Ordinance, as amended and set forth in the Zoning Regulations, shall apply fully to development within the Property and standards shall be applied based upon the entire boundaries of the Property as the development (disturbed) area for purposes of replacement calculations and otherwise.

5. **Silviculture and Wildlife Management.** The Town agrees that undeveloped portions of Property shall be held by Owner, or its successors, for forestry/silvicultural purposes or similar permitted uses. The Town agrees that it will permit said forestry activities to continue on these undeveloped lands and that it will not disallow any real estate tax exemptions or classifications or other benefits afforded. This activity shall remain on said lands until such time as development activity may occur at some future date. Additionally, the Town agrees that the Owner shall have the right to manage wildlife on the Property in accordance with South Carolina Law, and regulations established by the South Carolina Department of Natural Resources or its successor agencies, including all legal methods of management, including the discharge of firearms in a safe and orderly manner when appropriate and necessary.

6. **Bluffton Character Protection.** Owner and the Town agree and recognize that it is imperative to preserve and enhance the basic character of Bluffton and the quality of life that has made Bluffton both unique and appealing. Accordingly, Owner and the Town agree and recognize the benefit of promoting a village design theme within a portion of Buckwalter Commons. Owner will use best efforts to encourage Developers to adopt development styles within a portion of Buckwalter Commons that are consistent with traditional village designs, and to encourage Developers to develop design guidelines in conjunction with the Town that will provide consistent, high quality development in keeping with the Bluffton community. Further, Owner and Developers agree that any franchise architecture which is not consistent with the village design established in the Initial Master Plan and/or final development plan process will be disallowed.

7. **Commitment to Company Investment and Presence in Town.** Owner commits to participate in Town activities and daily life through civic involvement of its employees, and generally to encourage and support the traditional activities within the Town which help to define its character.

8. **Commitment to Employment Opportunity for Residents.** Owner is an equal opportunity employer and demands the same from all its contractors. Owner also recognizes that it is important that citizens of Bluffton have the opportunity for gainful employment and future advancement in the immediate Bluffton area. In order to facilitate opportunity for Bluffton residents, Owner agrees to post notices of any of its job opportunities within the Property in a conspicuous location at Town Hall, and to review all applications of Bluffton applicants, to include Bluffton based contractors and businesses.

9. **Protection of Scenic Vistas of Highway 46 and Routing of Construction Traffic.** The South Carolina Scenic Highway Commission has designated S.C. Highway 46 a scenic highway extending from its junction with Highway 278 to Highway 170. Owner and Developers shall remain cognizant of this designation. Any Initial Master Plan shall be explicit concerning protection of this designation. Additionally, any Initial Master Plan filed with the Town hereafter shall contain provisions that, to the extent feasible, construction traffic involved in the development under that Initial Master Plan will be routed away from Highway 46 and shall enter the Buckwalter Tract through entrances on Highway 170 and S.C. Highway 278.

10. **Wildlife Corridors.** At the time that Owner or Developers seek 404 Wetland Permits from the US Corps of Engineers, Owner and/or Developers will consult with the US Fish and Wildlife Service and the Department of South Carolina Wildlife and Marine Resources regarding wildlife corridors and the result of such consultations shall be incorporated into any final Development Plan.

11. **Easement for Leisure Trails, Pedestrian Pathways and Bike Paths.** Owner agrees to provide a fifty foot (50') easement contiguous to one side of a portion of the rights-of-way of Buckwalter Parkway and the East/West Connector for the location of leisure trails, pedestrian pathways and bike paths, as more fully shown on the Concept Master Plan, identified as "Leisure Trail". The fifty foot (50') easement area shall also include a twenty foot (20') utility easement. The leisure trails, pedestrian pathways and bike paths shall be located within the fifty foot (50') area so as not to interfere or obstruct the installation and maintenance of utilities. Owner assumes no responsibility for the engineering, design, construction or maintenance of the leisure trails, pedestrian pathways and bike paths

XIV. **Compliance Reviews.** As long as Owner owns any Property in Bluffton subject to this Agreement, the Owner, or its designee, shall meet with the Town, or its designee, at least once, per year, during the Term to review Development completed in the prior year and the Development anticipated to be commenced or completed in the ensuing year. The Owner, or its designee, shall be required to provide such information as may reasonably be requested, to include but not be limited to, acreage of the Property sold in the prior year, acreage of the Property under contract, the number of certificates of occupancy issued in the prior year, and the number anticipated to be issued in the ensuing year, Development Rights transferred in

the prior year, and anticipated to be transferred in the ensuing year. The Owner, or its designee, shall be required to compile this information for its Development and that of Developers.

At each compliance review session, the parties shall specifically assess the need for the construction of public facilities at the Buckwalter Tract per Section IX(A) hereof.

XV. **Defaults**. The failure of the Owner, Developer or Town to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as deemed appropriate, including specific performance and the termination of this Development Agreement in accordance with the Act; provided however no termination of this Development Agreement may be declared by the Town absent its according the Owner and Developers the notice, hearing and opportunity to cure in accordance with the Act; and provided further that nothing herein shall be deemed or construed to preclude the Town or its designee from issuing stop work orders or voiding permits issued for Development when such Development contravenes the provisions of the Zoning Regulations or this Development Agreement.

A default of the Owner shall not constitute a default by a Developer, and a default by a Developer shall not constitute a default by the Owner. Notwithstanding the foregoing, it is acknowledged by all persons, firms or entities claiming or accorded interests in this Development Agreement that the following events shall constitute a default as to the Owner and all Developers, entitling the Town to pursue the termination of this Development Agreement, in accordance with the Act:

(1) the failure of the Owner to timely remit payments required hereunder or deed to the Town any land per the terms of this Development Agreement;

(2) the failure of the Owner to timely donate and construct the public facilities per the terms of this Development Agreement;

(3) if at any time during the Term, prior to the Owner having fulfilled any of its payment obligations or land donations, there shall be filed by or against the Owner in any court, pursuant to any state or federal statute, a petition in bankruptcy or insolvency, or for reorganization or appointment of a receiver or trustee of all or part of the assets of Owner, or if Owner makes an assignment for the benefit of creditors.

XVI. **Modification of Agreement**. This Development Agreement may be modified or amended only by the written agreement of the Town and the Owner. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

XVII. **Notices**. Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or

communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals or communications to the Town shall be addressed to

the Town at:	Town of Bluffton Post Office Box 386 Bluffton, SC 29910 Attention: Town Clerk
And to the Owner at:	SP Forests L.L.C. c/o International Paper Company Post Office Box 1391 Savannah, GA 31402 Attention: James R. Kobleur, Esquire
With Copy To:	William W. Jones, Jr., Esquire Post Office Drawer 7049 Hilton Head Is., SC 29938

XIII. Enforcement. Any party hereto shall have the right to enforce the terms, provisions and conditions of this Agreement by any remedies available at law or in equity, including specific performance, and the right to recover attorneys' fees and costs associated with said enforcement.

XIX. General:

Subsequent Laws. In the event state or federal laws or regulations are enacted after the execution of this Development Agreement or decisions are issued by a court of competent jurisdiction which prevent or preclude compliance with the Act or one or more provisions of this Agreement ("New Laws"), the provisions of this Agreement shall be modified or suspended as may be necessary to comply with such New Laws. Immediately after enactment of any such New Law, or court decision, a party designated by the Owners and Developers and the Town shall meet and confer in good faith in order to agree upon such modification or suspension based on the effect such New Law would have on the purposes and intent of this Agreement. During the time that these parties are conferring on such modification or suspension or challenging the New Laws, the Town may take reasonable action to comply with such New Laws. Should these parties be unable to agree to a modification or suspension, either may petition a court of competent jurisdiction for an appropriate modification or suspension of this Agreement. In addition, the Owner, Developers and the Town each shall have the right to challenge the New Law preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

Estoppel Certificate. The Town, the Owner or any Developer may, at any time, and from time to time, deliver written notice to the other applicable party requesting such party to certify in writing:

(1) that this Agreement is in full force and effect,

(2) that this Agreement has not been amended or modified, or if so amended, identifying the amendments,

(3) whether, to the knowledge of such party, the requesting party is in default or claimed default in the performance of its obligations under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default, and

(4) whether, to the knowledge of such party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both, would constitute a default and, if so, specifying each such event.

Entire Agreement. This Agreement sets forth, and incorporates by reference all of the agreements. conditions and understandings among the Town and the Owner relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

No Partnership or Joint Venture. Nothing in this Agreement shall be deemed to create a partnership or joint venture between the Town, the Owner or any Developer or to render such party liable in any manner for the debts or obligations of another party.

Exhibits. All exhibits attached hereto and/or referred to in this Agreement are incorporated herein as though set forth in full.

Construction. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits hereto.

Assignment. Other than Development Rights as defined herein, no other rights, obligations, duties or responsibilities devolved by this Agreement on or to the Owner, Developer(s) or the Town are assignable to any other person, firm, corporation or entity.

Governing Law. This Agreement shall be governed by the laws of the State of South Carolina.

Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

Agreement to Cooperate. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

Eminent Domain. Nothing contained in this Agreement shall limit, impair or restrict the Town's right and power of eminent domain under the laws of the State of South Carolina.

No Third Party Beneficiaries. The provisions of this Agreement may be enforced only by the Town, the Owner and Developers. No other persons shall have any rights hereunder.

XX. STATEMENT OF REQUIRED PROVISIONS.

A. Specific Statements. The Act requires that a development agreement include certain mandatory provisions, pursuant to Section 6-31-60(A). Although certain of these items are addressed elsewhere in this Agreement, the following listing of the required provisions is set forth for convenient reference. The numbering below corresponds to the numbering utilized under Section 6-31-60(A) for the required items:

1. Legal Description of Property and Legal and Equitable Owners. The legal description of the Property is set forth in Exhibit "B" attached hereto. The present legal owner of the Property is SP Forests L.L.C. The Equitable Owners are as set forth in Exhibit "F" attached hereto.

2. Duration of Agreement. The duration of this Agreement is twenty (20) years, with two (2) five (5) year renewal terms.

3. Permitted Uses, Densities, Building Heights and Intensities. A complete listing and description of permitted uses, population densities, building intensities and heights, as well as other development related standards, are contained in the Zoning Regulations.

4. Required Public Facilities. The utility service available to the Property are described generally above regarding electrical service, telephone and solid waste disposal. The mandatory procedures of the Zoning Regulations will ensure availability of roads and utilities to serve the residents on a timely basis.

5. Dedication of Land and Provisions to Protect Environmentally Sensitive Areas. The only dedications of land for public purposes are the donations of lands which are described in Section XII above. Zoning Regulations described above, and incorporated herein, contains numerous provisions for the protection of environmentally sensitive areas. All relevant State and Federal laws will be fully complied with, in addition to the provisions set forth in this Agreement.

6. Local Development Permits. The Development shall be as set forth in the Zoning Regulations. Specific permits must be obtained prior to commencing Development, consistent with the standards set forth in the Zoning Regulations. Building permits must be obtained under Bluffton law for any vertical construction, and appropriate permits must be obtained from the State of South Carolina (OCRM) and the Army Corps of Engineers, when applicable, prior to any impact upon salt or freshwater wetlands. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Owner, its successors and assigns, of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.

7. Comprehensive Plan and Development Agreement. The Development permitted and proposed under the Zoning Regulations, is consistent with the Comprehensive Plan and with current land use regulations of Bluffton, South Carolina.

8. Terms for Public Health, Safety and Welfare. The Town Council finds that all issues currently relating to public health, safety and welfare have been adequately considered and appropriately dealt with under the terms of this Agreement, the Zoning Regulations, and existing law.

9. Historical Structures. No specific terms relating to historical structures are pertinent to this Development Agreement. All historic structures and issues will be addressed through the permitting process of at the time of development the Zoning Regulations and no exception from any existing standard is hereby granted.

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

WITNESSES:

Minnie L. Green

Allen J. Gordin

SP FORESTS L.L.C.

By: [signature]

Its: President

Attest: Joel Kenan

Its: Assistant Secretary

STATE OF New Jersey)
COUNTY OF Bergen) ACKNOWLEDGMENT)

I HEREBY CERTIFY, that on this 25 day of April, 2000 before me, the undersigned Notary Public of the State and County aforesaid, personally appeared SP FORESTS L.L.C., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing Deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Colette J. Borell

Notary Public for New Jersey
My Commission Expires: November 14, 2003

COLETTE J. BORELL
Notary Public, State of New Jersey
My Commission Expires November 14, 2003

WITNESSES:

TOWN OF BLUFFTON, SOUTH CAROLINA

Emmett McCracken
Mayor-Town of Bluffton

Attest Sandra Lunceford
Sandra Lunceford
Its: Town Clerk-Town of Bluffton

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF BEAUFORT)

I HEREBY CERTIFY, that on this 19 day of April, 2000, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared Henry R. Johnston known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Notary Public for South Carolina
My Commission Expires: 05/21/06

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EXHIBIT "A"

SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT AGREEMENT

ACT

EXHIBIT A

CHAPTER 31

South Carolina Local Government Development Agreement Act

SEC.
6-31-10. Short title; legislative findings and intent; authorization for development agreements; provisions are supplemental to those extant.
6-31-20. Definitions.
6-31-30. Local governments authorized to enter into development agreements; approval of county or municipal governing body required.
6-31-40. Developed property must contain certain number of acres of highland; permissible durations of agreements for differing amounts of highland content.
6-31-50. Public hearings; notice and publication.
6-31-60. What development agreement must provide; what it may provide; major modification requires public notice and hearing.
6-31-70. Agreement and development must be consistent with local government comprehensive plan and land development regulations.
6-31-80. Law in effect at time of agreement governs development; exceptions.
6-31-90. Periodic review to assess compliance with agreement; material breach by developer; notice of breach; cure of breach or modification or termination of agreement.
6-31-100. Amendment or cancellation of development agreement by mutual consent of parties or successors in interest.
6-31-110. Validity and duration of agreement entered into prior to incorporation or annexation of affected area; subsequent modification or suspension by municipality.
6-31-120. Developer to record agreement within fourteen days; burdens and benefits inure to successors in interest.
6-31-130. Agreement to be modified or suspended to comply with later-enacted state or federal laws or regulations.
6-31-140. Rights, duties, and privileges of gas and electricity suppliers, and of municipalities with respect to providing same, not affected; no extraterritorial powers.
6-31-145. Applicability to local government of constitutional and statutory procedures for approval of debt.
6-31-150. Invalidity of all or part of § 6-31-140 invalidates chapter.
6-31-160. Agreement may not contravene or supersede building, housing, electrical, plumbing, or gas code; compliance with such code if subsequently enacted.

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§ 6-31-10. Short title; legislative findings and intent; authorization for development agreements; provisions are supplemental to those extant.

(A) This chapter may be cited as the "South Carolina Local Government Development Agreement Act".

(B)(1) The General Assembly finds: The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning.

(2) Assurance to a developer that upon receipt of its development permits it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring

there are adequate capital facilities for the development, encourages private participation in comprehensive planning, reduces the economic costs of development, allows for the orderly planning of public facilities and services, and allows for the equitable allocation of the cost of public services.

(3) Because the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public.

(4) Public benefits derived from development agreements may include, but are not limited to, affordable housing, design standards, and on and off-site infrastructure and other improvements. These public benefits may be negotiated in return for the vesting of development rights for a specific period.

(5) Land planning and development involve review and action by multiple governmental agencies. The use of development agreements may facilitate the cooperation and coordination of the requirements and needs of the various governmental agencies having jurisdiction over land development.

(6) Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State.

(C) It is the intent of the General Assembly to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

(D) This intent is effected by authorizing the appropriate local governments and agencies to enter into development agreements with developers, subject to the procedures and requirements of this chapter.

(E) This chapter must be regarded as supplemental and additional to the powers conferred upon local governments and other government agencies by other laws and must not be regarded as in derogation of any powers existing on the effective date of this chapter.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—
56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 218.

§ 6-31-20. Definitions.

As used in this chapter:

(1) "Comprehensive plan" means the master plan adopted pursuant to Sections 6-7-510, et seq., 5-23-490, et seq., or 4-27-600 and the official map adopted pursuant to Section 6-7-1210, et seq.

(2) "Developer" means a person, including a governmental agency or redevelopment authority created pursuant to the provisions of the Military Facilities

Redevelopment Law, who intends to undertake any development and who has a legal or equitable interest in the property to be developed.

(3) "Development" means the planning for or carrying out of a building activity or mining operation, the making of a material change in the use or appearance of any structure or property, or the dividing of land into three or more parcels. "Development", as designated in a law or development permit, includes the planning for and all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the planning for or the act of developing or to the result of development. Reference to a specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this item.

(4) "Development permit" includes a building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of local government having the effect of permitting the development of property.

(5) "Governing body" means the county council of a county, the city council of a municipality, the governing body of a consolidated political subdivision, or any other chief governing body of a unit of local government, however designated.

(6) "Land development regulations" means ordinances and regulations enacted by the appropriate governing body for the regulation of any aspect of development and includes a local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of property.

(7) "Laws" means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies and rules adopted by a local government affecting the development of property and includes laws governing permitted uses of the property, governing density, and governing design, improvement, and construction standards and specifications, except as provided in Section 6-31-140 (A).

(8) "Property" means all real property subject to land use regulation by a local government and includes the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as a part of real property.

(9) "Local government" means any county, municipality, special district, or governmental entity of the State, county, municipality, or region established pursuant to law which exercises regulatory authority over, and grants development permits for land development or which provides public facilities.

(10) "Local planning commission" means any planning commission established pursuant to Sections 4-27-510, 5-23-410, or 6-7-320.

(11) "Person" means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, state agency, or any legal entity.

(12) "Public facilities" means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993; 1994 Act No. 462, § 3, eff June 30, 1994.

Effect of Amendment—

The 1994 amendment substituted paragraph (2) for one which read: " 'Developer' means a person, including a governmental agency, who intends to undertake any development and who has a legal or equitable interest in the property to be developed."

Research and Practice References—

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 218.

§ 6-31-30. Local governments authorized to enter into development agreements; approval of county or municipal governing body required.

A local government may establish procedures and requirements, as provided in this chapter, to consider and enter into development agreements with developers. A development agreement must be approved by the governing body of a county or municipality by the adoption of an ordinance.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 218.

§ 6-31-40. Developed property must contain certain number of acres of highland; permissible durations of agreements for differing amounts of highland content.

A local government may enter into a development agreement with a developer for the development of property as provided in this chapter provided the property contains twenty-five acres or more of highland. Development agreements involving property containing no more than two hundred fifty acres of highland shall be for a term not to exceed five years. Development agreements involving property containing one thousand acres or less of highland but more than two hundred fifty acres of highland shall be for a term not to exceed ten years. Development agreements involving property containing two thousand acres or less of highland but more than one thousand acres of highland shall be for a term not to exceed twenty years. Development agreements involving property containing more than two thousand acres and development agreements with a developer which is a redevelopment authority created pursuant to the provisions of the Military Facilities Redevelopment Law, regardless of the number of acres of property involved, may be for such term as the local government and the developer shall elect.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993; 1994 Act No. 462, § 4, eff June 30, 1994.

Effect of Amendment—

The 1994 amendment revised the requirements for development agreements.

Cross References—

Provisions established pursuant to this section must include required periodic review by zoning administrator or equivalent local government officer, see § 6-31-90..

Research and Practice References—

56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 218.

§ 6-31-50. Public hearings; notice and publication.

(A) Before entering into a development agreement, a local government shall conduct at least two public hearings. At the option of the governing body, the public hearing may be held by the local planning commission.

(B)(1) Notice of intent to consider a development agreement must be advertised in a newspaper of general circulation in the county where the local government is located. If more than one hearing is to be held, the day, time, and place at which

the second public hearing will be held must be announced at the first public hearing.

(2) The notice must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.

(C) In the event that the development agreement provides that the local government shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—
56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 218.

§ 6-31-60. What development agreement must provide; what it may provide; major modification requires public notice and hearing.

(A) A development agreement must include:

(1) a legal description of the property subject to the agreement and the names of its legal and equitable property owners;

(2) the duration of the agreement. However, the parties are not precluded from extending the termination date by mutual agreement or from entering into subsequent development agreements;

(3) the development uses permitted on the property, including population densities and building intensities and height;

(4) a description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development;

(5) a description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the development agreement;

(6) a description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms, or restrictions;

(7) a finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;

(8) a description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and

(9) a description, where appropriate, of any provisions for the preservation and restoration of historic structures.

(B) A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The

development agreement must provide a development schedule including commencement dates and interim completion dates at no greater than five year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement pursuant to Section 6-31-90, but must be judged based upon the totality of the circumstances. The development agreement may include other defined performance standards to be met by the developer. If the developer requests a modification in the dates as set forth in the agreement and is able to demonstrate and establish that there is good cause to modify those dates, those dates must be modified by the local government. A major modification of the agreement may occur only after public notice and a public hearing by the local government.

(C) If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement.

(D) The development agreement also may cover any other matter not inconsistent with this chapter not prohibited by law.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—
56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 218.

§ 6-31-70. Agreement and development must be consistent with local government comprehensive plan and land development regulations.

A development agreement and authorized development must be consistent with the local government's comprehensive plan and land development regulations.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—
56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 218.
83 Am Jur 2d, Zoning and Planning §§ 1 et seq.

§ 6-31-80. Law in effect at time of agreement governs development; exceptions.

(A) Subject to the provisions of Section 6-31-140 and unless otherwise provided by the development agreement, the laws applicable to development of the property subject to a development agreement, are those in force at the time of execution of the agreement.

(B) Subject to the provisions of Section 6-31-140, a local government may apply subsequently adopted laws to a development that is subject to a development agreement only if the local government has held a public hearing and determined:

(1) the laws are not in conflict with the laws governing the development agreement and do not prevent the development set forth in the development agreement;

(2) they are essential to the public health, safety, or welfare and the laws expressly state that they apply to a development that is subject to a development agreement;

(3) the laws are specifically anticipated and provided for in the development agreement;

(4) the local government demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement which changes, if not addressed by the local government, would pose a serious threat to the public health, safety, or welfare; or

(5) the development agreement is based on substantially and materially inaccurate information supplied by the developer.

(C) This section does not abrogate any rights preserved by Section 6-31-140 herein or that may vest pursuant to common law or otherwise in the absence of a development agreement.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

§ 6-31-90. Periodic review to assess compliance with agreement; material breach by developer; notice of breach; cure of breach or modification or termination of agreement.

(A) Procedures established pursuant to Section 6-31-40 must include a provision for requiring periodic review by the zoning administrator, or, if the local government has no zoning administrator, by an appropriate officer of the local government, at least every twelve months, at which time the developer must be required to demonstrate good faith compliance with the terms of the development agreement.

(B) If, as a result of a periodic review, the local government finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the local government shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach.

(C) If the developer fails to cure the material breach within the time given, then the local government unilaterally may terminate or modify the development agreement; provided, that the local government has first given the developer the opportunity:

(1) to rebut the finding and determination; or

(2) to consent to amend the development agreement to meet the concerns of the local government with respect to the findings and determinations.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Cross References--

Failure to meet commencement or completion date in development agreement not in and of itself material breach of agreement, see § 6-31-60..

§ 6-31-100. Amendment or cancellation of development agreement by mutual consent of parties or successors in interest.

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

§ 6-31-110. Validity and duration of agreement entered into prior to incorporation or annexation of affected area; subsequent modification or suspension by municipality.

(A) Except as otherwise provided in Section 6-31-130 and subject to the provisions of Section 6-31-140, if a newly-incorporated municipality or newly-annexed

area comprises territory that was formerly unincorporated, any development agreement entered into by a local government before the effective date of the incorporation or annexation remains valid for the duration of the agreement, or eight years from the effective date of the incorporation or annexation, whichever is earlier. The parties to the development agreement and the municipality may agree that the development agreement remains valid for more than eight years; provided, that the longer period may not exceed fifteen years from the effective date of the incorporation or annexation. The parties to the development agreement and the municipality have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the unincorporated territory of the county.

(B) After incorporation or annexation the municipality may modify or suspend the provisions of the development agreement if the municipality determines that the failure of the municipality to do so would place the residents of the territory subject to the development agreement, or the residents of the municipality, or both, in a condition dangerous to their health or safety, or both.

(C) This section applies to any development agreement which meets all of the following:

(1) the application for the development agreement is submitted to the local government operating within the unincorporated territory before the date that the first signature was affixed to the petition for incorporation or annexation or the adoption of an annexation resolution pursuant to Chapter 1 or 3 of Title 5; and

(2) the local government operating within the unincorporated territory enters into the development agreement with the developer before the date of the election on the question of incorporation or annexation, or, in the case of an annexation without an election before the date that the municipality orders the annexation.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—
56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions § 218.

§ 6-31-120. Developer to record agreement within fourteen days; burdens and benefits inure to successors in interest.

Within fourteen days after a local government enters into a development agreement, the developer shall record the agreement with the register of mesne conveyance or clerk of court in the county where the property is located. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—
66 Am Jur 2d, Records and Recording Laws §§ 47 et seq.

§ 6-31-130. Agreement to be modified or suspended to comply with later-enacted state or federal laws or regulations.

In the event state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement

must be modified or suspended as may be necessary to comply with the state or federal laws or regulations.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Cross References—
This section creates exception to provisions concerning duration of validity of development agreement entered into before effective date of incorporation or annexation of area involved, see § 6-31-110..

§ 6-31-140. Rights, duties, and privileges of gas and electricity suppliers, and of municipalities with respect to providing same, not affected; no extraterritorial powers.

(A) The provisions of this act are not intended nor may they be construed in any way to alter or amend in any way the rights, duties, and privileges of suppliers of electricity or natural gas or of municipalities with reference to the provision of electricity or gas service, including, but not limited to, the generation, transmission, distribution, or provision of electricity at wholesale, retail or in any other capacity.

(B) This chapter is not intended to grant to local governments or agencies any authority over property lying beyond their corporate limits.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Cross References—
This section creates exception to definition of "laws" for purposes of this chapter, see § 6-31-20.
Provisions specifying what law governs development agreement are subject to provisions of this section, see § 6-31-80.
Development agreements adopted pursuant to Local Government Development Agreement Act must also comply with subsequently adopted building, housing, electrical, plumbing, and gas codes as authorized by this Chapter, see § 6-31-80.
This section creates exception to provisions concerning duration of validity of development agreement entered into before effective date of incorporation or annexation of area involved, see § 6-31-110.
Invalidity of all or part of this section invalidates this entire chapter, see § 6-31-150.

§ 6-31-145. Applicability to local government of constitutional and statutory procedures for approval of debt.

In the event that any of the obligations of the local government in the development agreement constitute debt, the local government shall comply at the time of the obligation to incur such debt becomes enforceable against the local government with any applicable constitutional and statutory procedures for the approval of this debt.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—
56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 592 et seq.

§ 6-31-150. Invalidity of all or part of § 6-31-140 invalidates chapter.

If Section 6-31-140 or any provision therein or the application of any provision therein is held invalid, the invalidity applies to this chapter in its entirety, to any and all provisions of the chapter, and the application of this chapter or any provision of this chapter, and to this end the provisions of Section 6-31-140 of this chapter are not severable.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

§ 6-31-160. Agreement may not contravene or supersede building, housing, electrical, plumbing, or gas code; compliance with such code if subsequently enacted.

Notwithstanding any other provision of law, a development agreement adopted pursuant to this chapter must comply with any building, housing, electrical, plumbing, and gas codes subsequently adopted by the governing body of a municipality or county as authorized by Chapter 9 of Title 6. Such development agreement may not include provisions which supersede or contravene the requirements of any building, housing, electrical, plumbing, and gas codes adopted by the governing body of a municipality or county.

HISTORY: 1993 Act No. 150, § 1, eff June 14, 1993.

Research and Practice References—
83 Am Jur 2d, Zoning and Planning §§ 1 et seq.

EXHIBIT "B"

LEGAL DESCRIPTION

BUCKWALTER TRACT

Exhibit B
Legal Description for
Buckwalter Tract PUD, Bluffton South Carolina

All that tract or parcel of land, lying and being in Beaufort County, South Carolina , and being more particularly described as follows:

Commencing at the Point of Beginning, said point being a point on the existing town limits of Bluffton having state plane coordinates of Northing 142522.9110 and Easting of 2023440.2506 and also being in the May River; thence North 07°19'28" West, a distance of 113.93 feet to the beginning of a curve tangent to said line; thence northernly a distance of 62.09 feet along the curve concave to the southwest, having a radius of 100.00 feet and a central angle of 35°34'35", and being subtended by a chord which bears North 25°06'45" West a distance of 61.10 feet; thence leaving the May River and continuing along the western edge of Rose Dhu Creek the following courses and distances; North 42°54'03" West tangent to said curve, a distance of 11.57 feet to the beginning of a curve tangent to said line; thence northwesterly, a distance of 486.08 feet along the curve concave to the south, having a radius of 390.00 feet and a central angle of 71°24'39", and being subtended by a chord which bears North 78°36'22" West a distance of 455.22 feet; thence South 65°41'18" West tangent to said curve, a distance of 130.35 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 98.44 feet along the curve concave to the north, having a radius of 150.00 feet and a central angle of 37°36'07", and being subtended by a chord which bears South 84°29'22" West a distance of 96.68 feet; thence North 76°42'35" West tangent to said curve, a distance of 67.39 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 87.49 feet along the curve concave to the northeast, having a radius of 100.00 feet and a central angle of 50°07'43", and being subtended by a chord which bears North 51°38'43" West a distance of 84.73 feet; thence North 26°34'52" West tangent to said curve, a distance of 2.64 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 195.77 feet concave to the east having a radius of 175.00 feet and a central angle of 64°05'45" and being subtended by a chord which bears North 05°28'00" East a distance of 185.72 feet; thence North 37°30'53" East tangent to said curve, a distance of 279.80 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 242.99 feet along the curve concave to the southwest, having a radius of 105.00 feet and a central angle of 132°35'27", and being subtended by a chord which bears North 28°46'51" West a distance of 192.28 feet; thence South 84°55'25" West tangent to said curve, a distance of 308.51 feet to the beginning of a curve tangent to said line; thence westerly and a distance of 595.17 feet along the curve concave to the north, having a radius of 1150.00 feet and a central angle of 29°39'10", and being subtended by a chord which bears North 80°15'00" West a distance of 588.55 feet; thence North 65°25'24" West tangent to said curve, a distance of 56.82 feet to the beginning of a curve tangent to said line; thence westerly a distance of 188.06 feet along the curve concave to the south, having a radius of 215.00 feet and a central angle of 50°07'03", and being subtended by a chord which bears South 89°31'04" West a distance of 182.13 feet; thence South 64°27'32" West tangent to said curve, a distance of 110.06 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 148.31 feet along the curve concave to the north, having a radius of 195.00 feet and a central angle of 43°34'39", and being subtended by a chord which bears North 86°14'52" East a distance of 144.76 feet; thence North 71°57'49" West tangent to said curve, a distance of 72.64 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 88.72 feet along the curve concave to the northeast, having a radius of 180.00 feet and a central angle of 28°14'29", and being subtended by a chord which bears North 57°50'34" West a distance of 87.83 feet; thence North 43°43'19" West tangent to said curve, a distance of 166.15 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 95.78 feet along the curve concave to the southwest, having a radius of 220.00 feet and a central angle of 24°56'39", and being subtended by a chord which bears North 56°11'39" West a distance of 95.02 feet; thence North 68°39'59" West tangent to said curve, a distance of 42.80 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 75.90 feet along the curve concave to the northeast, having a radius of 75.00 feet and a central angle of 57°59'01", and being subtended by a chord which bears North 39°40'28" West a distance of 72.70 feet; thence North 10°40'58"West tangent to said curve, a distance of 100.12 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 58.12 feet along the curve concave to the east, having a radius of 65.00 feet and a central angle of 51°13'59", and being subtended by a chord which bears North 14°56'02" East a distance of 56.20 feet; thence

North 40°33'01" East tangent to said curve, a distance of 16.13 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 103.35 feet along the curve concave to the south, having a radius of 85.00 feet and a central angle of 69°39'54", and being subtended by a chord which bears North 75°22'58" East a distance of 97.10 feet; thence South 69°47'05" East tangent to said curve, a distance of 42.72 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 62.68 feet along the curve concave to the north, having a radius of 62.00 feet and a central angle of 57°55'22", and being subtended by a chord which bears North 81°15'14" East a distance of 60.04 feet; thence North 52°17'34" East tangent to said curve, a distance of 19.42 feet to the beginning of a curve tangent to said line; thence northernly a distance of 83.30 feet along the curve concave to the west, having a radius of 50.00 feet and a central angle of 95°27'06", and being subtended by a chord which bears North 04°34'00" East a distance of 73.99 feet; thence North 43°09'33" West tangent to said curve, a distance of 67.85 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 54.95 feet along the curve concave to the northeast, having a radius of 105.00 feet and a central angle of 29°59'08", and being subtended by a chord which bears North 28°09'59" West a distance of 105.00 feet; thence North 13°10'25" West tangent to said curve, a distance of 40.96 feet to the beginning of a curve tangent to said line; thence northernly a distance of 88.36 feet along the curve concave to the east, having a radius of 320.00 feet and a central angle of 15°49'16", and being subtended by a chord which bears North 05°15'47"West a distance of 88.08 feet; thence North 02°38'51" East tangent to said curve, a distance of 23.38 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 90.14 feet along the curve concave to the southeast, having a radius of 65.00 feet and a central angle of 79°27'07", and being subtended by a chord which bears North 42°22'25" East a distance of 83.09 feet; thence North 82°05'58" East tangent to said curve a distance of 2.80 feet to the beginning of a curve tangent to said line; thence easterly a distance of 96.28 feet along the curve concave to the south, having a radius of 120.00 feet and a central angle of 45°58'17", and being subtended by a chord which bears South 74°54'53" East a distance of 93.72 feet; thence South 51°55'45" East tangent to said curve, a distance of 91.21 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 96.40 feet along the curve concave to the north, having a radius of 55.00 feet and a central angle of 100°25'22", and being subtended by a chord which bears North 77°51'34" East a distance of 84.53 feet; thence North 27°38'53" East tangent to said curve, a distance of 79.37 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 8.63 feet along the curve concave to the west, having a radius of 10.00 feet and a central angle of 49°27'30", and being subtended by a chord which bears North 02°55'08" East a distance of 8.37 feet; thence North 21°48'37" West tangent to said curve, a distance of 7.46 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 75.54 feet along the curve concave to the southeast, having a radius of 44.00 feet and a central angle of 98°21'45", and being subtended by a chord which bears North 27°22'16" East a distance of 66.60 feet; thence North 76°33'08" East tangent to said curve, a distance of 73.48 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 55.86 feet along the curve concave to the northwest, having a radius of 50.00 feet and a central angle of 64°00'34", and being subtended by a chord which bears North 44°32'51" East a distance of 53.00 feet; thence North 12°32'34" East tangent to said curve, a distance of 10.64 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 48.51 feet along the curve concave to the west, having a radius of 75.00 feet and a central angle of 37°03'33", and being subtended by a chord which bears North 05°59'12" West a distance of 47.67 feet; thence North 24°30'59" West tangent to said curve, a distance of 22.35 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 21.11 feet along the curve concave to the east, having a radius of 75.00 feet and a central angle of 16°07'34", and being subtended by a chord which bears North 16°27'12" West a distance of 21.04 feet; thence North 08°23'25" West tangent to said curve, a distance of 34.52 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 69.97 feet along the curve concave to the east, having a radius of 105.00 feet and a central angle of 38°10'51", and being subtended by a chord which bears North 10°42'00" East a distance of 68.68 feet; thence North 29°47'26" East tangent to said curve, a distance of 54.84 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 198.77 feet along the curve concave to the south, having a radius of 100.50 feet and a central angle of 113°19'14", and being subtended by a chord which bears North 86°27'03" East a distance of 167.92 feet; thence South 36°53'20" East tangent to said curve, a distance of 55.73 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 63.09 feet along the curve concave to the northeast, having a radius of 275.00 feet and a central angle of 13°08'40", and being subtended by a chord which bears South 43°27'40" East a distance of 62.95 feet; thence South 50°02'01" East tangent to said curve, a distance of 61.98 feet to the beginning of a curve tangent to said line; thence southernly a distance of 79.06 feet along the curve concave to the west, having a radius of 55.00 feet and a central angle of 82°21'24", and being subtended by a

chord which bears South 08°51'19" East a distance of 72.42 feet; thence South 32°19'24" West tangent to said curve, a distance of 54.58 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 30.11 feet along the curve concave to the east, having a radius of 20.00 feet and a central angle of 86°14'52", and being subtended by a chord which bears South 10°48'03" East a distance of 27.34 feet; thence South 53°55'29" East tangent to said curve, a distance of 73.53 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 35.30 feet along the curve concave to the north, having a radius of 24.00 feet and a central angle of 84°16'23", and being subtended by a chord which bears North 83°56'20" East a distance of 32.20 feet; thence North 41°48'08" East tangent to said curve, a distance of 27.75 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 72.91 feet along the curve concave to the west, having a radius of 62.50 feet and a central angle of 66°50'15", and being subtended by a chord which bears North 08°23'01" East a distance of 68.84 feet; thence North 25°02'07" West tangent to said curve,a distance of 17.07 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 34.13 feet along the curve concave to the east, having a radius of 82.50 feet and a central angle of 23°42'02", and being subtended by a chord which bears North 13°11'06" West a distance of 33.88 feet; thence North 01°20'05" West tangent to said curve, a distance of 15.09 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 38.05 feet along the curve concave to the southwest, having a radius of 45.00 feet and a central angle of 48°26'28", and being subtended by a chord which bears North 25°33'19" West a distance of 36.92 feet; thence North 49°46'33" West tangent to said curve, a distance of 24.38 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 57.18 feet along the curve concave to the east, having a radius of 27.50 feet and a central angle of 119°07'42", and being subtended by a chord which bears North 09°47'18" East a distance of 47.42 feet; thence North 69°21'09" East tangent to said curve, a distance of 26.45 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 18.40 feet along the curve concave to the northwest, having a radius of 45.00 feet and a central angle of 23°25'17", and being subtended by a chord which bears North 57°38'30" East a distance of 18.27 feet; thence North 45°55'52" East tangent to said curve, a distance of 18.07 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 11.93 feet along the curve concave to the west, having a radius of 10.00 feet and a central angle of 68°19'47", and being subtended by a chord which bears North 11°45'58" East a distance of 11.23 feet; thence North 22°23'55" West tangent to said curve, a distance of 0.78 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 43.54 feet along the curve concave to the southwest, having a radius of 40.00 feet and a central angle of 62°22'19", and being subtended by a chord which bears North 53°35'05" West a distance of 41.43 feet; thence North 84°46'15" West tangent to said curve, a distance of 11.56 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 56.83 feet along the curve concave to the north, having a radius of 120.00 feet and a central angle of 27°08'03", and being subtended by a chord which bears North 71°12'13" West a distance of 56.30 feet; thence North 57°38'11" West tangent to said curve, a distance of 69.03 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 13.75 feet along the curve concave to the southwest, having a radius of 264.00 feet and a central angle of 2°59'05", and being subtended by a chord which bears North 59°07'44" West a distance of 13.75 feet; thence North 60°37'16" West tangent to said curve, a distance of 14.72 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 46.98 feet along the curve concave to the northeast, having a radius of 100.00 feet and a central angle of 26°54'57", and being subtended by a chord which bears North 47°09'48" West a distance of 46.55 feet; thence North 33°42'19" West tangent to said curve, a distance of 19.78 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 58.51 feet along the curve concave to the east, having a radius of 37.50 feet and a central angle of 89°23'25", and being subtended by a chord which bears North 10°59'24" East a distance of 52.75 feet; thence North 55°41'06" East tangent to said curve, a distance of 6.92 feet to the beginning of a curve tangent to said line; thence easterly a distance of 82.69 feet along the curve concave to the south having a radius of 70.00 feet and a central angle of 67°40'44", and being subtended by a chord which bears North 89°31'28" East a distance of 77.96 feet; thence South 56°38'10" East tangent to said curve, a distance of 29.50 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 148.91 feet along the curve concave to the north, having a radius of 85.00 feet and a central angle of 100°22'27", and being subtended by a chord which bears North 73°10'37" East a distance of 130.58 feet; thence North 22°59'23" East tangent to said curve, a distance of 29.07 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 47.19 feet along the curve concave to the southeast, having a radius of 63.48 feet and a central angle of 42°35'31", and being subtended by a chord which bears North 44°17'08" East a distance of 46.11 feet; thence radial to said curve North 12°32'05" West, a distance of 51.37 feet to the beginning of a curve tangent to said line; thence northerly a distance of 39.10 feet along the curve concave to the east,

having a radius of 97.50 feet and a central angle of 22°58'37", and being subtended by a chord which bears North 01°02'46" West a distance of 38.84 feet; thence North 10°26'33" East tangent to said curve, a distance of 25.30 feet, to a point on the northern right of way of South Carolina Highway 46 and leaving said Rose Dhu Creek; thence North 83°06'17" West, a distance of 1339.70 feet; thence leaving said northern right of way of South Carolina Highway 46 North 01°52'11" West, a distance of 2103.88 feet; thence North 83°31'58" East, a distance of 1183.65 feet; thence North 09°50'14" East, a distance of 2835.47 feet; thence South 85°26'05" West, a distance of 1645.95 feet, to a point said point being on the eastern right of way of Old Miller Road; thence North 12°22'31" East, a distance of 1225.63 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 528.91 feet along the curve concave to the southeast, having a radius of 825.00 feet and a central angle of 36°43'57", and being subtended by a chord which bears North 30°44'30" East a distance of 519.90 feet; thence North 49°06'29" East tangent to said curve, a distance of 1857.56 feet; thence leaving the eastern right of way of Old Miller Road South 89°29'21" East, a distance of 212.34 feet; thence South 86°09'22" East, a distance of 4302.32 feet; thence North 05°37'37" East, a distance of 4536.92 feet; thence North 84°43'42" West, a distance of 5049.90 feet; thence South 01°30'02" West, a distance of 4688.27 feet; thence South 89°24'43" East, a distance of 126.01 feet; thence along the western right of way of Old Miller Road South 49°06'29" West, a distance of 1801.00 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 560.97 feet along the curve concave to the southeast, having a radius of 875.00 feet and a central angle of 36°43'57", and being subtended by a chord which bears South 30°44'30" West a distance of 551.41 feet; thence South 12°21'31" West, a distance of 927.95 feet; thence leaving western right of way of Old Miller Road South 85°46'59" West, a distance of 768.31 feet; thence South 12°28'28" West, a distance of 317.97 feet; thence South 85°26'05" West, a distance of 301.06 feet; thence South 89°15'50" West, a distance of 976.22 feet; thence South 01°41'54" East, a distance of 489.94 feet; thence North 81°46'37" West, a distance of 6386.48 feet; thence North 08°40'42" East, a distance of 3473.08 feet; thence North 23°21'43" East, a distance of 3514.64 feet; thence South 89°01'44" West, a distance of 1126.88 feet; thence along the eastern right of way of South Carolina Highway 170 North 41°02'29" East, a distance of 1793.65 feet; thence leaving the eastern right of way South Carolina Highway 170 South 87°15'25" East, a distance of 3627.68 feet; thence North 22°27'50" East, a distance of 23.98 feet; thence South 89°06'42" East, a distance of 1915.55 feet; thence North 00°37'19" East, a distance of 6931.07 feet; thence South 84°30'01" East, a distance of 695.54 feet; thence North 04°56'11" East, a distance of 636.62 feet; thence South 84°34'36" East, a distance of 314.25 feet; thence North 08°57'11" East, a distance of 500.44 feet; thence South 79°15'58" East, a distance of 630.78 feet; thence South 79°04'10" East, a distance of 1176.74 feet along the southern right of way of U.S. Highway278; thence leaving southern right of way line of U.S. Highway 278 South 01°16'00" West, a distance of 4794.70 feet ; thence South 87°29'40" East, a distance of 3472.28 feet; thence North 00°47'05" East, a distance of 3229.02 feet; thence South 89°07'40" East, a distance of 1083.85 feet; thence North 11°01'24" East, a distance of 1656.81 feet; thence North 85°19'09" West, a distance of 1037.30 feet; thence South 89°03'00" West, a distance of 330.53 feet; thence North 04°12'53" East, a distance of 632.01 feet, to a point, said point being on the southern right of way of U.S. Highway 278 and also being the beginning of a curve radial to said line; thence easterly a distance of 14.76 feet along the curve of said right of way concave to the south having a radius of 3692.73 feet and a central angle of 0°13'45" and being subtended by a chord which bears South 89°07'27" East a distance of 14.76 feet; thence easterly along said curve, a distance of 14.76 feet; thence continuing along said right of way South 00°59'25" West radial to said curve a distance of 5.00 feet to the beginning of a curve radial to said line; thence easterly a distance 161.09 feet along the curve of said right of way of U.S. Highway 278 concaving to the south, having having a radius of 3687.74 feet and a central angle of 2°30'10" and being subtended by a chord which bears South 87°45'29" East a distance of 161.08 feet; thence South 86°30'24" East tangent to said curve, continuing along U.S. Highway 278 a distance of 4405.36 feet; thence leaving U.S. Highway 278 South 04°29'25" West, a distance of 525.53 feet; thence North 87°55'24" West, a distance of 565.03 feet; thence North 87°49'52" West, a distance of 264.33 feet; thence North 87°52'28" West, a distance of 280.78 feet; thence South 89°39'28" West, a distance of 201.72 feet; thence South 89°44'10" West, a distance of 733.17 feet; thence South 11°53'11" West, a distance of 3332.52 feet; thence North 73°23'42" West, a distance of 350.00 feet; thence South 28°02'42" West, a distance of 500.00 feet; thence South 08°06'45" West, a distance of 250.00 feet; thence South 43°41'08" West, a distance of 331.22 feet; thence South 13°35'35" West, a distance of 596.92 feet; thence South 04°57'34" East, a distance of 263.81 feet; thence South 45°11'38" East, a distance of 229.41 feet; thence South 76°47'29" East, a distance of 709.58 feet; thence South 32°11'51" East, a distance of 418.87 feet; thence South 10°01'23" East, a distance of 788.68 feet; thence South 22°35'18" West, a distance of 731.43 feet; thence South 26°23'37" West, a distance of 498.40 feet; thence South 09°16'07" East,

a distance of 217.10 feet; thence North 70°43'27" East, a distance of 464.56 feet to the beginning of a curve tangent to said line; thence easterly a distance of 199.13 feet along the curve concave to the south, having a radius of 433.00 feet and a central angle of 26°20'56", and being subtended by a chord which bears North 83°53'55" East a distance of 197.38 feet; thence South 82°55'37" East tangent to said curve, a distance of 344.75 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 202.32 feet along the curve concave to the north, having a radius of 317.00 feet and a central angle of 36°34'06", and being subtended by a chord which bears North 78°47'21" East a distance of 198.90 feet; thence North 60°30'18" East tangent to said curve, a distance of 718.10 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 212.64 feet along the curve concave to the southeast, having a radius of 883.00 feet and a central angle of 13°47'52", and being subtended by a chord which bears North 67°24'14" East a distance of 212.13 feet; thence North 74°18'10" East tangent to said curve, a distance of 893.86 feet; thence North 04°51'42" East, a distance of 430.33 feet; thence North 51°04'03" East, a distance of 819.97 feet; thence North 42°01'19" East, a distance of 968.36 feet; thence North 32°34'12" East, a distance of 403.70 feet; thence North 44°40'00" West, a distance of 851.85 feet; thence South 83°30'42" West, a distance of 979.83 feet; thence North 89°19'52" West, a distance of 588.08 feet; thence North 04°27'56" West, a distance of 694.62 feet; thence North 19°30'41" West, a distance of 346.78 feet; thence North 09°32'40" East, a distance of 140.01 feet; thence North 88°16'14" East, a distance of 770.19 feet; thence North 59°45'44" East, a distance of 399.78 feet; thence North 00°27'29" East, a distance of 449.22 feet; thence North 76°27'51" East, a distance of 1404.14 feet; thence North 00°32'31" East, a distance of 2162.92 feet, to a point on the southern right of way of U.S. Highway 278; thence along the southern right of way of U.S. Highway 278 South 57°09'44" East, a distance of 458.44 feet; thence leaving the southern right of way of U.S. Highway 278 South 29°42'42" West, a distance of 26.72 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 209.48 feet along the curve concave to the northwest, having a radius of 393.00 feet and a central angle of 30°32'25", and being subtended by a chord which bears South 44°58'55" West a distance of 207.01 feet, to a point of compound curvature; thence southwesterly a distance of 292.69 feet along the arc of said curve concave to the southeast having a radius of 268.13 feet and a central angle of 62°32'42" and being subtended by a chord which bears South 31°38'19" West a distance of 278.38 feet; thence tangent to said curve South 00°17'54" West, a distance of 244.96 feet; thence South 89°42'06" East, a distance of 427.05 feet; thence South 01°10'21" West, a distance of 844.26 feet; thence South 01°05'07" West, a distance of 439.43 feet; thence South 13°16'49" West, a distance of 1155.18 feet; thence South 05°26'26" East, a distance of 516.94 feet; thence South 24°09'41" East, a distance of 506.94 feet; thence South 24°09'41" East, a distance of 439.09 feet; thence South 16°30'03" West, a distance of 1150.92 feet; thence South 36°14'07" East, a distance of 471.56 feet; thence South 16°58'52" East, a distance of 471.49 feet; thence South 02°16'24" West, a distance of 1102.38 feet; thence South 89°43'14" East, a distance of 455.34 feet; thence South 06°19'14" West, a distance of 53.16 feet; thence South 11°21'07" West, a distance of 3374.08 feet; thence South 76°32'20" East, a distance of 637.93 feet; thence North 40°36'47" East, a distance of 1738.85 feet; thence South 61°00'46" East, a distance of 1801.80 feet; thence South 10°53'32" West, a distance of 2396.07 feet; thence North 78°41'24" West, a distance of 296.15 feet; thence South 10°51'21" West, a distance of 935.50 feet; thence South 62°19'54" West, a distance of 2143.27 feet; thence South 55°23'31" West, a distance of 274.25 feet; thence South 10°36'41" West, a distance of 838.68 feet; thence South 55°52'30" West, a distance of 1518.82 feet; thence South 11°41'11" West, a distance of 847.18 feet; thence South 56°02'07" West, a distance of 458.37 feet; thence South 11°42'20" West, a distance of 1255.69 feet, to a point on the northern right of way of South Carolina Highway 46; thence South 56°00'39" West, a distance of 872.01 feet along said right of way; thence leaving northern right of way of South Carolina Highway 46 to the beginning of a curve radial to said line; thence northwesterly a distance of 1933.18 feet along the curve concave to the east, having a radius of 1911.52 feet and a central angle of 57°56'42", and being subtended by a chord which bears North 05°06'23" West a distance of 1851.84 feet, to a point of reverse curvature; thence northeasterly a distance of 1725.69 feet along said curve concave to the west, having a radius of 4165.54 feet and a central angle of 23°44'11" to a point of cusp on a curve, from which the radius bears South 23°44'11" West, and being subtended by a chord which bears North 11°59'53" East a distance of 1713.38 feet; thence continuing along a distance of 244.92 feet along a compound curve concave to the west having a radius of 1243.00 feet and a central angle of 11°17'22" and being subtended by a chord which bears North 05°30'54" West a distance of 244.52 feet; thence North 11°09'35" West tangent to said curve a distance of 121.30 feet; to a point of cusp on a curve, from which the radius point bears North 78°50°25" East; thence northeasterly a distance of 49.96 feet along the arc of said curve concave to the southeast having a radius of 30.00 feet and a central angle of 95°24'26" and being subtended by a chord which bears North 36°32'38" East a distance of 44.38 feet to a point

of compound curvature; thence easterly a distance of 110.72 feet along the curve concave to the south, having a radius of 617.00 feet and a central angle of 10°16'53", and being subtended by a chord which bears North 89°23'18" East a distance of 110.57 feet; thence South 85°28'16" East tangent to said curve, a distance of 397.86 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 1117.34 feet along the curve concave to the north, having a radius of 1233.00 feet and a central angle of 51°55'16" and being subtended by a chord which bears North 68°34'06" East a distance of 1079.50 to a point of reverse curvature; thence northeasterly a distance of 330.28 feet along the curve concave to the southeast, having a radius of 1707.00 feet and a central angle of 11°05'09", and being subtended by a chord which bears North 48°09'03" East a distance of 329.76 feet; thence tangent to said curve North 53°45'23" East, a distance of 3.73 feet; thence North 39°32'27" West, a distance of 885.16 feet; thence North 51°35'55" East, a distance of 1272.15 feet; thence North 43°24'29" West, a distance of 566.11 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 817.88 feet along the curve concave to the south, having a radius of 958.00 feet and a central angle of 48°54'55", and being subtended by a chord which bears North 67°51'57" West a distance of 793.26 feet; thence South 87°40'36" West tangent to said curve, a distance of 445.42 feet to the beginning of a curve tangent to said line; thence westerly a distance of 203.05 feet along the curve concave to the north, having a radius of 1097.00 feet and a central angle of 10°36'20", and being subtended by a chord which bears North 87°01'15" West a distance of 202.76 feet; thence North 81°43'05" West tangent to said curve, a distance of 290.40 feet; thence North 81°43'05" West, a distance of 100.06 feet to the beginning of a curve radial to said line; thence a distance of 326.06 feet along the curve concave to the east having a radius of 1864.66 feet and a central angle of 10°01'08" and being subtended by a chord which bears South 05°12'40" West a distance of 325.65 feet; thence South 00°12'05" West tangent to said curve, a distance of 568.56 feet to the beginning of a curve tangent to said line; thence southerly a distance of 523.89 feet along the curve concave to the west, having a radius of 1950.00 feet and a central angle of 15°23'35", and being subtended by a chord which bears South 07°53'53" West a distance of 522.31 feet; thence South 15°35'41" West tangent to said curve, a distance of 260.02 feet to the beginning of a curve tangent to said line; thence southerly a distance of 957.25 feet along the curve concave to the east, having a radius of 2050.00 feet and a central angle of 26°45'15", and being subtended by a chord which bears South 02°13'03" West a distance of 948.57 feet; thence South 11°09'35" East tangent to said curve, a distance of 395.27 feet to the beginning of a curve tangent to said line; thence southerly a distance of 225.21 feet along the curve concave to the west, having a radius of 1143.00 feet and a central angle of 11°17'22", and being subtended by a chord which bears South 05°30'54" East a distance of 224.85 feet and also a point of compound curvature; thence southwesterly a distance of 1684.26 feet along the arc of said curve concave to the west having a radius of 4065.54 feet and a central angle of 23°44'11" and being subtended by a chord which bears South 11°59'53" West a distance of 1672.25 feet to a point of reverse curvature; thence southwesterly a distance 2034.15 feet along the curve concave to the east, having a radius of 2011.52 feet and a central angle of 57°56'26", and being subtended by a chord which bears South 05°06'15" East a distance of 1948.58 feet to a point said point being on the northern right of way of South Carolina Highway 46; thence South 56°00'39" West, a distance of 606.46 feet along said right of way; thence leaving the northern right of way of South Carolina Highway 46 North 33°20'10" West, a distance of 1599.71 feet; thence North 82°54'22" West, a distance of 3014.19 feet; thence South 13°51'44" West, a distance of 2740.95 feet to a point, said point being on the northern right of way of South Carolina Highway 46; thence North 83°06'16" West, a distance of 3127.61 feet along said right of way; thence leaving the northern right of way of South Carolina Highway 46 and running along the eastern edge of Rose Dhu Creek the following courses and distances; South 10°26'33" West, a distance of 25.76 feet to the beginning of a curve tangent to said line; thence southerly a distance of 36.09 feet along the curve concave to the east, having a radius of 90.00 feet and a central angle of 22°58'37", and being subtended by a chord which bears South 01°02'46" East a distance of 35.85 feet; thence South 12°32'05" East tangent to said curve, a distance of 59.26 feet; thence radial to said line, along an arc a distance of 47.10 feet concave to the southeast having a radius of 51.92 feet and a central angle of 51°58'32" and being subtended by a chord which bears South 48°58'39" West a distance of 45.50 feet; thence South 22°59'23" West tangent to said curve, a distance of 31.03 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 147.98 feet along the curve concave to the north, having a radius of 92.50 feet and a central angle of 91°39'50", and being subtended by a chord which bears South 68°49'18" West a distance of 132.70 feet; thence North 65°20'47" West tangent to said curve, a distance of 48.06 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 46.18 feet along the curve concave to the south, having a radius of 92.50 feet and a central angle of 28°36'06", and being subtended by a chord which bears North 79°38'50" West a distance of 45.70 feet; thence South 86°03'07" West tangent to said curve, a distance of 9.55 feet to the beginning of a

curve tangent to said line; thence southwesterly, a distance of 33.87 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 77°36'53", and being subtended by a chord which bears South 47°14'41" West a distance of 31.34 feet; thence South 08°26'14" West tangent to said curve, a distance of 12.38 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 19.59 feet along the curve concave to the northeast, having a radius of 15.00 feet and a central angle of 74°49'04", and being subtended by a chord which bears South 28°58'18" East a distance of 18.22 feet; thence South 66°22'49" East tangent to said curve, a distance of 17.89 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 17.99 feet along the curve concave to the southwest, having a radius of 40.00 feet and a central angle of 25°45'43", and being subtended by a chord which bears South 53°29'58" East a distance of 17.83 feet; thence South 40°37'06" East tangent to said curve, a distance of 30.78 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 33.34 feet along the curve concave to the northeast, having a radius of 100.00 feet and a central angle of 19°06'08", and being subtended by a chord which bears South 50°10'10" East a distance of 33.19 feet; thence South 59°43'14" East tangent to said curve, a distance of 82.95 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 32.79 feet along the curve concave to the north, having a radius of 75.00 feet and a central angle of 25°03'01", and being subtended by a chord which bears South 72°14'44" East a distance of 32.53 feet; thence South 84°46'15" East tangent to said curve, a distance of 3.08 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 51.71 feet along the curve concave to the southwest, having a radius of 47.50 feet and a central angle of 62°22'19", and being subtended by a chord which bears South 53°35'05" East a distance of 49.19 feet; thence South 22°23'55" East tangent to said curve a distance of 0.78 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 20.87 feet along the curve concave to the west, having a radius of 17.50 feet and a central angle of 68°19'47" and being subtended by a chord which bears South 11°45'58" West a distance of 19.66 feet; thence South 45°55'52" West tangent to said curve, a distance of 18.07 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 21.46 feet along the curve concave to the northwest, having a radius of 52.50 feet and a central angle of 23°25'17", and being subtended by a chord which bears South 57°38'30" West a distance of 21.31 feet; thence South 69°21'09" West tangent to said curve, a distance of 26.04 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 40.87 feet along the curve concave to the east, having a radius of 20.00 feet and a central angle of 117°05'47", and being subtended by a chord which bears South 10°48'16" West a distance of 34.12 feet; thence South 47°44'38" East tangent to said curve, a distance of 27.27 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 42.52 feet along the curve concave to the southwest, having a radius of 52.50 feet and a central angle of 46°24'32", and being subtended by a chord which bears South 24°32'21" East a distance of 41.37 feet; thence South 01°20'05" East tangent to said curve, a distance of 16.32 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 30.50 feet along the curve concave to the east, having a radius of 75.00 feet and a central angle of 23°17'58", and being subtended by a chord which bears South 12°59'04" East a distance of 30.29 feet; thence South 24°38'03" East tangent to said curve, a distance of 16.66 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 78.27 feet along the curve concave to the west, having a radius of 67.50 feet and a central angle of 66°26'11", and being subtended by a chord which bears South 08°35'02" West a distance of 73.96 feet; thence South 41°48'08" West tangent to said curve, a distance of 29.70 feet to the beginning of a curve tangent to said line; thence westerly a distance of 43.88 feet along the curve concave to the north, having a radius of 30.00 feet and a central angle of 83°48'11", and being subtended by a chord which bears South 83°42'13" West a distance of 40.07 feet; thence North 54°23'41" West tangent to said curve, a distance of 75.20 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 38.21 feet along the curve concave to the east, having a radius of 25.00 feet and a central angle of 87°34'37", and being subtended by a chord which bears North 10°36'23" West a distance of 34.60 feet; thence North 33°10'56" East tangent to said curve, a distance of 54.33 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 72.65 feet along the curve concave to the west, having a radius of 50.00 feet and a central angle of 83°14'46", and being subtended by a chord which bears North 08°26'27" West a distance of 66.42 feet; thence North 50°03'50" West tangent to said curve, a distance of 68.52 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 67.64 feet along the curve concave to the northeast, having a radius of 295.00 feet and a central angle of 13°08'17", and being subtended by a chord which bears North 43°29'42" West a distance of 67.50 feet; thence North 36°55'34" West tangent to said curve, a distance of 46.61 feet to the beginning of a curve tangent to said line; thence westerly a distance of 181.90 feet along the curve concave to the south, having a radius of 92.00 feet and a central angle of 113°17'00", and being subtended by a chord which bears South 86°25'56" West a distance of 153.69 feet ;

thence South 29°47'26" West tangent to said curve, a distance of 51.52 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 65.08 feet along the curve concave to the east, having a radius of 100.00 feet and a central angle of 37°17'16", and being subtended by a chord which bears South 11°08'48" West a distance of 63.94 feet; thence South 07°29'50" East tangent to said curve, a distance of 32.28 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 27.77 feet along the curve concave to the east, having a radius of 95.00 feet and a central angle of 16°45'02", and being subtended by a chord which bears South 15°52'21" East a distance of 27.67 feet; thence South 24°14'52" East tangent to said curve, a distance of 27.26 feet to the beginning of a curve tangent to said line; thence southeasterly and a distance of 45.67 feet along the curve concave to the west, having a radius of 70.00 feet and a central angle of 37°22'39", and being subtended by a chord which bears South 05°33'32" East a distance of 44.86 feet; thence South 13°07'47" West tangent to said curve, a distance of 22.28 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 70.59 feet along the curve concave to the northwest, having a radius of 62.00 feet and a central angle of 65°13'57", and being subtended by a chord which bears South 45°44'46" West a distance of 66.84 feet; thence South 78°21'44" West tangent to said curve, a distance of 71.55 feet to the beginning of a curve tangent to said line; thence southwesterly and a distance of 43.18 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 98°57'38", and being subtended by a chord which bears South 28°52'55" West a distance of 38.01 feet; thence South 20°35'54" East tangent to said curve, a distance of 12.23 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 21.62 feet along the curve concave to the west, having a radius of 25.00 feet and a central angle of 49°32'51", and being subtended by a chord which bears South 04°10'32" West a distance 20.95 feet; thence South 28°56'57" West tangent to said curve, a distance of 75.21 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 121.46 feet along the curve concave to the north, having a radius of 70.00 feet and a central angle of 99°25'10", and being subtended by a chord which bears South 78°39'32" West a distance of 106.79 feet; thence North 51°37'53" West tangent to said curve, a distance of 91.18 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 75.56 feet along the curve concave to the south, having a radius of 100.00 feet and a central angle of 43°17'27", and being subtended by a chord which bears North 73°16'37" West a distance of 73.77 feet; thence South 85°04'40" West tangent to said curve, a distance of 9.13 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 54.52 feet along the curve concave to the southeast, having a radius of 45.00 feet and a central angle of 69°25'11", and being subtended by a chord which bears South 50°22'04" West a distance of 51.25 feet ; thence South 15°39'29" West tangent to said curve, a distance of 1.74 feet to the beginning of a curve tangent to said line; thence southerly a distance of 101.57 feet along the curve concave to the east, having a radius of 200.00 feet and a central angle of 29°05'51", and being subtended by a chord which bears South 01°06'33" West a distance of 100.48 feet ; thence South 13°26'22" East tangent to said curve, a distance of 61.45 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 66.33 feet along the curve concave to the northeast, having a radius of 120.00 feet and a central angle of 31°40'18", and being subtended by a chord which bears South 29°16'31" East a distance of 65.49 feet ; thence South 45°06'40" East tangent to said curve, a distance of 66.25 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 76.62 feet along the curve concave to the west, having a radius of 45.00 feet and a central angle of 97°33'39", and being subtended by a chord which bears South 03°40'09" West a distance 67.70 feet; thence South 52°26'59" West tangent to said curve, a distance of 53.68 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 76.52 feet along the curve concave to the north, having a radius of 85.00 feet and a central angle of 51°34'41", and being subtended by a chord which bears South 78°14'19" West a distance of 73.96 feet; thence North 75°58'20" West tangent to said curve, a distance of 53.20 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 123.46 feet along the curve concave to the southeast, having a radius of 60.00 feet and a central angle of 117°53'50", and being subtended by a chord which bears South 45°04'45" West a distance of 102.80 feet; thence South 13°52'10" East tangent to said curve, a distance of 87.23 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 64.40 feet along the curve concave to the northeast, having a radius of 70.00 feet and a central angle of 52°42'52", and being subtended by a chord which bears South 40°13'36" East a distance of 62.16 feet; thence South 66°35'02" East tangent to said curve, a distance of 26.44 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 113.37 feet along the curve concave to the southwest, having a radius of 360.00 feet and a central angle of 18°02'38", and being subtended by a chord which bears South 57°33'43" East a distance of 112.90 feet; thence South 48°32'24" East tangent to said curve, a distance of 137.59 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 95.56 feet along the curve concave to the northeast, having a radius of 355.00 feet and a central

angle of 15°25'21", and being subtended by a chord which bears South 56°15'05" East a distance of 95.27 feet; thence South 63°57'45" East tangent to said curve, a distance of 56.08 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 159.38 feet along the curve concave to the north, having a radius of 165.00 feet and a central angle of 55°20'34", and being subtended by a chord which bears North 88°21'58" East a distance 153.25 feet; thence North 60°41'41" East tangent to said curve, a distance of 107.48 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 182.36 feet along the curve concave to the south, having a radius of 205.00 feet and a central angle of 50°58'03", and being subtended by a chord which bears North 86°10'43" East a distance of 176.40 feet; thence South 68°20'16" East tangent to said curve, a distance of 98.35 feet to the beginning of a curve tangent to said line; thence easterly a distance of 621.96 feet along the curve concave to the north, having a radius of 1200.00 feet and a central angle of 29°41'48", and being subtended by a chord which bears South 83°11'09" East a distance of 615.02 feet; thence North 81°57'57" East tangent to said curve, a distance of 223.68 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 168.22 feet along the curve concave to the south, having a radius of 163.00 feet and a central angle of 59°07'56", and being subtended by a chord which bears South 68°28'05" East a distance of 160.86; thence South 38°54'08" East, a distance of 6.16 feet to the beginning of a curve tangent to said line; thence southerly a distance of 303.67 feet along the curve concave to the west having a radius of 225.00 feet and a central angle of 77°19'42" , and being subtended by a chord which bears South 00°14'17" East a distance of 281.14 feet; thence South 38°25'34" West tangent to said curve, a distance of 266.56 feet to the beginning of a curve tangent to said line; thence southeasterly 99.64 feet along the curve concave to the east, having a radius of 40.00 feet and a central angle of 142°43'29" and being subtended by a chord which bears South 33°20'46" East a distance of 75.80 feet; thence North 75°17'30" East tangent to said curve, a distance of 238.86 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 536.65 feet along the curve concave to the south, having a radius of 525.00 feet and a central angle of 58°34'00", and being subtended by a chord which bears North 75°25'30" West a distance of 513.59 feet; thence South 46°08'30" East tangent to said curve, a distance of 19.84 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 107.72 feet along the curve concave to the southwest, having a radius of 159.00 feet and a central angle of 38°49'02", and being subtended by a chord which bears South 26°43'59" East a distance of 105.67 feet; thence South 07°19'28" East tangent to said curve, a distance of 115.57 feet, to a point said point being on the thread of the May River; thence turning along the thread of the May River, along a radial curve an arc distance of 59.59 feet concave to the south having a radius of 550.00 feet and a central angle of 6°12'29" and being subtended by a chord which bears South 85°46'47" West a distance of 59.56 feet, to a point, said point being that same Point of Beginning.

This Tract contains 5688.37 Acres more of less as shown on Exhibit "b" titled Proposed Annexation of a portion of the Buckwalter Tract, dated 1/26/00 by Thomas & Hutton Engineering Co.

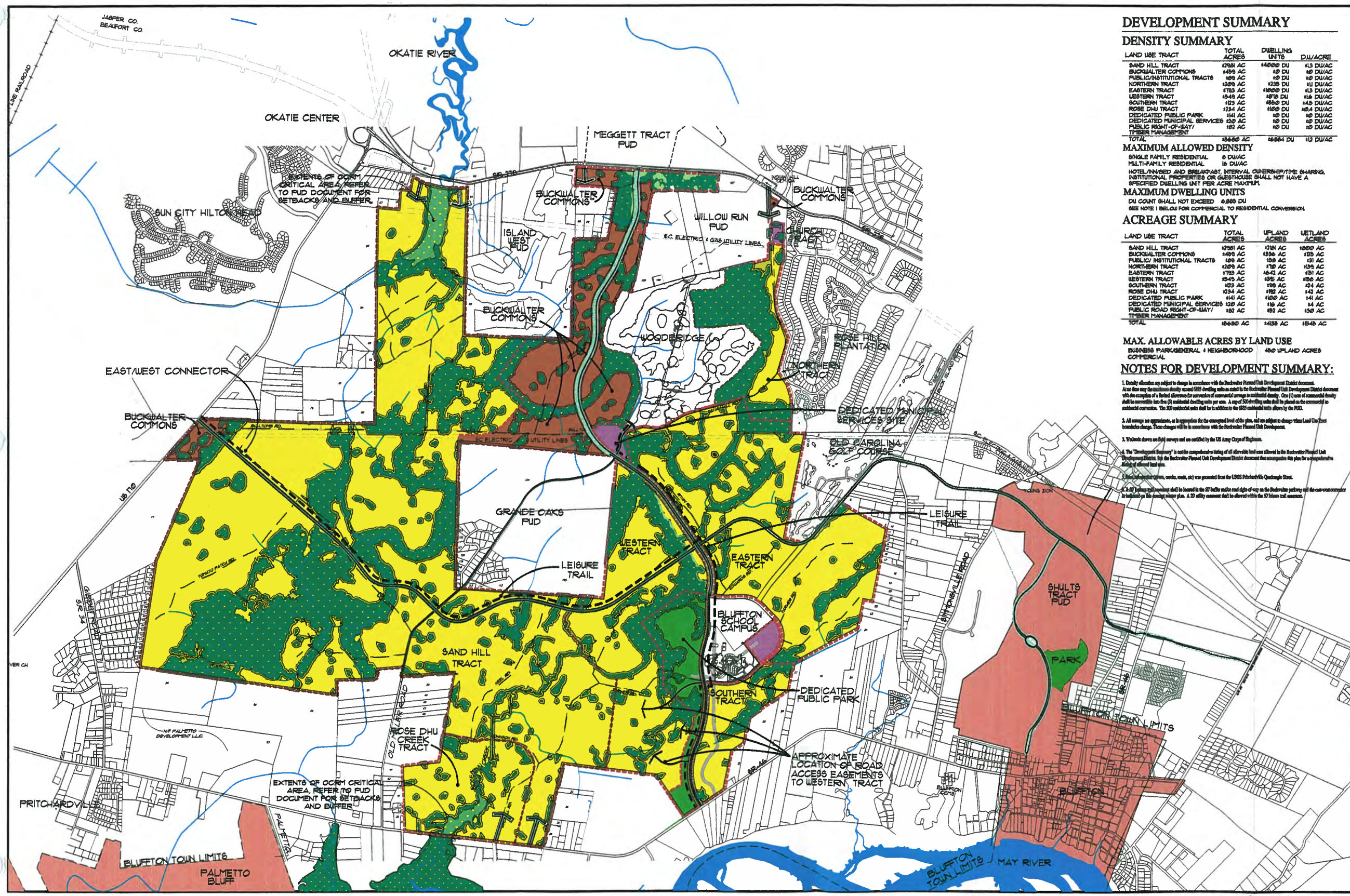
EXHIBIT "C"

BUCKWALTER PLANNED UNIT

DEVELOPMENT CONCEPT PLAN

DATED

APRIL 19, 2000



DEVELOPMENT SUMMARY

DENSITY SUMMARY

LAND USE TRACT	TOTAL ACRES	DWELLING UNITS	DU/ACRE
SAND HILL TRACT	2981 AC	4000 DU	1.3 DU/AC
BUCKWALTER COMMONS	1496 AC	0 DU	0 DU/AC
PUBLIC/INSTITUTIONAL TRACTS	189 AC	0 DU	0 DU/AC
NORTHERN TRACT	2098 AC	2335 DU	1.1 DU/AC
EASTERN TRACT	1783 AC	1900 DU	1.3 DU/AC
WESTERN TRACT	1549 AC	1870 DU	1.6 DU/AC
SOUTHERN TRACT	123 AC	550 DU	4.5 DU/AC
ROSE DHU TRACT	234 AC	1100 DU	4.9 DU/AC
DEDICATED PUBLIC PARK	141 AC	0 DU	0 DU/AC
DEDICATED MUNICIPAL SERVICES	120 AC	0 DU	0 DU/AC
PUBLIC RIGHT-OF-WAY/ TIMBER MANAGEMENT	183 AC	0 DU	0 DU/AC
TOTAL	8688 AC	10884 DU	1.3 DU/AC

MAXIMUM ALLOWED DENSITY

SINGLE FAMILY RESIDENTIAL 8 DU/AC
MULTI-FAMILY RESIDENTIAL 16 DU/AC

HOTEL/MUSEO AND BREAKFAST, INTERVAL OWNERSHIP/TIME SHARING, INSTITUTIONAL PROPERTIES OR GUESTHOUSE SHALL NOT HAVE A SPECIFIED DWELLING UNIT PER ACRE MAXIMUM.

MAXIMUM DWELLING UNITS

DU COUNT SHALL NOT EXCEED 6,885 DU
SEE NOTE 1 BELOW FOR COMMERCIAL TO RESIDENTIAL CONVERSION.

ACREAGE SUMMARY

LAND USE TRACT	TOTAL ACRES	UPLAND ACRES	WETLAND ACRES
SAND HILL TRACT	2981 AC	2781 AC	1800 AC
BUCKWALTER COMMONS	1496 AC	1336 AC	159 AC
PUBLIC/ INSTITUTIONAL TRACTS	189 AC	158 AC	31 AC
NORTHERN TRACT	2098 AC	1719 AC	139 AC
EASTERN TRACT	1783 AC	1543 AC	191 AC
WESTERN TRACT	1549 AC	1361 AC	188 AC
SOUTHERN TRACT	123 AC	99 AC	24 AC
ROSE DHU TRACT	234 AC	192 AC	42 AC
DEDICATED PUBLIC PARK	141 AC	100 AC	41 AC
DEDICATED MUNICIPAL SERVICES	120 AC	116 AC	4 AC
PUBLIC ROAD RIGHT-OF-WAY/ TIMBER MANAGEMENT	182 AC	153 AC	130 AC
TOTAL	8688 AC	7458 AC	1348 AC

MAX. ALLOWABLE ACRES BY LAND USE

BUSINESS PARK/GENERAL & NEIGHBORHOOD COMMERCIAL 480 UPLAND ACRES

NOTES FOR DEVELOPMENT SUMMARY:

1. Density allocation are subject to change in accordance with the Buckwalter Planned Unit Development District document. At no time may the maximum density exceed 6885 dwelling units as stated in the Buckwalter Planned Unit Development District document with the exception of a limited allowance for conversion of commercial acreage to residential density. One (1) acre of commercial density shall be convertible into five (5) residential dwelling units per acre. A cap of 300 dwelling units shall be placed on the commercial to residential conversion. The 300 residential units shall be in addition to the 6885 residential units allowed by the PUD.

2. All acreage are approximate, as is appropriate for the conceptual level of the plan, and are subject to change when Land Use Tract boundaries change. These changes will be in accordance with the Buckwalter Planned Unit Development.

3. Wetlands shown are field surveys and are certified by the US Army Corps of Engineers.

4. The "Development Summary" is not the comprehensive listing of all allowable land uses allowed in the Buckwalter Planned Unit Development District. See the Buckwalter Planned Unit Development District document that accompanies this plan for a comprehensive listing of allowed land uses.

5. Road, Geographic (rivers, creeks, roads, etc) was generated from the USGS Pritchardville Quadrangle Sheet.

6. A 50' Leisure Trail easement shall be located in the 50' buffer under road right-of-way on the Buckwalter parkway and the east-west connector in addition to the design master plan. A 30' utility easement shall be allowed within the 50' leisure trail easement.

CONCEPT MASTER PLAN

For:

Buckwalter

PLANNED UNIT DEVELOPMENT

Bluffton, South Carolina

Prepared For:

Branigar Organization
Savannah, Georgia

BRANIGAR
The Branigar Organization, Inc.

A company of INTERNATIONAL PAPER

Prepared By:

Wood+Partners, Inc.
Landscape Architects/Land Planners
Hilton Head Island, South Carolina

Thomas & Hutton Engineering Co.
Civil Engineers
Savannah, Georgia

LEGEND:

- PROPOSED ROADS/ACCESS POINTS
- EXISTING DIRT ROADS
- EXISTING PAVED ROADS
- STREAMS / WATER CHANNELS
- LAND USE TRACT LIMIT
- LEISURE TRIAL

PUD LAND USE AREAS

- RESIDENTIAL
- COMMERCIAL
- PUBLIC/INSTITUTIONAL
- WETLANDS
- TIMBER MANAGEMENT
- BLUFFTON TOWN LIMITS
- DEDICATED PUBLIC PARK

0 ½ 1
MILEAGE
0 500 1000 2000 3000 4000

NORTH

SCALE: 1"=1000'
DATE: January 2000
REVISED: March 2000 REVISED: April 2000

EXHIBIT "D"

DEVELOPMENT SCHEDULE

EXHIBIT D

BUCKWALTER PUD
DEVELOPMENT SCHEDULE

Year	# Homes
2000	0
2005	1,600
2010	3,030
2015	4,190
2020	5,440
2025	6,425
2030	6,885

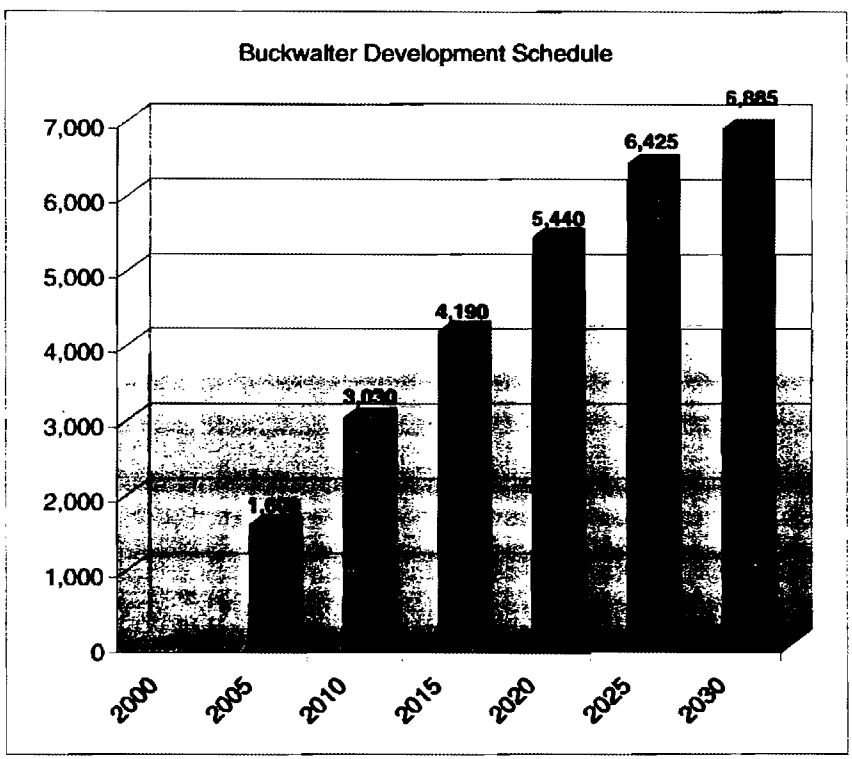


EXHIBIT "E"

LETTER AGREEMENT

EXHIBIT E

FILE 48

THE BRANIGAR ORGANIZATION, INC.
145 PALMETTO BLUFF ROAD
BLUFFTON SC 29910
PHONE 843 706 4000
FAX 843 757 8047

June 24, 1999

The Honorable Leonard M. Tinnan
County Council of Beaufort County
Post Office Drawer 1228
Beaufort, South Carolina 29901

RE: BUCKWALTER PARKWAY

Dear Len:

Please allow this letter to serve as an outline of the terms and conditions under which International Paper Company ("International Paper") in and through it's land holding subsidiary SP Forests L.L.C. ("SP Forests) is willing to convey to Beaufort County ("Beaufort County") the necessary right-of-way for the construction of the Buckwalter Parkway ("Buckwalter Parkway") from its intersection with U.S. 278 to the Bluffton School Site adjacent to South Carolina Highway 46.

More specifically, International Paper agrees to have SP Forests convey the Buckwalter Parkway right-of-way to Beaufort County upon the following terms and conditions, to wit:

1. Conveyance of Right-of-Way. SP Forests will convey, by appropriate Limited Warranty Deed, a right-of-way one hundred twenty (120) feet in width running from the intersection of the proposed Buckwalter Parkway and the southern right-of-way of U.S. 278 for a linear distance of approximately eleven thousand nine hundred (11,900) feet running in a generally southerly direction to the Bluffton School Campus as shown on the conceptual plan attached as Exhibit "A" prepared by Thomas & Hutton Engineering Co.

   SP Forests would likewise convey to Beaufort County, twenty (20) foot wide, non-exclusive, drainage and road-way maintenance easements on either side of the Buckwalter Parkway. SP Forests will reserve the right to grant other non-exclusive easements to other parties and utility providers within such twenty (20) foot wide easements for utility construction and maintenance.

   The actual conveyance from SP Forests to Beaufort County will occur at such time as Beaufort County has completed each of the following:

   a. Secured all necessary funding for construction of the Buckwalter Parkway.

   b. Obtained all necessary permits to commence construction of the Buckwalter Parkway.

2. Right-of-Way Valuation. The right-of-way to be conveyed by SP Forests consists of a contiguous tract containing 32.78 acres valued at Eleven Thousand and 00/100 ($11,000.00) Dollars per acre for a total valuation of Three Hundred Sixty Thousand Five Hundred Eighty and 00/100 ($360,580.00) Dollars.

3. Engineering and Surveying Expenses. In addition to the conveyance of the right-of-way, International Paper or The Branigar Organization, Inc. ("Branigar"), the land development subsidiary of International Paper, will pay all fees to Thomas & Hutton Engineering Company for surveying and engineering and design services required for the preparation of a final plat and all engineering services required for the preparation of the final construction plans for the Buckwalter Parkway. The estimated fee from Thomas & Hutton is approximately One Hundred Eighty-Five Thousand and 00/100 ($185,000.00) Dollars.

   Branigar will likewise secure the necessary wetlands delineations for any designated wetlands across which the Buckwalter Parkway will be constructed with Beaufort County to be responsible for all wetlands permitting.

4. Maintenance Obligations. International Paper, SP Forests, and Branigar, their successors and assigns, will have no obligations whatsoever for any construction or maintenance costs incident to the Buckwalter Parkway.

5. Curb and Median Cuts Along Parkway. SP Forests and Beaufort County agree that the Buckwalter Parkway will be a limited access road, and as such, individual homes will not be allowed to have direct driveway access on the Buckwalter Parkway.

   Access to specific parcels sold to others or developed by SP Forests or Branigar, including residential, recreational or commercial uses will be established by way of single, and in some cases, due to size, multiple curb cuts along the Buckwalter Parkway.

   The road shall be considered an Arterial Road as defined by the Beaufort County Zoning and Development Standards Ordinance ("ZDSO") and shall, therefore, not have residential or non-residential curb cuts at a spacing less than 800 feet. Should the existence of jurisdictional wetlands adjacent to the roadway preclude compliance with this separation, Beaufort County will give reasonable relief from this provision. Driveways to individual, single-family residences shall not be permitted.

   SP Forests or Branigar will be responsible for the construction of all such curb cuts and will coordinate construction activities incident thereto with Beaufort County.

   All curb cuts designated by SP Forests or Branigar will be constructed in conformity with the standards established by the South Carolina Department of Transportation ("SCDOT").

   The proposed design of the Buckwalter Parkway will clearly show all median cuts to be constructed along such Parkway with the location and intervals of such median cuts to be mutually agreed upon by SP Forests, Branigar and Beaufort County.

6. Signage. Branigar and Beaufort County agree to cooperate in good faith to establish universal signage for the Buckwalter Parkway in conformity with the provisions of the ZDSO to ensure an aesthetically pleasing and complementary sign program for the Buckwalter Parkway and subsequent development activities upon the lands of SP Forests and the lands of all other property owners who utilize the Buckwalter Parkway.

7. Tree Removal. International Paper will harvest all standing pine and hardwood timber within the proposed right-of-way and will coordinate the harvest schedule with Beaufort County.

International Paper will have no obligation for stump removal and will only be obligated to use best management practices incident to such timber harvesting activities.

8. Obligations of Beaufort County.

a Beaufort County will obtain all necessary permits and approvals for and will bear the entire cost of the construction of the Buckwalter Parkway from the intersection of the Villages at Buckwalter access road and that portion of the Buckwalter Parkway currently being constructed by Branigar to the Bluffton School Campus, subject to the right of Beaufort County to apportion such construction costs among all of the property owners who will utilize such Buckwalter Parkway other than International Paper, SP Forests and Branigar in recognition of the contributions herein described.

b. Beaufort County shall likewise undertake all maintenance obligations for such Buckwalter Parkway subject to the express right of Beaufort County to transfer or convey the Buckwalter Parkway to the SCDOT and to negotiate for the assumption of such maintenance and repair obligations with SCDOT or any other governmental entity.

c. In the event that the Buckwalter Parkway is conveyed or dedicated to SCDOT or any other governmental entity, the terms and conditions of this Letter Agreement will be fully binding upon such successor(s) in interest to Beaufort County.

d. Beaufort County further covenants and agrees to immediately enact the necessary legislation to issue general obligation bonds, the proceeds from which will be utilized to construct the Buckwalter Parkway as herein described.

9. Right of Re-entry By SP Forests. Beaufort County herewith acknowledges and agrees that, in the event Beaufort County has not commenced construction on the Buckwalter Parkway as herein described by December 1, 1999, then and upon such failure to commence construction, SP Forests will have the right to re-enter and re-take title to the right-of-way together with any easements granted herein.

For purposes of this Agreement, the term "commenced construction" shall mean the letting of contracts and the on-site clearing of vegetation and the movement of dirt.

The deed of conveyance will set forth the specific terms of such right of re-entry in favor of SP Forests.

10. Notices. The delivery of any item and the giving of notice in compliance with this Agreement shall be accomplished in writing by personal delivery or by registered or certified mail addressed to the parties at the addresses set forth below:

International Paper, SP Forests and Branigar:

Charles S. Mitchell
The Branigar Organization, Inc.
145 Palmetto Bluff Road
Bluffton, South Carolina 29910

With a required copy to:

James R. Kobleur, Esquire
Legal Department
International Paper Company
Post Office Box 1391
Savannah, Georgia 31402

And to:

James P. Scheider, Jr., Esquire
Jones, Scheider & Patterson, P.A.
Post Office Drawer 7049
Hilton Head Island, South Carolina 29938

Beaufort County:

John J. Kachmar, Jr.
County Administrator
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

With a required copy to:

Ladson F. Howell, Esquire
County Attorney
Post Office Box 40
Beaufort, South Carolina 29901-0040

Any notice given in accordance with the provisions of this section shall be deemed to be effective, if personally delivered, on the date of such delivery, or if mailed by registered or certified mail, on the date upon which the return receipt is signed or delivery is refused. Each party may give notice as to the other party of a change in its address for the purpose of giving notice under this section, which thereafter, until change by like notice, shall be the address of such party for all purposes of this Agreement.

I believe the foregoing terms and conditions accurately reflect the discussions we have had to-date. I would ask that you submit this letter for subsequent review and approval by Beaufort County and thereafter provide me with a fully executed copy of this Letter Agreement for inclusion in my files.

Again, on behalf of International Paper Company, SP Forests L.L.C. and The Branigar Organization, Inc., we extend to you and the other members of the Beaufort County Council the willingness of our two (2) organizations to fully cooperate to ensure the prompt design and construction of the Buckwalter Parkway.

I am

Sincerely,

THE BRANIGAR ORGANIZATION, INC.

Charles S. Mitchell

station1\myfiles\jps[21]\tinnan buckwalterpkwy

cc The Honorable H. Emmett McCracken, Jr.
The Honorable Barry W. Connor

The terms and conditions as herein set forth are accepted on behalf of Beaufort County as of this 13th day of ~~June~~ July, 1999.

Frank Brafman
Chairman - Beaufort County Council

EXHIBIT "F"

EQUITABLE OWNERS

EXHIBIT "F"

Equitable Owners of Portions of Buckwalter PUD

Foxfield Realty
Legacy Group

BUCKWALTER

PLANNED UNIT DEVELOPMENT

CONCEPT PLAN

Bluffton Township, South Carolina

Prepared For:

The Branigar Organization, Inc.
An International Paper Company

Submitted to:
The Town of Bluffton Town Council

JANUARY, 2000

J-12850

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Exhibit A – Buckwalter Concept Master Plan and Development Schedule

Exhibit B – Buckwalter Boundary and Legal Description

Exhibit C – Buckwalter 1999 Aerial Photograph

Exhibit D – Buckwalter Adjacent Property Owners

Exhibit E – Buckwalter Cultural Resources

Exhibit F - Topography

Exhibit G – Buckwalter Flood Hazard Zones

Exhibit H – Buckwalter Wetlands

Exhibit I – Buckwalter Endangered Species Report

Exhibit J – Service Letter from BJWSA

Exhibit K – Service Letters from Palmetto Electric Cooperative and SCE&G

Exhibit L – Service Letter from Bluffton Telephone Company

Exhibit M – Traffic Study Program

Attachment 1 – Development Standards for The Branigar Organization, Inc. Lands Annexed into Town of Bluffton

Tab 1 - Introduction

Tab 2 - Development Standards Ordinance 90/3 Modifications

Tab 3 - Development Standards Ordinance 90/3

Tab 4 - Modifications to 5.8

Tab 5 - Town of Bluffton 5.8 Planned Unit Development Ordinance

Tab 6 - Modifications to Article IX

Tab 7 - Article IX Sign Control

SECTION 1

57

INTRODUCTION AND NARRATIVE OF INTENT

A. THE BRANIGAR ORGANIZATION, INC. AND THE LAND

International Paper is a forest products company having sizable land holdings in the Southeastern portion of the United States. Fifty thousand (50,000) acres of these lands are in Beaufort and Jasper Counties, South Carolina. The Branigar Organization, Inc., an International Paper Company (Branigar), has the long range planning responsibility for lands such as these, which lie in the path of growth. Branigar's mission with respect to the Beaufort and Jasper County properties is to review the holdings in their entirety and to come forth with approaches to land stewardship which consistently include patient land ownership, carefully planned development, and continued forestry on some portions of the lands.

B. A LONG-TERM VISION

In 1990, Branigar initiated a long-range land planning effort with the objective of carefully blending positive development activities, logical absorption, continued forestry, and a high degree of environmental sensitivity. A highly competent team of professionals developed the land use plan for the properties. Since that time, Branigar has pursued a number of in-depth studies relating to specific land holdings upon which the company believes that reasonable development activity could occur within the near term. The Shults Tract and Palmetto Bluff Tract were annexed into the Town of Bluffton in 1998, as a result of a twenty-month process. Bluffton's 1999 Comprehensive Plan recognizes the Buckwalter Tract, on the western boundary of town, as a natural addition to the Town.

C. EXPLORATION OF MUTUAL INTERESTS

In early 1997, representatives of the Town of Bluffton approached Branigar about the prospects of annexing company properties into the Town. The annexation process was openly discussed and debated for over a year, culminating in a referendum. A clear majority of town residents supported annexation and the process was completed in November, 1998 when the Shults Tract and Palmetto Bluff became part of Bluffton. Responsible growth of the Town of Bluffton is a mutual interest of the Town and Branigar.

The Buckwalter Tract is a key property for the Town. The new school campus (donated by Branigar) is located on the tract and major transportation corridors such as the Buckwalter Parkway and East/West Connector cross the property.

The 5,680-acre tract comprises the majority of the land between the original town limits and Palmetto Bluff and the Jones Estate to the west. Representatives of the 4,000 acre Jones Estate petitioned Bluffton in July 1999, to annex their property into the Town.

D. THE PROPERTY

The Buckwalter Tract is located in Beaufort County, west of the Town of Bluffton. The property has frontage on U.S. Highway 278 to the north, SC Highway 170 to the west, and SC Highway 46 to the south. The eastern boundary is separated from Buck Island Road by a number of properties most notable of which are Rose Hill and Island West. Exhibit B depicts the boundary of the subject property.

The Buckwalter Tract is owned by International Paper. The property is an active timber forest producing pulpwood for the mill in Savannah. Exhibit C is a 1999 aerial photograph of the property. The photograph is included to demonstrate the pine plantation and lack of structures on the property.

The tract is approximately 5,680 acres consisting of 4,140 acres of upland and 1,475 acres of freshwater wetlands. Both the Okatie River and Rose Dhu Creek originate on site and account for 58 acres of critical area on the property. Exhibit H shows the freshwater wetlands on the site. The wetland delineation was verified by the U.S. Army Corps of Engineers and a copy of their letters are included with Exhibit H. Soils on the property range from well-drained sandy soils to poorly drained soils.

Exhibit D depicts the Buckwalter boundary and adjacent parcels. The property owners are listed on Exhibit D. The land surrounding the Buckwalter property is predominantly single-family uses or undeveloped rural land. The Beaufort County School District owns 120 acres of land where an elementary school is already open and a middle school is almost completed. Prior to the annexation petition, Branigar sold 330 acres to CraftBuilt LLC for development of Woodbridge. Doug Robertson owns Grande Oak PUD, a residential development, which is surrounded by the Buckwalter PUD.

Exhibit F depicts topographic information for the Buckwalter Tract. Elevations on the site range from 40 feet above mean sea level to sea level. In compliance with the Town's PUD ordinance requirements for flood zones from the Beaufort County Flood Insurance Rate Maps (dated September 29, 1986) are shown on Exhibit G.

E. CONCEPT PLAN PROCESS

Per the PUD Ordinance adopted by the Town of Bluffton in 1998, the Concept Plan is the first level of approval in a three-step process for planning and approving large development projects in the Town of Bluffton. This Concept Plan establishes the framework for the development of Buckwalter over an

extended time frame. Land uses, density, environmental quality, development standards, phasing, and utility service are described in this document. Master Plans for each portion of the Buckwalter tract are required as part of the subsequent approval process. Master Plans will describe specific developments in more detail as studies and designs are prepared. Upon approval by Town Council of the Master Plan, specific subdivisions and projects are submitted to the Town for development approval. Supporting documentation of the appropriate detail is required at each level of approval. The requirements of each submittal are outlined in the Town's Section 5.8 Planned Unit Development (PUD) ordinance.

Preservation of the area's natural resources is of mutual importance to the Town and The Branigar Organization, Inc. The planning process seeks to maintain the quality of the environment. The Branigar Organization, Inc. intends to help insure the protection of open space, salt marshes, freshwater wetlands, and trees as part of the Concept PUD process. Branigar has a history of sound planning, characterized by high quality, low density, and environmental sensitivity, considering environmental issues.

F. CONCEPT PLAN

The Buckwalter tract is a 5,680 acre tract of land located west of Bluffton, SC. It is anticipated that the property will be developed over a period of thirty (30) years or more, in accordance with the Concept Plan as set forth in this document or amended in the future. The Concept Plan sets forth the general scope of the development including number of units, phasing, development standards, open space and other issues. In addition to the Concept Plan, development of the property is controlled by a Development Agreement between Branigar and the Town of Bluffton. In the event of a conflict between the Concept Plan and Development Agreement, the Development Agreement shall control.

The goal of the development is to produce a high quality, environmentally sensitive community. The large tract of land provides an opportunity for a mix of land uses that will be developed over a long period of time. The PUD designation is necessary to accommodate the mix of land uses and provide for the responsible planning and development of the property over time.

Buckwalter is currently used for timber production and game management. These uses may continue until such time that a specific tract is platted. The Branigar Organization, Inc. practiced long-term management since owning the land, and International Paper continues the tradition. A silviculture exemption for applicable regulations and taxes remains in place until such time that land is platted for subdivision development.

The Concept Plan (refer to Exhibit A) for Buckwalter shows 4,964 acres of residential uses which will be built in phases, over several decades. A schedule indicating the length of time over which the community is expected to be developed is included with Exhibit A. Proposed land uses in the development are detailed under Section 2-Land Use Designation and Definition. The land uses

anticipate development of residential communities with golf courses, general commercial, recreational, and institutional facilities.

The Concept Plan seeks to maintain significant areas of open space. The open space and amenities will be owned and maintained by the developer, homeowner's association, or other legally designated entity. Property deeded to a governmental entity becomes the maintenance responsibility of that entity.

The Concept Plan and Development Agreement constitute a request for a waiver from the current Bluffton ordinances. The Concept Plan introduces land uses that do not exist in current zoning documents. Land Uses such as Traditional Neighborhood District, Golf Course, Equestrian Facilities, Hotel, Conference Center, Community Recreation, Community Center, Business Park, and telecommunication towers are part of the Concept Plan.

The provisions of the Development Agreement, Concept Plan and Attachment 1 shall apply to development in the Buckwalter PUD. In the event of a conflict the hierarchy of documents is the Development Agreement, the Concept Plan, DSO Modifications, DSO 90/3, Section 5.8 Planned Unit Development Modifications, Section 5.8 Planned Unit Development, Section IX Sign Control Modifications, Section IX Sign Control.

G. ENVIRONMENTAL PROTECTION

Environmental protection is a priority for Branigar. The environment is crucial to the quality of life that is the attraction of the Lowcountry, and quality of the surrounding surface waters is a primary focus of the PUD. As part of the development process, Branigar will implement the Beaufort County Best Management Practices (BMPs) for Stormwater Management. The BMPs dictate stormwater treatment standards, including a two-week residence time for permanent pool volume of lagoons. Use of detention lagoons is a practice of treating stormwater prior to release to receiving streams. The BMPs provide a method to quantify the design of the stormwater treatment system. In order to meet the water quality and anti-degradation goals which are impacted by impervious surfaces, the stormwater management systems will be designed in such a way that the stormwater quality delivered to the receiving waters is mitigated to a level which is no more than that associated with ten (10) percent impervious coverage.

Branigar will prepare a stormwater management master plan for Buckwalter. The plan will address the hydrological characteristics of the site. The plan will address predevelopment conditions and postdevelopment stormwater management facilities for flood control and treatment. As a requirement of Master Plan approval, a stormwater master plan of each development tract is required. The master plan serves as the framework for future construction, and it details the ability of the lagoon system to treat runoff and control release rates during storm events.

The owner of the land is obligated, through the Development Agreement, to maintain the stormwater systems. Maintenance of drainage systems is essential for proper operation of the treatment capabilities. The Town of Bluffton has the authority to require maintenance by the owner of the system in the event there is a need.

Freshwater wetlands on the property are typical of the South Carolina Lowcountry. Approximately twenty-six percent of the area above mean high water is jurisdictional, freshwater wetlands. Branigar has prepared a wetland delineation for portions of the Buckwalter tract. Delineated wetlands are shown on Exhibit H.

Wetland impacts associated with development activity will be permitted through the US Army Corps of Engineers and certified by several state and federal agencies including SCDHEC-OCRM. The permit process requires mitigation for the wetland impacts. Mitigation will be accomplished through a combination of buffers and preservation.

H. ENDANGERED SPECIES

Newkirk Environmental Consultants was retained to conduct a survey of endangered plants and animals on the site. Newkirk Environmental reviewed the property and a copy of their interim report is included as Exhibit I. The U.S. Fish and Wildlife Service reviewed the report and their preliminary comments are included. Branigar agrees to coordinate, negotiate with, and abide by the final determination of the Department of Natural Resources and U.S. Fish and Wildlife Service as to preservation and/or mitigation of habitat for any identified endangered species.

I. CULTURAL AND HISTORICAL RESOURCES

As part of a comprehensive study of the property, a preliminary assessment of cultural and historical resources was conducted by Brockington & Associates. Brockington performed historical research of the property and did an analysis of the soil characteristics in order to determine the sites most likely to contain significant artifacts. The initial study determined areas having high, medium and low potential for archeological sites. The management and further study of the land will consider the potential for significant sites. Prior to development within a Master Plan area, cultural resource issues will be addressed with the State Historic Preservation Office. A summary of the report, including a description of the review process, is included as Exhibit E.

Long-term management of the historic and cultural resources is a commitment of The Branigar Organization, Inc. As areas are master planned for development, additional studies of sites potentially eligible for the National Register will be conducted. A Memorandum of Agreement (MOA) between the developer and appropriate agency will be executed where sites warrant. The initial assessment will serve as the basis for future studies.

J. WATER AND SEWER SERVICE

Water and sewer service will be provided to any development at Buckwalter. Septic tanks are a leading cause of water quality problems. Therefore, long-term development at Buckwalter will not include septic tanks. Planning for the water and sewer systems will commence at the time of annexation. Preliminary discussions with Beaufort-Jasper Water and Sewer Authority (BJWSA) indicate a willingness to serve the property. BJWSA operates and maintains water and sewer systems within their service area upon completion by the developer and acceptance by the Authority. In compliance with the requirements of the Ordinance, a letter from BJWSA is included as Exhibit J.

As property is developed, any existing septic tanks will be replaced with sewer. Remote areas may be temporarily served with septic tanks and wells until sewer and water service is extended to the site. All development, with the exception of irrigation, incidental maintenance facilities, and small, remote facilities, and existing facilities at the date of the Development Agreement, will be served by potable water and sewer prior to occupancy.

K. UTILITY SERVICE

The developer of subdivisions in Beaufort County and the Town of Bluffton shall provide essential utility service. Buckwalter is in the service territory of both SC Electric and Gas Co. and Palmetto Electric Cooperative, Inc. for electrical power. The Branigar Organization, Inc. coordinated with Palmetto Electric and SCE&G regarding planning for Buckwalter. Letters stating Palmetto Electric Cooperative's and SCE&G's ability to serve Buckwalter are included in Exhibit K.

Bluffton Telephone Co. will provide telephone service to Buckwalter. A letter stating Bluffton Telephone Co.'s ability to serve the property is included as Exhibit L.

L. ROADWAYS AND TRAFFIC

Branigar recognizes the potential impact on the public roadways as a result of the Buckwalter PUD and continuing growth throughout Bluffton and Beaufort County. Accordingly, to address this issue, Branigar retained Wilbur Smith Associates to study the traffic impacts specifically including the proposed Buckwalter Parkway between US Highway 278 and SC Highway 46, east of SC Highway 170. An executive summary by Wilbur Smith Associates is included as Exhibit M.

Branigar realizes the importance of the road network to the region and the need for improvements. Union Camp donated the right-of-way for the extension of US Highway 278 to I-95. In an earlier development agreement with the Town of Bluffton and in a subsequent agreement with Beaufort County, Branigar agreed to

donate the right-of-way, 120-feet wide, for Buckwalter Parkway, connecting US Highway 278 to SC Highway 46.

The Town of Bluffton, along with the Beaufort County Transportation Advisory Group, is working on a program to address traffic problems in southern Beaufort County. As part of this effort, alleviating the existing traffic congestion on Highway 278 has been a key priority. To provide a means to get local traffic off Highway 278, Bluffton, Beaufort County, and Branigar representatives have identified a route known as the East/West Connector, which will connect Highway 170 with Buck Island Road, running roughly east/west through the Buckwalter Tract. Eventually, the plan calls for this road to run through lands of others and Branigar's Shults Tract, to tie in with Burnt Church Road. As part of the Buckwalter Development Agreement, Branigar is donating the right-of-way for the proposed East/West Connector through the Buckwalter Tract.

To help alleviate future problems on highway 278, the Buckwalter PUD Concept Plan provides up to a total of 5 access points along the northern edge of the Buckwalter Tract fronting Highway 278. The Owner supports the efforts of the Beaufort County Transportation Advisory Group and Bluffton to create a plan which specifically addresses the existing traffic problems on Highway 278 while providing access to the property.

Realizing the importance of a comprehensive traffic plan for the Buckwalter Region, Branigar commissioned a study that is normally the function of government. Wilbur Smith Associates' report describes the road and intersection improvements required to serve a large part of Southern Beaufort County over the next 20 years. The report details additional lanes, turn lanes, and traffic signals in the region. Importantly, the Wilbur Smith report indicates both the traffic generated by the projects and the subsequent road and intersection improvements were already anticipated in the Beaufort County Comprehensive Plan.

The Buckwalter PUD may have up to five (5) access points on U.S. Highway 278 as shown on the Concept Master Plan. The PUD has one (1) access on SC Highway 170 in the general location shown on the Concept Master Plan. Three (3) access points are located on SC Highway 46. Access points will be permitted by the South Carolina Department of Transportation.

Private roads within the Buckwalter PUD will be constructed in accordance with the standards in Attachment 1 and maintained by the developer or another legally designated entity until such time other arrangements are made. Developers will fund intersection improvements if they are requested prior to SCDOT requiring the modification.

M. DEVELOPMENT STANDARDS

Site development within the Buckwalter PUD will be controlled by the development standards that are Attachment 1 to this document. In the event of a conflict the hierarchy of documents is the Development Agreement, the Concept Plan, DSO Modifications, DSO 90/3, Section 5.8 PUD Ordinance Modifications, Section 5.8 PUD Ordinance, Section IX Sign Control Modifications, Section IX Sign Control.

SECTION 2

BUCKWALTER CONCEPT MASTER PLAN DESIGNATION AND DEFINITIONS

SECTION 2

BUCKWALTER CONCEPT MASTER PLAN DESIGNATION AND DEFINITIONS

A. INTRODUCTION

The Buckwalter PUD has been divided into eight integrated Planning Areas as indicated on the Concept Master Plan for the Buckwalter Planned Unit Development District prepared by Wood+Partners Inc., dated January, 2000. The planning areas include:

1. Sand Hill Tract
2. Buckwalter Commons
3. Public/Institutional Tracts
4. Northern Tract
5. Eastern Tract
6. Western Tract
7. Southern Tract
8. Rose Dhu Tract

The Planning Areas or Tracts included above shall be used to identify allowed land uses and density within each tract. Included within the planning areas, the Buckwalter PUD tract has approximately 1500 acres of saltwater and freshwater wetlands. The Tract boundaries indicated on the Concept Master Plan and Land Use Areas within Tract boundaries are not intended to be rigid exact boundary lines for future improvements. The Concept Master Plan for the Buckwalter PUD District shall maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters. Accordingly, the exact location of boundary lines between tracts and the location and size of land uses indicated within the planning area(s) shall be subject to change as Initial Master Plan(s) (within planning area(s)) are submitted for development from time to time; provided, however, that maximum densities and other conditions of the Development Agreement between the Branigar Organization Inc. and the Town of Bluffton, South Carolina, will be strictly adhered to.

B. ALLOWED LAND USES

The following land uses as designated for each individual tract shall be permitted in the Buckwalter PUD. The purpose of this portion of the PUD document is to state which land uses shall be allowed within the individual tracts or planning areas of the Buckwalter PUD. However allowing these uses this does not obligate the developer to provide the uses or facilities stated herein.

The following land uses shall be permitted in the Buckwalter PUD:

1. Sand Hill Tract

The Sand Hill Tract shall have the following allowed land uses and definitions:

a. Community Recreation
b. Hotel/Inn
c. Institutional/Civic
d. Maintenance Areas
e. Model Homes/Sales Center
f. Multi-family Residential
g. Neighborhood Commercial
h. Open Space
i. Silviculture
j. Single-family Residential
k. Traditional Neighborhood Development District

2. Buckwalter Commons

The Buckwalter Commons shall have the following allowed land uses and definitions:

a. Business Park
b. Community Recreation
c. General Commercial
d. Hotel/Inn
e. Institutional/Civic
f. Maintenance Area
g. Model Home/Sales Center
h. Multi-family Residential
i. Neighborhood Commercial
j. Open Space
k. Silviculture
l. Single-family Residential
m. Traditional Neighborhood Development District

3. Public/Institutional Tracts

Public/Institutional Tracts shall have the following allowed land uses and definitions:

a. Community Recreation (excluding golf course)
b. Institutional/Civic
c. Maintenance Areas
d. Open Space (excluding golf course)
e. Silviculture

4. Northern Tract

The Northern Tract shall have the following allowed land uses and definitions:

a. Community Recreation

b. Institutional/Civic
c. Maintenance Area
d. Model Homes/Sales Center
e. Multi-family Residential
f. Open Space
g. Silviculture
h. Single-family Residential

5. Eastern Tract

The Eastern Tract shall have the following allowed land uses and definitions:

a. Community recreation
b. Hotel/Inn
c. Institutional/Civic
d. Maintenance Area
e. Model Home/Sales Center
f. Multi-family Residential
g. Open Space
h. Silviculture
i. Single-family Residential
j. Traditional Neighborhood Development District

6. Western Tract

The Western Tract shall have the following allowed land uses and definitions:

a. Community recreation
b. Hotel/Inn
c. Institutional/Civic
d. Maintenance Area
e. Model Home/Sales Center
f. Multi-family Residential
g. Open Space
h. Silviculture
i. Single-family Residential
j. Traditional Neighborhood Development District

7. Southern Tract

The Southern Tract shall have the following allowed land uses and definitions:

a. Community recreation
b. Dwelling Units
c. Institutional/Civic
d. Maintenance Area
e. Model Home/Sales Center
f. Multi-family Residential
g. Open Space
h. Silviculture
i. Single-family Residential

j. Traditional Neighborhood Development District

8. Rose Dhu Tract

The Rose Due Creek Tract shall have the following allowed land uses and definitions:

a. Community Recreation
b. Maintenance Areas
c. Model Home/Sales Center
d. Multi-family Residential
e. Open Space
f. Silviculture
g. Single-family Residential
h. Traditional Neighborhood Development District

9. Dedicated Public Park

a. Maintenance Areas
b. Open Space
c. Roads
d. Silviculture

C. ALLOWED DENSITY AND TRANSFER OF DENSITY BETWEEN PLANNING AREAS

An overall density cap for the Buckwalter PUD has been established at 6885 Dwelling Units and 450 upland acres of Commercial Development and Business Park, with not more than 80 commercial upland acres per tract, with exception of Buckwalter Commons which may contain up to 350 upland acres of Commercial and Business Park per the Development Agreement with the Town of Bluffton. Additionally, the owner and developers shall have a limited right to convert commercial and/or neighborhood commercial density to residential. One (1) acre of commercial density shall be convertible into five (5) residential dwelling units, for purposes of maximum density calculations. A cap of 500 Dwelling Units shall be placed on the commercial to residential conversion. The 500 residential units shall be in addition to the 6885 residential units allowed by the PUD. For planning purposes, projected densities for each area have been estimated and are described below. The decreasing of the total number of dwelling units, commercial acreage or business park acreage within a planning area below the projected density shall be allowed. The Concept Master Plan for Buckwalter shall allow for the transfer of the undeveloped dwelling units, commercial acreage and business park acreage from one planning area to another and increasing the receiving planning areas density provided the following conditions are met:

1. The transferred density units, commercial acreage or business park acreage shall be limited to the allowed land uses in the receiving planning area.
2. No commercial/business park development shall be allowed in the Public/Institutional tracts or the Dedicated Public Park Tract.

Residential density shall include both Single-family Residential and Multi-family Residential, Hotels, Inns, Bed and Breakfast and Guesthouses, divisible dwelling units and time sharing properties. Projected densities per planning area include:

1.	Sand Hill Tract	4000 Units
2.	Buckwalter Commons	0 Units
3.	Public/Institutional Tracts	0 Units
4.	Northern Tract	235 Units
5.	Eastern Tract	1000 Units
6.	Western Tract	1000 Units
7.	Southern Tract	550 Units
8.	Rose Dhu Tract	100 Units
9.	Dedicated Public Park	0 Units
	Total*	6885 Dwelling Units

*Note: Refer to "C" above for commercial to residential conversion allowance.

D. DEFINITIONS OF LAND USE TERMS AND DENSITY TERMS.

In the absence of a term definition in this Concept Master Plan or in The Development Agreement with the Town of Bluffton, the definitions of the Beaufort County Zoning and Development Standards 90/3 included herein as Attachment 1 shall apply in the interpretation of this Land Use Plan. The allowed locations of specific land uses are described on the Concept Land Plan, and detailed by land use area in this text.

1. Business Park

This designation allows for a multi-use Business Park to meet regional demands for Light Industrial, Office, Commercial Services and Wholesale/Retail Businesses. By nature of the PUD process, the Business Park will be master planned to direct future growth, and will have quality-oriented design standards and amenities to attract a range of tenants while blending into the surrounding community. Business Park uses shall count against total allowed commercial acreage. Permitted uses include:

(a) Establishments involved in light manufacturing, regional warehouses, distribution operations, back-off operations, commercial businesses, office space, office/warehouse operations, wholesale/retail businesses and commercial service businesses.

(b) Uses allowed in General Commercial District and Light Industrial District under Beaufort County Zoning and Development Standards Ordinance 90/3 are included herein as Attachment 1 both by right and conditional uses.

The Other Requirements of Attachment 1 4.11.5 General Commercial District control development in the Business Park.

2. Community Recreation

This designation allows for the recreational complexes and amenities to serve the Buckwalter PUD. Land uses may consist of private and semi-private recreation, indoor and outdoor lighted and unlighted recreation facilities, establishments and services which include active and passive sports, entertainment and equestrian facilities, ancillary facilities such as restaurants and shops serving such public recreational facilities. Permitted uses include:

(a) Outdoor Recreational Facilities including but not limited to:

(1) Public and/or private golf courses.
(2) Golf learning and practice facilities.
(3) Golf cart storage barn and maintenance facilities.
(4) Swimming Pools, Pool Bath Houses and Gazebos.
(5) Tennis Courts.
(6) Lawn Games such as bocci, croquet, volleyball, etc.
(7) Multi-use fields.
(8) Playgrounds.
(9) Neighborhood Parks.
(10) Community Parks.
(11) Leisure Trails and Bike Trails.
(12) Other Recreational Uses.

(b) Equestrian Facilities

(1) Barns.
(2) Paddocks, Stables, Riding Rinks.
(3) Bridle Trails.
(4) Equestrian learning/teaching facilities.

(c) Recreational Building including but not limited to uses such as indoor recreation, meeting, assembly, banquet, fitness and hobby space.

(d) Accessory Buildings.

(e) Community Offices/Administration Buildings.

(f) Maintenance and Storage Facilities.

(g) Community Service facilities which shall not be considered commercial uses and shall not be counted against the overall allowed acreage for commercial uses within the Buckwalter PUD including:

(1) Public and/or Private Clubhouses.
(2) Pro shops, Snack Bars, Grills, Restaurants and Lounges associated with clubhouses.
(3) Ancillary uses associated with community recreation facilities such as craft centers, fitness centers, etc.

(h) The Other Requirements of Attachment 1 4.11.5 General Commercial District shall control development in Community Recreation.

3. Dwelling Units

(a) Average Dwelling Units Per Acre (DU/AC)

A calculation, which is based on the total residential units of a tract, divided by the total net acres of the same tract with the following exceptions:

- Hotel/Inn/Bed and Breakfast, or Guesthouse room/key shall equal ½ a Dwelling Unit.
- Fractional Ownership Units (Interval Ownership/Timesharing Properties) shall equal ½ Dwelling Unit per Unit constructed for the first 750 dwelling units, and 1 dwelling unit for the balance up to a total of 1,500 units. If all 1,500 Fractional Ownership Units are built the residential cap will be reduced by 1,125 dwelling units.

(b) Maximum Dwelling Units per Acre (DU/AC Max.)

An indication of the maximum density allowed within any sub-area(s) or project(s) within an identified tract per net acre with the following exceptions and clarifications:

1. Hotel/Inn/Bed and Breakfast, Fractional Ownership Units (Interval Ownership/Timesharing Properties) or Guesthouse units shall not have a specified DU/AC Max.

2. Maximum Dwelling Units Per Acre for Single-Family Residential shall be 8 DU/AC max.

3. Maximum Dwelling Units Per Acre for Multi-family Residential shall be 16 DU/AC max, based on number of stories, 1-story (8 units), 2-stories (12 units) and a project with a 3-story component in part or in whole is capped at 16 du/ac, and 3-story buildings will

be limited to a maximum of 75% of all buildings within any multi-family complex.

4. General Commercial

The general commercial designation allows for the development of concentrated commercial and office nodes located on primary vehicular routes to serve the Buckwalter PUD as a whole. Commercial uses are limited to 450 upland acres within the Buckwalter PUD. Contiguous or abutting commercial uses in any one planning area shall not exceed 80 upland acres with the exception of Buckwalter Commons, which shall be allowed 350 upland acres of commercial development.

Permitted Uses:

a. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption (e.g. shopping centers, supermarkets, department stores, convenience stores, gas stations, etc.) and rendering services incidental to the sale of such goods; establishments providing services or entertainment to the general public including but not limited to eating and drinking establishments, personal service and repair business and entertainment establishments (e.g. movie theatres, bowling alleys, etc.); medical and health facilities/offices office buildings and/or office for government, business, professional or general purposes, unless specifically prohibited under Prohibited Uses below.

b. Uses allowed in General Commercial District and under the Beaufort County Zoning and Development Standards Ordinance 90/3 included herein as Attachment 1 both by right and conditional uses, unless specifically prohibited under Prohibited Uses below.

c. Single-family Residential.

d. Multi-family residential.

e. Hotel/Inn.

f. Recreational vehicle parks limited to self contained, motorized vehicles with a minimum length of 26 feet. Within the recreational Buckwalter PUD Recreational Vehicle parks have a cumulative cap of 200 acres.

g. Mini-warehouse facilities will be limited to a maximum height of 24 feet from finished grade.

Prohibited Uses:

The following commercial uses are specifically prohibited:

a. Junkyards or auto salvage yards.
b. Campground and Recreational vehicle parks (except as allowed above under permitted uses).
c. Video Poker Parlors.
d. Amusement Parks.
e. Go-Cart Racing Facilities.
f. Commercial Race Tracks/Facilities using automobiles, horses or dogs.
g. Roller coasters.
h. Sexually-oriented businesses.

The Other Requirements of Attachment 1 4.11.5 General Commercial District shall control development in this land use.

5. Hotel/Inn

This designation is for hotels, inns, bed and breakfast, guest houses, divisible dwelling units and time sharing properties (interval ownership) that consist of building or buildings with guest rooms for sleeping and kitchens and/or a dining room to provide meals for guests. Divisible dwelling units (e.g. lock-out or lock-off units) will be defined using length of stay as the basis and used for sales guests only. Use of lock-outs will be limited to seven (7) days or less. Exceptions may be granted by the Planning Commission. Time share and fractional ownership will be limited to a maximum of 1,500 units, of which the initial 750 units count as a ½ dwelling unit and the balance count as 1 dwelling unit. Aagainst the overall residential cap. Therefore, if all 1,500 Fractional Ownership Units were built, for calculation purposes, the Buckwalter residential cap would be reduced by 1,125 dwelling units. Hotels, Inns, Bed and Breakfasts, Guesthouses, and properties shall be considered a residential land use and counted against the overall residential density cap at a rate of ½ DU per room/key and as such shall not be considered a commercial use. The rooms shall be primarily designed for and occupied by transients. A conference facility may or may not accompany the hotel/inn and may be integral to the hotel/inn or detached.

The Other Requirements of Attachment 1 4.11.5 General Commercial District shall control development for Hotel/Inn.

6. Institutional/Civic

This designation allows for institutional and civic land uses, which shall be allowed to occur as a mixed use throughout the entire Buckwalter PUD. These land uses shall not count against the overall commercial acreage or residential density allowed for the Buckwalter PUD:

a. Civic, cultural, municipal, governmental, educational (public or private), conference centers, research or other similar facilities which may include

housing for staff, faculty and professionals. Other uses allowed in this category include student housing and employee dormitories, which count as ½ dwelling unit against the Buckwalter PUD residential cap of 6,885 dwelling units. Housing for staff associated with a specific project will not count against the Buckwalter PUD residential cap, provided that the housing is located within the project requiring the staff.

b. Churches, synagogues, temple and other places of worship provided that such use is housed in a permanent structure.
c. Cemeteries provided that such use does not include a funeral home or crematorium.
d. Assisted living facilities, nursing homes and congregate care facilities
e. Public emergency service facilities, library, museum, day care facilities, social/community centers, etc.
f. Assisted Care Units used to establish a Certificate of Need (CON). All other units count toward the Buckwalter residential density cap.

The Other Requirements of Attachment 1 4.11.5 General Commercial District shall control development in Institutional/Civic.

7. Maintenance Areas

The maintenance areas will contain the facilities, tools and equipment necessary to maintain the common properties and recreational facilities within Buckwalter. These facilities may be congregated on a central site or located in separate convenient sites for different services such as general community maintenance, golf course maintenance, recreation area maintenance or individual property regime maintenance.

Permitted uses include:

a. Vehicle maintenance.
b. Storage of vehicles and parts, boats, recreational vehicles and resident storage units.
c. Fuel storage.
d. Shops for woodwork, metalwork and painting.
e. Greenhouses, plant propagation areas and holding yards.
f. Mulching facility and mulch storage.
g. Storage of chemicals and bulk materials as permitted by law.
h. Offices associated with community and maintenance.

The Other Requirements of Attachment 1 4.11.5 General Commercial District shall control development in Maintenance Areas.

8. Model Home/Sales Center

This designation allows for the model homes and office/administrative facilities associated with the primary sale of residential property, and commercial property. The facility(ies) may be permanent in nature with the model homes or building being sold as single-family residences or office/commercial space in the future or the facility(ies) may relocate from time to time during the period of development to meet the needs of development phasing.

9. Multi-family Residential

This designation includes multi-family residential units, up to a maximum of 16 units per net acre on a site specific basis. Density is based on the number of stories in a project. One story projects are limited to 8 DU/AC, two story projects are limited to 12 DU/AC and any project with a three story component is capped at 16 DU/AC. The 3-story component of a multi-family project is capped at 75 percent of the projects residential buildings. Multi-family residential consists of attached or detached residential including both short-term and long-term rentals, but excludes Hotel/Inn/Bed and Breakfast and Guesthouse.

The Other Requirements of Attachment 1 4.6.2 General Residential 16 shall control development in Multi-Family Residential.

The allocation of density as specified allows for the clustering of development to optimize the protection of natural features and maximize open space. This does not guarantee that all property within individual planning areas can be developed at the identified maximum. Density may be transferred between the planning tracts.

Multi-family units do not have a lot size designation.

Performance Standards for this district will be determined at the time of Initial Master Plan.

10. Neighborhood Commercial

This designation allows for the development of multiple neighborhood-oriented, limited-use commercial, civic, institutional and office nodes including villages, community centers, and neighborhood shopping centers to provide essential services to residents, invitees and guests to the Buckwalter PUD, relieving a degree of traffic and congestion which may surround other large commercial developments in the general area. Neighborhood Commercial Development shall count against the 450 upland acre limits on total commercial acreage. Neighborhood commercial development on tracts abutting SC Highway 46 shall have a minimum 250 feet setback to any vertical structure greater than 6 feet in height and 150 feet buffer from Highway 46. The Town of Bluffton shall have

the right to approve a buffer of less than 150 feet if appropriate landscape screening and/or landscaped berms are installed to achieve a visual buffer.

Permitted Uses:

a. Retail businesses, personal service businesses, shopping centers, restaurants, convenience stores, clustered commercial establishments, offices and civic/institutional uses, unless specifically prohibited under Prohibited Uses below.
b. Uses allowed in a Neighborhood Commercial District, and Office Commercial District under the Beaufort County Zoning and Development Standards Ordinance 90/3 included herein as Exhibit Attachment 1, both by right and conditional uses, unless specifically prohibited under Prohibited Uses below.
c. Single-family Residential.
d. Multi-family Residential.
e. Hotel/Inn.
f. Medical offices (not including facilities for patient care exceeding 48 hours).
g. Recreational Vehicle Parks limited to self-contained motorized vehicles with a minimum length of 26 feet. Within the Buckwalter PUD, Recreational Vehicle Parks shall have a cumulative cap of 200 acres.

Prohibited Uses:

The following commercial uses are specifically prohibited:

a. Junkyards or auto salvage yards.
b. Campgrounds and recreational vehicle parks (except as allowed above under permitted uses).
c. Video poker parlors.
d. Amusement parks.
e. Go-cart racing facilities.
f. Roller coasters.
g. Commercial race track facilities using automobiles, horses or dogs.
h. Sexually-oriented businesses

The Other Requirements of Attachment 1 4.10.3 Neighborhood Commercial District shall control development in this land use.

11. **Open Space**

Total open space for the Buckwalter PUD shall be calculated for the boundary of the PUD and not on a site specific basis for each phase of the PUD, individual development or project. However, at the Initial Master Plan stage, each project shall demonstrate a minimum of ten percent open space, saltwater and freshwater

wetlands are excluded from the open space calculation for Initial Master Plans. Open space shall consist of:

a. Landscaped areas.
b. Lagoons, ponds, impoundments, lakes and effluent disposal areas.
c. Saltwater and freshwater wetlands including buffers.
d. Forests, wildlife preserves/corridors, conservation areas and greenbelts.
e. Garden plots.
f. Recreation areas including, swimming pools, tennis courts, playgrounds, ball fields, lawn game fields, gardens, etc.
g. Public or private, regulation or par three golf courses including ancillary facilities such as golf learning centers, practice facilities and support facilities.
h. Pedestrian/bicycle trails.
i. Perimeter buffers.

12. Roads

The Buckwalter PUD shall have roads designed to the standards of the Beaufort County Zoning and Development Standards Ordinance 90/3 included herein as Attachment 1, or as it may be amended at the time of Initial Master Plan submittal, allowed throughout the PUD in locations appropriate under final site planning. Roads indicated on the Concept Master Plan are subject to modification at the time of Initial Master Plan approval based on specific soil conditions, environmental concerns, physical constraints and design parameters.

The Buckwalter PUD shall provide roadway linkage of major land use areas including internal linkage to commercial and recreational uses. Areas within the Buckwalter PUD in whole or in part may be developed as private areas with access restricted appropriately at the developer's discretion.

Road width and right-of-way width may be reduced when environmental and tree preservation considerations would be furthered thereby. To protect river quality and preserve trees, such design is hereby encouraged.

Roads, bike paths, leisure trails, and pedestrian pathways are allowed to penetrate the setbacks of the OCRM critical line to access the property, provided the stormwater is treated in accordance with the BMPs and Section 4.25.2(D) of the Beaufort County River Protection Overlay District.

13. Setbacks and Buffers

Setbacks and buffers shall meet the minimum requirement established herein and shall apply to the perimeter of the PUD only; provided, however, that any required wetlands setbacks shall apply according to law throughout the PUD.

Perimeter setbacks and buffer standards shall include:

a. At SC Highway 46, SC Highway 170 and US Highway 278; setbacks and buffers shall meet or exceed the US Highway 278/Highway 278 Extension Corridor Overlay District Standards or as modified herein.

b. To achieve visual opacity for development adjacent to South Carolina Highway 46, the design and development standards of the Highway Corridor Overlay District shall apply to all development fronting South Carolina Highway 46. The minimum buffer shall be 150 feet from the Highway 46 right of way with sufficient plant material retained and/or installed to accomplish visual opacity. A landscape plan detailing buffer treatment will be submitted at time of Development Permit. The Town of Bluffton shall reserve the right to review development buffers adjacent to South Carolina Highway 46 after construction to determine the buffer's adequacy with regard to opacity. In cases where the Town of Bluffton determines the buffers are inadequate, the landowner/developer shall work with the Town to remedy the problem and achieve visual opacity. Solutions may include, but are not limited to, berms, fencing and additional vegetative planting.

   Neighborhood commercial development on tracts abutting South Carolina Highway 46 shall have a 250 feet setback from the Highway 46 right of way to any vertical structure greater than 6 feet in height.

c. At adjacent property and along Buckwalter Parkway and the East-West Connector; setbacks shall be a minimum of 50 feet which contains a buffer of 50 feet, with exception of the property that abuts the Old Carolina Golf Course where there shall be a minimum setback of 30 feet and a buffer of 10 feet to allow for views from residential units to the existing golf course. In addition to the required distance, the buffers at adjacent property shall contain appropriate plant material sufficient to ensure the protection against real or potential incompatibility between adjoining land uses. Existing trees and understory vegetation shall be retained wherever possible with additional plantings as necessary to achieve the required buffer. If sufficient natural vegetation does not exist (i.e. no natural understory growth), planting requirements shall be determined at the time of final development application. The required buffer planting shall be installed on a phase-by-phase basis as development commences.

d. **At Rose Dhu Creek, Stoney Creek and the Okatie River; setbacks shall be one hundred fifty (150') feet from the OCRM critical line (refer to the concept master plan dated January, 2000 for location) for residential, multi-family, clubhouse and other building construction. All other** setbacks and buffers shall conform to the standards of the River Protection

Overlay District which are restated for clarification purposes below and included in Attachment #1.

1. A 50-foot setback shall be required for golf courses including all areas of the golf course that are regularly mowed and/or chemically treated, sand traps, and accessory (non-habitable) structures and facilities such as storage sheds and ball washing machines.

   Golf courses within the 150-foot setback will be designed to drain away from the critical area and provide treatment of stormwater runoff prior to discharge. Treatment will be in accordance with the Stormwater Management BMPs.

2. Selective pruning may occur in the 50-foot buffer to allow views and vistas to the marsh from the golf course. Selective pruning allows the trimming and removal of limbs. The pruning does not allow for the removal of trees. Selective clearing as described in Attachment 1 – Development Standards Ordinance will not apply to the 50-foot buffer in the Buckwalter PUD.

   A plan for selective clearing will be approved by the Town as part of the development permit process. Selective pruning and maintenance will be accomplished by hand with non-wheeled machinery. The Town will be notified prior to pruning and maintenance.

   Developer will post signs along the buffer at intervals of no less than two hundred (200) feet, to warn about sensitive areas.

3. A 50-foot setback shall be required for drainage systems and retention ponds with the exception of dry detention areas (grassed swales) which shall be used rather than drainage pipes within the 50-foot buffer zone unless a drainage pipe is an outfall from a detention, retention or filtration system. Also allowed within the 50-foot buffer zones are approved flood control and erosion control devices and other activities related to soil and water conservation.

4. A 150-foot setback shall be required for golf clubhouses.

5. A 150-foot setback shall be required for parking lots and accompanying access drives associated with the golf clubhouse.

6. All use of herbicides, pesticides or fertilizers must be in full compliance with the Federal Insecticide, Fungicide and

Rodenticide Act (FEFRA); South Carolina Pesticide Control Act; and South Carolina Fertilizer Law; and in strict accordance with pesticide label instructions in order that there be a "no adverse effect level" of surface runoff or airborne drift of these materials beyond the area of direct application.

14. Signage Control

Signage for the Buckwalter PUD shall be governed by Article IX "Signage Control" included in Attachment 1 to the PUD and as further modified below.

a. Individual Project Signage

- The exact number of signs and square footage of signage allowed per individual development tracts within the PUD shall be determined on a development project by development project basis as allowed by Attachment 1 to the PUD.

b. Directory Listing Signs

- Directory Listing Signs may be placed at each PUD access point indicated on the Conceptual Master Plan. Each access point shall be allowed a maximum of 160 square feet of signage (letters only). The Directory Listing signs are intended to be informational in nature and helpful for the convenience of visitors and not promotional of a particular business or type of business. Listings may include hotels, motels, restaurants, major residential developments, retail centers and the like.

15. Silviculture

This designation allows for continuation of managed forestry. Silviculture includes the practice of planting, culture, and harvesting of trees for the purpose of producing wood fiber and timber. Generally accepted methods of forest management are permitted, including wildlife management, construction and use of forest roads, and practices to promote health and growth of trees. Silviculture uses may continue up to the time a subdivision plat is recorded.

16. Single-family Residential

This designation allows for the development of single-family residential units, up to a maximum of 8 units per net acre on a site specific basis. Single-family residential consists of attached or detached residential, including both short and long-term rentals and mobile home communities. Modular homes are not considered to be mobile homes and will be treated as single family housing. Product mix may include full size lots, attached zero lot line, patio home sites and cottages. Product is limited to a maximum of three stories in height, not including architectural elements and mobile home communities.

The cottages shall be single-family attached or detached, residential units, including both short and long-term rentals. Ownership may be either fee simple lots or as units of a condominium or other common legal structure with no minimum lot size or street frontage. Cottages shall be developed on a site specific basis with environmental concerns being the primary constraint for each cottage site selection. Mobile home communities will have the following requirements:

- All mobile homes entering the community will be new or nearly new (within 2 years) of original purchase) and in good condition.
- All Mobile homes will have skirting and the moving assembly removed.
- Screened trash service collection areas.
- Boats and R.V.s within mobile home communities will be stored in designated and screened areas.
- Non-functioning vehicles will not be permitted (this excludes the mobile home).
- Paved access and circulation roads.
- Paved driveways and home pads.
- Covenants and declarations regarding landscaping, setbacks, buffers, outbuildings, maintenance buildings, and yard appurtenances such as clotheslines and recreation items.
- Common area amenities.

The allocation of density as specified allows for the clustering of development to optimize the protection of natural features and maximize open space. This does not guarantee that all property within individual planning areas can be developed at the identified maximum. Density may be transferred between the planning tracts.

Lot sizes range from the square footage of the foundation of cottage-type product to 2-acres or larger single family lots.

Performance Standards for this district will be determined at the time of Initial Master Plan.

17. Traditional Neighborhood Development District

This description allows for the development of traditional neighborhood type development typified by the culture, value and traditions exemplified in the Historical District of Bluffton. These neighborhoods are characterized by a pedestrian-friendly environment of graded streets, neighborhood parks, sidewalks, front porches, alleys, mixed uses and a tight scale to unify the district.

The traditional neighborhood development districts may be components of a mixed-use development of neighborhood-commercial, single-family residential, multi-family residential, institutional and civic uses and open space. Distinctive

features of the traditional neighborhood districts which shall be allowed within the district include:

a. Mixed Land Uses.
b. Minimum street right-of-way – 50 feet.
c. Narrow streets with driving lanes of 18 feet minimum for two-way traffic and 11 feet minimum for one-way traffic.
d. On-street/parallel parking (8 feet x 19 feet space minimum).
e. Alleys (minimum right-of-way – 24 feet).
f. Minimum curb radius of 8 feet.
g. Allowance for streets of intersect at angles less than 60 degrees and allowance for more than two streets to intersect at public parks or squares.
h. Allowance for single-structure, mixed-use capabilities (live/work units). Allowance for accessory buildings to have residential capacity (garage apartments).
i. Allowance for unique lot and street configuration approved as part of the Initial Master Plan.

18. Wetlands

This designation allows the following uses within wetlands. Freshwater wetlands and saltwater wetlands on the property shall be those areas over which the US Army Corps of Engineers claims 404 jurisdiction for freshwater wetlands and OCRM claims jurisdiction for saltwater wetlands. The use of these lands is regulated by the U.S. Army Corps of Engineers (USACOE) and the South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management (SCDHEC/OCRM), and unless restricted via a future Memorandum of Agreement (MOA) to the contrary, the following are Permitted Uses:

a. Open space and buffers.
b. Conservation areas.
c. Activities in all areas as permitted by the U.S. Army Corps of Engineers and the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management.
d. Disposal of reclaimed water as permitted by SCDHEC.
e. Storm water control and management.
f. Boardwalks, trails, bridges and other permitted structures.
g. Game Management.
h. Silviculture.

19. Utilities

This designation allows for utility service to serve the planning tracts of the Buckwalter PUD. The following land uses shall be allowed:

a. Potable water supply and distribution.
b. Wastewater collection, treatment and disposal.
c. Stormwater collection, treatment and detention.
d. Irrigation.
e. Communication towers.
f. Satellite antennas.
g. Cable television facilities.
h. Telephone facilities.
i. Power transmission and distribution.
j. Broad band multi-use transmission lines.
k. Fiber-optic lines.

Certain community-wide infrastructure is required for the development of any large, master-planned community. This infrastructure may include, but is not limited to the following:

a. Arterial streets and primary access roads.
b. Water Supply.
c. Wastewater Treatment and Effluent Disposal.
d. Power substations.
e. Central telephone facilities.
f. Stormwater Management Lagoons.
g. Natural Gas Supply
h. Irrigation

In the case of this Concept Plan, the community-wide infrastructure may serve more than one Planning Tract. Infrastructure serving the community (on-site and off-site) is exempt from the Initial Master Plan approval process. Infrastructure projects must receive a Town of Bluffton Development Permit prior to construction, in accordance with the section of PUD ordinance describing Development Permits.

EXHIBIT A

BUCKWALTER CONCEPT MASTER PLAN

DEPICTING LAND USE AND

DEVELOPMENT SCHEDULE

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 89

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

R.M.C.
BEAUFORT COUNTY S.C.
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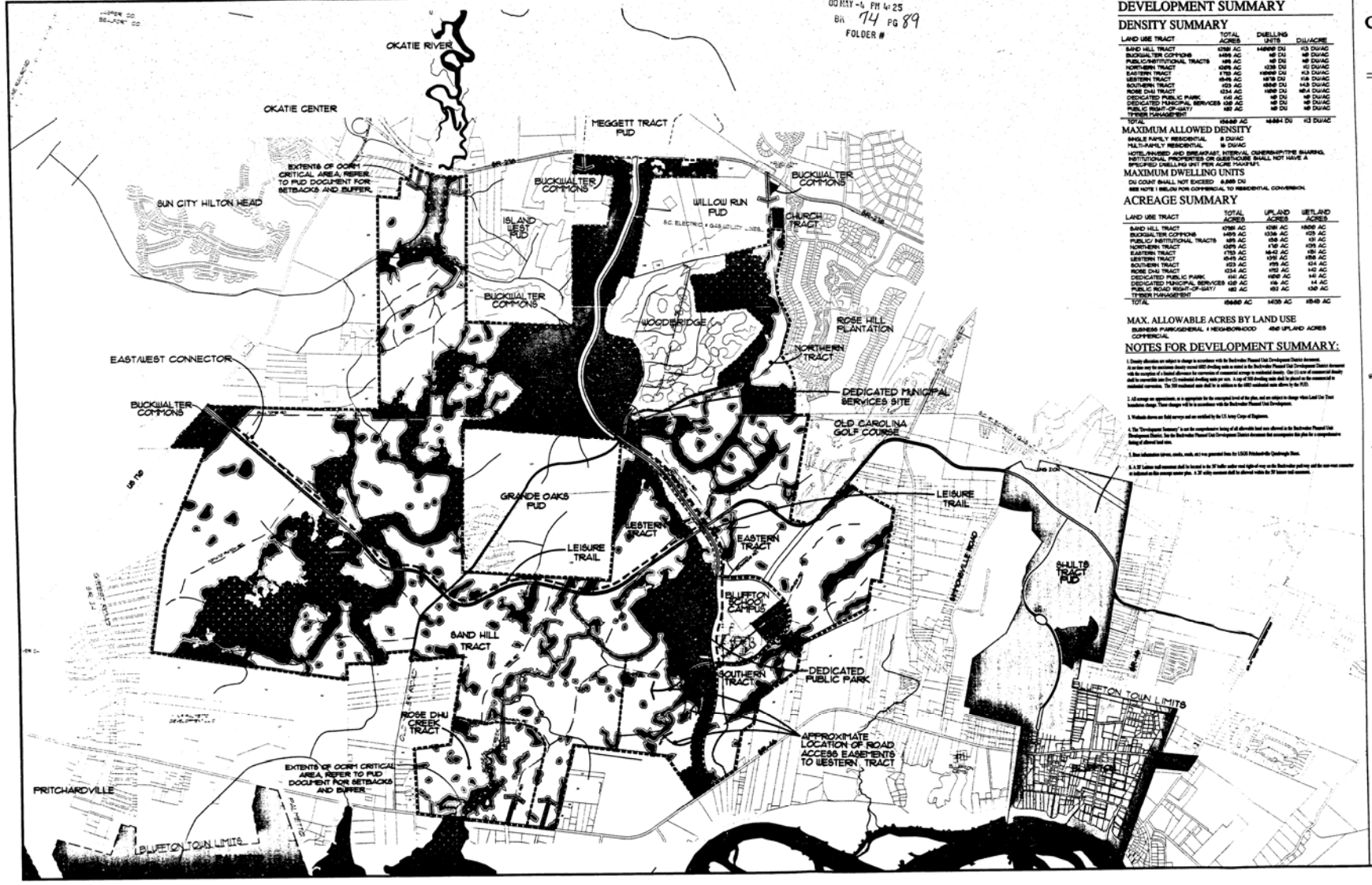
BK 74 PG 89
FOLDER #



DEVELOPMENT SUMMARY

DENSITY SUMMARY

LAND USE TRACT	TOTAL ACRES	DWELLING UNITS	DU/ACRE
SAND HILL TRACT	1758 AC	14000 DU	13 DU/AC
BUCKWALTER COMMONS	1494 AC	18 DU	18 DU/AC
PUBLIC/INSTITUTIONAL TRACTS	149 AC	18 DU	18 DU/AC
NORTHERN TRACT	1375 AC	1230 DU	10 DU/AC
EASTERN TRACT	1752 AC	14000 DU	13 DU/AC
WESTERN TRACT	1545 AC	1875 DU	1.16 DU/AC
SOUTHERN TRACT	103 AC	1500 DU	14.55 DU/AC
ROSE DHU TRACT	1234 AC	1600 DU	1.29 DU/AC
DEDICATED PUBLIC PARK	140 AC	18 DU	18 DU/AC
DEDICATED MUNICIPAL SERVICES	128 AC	18 DU	18 DU/AC
PUBLIC RIGHT-OF-WAY/ TIMBER MANAGEMENT	180 AC	18 DU	18 DU/AC
TOTAL	10,648 AC	18,884 DU	1.73 DU/AC

MAXIMUM ALLOWED DENSITY

SINGLE FAMILY RESIDENTIAL 8 DU/AC
MULTI-FAMILY RESIDENTIAL 16 DU/AC

HOTEL/INN/BED AND BREAKFAST, INTERVAL OWNERSHIP/TIME SHARING, INSTITUTIONAL PROPERTIES OR GUESTHOUSE SHALL NOT HAVE A DEFINED DWELLING UNIT PER ACRE MAXIMUM.

MAXIMUM DWELLING UNITS

DU COUNT SHALL NOT EXCEED 6,885 DU
SEE NOTE 1 BELOW FOR COMMERCIAL TO RESIDENTIAL CONVERSION.

ACREAGE SUMMARY

LAND USE TRACT	TOTAL ACRES	UPLAND ACRES	WETLAND ACRES
SAND HILL TRACT	1758 AC	1748 AC	10.00 AC
BUCKWALTER COMMONS	1494 AC	1336 AC	158 AC
PUBLIC/ INSTITUTIONAL TRACTS	149 AC	148 AC	1.0 AC
NORTHERN TRACT	1375 AC	1.30 AC	1195 AC
EASTERN TRACT	1752 AC	14.42 AC	1.84 AC
WESTERN TRACT	1545 AC	1.36 AC	1.58 AC
SOUTHERN TRACT	103 AC	1.18 AC	1.14 AC
ROSE DHU TRACT	1234 AC	1.92 AC	1.42 AC
DEDICATED PUBLIC PARK	1.40 AC	14.00 AC	1.40 AC
DEDICATED MUNICIPAL SERVICES	128 AC	1.16 AC	1.4 AC
PUBLIC ROAD RIGHT-OF-WAY/ TIMBER MANAGEMENT	180 AC	1.80 AC	1.30 AC
TOTAL	10,648 AC	14,108 AC	1,540 AC

MAX. ALLOWABLE ACRES BY LAND USE

BUSINESS PARK/GENERAL & NEIGHBORHOOD 4.96 UPLAND ACRES
COMMERCIAL

NOTES FOR DEVELOPMENT SUMMARY:

1. Density allocation are subject to change in accordance with the Buckwalter Planned Unit Development District document. At no time may the maximum density exceed 6885 dwelling units as stated in the Buckwalter Planned Unit Development District document with the exception of a limited allowance for conversion of commercial acreage to residential density. One (1) acre of commercial density shall be convertible into five (5) residential dwelling units per acre. A cap of 300 dwelling units shall be placed on the commercial to residential conversion. The 300 residential units shall be in addition to the 6885 residential units allowed by the PUD.

2. All acreage are approximate, as is appropriate for the conceptual level of the plan, and are subject to change when Land Use Tract boundaries change. These changes will be in accordance with the Buckwalter Planned Unit Development.

3. Wetlands shown are field surveys and are verified by the U.S. Army Corps of Engineers.

4. The "Development Summary" is not the comprehensive listing of all allowable land uses allowed in the Buckwalter Planned Unit Development District. See the Buckwalter Planned Unit Development District document that encompasses this plan for a comprehensive listing of allowed land uses.

5. Base information (roads, creeks, ponds, etc.) was generated from the USGS Pritchardville Quadrangle Sheet.

6. A 20' Leisure trail easement shall be located in the 20' buffer and/or road right-of-way on the Buckwalter parkway and the east-west connector as indicated on this concept master plan. A 20' utility easement shall be allowed within the 20' leisure trail easement.

CONCEPT MASTER PLAN

For:

Buckwalter

PLANNED UNIT DEVELOPMENT

Bluffton, South Carolina

Prepared For:
Branigar Organization
Savannah, Georgia

BRANIGAR
The Branigar Organization, Inc.
A company of INTERNATIONAL PAPER

Prepared By:
Wood+Partners, Inc.
Landscape Architects/Land Planners
Hilton Head Island, South Carolina
Thomas & Hutton Engineering Co.
Civil Engineers
Savannah, Georgia

LEGEND:

- PROPOSED ROADS/ACCESS POINTS
- EXISTING DIRT ROADS
- EXISTING PAVED ROADS
- STREAMS / WATER CHANNELS
- LAND USE TRACT LIMIT
- LEISURE TRIAL

PUD LAND USE AREAS

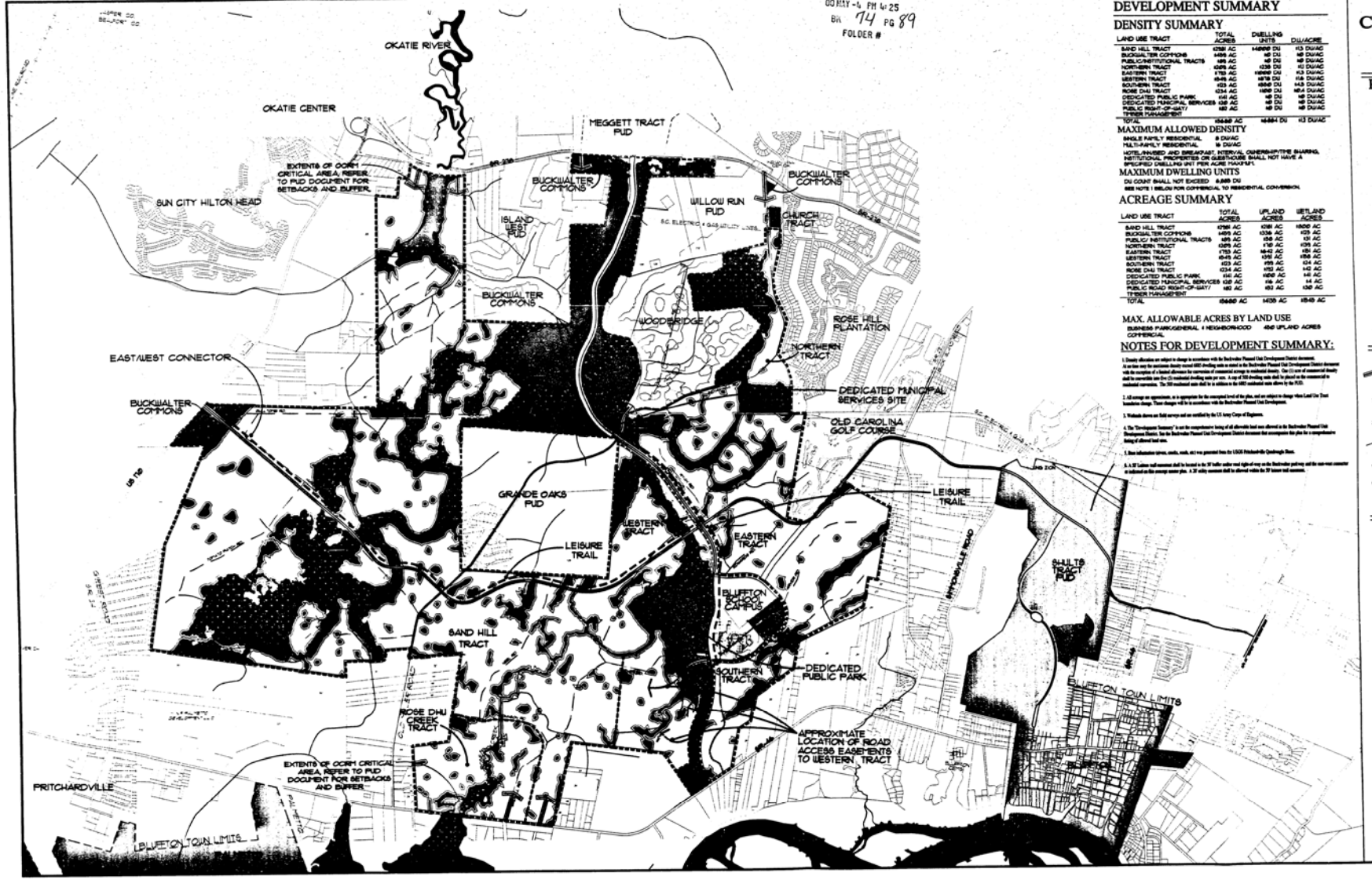
- RESIDENTIAL
- COMMERCIAL
- PUBLIC/INSTITUTIONAL
- WETLANDS
- TIMBER MANAGEMENT
- BLUFFTON TOWN LIMITS
- DEDICATED PUBLIC PARK

0 ½ 1
MILEAGE
0 500 1000 2000 3000 4000

NORTH

DATE: January 2000
REVISED: March 2000 REVISED: April 2000

R.M.C.
BEAUFORT COUNTY S.C.
00 MAY -4 PM 4:25
BK 74 PG 89
FOLDER #



DEVELOPMENT SUMMARY

DENSITY SUMMARY

LAND USE TRACT	TOTAL ACRES	DWELLING UNITS	DU/ACRE
SAND HILL TRACT	1758 AC	14000 DU	13 DU/AC
BUCKWALTER COMMONS	1494 AC	NS DU	NS DU/AC
PUBLIC/INSTITUTIONAL TRACTS	149 AC	NS DU	NS DU/AC
NORTHERN TRACT	1395 AC	1230 DU	.92 DU/AC
EASTERN TRACT	1752 AC	14000 DU	8.3 DU/AC
WESTERN TRACT	1645 AC	1875 DU	1.16 DU/AC
SOUTHERN TRACT	103 AC	1500 DU	14.5 DU/AC
ROSE DHU TRACT	1234 AC	1600 DU	1.29 DU/AC
DEDICATED PUBLIC PARK	140 AC	NS DU	NS DU/AC
DEDICATED MUNICIPAL SERVICES	128 AC	NS DU	NS DU/AC
PUBLIC ROAD RIGHT-OF-WAY/ TIMBER MANAGEMENT	180 AC	NS DU	NS DU/AC
TOTAL	10,648 AC	16,884 DU	1.13 DU/AC

MAXIMUM ALLOWED DENSITY

SINGLE FAMILY RESIDENTIAL 8 DU/AC
MULTI-FAMILY RESIDENTIAL 16 DU/AC

HOTEL/INN/BED AND BREAKFAST, INTERVAL OWNERSHIP/TIME SHARING, INSTITUTIONAL PROPERTIES OR GUESTHOUSE SHALL NOT HAVE A GROUNDED DWELLING UNIT PER ACRE MAXIMUM.

MAXIMUM DWELLING UNITS

DU COUNT SHALL NOT EXCEED 6,885 DU
SEE NOTE 1 BELOW FOR COMMERCIAL TO RESIDENTIAL CONVERSION.

ACREAGE SUMMARY

LAND USE TRACT	TOTAL ACRES	UPLAND ACRES	WETLAND ACRES
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BUCKWALTER COMMONS	1494 AC	1336 AC	158 AC
PUBLIC/ INSTITUTIONAL TRACTS	149 AC	148 AC	1.0 AC
NORTHERN TRACT	1395 AC	1.30 AC	1265 AC
EASTERN TRACT	1752 AC	1642 AC	1.84 AC
WESTERN TRACT	1645 AC	1315 AC	1358 AC
SOUTHERN TRACT	103 AC	1.19 AC	1.04 AC
ROSE DHU TRACT	1234 AC	1192 AC	1.42 AC
DEDICATED PUBLIC PARK	1.40 AC	1.00 AC	1.40 AC
DEDICATED MUNICIPAL SERVICES	128 AC	1.16 AC	1.4 AC
PUBLIC ROAD RIGHT-OF-WAY/ TIMBER MANAGEMENT	180 AC	1.80 AC	1.30 AC
TOTAL	10,648 AC	14,130 AC	1,518 AC

MAX. ALLOWABLE ACRES BY LAND USE

BUSINESS PARK/GENERAL & NEIGHBORHOOD 1,500 UPLAND ACRES
COMMERCIAL

NOTES FOR DEVELOPMENT SUMMARY:

1. Density allocation are subject to change in accordance with the Buckwalter Planned Unit Development District document. At no time may the maximum density exceed 6885 dwelling units as stated in the Buckwalter Planned Unit Development District document with the exception of a limited allowance for conversion of commercial acreage to residential density. One (1) acre of commercial density shall be convertible into five (5) residential dwelling units per acre. A cap of 300 dwelling units shall be placed on the commercial to residential conversion. The 300 residential units shall be in addition to the 6885 residential units allowed by the PUD.

2. All acreage are approximate, as is appropriate for the conceptual level of the plan, and are subject to change when Land Use Tract boundaries change. These changes will be in accordance with the Buckwalter Planned Unit Development.

3. Wetlands shown are field surveys and are certified by the U.S. Army Corps of Engineers.

4. The "Development Summary" is not the comprehensive listing of all allowable land uses allowed in the Buckwalter Planned Unit Development District. See the Buckwalter Planned Unit Development District document that encompasses this plan for a comprehensive listing of allowed land uses.

5. Base information (rivers, creeks, roads, etc.) was generated from the USGS Pritchardville Quadrangle Sheet.

6. A 20' Leisure trail easement shall be located in the 20' buffer and/or road right-of-way on the Buckwalter parkway and the east-west connector as indicated on this concept master plan. A 20' utility easement shall be allowed within the 20' leisure trail easement.

CONCEPT MASTER PLAN

For:

Buckwalter

PLANNED UNIT DEVELOPMENT

Bluffton, South Carolina

Prepared For:
Branigar Organization
Savannah, Georgia

BRANIGAR
The Branigar Organization, Inc.

A company of INTERNATIONAL PAPER

Prepared By:
Wood+Partners, Inc.
Landscape Architects/Land Planners
Hilton Head Island, South Carolina
Thomas & Hutton Engineering Co.
Civil Engineers
Savannah, Georgia

LEGEND:

- PROPOSED ROADS/ACCESS POINTS
- EXISTING DIRT ROADS
- EXISTING PAVED ROADS
- STREAMS / WATER CHANNELS
- LAND USE TRACT LIMIT
- LEISURE TRIAL

PUD LAND USE AREAS

- RESIDENTIAL
- COMMERCIAL
- PUBLIC/INSTITUTIONAL
- WETLANDS
- TIMBER MANAGEMENT
- BLUFFTON TOWN LIMITS
- DEDICATED PUBLIC PARK

0 ½ 1
MILEAGE
0 500 1000 2000 3000 4000

NORTH

DATE: January 2000
REVISED: March 2000 REVISED: April 2000

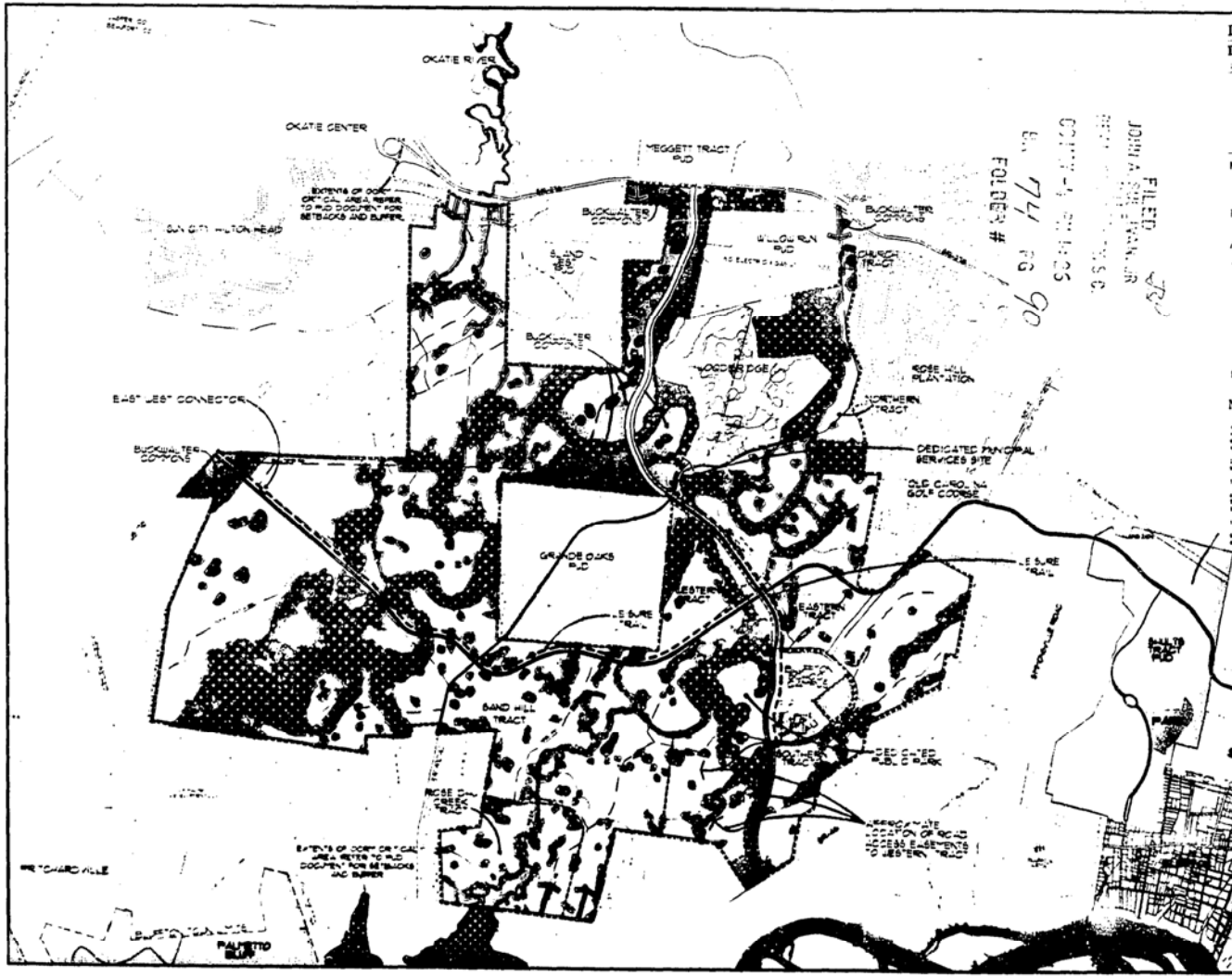
SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 90

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.



DEVELOPMENT SUMMARY

DENSITY SUMMARY

LAND USE TRACT	TOTAL ACRES	DWELLING UNITS	DU/ACRE
SAND HILL TRACT	1196 AC	14000 DU	12 DU/AC
BUCKWALTER COMMONS	1485 AC	18 DU	18 DU/AC
PUBLIC/INSTITUTIONAL TRACTS	489 AC	18 DU	18 DU/AC
NORTHERN TRACT	1085 AC	1139 DU	1.1 DU/AC
EASTERN TRACT	1750 AC	14000 DU	12 DU/AC
WESTERN TRACT	1615 AC	1979 DU	1.2 DU/AC
SOUTHERN TRACT	1131 AC	1698 DU	1.5 DU/AC
ROSE DYE TRACT	1134 AC	1600 DU	1.4 DU/AC
DEDICATED PUBLIC PARK	114 AC	18 DU	18 DU/AC
DEDICATED MUNICIPAL SERVICES	108 AC	18 DU	18 DU/AC
PUBLIC ROAD RIGHT-OF-WAY	180 AC	18 DU	18 DU/AC
TIMBER MANAGEMENT	180 AC	18 DU	18 DU/AC
TOTAL	10000 AC	18000 DU	1.8 DU/AC

MAXIMUM ALLOWED DENSITY

SINGLE FAMILY RESIDENTIAL 6 DU/AC

MULTI FAMILY RESIDENTIAL 8 DU/AC

NOTE: PARKING AND BREEZEWAY TOTAL DIMENSIONS THE SHARING "MULTI FAMILY" AMENDMENT 88-24 (MULTI HOUSE SHALL NOT HAVE A SPECIFIED DWELLING UNIT PER ACRE MAXIMUM

MAXIMUM DWELLING UNITS

DU GOAL SHALL NOT EXCEED 8,000 DU

SEE NOTE "BELOW FOR CONTROL AS TO RESIDENTIAL CONVERSION

ACREAGE SUMMARY

LAND USE TRACT	TOTAL ACRES	DEVELOPED ACRES	REMAINING ACRES
SAND HILL TRACT	1196 AC	1196 AC	1196 AC
BUCKWALTER COMMONS	1485 AC	1139 AC	1139 AC
PUBLIC/INSTITUTIONAL TRACTS	489 AC	489 AC	11 AC
NORTHERN TRACT	1085 AC	1139 AC	1139 AC
EASTERN TRACT	1750 AC	1647 AC	1647 AC
WESTERN TRACT	1615 AC	1195 AC	1195 AC
SOUTHERN TRACT	1131 AC	1131 AC	1131 AC
ROSE DYE TRACT	1134 AC	1132 AC	1132 AC
DEDICATED PUBLIC PARK	114 AC	114 AC	114 AC
DEDICATED MUNICIPAL SERVICES	108 AC	108 AC	108 AC
PUBLIC ROAD RIGHT-OF-WAY	180 AC	180 AC	180 AC
TIMBER MANAGEMENT	180 AC	180 AC	180 AC
TOTAL	10000 AC	9439 AC	9439 AC

MAX. ALLOWABLE ACRES BY LAND USE

SINGLE FAMILY GENERAL NEIGHBORHOOD 600 PLAND ACRES

COMMERCIAL

NOTES FOR DEVELOPMENT SUMMARY:

CONCEPT MASTER PLAN

For:

Buckwalter

PLANNED UNIT DEVELOPMENT

Bluffton, South Carolina

Prepared For:

Branigar Organization

Savannah, Georgia

BRANIGAR

A company of INTERNATIONAL PAPER

Prepared By:

Wood+Partners, Inc.

Landscape Architects/Land Planners

Hilton Head Island, South Carolina

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Civil Engineers

Savannah, Georgia

LEGEND:

- PROPOSED ROADS/ACCESS POINTS
- EXISTING DIRT ROADS
- EXISTING PAVED ROADS
- STREAMS / WATER CHANNELS
- LAND USE TRACT LIMIT
- LEISURE TRIAL

PUD LAND USE AREAS

- RESIDENTIAL
- COMMERCIAL
- PUBLIC/INSTITUTIONAL
- WETLANDS
- TIMBER MANAGEMENT
- BLUFFTON TOWN LIMITS
- DEDICATED PUBLIC PARK

MILEAGE

SCALE 1"=1000'

DATE January 2000

REVISED March 2000 REVISED April 2000

FILED
JOHN A. SULLIVAN, JR.
R.M.C.
BEAUFORT COUNTY, S.C.
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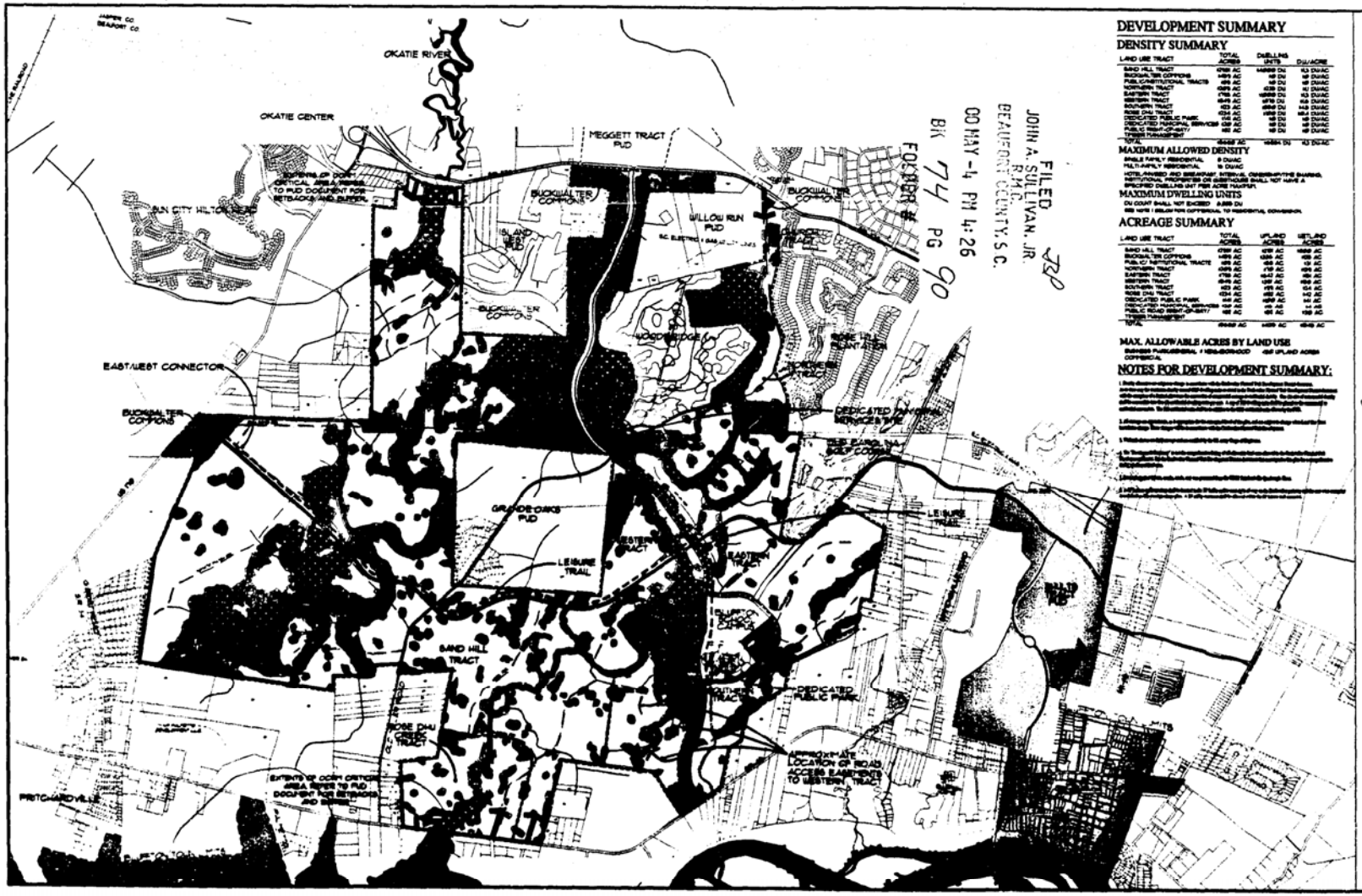


DEVELOPMENT SUMMARY

DENSITY SUMMARY

LAND USE TRACT	TOTAL ACRES	DWELLING UNITS	DU/ACRE
SAND HILL TRACT	[illegible] AC	[illegible] DU	[illegible] DU/AC
BUCKWALTER COMMONS	[illegible] AC	[illegible] DU	[illegible] DU/AC
PUBLIC/INSTITUTIONAL TRACTS	[illegible] AC	[illegible] DU	[illegible] DU/AC
NORTHERN TRACT	[illegible] AC	[illegible] DU	[illegible] DU/AC
EASTERN TRACT	[illegible] AC	[illegible] DU	[illegible] DU/AC
WESTERN TRACT	[illegible] AC	[illegible] DU	[illegible] DU/AC
SOUTHERN TRACT	[illegible] AC	[illegible] DU	[illegible] DU/AC
ROSE DHU TRACT	[illegible] AC	[illegible] DU	[illegible] DU/AC
DEDICATED PUBLIC PARK	[illegible] AC	[illegible] DU	[illegible] DU/AC
DEDICATED PUBLIC SERVICES	[illegible] AC	[illegible] DU	[illegible] DU/AC
PUBLIC ROAD RIGHT-OF-WAY	[illegible] AC	[illegible] DU	[illegible] DU/AC
TIMBER MANAGEMENT	[illegible] AC	[illegible] DU	[illegible] DU/AC
TOTAL	[illegible] AC	[illegible] DU	[illegible] DU/AC

MAXIMUM ALLOWED DENSITY

SINGLE FAMILY RESIDENTIAL [illegible] DU/AC
MULTI-FAMILY RESIDENTIAL [illegible] DU/AC

NOTE: PARKING AND BREAKAWAY INTERVAL, CONSERVATIVE SHARING, INSTITUTIONAL PROPERTIES OR GUESTHOUSE SHALL NOT HAVE A SPECIFIED DWELLING UNIT PER ACRE MAXIMUM.

MAXIMUM DWELLING UNITS

DU COUNT SHALL NOT EXCEED [illegible] DU
SEE NOTE 1 BELOW FOR CONTROL TO RESIDENTIAL DOWNSIZE.

ACREAGE SUMMARY

LAND USE TRACT	TOTAL ACRES	UPLAND ACRES	WETLAND ACRES
SAND HILL TRACT	[illegible] AC	[illegible] AC	[illegible] AC
BUCKWALTER COMMONS	[illegible] AC	[illegible] AC	[illegible] AC
PUBLIC/INSTITUTIONAL TRACTS	[illegible] AC	[illegible] AC	[illegible] AC
NORTHERN TRACT	[illegible] AC	[illegible] AC	[illegible] AC
EASTERN TRACT	[illegible] AC	[illegible] AC	[illegible] AC
WESTERN TRACT	[illegible] AC	[illegible] AC	[illegible] AC
SOUTHERN TRACT	[illegible] AC	[illegible] AC	[illegible] AC
ROSE DHU TRACT	[illegible] AC	[illegible] AC	[illegible] AC
DEDICATED PUBLIC PARK	[illegible] AC	[illegible] AC	[illegible] AC
DEDICATED PUBLIC SERVICES	[illegible] AC	[illegible] AC	[illegible] AC
PUBLIC ROAD RIGHT-OF-WAY	[illegible] AC	[illegible] AC	[illegible] AC
TIMBER MANAGEMENT	[illegible] AC	[illegible] AC	[illegible] AC
TOTAL	[illegible] AC	[illegible] AC	[illegible] AC

MAX. ALLOWABLE ACRES BY LAND USE

BUSINESS PUBLIC/SERVICE / NEIGHBORHOOD [illegible] UPLAND ACRES
COMMERCIAL

NOTES FOR DEVELOPMENT SUMMARY:

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]

CONCEPT MASTER PLAN

For:

Buckwalter

PLANNED UNIT DEVELOPMENT

Bluffton, South Carolina

Prepared For:
Branigar Organization
Savannah, Georgia

BRANIGAR
The Branigar Organization, Inc.
A company of INTERNATIONAL PAPER

Prepared By:
Wood+Partners, Inc.
Landscape Architects/Land Planners
Hilton Head Island, South Carolina
Thomas & Hutton Engineering Co.
Civil Engineers
Savannah, Georgia

LEGEND:

- PROPOSED ROADS/ACCESS POINTS
- EXISTING DIRT ROADS
- EXISTING PAVED ROADS
- STREAMS / WATER CHANNELS
- LAND USE TRACT LIMIT
- LEISURE TRIAL

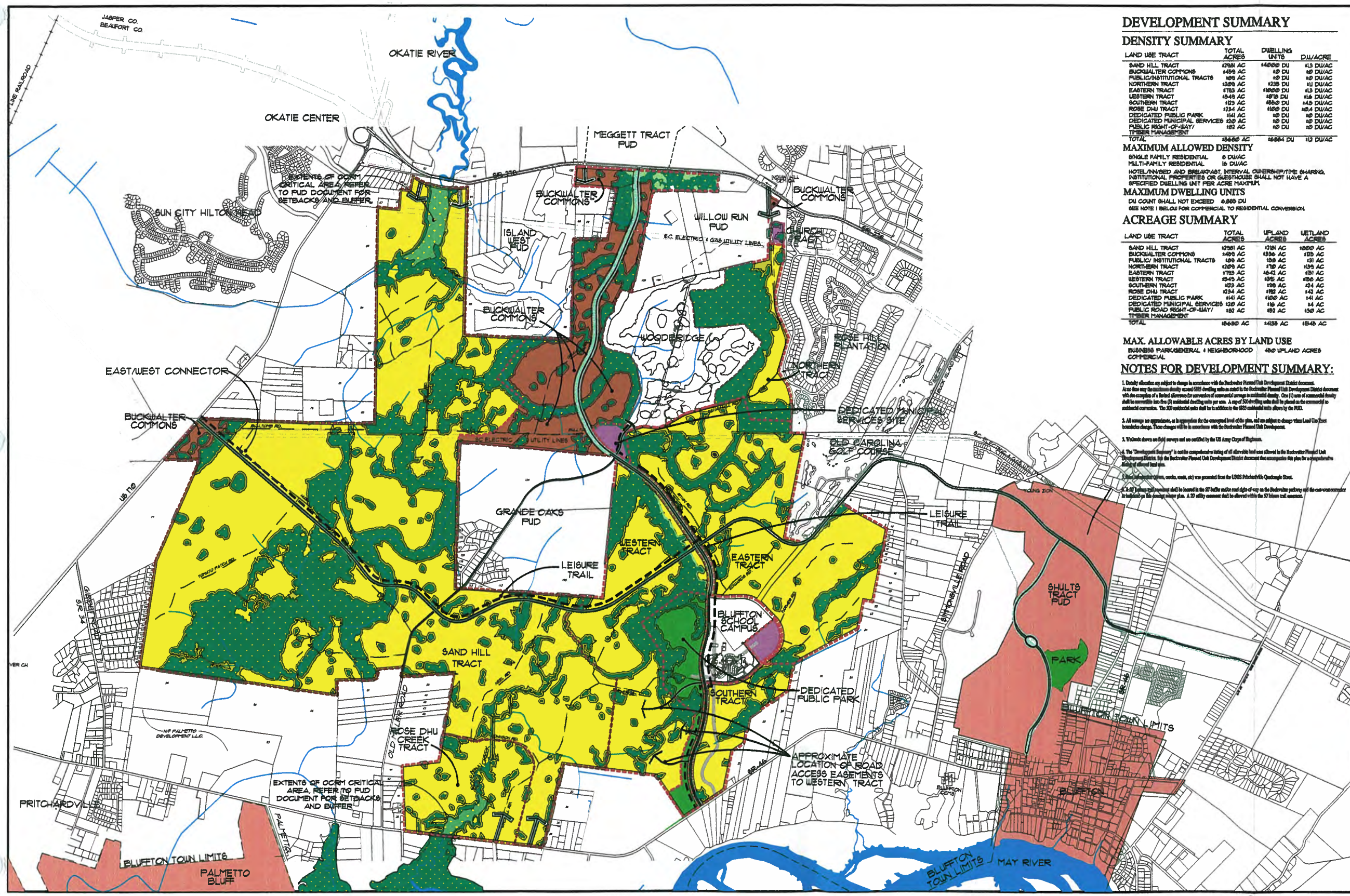
PUD LAND USE AREAS

- RESIDENTIAL
- COMMERCIAL
- PUBLIC/INSTITUTIONAL
- WETLANDS
- TIMBER MANAGEMENT
- BLUFFTON TOWN LIMITS
- DEDICATED PUBLIC PARK

MILEAGE

SCALE: 1"=1000'
DATE: January 2000
REVISED: March 2000 REVISED: April 2000

NORTH



DEVELOPMENT SUMMARY

DENSITY SUMMARY

LAND USE TRACT	TOTAL ACRES	DWELLING UNITS	DU/ACRE
SAND HILL TRACT	2981 AC	4000 DU	1.3 DU/AC
BUCKWALTER COMMONS	1496 AC	0 DU	0 DU/AC
PUBLIC/INSTITUTIONAL TRACTS	189 AC	0 DU	0 DU/AC
NORTHERN TRACT	2098 AC	2335 DU	1.1 DU/AC
EASTERN TRACT	1783 AC	1900 DU	1.3 DU/AC
WESTERN TRACT	1549 AC	1870 DU	1.6 DU/AC
SOUTHERN TRACT	123 AC	550 DU	4.5 DU/AC
ROSE DHU TRACT	234 AC	1100 DU	4.9 DU/AC
DEDICATED PUBLIC PARK	141 AC	0 DU	0 DU/AC
DEDICATED MUNICIPAL SERVICES	120 AC	0 DU	0 DU/AC
PUBLIC RIGHT-OF-WAY/ TIMBER MANAGEMENT	183 AC	0 DU	0 DU/AC
TOTAL	8688 AC	10884 DU	1.3 DU/AC

MAXIMUM ALLOWED DENSITY

SINGLE FAMILY RESIDENTIAL 8 DU/AC
MULTI-FAMILY RESIDENTIAL 16 DU/AC

HOTEL/MUSEO AND BREAKFAST, INTERVAL OWNERSHIP/TIME SHARING, INSTITUTIONAL PROPERTIES OR GUESTHOUSE SHALL NOT HAVE A SPECIFIED DWELLING UNIT PER ACRE MAXIMUM.

MAXIMUM DWELLING UNITS

DU COUNT SHALL NOT EXCEED 6,885 DU
SEE NOTE 1 BELOW FOR COMMERCIAL TO RESIDENTIAL CONVERSION.

ACREAGE SUMMARY

LAND USE TRACT	TOTAL ACRES	UPLAND ACRES	WETLAND ACRES
SAND HILL TRACT	2981 AC	2781 AC	1800 AC
BUCKWALTER COMMONS	1496 AC	1336 AC	159 AC
PUBLIC/ INSTITUTIONAL TRACTS	189 AC	158 AC	31 AC
NORTHERN TRACT	2098 AC	1719 AC	139 AC
EASTERN TRACT	1783 AC	1543 AC	191 AC
WESTERN TRACT	1549 AC	1361 AC	188 AC
SOUTHERN TRACT	123 AC	99 AC	24 AC
ROSE DHU TRACT	234 AC	192 AC	42 AC
DEDICATED PUBLIC PARK	141 AC	100 AC	41 AC
DEDICATED MUNICIPAL SERVICES	120 AC	116 AC	4 AC
PUBLIC ROAD RIGHT-OF-WAY/ TIMBER MANAGEMENT	182 AC	153 AC	130 AC
TOTAL	8688 AC	7458 AC	1348 AC

MAX. ALLOWABLE ACRES BY LAND USE

BUSINESS PARK/GENERAL & NEIGHBORHOOD COMMERCIAL 480 UPLAND ACRES

NOTES FOR DEVELOPMENT SUMMARY:

1. Density allocation are subject to change in accordance with the Buckwalter Planned Unit Development District document. At no time may the maximum density exceed 6885 dwelling units as stated in the Buckwalter Planned Unit Development District document with the exception of a limited allowance for conversion of commercial acreage to residential density. One (1) acre of commercial density shall be convertible into five (5) residential dwelling units per acre. A cap of 300 dwelling units shall be placed on the commercial to residential conversion. The 300 residential units shall be in addition to the 6885 residential units allowed by the PUD.

2. All acreage are approximate, as is appropriate for the conceptual level of the plan, and are subject to change when Land Use Tract boundaries change. These changes will be in accordance with the Buckwalter Planned Unit Development.

3. Wetlands shown are field surveys and are certified by the US Army Corps of Engineers.

4. The "Development Summary" is not the comprehensive listing of all allowable land uses allowed in the Buckwalter Planned Unit Development District. See the Buckwalter Planned Unit Development District document that accompanies this plan for a comprehensive listing of allowed land uses.

5. Road, Geographic (rivers, creeks, roads, etc) was generated from the USGS Pritchardville Quadrangle Sheet.

6. A 50' Leisure Trail easement shall be located in the 50' buffer under road right-of-way on the Buckwalter parkway and the east-west connector in addition to the design master plan. A 30' utility easement shall be allowed within the 50' leisure trail easement.

CONCEPT MASTER PLAN

For:

Buckwalter

PLANNED UNIT DEVELOPMENT

Bluffton, South Carolina

Prepared For:

Branigar Organization
Savannah, Georgia

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LEGEND:

- PROPOSED ROADS/ACCESS POINTS
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- LEISURE TRIAL

PUD LAND USE AREAS

- RESIDENTIAL
- COMMERCIAL
- PUBLIC/INSTITUTIONAL
- WETLANDS
- TIMBER MANAGEMENT
- BLUFFTON TOWN LIMITS
- DEDICATED PUBLIC PARK

0 ½ 1
MILEAGE
0 500 1000 2000 3000 4000

NORTH

SCALE: 1"=1000'
DATE: January 2000
REVISED: March 2000 REVISED: April 2000

BUCKWALTER PUD
DEVELOPMENT SCHEDULE

Year	# Homes
2000	0
2005	1 600
2010	3,030
2015	4 190
2020	5,440
2025	6,425
2030	6,885

Buckwalter Development Schedule

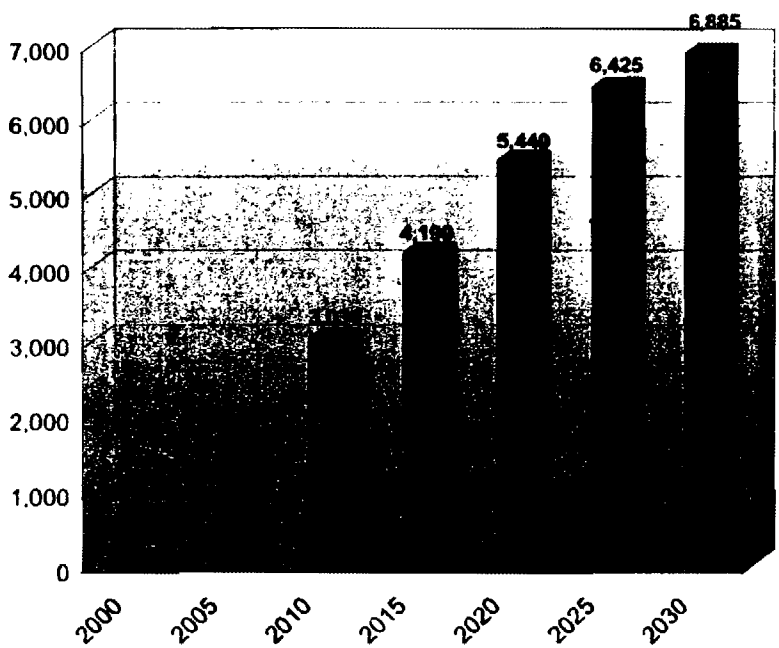

EXHIBIT B

BUCKWALTER BOUNDARY AND LEGAL DESCRIPTION

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 92

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 93

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

Exhibit B
Legal Description for
Buckwalter Tract PUD, Bluffton South Carolina

All that tract or parcel of land, lying and being in Beaufort County, South Carolina , and being more particularly described as follows:

Commencing at the Point of Beginning, said point being a point on the existing town limits of Bluffton having state plane coordinates of Northing 142522.9110 and Easting of 2023440.2506 and also being in the May River; thence North 07°19'28" West, a distance of 113.93 feet to the beginning of a curve tangent to said line; thence northernly a distance of 62.09 feet along the curve concave to the southwest, having a radius of 100.00 feet and a central angle of 35°34'35", and being subtended by a chord which bears North 25°06'45" West a distance of 61.10 feet; thence leaving the May River and continuing along the western edge of Rose Dhu Creek the following courses and distances; North 42°54'03" West tangent to said curve, a distance of 11.57 feet to the beginning of a curve tangent to said line; thence northwesterly, a distance of 486.08 feet along the curve concave to the south, having a radius of 390.00 feet and a central angle of 71°24'39", and being subtended by a chord which bears North 78°36'22" West a distance of 455.22 feet; thence South 65°41'18" West tangent to said curve, a distance of 130.35 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 98.44 feet along the curve concave to the north, having a radius of 150.00 feet and a central angle of 37°36'07", and being subtended by a chord which bears South 84°29'22" West a distance of 96.68 feet; thence North 76°42'35" West tangent to said curve, a distance of 67.39 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 87.49 feet along the curve concave to the northeast, having a radius of 100.00 feet and a central angle of 50°07'43", and being subtended by a chord which bears North 51°38'43" West a distance of 84.73 feet; thence North 26°34'52" West tangent to said curve, a distance of 2.64 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 195.77 feet concave to the east having a radius of 175.00 feet and a central angle of 64°05'45" and being subtended by a chord which bears North 05°28'00" East a distance of 185.72 feet; thence North 37°30'53" East tangent to said curve, a distance of 279.80 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 242.99 feet along the curve concave to the southwest, having a radius of 105.00 feet and a central angle of 132°35'27", and being subtended by a chord which bears North 28°46'51" West a distance of 192.28 feet; thence South 84°55'25" West tangent to said curve, a distance of 308.51 feet to the beginning of a curve tangent to said line; thence westerly and a distance of 595.17 feet along the curve concave to the north, having a radius of 1150.00 feet and a central angle of 29°39'10", and being subtended by a chord which bears North 80°15'00" West a distance of 588.55 feet; thence North 65°25'24" West tangent to said curve, a distance of 56.82 feet to the beginning of a curve tangent to said line; thence westerly a distance of 188.06 feet along the curve concave to the south, having a radius of 215.00 feet and a central angle of 50°07'03", and being subtended by a chord which bears South 89°31'04" West a distance of 182.13 feet; thence South 64°27'32" West tangent to said curve, a distance of 110.06 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 148.31 feet along the curve concave to the north, having a radius of 195.00 feet and a central angle of 43°34'39", and being subtended by a chord which bears North 86°14'52" East a distance of 144.76 feet; thence North 71°57'49" West tangent to said curve, a distance of 72.64 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 88.72 feet along the curve concave to the northeast, having a radius of 180.00 feet and a central angle of 28°14'29", and being subtended by a chord which bears North 57°50'34" West a distance of 87.83 feet; thence North 43°43'19" West tangent to said curve, a distance of 166.15 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 95.78 feet along the curve concave to the southwest, having a radius of 220.00 feet and a central angle of 24°56'39", and being subtended by a chord which bears North 56°11'39" West a distance of 95.02 feet; thence North 68°39'59" West tangent to said curve, a distance of 42.80 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 75.90 feet along the curve concave to the northeast, having a radius of 75.00 feet and a central angle of 57°59'01", and being subtended by a chord which bears North 39°40'28" West a distance of 72.70 feet; thence North 10°40'58"West tangent to said curve, a distance of 100.12 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 58.12 feet along the curve concave to the east, having a radius of 65.00 feet and a central angle of 51°13'59", and being subtended by a chord which bears North 14°56'02" East a distance of 56.20 feet; thence

North 40°33'01" East tangent to said curve, a distance of 16.13 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 103.35 feet along the curve concave to the south, having a radius of 85.00 feet and a central angle of 69°39'54", and being subtended by a chord which bears North 75°22'58" East a distance of 97.10 feet; thence South 69°47'05" East tangent to said curve, a distance of 42.72 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 62.68 feet along the curve concave to the north, having a radius of 62.00 feet and a central angle of 57°55'22", and being subtended by a chord which bears North 81°15'14" East a distance of 60.04 feet; thence North 52°17'34" East tangent to said curve, a distance of 19.42 feet to the beginning of a curve tangent to said line; thence northernly a distance of 83.30 feet along the curve concave to the west, having a radius of 50.00 feet and a central angle of 95°27'06", and being subtended by a chord which bears North 04°34'00" East a distance of 73.99 feet; thence North 43°09'33" West tangent to said curve, a distance of 67.85 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 54.95 feet along the curve concave to the northeast, having a radius of 105.00 feet and a central angle of 29°59'08", and being subtended by a chord which bears North 28°09'59" West a distance of 105.00 feet; thence North 13°10'25" West tangent to said curve, a distance of 40.96 feet to the beginning of a curve tangent to said line; thence northernly a distance of 88.36 feet along the curve concave to the east, having a radius of 320.00 feet and a central angle of 15°49'16", and being subtended by a chord which bears North 05°15'47"West a distance of 88.08 feet; thence North 02°38'51" East tangent to said curve, a distance of 23.38 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 90.14 feet along the curve concave to the southeast, having a radius of 65.00 feet and a central angle of 79°27'07", and being subtended by a chord which bears North 42°22'25" East a distance of 83.09 feet; thence North 82°05'58" East tangent to said curve a distance of 2.80 feet to the beginning of a curve tangent to said line; thence easterly a distance of 96.28 feet along the curve concave to the south, having a radius of 120.00 feet and a central angle of 45°58'17", and being subtended by a chord which bears South 74°54'53" East a distance of 93.72 feet; thence South 51°55'45" East tangent to said curve, a distance of 91.21 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 96.40 feet along the curve concave to the north, having a radius of 55.00 feet and a central angle of 100°25'22", and being subtended by a chord which bears North 77°51'34" East a distance of 84.53 feet; thence North 27°38'53" East tangent to said curve, a distance of 79.37 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 8.63 feet along the curve concave to the west, having a radius of 10.00 feet and a central angle of 49°27'30", and being subtended by a chord which bears North 02°55'08" East a distance of 8.37 feet; thence North 21°48'37" West tangent to said curve, a distance of 7.46 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 75.54 feet along the curve concave to the southeast, having a radius of 44.00 feet and a central angle of 98°21'45", and being subtended by a chord which bears North 27°22'16" East a distance of 66.60 feet; thence North 76°33'08" East tangent to said curve, a distance of 73.48 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 55.86 feet along the curve concave to the northwest, having a radius of 50.00 feet and a central angle of 64°00'34", and being subtended by a chord which bears North 44°32'51" East a distance of 53.00 feet; thence North 12°32'34" East tangent to said curve, a distance of 10.64 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 48.51 feet along the curve concave to the west, having a radius of 75.00 feet and a central angle of 37°03'33", and being subtended by a chord which bears North 05°59'12" West a distance of 47.67 feet; thence North 24°30'59" West tangent to said curve, a distance of 22.35 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 21.11 feet along the curve concave to the east, having a radius of 75.00 feet and a central angle of 16°07'34", and being subtended by a chord which bears North 16°27'12" West a distance of 21.04 feet; thence North 08°23'25" West tangent to said curve, a distance of 34.52 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 69.97 feet along the curve concave to the east, having a radius of 105.00 feet and a central angle of 38°10'51", and being subtended by a chord which bears North 10°42'00" East a distance of 68.68 feet; thence North 29°47'26" East tangent to said curve, a distance of 54.84 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 198.77 feet along the curve concave to the south, having a radius of 100.50 feet and a central angle of 113°19'14", and being subtended by a chord which bears North 86°27'03" East a distance of 167.92 feet; thence South 36°53'20" East tangent to said curve, a distance of 55.73 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 63.09 feet along the curve concave to the northeast, having a radius of 275.00 feet and a central angle of 13°08'40", and being subtended by a chord which bears South 43°27'40" East a distance of 62.95 feet; thence South 50°02'01" East tangent to said curve, a distance of 61.98 feet to the beginning of a curve tangent to said line; thence southernly a distance of 79.06 feet along the curve concave to the west, having a radius of 55.00 feet and a central angle of 82°21'24", and being subtended by a

chord which bears South 08°51'19" East a distance of 72.42 feet; thence South 32°19'24" West tangent to said curve, a distance of 54.58 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 30.11 feet along the curve concave to the east, having a radius of 20.00 feet and a central angle of 86°14'52", and being subtended by a chord which bears South 10°48'03" East a distance of 27.34 feet; thence South 53°55'29" East tangent to said curve, a distance of 73.53 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 35.30 feet along the curve concave to the north, having a radius of 24.00 feet and a central angle of 84°16'23", and being subtended by a chord which bears North 83°56'20" East a distance of 32.20 feet; thence North 41°48'08" East tangent to said curve, a distance of 27.75 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 72.91 feet along the curve concave to the west, having a radius of 62.50 feet and a central angle of 66°50'15", and being subtended by a chord which bears North 08°23'01" East a distance of 68.84 feet; thence North 25°02'07" West tangent to said curve,a distance of 17.07 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 34.13 feet along the curve concave to the east, having a radius of 82.50 feet and a central angle of 23°42'02", and being subtended by a chord which bears North 13°11'06" West a distance of 33.88 feet; thence North 01°20'05" West tangent to said curve, a distance of 15.09 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 38.05 feet along the curve concave to the southwest, having a radius of 45.00 feet and a central angle of 48°26'28", and being subtended by a chord which bears North 25°33'19" West a distance of 36.92 feet; thence North 49°46'33" West tangent to said curve, a distance of 24.38 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 57.18 feet along the curve concave to the east, having a radius of 27.50 feet and a central angle of 119°07'42", and being subtended by a chord which bears North 09°47'18" East a distance of 47.42 feet; thence North 69°21'09" East tangent to said curve, a distance of 26.45 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 18.40 feet along the curve concave to the northwest, having a radius of 45.00 feet and a central angle of 23°25'17", and being subtended by a chord which bears North 57°38'30" East a distance of 18.27 feet; thence North 45°55'52" East tangent to said curve, a distance of 18.07 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 11.93 feet along the curve concave to the west, having a radius of 10.00 feet and a central angle of 68°19'47", and being subtended by a chord which bears North 11°45'58" East a distance of 11.23 feet; thence North 22°23'55" West tangent to said curve, a distance of 0.78 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 43.54 feet along the curve concave to the southwest, having a radius of 40.00 feet and a central angle of 62°22'19", and being subtended by a chord which bears North 53°35'05" West a distance of 41.43 feet; thence North 84°46'15" West tangent to said curve, a distance of 11.56 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 56.83 feet along the curve concave to the north, having a radius of 120.00 feet and a central angle of 27°08'03", and being subtended by a chord which bears North 71°12'13" West a distance of 56.30 feet; thence North 57°38'11" West tangent to said curve, a distance of 69.03 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 13.75 feet along the curve concave to the southwest, having a radius of 264.00 feet and a central angle of 2°59'05", and being subtended by a chord which bears North 59°07'44" West a distance of 13.75 feet; thence North 60°37'16" West tangent to said curve, a distance of 14.72 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 46.98 feet along the curve concave to the northeast, having a radius of 100.00 feet and a central angle of 26°54'57", and being subtended by a chord which bears North 47°09'48" West a distance of 46.55 feet; thence North 33°42'19" West tangent to said curve, a distance of 19.78 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 58.51 feet along the curve concave to the east, having a radius of 37.50 feet and a central angle of 89°23'25", and being subtended by a chord which bears North 10°59'24" East a distance of 52.75 feet; thence North 55°41'06" East tangent to said curve, a distance of 6.92 feet to the beginning of a curve tangent to said line; thence easterly a distance of 82.69 feet along the curve concave to the south having a radius of 70.00 feet and a central angle of 67°40'44", and being subtended by a chord which bears North 89°31'28" East a distance of 77.96 feet; thence South 56°38'10" East tangent to said curve, a distance of 29.50 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 148.91 feet along the curve concave to the north, having a radius of 85.00 feet and a central angle of 100°22'27", and being subtended by a chord which bears North 73°10'37" East a distance of 130.58 feet; thence North 22°59'23" East tangent to said curve, a distance of 29.07 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 47.19 feet along the curve concave to the southeast, having a radius of 63.48 feet and a central angle of 42°35'31", and being subtended by a chord which bears North 44°17'08" East a distance of 46.11 feet; thence radial to said curve North 12°32'05" West, a distance of 51.37 feet to the beginning of a curve tangent to said line; thence northernly a distance of 39.10 feet along the curve concave to the east,

having a radius of 97.50 feet and a central angle of 22°58'37", and being subtended by a chord which bears North 01°02'46" West a distance of 38.84 feet; thence North 10°26'33" East tangent to said curve, a distance of 25.30 feet, to a point on the northern right of way of South Carolina Highway 46 and leaving said Rose Dhu Creek; thence North 83°06'17" West, a distance of 1339.70 feet; thence leaving said northern right of way of South Carolina Highway 46 North 01°52'11" West, a distance of 2103.88 feet; thence North 83°31'58" East, a distance of 1183.65 feet; thence North 09°50'14" East, a distance of 2835.47 feet; thence South 85°26'05" West, a distance of 1645.95 feet, to a point said point being on the eastern right of way of Old Miller Road; thence North 12°22'31" East, a distance of 1225.63 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 528.91 feet along the curve concave to the southeast, having a radius of 825.00 feet and a central angle of 36°43'57", and being subtended by a chord which bears North 30°44'30" East a distance of 519.90 feet; thence North 49°06'29" East tangent to said curve, a distance of 1857.56 feet; thence leaving the eastern right of way of Old Miller Road South 89°29'21" East, a distance of 212.34 feet; thence South 86°09'22" East, a distance of 4302.32 feet; thence North 05°37'37" East, a distance of 4536.92 feet; thence North 84°43'42" West, a distance of 5049.90 feet; thence South 01°30'02" West, a distance of 4688.27 feet; thence South 89°24'43" East, a distance of 126.01 feet; thence along the western right of way of Old Miller Road South 49°06'29" West, a distance of 1801.00 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 560.97 feet along the curve concave to the southeast, having a radius of 875.00 feet and a central angle of 36°43'57", and being subtended by a chord which bears South 30°44'30" West a distance of 551.41 feet; thence South 12°21'31" West, a distance of 927.95 feet; thence leaving western right of way of Old Miller Road South 85°46'59" West, a distance of 768.31 feet, thence South 12°28'28" West, a distance of 317.97 feet; thence South 85°26'05" West, a distance of 301.06 feet; thence South 89°15'50" West, a distance of 976.22 feet; thence South 01°41'54" East, a distance of 489.94 feet; thence North 81°46'37" West, a distance of 6386.48 feet; thence North 08°40'42" East, a distance of 3473.08 feet; thence North 23°21'43" East, a distance of 3514.64 feet; thence South 89°01'44" West, a distance of 1126.88 feet; thence along the eastern right of way of South Carolina Highway 170 North 41°02'29" East, a distance of 1793.65 feet; thence leaving the eastern right of way South Carolina Highway 170 South 87°15'25" East, a distance of 3627.68 feet; thence North 22°27'50" East, a distance of 23.98 feet; thence South 89°06'42" East, a distance of 1915.55 feet; thence North 00°37'19" East, a distance of 6931.07 feet; thence South 84°30'01" East, a distance of 695.54 feet; thence North 04°56'11" East, a distance of 636.62 feet; thence South 84°34'36" East, a distance of 314.25 feet; thence North 08°57'11" East, a distance of 500.44 feet; thence South 79°15'58" East, a distance of 630.78 feet; thence South 79°04'10" East, a distance of 1176.74 feet along the southern right of way of U.S. Highway278; thence leaving southern right of way line of U.S. Highway 278 South 01°16'00" West, a distance of 4794.70 feet ; thence South 87°29'40" East, a distance of 3472.28 feet; thence North 00°47'05" East, a distance of 3229.02 feet; thence South 89°07'40" East, a distance of 1083.85 feet; thence North 11°01'24" East, a distance of 1656.81 feet; thence North 85°19'09" West, a distance of 1037.30 feet; thence South 89°03'00" West, a distance of 330.53 feet; thence North 04°12'53" East, a distance of 632.01 feet, to a point, said point being on the southern right of way of U.S. Highway 278 and also being the beginning of a curve radial to said line; thence easterly a distance of 14.76 feet along the curve of said right of way concave to the south having a radius of 3692.73 feet and a central angle of 0°13'45" and being subtended by a chord which bears South 89°07'27" East a distance of 14.76 feet; thence easterly along said curve, a distance of 14.76 feet; thence continuing along said right of way South 00°59'25" West radial to said curve a distance of 5.00 feet to the beginning of a curve radial to said line; thence easterly a distance 161.09 feet along the curve of said right of way of U.S. Highway 278 concaving to the south, having having a radius of 3687.74 feet and a central angle of 2°30'10" and being subtended by a chord which bears South 87°45'29" East a distance of 161.08 feet; thence South 86°30'24" East tangent to said curve, continuing along U.S. Highway 278 a distance of 4405.36 feet; thence leaving U.S. Highway 278 South 04°29'25" West, a distance of 525.53 feet; thence North 87°55'24" West, a distance of 565.03 feet; thence North 87°49'52" West, a distance of 264.33 feet; thence North 87°52'28" West, a distance of 280.78 feet; thence South 89°39'28" West, a distance of 201.72 feet; thence South 89°44'10" West, a distance of 733.17 feet; thence South 11°53'11" West, a distance of 3332.52 feet; thence North 73°23'42" West, a distance of 350.00 feet; thence South 28°02'42" West, a distance of 500.00 feet; thence South 08°06'45" West, a distance of 250.00 feet; thence South 43°41'08" West, a distance of 331.22 feet; thence South 13°35'35" West, a distance of 596.92 feet; thence South 04°57'34" East, a distance of 263.81 feet; thence South 45°11'38" East, a distance of 229.41 feet; thence South 76°47'29" East, a distance of 709.58 feet; thence South 32°11'51" East, a distance of 418.87 feet; thence South 10°01'23" East, a distance of 788.68 feet; thence South 22°35'18" West, a distance of 731.43 feet; thence South 26°23'37" West, a distance of 498.40 feet; thence South 09°16'07" East,

a distance of 217.10 feet; thence North 70°43'27" East, a distance of 464.56 feet to the beginning of a curve tangent to said line; thence easterly a distance of 199.13 feet along the curve concave to the south, having a radius of 433.00 feet and a central angle of 26°20'56", and being subtended by a chord which bears North 83°53'55" East a distance of 197.38 feet; thence South 82°55'37" East tangent to said curve, a distance of 344.75 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 202.32 feet along the curve concave to the north, having a radius of 317.00 feet and a central angle of 36°34'06", and being subtended by a chord which bears North 78°47'21" East a distance of 198.90 feet; thence North 60°30'18" East tangent to said curve, a distance of 718.10 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 212.64 feet along the curve concave to the southeast, having a radius of 883.00 feet and a central angle of 13°47'52", and being subtended by a chord which bears North 67°24'14" East a distance of 212.13 feet; thence North 74°18'10" East tangent to said curve, a distance of 893.86 feet; thence North 04°51'42" East, a distance of 430.33 feet; thence North 51°04'03" East, a distance of 819.97 feet; thence North 42°01'19" East, a distance of 968.36 feet; thence North 32°34'12" East, a distance of 403.70 feet; thence North 44°40'00" West, a distance of 851.85 feet; thence South 83°30'42" West, a distance of 979.83 feet; thence North 89°19'52" West, a distance of 588.08 feet; thence North 04°27'56" West, a distance of 694.62 feet; thence North 19°30'41" West, a distance of 346.78 feet; thence North 09°32'40" East, a distance of 140.01 feet; thence North 88°16'14" East, a distance of 770.19 feet; thence North 59°45'44" East, a distance of 399.78 feet; thence North 00°27'29" East, a distance of 449.22 feet; thence North 76°27'51" East, a distance of 1404.14 feet; thence North 00°32'31" East, a distance of 2162.92 feet, to a point on the southern right of way of U.S. Highway 278; thence along the southern right of way of U.S. Highway 278 South 57°09'44" East, a distance of 458.44 feet; thence leaving the southern right of way of U.S. Highway 278 South 29°42'42" West, a distance of 26.72 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 209.48 feet along the curve concave to the northwest, having a radius of 393.00 feet and a central angle of 30°32'25", and being subtended by a chord which bears South 44°58'55" West a distance of 207.01 feet, to a point of compound curvature; thence southwesterly a distance of 292.69 feet along the arc of said curve concave to the southeast having a radius of 268.13 feet and a central angle of 62°32'42" and being subtended by a chord which bears South 31°38'19" West a distance of 278.38 feet; thence tangent to said curve South 00°17'54" West, a distance of 244.96 feet; thence South 89°42'06" East, a distance of 427.05 feet; thence South 01°10'21" West, a distance of 844.26 feet; thence South 01°05'07" West, a distance of 439.43 feet; thence South 13°16'49" West, a distance of 1155.18 feet; thence South 05°26'26" East, a distance of 516.94 feet; thence South 24°09'41" East, a distance of 506.94 feet; thence South 24°09'41" East, a distance of 439.09 feet; thence South 16°30'03" West, a distance of 1150.92 feet; thence South 36°14'07" East, a distance of 471.56 feet; thence South 16°58'52" East, a distance of 471.49 feet; thence South 02°16'24" West, a distance of 1102.38 feet; thence South 89°43'14" East, a distance of 455.34 feet; thence South 06°19'14" West, a distance of 53.16 feet; thence South 11°21'07" West, a distance of 3374.08 feet; thence South 76°32'20" East, a distance of 637.93 feet; thence North 40°36'47" East, a distance of 1738.85 feet; thence South 61°00'46" East, a distance of 1801.80 feet; thence South 10°53'32" West, a distance of 2396.07 feet; thence North 78°41'24" West, a distance of 296.15 feet; thence South 10°51'21" West, a distance of 935.50 feet; thence South 62°19'54" West, a distance of 2143.27 feet; thence South 55°23'31" West, a distance of 274.25 feet; thence South 10°36'41" West, a distance of 838.68 feet; thence South 55°52'30" West, a distance of 1518.82 feet; thence South 11°41'11" West, a distance of 847.18 feet; thence South 56°02'07" West, a distance of 458.37 feet; thence South 11°42'20" West, a distance of 1255.69 feet, to a point on the northern right of way of South Carolina Highway 46; thence South 56°00'39" West, a distance of 872.01 feet along said right of way; thence leaving northern right of way of South Carolina Highway 46 to the beginning of a curve radial to said line; thence northwesterly a distance of 1933.18 feet along the curve concave to the east, having a radius of 1911.52 feet and a central angle of 57°56'42", and being subtended by a chord which bears North 05°06'23" West a distance of 1851.84 feet, to a point of reverse curvature; thence northeasterly a distance of 1725.69 feet along said curve concave to the west, having a radius of 4165.54 feet and a central angle of 23°44'11" to a point of cusp on a curve, from which the radius bears South 23°44'11" West, and being subtended by a chord which bears North 11°59'53" East a distance of 1713.38 feet; thence continuing along a distance of 244.92 feet along a compound curve concave to the west having a radius of 1243.00 feet and a central angle of 11°17'22" and being subtended by a chord which bears North 05°30'54" West a distance of 244.52 feet; thence North 11°09'35" West tangent to said curve a distance of 121.30 feet; to a point of cusp on a curve, from which the radius point bears North 78°50'25" East; thence northeasterly a distance of 49.96 feet along the arc of said curve concave to the southeast having a radius of 30.00 feet and a central angle of 95°24'26" and being subtended by a chord which bears North 36°32'38" East a distance of 44.38 feet to a point

of compound curvature; thence easterly a distance of 110.72 feet along the curve concave to the south, having a radius of 617.00 feet and a central angle of 10°16'53", and being subtended by a chord which bears North 89°23'18" East a distance of 110.57 feet; thence South 85°28'16" East tangent to said curve, a distance of 397.86 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 1117.34 feet along the curve concave to the north, having a radius of 1233.00 feet and a central angle of 51°55'16" and being subtended by a chord which bears North 68°34'06" East a distance of 1079.50 to a point of reverse curvature; thence northeasterly a distance of 330.28 feet along the curve concave to the southeast, having a radius of 1707.00 feet and a central angle of 11°05'09", and being subtended by a chord which bears North 48°09'03" East a distance of 329.76 feet; thence tangent to said curve North 53°45'23" East, a distance of 3.73 feet; thence North 39°32'27" West, a distance of 885.16 feet; thence North 51°35'55" East, a distance of 1272.15 feet; thence North 43°24'29" West, a distance of 566.11 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 817.88 feet along the curve concave to the south, having a radius of 958.00 feet and a central angle of 48°54'55", and being subtended by a chord which bears North 67°51'57" West a distance of 793.26 feet; thence South 87°40'36" West tangent to said curve, a distance of 445.42 feet to the beginning of a curve tangent to said line; thence westerly a distance of 203.05 feet along the curve concave to the north, having a radius of 1097.00 feet and a central angle of 10°36'20", and being subtended by a chord which bears North 87°01'15" West a distance of 202.76 feet; thence North 81°43'05" West tangent to said curve, a distance of 290.40 feet; thence North 81°43'05" West, a distance of 100.06 feet to the beginning of a curve radial to said line; thence a distance of 326.06 feet along the curve concave to the east having a radius of 1864.66 feet and a central angle of 10°01'08" and being subtended by a chord which bears South 05°12'40" West a distance of 325.65 feet; thence South 00°12'05" West tangent to said curve, a distance of 568.56 feet to the beginning of a curve tangent to said line; thence southerly a distance of 523.89 feet along the curve concave to the west, having a radius of 1950.00 feet and a central angle of 15°23'35", and being subtended by a chord which bears South 07°53'53" West a distance of 522.31 feet; thence South 15°35'41" West tangent to said curve, a distance of 260.02 feet to the beginning of a curve tangent to said line; thence southerly a distance of 957.25 feet along the curve concave to the east, having a radius of 2050.00 feet and a central angle of 26°45'15", and being subtended by a chord which bears South 02°13'03" West a distance of 948.57 feet; thence South 11°09'35" East tangent to said curve, a distance of 395.27 feet to the beginning of a curve tangent to said line; thence southerly a distance of 225.21 feet along the curve concave to the west, having a radius of 1143.00 feet and a central angle of 11°17'22", and being subtended by a chord which bears South 05°30'54" East a distance of 224.85 feet and also a point of compound curvature; thence southwesterly a distance of 1684.26 feet along the arc of said curve concave to the west having a radius of 4065.54 feet and a central angle of 23°44'11" and being subtended by a chord which bears South 11°59'53" West a distance of 1672.25 feet to a point of reverse curvature; thence southwesterly a distance 2034.15 feet along the curve concave to the east, having a radius of 2011.52 feet and a central angle of 57°56'26", and being subtended by a chord which bears South 05°06'15" East a distance of 1948.58 feet to a point said point being on the northern right of way of South Carolina Highway 46; thence South 56°00'39" West, a distance of 606.46 feet along said right of way; thence leaving the northern right of way of South Carolina Highway 46 North 33°20'10" West, a distance of 1599.71 feet; thence North 82°54'22" West, a distance of 3014.19 feet; thence South 13°51'44" West, a distance of 2740.95 feet to a point, said point being on the northern right of way of South Carolina Highway 46; thence North 83°06'16" West, a distance of 3127.61 feet along said right of way; thence leaving the northern right of way of South Carolina Highway 46 and running along the eastern edge of Rose Dhu Creek the following courses and distances; South 10°26'33" West, a distance of 25.76 feet to the beginning of a curve tangent to said line; thence southerly a distance of 36.09 feet along the curve concave to the east, having a radius of 90.00 feet and a central angle of 22°58'37", and being subtended by a chord which bears South 01°02'46" East a distance of 35.85 feet; thence South 12°32'05" East tangent to said curve, a distance of 59.26 feet; thence radial to said line, along an arc a distance of 47.10 feet concave to the southeast having a radius of 51.92 feet and a central angle of 51°58'32" and being subtended by a chord which bears South 48°58'39" West a distance of 45.50 feet; thence South 22°59'23" West tangent to said curve, a distance of 31.03 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 147.98 feet along the curve concave to the north, having a radius of 92.50 feet and a central angle of 91°39'50", and being subtended by a chord which bears South 68°49'18" West a distance of 132.70 feet; thence North 65°20'47" West tangent to said curve, a distance of 48.06 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 46.18 feet along the curve concave to the south, having a radius of 92.50 feet and a central angle of 28°36'06", and being subtended by a chord which bears North 79°38'50" West a distance of 45.70 feet; thence South 86°03'07" West tangent to said curve, a distance of 9.55 feet to the beginning of a

curve tangent to said line; thence southwesterly, a distance of 33.87 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 77°36'53", and being subtended by a chord which bears South 47°14'41" West a distance of 31.34 feet; thence South 08°26'14" West tangent to said curve, a distance of 12.38 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 19.59 feet along the curve concave to the northeast, having a radius of 15.00 feet and a central angle of 74°49'04", and being subtended by a chord which bears South 28°58'18" East a distance of 18.22 feet; thence South 66°22'49" East tangent to said curve, a distance of 17.89 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 17.99 feet along the curve concave to the southwest, having a radius of 40.00 feet and a central angle of 25°45'43", and being subtended by a chord which bears South 53°29'58" East a distance of 17.83 feet; thence South 40°37'06" East tangent to said curve, a distance of 30.78 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 33.34 feet along the curve concave to the northeast, having a radius of 100.00 feet and a central angle of 19°06'08", and being subtended by a chord which bears South 50°10'10" East a distance of 33.19 feet; thence South 59°43'14" East tangent to said curve, a distance of 82.95 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 32.79 feet along the curve concave to the north, having a radius of 75.00 feet and a central angle of 25°03'01", and being subtended by a chord which bears South 72°14'44" East a distance of 32.53 feet; thence South 84°46'15" East tangent to said curve, a distance of 3.08 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 51.71 feet along the curve concave to the southwest, having a radius of 47.50 feet and a central angle of 62°22'19", and being subtended by a chord which bears South 53°35'05" East a distance of 49.19 feet; thence South 22°23'55" East tangent to said curve a distance of 0.78 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 20.87 feet along the curve concave to the west, having a radius of 17.50 feet and a central angle of 68°19'47" and being subtended by a chord which bears South 11°45'58" West a distance of 19.66 feet; thence South 45°55'52" West tangent to said curve, a distance of 18.07 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 21.46 feet along the curve concave to the northwest, having a radius of 52.50 feet and a central angle of 23°25'17", and being subtended by a chord which bears South 57°38'30" West a distance of 21.31 feet; thence South 69°21'09" West tangent to said curve, a distance of 26.04 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 40.87 feet along the curve concave to the east, having a radius of 20.00 feet and a central angle of 117°05'47", and being subtended by a chord which bears South 10°48'16" West a distance of 34.12 feet; thence South 47°44'38" East tangent to said curve, a distance of 27.27 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 42.52 feet along the curve concave to the southwest, having a radius of 52.50 feet and a central angle of 46°24'32", and being subtended by a chord which bears South 24°32'21" East a distance of 41.37 feet; thence South 01°20'05" East tangent to said curve, a distance of 16.32 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 30.50 feet along the curve concave to the east, having a radius of 75.00 feet and a central angle of 23°17'58", and being subtended by a chord which bears South 12°59'04" East a distance of 30.29 feet; thence South 24°38'03" East tangent to said curve, a distance of 16.66 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 78.27 feet along the curve concave to the west, having a radius of 67.50 feet and a central angle of 66°26'11", and being subtended by a chord which bears South 08°35'02" West a distance of 73.96 feet; thence South 41°48'08" West tangent to said curve, a distance of 29.70 feet to the beginning of a curve tangent to said line; thence westerly a distance of 43.88 feet along the curve concave to the north, having a radius of 30.00 feet and a central angle of 83°48'11", and being subtended by a chord which bears South 83°42'13" West a distance of 40.07 feet; thence North 54°23'41" West tangent to said curve, a distance of 75.20 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 38.21 feet along the curve concave to the east, having a radius of 25.00 feet and a central angle of 87°34'37", and being subtended by a chord which bears North 10°36'23" West a distance of 34.60 feet; thence North 33°10'56" East tangent to said curve, a distance of 54.33 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 72.65 feet along the curve concave to the west, having a radius of 50.00 feet and a central angle of 83°14'46", and being subtended by a chord which bears North 08°26'27" West a distance of 66.42 feet; thence North 50°03'50" West tangent to said curve, a distance of 68.52 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 67.64 feet along the curve concave to the northeast, having a radius of 295.00 feet and a central angle of 13°08'17", and being subtended by a chord which bears North 43°29'42" West a distance of 67.50 feet; thence North 36°55'34" West tangent to said curve, a distance of 46.61 feet to the beginning of a curve tangent to said line; thence westerly a distance of 181.90 feet along the curve concave to the south, having a radius of 92.00 feet and a central angle of 113°17'00", and being subtended by a chord which bears South 86°25'56" West a distance of 153.69 feet ;

thence South 29°47'26" West tangent to said curve, a distance of 51.52 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 65.08 feet along the curve concave to the east, having a radius of 100.00 feet and a central angle of 37°17'16", and being subtended by a chord which bears South 11°08'48" West a distance of 63.94 feet; thence South 07°29'50" East tangent to said curve, a distance of 32.28 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 27.77 feet along the curve concave to the east, having a radius of 95.00 feet and a central angle of 16°45'02", and being subtended by a chord which bears South 15°52'21" East a distance of 27.67 feet; thence South 24°14'52" East tangent to said curve, a distance of 27.26 feet to the beginning of a curve tangent to said line; thence southeasterly and a distance of 45.67 feet along the curve concave to the west, having a radius of 70.00 feet and a central angle of 37°22'39", and being subtended by a chord which bears South 05°33'32" East a distance of 44.86 feet; thence South 13°07'47" West tangent to said curve, a distance of 22.28 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 70.59 feet along the curve concave to the northwest, having a radius of 62.00 feet and a central angle of 65°13'57", and being subtended by a chord which bears South 45°44'46" West a distance of 66.84 feet; thence South 78°21'44" West tangent to said curve, a distance of 71.55 feet to the beginning of a curve tangent to said line; thence southwesterly and a distance of 43.18 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 98°57'38", and being subtended by a chord which bears South 28°52'55" West a distance of 38.01 feet; thence South 20°35'54" East tangent to said curve, a distance of 12.23 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 21.62 feet along the curve concave to the west, having a radius of 25.00 feet and a central angle of 49°32'51", and being subtended by a chord which bears South 04°10'32" West a distance 20.95 feet; thence South 28°56'57" West tangent to said curve, a distance of 75.21 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 121.46 feet along the curve concave to the north, having a radius of 70.00 feet and a central angle of 99°25'10", and being subtended by a chord which bears South 78°39'32" West a distance of 106.79 feet; thence North 51°37'53" West tangent to said curve, a distance of 91.18 feet to the beginning of a curve tangent to said line; thence northwesterly a distance of 75.56 feet along the curve concave to the south, having a radius of 100.00 feet and a central angle of 43°17'27", and being subtended by a chord which bears North 73°16'37" West a distance of 73.77 feet; thence South 85°04'40" West tangent to said curve, a distance of 9.13 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 54.52 feet along the curve concave to the southeast, having a radius of 45.00 feet and a central angle of 69°25'11", and being subtended by a chord which bears South 50°22'04" West a distance of 51.25 feet ; thence South 15°39'29" West tangent to said curve, a distance of 1.74 feet to the beginning of a curve tangent to said line; thence southerly a distance of 101.57 feet along the curve concave to the east, having a radius of 200.00 feet and a central angle of 29°05'51", and being subtended by a chord which bears South 01°06'33" West a distance of 100.48 feet ; thence South 13°26'22" East tangent to said curve, a distance of 61.45 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 66.33 feet along the curve concave to the northeast, having a radius of 120.00 feet and a central angle of 31°40'18", and being subtended by a chord which bears South 29°16'31" East a distance of 65.49 feet ; thence South 45°06'40" East tangent to said curve, a distance of 66.25 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 76.62 feet along the curve concave to the west, having a radius of 45.00 feet and a central angle of 97°33'39", and being subtended by a chord which bears South 03°40'09" West a distance 67.70 feet; thence South 52°26'59" West tangent to said curve, a distance of 53.68 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 76.52 feet along the curve concave to the north, having a radius of 85.00 feet and a central angle of 51°34'41", and being subtended by a chord which bears South 78°14'19" West a distance of 73.96 feet; thence North 75°58'20" West tangent to said curve, a distance of 53.20 feet to the beginning of a curve tangent to said line; thence southwesterly a distance of 123.46 feet along the curve concave to the southeast, having a radius of 60.00 feet and a central angle of 117°53'50", and being subtended by a chord which bears South 45°04'45" West a distance of 102.80 feet; thence South 13°52'10" East tangent to said curve, a distance of 87.23 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 64.40 feet along the curve concave to the northeast, having a radius of 70.00 feet and a central angle of 52°42'52", and being subtended by a chord which bears South 40°13'36" East a distance of 62.16 feet; thence South 66°35'02" East tangent to said curve, a distance of 26.44 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 113.37 feet along the curve concave to the southwest, having a radius of 360.00 feet and a central angle of 18°02'38", and being subtended by a chord which bears South 57°33'43" East a distance of 112.90 feet; thence South 48°32'24" East tangent to said curve, a distance of 137.59 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 95.56 feet along the curve concave to the northeast, having a radius of 355.00 feet and a central

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angle of 15°25'21", and being subtended by a chord which bears South 56°15'05" East a distance of 95.27 feet; thence South 63°57'45" East tangent to said curve, a distance of 56.08 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 159.38 feet along the curve concave to the north, having a radius of 165.00 feet and a central angle of 55°20'34", and being subtended by a chord which bears North 88°21'58" East a distance 153.25 feet; thence North 60°41'41" East tangent to said curve, a distance of 107.48 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 182.36 feet along the curve concave to the south, having a radius of 205.00 feet and a central angle of 50°58'03", and being subtended by a chord which bears North 86°10'43" East a distance of 176.40 feet; thence South 68°20'16" East tangent to said curve, a distance of 98.35 feet to the beginning of a curve tangent to said line; thence easterly a distance of 621.96 feet along the curve concave to the north, having a radius of 1200.00 feet and a central angle of 29°41'48", and being subtended by a chord which bears South 83°11'09" East a distance of 615.02 feet; thence North 81°57'57" East tangent to said curve, a distance of 223.68 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 168.22 feet along the curve concave to the south, having a radius of 163.00 feet and a central angle of 59°07'56", and being subtended by a chord which bears South 68°28'05" East a distance of 160.86; thence South 38°54'08" East, a distance of 6.16 feet to the beginning of a curve tangent to said line; thence southerly a distance of 303.67 feet along the curve concave to the west having a radius of 225.00 feet and a central angle of 77°19'42", and being subtended by a chord which bears South 00°14'17" East a distance of 281.14 feet; thence South 38°25'34" West tangent to said curve, a distance of 266.56 feet to the beginning of a curve tangent to said line; thence southeasterly 99.64 feet along the curve concave to the east, having a radius of 40.00 feet and a central angle of 142°43'29" and being subtended by a chord which bears South 33°20'46" East a distance of 75.80 feet; thence North 75°17'30" East tangent to said curve, a distance of 238.86 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 536.65 feet along the curve concave to the south, having a radius of 525.00 feet and a central angle of 58°34'00", and being subtended by a chord which bears North 75°25'30" West a distance of 513.59 feet; thence South 46°08'30" East tangent to said curve, a distance of 19.84 feet to the beginning of a curve tangent to said line; thence southeasterly a distance of 107.72 feet along the curve concave to the southwest, having a radius of 159.00 feet and a central angle of 38°49'02", and being subtended by a chord which bears South 26°43'59" East a distance of 105.67 feet; thence South 07°19'28" East tangent to said curve, a distance of 115.57 feet, to a point said point being on the thread of the May River; thence turning along the thread of the May River, along a radial curve an arc distance of 59.59 feet concave to the south having a radius of 550.00 feet and a central angle of 6°12'29" and being subtended by a chord which bears South 85°46'47" West a distance of 59.56 feet, to a point, said point being that same Point of Beginning.

This Tract contains 5688.37 Acres more of less as shown on Exhibit "b" titled Proposed Annexation of a portion of the Buckwalter Tract, dated 1/26/00 by Thomas & Hutton Engineering Co.

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EXHIBIT C

BUCKWALTER 1999 AERIAL PHOTOGRAPH

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 94

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 95

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

EXHIBIT D

BUCKWALTER ADJACENT PROPERTY OWNERS

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 96

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 97

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

Area #	Parcel #	First Name	Middle	Last Name	Suffix	Address	City	State	Zip
1	R600 031 00A 0402 0000	Inactive							
2	R600 031 00B 0140 0000	Inactive							
3	R600 031 00B 011B 0000	Charles	W.	Dunaway,	Jr., et	15 River Birch Lane	Bluffton,	SC	29910
4	R600 031 00B 0140 0000	Inactive							
5	R600 030 000 001A 0000	Inactive							
48	R600 037 000 0005 0000	Mattie		Brow,	et al.	86 Everett Street	West Haven	CT	6516
6	R600 030 000 0002 0000			Paddock Club LLC		200 Main Street, Suite 201	Hilton Head Island,	SC	29926
7	R600 030 000 0003 0000	Inactive							
8	R600 030 000 005A 0000	Sam		Bennett,	Jr.	Rt. 1, Box 160, Buck Island Road	Bluffton,	SC	29910
9	R600 030 000 0005 0000	Samson		Bennett,	et al.	Rt 1, Box 101	Bluffton,	SC	29910
10	R600 031 000 0007 0000	Ella		Robertson		322 E. Taylor Street, Apt. 1208	Savannah,	GA	31401
11	R600 031 000 0090 0000	John D. & Mary L.		Todd		Rt. 1, Box 107	Bluffton,	SC	29910
12	R600 031 000 007D 0000	James	Christopher	Bush,	Jr.	P.O. Box 1564	Bluffton,	SC	29910
13	R600 031 000 007H 0000			L & M Enterprises, Inc.		P.O. Box 872	Bluffton,	SC	29910
14	R600 031 000 0121 0000	Elizabeth	Jennifer	Brown		1-C 2205 Southside Road	Port Royal,	SC	29935
15	R600 031 000 007C 0000	Sandra	Faye	Bush		P.O. Box 537	Bluffton,	SC	29910
16	R600 031 000 007B 0000	Barbara	LaFaye	Bush		919 Evian Drive	Kennesaw,	GA	30152
17	R600 031 000 0011 0000	Mary	S.	Gadson		P.O. Box 108	Bluffton,	SC	29910
18	R600 031 000 013A 0000	Wanda	M.	Taylor		P.O. Box 21958	Hilton Head Island,	SC	29925
19	R600 031 000 0013 0000	Joe	W.	Simmons,	II	1311 East 39th Street	Savannah,	GA	31404
20	R600 031 000 015C 0000	Maxwell & Carolyn		Wilson		14 Park Road	Hilton Head Island,	SC	29928
49	R600 037 000 0004 0000	Richard		Grant		Post Office Box 1098	Bluffton	SC	29910
50	R600 037 000 0003 0000	J. B.		Johnson		Post Office Box	Bluffton	SC	29910
51	R600 037 000 0003 0000	J. B.		Johnson		Post Office Box 266	Bluffton	SC	29910
52	R600 037 000 0002 0000	James	Michael	Niver	et al.	1615 Alderman Drive	Greensboro	SC	27408
53	R600 037 000 0001 0000			Palmetto Development Partners		Post Office Box 11245	Columbia	SC	29211
54	R600 037 000 001B 0000	Stephen	A.	Huggins	Sr.	HC 03 Box 54GGG	Bluffton	SC	29910
55	R600 037 000 001A 0000			Palmetto Development Partners		Post Office Box 11245	Columbia	SC	29211
56	R600 036 000 0299 0000	Philip	E.	Allen		16 Swan Lake Drive	Bluffton	SC	29910
57	R600 036 000 0298 0000	Raleigh V. & Patreva J.		Ward		Post Office Box 1105	Bluffton	SC	29910
58	R600 036 000 0297 0000	Terri	L.	Beaumont		3759 Constitution Blvd.	Darlington	PA	16115
59	R600 036 000 0296 0000	Karen	F.	Westbrook		Post Office Box 103	Bluffton	SC	29910
60	R600 036 000 0295 0000	Greg & Kristine P.		Murphy		Post Office Box 1056	Bluffton	SC	29910
61	R600 036 000 0294 0000	Kevin	K.	Schumacher		10 Quail Run Lane	Pritchardville	SC	29910
62	R600 036 000 0293 0000	Charles		Getsinger		281 May River Road	Bluffton	SC	29910
63	R600 036 000 0292 0000	Cynthia	A.	Taylor		Post Office Box 22507	Hilton Head Island	SC	29925
64	R600 036 000 0291 0000	Rachael	G.	Cram		Post Office Box 799	Bluffton	SC	29910
65	R600 036 000 0290 0000	Michael B. & Denise		Damico		Post Office Box 7632	Hilton Head Island	SC	29938

Area #	Parcel #	First Name	Middle	Last Name	Suffix	Address	City	State	Zip
66	R600 036 000 0263 0000	Richard M. & Janice M.		Lawrence		Post Office Box 837	Bluffton	SC	29910
67	R600 036 000 0262 0000	Elizabeth	Q.	Gonzalez		22 Quail Run Lane	Pritchardville	SC	29910
68	R600 036 000 0261 0000	James W. & Maxine P.		Evans		24 Quail Run Lane	Bluffton	SC	29910
69	R600 036 000 0260 0000	Richard	A.	Godlinger		Post Office Box 1288	Bluffton	SC	29910
70	R600 036 000 0180 0000	George	William	Turner		26 Cape Jasmine	Bluffton	SC	29910
71	R600 036 000 0181 0000	Keith	A.	Lund		2 Spirea Lane	Bluffton	SC	29910
72	R600 026 000 0007 0000	Mandy	H.	Mock		4 Spirea Lane	Bluffton	SC	29910
73	R600 028 000 0006 0000	James	C.	Malphrus		Post Office Box 435	Bluffton	SC	29910
74	R600 028 000 0005 0000	Henry	S.	Cram	Jr.	Post Office Box 799	Bluffton	SC	29910
21	R600 031 000 0015 0000	William	Michael	Cahill		55 Sandy Run Road	Bluffton,	SC	29910
22	R600 031 000 015A 0000	Debra		Cahill		Star Route Box 12	Bluffton,	SC	29910
23	R600 039 000 0169 0000	Roberts		Vaux		P.O. Box 769	Bluffton,	SC	29910
24	R600 039 000 0170 0000	William M.	Doris	Cahill		55 Sandy Run Road	Bluffton,	SC	29910
25	R600 038 000 0025 0000	Janie	Woods	Coburn,	et al.	P.O. Box 124	Bluffton,	SC	29910
26	R600 038 000 0023 0000			Tarver Company, Inc.		1009 May River Road	Bluffton,	SC	29910
27	R600 038 000 021B 0000	Robert	K.	Bell		P.O. Box 716	Statesboro,	GA	30459
28	R600 038 000 021A 0000	Mary	H.	Bailey		P.O. Box 782	Bluffton,	SC	29910
29	R600 036 000 0020 0000	Franklin	C.	Callison		P.O. Box 753, Hwy. 46	Bluffton,	SC	29910
30	R600 038 000 0019 0000	Geneva	M.	Cooler		921 May River Road	Bluffton,	SC	29910
31	R600 038 000 018B 0000	Gene	Otto	Cooler		903 May River Road	Bluffton,	SC	29910
31A	R600 038 000 018A 0000	Charles	E.	Miller		Route 1, Box 22A	Bluffton,	SC	29910
31B	R600 038 000 0011 0000	Virginia	W.	Hubbard		892 May River Road	Bluffton,	SC	29910
31C	R600 038 000 010A 0000	Peter	T and Alice M.	Scardino		1111 hermann Drive, Apt. 7B	Houston,	TX	77004
31D	R600 038 000 0010 0000	Virginia	R.	McGraw		P.O. Box 324	Bluffton,	SC	29910
31E	R600 038 000 010B 0000	Margaret	V.	Roller		P.O. Box 1095	Bluffton,	SC	29910
75	R600 028 000 0004 0000	James	Lee	Brown		Post Office Box 714	Bluffton	SC	29910
76	R600 028 000 0003 0000	Richard	D.	Ennen		Post Office Box 1113	Bluffton	SC	29910
77	R600 028 000 0002 0000	Sophia	L.	Jones	et al.	Post Office Box 1397	Statesboro	GA	30459
78	R600 029 000 0002 0000	Margaret		Richardson		Post Office Box 601	Bluffton	SC	29910
78A	R600 029 000 010A 0000	Leon		Bush	Sr.	Post Office Box 172	Bluffton	SC	29910
31F	R600 038 000 0009 0000	Charles	B.	Waring		P.O. Box 2199	Bluffton,	SC	29910
78B	R600 029 000 0010 0000	George	A.	Cheek		Post Office Box 22897	Hilton Head Island	SC	29925
32	R600 038 000 001F 0000			Tarver Company, Inc.		1009 May River Road	Bluffton,	SC	29910
78C	R600 029 000 0024 0000	George	A.	Cheek		33 Spartina Crescent	Bluffton	SC	29910
33	R600 038 000 001A 0000	Roberts		Vaux		P.O. Box 5817	Hilton Head Island,	SC	29938
79	R600 029 000 011A 0000	George F. & Christine		Niesar		1Bull Tomb Road	Bluffton	SC	29910
34	R600 038 000 0002 0000	Roberts		Vaux		P.O. Box 5817	Hilton Head Island,	SC	29938
80	R600 029 000 0011 0000			Federal Financial Co.		1910 First Street, Suite 200	highland Park	IL	60035

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Area #	Parcel #	First Name	Middle	Last Name	Suffix	Address	City	State	Zip
35	R600 038 000 003A 0000	Shirley	A.	Johnson		25 Bolden Dr.	Bluffton,	SC	29910
81	R600 029 000 012 0000			Malphrus Construction Co		10 Malphrus Road	Bluffton	SC	29910
82	R600 029 000 0076 0000	Darlene	Snyder	Epperson		Post Office Box 1144	Hardeeville	SC	29927
36	R600 038 000 0003 0000	Roberts		Vaux		P.O. Box 769	Bluffton,	SC	29910
36A	R600 037 000 0019 0000			May River Plant Owners Ass., In		P.O. Box 836	Bluffton,	SC	29910
83	R600 029 000 084 0000	Marion and Mary		Dennis		1621 Highland Court	Auburn	GA	30203
84	R600 029 000 0054 0000	Avery	E.	Cleland		Post Office Box 21348	Hilton Head Island	SC	29925
84A	R600 029 000 0055 0000								
36B	R600 037 000 0019 0000			May River Plant Owners Ass., In		P.O. Box 836	Bluffton,	SC	29910
85	R600 021 000 0017 0000	Laverne	A.	Carter	et al.	313 Turnberry Street	Port Wentworth	GA	31407
36C	R600 037 000 0067 0000	Julian	R.	Friedman		7 Rose Dhu Road	Bluffton,	SC	29910
37	R600 037 000 0074 0000	Lee	June S.	Simoneaux		123 Myrtle Island	Bluffton,	SC	29910
38	R600 037 000 018B 0000	Frank	G. & Linda H.	Toomer,	Jr.	P.O. Box 212	Bluffton,	SC	29910
39	R699 937 999 9977 9999	Dedra	Ann	White		P.O. Box 1686	Bluffton,	SC	29910
40	R600 037 000 0089 0000	Benjamin	W.	Strait		P.O. Box 2186	Bluffton,	SC	29910
86	R600 021 000 016A 0000	Malcolm	M.	Strickland		2092 Okatie Highway	Bluffton	SC	29910
41	R600 037 000 0018 0000	Perrie	R. & Kimberly R.	Kreger		P.O. Box 1286	Bluffton,	SC	29910
42	R600 037 000 0080 0000	Gladys		Simmon		459 May River Road	Bluffton,	SC	29910
43	R600 037 000 0016 0000	George		Grant		218 E. Duffy Street	Savannah,	GA	31401
87	R600 021 000 016C 0000	Daniel	D.	Guyton		2100 Okatie Highway	Bluffton	SC	29910
44	R600 037 000 0015 0000	Joe	L.	Grant		218 E. Duffy Street	Savannah,	GA	31401
88	R600 021 000 016B 0000	Carie	H.	Merewether		2106 Okatie Highway	Bluffton	SC	29910
45	R600 037 000 0013 0000	J. B.		Johnson		P.O. Box 266	Bluffton,	SC	29910
89	R600 021 000 0151 0000			Del webb Communities, Inc		P.O. Box 1869	Bluffton,	SC	29910
46	R600 037 000 007A 0000	William	T.	Thornley		120 Old Miller Road	Bluffton,	SC	29910
90	R600 021 000 015J 0000	Cecil	Pinckney	Reynolds		Post Office Box 96	Bluffton	SC	29910
47	R600 037 000 0006 0000	J. B.		Johnson		P.O. Box 266	Bluffton,	SC	29910
91	R600 021 000 015E 0000	Lonnie	M.	Reynolds		Route 1 Box 94	Bluffton	SC	29910
92	R600 021 000 0009 0000	R. M.		Stiney	Jr.	Post Office Box 543	Hardeeville	SC	29927
93	R600 021 000 0007 0000	Verna	G.	Crosby		2 Honey Locust Circle	Hilton Head Island	SC	29926
94	R600 021 000 018A 0000	Gwendolyn	G.	Nansen		4823 Tonino Drive	San Jose	CA	95136
95	R600 021 000 019B 0000			Fairways Fund Ltd.		4000 Park Road	Charlotte	NC	28209
96	R600 021 000 0019 0000	John	Tamplet	Graves	Jr.	HC 3 Box 73-B	Bluffton	SC	29910
97	R600 021 000 019B 0000			Fairways Fund Ltd		4000 Park Road	Charlotte	NC	28209
98	R600 021 000 0019 0000	John	Tamplet	Graves	Jr.	HC 3 Box 73-B	Bluffton	SC	29910
99	R600 022 000 012C 0000	Cynthia	M.	Nell		72 Lost Oaks Drive	Bluffton	SC	29910
100	R600 022 000 0041 0000	Thomas	Lee	Hiatt		75 Lost Oaks Drive	Okatie	SC	29910
101	R600 022 000 0040 0000	Sherry		Hoffman		Post Office Box 1657	Bluffton	SC	29910

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Area #	Parcel #	First Name	Middle	Last Name	Suffix	Address	City	State	Zip
102	R600 022 000 012A 0000	Paul		Hamilton	Jr.	44 Goethe Road	Bluffton	SC	29910
103	R600 022 000 012D 0000	Hubert	L.	Bernheim		23 Willow Oak Road W	Hilton Head Island	SC	29928
104	R600 022 000 012E 0000	Abraham		Scott		Post Office Box 157	Beaufort	SC	29901
105	R600 022 000 0012 0000	Patricia		Brown		Route 1 Box 224	Hardeeville	SC	29927
106	R600 021 000 019B 0000			Fairway Fund Ltd.		4000 Park Road	Charlotte	NC	28209
106A	R600 021 000 0019 0000	John	Tamplet	Graves	Jr.	HC 3 Box 73-B	Bluffton	SC	29910
107	R600 022 000 0035 0000			Indian Hill Associates, LLC		Post Office Box 5098	Hilton Head Island	SC	29938
108	R600 022 000 0048 0000	Raymond	Andrews	Boyles	Jr.	410 John Smith Lane	Okatie	SC	29910
109	R600 022 000 0047 0000	Rose	Marie	Boyles		420 John Smith Lane	Okatie	SC	29910
110	R600 022 000 0049 0000			Indian Hill Associates, LLC		Post Office Box 5098	Hilton Head Island	SC	29938
111	R600 022 000 013A 0000			Indian Hill Associates, LLC		Post Office Box 5098	Hilton Head Island	SC	29938
112	R600 023 00F 0025 0000			Block A Assoc, LLC		190 White Oak Circle	Bluffton,	SC	29910
112A	R600 031 00C 0016 0000	Willis	F.	Hill		Post Office Box 112	Bluffton	SC	29910
112B	R600 031 00C 0017 0000	Marjorie	A.	Cerrato		39 Ellenita Drive	Hilton Head Island	SC	29926
113	R600 029 000 0014 0000	Douglas	M.	Robertson		83 May River Point	Bluffton	SC	29910
114	R600 029 000 014B 0000	Larry	C.	Howze		Post Office Box 1057	Bluffton	SC	29910
115	R600 029 000 014B 0000	Larry	C.	Howze		Post Office Box 1057	Bluffton	SC	29910
116	R600 029 000 0032 0000	Coleman		Bell		Post Office Box 1359	Bluffton	SC	29910
117	R600 029 000 0035 0000	Ronnie	Lewis	Brogdon		Post Office Box 2109	Bluffton	SC	29910
118	R600 029 000 014A 0000	Timothy	M.	Gray		13 Grande Oaks	Bluffton	SC	29910
119	R600 029 000 014A 0000	Timothy	M.	Gray		13 Grande Oaks	Bluffton	SC	29910
120	R600 029 000 014A 0000	Timothy	M.	Gray		13 Grande Oaks	Bluffton	SC	29910
121	R600 029 000 0035 0000	Ronnie	Lewis	Brogdon		Post Office Box 2109	Bluffton	SC	29910
122	R600 029 000 0035 0000	Ronnie	Lewis	Brogdon		Post Office Box 2109	Bluffton	SC	29910
123	R600 029 000 0020 0000	Alice	H.	Zigelis		1209 Geneva Drive	Concord	NC	28025
124	R600 029 000 0014 0000	Douglas	M.	Robertson		83 May River Point	Bluffton	SC	29910
125	R600 029 000 0014 0000	Douglas	M.	Robertson		83 May River Point	Bluffton	SC	29910

110

EXHIBIT E

BUCKWALTER CULTURAL RESOURCES

Cultural Resources Overview of International Paper Company's Buckwalter Tract, Beaufort County, South Carolina

International Paper Company owns approximately 5,819 acres in the Buckwalter Tract, located between US 278, SC 170, SC 46, and Buck Island Road. The Buckwalter Tract lies on the crest of a broad ridge between the Okatee and Colleton Rivers to the north and the May River to the south. The tract contains no well defined drainages although the headwaters of the Okatee River rise in the northwestern portion of the tract. For the most part, the tract contains poorly drained to very poorly drained soils with a few areas of higher and drier soils scattered throughout. There are no standing structures on the tract, other than the recently constructed Beaufort County school at the southeast corner of the tract. Archaeological sites are the principal cultural resources expected to be present in the Buckwalter Tract.

Four archaeological sites (38BU649, 38BU810, 38BU1829, and 38BU1833) are recorded on or immediately adjacent to the Buckwalter Tract. Sites 38BU810 and 38BU1829 were recorded by archaeologists with SCDOT during surveys for the widening of US 278 and the replacement of a bridge on SC 46. Site 38BU1833 was recorded during the survey of Buckwalter Parkway sponsored by the Branigar Group. Site 38BU649 was recorded by a local artifact collector. Site 38BU649 is potentially eligible for the National Register of Historic Places (NRHP), pending its investigation by a professional archaeologist. Sites 38BU810, 38BU1829, and 38BU1833 are not eligible for the NRHP.

At present, the tract contains primarily planted pines in various stages of growth and recently clear cut areas. Beaufort County Board of Education also has a school site in the southeastern portion of the tract. The Buckwalter Tract has witnessed intensive silviculture throughout the second half of the twentieth century. These activities include harvesting, bed preparation, planting, and drainage modifications. Historically, the project tract contained the interior portions of a number of plantations. Historic plats and maps show no evidence of facilities associated with these plantations within the modern Buckwalter Tract. Mid-twentieth century maps also show no structures or facilities in the tract. This suggests that there is little potential for historic archaeological sites to be present although 38BU649, 38BU810, 38BU1829 contain historic period artifacts.

Prehistoric archaeological sites are expected to be the most common cultural resources on the Buckwalter Tract; all four of the previously recorded sites on the tract contain prehistoric artifacts. Recent studies of the distributions of prehistoric archaeological sites in coastal South Carolina suggest that the interface of well drained soils with poorly drained soils or with water possesses a higher potential to contain archaeological materials. Most of these occurrences are located within 600-1,000 feet of these interfaces. The Buckwalter Tract contains approximately 1,000 acres of moderately well to excessively well drained soils. These soils occur in scattered ridges within the wetter soils that cover the majority of the tract. These ridges of drier soils possess a higher potential to contain prehistoric archaeological sites. Intensive examinations of similar settings on adjoining tracts have identified sites in these areas. Three of the sites in the tract occur on these drier soils. Any sites identified in the Buckwalter Tract are likely to have been affected by

the intensive silvicultural practices of the last 50 years, possibly to the extent that they lack any extant deposits that can generate significant information about the past.

Changes in the use of the Buckwalter Tract likely will require permits from the US Army Corps of Engineers (USACE) and the SC Department of Health and Environmental Control's Bureau of Ocean and Coastal Resource Management (OCRM). An intensive survey of the Buckwalter Tract is likely to be a condition of these permits. If significant archaeological sites are identified during the survey, International Paper Company (or the owner/developer at that time) will be asked to enter a Memorandum of Agreement (MOA) with the USACE and/or OCRM for managing such sites. The MOA ensures that the significant sites are protected during land disturbing activities or that appropriate mitigative actions are implemented if the sites cannot be avoided.

Intensive archaeological survey of the high potential areas should be undertaken to determine if additional archaeological sites are present. Examination of the low potential areas should be limited to inspections of small knolls or ridges in recently cleared areas, given the level of disturbance that has occurred throughout the tract. Although most sites in the Buckwalter Tract are expected to contain no intact cultural deposits, examination of these locales will be necessary to determine definitively the present condition and information potential of these sites.

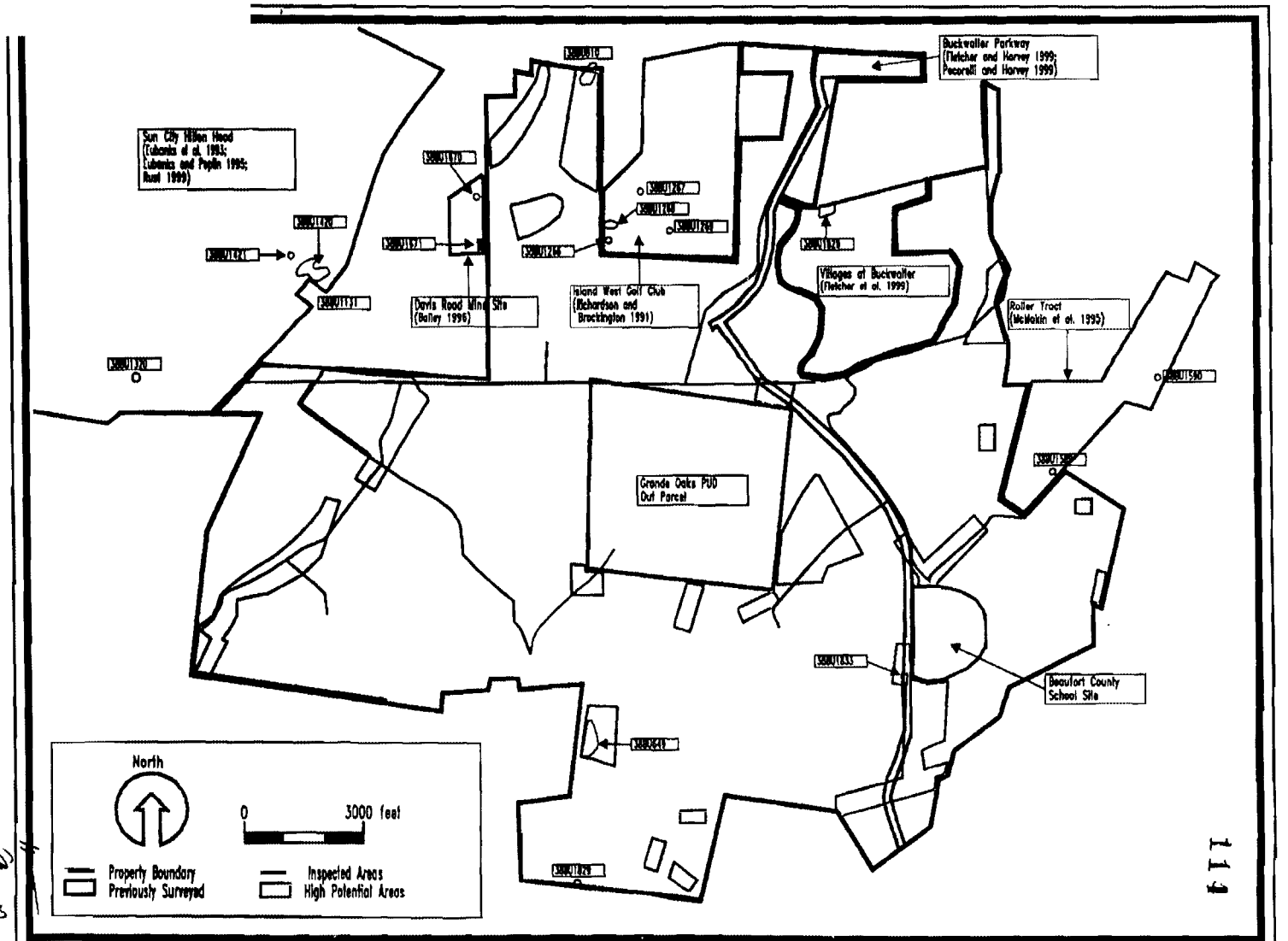

Figure 1. A summary of cultural resources in the Buckwalter Tract (USGS Jasper and Pritchardville quadrangles).

EXHIBIT F

BUCKWALTER PUD TOPOGRAPHY

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 98

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 99

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

EXHIBIT G

BUCKWALTER FLOOD HAZARD ZONES

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 100

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 101

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

EXHIBIT H

BUCKWALTER WETLANDS

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 102

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 103

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

NOTIFICATION OF JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers
Charleston District

124

Action ID: SAC-81-99-1739 County BEAUFORT

Property Owner/Authorized Agent REID HARDMAN ENVIRONMENTAL SERVICES, INC.

Address 204 WEST ST. JULIAN STREET SAVANNAH, GEORGIA 31401 Telephone Number 912-236-4711

Size and Location of Property PLAT PREPARED BY THOMAS & HUTTON ENGINEERING CO., DATED DECEMBER 3, 1999, SHEETS 1 OF 5 THROUGH 5 OF 5, AND ENTITLED "A WETLAND PLAT OF A 1115.87 AC. TRACT BEING A PORTION OF BUCK-WALTER TRACT."

Indicate Which of the Following Apply to the Property:

Jurisdictional Determination ("JD") Needed

____ There are areas within the jurisdiction of the Corps which we strongly suggest should be delineated and surveyed. The surveyed boundaries must be verified by our staff before the Corps will make a final determination.

Large or Commercial Tracts

____ Because of the size of your property and our present workload, our identification and delineation of the jurisdictional areas cannot be accomplished in a timely manner. You may wish to employ a consultant to obtain a more timely delineation. Once your consultant has flagged the jurisdictional areas, Corps staff will review it, and if it is accurate, we strongly recommend that you have the line surveyed for final approval by the Corps. The Corps will not make a final JD without an approved survey.

JD Finished

✓ The jurisdictional areas have been delineated, and the limits of Corps jurisdiction have been explained to you. Unless there is a change in the law or our published regulations, this JD may be relied upon for a period not to exceed five years from the date of this notification.

No Wetlands

____ There are no areas which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this JD may be relied upon for a period not to exceed five years from the date of this notification.

Coastal Zone

✓ The property is located in the South Carolina Coastal Zone. In addition to any above requirements, you should contact the S. C. DHEC Office of Ocean and Coastal Resource Management at 1-843-744-5838 for their requirements.

Placement of dredged material or fill material in waters of the U.S. without a Department of the Army permit or exemption may result in injunctive relief (restoration) and substantial civil penalties under Section 309 of the Clean Water Act (33 USC 1319). A permit is not required for work restricted entirely to existing high ground. If you have any questions regarding the limits of our jurisdiction, what constitutes a regulated activity, or our regulatory program in general, please contact us at 1-800-208-2054 or 1-843-727-4330.

Property owner/Authorized Agent Signature D. Reid Hardman

Project Manager Signature Fred Vear

Date DECEMBER 13, 1999

Survey Plat or Field Sketch of described property and the JD must be attached to the Yellow (File) copy of this form

SAC Form 304
August 1998

NOTIFICATION OF JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers
Charleston District

Action ID: 81-99-1324 County Beaufort

Property Owner/Authorized Agent Bramiger Org. / Joel Price NET

Address 340 Eisenhower Dr. Building 200, Suite 201, Savannah, GA 31406 Telephone Number 912-354-6494

Size and Location of Property Thomas + Hutton Engineering, 8-2-99, "A Wetland Plat of a 4172.70 Ac. Tract Being a Portion of Bucklinter Tract, Beaufort County, South Carolina." Sheets 1-56

Lat. 32° 13' 56"
Long. 80° 55' 59"

Indicate Which of the Following Apply to the Property:

Jurisdictional Determination ("JD") Needed

_____ There are areas within the jurisdiction of the Corps which we strongly suggest should be delineated and surveyed. The surveyed boundaries must be verified by our staff before the Corps will make a final determination.

Large or Commercial Tracts

_____ Because of the size of your property and our present workload, our identification and delineation of the jurisdictional areas cannot be accomplished in a timely manner. You may wish to employ a consultant to obtain a more timely delineation. Once your consultant has flagged the jurisdictional areas, Corps staff will review it, and if it is accurate, we strongly recommend that you have the line surveyed for final approval by the Corps. The Corps will not make a final JD without an approved survey.

JD Finished

_X_ The jurisdictional areas have been delineated, and the limits of Corps jurisdiction have been explained to you. Unless there is a change in the law or our published regulations, this JD may be relied upon for a period not to exceed five years from the date of this notification.

No Wetlands

_____ There are no areas which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this JD may be relied upon for a period not to exceed five years from the date of this notification.

Coastal Zone

_X_ The property is located in the South Carolina Coastal Zone. In addition to any above requirements, you should contact the S. C. DHEC Office of Ocean and Coastal Resource Management at 1-843-744-5838 for their requirements.

Placement of dredged material or fill material in waters of the U.S. without a Department of the Army permit or exemption may result in injunctive relief (restoration) and substantial civil penalties under Section 309 of the Clean Water Act (33 USC 1319). A permit is not required for work restricted entirely to existing high ground. If you have any questions regarding the limits of our jurisdiction, what constitutes a regulated activity, or our regulatory program in general, please contact us at 1-800-208-2054 or 1-843-727-4330.

Property owner/Authorized Agent Signature _____ / Joel Price

Project Manager Signature _____ / Jake Duncan

Date 8-28-99

Survey Plat or Field Sketch of described property and the JD must be attached to the Yellow (File) copy of this form

SAC Form 304
August 1998

EXHIBIT I

BUCKWALTER ENDANGERED SPECIES REPORT

Threatened and Endangered Species Survey Report

6500-Acre Buckwalter Tract

Beaufort County, South Carolina

Prepared for:

Branigar Organization, Inc.
145 Palmetto Bluff Road
Bluffton, South Carolina 29910

Prepared by:

Newkirk Environmental, Inc.
340 Eisenhower Drive, Building 200, Suite 201
Savannah, Georgia 31416

July 1, 1999

Executive Summary

In May 1999, Newkirk Environmental, Inc. conducted an intensive threatened and endangered species survey of a 6,500-acre portion of the Buckwalter Tract in Beaufort County, South Carolina (Figure 1) for the Branigar Organization, Inc. The tract is proposed for future commercial and residential construction activities which prompted this threatened and endangered species survey to comply with current state and federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543) and South Carolina Non-Game and Endangered Species Conservation Act of 1974 (58-2384)].

The threatened and endangered species survey consisted of collecting information from the South Carolina Heritage Trust's "Occurrences of Rare and Endangered Species Map" and completing a thorough pedestrian survey of the tract. The survey included the identification of plants at least to the genus taxonomic unit level to determine if any listed species was present in habitats considered suitable for particular listed threatened or endangered species.

The threatened and endangered species survey for the Buckwalter Tract revealed that the tract has been managed for intensive silvicultural activities for short rotation timber production. Activities associated with this type of management, such as ditching in wetland areas and bedding in upland areas, have resulted in a lack of suitable habitat for any federally listed threatened or endangered species on the tract.

Due to the lack of suitable habitat and lack of evidence of any federally listed threatened or endangered species, development of the 6500-acre tract is not expected to impact any individual or population of any threatened or endangered species. Due to the transitory nature of some of the listed threatened and endangered plants and animals and because particular plants and animals are only visible and identifiable during certain periods of the year, it is possible that endangered species populations and locations can change over time. Therefore, any potential findings, at a later date should be fully investigated.

Threatened and Endangered Species Survey Report

6500-Acre Buckwalter Tract

Beaufort County, South Carolina

Prepared for:

Branigar Organization, Inc.
145 Palmetto Bluff Road
Bluffton, South Carolina 29910

Prepared by:

Newkirk Environmental, Inc.
340 Eisenhower Drive, Building 200, Suite 201
Savannah, Georgia 31416

July 1, 1999

Threatened and Endangered Species Survey Report

6500-Acre Buckwalter Tract

Beaufort County, South Carolina

1.0 Introduction:

A threatened and endangered species survey was completed on 3 May 1999 on the 6500-acre tract located north of Highway 46, east of Highway 170, and south of Highway 278 and situated west of Bluffton in Beaufort County, South Carolina (Figure 1). The threatened and endangered species survey was conducted to determine the potential occurrence of animal and plant species listed as endangered or threatened by current state and federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543) and the South Carolina Non-Game and Endangered Species Conservation Act of 1974 (58-2384)].

2.0 Methods:

The threatened and endangered species survey consisted of a thorough pedestrian survey of the project site. If the potential habitat for a listed species was found on the site, all plants were identified at least to the genus taxonomic unit level to determine if the listed species was present.

The South Carolina Heritage Trust's "Occurrences of Rare and Endangered Species Map" for the Jasper and Pritchardville Quadrangles (Appendix A) was referenced to gather existing data regarding the presence or potential occurrence of threatened or endangered species on the subject site. As noted on the Heritage Trust map, there are no known federally listed species populations on the 6500-acre site.

The U.S. Fish and Wildlife Service (USFWS) lists the following plant and animal species as endangered or threatened in Beaufort County, South Carolina.

West Indian manatee (*Trichecus manatus*)
Bald eagle (*Haliaeetus leucocephalus*)
Wood stork (*Mycteria americana*)
Red-cockaded woodpecker (*Picoides borealis*)
Arctic peregrine falcon (*Falco peregrinus tundrius*)
Piping plover (*Charadris melodus*)
Kemp's ridley sea turtle (*Lepidochelys kempi*)
Leatherback sea turtle (*Dermochelys coriacea*)
Loggerhead sea turtle (*Caretta caretta*)
Green sea turtle (*Chelonia mydas*)
Shortnose sturgeon (*Acipenser brevirostrum*)

SEE MAP/EXHIBIT FILED IN

PLAT BOOK 74 **AT PAGE** 104

PURSUANT TO THE SOUTH CAROLINA

LOCAL GOVERNMENT DEVELOPMENT

AGREEMENT ACT § 6-31-10 et seq.

Flatwoods Salamander *(Ambystoma cingulatum)*
Canby's dropwort (*Oxypolis canbyi*)
Pondberry (*Lindera melissifolia*)
Chaff-seed (*Schwalbea americana*)

The Red-cockaded woodpecker (RCW) survey within the 6500-acre tract was conducted using the "Guidelines for the Preparation of Biological Assessments and Evaluation for the Red-Cockaded Woodpecker."[1] These guidelines include methods for identifying areas to survey as well as actual survey methods for determining the presence of the RCW. The guidelines state that timber stands that exhibit the following criteria should be surveyed when making a determination for the likely occurrence of RCW's. The criteria are:

- mixed pine and hardwood stands over 60 years of age
- mixed pine and hardwood stands less than 60 years of age that contain clumps of pine trees over 60 years of age
- stands containing pine sawtimber, including stands thought to be generally less than 60 years of age but containing scattered or clumped trees over 60 years of age
- hardwood-pine over 60 years of age adjacent to pine and pine-hardwood over 30 years of age.

The 6500-ac site contains small isolated groups of trees that would be of age to be considered favorable for RCW and a 100 percent survey was conducted in these areas.

3.0 Existing Site Conditions:

The project site is composed of wetland and upland habitats which are typical for southern Beaufort County, South Carolina. The habitat types found on the site are upland pine plantation, gum pond depressional wetlands, bottomland hardwood forest, upland hardwood forest, salt marsh and clear cut areas. The past land use for this site has been short rotation pine production on the upland areas. The hardwood bottomland areas have been managed for longer timber rotations, which have been recently harvested except for Streamside Management Zones. The following report will discuss these habitat types and the potential for the habitats on the site to support threatened and endangered species.

Upland Pine Plantation:

The upland pine plantation habitat is dominated in the overstory by loblolly pine *(Pinus taeda)* with an approximate average age of twenty years or less. The understory species include water oak (*Quercus nigra*), live oak (*Quercus virginiana*), sweetgum *(Liquidambar styraciflua)*,

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[1]Henry, V. Gary. Guidelines for the Preparation of Biological Assessments and Evaluations for the Red-Cockaded Woodpecker. U.S. Fish and Wildlife Service Southeast Region. September 1989. Not Paginated.

southern red oak *(Quercus falcata)*, post oak *(Quercus stellata)*, eastern red cedar *(Juniperus virginiana)*, and black oak (*Quercus velutina*). The shrub species includes wax myrtle *(Myrica cerifera)*, sparkle berry *(Vaccinium aboreum)*, coast pepperbush (*Clethra alnifolia*), fetterbush (*Lyonia lucida*), and gallberry (*Ilex glabra*). The herbaceous species present include bracken fern *(Pteridium aquilinum)*, muscadine *(vitis rotundifolia)*, cinnamon fern *(Osmunda cinnamomea)*, honeysuckle *(Lonicera japonica)*, and blackberry *(Rubus spp.)*. These areas have been managed for short rotation timber production and portions of these areas have been clear cut within the past two years.

Gum Pond Depressional Wetland:

The gum pond habitat type is dominated by swamp tupelo *(Nyssa biflora)*, red maple *(Acer rubrum)*, sweetgum, red bay *(Persea borbonia)*, persimmon *(Diospyros virginiana)*, water oak, and slash pine *(Pinus elliotii)* in the overstory. The understory saplings and shrub species include red maple, persimmon, sweetgum, buttonbush *(Cephalanthus occidentalis)*, fetter bush, blueberry (*Vaccinium spp.*), coast pepperbush, wax myrtle, myrtle holly *(Ilex myrtifolia)*, giant cane *(Arundinaria gigantica)*, gallberry, and tupelo. The herbaceous layer is dominated by Virginia chain-fern (*Woodwardia virginica*), netted chain fern *(Woodwardia aerlota)*, cinnamon fern, and sedges *(Carex spp.)*. The hydrology in the majority of these areas has been altered by historical silivcultural ditching and past logging activities. The damage from logging activities includes rutting from harvesting equipment, the removal of overstory canopy trees and minor ditching in the isolated wetland areas.

Bottomland Hardwood Forest:

The 6500-acre site includes large bottomland hardwood forest wetland areas throughout the property. These areas are dominated in the overstory by willow oak *(Quercus phellos)*, swamp chestnut oak *(Quercus michauxii)*, red maple, swamp tupelo, yellow-poplar *(Liriodendron tulipifera)*, green ash *(Fraxinus pennsylvanica)*, water oak, red bay, sweetgum, American holly *(Ilex opaca)*, and slash pine. The average age of the mature trees is approximately 50 years or older. The understory species include water oak, wax myrtle, sweetgum, fetterbush, dwarf palmetto (*Sabal minor*), and needle palm (*Rhapidophyllum hystrix*). Herbaceous species include cinnamon fern, giant cane *(Arundinaria gigantea)*, netted chain fern, sedges, smartweed *(Polygonum spp.)*, cinnamon fern, green briar *(Smilax laurifolia)*, blackberry, cat-tail *(Typha latifolia)*, plume grass *(Erianthus giganteus)*, and Virginia chain-fern. The majority of these areas have been clear cut in the past seven years. The clear cut areas are dominated by sapling hardwood species and herbaceous growth. The hydrology has been affected in these areas by silvicultural ditching and timber harvesting.

Upland Hardwood Forest:

The upland hardwood forest habitat type comprises a small portion of the tract adjacent to hardwood bottomland habitat. This habitat has not been clear cut and is dominated in the overstory by live oak, water oak, southern red oak, black oak, black cherry *(Prunus serotina)*,

dogwood *(Cornus florida)*, hickory *(Carya tomentosa)*, beech *(Fagus americana)*, sweetgum, loblolly pine, white oak *(Quercus alba)*, magnolia *(Magnolia grandiflora)*, and American holly. The average age of the mature trees is approximately 40 years or greater. Understory species include horse sugar (*Symplocos tinctoria*), loblolly pine, water oak, beauty berry *(Callicarpa americana)*, witch hazel *(Hamamelis virginiana)*, sprarkleberry, and wax myrtle. Herbaceous species include bracken fern, muscadine, poison ivy *(Toxicodendron radicans)*, christmas fern *(Polystichium acrostichoides)*, yellow jessamine *(Gelsemium sempervirens)* and greenbriar (*Smilax spp.*). Portions of this habitat type have been logged in past years.

Tidal Saltmarsh:

The subject tract has two areas of saltmarsh one on the southern portion of the property and one on the northern part of the property. The saltmarsh on the southern portion is associated with Rose Dhu Creek and the saltmarsh on the northern portion is associated with the headwaters of Okatie River. The dominant plant species are marshgrass *(Spartina alterniflora)* and needlegrass rush *(Juncus roemeranus)*. Plant species located at the higher edges of marsh include glasswort *(Salicornia virginica)*, sea lavender *(Limonium carolinianum)*, marsh elder *(Iva frutescens)*, and palmetto *(Sabal palmetto)*.

Clear-cut:

This habitat type is composed of wetland and upland areas that have been recently logged. These areas are dominated by sapling and shrub species such as fetterbush, sweetgum, blackberry, loblolly pine, sweetgum, wax myrtle, blueberry and other pioneer herbaceous species. As a result of recent logging and silvicultural activities, soil distubance from rutting and bedding is common in these areas.

4.0 Findings

4.1 Endangered Plants Habitat Descriptions:

4.1.1 Chaff-seed:

Chaff-seed (*Schwalbea americana*) is listed by the U.S. Fish and Wildlife Service as an endangered species and grows in open, pine savannahs and openings in sandy longleaf forests. Chaff-seed's habitat is described as open, moist pine flatwoods, fire maintained savannahs, ecotonal areas between peaty wetlands and xeric sandy soils, and other open grass-sedge systems. The plant flowers from May to June with yellow to purple flowers borne in the axils of the reduced upper leaves. Typically chaff-seed is associated with longleaf pine (*Pinus palustris*), blackjack oak (*Quercus marilandica*), goat's rue (*Tephrosia virginiana*), and black root (*Pterocaulon pycnostachyum*).

Evidence of the endangered chaff-seed plant was not observed on the subject site during our pedestrian survey. The majority of the upland habitat did not have areas classified as suitable for

the plant due to the thick understory and densely planted pine monoculture. Where habitats were considered more suitable, a thorough survey was completed and no chaff-seed plants were located. Thus, we do not anticipate the populations of this plant species would be adversely impacted by site development.

4.1.2 Pondberry:

Pondberry (*Lindera melissifolia*) is a small shrub that grows in sandy sinks and pond cypress (*Taxodium ascendens*)/gum pond margins. The 6500-acre site includes small depressional gum pond habitats which are considered marginal habitats for the endangered pondberry. There are no pond cypress depressional wetland areas found within the project area. As a result of historical silvicultural activities, the edges of the depressional gum pond wetland areas are typically thick with vegetation including fetter bush and V*accinium* species. Some of the depressional areas have past logging damage(rutting) and ditching, which has allowed fetterbush along the pond margins to become extremely dense in most cases. Evidence of the endangered pondberry was not observed in these gum pond depressions during our pedestrian survey of the site. Thus, we do not anticipate the populations of the pondberry plant species would be adversely impacted by site development.

4.1.3 Canby's Dropwort:

Canby's dropwort (*Oxypolis canbyi*) is found in the Coastal Plain of South Carolina where it occupies pond cypress savannas, the shallow edges of cypress/pond pine sloughs and wet pine savannas. These sites require that the groundwater regime remain stable and the sites must be protected from adverse alterations such as ditches, dams, etc. for dropwort to occupy the site. The white flower is visible in August - October. Although field identification of the endangered dropwort was difficult at the time of our survey, there were no individuals or populations of the endangered plant identified on the 6500-acre site. Due to the historical silvicultural practices such as ditching through most of these ponds and logging of the isolated depressional wetland areas, the specific habitat requirements of this endangered plant are not present on the site. In ponds that where considered marginal habitat, ponds not ditched, a thorough survey was conducted and no individuals or populations were found on the subject site. Thus, we do not anticipate the populations of the Canby's dropwort plant species would be adversely impacted by the proposed project.

4.2 Endangered Animals:

4.2.1 Red-Cockaded Woodpecker

The Red-Cockaded woodpecker (RCW) requires old growth pine forest habitat for cavity excavation, foraging and nesting. The majority of the upland areas on the tract are dominated by densely planted loblolly pine. The majority of the pine plantations appear to be less than 20 years old, and some pine plantation areas have been recently clear cut as part of the ongoing silvicutural practices on the site. Evidence of the endangered RCW or the specific pine old growth forest habitat it requires for foraging and nesting was not observed during the pedestrian survey. Thus we do not anticipate populations of the endangered RCW would be adversely

impacted by the proposed project.

4.2.2 Flatwoods Salamander

The flatwoods salamander requires an open, mesic woodland of longleaf/slash pine maintained by frequent fire. Pine flatwoods are typically flat, low-lying open woodlands that lie between the drier sandhill community upslope and wetlands down slope. Wiregrasses (*Aristida spp.*), especially *Aristida beyrichiana*, are often the dominant grasses in the herbaceous layer. Adult flatwoods salamanders move to their wetland breeding sites during rainy weather from October to December. The breeding sites are isolated pond cypress (*Taxodium ascendens*), swamp tupelo, or slash pine dominated depressions which dry completely on a cyclic basis. These wetlands are generally shallow and relatively small and have a marsh like appearance with sedges growing throughout; wiregrasses, panic grasses (*Panicum spp*) and other herbaceous species concentrated in shallow water edges. A relatively open canopy is necessary to maintain herbaceous component which serves as cover for the flatwoods salamander larvae.

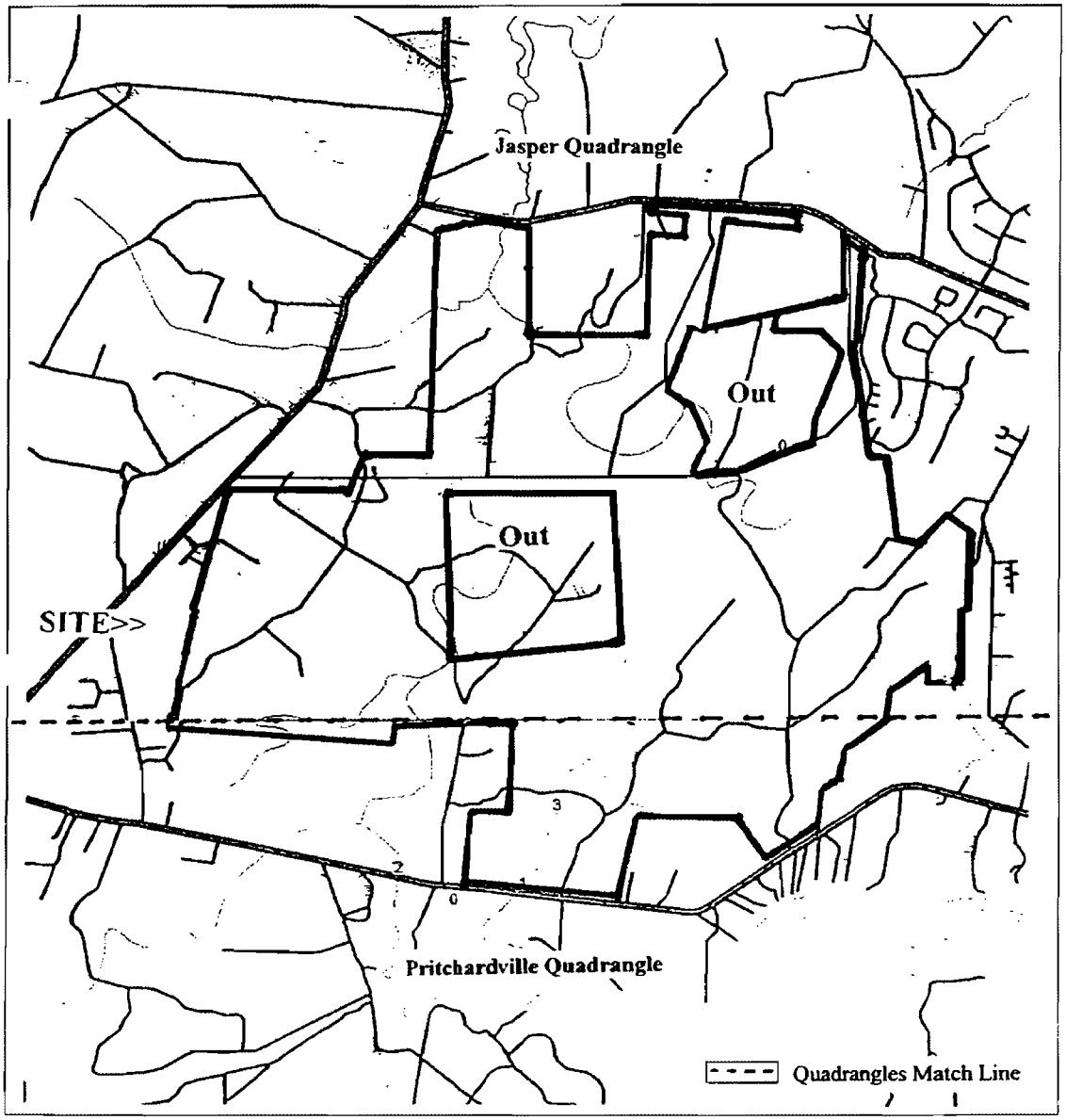
As mentioned in the above report, the 6500-acre tract has been managed for short timber rotations for pine pulpwood production. The uplands adjacent to the isolated wetlands have been disturbed by logging activities and bedding plows and are not considered suitable habitat. Furthermore, the prescribed burning activities commonly associated with suitable flatwoods salamander habitat is no longer a current management practice on the 6500-acre site due to the close proximity to existing residential developments. Evidence of the flatwoods salamander nor the suitable habitat were located on the 6500-acre site. Thus, we do not anticipate populations of the flatwoods salamander would be adversely impacted by the project.

5.0 Conclusion

It should be noted that other species listed for Beaufort County, South Carolina, including the Bald Eagle and Wood Stork, are known to migrate through the area. None of these species nor any of the other listed species were seen at the time of our field survey. Therefore, we do not anticipate that any of these species will be adversely impacted by project development.

Due to lack of suitable habitat and lack of evidence of any threatened or endangered species, development of the 6500-acre site is not expected to impact any individual or population of any threatened or endangered species. Because of the transitory nature of some of the listed threatened and endangered plants and animals and because particular plants and animals are only visible and identifiable during certain periods of the year, it is possible that endangered species populations and locations can change over time. Therefore, any potential findings at a later date will be fully investigated.

Appendix A



NEWKIRK
ENVIRONMENTAL INC

South Carolina Heritage Trust
Jasper And Pritchardville
Quadrangles
Figure 1

6500-Acre Buckwalter Tract
Beaufort County, SC

Jasper

Occurrences of these rare or endangered elements (i.e. plants, animals, or natural features) have been reported at the locations marked by yellow dots on the map. For more detailed information about an occurrence, look up the EOCODE in the enclosed "Element Occurrences" printout. For more information about an element, look up the NAME in the enclosed county list.

EOCODE	NAME	
AMACC05040*003*SC	LASIURUS INTERMEDIUS	DOT_0
ORXXX00001*061*SC	COLONIAL WATERBIRD	DOT_1
AAAAG01010*004*SC	PSEUDOBRANCHUS STRIATUS	DOT_2
ORXXX00001*062*SC	COLONIAL WATERBIRD	DOT_3
AAAAG01010*011*SC	PSEUDOBRANCHUS STRIATUS	DOT_4
ARADB31010*005*SC	SEMINATRIX PYGAEA	DOT_5
ORXXX00001*063*SC	COLONIAL WATERBIRD	DOT_6
AMAFF08010*007*SC	NEOTOMA FLORIDANA	DOT_7

Pritchardville

Occurrences of these rare or endangered elements (i.e. plants, animals, or natural features) have been reported at the locations marked by yellow dots on the map. For more detailed information about an occurrence, look up the EOCODE in the enclosed "Element Occurrences" printout. For more information about an element, look up the NAME in the enclosed county list.

EOCODE	NAME	
PMLIL01050*001*SC	ALETRIS OBOVATA	DOT_0
PDRUB1E010*003*SC	PINCKNEYA PUBENS	DOT_1
PDRUB1E010*001*SC	PINCKNEYA PUBENS	DOT_2
PMARE0B010*002*SC	RHAPIDOPHYLLUM HYSTRIX	DOT_3
AAAAD13012*004*SC	PSEUDOTRITON MONTANUS FLAVISSIMUS	DOT_4

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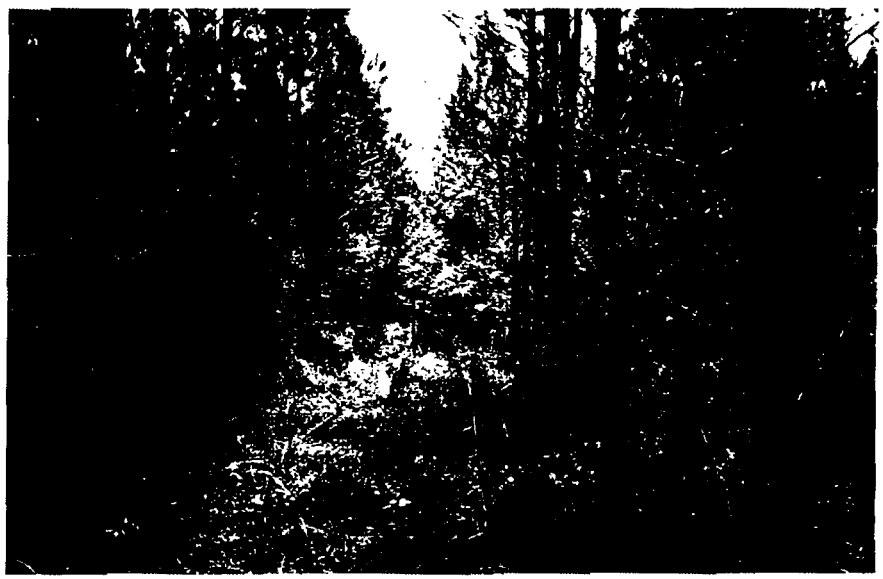
Site Photographs

Photograph 1 depicts the upland pine plantation habitat type. Note the relatively thin understory and lack of a herbaceous layer.



Photograph 2 depicts the upland pine plantation habitat type. Note the relatively thick herbaceous layer in these younger age pines.

Photograph 3 depicts the gum pond depressional wetland habitat type. Note the silvicultural ditch which has affected the hydrology of this wetland area.

Photograph 4 depicts the gum pond depressional wetland habitat type. Note the thick understory growth throughout this wetland area.

Photograph 5 depicts the gum pond depressional wetland habitat type in which the timber has been harvested in recent years.

Photograph 6 depicts the bottomland hardwood wetland habitat type. Note the naturally regenerating hardwoods and herbaceous layer in the harvested area and the mature trees in the Streamside Management Area.

Photograph 7 depicts the bottomland hardwood forest wetland habitat type. Note the existing silvicultural ditch which is typical for the majority of this habitat type on the subject site.

Photograph 8 depicts the bottomland hardwood forest wetland habitat type which has not been harvested. Note the relatively thick mid-story and herbaceous layer.

Photograph 9 depicts the upland hardwood forest habitat type. Note the relatively thin mid-story and thin understory due to the thick canopy in this habitat.

Photograph 10 depicts the tidal saltmarsh habitat type associated with the headwaters of the Okatie River and Rose Dhu Creek.

Photograph 11 depicts the clear-cut habitat type. This area has been recently bedded and replanted with loblolly pine.

Photograph 12 depicts the clear-cut habitat type which has been allowed to naturally regenerate. This area was historically a upland hardwood forested area.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
P.O. Box 12559
217 Fort Johnson Road
Charleston, South Carolina 29422-2559

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September 3, 1999

Mr. Joel Price
Newkirk Environmental, Inc.
340 Eisenhower Drive
Building 200, Suite 201
Savannah, Georgia 31406

Re: Results of Endangered Species Survey
6,500-Acre Buckwalter Tract
Beaufort County, South Carolina
FWS Log No. 4-6-99-364

Dear Mr. Price:

We have reviewed the information received July 8, 1999 concerning the above-referenced project in Beaufort County, South Carolina. The following comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543).

Based on the information received, we will concur with a determination that this action is not likely to adversely affect federally listed or proposed endangered and threatened species. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act have been satisfied. However, obligations under Section 7 of the Act must be reconsidered if (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not considered in this assessment, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

In accordance with the provisions of the Fish and Wildlife Coordination Act, the Service also has reviewed the subject project with regard to the effects the proposed action may have on wetlands and related fish and wildlife resources. Review of aerial photography also revealed the presence of wetlands on the site. We recommend that project plans be developed to avoid impacting

wetland areas and reserve the right to review any required federal or state permits at the time of public notice issuance. The U.S. Army Corps of Engineers should be contacted to assist you in determining if wetlands are present or if a permit is required for this activity.

Your interest in ensuring the protection of endangered and threatened species and our nation's valuable wetland resources is appreciated. If you have any questions please contact Ms. Paula Sisson of my staff at (803) 727-4707, ext. 18. In future correspondence concerning the project, please reference FWS Log No 4-6-99-364.

Sincerely yours,

Roger L. Banks
Field Supervisor

RLB/PTS

EXHIBIT J

SERVICE LETTER FROM BJWSA

BEAUFORT - JASPER WATER & SEWER AUTHORITY

POST OFFICE BOX 2149 / BEAUFORT, SOUTH CAROLINA 29901-2149
6 SNAKE ROAD, OKATIE, SC 29910
843/987/9292 FAX 843/987/9293
Customer Service 843/987/9200
Operations & Maintenance 843/987/9220 • Engineering 843/987/9250

DEAN MOSS, General Manager

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Exhibit J

February 9, 2000

Mr. Samuel G. McCachern, P.E.
Thomas & Hutton Engineering Co.
Post Office Box 2727
Savannah, Georgia 31402

Re: Buckwalter Tract
PUD Application and Conceptual Plan

Dear Sam:

As you know, BJWSA and Branigar have been working on a plan to serve water and wastewater services to the Buckwalter PUD tract. We have reviewed the conceptual plan for the Buckwalter PUD and approve it as submitted. Water and wastewater service is currently being provided to Woodbridge, a Buckwalter tract project.

Should you need further information, please do not hesitate to contact me.

Sincerely,

Ed Saxon, P.E.
Chief Engineer

MICHAEL L. BELL
CHAIRMAN

JOHN LINDALL MOORE
VICE CHAIRMAN

[redacted]
SECRETARY/TREASURER

THOMAS C. DAVIS
WILLIAM P. HENDRICKS

THADDEOUS Z. COLEMAN
JOHN R. PHILLIPS

JAMES A. CARLEN III
JOHN D. ROGERS

Exhibit J

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D H E C

PROMOTE PROTECT PROSPER

South Carolina Department of Health and Environmental Control

Low Country District
Environmental Quality Control
1313 Thirteenth Street
Port Royal, SC 29935
803-522-9097 Fax: 803-522-8463

Serving
Beaufort, Colleton,
Hampton and Jasper Counties

February 8, 2000

Mr. Samuel G. McCachern, P.E.
Thomas & Hutton Engineering Co.
Post Office Box 2727
Savannah, Georgia 31402-2727

RE: Buckwalter Tract
Beaufort County

Dear Mr. McCachern:

I am in receipt of your request for preliminary approval of water and sewer service to the proposed development. As stated in your letter, the Buckwalter Tract is located on approximately 5,600 acres, between US Highway 278, SC Highway 46 and Rose Hill/Simmonsville Road. The proposed development consists of 6,885 single-family residential units and 450 acres of commercial uses.

Provided that the Beaufort Jasper Water & Sewer Authority has the capacity and is willing to provide water and sewer service, preliminary approval could be given. As you know, appropriate permits would have to be issued prior to the initiation of any construction of water or sewer lines. This preliminary approval does not mean that construction permits would be issued.

Should have any questions or require any additional information, please feel free to call me at 843-522-9097.

Sincerely,

Penny Cornett

Penny Cornett
District Engineer
Environmental Quality Control
Low Country District EQC

cc: Russell Berry
David Payne

EXHIBIT K

SERVICE LETTERS FROM PALMETTO ELECTRIC COOPERATIVE, INC. AND SCE&G

PALMETTO
ELECTRIC COOPERATIVE INC.

111 Mathews Drive P.O. Box 23619 Hilton Head Island, SC 29925 843-681-5551

Exhibit K

February 22, 2000

Samuel G. McCachern, P.E.
Thomas & Hutton Engineering Co.
P. O. Box 2727
50 Park of Commerce Way
Savannah, GA 31402-2727

Re: Buckwalter Tract PUD - 5,600 Acres

Dear Mr. McCachern:

Palmetto Electric Cooperative, Inc. ("PECI") has ample power available to serve the above-referenced site. Please provide electrical load requirements as plans for the site become more definitive.

Thank you for your assistance and cooperation in this matter. If you have any questions or if I may be of further assistance, please do not hesitate to contact me.

Sincerely,

PALMETTO ELECTRIC COOPERATIVE, INC.

Robert J. Casavant

Robert J. Casavant
Manager, Engineering Services

RJC:sdr
Encl.

c: Mr. A. Berl Davis, Jr., PECI
Mr. Parks Moss, PECI
Mr. Charles Mitchell, Branigar Organization
Mr. Gerrit Albert, Branigar Organization

SCE&G
A SCANA COMPANY

February 23, 2000

Mr. Samuel G. McCachern, PE
Thomas & Hutton Engineering Co.
P. O. Box 2727
Savannah, GA 31402-2727

RE: Buckwalter Tract
Electric and gas service

Dear Mr. McCachern:

South Carolina Electric and Gas Company will be able to provide electric and gas service to the Buckwalter Tract.

Please submit plans for the development as soon as possible so that all planning and engineering requirements can be met.

Service will be installed on an "as needed" basis according to the existing sales policy at the time of construction.

We look forward to working with you on this project. If we can be of any further assistance, please give me a call at (843) 525-7787.

Sincerely,

Kenneth L. Ackerman, III
Local Manager

South Carolina Electric & Gas Co.
631 N. Jacob Smart Blvd.
Post Office Box 670
Ridgeland, South Carolina
29936

843.726.8161
Elec. Operations 843.525.7785
Fax 843.717.2143
www.scana.com

cc: David Tempel
Michael O'Farrell
Randy Benton
Scott Ross

EXHIBIT L

SERVICE LETTER FROM BLUFFTON TELEPHONE COMPANY

Hargray Communications

Exhibit L

Mr. Sam McCachern, P.E.
Thomas & Hutton Engineering Co.
Post Office Box 2727
Savannah, Georgia 31402 - 2727

February 22, 2000

Re: Buckwalter Tract
Large Tract PUD Application

Dear Sam,

After review of the information you provided be advised that Hargray Communications (Bluffton Telephone Co. Inc.) does intend to provide all the necessary telephone and cable television services to this Large Tract PUD. The area described will be subject to all the necessary easements being signed before facilities will be installed.

If I can be of any future assistance please do not hesitate to call.

Sincerely,

Tommy W. Brown
Bluffton Project Manager
Engineering Construction Supervisor

Cc: Gerald Coleman
Wes Jones
Joe Scruggs

856 William Hilton Parkway • P. O. Box 5519 • Hilton Head Island, SC 29938 • (843) 686-5000 • (800) 726-1266 • Fax: (843) 686-1152
111 Bluffton Road • P. O. Box 346 • Bluffton, SC 29910 • (843) 815-1600 • (888) 757-2211 • Fax: (843) 757-7050
100 Main Street • P. O. Box 569 • Hardeeville, SC 29927 • (843) 784-2211 • (800) 726-0150 • Fax: (843) 784-2666

EXHIBIT M

PRELIMINARY TRAFFIC ANALYSIS

EXECUTIVE SUMMARY

This study has been conducted to assess the traffic impacts, evaluate the access/egress requirements and to serve as a planning document to aid in the submittal to petition annexation of the proposed Planned Unit Development (PUD) known as the Buckwalter Tract into the Town of Bluffton, South Carolina. This report identifies the impact of traffic generated by the proposed development and evaluates it with regard to capacity, safety, and roadway requirements. The following provides a brief summary of this study's findings.

PROJECT DESCRIPTION

The property, known as the Buckwalter Tract, is located in the southern region of Beaufort County, west of the Town of Bluffton. The property is an approximate 5,600-acre tract owned by International Paper that is bounded to the south by SC 46 (May River Road), to the west by SC 170 (Okatie Highway), and to the north by US 278. Access to the site will be provided by US 278, SC 46, SC 170 and Buck Island Road.

As proposed, the Buckwalter Tract would be developed as a PUD to include a total of 6,885 residential units, up to 450 acres of supporting retail/commercial, a tri-campus public school and a 70-acre community park. This tract is expected to be developed over the next 30 years depending on market sales conditions. For the purposes of this document, and to be consistent with the County's current Comprehensive Plan, analysis of future conditions has been set for 20 years in the future, to the Year 2020.

EXISTING TRAFFIC CONDITIONS

The study area for this project includes four on-site intersections and four off-site intersections in the immediate vicinity of the development tract. The selected study area intersections are as follows:

- SC 46 at Old Miller Road;
- SC 46 at Buckwalter Parkway;
- US 278 at Buckwalter Parkway;
- SC 170 at East-West Connector;

- May River Road (SC 46) at Okatie Highway (SC 170);
- SC 46 at Buck Island Road;
- May River Road/Bruin Road at Bluffton Road (SC 46)/Boundary Street; and
- US 278 at Buck Island Road.

WSA has collected AM (7:00–9:00 AM) and PM (4:00–6:00 PM) peak period turning movement counts along with geometric and traffic control data for the study area intersections. In addition, pertinent 24-hour two-way traffic volumes along the roadways within the project study area have either been collected or obtained from the South Carolina Department of Transportation (SCDOT).

Review of this traffic data indicates that the actual AM and PM peak-hour occurs from 7:00-8:00 AM and from 4:45–5:45 PM during the respective AM and PM peak time periods studied. Twenty-four hour count data indicates that SC 46, east of SC 170, carries approximately 6,700 vehicles per day (vpd). West of SC 170, the combination route of SC 170/SC 46 (towards Savannah) carries approximately 11,600 vpd. Also within the study area, SC 170, north of SC 46, (towards Garvey's Corner) has a two-way daily volume of 7,300 vpd and US 278 between Garvey's Corner and SC 46 carries approximately 24,700 vpd.

FUTURE 2020 TRAFFIC CONDITIONS

Traffic volumes in the future are anticipated to be significantly greater than current traffic volume conditions. In accordance with the Beaufort County Comprehensive Plan, it is anticipated that SC 46 will carry 10,600 vpd, US 278 will carry 62,400 vpd and SC 170 will carry 37,700 vpd. This growth in traffic, especially on SC 170, is significant when compared to the current daily traffic volumes.

The anticipation of high traffic volumes, as depicted in the Comprehensive Plan, is based on future development within Beaufort County, which is due, in part, to large tracts of undeveloped land and continued growth on Hilton Head Island. When developed, these tracts are anticipated to cause much of the growth in traffic as indicated. In the immediate vicinity of the Buckwalter Tract project, many other large tracts of land are planned for development; these include the Jones, Shults, and Palmetto Bluff Tracts.

In order to be consistent with the Comprehensive Plan, comparison of the existing traffic to the 2020 future traffic volumes results in an anticipated "growth pattern" or rate for US 278, SC 170 and SC 46. Respectively, growth rates of 3.5 percent, 2 percent and 1.0 percent per year have been developed for use in this document. These calculated growth rates are assumed to account for development in the County based on the accepted Comprehensive Plan. These growth rates do not account for growth in traffic due to the development of the Jones, Shults, Palmetto Bluff and Buckwalter Tracts, which are included, subsequently, as incremental data.

Planned Roadways According to Comprehensive Plan

Per discussions with SCDOT staff, no major off-site roadway improvements are underway or funded within the study area that would significantly aid in the relieving of future traffic conditions and/or constraints.

Potential roadway improvements, which are in the planning stage, are depicted in the County's Comprehensive Plan. The roadways planned in the area that would have an effect on traffic flow near the site are the widening of US 278, the widening of SC 170, and the widening of SC 46.

- US 278 Widening – Widen US 278 between SC 170 and SC 46 to a six-lane divided controlled access facility. Access controls would seek to minimize the number of traffic signals and crossroad traffic and encourage the creation of service roads parallel to US 278.

- SC 170 Widening – Widen SC 170 from McGarvey's Corner south to the "Bluffton By-Pass" (East-West Connector) to a six-lane divided controlled access facility. The widening of this roadway is suggested as a phased approach from the current two–lane to a divided four-lane to an ultimate divided six-lane. According to the Comprehensive Plan, a controlled access roadway indicates that signalized intersections are to be separated by a minimum of 1,500 feet.

- SC 46 Widening – Widen SC 46 between SC 170 and US 278 from two to three-lanes (at intersections).

Site-Generated Traffic

Traffic anticipated to be generated by this specific development has been calculated based on a methodology in accordance with the ITE *Trip Generation* manual, 6th Edition.

After 20 years, the Buckwalter Tract, as a whole, is anticipated to generate a total of 33,000 trips on a daily basis, of which 2,416 trips (532 entering, 1,884 exiting) would occur during the AM peak-hour and a total of 2,945 trips (1,914 entering, 1,031 exiting) would occur during the PM peak-hour.

It should be noted that based on growth projections, the Buckwalter Tract would be approximately 83 percent developed during the year 2020 with 5,536 residential units.

It should also be noted that the traffic volumes projected on area roadways are consistent with projected 2020 future traffic volumes as depicted in the Beaufort County Comprehensive Plan.

Site Traffic Distribution

Site-generated traffic volumes were distributed throughout the specified study area based on existing traffic flow patterns along with the consideration of demographic data for the surrounding region. As such, site traffic for the Buckwalter Tract was assigned to the study area intersections by a formulated distribution pattern. The majority of the site-generated traffic was assumed to utilize Buckwalter Parkway to access US 278 to the north and SC 46 to the south and the proposed East-West Connector to access SC 170 to the west and Buck Island Road to the east.

Traffic Volume Increases

As a result of the Buckwalter Tract development, traffic volume increases at the study area intersections are anticipated to vary from a low of 5 percent at the intersection of May River Road at Bluffton Road to a high of 21 percent at the intersection of SC 46 (May River Road) at SC 170 as compared to future 2020 conditions without (No-Build) the proposed development. This 5 to 21 percent increase, respectively, reflects the peak-hour increases at a time period when the project as a whole is at its highest activity. Smaller/less significant increases can be expected during other non-peak hours. The impact of traffic generated by the Buckwalter Tract development is greatly reduced in Downtown Bluffton due to the internal roadway network planned for the development that should divert/distribute site trips.

Site Access and Circulation

Appropriate access to serve the Buckwalter Tract must be provided to adequately accommodate the future development. Lane geometry, appropriate traffic control, and turning lanes should be implemented to effectively serve traffic generated by the project, but also to minimize impedance to through traffic on US 278, SC 170 and SC 46.

Along US 278, five access drives are planned to serve site traffic. Buckwalter Parkway would provide the main entrance into the Buckwalter Tract to/from US 278. This intersection could possibly be a four-way intersection with the entrance to the Meggett Tract on the north side of US 278. The other four driveways may provide limited access of US 278 either by way of private, gated access or limited right-in/right-out movements.

Along SC 170, one access drive is planned to serve site traffic, the East-West Connector, which would be a three-legged intersection.

The proposed East-West Connector will also provide access to Buck Island Road to the east of the site. This access point will benefit school trips to the tri-campus school site and reduce the impact along SC 46 between Buck Island Road and Bluffton Road (SC 46).

East of SC 170, on SC 46, three to four access drives are planned. These intersections would provide multiple access points to help distribute site traffic thereby minimizing the overall impact along SC 46.

Each driveway must be designed to effectively accommodate site traffic, but to also provide deceleration and/or turning lanes (if needed) to minimize the impact to through traffic on US 278, SC 170 and SC 46. The location of each of these proposed access roadways has been planned to provide sufficient separation between adjacent drives (and adjacent intersections) to allow traffic signal control if warranted.

Although not yet fully planned, connectivity between the various communities that will make up the Buckwalter Tract should be encouraged. Roadways internal of the site connecting residential areas to commercial and recreation areas should be provided. This connectivity should accommodate both vehicular and non-vehicular flow by providing bike and/or pedestrian facilities and multi-use paths.

Anticipated Diversions

It should also be noted that, under future conditions, it is anticipated that a new roadway within the Buckwalter Tract will be constructed. As currently planned, this roadway (Buckwalter Parkway) will travel from SC 46, just east of Old Miller Road, in a northerly direction intersecting US 278 near the Megget Tract and Indian Hill Plantation. From this roadway, several connector roadways will be constructed. One of these roadways (the East-West Connector) is expected to provide access to SC 170 to the west and Buck Island Road to the east.

With the construction of this roadway system within the Buckwalter Tract, it is expected that the percentage of motorists currently travelling along SC 46 could be diverted to this new facility. This would effectively lower (or reduce the growth of) the traffic volumes along SC 46 in the downtown Bluffton area. It is an assumed certainty that these diversions will take place. However, as a conservative approach, only traffic generated by the Jones, Shults and Palmetto Bluff Tracts has been accounted for in this "micro" analysis as diverted trips through the Buckwalter Tract.

TRAFFIC OPERATIONS ANALYSIS

Intersection analyses have been conducted for the 2010 and 2020 build years, short and long-term, respectively. The short-term analyses has been completed for a 10-year build scenario and addresses the operations of the eight study area intersections under the following development scheme:

Buckwalter Tract
- 3,636 residential units;
- 130 acres of supporting commercial/office;
- 60 acres of recreational/civic use; and
- 100 acres of public school development.

Year 2010

The following 10-year interim improvements are recommended to provide acceptable operating conditions along the area roadways and minimize the impact to through volumes along US 278, SC 46 and SC 170. Please note that these improvements are recommended to handle anticipated 2010 traffic volumes which not only include respective International Paper properties, but also regional growth in traffic volumes. Results of analyses reflecting the potential impact the first phase of development would have on each of the study area intersections include the background annual growth, development of a portion of the Buckwalter Tract and the development of respective portions of the Jones, Palmetto Bluff and Shults Tracts. This provides a conservative analysis of projected growth.

- SC 46 at Old Miller Road
  - Signalize Intersection
  - Add one eastbound left-turn lane on SC 46

- SC 46 at Buckwalter Parkway
  - Signalize Intersection

- US 278 at Buckwalter Parkway
  - Signalize Intersection
  - Add one eastbound right-turn lane on US 278
  - Add one westbound left-turn lane on US 278
  - Provide two left-turn lanes and one right-turn lane on northbound Buckwalter Parkway

- SC 170 at East-West Connector
  - Signalize Intersection
  - Add one northbound right-turn lane on SC 170
  - Add one southbound left-turn lane on SC 170
  - Provide one left-turn lane and one right-turn lane on westbound East-West Connector

- May River Road (SC 46) at Okatie Highway (SC 170)

  Two options exist at this intersection to accommodate future traffic volumes and efficiently service predominate travel patterns.

  Option 1
  Align approaches from SC 46, SC 170 and the southern portion of Jones Tract to create a standard four-legged intersection. This alignment would operate acceptably with the following improvements:

  - Signalize Intersection

- Add one left-turn lane and one through lane on eastbound SC 46/170
- Add one left-turn lane and one trough lane on westbound SC 46
- Add one through lane on southbound SC 170
- Provide one left-turn lane and two through lanes on northbound approach from the Jones Tract

Option 2
Re-align the intersection so that SC 170/SC 46 and SC 170 would become the major approach legs and SC 46 (towards Bluffton) becomes the minor leg approach.

This re-alignment would necessitate that SC 46 intersect SC 170 at a right angle and that the proposed fourth approach leg (northbound approach to serve the Palmetto Bluff and a portion of the Jones Tract) be aligned farther to the west along SC 46/SC 170. By doing such, this new intersection configuration will have the capability and capacity to accommodate the anticipated future growth in traffic.

- Signalize Intersection
- Provide one left-turn lane and one left/right-turn lane for westbound SC 46
- Provide one through lane and one right-turn lane for northbound SC 46/SC 170
- Provide one through lane and one left-turn lane for southbound SC 170

- SC 46 at Buck Island Road
  - Signalize Intersection
  - Add one left-turn lane on eastbound SC 46

- May River Road/Bruin Road at Bluffton Road/Boundary Street
  - Signalize Intersection

- US 278 at Buck Island Road
  - Signalize Intersection
  - Add one right-turn lane on eastbound US 278
  - Add one left-turn lane on northbound Buck Island Road

Each of the intersections along SC 170 and SC 46 will operate at acceptable service levels in the year 2010 with the recommended improvements. It should be noted that along US 278, poor operating conditions will exist with or without the proposed development solely due to regional growth in the area along US 278. The improvements recommended will mitigate the site traffic and limit the impact on through traffic. However, traffic volume growth along US 278 is a regional concern that cannot be fully addressed in this document. It is recommended that widening of US 278 to three lanes in each direction be undertaken as soon as possible in order to maintain acceptable levels-of-service along this roadway.

Year 2020

The following 20-year improvements are recommended to provide acceptable operating conditions along the area roadways and minimize the impact to through volumes along US 278, SC 46 and SC 170. Please note that the Year 2020 recommended improvements include the planned roadway improvements recommended for the interim Year 2010 time period. The Year 2020 recommendations are discrete and stand alone as total improvements to effectively handle anticipated 2020 traffic volumes which not only include the respective International Paper properties, but also regional growth as anticipated by the County Comprehensive Plan. Results of analyses reflecting the potential long-term impact on each of the study area intersections include background annual growth, development of a portion of the Buckwalter Tract and the development of respective portions of the Jones, Palmetto Bluff and Shults Tracts. This should provide a conservative analysis framework.

- SC 46 at Old Miller Road
  - Signalize Intersection
  - Add one left-turn lane and one through lane on eastbound SC 46
  - Add one westbound right-turn lane on SC 46
  - Add one southbound left-turn lane on Old Miller Road

- SC 46 at Buckwalter Parkway
  - Signalize Intersection

- US 278 at Buckwalter Parkway
  - Signalize Intersection
  - Add one right-turn lane and one through lane on eastbound US 278
  - Add two left-turn lanes and one through lane on westbound US 278
  - Provide two left-turn lanes and two right-turn lanes for northbound Buckwalter Parkway with acceleration lanes onto eastbound US 278

- SC 170 at East-West Connector
  - Signalize Intersection
  - Add one right-turn lane and one through lane on northbound SC 170
  - Add one left-turn lane and one through lane on southbound SC 170
  - Provide one left-turn lane and one right-turn lane for westbound East-West Connector

- May River Road (SC 46) at Okatie Highway (SC 170)

As previously mentioned, two options exist at this intersection to accommodate future traffic volumes and efficiently service predominate travel patterns.

Option 1
Aligning the approaches to create a four-legged intersection with the entrance/exit of the southern portion of the Jones Tract can produce acceptable service levels with future volumes; however, queuing of turning vehicles may impede traffic flow and may limit the future growth of traffic volumes through this intersection.

- Signalize Intersection
- Add one left-turn lane, one through lane and one right-turn lane on eastbound SC 46/170
- Add one left turn-turn lane, one through lane and one right-turn lane on westbound SC 46
- Add one left-turn lane and two through lanes on southbound SC 170
- Provide one left-turn lane, one through lane and one through/right-turn lane on the northbound approach from the Jones Tract

Option 2
Re-align the intersection so that SC 170/SC 46 and SC 170 would become the major approach legs and SC 46 (towards Bluffton) becomes the minor leg approach.

This re-alignment would necessitate that SC 46 intersect SC 170 at a right angle and that the proposed fourth approach leg (northbound approach to serve the Palmetto Bluff and a portion of the Jones Tract) be aligned farther to the west along SC 46/SC 170. By doing such, this new

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CAH

intersection configuration will have the capability and capacity to accommodate the anticipated future growth in traffic.

- Signalize Intersection
- Provide two left-turn lanes and one right-turn lane for westbound SC 46
- Provide two through lanes and two right-turn lanes for northbound SC 46/SC 170
- Provide two through lanes and two left-turn lanes for southbound SC 170

- SC 46 at Buck Island Road
  - Signalize Intersection
  - Add one left-turn lane on eastbound SC 46
  - Add one right-turn lane on westbound SC 46
  - Add one left-turn lane on southbound Buck Island Road

- May River Road/Bruin Road at Bluffton Road/Boundary Street
  - Signalize Intersection

- US 278 at Buck Island Road
  - Signalize Intersection
  - Add one right-turn lane and one through lane on eastbound US 278
  - Add one left-turn lane and one through lane on westbound US 278
  - Add two left-turn lane on northbound Buck Island Road
  - Add one left-turn lane on southbound Belfair Plantation

Each of the intersections along SC 170 and SC 46 will operate at acceptable service levels in the year 2020 with the recommended improvements. It should be noted that along US 278, the poor operating conditions projected are indicative of a regional concern and are not solely due to development of International Paper's properties. The improvements recommended will mitigate the site generated traffic and minimize the impact on regional traffic.

CONCLUSIONS

This document serves to set the framework to allow future growth in southern Beaufort County and Bluffton, South Carolina. Analysis of several proposed large tract developments (Jones, Shults, Palmetto Bluff and Buckwalter Tracts) were used along with the continued background growth of the region to establish recommendations for future roadway upgrades. Improvements recommended should be implemented as growth occurs and as needed. These recommendations are not necessary solely due to the development of the Buckwalter Tract and are consistent with the current Beaufort County Comprehensive Plan.

ATTACHMENT 1

DEVELOPMENT STANDARDS FOR THE INTERNATIONAL PAPER LANDS ANNEXED INTO TOWN OF BLUFFTON

(See separate document)

ATTACHMENT 1

DEVELOPMENT STANDARDS FOR INTERNATIONAL PAPER LANDS ANNEXED INTO TOWN OF BLUFFTON

ATTACHMENT 1

DEVELOPMENT STANDARDS FOR INTERNATIONAL PAPER LANDS ANNEXED INTO TOWN OF BLUFFTON

TAB	TITLE
1	Introduction
2	Development Standards Ordinance 90/3 Modifications
3	Development Standards Ordinance 90/3
4	Modifications to Town of Bluffton 5.8 Planned Unit Development Ordinance
5	Town of Bluffton 5.8 Planned Unit Development Ordinance
6	Modifications to Article IX Sign Control
7	Article IX Sign Control

1

INTRODUCTION

Attachment 1 provides the development standards for the Buckwalter PUD. Copies of three (3) different ordinances are included (Development Standards Ordinance 90/3, Town of Bluffton 5.8 Planned Unit Development Ordinance, Article IX Sign Control) with modifications required to define the PUD. Development within the PUD will be done in accordance with the ordinances contained within Attachment 1. Regulations dealing with development, other than those included in Attachment 1 do not pertain to development within the Buckwalter PUD.

2

Development Standards Ordinance 90/3 Modifications

DEVELOPMENT STANDARDS ORDINANCE 90/3 MODIFICATIONS

The following text shall apply to development within the Buckwalter Planned Unit Development (PUD).

The text is based on the Beaufort County Zoning and Development Standards Ordinance 90/3. The provisions of the Development Agreement, the DSO Modifications (pp. 1-12), Attachment 1, and the Concept Master Plans shall apply to the development of the Buckwalter Tract as defined in the Concept Master Plan. In the event of a conflict the hierarchy of documents is the Development Agreement, the Concept Plan, DSO Modifications, DSO 90/3, Section 5.8 PUD Ordinance Modifications, Section 5.8 PUD Ordinance, Section IX Sign Control Modifications, Section IX Sign Control.

The proposed changes to Section 5.4 Stormwater Management Standards relate to the *Beaufort County Manual for Stormwater Best Management Practices*. The text additions require compliance with the Manual.

DEVELOPMENT STANDARDS ORDINANCE

The Beaufort County Zoning and Development Standards Ordinance 90/3 shall apply to the subject property within the Town of Bluffton, with the following exceptions and modifications:

All reference to "Beaufort County" shall be deemed to mean the "Town of Bluffton" and all reference to "County" shall be deemed to mean the "Town" throughout the document.

Development permits within the Town of Bluffton shall be processed in accordance with Town procedures and under the requirements of the PUD Ordinance 5.8 as of December 31, 1999, and included for reference in Attachment 1.

2.4 Non-conforming Structures

Existing uses and structures on subject property shall be allowed until such time that a development permit is submitted requesting a change.

Article III Establishment of Zoning Districts

Land uses and zoning for the subject property shall be defined in Section 2 of the Concept Master Plan. In order to prevent confusion and duplication, defined districts do not apply to the Buckwalter PUD, with the exception of these listed below:

NCD- Neighborhood Commercial District
GCD- General Commercial District
HCOD- Highway 278 Corridor Overlay District
LID- Light Industrial District
OCD – Office Commercial District
FHOD – Flood Hazard Overlay District
AOD – Airport Overlay District
RPOD – River Protection Overlay District (as amended by the Development Agreement)

Article IV- Requirements by District

Delete this section except for districts listed below, and refer to Section 2 of the Buckwalter PUD for uses and requirements:

NCD- Neighborhood Commercial District
GCD- General Commercial District
HCOD- Highway 278 Corridor Overlay District
LID- Light Industrial District
RPOD – River Protection Overlay District (as amended by the Development Agreement)
OCD – Office Commercial District
FHOD – Flood Hazard Overlay District

AOD – Airport Overlay District
Planned Unit Developments and their requirements are defined in Town of Bluffton PUD Ordinance 5.8
Helicopter Landing Sites shall be allowed in the PUD

4.11.2 (A) This paragraph is deleted due to reference to Development District.

4.23 U.S. Highway 278/U.S. Highway 278 Extension Corridor Overlay District

4.23.1 General Standards

All references to spacing of access points at intervals of 1,500 feet shall be replaced with:

Buckwalter PUD may have up to have five (5) access points on U.S. Highway 278 as described on the Concept Master Plan. The PUD has one (1) access point on SC 170 in the general location shown on the Concept Master Plan. Three (3) access points on SC 46 are shown on the Concept Master Plan. The exact location of the access points will be determined at time of Development Approval and subject to issuance of an encroachment permit from the S.C. Department of Transportation.

All signage shall be in accordance with the ordinances contained in Attachment 1.

4.24 SC Highway 170/US Highway 278 Corridor Overlay District

4.24.1 General Standards

All references to spacing of access points at intervals of 1,500 feet shall be replaced with:

Buckwalter PUD may have up to five (5) access points on U.S. Highway 278 as described on the Concept Master Plan. The PUD has one (1) access point on SC 170 in the general location shown on the Concept Master Plan. Three (3) access points on SC 46 are shown on the Concept Master Plan. The exact location of the access points will be determined at time of Development Approval and subject to issuance of an encroachment permit from the S.C. Department of Transportation.

All signage shall be in accordance with the ordinances contained in Attachment 1.

4.25 River Protection Overlay District

4.25.2 Buffer Requirement and 4.25.3 Development Setbacks

For purposes of clarification, the District is defined for the Buckwalter PUD as: At Rose Dhu Creek, Stoney Creek and the Okatie River; setbacks shall be one hundred fifty (150') feet from the OCRM critical line (refer to the concept master plan dated January, 2000 for location) for residential, multi-family, clubhouse and

other building construction. All other setbacks and buffers shall conform to the standards of the River Protection Overlay District which are restated for clarification purposes below and included in Attachment #1.

1. A 50-foot setback shall be required for golf courses including all areas of the golf course that are regularly mowed and/or chemically treated, sand traps, and accessory (non-habitable) structures and facilities such as storage sheds and ball washing machines.

   Golf courses within the 150-feet setback will be designed to drain away from the critical area and provide treatment of stormwater runoff prior to discharge. Treatment will be in accordance with the Stormwater Management BMPs.

2. Selective pruning may occur in the 50-foot buffer to allow views and vistas to the marsh from the golf course. Selective pruning allows the trimming and removal of limbs. The pruning does not allow for the removal of trees. Selective clearing as described in Attachment 1 – Development Standards Ordinance will not apply to the 50-foot buffer in the Buckwalter PUD.

   A plan for selective clearing will be approved by the Town as part of the development permit process. Selective pruning and maintenance will be accomplished by hand with non-wheeled machinery. The Town will be notified prior to pruning and maintenance.

   Developer will post signs along the buffer at intervals of no less than two hundred (200) feet, to warn about sensitive areas.

3. A 50-foot setback shall be required for drainage systems and retention ponds with the exception of dry detention areas (grassed swales) which shall be used rather than drainage pipes within the 50-foot buffer zone unless a drainage pipe is an outfall from a detention, retention or filtration system. Also allowed within the 50-foot buffer zones are approved flood control and erosion control devices and other activities related to soil and water conservation.

4. A 150-foot setback shall be required for golf clubhouses.

5. A 150-foot setback shall be required for parking lots and accompanying access drives associated with the golf clubhouse.

6. All use of herbicides, pesticides or fertilizers must be in full compliance with the Federal Insecticide, Fungicide and Rodenticide Act (FEFRA); South Carolina Pesticide Control Act;

and South Carolina Fertilizer Law; and in strict accordance with pesticide label instructions in order that there be a "no adverse effect level" of surface runoff or airborne drift of these materials beyond the area of direct application.

F. Streets and roads to access land within the PUD can penetrate the buffer provided stormwater runoff is treated.

Article V – Site Design and Development Standards

This article remains as shown with the following exceptions:

5.2.1 – the minimum parking dimension is nine (9) feet by eighteen (18) feet.

5.2.1.1 Minimum Off-Street Parking

Replace the existing language of 5.2.1.1 with the following:

Use	Number of Spaces
Apartments/Multi-family	2.25 spaces per unit
Auditorium and Theaters	One (1) space for every three (3) spectator seats.
Automobile Service Station	Five (5) spaces per bay.
Bank	Four and one-half (4.5) spaces per 1,000 square feet (1,000 SF) of floor space.
Church	One (1) space for each three (3) seats or per six (6) feet of pews in the main assembly room.
Driving Range	One and one-fourth (1.25) spaces per station.
Fire Stations	Four (4) spaces per vehicle bay.
Funeral Home	Six (6) spaces per 1,000 square feet.
Golf Course	Three (3) spaces for each green plus requirements for any other associated use, except in planned residential, resort, or commercial developments which have otherwise adequate provisions for parking.
Hotel, Motel, or Motor Court	One (1) space for each room to be rented.

Indoor and Outdoor Commercial Recreation	Adequate parking facilities for contemplated use. The required Commercial Recreation parking spaces for any multiple use area shall be either (a) that number of spaces required for such single use having the greatest parking needs plus ten percent (10%) of the combined required for all other uses in the area, or (b) that number of spaces shown to be necessary and reasonable by data submitted by the developer, whichever is less.
Nursing Home	One (1) space per three (3) rooms.
Office and/or Professional Building; Office, Medical or Dental	Three and one-half (3.5) spaces per 1,000 square feet.
Planned Shopping	Four (4) spaces for every one thousand square feet (1,000 SF) of gross leasable floor area.
Public or Private Club	1.5 spaces for each one thousand square feet (1,000 SF) of gross floor space.
Public Utility Building	One (1) space per one thousand square feet (1,000 SF).
Restaurant	Twelve (12) spaces per one thousand square feet (1,000 SF).
Retail Business	Five (5) spaces for every one thousand square feet (1,000 SF) of gross floor area, except as otherwise specified below:
Appliance and Furniture Store	Two (2) spaces for every one thousand square feet (1,000 SF) of gross floor area.
Building Supply Store	Three (3) spaces per one thousand square feet (1,000 SF) of gross floor area.
Sales and Service Establishments Not Listed Elsewhere, Which Deal With Customers on the Premises	Four (4) parking spaces per one thousand square feet (1,000 SF).
Single-family Residential	Two (2) spaces for each dwelling unit.

Parking requirements can be modified by the Town Engineer or designee when substantiated with calculations submitted by the Applicant.

5.2.7 Tree Protection Standards

Replace existing language in 5.2.7.3.1 and 5.2.7.6 with the following language. The balance of Section 5.2.7 remains.

5.2.7.3.1 – Tree Survey in Pine Plantation

After harvesting of pine crop areas, the Applicant must submit a survey or exhibit depicting all trees eight (8) inches DBH or greater within the area being submitted for development approval, and twenty-five (25) feet beyond. For trees existing as part of the planted pine crop area of the PUD, an exhibit may be prepared in lieu of an actual survey. The exhibit shall be a representation of the tree planting pattern showing trees according to row, tree spacing, and typical size. The information will be field verified to ensure accuracy of these factors, but each tree in the pine crop area will not be physically located by standard survey methods. Hardwood trees in excess of eight (8) inches DBH will be located.

Tree surveys for golf courses will be in accordance with Section 5.2.7.10 with the exception of pine plantation.

5.2.7.6 – Tree Replacement

Calculation for tree replacement is based on the Initial Master Plan area and not specific project sites. The applicant will demonstrate compliance with minimum tree coverage at the time a final development permit is requested. Compliance will be demonstrated using aerial photography, a development plan, and tree count for a typical acre within the master plan area, and not the specific development tract.

5.2.7.9 – Master Plans

Delete (B) – Application for development permit.

Add:

The subject property is part of a long term plan. Much of the existing land is pine plantation, planted for the purpose of harvest. The land is covered by a silviculture exemption which remains in place until a subdivision plat is recorded for each specific area.

5.2.9 Site Design and Density Standards

(A) Setbacks

Refer to Standards of the Concept Master Plan, Section 2.

(D) Buffers

Buffers between different land uses apply to the perimeter of the PUD. Within the boundaries of the PUD, the Owner/Developer determines Buffers. Buffers are measured from the boundary lines or road right-of-way as appropriate. Buffers may be contained within required setbacks.

(F) Telecommunication Towers

Towers not in use for a period of one (1) year will be removed at the tower owner's expense.

5.4 Stormwater Management Standards

Modify text as shown to include new *Beaufort County's Manual for Stormwater Best Management Practices.*

5.4.1 Intent

No development shall be undertaken, except where adequate drainage and adequate stormwater pollution control is provided in conformance with the provisions prescribed in this section.

No development shall be undertaken, except where adequate stormwater runoff water treatment is provided in accordance with the latest version of *Beaufort County's Manual for Stormwater Best Management Practices.*

Additionally, Town of Bluffton has the right to enter, enforce maintenance, and/or cause maintenance of any stormwater management facility, either privately or publicly owned.

5.4.3.2 Stormwater Management Requirements

(B) General Requirements

(1) Stormwater discharges from development, including streets, parking areas, rooftops, and lawn surfaces may adversely impact water quality in Town streams, lakes and tidal waterbodies. Therefore, new development regulated by the Town must comply with the stormwater pollution control requirements in the latest version of *Beaufort County's Manual for Stormwater Best Management Practices.*

(2) Detention and retention ponds shall be designed with relatively flat side slopes along the shoreline, and so that shorelines are meandering where

possible to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for pollution control purposes.

(3) Modify last sentence to read:

Design data for storage volume and detention outlet requirements shall be submitted and approved by the Town Engineer or designee prior to final plan approval, with the design of the stormwater pollution control components to be based on the latest version of *Beaufort County's Manual for Stormwater Best Management Practices.*

(4) Delete

(5) Add:

Golf courses are required to comply with the latest version of *Beaufort County's Manual for Stormwater Best Management Practices,* but golf course and private lagoons shall be exempt from the above flood control requirements subject to clear demonstration by the design engineer that no damaging flooding will occur during the 100-year, 24-hour, storm and any safety concerns are addressed.

(C) Direct Stormwater Discharge

(1) Modify to read:

Channeling runoff directly into natural waterbodies from swales, pipes, curbs, lined channels, hoses, impervious surfaces, rooftops or similar methods shall not be approved for new development unless the Town Engineer has approved a stormwater pollution control plan which complies with the latest version of *Beaufort County's Manual for Stormwater Best Management Practices.*

(2) Modify to read:

Where specific site hardships require a modification to allow direct discharge into tidal areas without adequate stormwater pollution controls, prior to approval by the Town Engineer, Office of Ocean and Coastal Resource Management (OCRM),

Department of Health and Environmental Control (DHEC), County Engineer, Corps of Engineers (COE) and Water Resources commission approval is required. Granting of a modification by the Town Engineer will be based upon unique site hardships and the use of best available technology to reduce the water quality impacts of stormwater discharges.

5.4.3.3 Retention-Detention Facilities

(A) Design Criteria for Developments

Add:

(3) Water Quality Control – New development shall provide best management practices (BMPs) which comply with the latest version of *Beaufort County's Manual for Stormwater Best Management Practices.*

(B) Design Criteria for Redeveloped Sites

Modify to read:

Redevelopments which have no increase or a net decrease in impervious area yet lack evidence of a functioning retention/detention facility may be required by the County Engineer to retrofit the site to current County standards for peak attenuation and water quality control.

(C) Design Based on Soils

Modify to read:

(1) Detention ponds shall be designed to attenuate peak outflows to predevelopment rates and to comply with the water quality control requirements in the latest version of *Beaufort County's Manual for Stormwater Best Management Practices.*

(2) Retention ponds intended to attenuate post-development peak outflows shall be designed to provide for total retention of the design storm as computed for the developed condition, and to comply with the water quality control requirements in the latest version of *Beaufort County's Manual for Stormwater Best Management Practices.*

(3) Exfiltration systems intended to attenuate post-development peak outflows shall be designed to store and exfiltrate over the duration of the storm the difference in runoff volume between pre and post-development. Exfiltration systems shall be designed with a safety factor of 1.5 (design using seventy-five percent (75%) of the permeability rate or 75% of the time for drawdown), and to comply with the water quality control requirements in the latest version of *Beaufort County's Manual for Stormwater Best Management Practices*.

(D) Outfall

Modify to read:

(1) Detention shall be required to have an outfall structure to limit peak off-site discharges to pre-development rates. To achieve water quality control, the location of the structure and the shape of the pond shall be designed to comply with the water quality control requirements in the latest version of *Beaufort County's Manual for Stormwater Best Management Practices*.

5.4.3.5 Hydraulic Design Criteria

(A) Roadway Drainage Design

Modify to read:

(1) Roadway Grade – The minimum allowable centerline grade for all streets shall be 0.5%, unless otherwise approved by the County Engineer only under extenuating circumstances.

(6) Roadside Swales – Swale drainage will be permitted only when the wet season water table is minimum of one (1') foot below the invert of the swale. Where roadside swales are required, a positive outfall for the drainage may be required depending on the soil classification and topography. Roadside swales used for water quality control shall comply with the latest version of ***Beaufort County's Manual for Stormwater Best Management Practices***.

(C) Culvert Design

Replace:

(9) Show water quality control facilities, including ingress/egress areas, and supplemental BMPs (e.g., swales) and dedicated natural open space required to comply with the latest version of *Beaufort County's Manual for Stormwater Best Management Practices*. Show other information required by the County Manual.

(13) Drainage plans shall also include the following:

Add:

(c) Boundaries of any dedicated natural open space, which is required to comply with the County's water quality control requirements.

5.4.3.6 Plan Requirements

(C) Stormwater Calculations

Add:

(10) Calculation worksheet which demonstrates that the proposed water quality controls comply with the latest version of *Beaufort County's Manual for Stormwater Best Management Practices*.

Article VI – Development Permit

Development permits within the PUD will be processed in accordance with Town of Bluffton procedures. Requirements for applications are detailed in the Town's PUD-~~LT~~ Ordinance 5.8. Requirements and definitions of this section shall apply. In the event of conflict, the Development Agreement takes first precedence followed by, in order, the Concept Plan, DSO Modifications, DSO 90/3, Section 5.8 PUD Ordinance Modifications, Section 5.8 PUD Ordinance, Section IX Sign Control Modifications, Section IX Sign Control.

Article VII – Administration, Appeal, Complaints, and Remedies

The Town of Bluffton will establish a procedure for reviewing development permit applications. The requirements for development permits are described in the Town of Bluffton's Section 5.8 Planned Unit Development, included in Attachment 1.

Article VIII – Amendments

Amendments shall be processed in accordance with the Town of Bluffton PUD Ordinance as included in Attachment 1 for reference.

Article IX – Legal Status Revisions

Development of the property subject to this document is controlled by, in order of precedence, the Development Agreement, the Concept Plan, DSO Modifications, DSO 90/3, Section 5.8 PUD Ordinance Modifications, Section 5.8 PUD Ordinance, Section IX Sign Control Modifications, Section IX Sign Control.

Article X – Definition of Terms

Definitions in this section shall apply unless otherwise defined below or in the PUD.

10.2.23 Buffers - A piece of undeveloped land of specific width, set aside in the PUD to provide separation between properties.

10.2.26 Building Height – The vertical distance above the finish grade, whichever is highest, to the highest finished roof surface in case of a flat roof or to the top of the façade or to a point at the average height of the highest roof having a pitch. Architectural elements are not considered in calculation of building height.

10.2.88 Net Acre – Shall mean that acre which remains after the deduction of easements for existing utilities, easements for existing roads, and easements for existing drainage ways.

10.2.138 Upland Area – Shall mean that acre not under the jurisdiction of the Clean Water Act or state regulation for freshwater wetland or saltwater marsh.

10.2.139 Gross Acre – Total acreage within a given boundary.

The Town of Bluffton has an ordinance regarding the approval of Planned Unit Developments. Section 5.8 (Approved September, 1999) is included in Attachment 1 for reference. In order to clarify some of the issues and statements in Section 5.8 the following modifications are made:

5.8 Planned Unit Development

5.8.6 (A) Add: "as applicable" after Historic Preservation Overlay District.

(C) Add: Buffer requirements apply to the perimeter of the PUD. The Concept Plan describes the buffers and requirements.

Delete: Items 1 – 7.

5.8.7 Application and Concept Plan

(E) The Concept Plan shall contain:

3. Delete: "... total square footage for commercial uses and institutional uses".

Add: "... total acreage for commercial uses and institutional uses".

12. Delete: Proposed stormwater mitigation for deviations from the DSO maximum of 10 percent impervious surface.

Add: Proposed deviations from DSO stormwater requirements to achieve goal of *Beaufort County's Manual for Stormwater Best Management Practices.*

(G) Add:

However, in the event that a PUD is approved with a Development Agreement, the Development Agreement details the rights of the Owner, Developer and Town.

5.8.9 (B) Add to the beginning of the sentence:

"Unless provided for in the Development Agreement, "...

5.8.10 (W) Add to the end of the sentence:

..."unless modified by a Development Agreement and Concept Plan."

5.8.11 (B) Add to the end of the sentence:

…"unless modified by a Development Agreement and Concept Plan."

The following text shall apply to development of signage within the Buckwalter PUD.

The text is based on Article IX Sign Control adopted 1/13/92 by Beaufort County. The provisions of the Development Agreement, the DSO Modifications (pp 1-12), the Sign Control Modifications, Attachment 1 and the Concept Maser Plan shall apply to the development of the Buckwalter PUD as defined in the Concept Plan. In the event of conflict, the Development Agreement takes first precedence followed by, in order the Concept Master Plan, DSO Modifications (pp 1-12), Article IX Signage Control Modifications, and Attachment 1 DSO.

Sign Control

Article IX, Sign Control adopted 1/13/92 by Beaufort County, shall apply to the subject property within the Town of Bluffton, with the following exceptions and modifications:

- All reference to "Beaufort County" shall be deemed to mean the "Town of Bluffton" and the reference to "County" shall be deemed to mean the "Town" throughout the document.

- Development permits within the Town of Bluffton shall be processed in accordance with Town procedures and under the requirements of the PUD Ordinance 5.8 as of December 31, 1999, and included for reference in Attachment 1.

Section 9.2.4 On-Premise Signs – Area, Height, Size, Number, Type, etc.

Modify A.3. Insert "(Letters Only)" after "maximum allowable area of eighty (80') square feet."

Add:

D. Individual Project Signage

The exact number of signs and square footage of signage allowed per individual development tracts within the PUD shall be determined on a development project by development project basis in accordance with the criteria listed above in 9.2.4 A.

Section 9.2.6 Off Premise Signs.

Add to H:

Directory Listing Signs may be placed at each PUD access point indicated on the Conceptual Master Plan. Each access point shall be allowed a maximum of 160 square

feet of signage (letters only). The Directory Listing signs are intended to be informational and helpful for the convenience of visitors and not promotional of a particular business or type of business. Listings may include hotels, motels, restaurants, major residential developments, retail centers and the like.

3

Development Standards Ordinance 90/3

ZONING AND DEVELOPMENT STANDARDS ORDINANCE

BEAUFORT COUNTY, SOUTH CAROLINA

ORDINANCE 90/3

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ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

Section 1.1 Title

This Ordinance shall be known as the Zoning and Development Standards Ordinance of Beaufort County, South Carolina.

Section 1.2 Authority

This Ordinance is adopted pursuant to the authority conferred by the General Statutes of the Code of Laws of South Carolina, 1976, as amended.

Section 1.3 Purpose

The purpose of this Ordinance is to promote the public health, safety and general welfare; to preserve the environmental, historical and social heritage and character of Beaufort County; to protect public, private, and institutional investment; and to facilitate the timely and adequate provision of transportation, water, fire protection, sewage disposal, schools, parks and other requirements.

ARTICLE II
APPLICATION OF THE ORDINANCE

Section 2.1 **Jurisdiction**

This Ordinance and the provisions contained herein shall hereafter govern all land development within the unincorporated areas of Beaufort County, South Carolina, as now or hereafter established.

Section 2.2 **Definition of Development**

Except where the context otherwise requires, and in the absence of a more limiting provision, "development" means the performance of any building or mining operation; the making of any material change in the use of any structure or land; or the division of land into two (2) or more parcels.

Section 2.2.1

The following activities or uses shall be taken for the purposes of this Ordinance to involve development as defined in this Article unless expressly excluded by Ordinance.

(A) A material change in type of use of a structure or land which would tangibly affect the area's natural environment, drainage, transportation patterns, public health, or economic values; and

(B) A building operation involving construction, reconstruction, or alteration of the size of a structure which would result in a tangible effect on the area's natural environment, transportation patterns, public heath, or economic values; and

(C) A material increase in the intensity of land use; such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land; when such increase would tangibly affect the area's natural environment, transportation patterns, public health, or economic values; and

(D) Subdivision of a parcel or tract of land into two (2) or more lots, parcels or pieces for the purposes of sale or transfer of title; and

(E) Commencement of any mining operation on a parcel of land; and

(F) In connection with the use of land, the making of any material change in noise levels, thermal conditions or emissions of waste materials: and

(G) Alteration of a shore, bank, or flood plain of a seacoast, river, stream, lake or other natural water body; and

(H) Reestablishment of a conforming use which has been abandoned for one (1) ye

(I) Construction of major electrical and telephone utility lines over three-fourths (3/4) of a mile in length and involving tree removal, construction of any utility line substation, or construction of any utility line crossing wetlands.

Section 2.2.2

The following operations or uses do not constitute development for the purposes of this Ordinance.

(A) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure, or decoration of the exterior of the structure; and

(B) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling, except as provided in Section 4.25 with the River Protection Overlay District.

(C) A transfer of title to land not involving the division of land into parcels; and

(D) The division of land into parcels of five (5) acres or more where no improveme are involved and where no new access is required for the tract so subdivided.

(E) The division of land into parcels for conveyance to other persons through the provisions of a will or similar document and in the settlement of an intestate's estate; and

(F) The division of land into lots for the purpose of sale or transfer to members of one's own immediate family where no new access is required to access the lot(s) and upon written certification as to family relationship including acknowledgment of additional certification required if property is subsequently transferred, sold or otherwise conveyed to a non-family transferee.

(G) Any subdivision, construction, changes, or improvements approved by the County or its delegated authorities prior to adoption of this Ordinance. (See Sections 2.3.2 and 2.3.3); and

(H) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the government authority; and

(I) The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including:

(1) the creation or termination of leases, easements, or liens; and

(2) the creation or termination of mortgages on existing parcels of record, approved subdivisions or commercial projects, partly developed, or undeveloped land; and

(3) lot line corrections on existing recorded properties; and

(4) the creation, termination or amendment of private covenants or restrictions on land; and

(5) property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record; and

(6) division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property and not resulting in the creation of new parcels.

(7) properties subject to tax lien sale in which a lesser portion of the parcel is sold by the County Treasurer to recover property taxes due the County; provided that any parcels so apportioned shall meet the minimum lot size standard of the Zoning District in which situated. Each newly created parcel and each remaining parcel shall have access from a public road except where the original parcel apportioned does not have access.

Section 2.2.3

Development as designated in this Ordinance includes all other activities customarily associated with it unless otherwise specified. Activities which may result in development as defined herein include erection, construction, redevelopment, alteration, or repair. When appropriate to the context, development refers to the act of developing or the result of development. Reference to any specific operation not involving development is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

Section 2.2.4

"Material", as contained herein, shall be construed to mean objective, substantive, tangible or consequential.

Section 2.3 **Exemptions and Repeal of Previous Ordinance**

Section 2.3.1

The Beaufort County Development Standards Ordinance is hereby repealed.

Section 2.3.2

Development plans granted preliminary masterplan approval under the Planned Unit Development provisions of the Beaufort County Development Standards Ordinance (Ordinance

78/12) and specifically listed in Section 3.4.1.2 of this Ordinance, shall maintain that approva a PUD Zoning Classification under the provisions of this Ordinance and are subject to the provisions of this Ordinance.

Section 2.3.3

Until December 31, 1990, 11:59 p.m. any development plans granted a preliminary approval under the provisions of the Beaufort County Development Standards Ordinance (78/12) shall maintain that approval and be processed through final plan approval under the provisions of the Beaufort County Development Standards Ordinance (78/12). As of January 1, 1991, 12:01 a.m. this exception is no longer granted.

Section 2.3.4

Development for which a valid application has been made for a Beaufort County Building Permit, prior to the effective date of this Ordinance, and for which such permit is subsequently issued, shall be exempt from the requirements of this Ordinance as designed and permitted.

Section 2.4 Non-Conforming Structures

(A) Existing buildings which do not conform to the regulations of the respective zoning districts upon the date of adoption of this Ordinance, may be changed to another nonconforming : provided that:

(1) The structure is not enlarged beyond its existing size; and

(2) All alterations, repairs, or reconstruction of portions of the structure, with the exception of doors, windows, roofs and heating/air conditioning are limited to the interior of the structure; and

(3) The new use does not involve the increase in the size of water mains, sewer lines, electrical lines, or other utilities and parking presently serving the structure; and

(4) The new use(s) of the structure, or portion thereof, if there is more than one business in a single structure, shall remain in the same category and basic activity as the prior use. The same categories shall be:

(a) Manufacturing
(b) Transportation, communication and utilities
(c) Wholesale trade
(d) Retail trade
(e) Food service and drinking establishments
(f) Finance, insurance, and real estate services
(g) Personal, business, legal, professional and educational services
(h) Construction

(I) Cultural, entertainment and recreational

(j) Resource production including fishing, agriculture, and forestry activities.

(B) Existing buildings, structures, facilities, mobile homes or other uses of land which do not conform to the provisions of this Ordinance shall not be:

(1) Reused or re-occupied after discontinuance of use or occupancy for a period of ninety (90) days or more, or completed season in the case of a seasonal nonconforming use; and

(2) Reestablished, reoccupied or replaced with the same or similar building, structure, facility, mobile home, or other land use if said building, structure, facility, mobile home, or other land use is physically removed or relocated from its specific site location after passage of this Ordinance. However, a part or all of the twenty (20%) percent enlargement or alteration allowed for in provision 2.4(B)(3) below, may be used to replace items above which are removed or relocated.

(3) Enlarged or altered in excess of twenty (20%) percent of the total of horizontal or vertical area of all structures or facilities; or other modifications (including density increases) of the particular site whether above or below ground.

Nothing is this Section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part hereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(C) Existing nonconforming uses which are substantially damaged by fire or natural disaster may be repaired, restored or rebuilt only as previously sized, plus the allowable twenty (20%) percent expansion provided for in Section 2.4(B)(3), and only in compliance with all applicable site design and development standards of Articles IV and V of this Ordinance.

(D) In the event the South Carolina Department of Highways and Public Transportation takes a portion of a parcel or lot for public transportation uses, and such taking renders the property to be nonconforming in that it no longer is able to meet the required minimum lot size standards of the designated zoning district in which said property is located, and the property also can no longer meet the site design standards, such property shall receive an automatic variance from minimum lot size and setback site design standards. However, only the minimum variance(s) in size from that of the requirements or site design standards shall be permitted in order to allow the property to be usable.

Should the property contain an existing building and the taking by the South Carolina Department of Highways and Public Transportation render the site nonconforming, expansion of the building shall be permitted. The existing commercial building shall be permitted to expand beyond twenty (20%) percent of its size at the time of the taking. However, at no time shall a building or structure be allowed to expand into the front setback area when the distance is five (5')

feet or less from the public right-of-way line. When the property is a corner lot at the intersect of two major thoroughfares, the property shall be treated as two setback frontages.

(E) Notwithstanding other provisions of this Section, certain nonconforming operations of businesses containing or permitting the operation or use of video poker machines and any other coin operated devices, machines, electronic gaming devices including video poker machines, which provide a monetary return such as a cash payoff, and wherein such uses do not conform to the regulations of this Ordinance, shall within ten (10) days upon the enactment of this Ordinance comply with Sections 4.11.2(J)(a)(b)(e) and 4.11.2(K)(a)(d) or cease to exist. The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment of said provisions and shall be observed by the nonconforming users regardless of whether a notice of nonconformity is sent by a County official or received by the affected owner/operator.

Section 2.5 Application of Regulations

The regulations set by this Ordinance applying throughout the jurisdiction, together with the regulations set within each district established under this Ordinance, shall be the minimum regulations and shall apply uniformly to each class or kind of structure, land or development activity, except as herein provided. Except where provisions of relief are set forth elsewhere in this Ordinance, the following general standards for the enforcement of regulations shall apply.

Section 2.5.1 Use of Land or Structures

Section 2.5.1.1

No land or structure shall hereinafter be used or occupied, and no structure or parts shall hereafter be constructed, erected, altered, or moved; and no land shall be subdivided and sold or otherwise transferred, unless in conformity with all of the regulations herein specified for the entire jurisdiction and for the district or districts in which it is located.

Section 2.5.1.2 Lot Reduction Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 2.5.1.3 Use of Substandard Lots of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site for the use of the property which conforms to the requirements of the District in which the lot is located provided that the requirements are reduced below the minimum specified in this Ordinance by more than twenty (20%) percent. ..., however, the owner of two (2) or more adjoining lots, with insufficient land dimensions, decides

to build on or to sell off these lots, he must first combine the lots to comply with the dimensional requirements of this Ordinance. Any lot requiring dimensional waivers below the twenty (20%) percent minimum set forth in this Section shall require an approved variance by the Board of Adjustment and Appeals provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

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ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 **Description of Districts**

For the purpose of this Ordinance, portions of Beaufort County are hereby divided into districts.

Section 3.1.1 **CPD - Conservation Preservation District**

For the purposes of protecting and conserving sensitive environmental areas; discouraging growth in areas which pose undue hazards to man; and maintaining open space, the Conservation Preservation District is established.

Section 3.1.2 **RDD - Rural Development District**

For the purposes of protecting and preserving existing rural communities where continued low density residential and agricultural use of land is desired; to protect area water quality and prime agricultural lands from land uses and intensities that may be detrimental to the primary rural and agricultural nature of such areas; and to insure that residential development and other uses of l not having access to public water supply and sewage disposal systems and dependent upon individual ground wells and septic tanks will occur at sufficiently low densities to insure a healthful environment, the Rural Development District is established.

Section 3.1.3 **DD - Development District**

For the purposes of promoting orderly expansion of urban areas; encouraging the formation and continuance of a stable, healthy environment where, owing to the existence or planned expansion of adequate community services and facilities, a homogenous and compatible mixture of different types and intensities of land use is desirable and obtainable, the Development District is established.

Section 3.1.4 **GR-4 - General Residential District-4**

For the purposes of encouraging the formation and continuance of a stable, healthy environment for residential purposes in areas where public water and sewage disposal systems may not be available; and to discourage any encroachment by commercial, industrial, or other uses and intensities of land use capable of adversely affecting the low density residential character of such areas, the General Residential District-4 is established.

Section 3.1.5 GR-8 - General Residential District-8

For the purposes of encouraging the formation and continuance of a stable, healthy environment for residential purposes in areas where community water and/or sewer systems and other community services are available to support higher density residential uses; and to discourage encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of such areas, the General Residential District-8 is established.

Section 3.1.6 GR-12 - General Residential District-12

For the purposes of encouraging the formation and continuance of a stable, healthy environment for residential purposes in areas where community water and/or sewer systems and other community services are available to support higher density residential uses; and to discourage encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of such areas, the General Residential District-12 is established.

Section 3.1.7 GR-16 - General Residential District-16

For the purposes of encouraging the formation and continuance of a stable, healthy environment for residential purposes in areas where community water and/or sewer systems and other community services are available to support higher density residential uses; and to discourage encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of such areas, the General Residential District-16 is established.

Section 3.1.8 GR-20 - General Residential District-20

For the purposes of encouraging the formation and continuance of a stable, healthy environment for residential purposes in areas where community water supply, sewage disposal and other community services are available to support high density residential uses; and to discourage encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of such areas, the General Residential District-20 is established.

Section 3.1.9 NPD - Neighborhood Preservation District

For the purposes of preserving the character of existing residential neighborhoods; encouraging the continuance of a stable, healthy environment for residential dwellings at low density levels; and to discourage any encroachment by commercial, industrial, high density residential or other uses of land capable of adversely affecting the residential character of such character of such areas, the Neighborhood Preservation District is established.

Section 3.1.10 NCD - Neighborhood Commercial District

To encourage the formation and continuance of a healthy environment for commercial uses that are located and sized so as to provide nearby residential areas with convenient shopping and service facilities; foster a pedestrian-oriented community center; reduce traffic and parking

congestion; avoid the development of strip highway commercial development; discourage la regional businesses; industrial activities and other land uses which might compromise the localized commercial character of the district; and accommodate essential public utilities and pubic safety services, the Neighborhood Commercial District is established.

Section 3.1.11 - GCD - General Commercial District

For the purposes of reserving land for general business purposes; encouraging the formation and continuance of a compatible and economically, healthy environment for business, financial service, and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential, or other uses capable of adversely affecting the basic commercial character, intent, operations and functioning of such districts, the General Commercial District is established.

Section 3.1.12 ID - Industrial District

For the purposes of providing suitable areas for the formation and continuance of non-objectionable industrial operations and use of land; significantly removed and buffered from residential and commercial areas and having adequate linkage to transportation facilities; to discourage encroachment by those residential, commercial, and other uses of land clearly incompatible with the general industrial nature of such districts, the Industrial District is established.

Section 3.1.13 PUD - Planned Unit Development District

For the purposes of promoting the establishment and continuance of a variety of mixed-use and compatible use developments. The regulations which apply within this district are designed to provide flexibility in the design of planned projects; to encourage comprehensive planning of developments; to permit innovation in project design; and to ensure compatibility of development with the surrounding environment, the Planned Unit Development District is established.

Section 3.1.14 RAD - Residential Agricultural District

For the purposes of protecting, preserving, and encouraging existing rural, low density residential land use as a desired environment; and discouraging any encroachment of land use capable of adversely affecting the rural residential character of such areas, the Residential Agricultural District is established.

Section 3.1.15 RCD - Residential Commercial District

For the purpose of preserving, enhancing, and encouraging existing rural, low density residential, and/or low intensity/impact commercial land uses, the Residential Commercial District is established.

Section 3.1.16 LID - Light Industrial District

For the purposes of providing a suitable environment for and enhancing the locational flexibility of uses generally classified as research and development, assembly, high technology production, precision manufacturing and light industry by excluding heavy manufacturing and permitting only those cleaner industries and operations which tend to be less objectionable to the community; and by requiring high performance standards and tolerating minimal creation of air and water pollution, hazardous waste, and other off-site nuisances, the Light Industrial District is established.

Section 3.1.17 OCD - Office Commercial District

The Office Commercial District is established for the purpose of providing a suitable environment for, and enhancing the locational flexibility of, business, professional, and governmental offices and low impact institutional uses and for the purpose of providing a transitional area between intensive commercial uses and residential uses. These purposes are accomplished in the Office Commercial District by fostering a low key commercial character that is more compatible with residential uses, preventing encroachment by trade and higher impact service operations, and requiring high site design standards.

Section 3.2 Description and Definition of Special Overlay Districts

For the purposes of this Ordinance, designated Special Overlay Districts are defined as follows:

Section 3.2.1 BDOD - Beach Development (Overlay) District

For the purpose of preserving native vegetation; maintaining dune stability and assuring public access to beaches, the Beach Development (Overlay) District is established.

Section 3.2.1.1 Beach Development (Overlay) District Defined

The Special Beach Development District for Beaufort County conforms with the "primary oceanfront sand dunes" area of the Office of Ocean and Coastal Resource Management's permitting authority and is specifically defined as follows:

(A) To the landward trough of the primary front row sand dune if the crest of this dune is reached within two-hundred (200') feet landward from mean high water; and

(B) To the seaward side of any maritime forest or upland vegetation if reached before the primary front row sand dune; and

(C) To the seaward side of any permanent man-made structure which was functional in its present form on the date of adoption of this Ordinance where such structure is located seaward of any primary dune and within two hundred (200') feet of mean high water. For the purposes of

this section, fences, temporary erosion control projects do not constitute permanent man-m structures.

Section 3.2.2 **FHOD - Flood Hazard (Overlay) District**

For the purpose of protecting future development from the effects of rising tidal waters associated with probable future hurricanes, the Flood Hazard (Overlay) District is established.

Section 3.2.2.1 **Flood Hazard (Overlay) District Defined**

The Special Flood Hazard (Overlay) District for Beaufort County consists of that area designated on Official Flood Hazard Area Maps of Beaufort County and specifically defined by reference to indicated elevation figures measured from mean sea level for each designated flood hazard area.

Section 3.2.3 **HCOD - Highway Corridor (Overlay) District**

For the purposes of promoting safe and efficient use of highways in Beaufort County; to protect and preserve scenic vistas; and to protect the aesthetic and visual character of lands adjacent to highways, the Highway Corridor (Overlay) District is established.

Section 3.2.3.1 **Highway Corridor District Defined**

The Highway Corridor (Overlay) District for Beaufort County consists of that area designated on the Official Zoning Map of Beaufort County and more specifically defined as follows:

All that land or area lying between the highway right-of-way line and a line running parallel to the highway right-of-way on both sides of the highway measured five hundred (500') feet perpendicular from the highway or the rear lot line of the parcel fronting on the highway if less than five hundred (500') feet in depth.

Section 3.2.3.2 **Criteria for Designation of Highway**

The criteria for the highway may include but is not limited to:

(A) Those corridors that provide a gateway to the County's premier tourist areas; and

(B) Those areas within the corridor which are visually harmonious in overall appearance and/or have cultural and historical heritage; and

(C) Those areas along the corridor with scenic vistas; and

(D) Those highways that carry a large volume of daily traffic and/or subject to accelerated level of traffic; and

(E) Those highways that serve densely populated areas and/or areas that have high population projections; and

(F) The economic impact on property owners in the immediate and surrounding areas as well as the County as a whole should be considered.

Section 3.2.4 AOD - Airport (Overlay) District

For the purpose of protecting future development from the effects of aircraft noise and accident potential and to prevent obstructions to air navigation, the Airport (Overlay) District is established.

Section 3.2.4.1 Airport District

The Airport (Overlay) District for Beaufort County consists of those areas designated on the Official Zoning Map of Beaufort County and specifically defined as follows:

(A) The Marine Corps Air Station (MCAS).

(B) The Beaufort County Airport (Lady's Island).

(C) The Hilton Head Airport.

(D) Those areas (contours) with an airport noise zone Ldn values of less than 65, 65 to 75, and 75 or greater.

(E) Those areas within the approach zones of the above airports.

(F) The Flight Corridor (3-miles wide) between the Beaufort County Airport (Lady's Island) and the Hilton Head Airport.

Section 3.2.5 HPOD - Historic Preservation (Overlay) District

For the purpose of promoting the educational, cultural, and general welfare of the public through the identification, preservation, protection, and enhancement of the historic resources, the Historic Preservation (Overlay) District is established.

Section 3.2.5.1 Historic Preservation District Definition

The Historic Preservation (Overlay) District consists of all structures, ruins, cemeteries, and other sites which have been identified by the Planning Board, with the assistance of appropriate persons and/or agencies, as being of historical significance, and designated on the Official Zoning Map of Beaufort County or listed in Section 4.16.8 of this Ordinance.

Section 3.2.6 Council Legislative Intent

Pursuant to existing State law, generally know as "the pending ordinance doctrine", all permits to be issued and all applications made after first reading of this ordinance will be subject to the provisions of this ordinance.

Section 3.2.6.1 U.S. Highway 278/U.S. Highway 278 Extension Corridor Overlay District

The purpose of the U.S. Highway 278/U.S. Highway 278 Extension Corridor Overlay District are as follows:

(A) To provide for the safe and efficient use of this highway;

(B) To minimize congestion and the number of traffic conflict points;

(C) To enhance the quality of development;

(D) To protect and enhance the area's unique aesthetic character and natural environment and reduce unnecessary visual distractions;

(E) To encourage the design of architecture, signage and lighting which is harmonic with the natural and man-made assets of the Lowcountry.

Section 3.2.6.2 Delineation of District

The U.S. Highway 278/U.S. Highway 278 Extension Corridor Overlay District shall consist of all lands lying within the following areas:

(A) The area between the right-of-way and a line running parallel to the right-of-way on both sides of U.S. Highway 278 measured five hundred (500') feet perpendicular to the right-of-way, from eastern terminus of the highway in Beaufort County, at the Town limits of Hilton Head Island, to the southernmost intersection with S.C. Highway 170 at the area known as McGarvey's Corner;

(B) The area between the right-of-way and a line running parallel to the right-of-way on both sides of the U.S. Highway 278 Extension measured five hundred (500') feet perpendicular to the right-of-way, from its eastern terminus at the intersection with S.C. Highway 170 to the Jasper County line; and

(C) The areas beyond the five hundred (500') foot corridor line at Sheridan Park and McGarvey's Corner, as identified on the official Zoning Map. For the purposes of Section 4.23, the 278 highway right-of-way shall include the right-of-way along the main highway as well as th·

access roads and frontage roads leading to and connecting with the main highway at the McGarvey's Corner intersection.

Section 3.2.6.3 BCRPOD- Beaufort County River Protection Overlay District

For the purposes of protecting and conserving those bodies of water in Beaufort County designated Outstanding Resource Waters (ORW) under the South Carolina Water Classifications and Standards Regulation 61-69, May 28, 1993 (see definition in 3.2.6.4, below) by:

(A) formally acknowledging that such waters are natural resources of great significance to the County, State and Nation;

(B) recognizing that the shoreline and adjacent lands are a valuable, fragile, and sensitive part of this estuarine system where human activity can have an immediate and adverse impact; and

(C) enhancing the ability of the shoreline and adjacent lands to withstand the continuing demands of human activity without degradation to water quality, natural habitats, and recreational value, the Beaufort County River Protection Overlay District is established.

Section 3.2.6.4 Outstanding Resource Waters Defined

The South Carolina Water Classifications and Standards Regulation 61-69, May 28, 1993 designates as Outstanding Resource Waters, those "freshwaters or saltwaters which constitute an outstanding recreational or ecological resource." Such waters may include, but are not limited to waters known to be significant nursery areas for commercially important species or known to contain significant commercial or public shellfish resources; or waters used for or having significant value for scientific research and study.

Section 3.2.7 Preamble

Whereas, S.C. Highway 170 and U.S. Highway 278 are currently heavily traveled; and

Whereas, Beaufort County Council has requested and beseeched the S.C. Department of Transportation to schedule the widening of said highways as a top priority in Beaufort County,

Now, therefore, all property owners located contiguous to said highways are hereby placed upon notice that the widening of such highways is imminent for the protection, safety and welfare of the traveling public in Beaufort County and that such property owners and/or builders and developers should take into consideration the eminent widening projects for these highways and adjust their plans accordingly to prevent potential relocation of business and/or residential structures.

Section 3.2.7.1 S.C. Highway 170/U.S. Highway 278 Corridor Overlay Dist.

The purposes of the S.C. Highway 170/U.S. Highway 278 Corridor Overlay District are as follows:

A. to provide for the safe and efficient use of this highway
B. to minimize congestion and the number of traffic conflict points
C. to enhance the quality of development
D. to protect and enhance the area's unique aesthetic character and natural environment and reduce unnecessary visual distractions
E. to encourage the design of architecture, signage and lighting which is harmonious with the natural and manmade assets of the Lowcountry.

Section 3.2.7.2 Delineation of District

The S.C. Highway 170/U.S. Highway 278 Corridor Overlay District shall consist of all lands lying within the following areas:

A. the area between the right-of-way and a line running parallel to the right-of-way on both sides of S.C. Highway 170/U.S. Highway 278 measured five hundred (500') feet perpendicular to the right-of-way, from the southern terminus of the highway in Beaufort County, at the New River Bridge, to the northern terminus at the municipal limits of the City of Beaufort.

Section 3.3 Establishment of the District Map

Beaufort County is hereby divided into districts, as shown on the Official District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

An official copy of the Official District Map of Beaufort County shall be filed in the office of the Zoning and Development Manager. This map shall bear the seal of Beaufort County under the following words: "Official Zoning Map, Beaufort County, South Carolina."

Section 3.4 Interpretation of District Boundaries

The boundaries of the zoning districts established in Section 3.1 are depicted on a map or series of maps entitled, "Official Zoning Map, Beaufort County" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Each map bearing the designation "Official Zoning Map, Beaufort County" shall be identified by the signature of the Chairman of the County Council of Beaufort County, attested by the Administrative Officer of Beaufort County, and bearing the seal of the County under the wo: "Official Zoning Map, Beaufort County, South Carolina", together with the date of adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and South Carolina Laws, 1976 Code of Laws, Title 6, Chapter 7, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly by the Administrative Officer.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Zoning and Development Manager, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in Beaufort County.

Section 3.4.1 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of a district as shown on the Official Zoning Map, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of right-of-way lines of streets, highways or utility or other easements shall be construed to follow such lines; and

(B) Boundaries indicated as approximately following plotted lot or tract property lines shall be construed as following such lines; and

(C) Boundaries indicated as approximately following the incorporated areas or county limit lines, military reservation boundaries or special service area or tax district area lines, as amended from time to time, shall be construed to follow such lines; and

(D) Boundaries indicated within the ocean or sounds shall be construed to be parallel to and five hundred (500') feet seaward from adjacent land or marsh shoreline at all times; and

(E) Boundaries indicated as approximately following the center, mean high water mark, or shoreline of streams, rivers, canals, lakes, marsh areas, or other bodies of water shall be construed to follow such boundaries; and

(F) Boundaries indicated as parallel to or extensions of features indicated in Subsections 3.4.1 through 3.4.1.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map or in other circumstances not covered by Subsections 3.4.1.1 through 3.4.1.5 above, the Zoning and Development Manager shall interpret the district boundaries.

Section 3.4.1.2 Planned Unit Development District Boundaries

The following Planned Unit Developments have been approved under the provisions of this Ordinance which, together with all support documentation related to approved types and intensities of land use which are reflected on the approved Master Plan on file in the offices of the Beaufort County Zoning and Development Manager, shall be considered a part of this Ordinance and adhered to:

PUD	100-1	Habersham Plantation	Port Royal Island District
PUD	100-2	New Habersham	Port Royal Island District
PUD	200-1	Cat Island	Lady's Island District
PUD	200-2	Pleasant Point	Lady's Island District
PUD	200-3	Gibbs Island	Lady's Island District
PUD	200-4	Distant Island	Lady's Island District
PUD	200-5	Lady's Island Airport Commerical Park	Lady's Island District
PUD	200-6	Cane Island	Lady's Island District
PUD	200-7	The Village	Lady's Island District
PUD	200-8	Upper Cane Island	Lady's Island District
PUD	200-9	Greenheath	Lady's Island District
PUD	300-1	Harbor Island	St. Helena District
PUD	300-2	Dataw Island	St. Helena District
PUD	300-3	St. Helena Station	St. Helena District
PUD	300-4	Tuc-In-De-Woods	St. Helena District
PUD	400-1	Fripp Island	Fripp Island District
PUD	501-1	Windmill Harbor	Hilton Head Island District
PUD	501-2	Skull Creek	Hilton Head Island District
PUD	600-1	Rose Hill Plantation	Bluffton District
PUD	600-2	Callawassie Island	Bluffton District
PUD	600-3	The Gatherings	Bluffton District
PUD	600-4	Moss Creek	Bluffton District
PUD	600-5	Colleton River Plant.	Bluffton District
PUD	600-6	Graves	Bluffton District
PUD	600-7	Gump	Bluffton District
PUD	600-8	Old South	Bluffton District
PUD	600-9	Del Webb	Bluffton District
PUD	600-10	Okatie Center	Bluffton District
PUD	600-11	Belfair	Bluffton District
PUD	600-12	Rivers End	Bluffton District
PUD	600-13	Sawmill Forest	Bluffton District

PUD	600-14	Willow Run	Bluffton District
PUD	600-15	Summersett	Bluffton District
PUD	700-1	Brays Island Plantation	Sheldon District
PUD	800-1	Haig Point	Daufuskie Island District
PUD	800-2	Melrose	Daufuskie Island District
PUD	800-3	Daufuskie Island Club (Bloody Point)	Daufuskie Island District

ARTICLE IV

REQUIREMENTS BY DISTRICT

Section 4.1 CPD - Conservation Preservation District

The Conservation Preservation District for Beaufort County consists of all wetland areas delineated on Official Zoning Maps and more specifically defined as:

(A) Any salt, brackish, or fresh water marsh, bog, swamp, lake, pond, meadow, flat or other area subject to tidal flow, whether or not the tidewater reaches the area naturally or through artificial water courses; and

(B) Any other areas upon which exist a natural community of one or more of the following marsh grass indications of tidal influence: *spartina alterniflora*, *spartina patenas*, and *Juncus romerianus*; and

(C) Any natural land-locked bogs, swamps, lakes, ponds, sinks, or low-lying areas determined to be unique or important wildlife habitats, or possess unique scenic and recreational value. The Development Review Team may call upon the advice of various Federal or State agencies involved in wetlands preservation in making such determination; and

(D) Any land designated as a wildlife refuge, bird sanctuary, or open land trust by various National, State or local governments, preservation groups, or agencies.

Section 4.1.1 Permitted Uses

The following uses shall be permitted in Conservation Districts:

(A) Government nature preserves; and/or

(B) Breeding bird and endangered species habitat; and/or

(C) Private dock or boat house; and/or

(D) Boat marina; and/or

(E) Bait house; and/or

(F) Shoreline protection areas including permitted bulkhead and erosion control devices; and/or

(G) Site or structures acknowledged by County Council to be of historical significance, and/or

(H) Cemetery, with or without chapel, providing that such use includes no crematorium or dwelling unit other than for a caretaker; and/or

(I) Wildlife refuge, including one-family or two-family dwelling units limited to caretakers employed to maintain and protect the refuge; and/or

(J) Activities related to soil and water conservation, measurement, and control; and/or

(K) Public utility line(s), fire or water tower or substation; and/or

(L) Publicly owned and/or operated park, open space, recreational facility or use, and the equipment necessary for servicing such use; and/or

(M) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon completion of the project.

Section 4.1.2 Other Requirements

Uses permitted in the Conservation Preservation District shall be required to conform to the following standards:

(A) Conservation District Preservation. No conservation district shall be disturbed or altered in any manner except as provided for in Subsection (B) and (C).

(B) Water Related Development Activities. Special exception to the provisions of Subsection (A) is hereby given for the construction of certain water-related development activities in the Conservation District for which valid permits have been issued by appropriate State and Federal agencies having permitting authority over such activities. Such uses will normally include docks, wharfs, piers, marinas, bulkheads and erosion control devices.

In granting this special exception, Beaufort County does hereby reserve the right to impose the provisions of Section (A) where it is determined that the permitting of such activity by another agency is inconsistent with adopted goals and regulations of Beaufort County aimed at preserving environmental quality.

(C) Site Alteration/Disturbance. Beaufort County recognizes that not all wetlands may possess unique scenic, recreational, or wildlife habitat value or that certain wetlands, when improved, may result in enhanced scenic, recreational and wildlife habitat value.

The County may approve alteration of wetlands as a special permit condition, specifying the manner and extent of alteration permitted, based on evaluation of the affected wetland by agencies and experts deemed appropriate by the County.

(D) Disruption of Tidal Flow. No structures which impede natural tidal flow and have

the effect of reducing the quantity and frequency of water reaching marsh areas will be permi except as approved in conjunction with nature and related uses.

Section 4.2 RDD - Rural Development District

Section 4.2.2 Permitted Uses

The following uses shall be permitted in any Rural Development District:

(A) Any single-family or multi-family residential use at a density not exceeding four (4) dwelling units per net acre of land. For a definition of "Net Acre" see Section 10.2

(B) Farm or establishment for the growing, care, processing, packing and handling of field crops, truck gardening products, fruit and/or nut trees, poultry and/or animals and livestock and includes aquaculture.

(C) Tree farm, timber area, or forest management area.

(D) Horticultural nursery.

(E) Church, cemetery, religious, eleemosynary, semi-public philanthropic institution or camp.

(F) Club, lodge, grange, union hall, community center or social center.

(G) Any publicly owned and operated building, facility or land.

(H) Unlighted, regulation size or par-three golf course.

(I) Docks, boat marina, boat house.

(J) Airfield, together with subordinate uses.

(K) Wildlife refuge including caretakers' dwellings and associated facilities.

(L) Radio and television station.

(M) Utility lines, substations, switching stations, pump stations and treatment plants.

(N) Customary home occupations established under the provisions of Section 5.3.

(O) Schools, private or public; day care centers; child nurseries.

(P) Public or private health care homes or nursing homes.

(Q) A horse riding school and/or horse training facility provided the site contains a minimum of three (3) acres and provided that there shall be a minimum area of one (1) acre for the first one (1) to two (2) horses approved for the facility, plus an additional one-half (1/2) acre for each additional horse approved for the facility. Stalls or stable areas should be one hundred forty-four (144') square feet for each horse.

(R) A solid waste transfer facility, site and accessory uses, including a recycling center, provided such facility is one hundred (100') feet or greater from any residential building and it meets the development standards of this Ordinance.

(S) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.2.3 Conditional Uses

(A) Seafood or shellfish packaging and processing shall be permitted in a Rural Development District provided that the following conditions are met:

(1) There shall be a setback of one-hundred fifty (150') feet from the perimeter of any residential zone or Planned Unit Development District.

(2) All packaging and/or processing of seafood, shellfish, or sea plants shall meet the provisions of Section 5.2.11 of this Ordinance as related to odor, noise, smoke, or waste disposal, etc.

(B) Wastewater/Sewage Sludge Disposal shall be permitted in a Rural Development District provided a Land Application Permit for sludge disposal is granted by the South Carolina Department of Health and Environmental Control in accordance with the Land Application of Sludge Guidance Manual, dated December 1987; the Water Classification and Standards, State of South Carolina, Regulation 6168; and the Classification of Waters, State of South Carolina Regulation 6169, dated June 28, 1985.

(C) Mineral extractions - sand, clay, gravel with adequate screening as provided for in this Ordinance.

Section 4.2.4 Other Requirements - Setbacks

(A) Minimum Front Yard Setback. Thirty-five (35') feet Major thoroughfare four-lane: fifty (50') feet. Major thoroughfare two-lane: seventy-five (75') feet.

(B) Minimum Side Yard Setback. Ten (10') feet.

(c) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.3 **DD - Development District**

Section 4.3.1 **Permitted Uses**

The following uses shall be permitted in any Development District:

(A) Any single-family or multi-family residential use at a density not exceeding four (4) dwelling units per net acre of land. For a definition of "Net Acre" see Section 10.2

(B) Farm or establishment for the growing care and handling of field crops, truck gardening products, fruit and/or trees, poultry and/or farm animals and livestock and aquaculture.

(C) Tree farm, timber area, or forest management.

(D) Horticultural nursery.

(E) Church, cemetery, religious, eleemosynary, semi-public, philanthropic institution or camp.

(F) Private or semi-private club, lodge, grange, union hall, community center or social center.

(G) Animal hospital, veterinary clinic, boarding facility, and/or kennel, provided any structure shall be no closer than two hundred (200') feet to any residential zoning district perimeter or residential dwelling; provided all boarding arrangements are maintained within the facility and such noise as will be audible from the use of outside runs or exercise areas be kept to a minimum.

(H) Any publicly owned and operated building, facility or land.

(I) Regulation size or par-three golf course.

(J) Private docks, boat marina, boat house or gazebo.

(K) Airfield, together with subordinate uses.

(L) Radio and television stations.

(M) Utility lines, substations, switching stations, pump stations and treatment plants.

(N) Customary home occupations established under the provisions of Section 5.3.

(O) Hospitals and health clinics.

(P) Schools, private and public; day care centers; child nurseries.

(Q) Public or private health care homes or nursing homes.

(R) Non-commercial recreation areas including swimming pools; amusements parks providing a variety of entertainment provided the same is carried out on premises of not less than ten (10) acres in area.

(S) A horse riding school and/or horse training facility provided the site contains a minimum of three (3) acres and provided that there shall be a minimum area of one (1) acre for the first one (1) to two (2) horses approved for the facility, plus an additional one-half (1/2) acre for each additional horse approved for the facility. Stalls or stable areas should be one hundred forty-four (144') square feet for each horse.

(T) Platted patio lots as a part of a subdivision whereon the location of a building on an individual lot is in such a manner that one or more of the building's sides rest directly on or close to a lot line, thus creating a zero lot line(s).

(U) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.3.2 Conditional Uses

The following uses may be permitted on a conditional basis in any Development District:

(A) Residential Conditional Use. Any single-family or multi-family residential use at a density not exceeding eight (8) units per net acre of land providing that water and sewer service is available from a source other than individual well or septic tank. For a definition of "Net Acre" see Section 10.2

(B) Planned Unit Development Conditional Use. Any single use or combination of mixed uses except industrial, subject to the guidelines, standards and submission requirements established in Section 4.13 Planned Unit Development, provided that:

(1) Commercial use does not exceed twenty percent (20%) of the total development acreage.

(2) Commercial uses shall be those permitted in the Neighborhood Commercial District but may include restaurants, lodging establishments and/or a shopping center.

(C) Seafood Conditional Use. Seafood or shellfish packaging and processing shall be permitted in a Development District provided that the following conditions area met:

(1) There shall be a setback of one-hundred fifty (150') feet from the perimeter of any residential zone or Planned Unit Development District.

(2) All packaging and/or processing of seafood, shellfish, or sea plants shall meet

the provisions of Section 5.2.11 of this Ordinance as related to odor, noise, smoke, or w. disposal, etc.

(D) Campgrounds and Recreational Vehicle Parks provided that:

(1) No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days.

(2) No overflow camping shall be allowed. When a campground/RV Park is full, no more campers or vehicles shall be permitted on the grounds.

(3) The campground shall have a minimum size of twenty (20) acres. The maximum size campground shall not exceed fifty (50) acres on any single parcel.

(4) All permanent structures including cabins in a campground shall be limited to single-story structures in height.

(5) No more than eight (8) campsites/RV sites or camping structures including cabins shall be permitted per net acre in any campground.

(6) Not less than thirty (30%) percent of all campgrounds/RV Parks shall con of open space which shall contain no camp/RV sites and/or structures.

(7) All campgrounds and recreational vehicle parks in Beaufort County shall be in compliance with the Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control and have a valid permit from same for operation.

(E) Animal hospital, veterinary clinic, boarding facility, and/or kennel, provided any structure shall be no closer than two hundred (200') feet to any residential zoning district perimeter or residential dwelling; provided all boarding arrangements are maintained within the facility and such noise as will be audible from the use of outside runs or exercise areas be kept to a minimum.

Section 4.3.2.4 **Lighted Golf Courses**

(A) Lighting shall be allowed on golf courses that do not exceed 2,000 yards per 9 holes upon review of the County Engineer and the Planning Staff to determine the effect on surrounding properties; and

(B) Ensure no adverse impact upon adjoining residents and public roads.

Section 4.3.3 **Other Requirements - Setbacks**

(A) Minimum Front Yard Setback. Thirty-five (35') feet. Major thoroughfare four-lane. fifty (50') feet. Major thoroughfare two-lane: seventy-five (75') feet.

(B) Minimum Side Yard Setback. Ten (10') feet.

(C) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.4 **GR-4 - General Residential District-4**

Section 4.4.1 **Permitted Uses**

The following uses shall be permitted in any General Residential District-4.

(A) Single-family and multi-family residential dwellings not to exceed four (4) dwelling units per net acre.

(B) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees and includes aquaculture.

(C) Tree farm, timber area, or forest management area.

(D) Horticultural nursery.

(E) Church, cemetery, or religious institution.

(F) Community center or social center.

(G) Private docks, boat marina, boat houses as an accessory to the resident dwelling.

(H) Customary home occupations established under the provisions of Section 5.3.

(I) Schools, private or public, day care centers and child nurseries.

(J) Utility lines, substations, switching stations, pump stations.

(K) Public or private emergency facilities such as fire stations, ambulance stations, or evacuation centers.

(L) Unlighted regulation-size or par-three golf courses.

(M) Platted patio lots as a part of a subdivision whereupon the location of a building on an individual lot is in such a manner that one or more of the building's sides rests directly on or close to a lot line, thus creating a zero lot line(s).

(N) A temporary office and/or storage building during a project involving construction but not be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.4.2 Other Requirements - Setbacks

(A) Minimum Front Yard Setback. Thirty-five (35') feet. Major thoroughfare four-lane: fifty (50') feet. Major thoroughfare two-lane: seventy-five (75') feet.

(B) Minimum Side Yard Setback. Ten (10') feet.

(C) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.5 GR-8 - General Residential District-8

Section 4.5.1 Permitted Uses

The following uses shall be permitted in any General Residential District-8.

(A) Any single-family and multi-family residential dwellings not to exceed eight (8) dwelling units per net acre. For a definition of "Net Acre" see Section 10.2.

(B) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees and includes aquaculture.

(C) Tree farm, timber area, or forest management area.

(D) Horticultural nursery.

(E) Church, cemetery, or religious institution.

(F) Community center or social center.

(G) Private docks, boat marina, boat houses as an accessory to the resident dwelling.

(H) Customary home occupations established under the provisions of Section 5.3.

(I) Schools, private or public, day care centers and child nurseries.

(J) Utility lines, substations, switching stations, pump stations.

(K) Public or private emergency facilities such as fire stations, ambulance stations, or evacuation centers.

(L) Unlighted regulation-size or par-three golf courses.

(M) Platted patio lots as a part of a subdivision whereupon the location of a building an individual lot is in such a manner that one or more of the building's sides rests directly on or close to a lot line, thus creating a zero lot line(s).

(N) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.5.2 Other Requirements - Setbacks

(A) Minimum Front Yard Setback. Thirty-five (35') feet. Major thoroughfare four-lane: fifty (50') feet. Major thoroughfare two-lane: seventy-five (75') feet.

(B) Minimum Side Yard Setback. Ten (10') feet.

(C) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.6 GR-12 - General Residential District-12

Section 4.6.1 Permitted Uses

The following uses shall be permitted in any General Residential District-12.

(A) Any single-family and multi-family residential dwellings not to exceed twelve (12) dwelling units per net acre. For a definition of "Net Acre" see Section 10.2.

(B) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees and includes aquaculture.

(C) Tree farm, timber area, or forest management area.

(D) Horticultural nursery.

(E) Church, cemetery, or religious institution.

(F) Community center or social center.

(G) Private docks, boat marina, boat houses as an accessory to the resident dwelling.

(H) Customary home occupations established under the provisions of Section 5.3.

(I) Schools, private or public, day care centers and child nurseries.

(J) Utility lines, substations, switching stations, pump stations.

(K) Public or private emergency facilities such as fire stations, ambulance stations, or evacuation centers.

(L) Unlighted regulation-size or par-three golf courses.

(M) Platted patio lots as a part of a subdivision whereupon the location of a building an individual lot is in such a manner that one or more the building's sides rests directly on or close to a lot line, thus creating a zero lot line(s).

(N) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.6.2 **Other Requirements - Setbacks**

(A) Minimum Front Yard Setback. Thirty-five (35') feet.
Major thoroughfare four-lane: fifty (50') feet. Major thoroughfare two-lane: seventy-five (75') feet.

(B) Minimum Side Yard Setback. Ten (10') feet.

(C) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.7 **GR-16 - General Residential District-16**

Section 4.7.1 **Permitted Uses**

The following uses shall be permitted in any General Residential District-16.

(A) Any single-family and multi-family residential dwellings not to exceed sixteen (16) dwelling units per net acre. For a definition of "Net Acre" see Section 10.2.

(B) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees and includes aquaculture.

(C) Tree farm, timber area, or forest management area.

(D) Horticultural nursery.

(E) Church, cemetery, or religious institution.

(F) Community center or social center.

(G) Private docks, boat marina, boat houses as an accessory to the resident dwelling.

(H) Customary home occupations established under the provisions of Section 5.3.

(I) Schools, private or public, day care centers and child nurseries.

(J) Utility lines, substations, switching stations, pump stations.

(K) Public or private emergency facilities such as fire stations, ambulance stations, or evacuation centers.

(L) Unlighted regulation-size or par-three golf courses.

(M) Platted patio lots as a part of a subdivision whereupon the location of a building on an individual lot is in such a manner that one or more the building's sides rests directly on or close to a lot line, thus creating a zero lot line(s).

(N) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.7.2 Other Requirements - Setbacks

(A) Minimum Front Yard Setback. Thirty-five (35') feet.
Major thoroughfare four-lane: fifty (50') feet. Major thoroughfare two-lane: seventy-five (75') feet.

(B) Minimum Side Yard Setback. Ten (10') feet.

(C) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.8 GR-20 - General Residential District-20

Section 4.8.1 Permitted Uses

The following uses shall be permitted in any General Residential District-20.

(A) Any single-family and multi-family residential dwellings not to exceed twenty (20) dwelling units per net acre. For a definition of "Net Acre" see Section 10.2.

(B) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees and includes aquaculture.

(C) Tree farm, timber area, or forest management area.

(D) Horticultural nursery.

(E) Church, cemetery, or religious institution.

(F) Community center or social center.

(G) Private docks, boat marina, boat houses as an accessory to the resident dwelling.

(H) Customary home occupations established under the provisions of Section 5.3.

(I) Schools, private or public, day care centers and child nurseries.

(J) Utility lines, substations, switching stations, pump stations.

(K) Public or private emergency facilities such as fire stations, ambulance stations, or evacuation centers.

(L) Unlighted regulation-size or par-three golf courses.

(M) Platted patio lots as a part of a subdivision whereupon the location of a building on an individual lot is in such a manner that one or more the building's sides rests directly on or close to a lot line, thus creating a zero lot line(s).

(N) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.8.2 Other Requirements - Setbacks

(A) Minimum Front Yard Setback. Thirty-five (35') feet.
Major thoroughfare four-lane: fifty (50') feet. Major thoroughfare two-lane: seventy-five (75') feet.

(B) Minimum Side Yard Setback. Ten (10') feet.

(C) Minimum Rear Yard Setback. Ten (10') feet.

Section 4.9 NPD - Neighborhood Preservation District

Section 4.9.1 Permitted Uses

The following uses shall be permitted in any Neighborhood Preservation District:

(A) Single-family dwelling.

(B) Unlighted, regulation size or par-three golf courses.

(C) Tree farm, timber area, or forest management area.

(D) Horticultural nursery including the sale of plants, trees, bushes, and shrubbery.

(E) Farm or establishment for the growing, care and harvesting of field crops and vegetables, but not including processing and packing of such products nor the commercial raising, care and processing of poultry or swine, cattle, goats, and sheep.

(F) Customary home occupations subject to the provisions contained in the Home Occupation Section of this Ordinance.

(G) Public park, playground or other public outdoor recreation facility.

(H) Cemetery, provided that such use does not include a funeral home or crematorium.

(I) Church, synagogue, temple and other places of worship provided that such use is housed in a permanent structure.

(J) Public and private schools, kindergartens, day care centers and nurseries.

(K) Fire stations and other public emergency service facilities.

(L) Horses for private use may be permitted in any Neighborhood Preservation District (NPD), provided that the lot shall have a minimum width of one hundred (100') feet and a minimum area of one (1) acre for the first one and two horses approved for the lot, plus an additional one-half (1/2) acre for each additional horse approved for the lot. Lots originally platted less than one (1) acre may not be combined for the purpose of meeting the minimum area requirements set forth herein. Lots on which this use is granted and the horses and related structures thereon must be maintained as follows:

(1) The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects;

(2) The lot must be designed and maintained so as to prevent the pollution, by drainage, of adjacent streams and other water bodies;

(3) The premises must be maintained by keeping manure piles in covered containers at least fifty (50') feet from any dwelling or pool, patio or other recreational structure on an adjoining lot and at least twenty-five (25') feet from any property line, but notwithstanding any other provision contained in this Ordinance having requirements for covered containers;

(4) The premises must be maintained in a sanitary condition through the proper use of lime and pesticides;

(5) All manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors;

(6) All grain on the lot must be stored in rodent-proof containers;

(7) All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents, and birds, and the creation of odors;

(8) The exercise and training areas on the lot must be dampened so as to prev dust;

(9) Prompt veterinary care and services must be provided for sick horses and sick horses shall be removed promptly when deemed necessary by a licensed veterinarian approved by the County;

(10) Complaints regarding a horse lot not maintained in compliance with the foregoing maintenance provisions shall be filed with the Zoning and Development Manager. Violations of these provisions may result in a revocation of the use as provided for in this Ordinance and/or in prosecution of the responsible party under the provisions of this Ordinance.

(M) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

Section 4.9.2 Other Requirements

Uses permitted in the Neighborhood Preservation District shall be required to conform to the following standards except that the use of substandard lots of record as of the effective date of this Ordinance may be subject to relief as provided for by Section 2.3 of this Ordinance.

(A) Minimum lot size:

(1) NPD-1: One acre (43,560 sq. ft.)
(2) NPD-2: One-half acre (21,780 sq. ft.)
(3) NPD-3: One-third acre (14,520 sq. ft.)
(4) NPD-4: One-fourth acre (10,890 sq. ft.)

(B) Minimum front yard setback: Twenty-five (25') feet except where fronting on a major thoroughfare, then thirty-five (35') feet.

(C) Minimum side yard setback: Ten (10') feet.

(D) Minimum rear yard setback: Ten (10') feet.

(E) For perimeter setback and buffer standards related to subdivision development, see Section 5.2.9.

(F) Maximum building height: Thirty-five (35') feet above base flood elevation or finished grade, whichever is greater.

Section 4.10 NCD - Neighborhood Commercial District

Section 4.10.1 Permitted Uses

The following uses shall be permitted in the Neighborhood Commercial District:

(A) All uses permitted in the Neighborhood Preservation Districts. However, when such use is a residential use, the density of the Neighborhood Preservation District abutting or closest to the Neighborhood Commercial District shall be the standard. When two or more Neighborhood Preservation Districts are contiguous to the Neighborhood Preservation District, the Neighborhood Preservation District with the highest density shall prevail.

(B) Retail business involving the display and sale of merchandise inside stores only, provided, however, that agricultural products may be displayed and sold outside. Permitted retail businesses specifically include and may be similar to:

(1) Antique store
(2) Appliance, radio, television store
(3) Art supply store
(4) Book, magazine, newspaper shop
(5) Candy store
(6) Clothing store
(7) Drug store or pharmacy
(8) Florist shop
(9) Fruit, nut and/or vegetable store
(10) Gift or curio shop
(11) Grocery store
(12) Hardware store
(13) Hobby and/or toy shop
(14) Millinery or hat shop
(15) Music store and/or record shop
(16) Office supply and equipment store
(17) Package liquor store
(18) Photographic and camera supply and service store
(19) Shoe store

(C) Business involving the rendering of a personal service or the repair and servicing of small equipment specifically including, but not limited to:

(1) Appliance, radio, television repair shop
(2) Bank, savings and loan associations, personal loan agency and branches.
(3) Barber ship, beauty shop, or combination thereof.
(4) Bicycle repair and sales shop
(5) Dressmaker, seamstress, tailor
(6) Dry cleaning self-service and/or laundry self-service facility.

(7) Insurance agency
(8) Jewelry and watch repair shop
(9) Locksmith or gunsmith
(10) Medical, dental, or chiropractic office, clinic and/or laboratory
(11) Office for government, business, professional, or general purposes.
(12) Photographic studio
(13) Real estate agency
(14) School offering instruction in art, music, dancing, drama, or similar cultural activity.
(15) Telegraph office

(D) Radio and/or television station

(E) Private or semiprivate club, lodge, union hall or social center.

(F) Church

(G) Off-street commercial parking lot

(H) Publicly owned and operated building, facility or land.

(I) A temporary office and/or storage building during a project involving construc. but not to be used as a dwelling with the removal of same within 30 days upon project completion.

(J) Public utility facility including substation, switching station, telephone exchange, pump station, water tower or fire tower.

Section 4.10.2 Conditional Uses

The following uses shall be permitted on a conditional basis in any Neighborhood Commercial District:

(A) Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.

(B) Automobile service station provided operations involving major repairs, body and fender work, and painting, are not conducted on the premises; provided all pumps are set back at least twenty-five (25') feet from the right-of-way line of all abutting streets; provided all pumps are set back at least fifty (50') feet from the right-of-way line along the major thoroughfares as identified in this Ordinance; and provided parking and/or services areas are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six (6') feet in height above finished grade.

(C) Bakery provided that goods baked on the premises are primarily sold at retail only.

(D) Contractor's office provided there is no storage of construction vehicles, equipment, or materials on the premises.

(E) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments provided no outside loud speaker systems are utilized; provided all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties and passing vehicular traffic by suitable planting screen, fence, or wall at least six (6') feet in height above finished grade.

(F) Dry cleaning or laundry pickup agency provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.

(G) Meat, fish, and/or poultry shop provided that no slaughtering be permitted.

(H) Pet shop, provided all animals are housed within the principal buildings so that no sound is perceptible beyond the premises.

Section 4.10.3 **Other Requirements**

Uses permitted in the Neighborhood Commercial District shall be required to conform to the following standards:

(A) For front, side, and rear yard setback requirements, refer to Section 5.2.9.

(B) Maximum building height: Thirty-five (35') feet above base flood elevation or finished grade, whichever is greater.

(C) The maximum building size per parcel shall be ten thousand (10,000') square feet for all uses with the exception of: residential dwelling units; churches and other places of worship; public and nonprofit schools and day care centers; clubs, lodges, union halls, social/community centers; public recreational facilities; conditional uses delineated in Section 4.10.2(I).

(D) Additional requirements: Uses permitted in the Neighborhood Commercial Zoning District shall meet all standards set forth in Section 5.2.1(E) pertaining to off-street parking, loading, and other requirements.

Section 4.11 **GCD - General Commercial District**

Section 4.11.2 **Permitted Uses**

The following uses shall be permitted in any General Commercial District:

(A) Any use permitted in any Development District, in compliance with the provisions of Section 5.2.9.

(B) Retail, wholesale or storage business involving the sale of merchandise on the premises; except those uses which involve open yard storage.

(C) Business involving the rendering of personal services other than an automobile laundry, or an automobile repair garage.

(D) Club, lodge, union hall or social center.

(E) Church or religious institution.

(F) Off-street commercial parking or garage.

(G) Hotel, bed and breakfast inns, and motels.

(H) Commercial recreation facility, specifically including billiard parlor and theater.

(I) Commercial, recreation or vocational school.

(J) Eating and/or drinking establishment.

(K) Public utility installation or sub-installation, including water towers.

(L) Office building and/or office for government, business professional or general purposes.

(M) A horse riding school and/or horse training facility provided the site contains a minimum of three (3) acres and provided that there shall be a minimum area of one (1) acre for the first one to two horses approved for the facility, plus an additional one-half (1/2) acre for each additional horse approved for the facility. Stalls or stable areas should be one hundred forty-four (144') square feet for each horse.

(N) A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within 30 days upon project completion.

(O) Motion picture studio and/or video commercial preparation provided that the structure does not exceed 35,000 square feet for any given movie set; FAX machine services and distribution, photographic, optical goods, watches/clocks assembly and distribution provided the structure does not exceed 10,000 square feet.

(P) Needlecraft companies involved in the making of clothing from broad and narrow woven fabrics and other small wares including cotton, man-made fibers, silk and wool; knit goods yarn, and lace goods; men's, youth's and boy's suits, coats and overcoats; men's, youth's and bc furnishings, work clothing, and allied garments; women's, misses', juniors', girls', children's and infant's outwear and undergarments; dress and work gloves; robes and dressing gowns; raincoats

made of cloth or canvas; canvas products; curtains and draperies, provided the structure does not exceed 35,000 square feet.

(Q) Assembly of wooden containers; household wooden furniture; wood office furniture; partitions, shelving, lockers and store fixtures; cabinet work; and custom carpentering, provided that the structure does not exceed 25,000 square feet.

(R) Assembly of electronic components and accessories provided that the structure does not exceed 35,000 square feet.

(S) A miniwarehouse(s) or self-service storage facility(ies) provided such structure(s) is located not less than fifty (50') feet from any residential structure or residential zoned district. Such facility shall not be operated during the hours of 10:00 p.m. and 6:00 a.m.

Section 4.11.3 Conditional Uses

The following uses shall be permitted on a conditional basis in any General Commercial District.

(A) Automobile service station, provided all pumps are setback at least twenty-five (25') feet from the right-of-way line of the street, and parking and/or service areas are separated from adjoining residential properties by suitable visual screen or solid fence or wall at least six (6') feet in height. There shall be a fifty (50') foot setback of all pumps at an automobile service station on a major thoroughfare.

(B) Automobile garage for the repair and servicing of vehicles, provided all operations are conducted within a fully enclosed building and there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.

(C) Newspaper publishing plant, provided that the requirements for parking, loading, and unloading conform to those for industrial buildings.

(D) Automobile carwash, laundry or washateria, provided off-street paved parking area, capable of accommodating not less than one-half (1/2) of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises, and for such space to contain at least two hundred (200') square feet per waiting vehicle; and no safety hazard or impediment to traffic movement is created by the operation of such an establishment.

(E) Animal hospital, veterinary clinic or kennel, provided any structure shall be no closer than two hundred (200') feet to any residential zoning perimeter or residential dwelling; provided all boarding arrangements are maintained within the facility and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum.

(F) Junk yards, auto salvage yards, and outdoor storage of vehicles provided they are completely screened from view of adjacent properties and/or public and private roadways.

(G) A solid waste transfer facility, site and accessory uses, including a recycling cen. provided such facility is one hundred (100') feet or greater from any residential building and it meets the development standards of this Ordinance.

(H) Telecommunications tower provided the site plan complies with the requirements of Section 5.2.9(F); provided towers under two hundred (200') feet are painted silver or gray or retain galvanized finish in order to camouflage against the sky (unless the Federal Aviation Administration imposes other requirements); and provided no strobe lights are used (unless required by the FAA).

(I) Campgrounds and Recreational Vehicle Parks provided that:

(1) No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days.

(2) No overflow camping shall be allowed. When a campground/RV Park is full, no more campers or vehicles shall be permitted on the grounds.

(3) The campground shall have a minimum size of twenty (20) acres. The maximum size campground shall not exceed fifty (50) acres on any single parcel.

(4) All permanent structures including cabins in a campground shall be limi. to single-story structures in height.

(5) No more than eight (8) campsites/RV sites or camping structures including cabins shall be permitted per net acre in any campground.

(6) Not less than thirty (30%) percent of all campgrounds/RV Parks shall consist of open space which shall contain no camp/RV sites and/or structures.

(7) All campgrounds and recreational vehicle parks in Beaufort County shall be in compliance with the Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control and have a valid permit from same for operation.

(J) New or existing businesses which contain or install video poker machines and other coin operated devices, machines and electronic gaming devices, which provide a monetary return such as a cash payoff, as defined and contained in the Code of Laws of South Carolina, 1976, as amended, Section 12-21-2720(3), shall be classified as "video poker parlors" when the structure has as its **primary use only** such machines; the number of machines or devices are four (4) or more; and the establishment exists for the principle purpose of such play, shall be permitted as a conditional use within the General Commercial District (GCD) and only if all of the following conditions are also met:

(a) Persons under eighteen (18) years of age shall not be permitted within the building or on the premises;

(b) No such business may operate in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building;

(c) Parking requirements for such businesses shall be one (1) space for each two hundred (200') square feet of floor space, plus one (1) space for each coin operated device or machine, and shall apply to a new or existing structure;

(d) That if there is a monetary return (cash paid) as a result of a winning combination on the coin operated device, machine or electronic gaming device, the building in which such machine(s) exist shall not be located within one thousand (1,000') feet of any church, school, educational institution, or publicly or privately owned/operated youth-oriented grounds or facilities; nor within five hundred (500') feet of any residential zoning district. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel from the nearest point of the grounds in use as part of such church, school, educational institution, residential zoning district, or publicly or privately owned/operated youth-oriented grounds or facilities.

(e) No person who maintains for use or permits the use of, on any place or premise occupied by him/her, any coin operated machine, device or electronic gaming device to be operated between the hours of 2:01 a.m. and 7:59 a.m.

(K) New or existing businesses which contain or install video poker machines, and include certain coin operated devices, machines and electronic gaming devices, which provide a monetary return such as a cash payoff, as defined and contained in the Code of Laws of South Carolina, 1976, as amended, Section 12-21-2720(3), shall be classified as secondary use only when the structure has three (3) or less such machines and devices; and minors under eighteen (18) years of age shall not be permitted to observe or play such devices or machines at any time. Should the establishment contain or install four (4) or more such machines or devices, those machines shall be placed in a separate room(s) and no one under the age of 18 years shall be permitted in such room(s). Compliance for such separation will be no later than June 1, 1993. Such machines or devices as described above shall be permitted as a conditional use within the General Commercial District (GCD) with the provisions of this section and all of the following conditions are met:

(a) No business may operate in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building;

(b) Parking requirements for such businesses shall be one (1) space for each two hundred (200) square feet of floor space, plus one (1) space for each coin operated device or machine, and shall apply to a new or existing structure;

(c) That if there is a monetary return (cash paid) as a result of a winning combination on the coin operated device, machine or electronic gaming device, the building in which such machine(s) exist shall not be located within one thousand feet (1,000') feet of any church, school, educational institution, or publicly or privately owned/operated youth-oriented grounds or facilities; nor within five hundred (500') feet of any residential zoning district. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel

from the nearest point of the grounds in use as part of such church, school, educational institutiı residential zoning district, or publicly or privately owned/operated youth-oriented grounds or facilities.

(d) No person who maintains for use or permits the use of, on any place or premise occupied by him/her, any coin operated machine, device or electronic gaming device to be operated between the hours of 2:01 a.m. and 7:59 a.m.

Section 4.11.4 Seafood Conditional Uses

Seafood or shellfish packaging and processing shall be permitted in a General Commercial District provided that the following conditions are met:

(A) There shall be a setback of one hundred fifty (150') feet from the perimeter of any residential zone or Planned Unit Development District.

(B) All packaging and/or processing of seafood, shellfish, or sea plants shall meet the provisions of Section 5.2.11 of this Ordinance as related to odor, noise, smoke, or waste disposal, etc.

Section 4.11.5 Other Requirements

Unless otherwise specified elsewhere in the Ordinance, uses permitted in the General Commercial District shall be required to conform to the following standards:

(A) Minimum lot width, measured at the building line: fifty (50') feet.

(B) For front, side, and rear yard setback requirements, refer to Section 5.2.9 of this Ordinance.

(C) Setbacks where adjacent to other zoning districts: Where adjacent zoning districts are established, the provisions contained in Section 5.2.9 of this Ordinance shall apply.

(D) Maximum building height: Fifty (50') feet above base flood elevation or finished grade, whichever is greater. For exceptions to height limitations, see Section 5.2.13(c).

Section 4.12 ID - Industrial District

Section 4.12.1 Permitted Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

(A) Uses permitted in General Commercial Zones except those conditional uses permitted under Section 4.11.2(J) and 4.11.2(K) which shall be prohibited.

(B) Farm buildings, structures and uses.

(C) Public utilities and private utilities.

(D) Mass transportation terminals.

(E) Communication systems and appurtenances.

(F) Temporary buildings and structures incidental to the development of land or to the erection of the same, provided such buildings and structures shall be removed at the termination of development or construction.

(G) Radio towers, studios and business offices.

(H) Any industrial use plus operations incidental to such use, which involves manufacturing, processing, packaging, assembly, storage operations, supporting such manufacturing processing, assembly or storage; and provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.

(I) Research or experimental laboratory

(J) Public building, facility or land other than school, playground or hospital, clinic, human care home, or cultural facility.

(K) Dwellings for caretaker and plant management.

(L) Landfills and/or incinerators subject to adequate screening as provided for in this Ordinance.

(M) Junk yards, auto salvage yards, and outdoor storage of vehicles subject to the screening provisions of this Ordinance.

(N) Mineral extractions - sand, clay, gravel with adequate screening as provided for in this Ordinance.

(O) Seafood, shellfish, or sea plants packaging and/or processing provided such operations meet the provisions of Section 5.2.11 of this Ordinance as related to odor, noise, smoke, or waste disposal, etc.

(P) A miniwarehouse(s) or self-service storage facility(ies) provided such structure(s) is located not less than two hundred (200') feet from any residential structure or residential zoned district.

Section 4.12.2 Setbacks

Residence Setbacks. No industrial building or structure in an Industrial Zone shall be closer than two hundred (200') feet to the perimeter of a residential zoning district or an existing dwelling.

Section 4.12.3 Conditional Uses

(A) Telecommunications tower provided the site plan complies with the requirements of Section 5.2.9(F); provided towers under two hundred (200') feet are painted silver or gray or retain galvanized finish in order to camouflage against the sky (unless the Federal Aviation Administration imposes other requirements); and provided no strobe lights are used (unless required by the FAA).

(B) Campgrounds and Recreational Vehicle Parks provided that:

(1) No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days.

(2) No overflow camping shall be allowed. When a campground/RV Park is full, no more campers or vehicles shall be permitted on the grounds.

(3) The campground shall have a minimum size of twenty (20) acres. 1 maximum size campground shall not exceed fifty (50) acres on any single parcel.

(4) All permanent structures including cabins in a campground shall be limited to single-story structures in height.

(5) No more than eight (8) campsites/RV sites or camping structures including cabins shall be permitted per net acre in any campground.

(6) Not less than thirty (30%) percent of all campgrounds/RV Parks shall consist of open space which shall contain no camp/RV sites and/or structures.

(7) All campgrounds and recreational vehicle parks in Beaufort County shall be in compliance with the Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control and have a valid permit from same for operation.

Section 4.12.4 Performance Standards for Industrial Districts

(A) General. No approval shall be issued for the erection, relocation, or expansion of any industrial use or building unless the same complies with the performance standards set forth herein.

(B) Storage. All materials or products shall be kept within completely enclosed buildings or screened by a solid wall or fence of a minimum height of eight (8') feet or enclosed by evergreen hedge or trees of minimum height of six (6') feet. Storage of materials within the enclosure shall not exceed the height of the wall, fence, or vegetative screen.

(C) Setbacks. See Section 5.2.9(A) of this Ordinance.

(D) Screening. See Section 5.2.9(B) of this Ordinance.

Section 4.12.5 Conditional Uses for Wastewater/Sewage

Sludge Disposal Wastewater/Sewage sludge disposal shall be permitted in an Industrial District provided a Land Application Permit for Sludge Disposal is granted by the South Carolina Department of Health and Environmental Control in accordance with the Land Application of Sludge Guidance Manual, dated December 1987; the Water Classification and South Carolina Regulation 6168, and the Classification of Waters, State of South Carolina Regulation 6169, dated June 28, 1985.

Section 4.13 PUD - Planned Unit Development District

A planned unit development ("PUD") district may be established through a rezoning procedure in any area when the applicant demonstrates that the proposal meets the requirements of this section. The purpose of the PUD is not to provide an avenue for circumventing prescribed zoning and development standards otherwise applicable, but to allow for flexibility and innovation in site planning.

Section 4.13.1 Permitted Uses

Uses permitted in a PUD district include:

(A) Any single land use or multiple land use proposed by the applicant which meets the requirements and objectives of this section, except Telecommunication Towers (transmitting and receiving).

(B) Contractors' temporary offices and/or storage buildings used during construction, including temporary offices located within a building which is intended for a permanent use authorized in (A), provided that the offices or buildings are not used as a dwelling and are removed within 30 days after completion of the project.

(C) Temporary offices for the initial sale or leasing of approved uses within the PUD during the development period, or for coordination of PUD development, including temporary offices located within a building which is intended for a permanent use authorized in (A), provided that (i) the offices are not used as a dwelling and are removed within 30 days after completion of the PUD development, and (ii) the approximate location of the offices is shown on the PUD master plan or shown on a subdivision or phase site plan which has received final approval. It is

recommended that the permanent use, which will succeed the office use after the completion of PUD development at that location, also be shown in order that a revised master plan not be required in the future.

Section 4.13.2 Master Plan

(A) The applicant shall submit a conceptual PUD master plan which delineates one or more land use areas. An accompanying list/text must be submitted which gives a designation for each land use area and specifies acreage, uses, residential density and particular development parameters (see definition in 4.13.2(C), below) for each land use area. All uses and development parameters must be determinable for each land use area. To the extent that any use or parameter is not specified in the master plan, the uses, parameters, and requirements of Article V of this ordinance and the appropriate Beaufort County zoning district, as discussed in Section 4.13.3, below, shall apply.

(Example: if no specific open space is designated on the master plan, the provisions of Section 5.2.9(E) shall apply.)

The conceptual PUD master plan and list/text are jointly referred to in these sections as the "master plan".

(B) The definition of each land use area may be general or particular. Each may fun like a specific Beaufort County zoning classification (such as Neighborhood Preservation District-2), a modified version of a specific Beaufort County zoning classification (such as Neighborhood Preservation District-2 with different building setbacks or an altered set of uses from those permitted in NPD), or a specially tailored district. Broad designations such as "residential" or "commercial" or designations of a specific use (such as a telecommunications tower) may be used. Use of more inclusive descriptions than the latter, however, is encouraged to allow for greater flexibility in modifying a project. In the case of conditional use PUD's, designations of specific uses may be appropriate since all changes to such master plans are processed administratively and do not require amendments to this ordinance.

(C) Development parameters encompass all of the elements defining the particular use of land including: elements which are ordinarily regulated under this ordinance - lot sizes, setbacks, buffers, lot widths and coverages, building heights, right-of-way widths, etc.; any standards which the applicant or reviewing boards may wish to impose such as square footage of commercial buildings; any departures from development standards of Article V; and any special provisions such as clustering of buildings, preservation of an archaeological site, provision of deeper buffers, or creation of a bicycle path.

(D) After approval by the County Council the master plan, as approved, shall be deemed part of the regulations applying to that particular PUD District. If the master plan submitted by the applicant is approved, but is modified without the written agreement of the applicant, the appl. shall have 60 days after receipt of notice of approval of the modified master plan to withdraw the master plan by written notice to the County Council. If withdrawn, the zoning for the areas within

the master plan shall be unchanged from the zoning existing before the application was submitted

(E) If a master plan is not withdrawn, or if the master plan is approved as submitted by th applicant, the uses, densities, and development parameters shall thereafter be restricted to those se forth in the approved master plan (and in any applicable portion of Section 4.13.3 below).

Section 4.13.3 Clarifications to Master Plan; Associations between Land Use Areas and Related Zoning Districts

Unless otherwise expressly indicated by the master plan, in the situations outlined below, th permitted uses, densities, conditions, and development parameters shall be those which apply in th Beaufort County zoning classifications associated with that designation, as follows:

(A) For areas designated "Conservation", "Park", "Green Space", "Open Space", or simila wording:

(1) uses permitted and development parameters specified in open spaces by thi ordinance, and

(2) uses permitted and development parameters specified in the Conservatior Preservation District (excluding marinas); and those agricultural, forestry, horticultural anc recreational uses and essential public facilities permitted in the Neighborhood Preservation District Essential public facilities shall be construed to mean those public facilities which could not practically be located outside of the area designated for open space.

(B) For areas designated "Agricultural", "Farm" or similar wording: uses permitted anc development parameters specified in the Conservation Preservation District (excluding marinas); anc those agricultural, forestry, horticultural and recreational uses and essential public facilities permitted in the Residential Agricultural District; and dwelling units housing farm workers and their families, subject to the provisions of the Residential Agricultural District. Essential public facilities shall be construed to mean those public facilities which could not practically be located outside of the area designated for agricultural use.

(C) For areas designated "Single Family" or "Residential", or similar wording: uses permitted and development parameters specified in a Neighborhood Preservation District, as defined in this ordinance. Where density is not specified in the master plan, the density of the Neighborhood Preservation District-2 (NPD-2) shall apply. For PUD's approved prior to April 12, 1990 where density is not specified the permitted density shall be three single family lots per net acre (as defined in Section 10.2.75 of this ordinance), i.e. Section 4.9.2 (A)(3) shall not apply.

(D) For areas designated "Multifamily" or similar wording: uses permitted and development parameters specified in the General Residential District, as defined in this ordinance. Where density is not specified in the master plan the permitted density of GR-4 shall apply.

(E) For areas designated "Commercial" or similar wording: uses permitted development parameters specified in the General Commercial District, as defined in this ordinance except that for residential uses therein the density and development parameters of the General Residential District-4 shall apply. For areas designated "Neighborhood Commercial" or similar wording: uses permitted and development parameters specified in the Neighborhood Commercial District, as defined in this ordinance.

(F) For areas designated "Industrial" or similar wording: uses permitted and development parameters specified in an Industrial District, as defined in this ordinance. For areas designated "Light Industrial" or similar wording: uses permitted and development parameters specified in the Light Industrial District, as defined in this ordinance.

(G) In areas where types of classifications other than those listed in (A) through (F), above, are used (such as "Public Facilities") those areas may also be used for open space or any use permitted in the Neighborhood Preservation District-2, subject to the conditions and development parameters specified for that district in this ordinance, provided that the classification does not clearly imply permanent preservation as open space.

(H) In areas where specific uses are designated, such as "Telecommunications Tower", "Fire Department", or "Restaurant", those areas may also be used for uses which the Development Review Team determines to be substantially similar to the specified use in all significant respects; for open space; or for any use permitted in the Neighborhood Preservation District-2, subject to the conditions and development parameters specified for that district in this ordinance, provided that in the opinion of the Development Review Team the intended use of the area does not represent a significantly more intensive use than the designated specific use.

(I) In the event that any area is inadvertently left unspecified, that land area may only be used for open space or any use permitted in the Neighborhood Preservation District-2, subject to the conditions and development parameters specified for that district in this ordinance.

(J) If a master plan designates the use for a particular land use area within the PUD and specifies the maximum density for all such uses within the PUD, but does not specify the maximum density for the particular land use area, the maximum density for that particular land use area shall be the greater of: (1) the total density for all such uses within the PUD, divided by the total acreage designated for such use within the PUD or (2) the maximum density for such use as determined by Section 4.13.3, above. (This shall not be construed to allow a total density for all such uses within the PUD which is greater than the maximum density for all such uses specified in the master plan.)

(Example: A master plan has one land use area designated commercial and two 5 acre land use areas (total of 10 acres) and both 5 acre areas are designated multifamily. The master plan does not state the specific density for each land use area, but states that the overall PUD will contain a maximum of 60 multifamily dwelling units. The maximum total density for PUD is then 6 units per acre. Within one 5 acre land use area, the developer may build at a density of 6 units per acre (option (J)(1), above) because this density is

greater than 4 units per acre (option (J)(2), above) pursuant to Section 4.13.3(D). If, however, prior to the adoption of this provision, 8 units per acre had already been developed on one 5 acre tract (a total of 40 units), only 4 units per acre (a total of 20 units) could be developed on the second 5 acre land use area (40 units plus 20 units = maximum of 60 units allowed by the master plan.)

(K) Any use which would ordinarily be permitted under this ordinance as an accessory u to a permitted use shall likewise be permitted within a PUD.

(L) Indications on the master plan of densities or numbers of units shall be construed represent maximums, unless otherwise indicated or clearly implied. Development to those maximu figures is subject to satisfaction of other provisions in this ordinance and other regulations and is th not assured.

Section 4.13.4 Other Requirements

(A) The tract of land proposed for a PUD must either:

(1) Be owned, leased or controlled by a single person or single or joint entity;

(2) Be subject to an option or other right to be acquired by a single person or sing or joint entity (In such event, the actual owners shall state in writing that the applicant has authori to submit the application for PUD designation on behalf of, and act on behalf of, all signatories to th agreement in matters relating to the master plan.); or

(3) Be subject to another written agreement which, in the opinion of the Zonin and Development Manager, indicates that the signatories to the agreement (a) own, lease or contr all of the land proposed to be within the PUD, and (b) agree to the provisions set forth in the secon sentence of (2) above.

(B) The minimum area required for a PUD shall be five (5) contiguous acres of lan Where portions of land are separated by a road, road right-of-way, utility easement, waterway, another like use, the land shall be deemed contiguous unless the intervening use or feature is of suc a magnitude or nature that County Council (or the Development Review Team in the case conditional use PUD's) determines that the land could not function effectively as a PUD.

(C) A PUD containing less than twenty (20) contiguous acres shall be restricted to the lan uses permitted in the zoning category associated with the property prior to approval as a PU However, development parameters, including density, may be altered if the PUD meets the standard of this ordinance.

Section 4.13.5 Areas of Potential Flexibility in Establishment of PUD Land and Specifications

(A) In devising the PUD master plan there is potential flexibility in the establishment land uses, density, setbacks, buffers, building heights, lot sizes, lot dimensions and most site desi and development standards as expressed in Article V.

(B) However, the setback and buffer standards of Section 5.2.9 must be implemented alo the perimeter of PUD districts. The PUD as a whole shall comply with all provisions in this ordinan relating to drainage, nuisances, screening, protection of natural resources (Section 5.2.7), loadi standards and overlay districts; requirements of other local, state, and federal agencies and oth applicable laws; and the Beaufort County Sign ordinance.

Section 4.13.6 Criteria for Establishment of PUD Land Uses and Specificatio

The land uses, density, setbacks, buffers, building heights, lot sizes, lot dimensions and oth standards established in the zoning district(s) in the area underlying the proposed PUD and the si design and development standards expressed in Article V shall constitute the baseline and frame reference for the planning and review of the PUD master plan. The developer must provide substanti justification for any departure from those standards, including, for example: introduction of a lar use that was prohibited in the prior zoning district(s), reduced building setbacks, or provision of few parking spaces than called for in Section 5.2.1(F)(6). Proposed deviations from road and drai standards must be reviewed and approved by the County Engineering Department as a condition PUD Masterplan approval.

(A) General Considerations

In examining the proposed master plan and evaluating the appropriateness of each land us and its attendant parameters, and any departures from Article V, reviewing bodies shall consider th following:

(1) The applicant's statement describing the character of and rationale for th proposed development.

(2) The appropriateness of each prospective zoning district if, hypothetically, eac land use area were perceived as a separate zoning district.

(3) Respective land uses recommended in plans or documents officially adopte by the County.

(4) Whether the major components of the PUD are appropriately located an should be able to continue to function if all phases of the PUD are not completed, taking int consideration factors such as the infrastructure guarantee procedures of this ordinance (see Se 6.5.1(E)).

(5) The compatibility of proposed land uses.

(6) The degree of integration/interrelationship vs. independence of proposed lar uses. Independence of land uses should be deemed appropriate if other objectives are met.

(7) The extent to which major design elements, such as road systems, an pedestrian circulation networks, open space, drainage systems and utilities, are properly integrate

(8) Whether each nonresidential use is intended to serve the internal needs of th PUD or an external market. Serving an external market is acceptable if other standards are met.

(9) Infrastructure capacity and effect upon public services.

(10) Effect on property outside of the PUD.

(11) Conformance with engineering and other technical requirements.

(12) Probability that the project will be completed as planned.

(13) Whether the proposed project is a genuine PUD or represents an attempt t circumvent the prescribed zoning. Industrial uses or commercial uses located on the perimeter of th PUD or along highways shall be subject to close scrutiny in this regard.

(14) Effects upon public health, safety, and welfare.

(B) Special Considerations

In evaluating aspects of a proposed PUD master plan or an amendment to an existing PUI master plan, which may represent a more intensive level of development than the baseline and fram of reference referred to in Section 4.13.6, certain provisions may justify the more intensiv development because those provisions either mitigate or compensate for potential adverse impacts o: development. Incorporation of any of the following components into a PUD master plan i: encouraged and may be considered grounds for increases in density, increases in multifamily o commercial uses, increases in intensity (such as reductions in lot sizes, setbacks, or buffers; increase: in building height) or departures from standards otherwise applicable under this ordinance. Thi: subsection applies to PUD's reviewed through the amendment process and to conditional use PUD's

These components include:

(1) Distinctiveness and excellence in design and landscaping.

(2) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.

(3) Clustering of buildings.

(4) Preservation of additional open space.

(5) Preservation of unique and important natural features and resources.

(6) Preservation of important cultural resources such as known or potenti: archaeological sites.

(7) Development of active or passive recreational areas.

(8) Enhanced landscaping, including higher quality landscaping; deeper vegetativ buffers; or increased planting along roadways, in open spaces and recreational areas, and along th perimeter of the project.

(9) Use of greenways or landscaped corridors linking various uses.

(10) Use of sidewalks/footpaths or pedestrian bicycle circulation networks.

(11) Segregation of vehicular and pedestrian/bicycle circulation networks.

(12) Other traffic mitigation measures.

(13) Creation of traditional neighborhood style development.

(14) Use of rear alleys for service purposes, garage/parking access, and placemen of utilities.

(15) Screening of or rear placement of parking areas.

(16) Other public benefits such as provision of a community center or day car center.

(17) Provision of subsidized affordable housing.

(18) Public access to community facilities in PUD.

(19) Sensitive treatment of perimeters to mitigate impacts upon adjoining property.

Section 4.13.7 **Procedure**

In order to qualify for a PUD zoning classification, a proposed PUD must follow the application procedures and meet the following specific requirements of the Beaufort County Zoning and Development Standards Ordinance: Article VII, Section 7.5.2.3(B); Section 7.5.2.4; Section 7.5.2.5(B); Section 7.5.3.1(C); and Section 7.5.3.2, with the additional requirement that the Plan Board, County Council, or Development Review Team, at their discretion, may require the applicant to provide maps, data or additional studies such as environmental impact statements, traffic impact

analyses, hurricane evacuation plans, etc. Due to the complexity inherent in PUD's, applicants : encouraged to attend a pre-application conference with the Planning Board Staff.

Section 4.13.8 Administrative Procedure With Regard to PUD Zoning District

(A) Any request pertaining to the establishment of a new PUD district shall be consider a proposal to amend the Zoning and Development Standards Ordinance and shall be administered a processed in accordance with the regulations set forth in Article VIII of this Ordinance. If approv by County Council, all information pertaining to the proposal shall be adopted as an amendment the Ordinance, and shall become the standards of development for the particular Planned Ut Development District.

(B) Once a master plan has been approved and adopted as described herein, any change(to that master plan, other than those set forth in Section 8.3.2, shall be administered and process by the Development Review Team in accordance with the procedures of Sections 7.5.1, 7.5.2.2, ar 7.5.2.4. The applicant shall also submit those materials set forth in Section 7.5.2.3(B) which may l required to define and explain the proposed changes.

(C) When proposed changes to an approved and adopted master plan are required : conjunction with an application for a specific development permit, and such changes do not requi an amendment to this ordinance, the proposed changes to the master plan and the development perm application may be reviewed and approved at the same time.

Section 4.14 RAD - Residential Agricultural District

Section 4.14.1 Permitted Uses

The following uses shall be permitted in any Residential Agricultural District:

(A) Any single-family residential use at a density not exceeding two (2) dwelling units pe net acre of land.

(B) Farm or establishment for the growing, care, preliminary processing, packaging, an handling of field crops, truck gardening products, fruit, and/or nut trees, poultry, and/or animals an livestock including aquaculture and facilities associated with the commercial fishing industry.

(C) Tree farm, timber area, or forest management area.

(D) Church, cemetery, religious semi-public or philanthropic institution or recreationa camp.

(E) Club, lodge, union hall, community and social centers.

(F) Any publicly owned and operated building or facility that serves the area.

(G) Private docks and boat houses that serve as an accessory to the residential dwe. including related docks and facilities.

(H) Wildlife refuge, including caretakers dwelling and associated facilities.

(I) Utility-lines, substations, switching stations, pump stations, and treatment plants th: serve the area, provided they are placed on utility easement or public right-of-way.

(J) Customary home occupations established under the provisions of Section 5.3.

(K) Schools, private or public; day care centers and child nurseries.

(L) Public or private health care facilities or nursing homes.

(M) A temporary office and/or storage building during a project involving construction bı not to be used as a dwelling with the removal of same within 30 days upon completion of the projec:

(N) A horse or riding school and/or horse training facility provided the site contains minimum of three (3) acres and provided that there shall be a minimum of one (1) acre for the firs one to two horses approved for the facility, plus an additional one-half (1/2) acre for each additiona horse approved for the facility. Stalls or stable areas should be one hundred forty-four (144') squa-r. feet for each horse.

(O) Horticultural Nursery which only involves the cultivation and sale of plants, seeds, sod shrubs, trees and other forms of vegetation for wholesale or retail purposes. The operation ma: utilize structures associated with such activity, such as greenhouses and storage sheds.

Section 4.14.2 Other Requirements

Uses in the Residential Agricultural District shall be required to conform to the followin: standards, except that the use of substandard lots of record as of the effective date of this Ordinanc may be subject to relief as provided for by Section 2.3 of this Ordinance.

(A) Maximum Density: Two (2) dwelling units (DU) per one acre of land, regardless o: the availability of water and sewer services from a source other than individual wells or septic tanks

(B) Minimum lot size: Twenty-one-thousand seven-hundred-eighty (21,780') square feet

(C) Minimum front yard setback. Twenty-five (25') feet from the front property lin except where fronting on a major thoroughfare, then thirty-five (35') feet.

(D) Minimum side yard setback. Ten (10') feet.

(E) Minimum rear yard setback. Ten (10') feet.

(F) For perimeter setback and buffer standards related to subdivision development, . Section 5.2.9.

(G) Maximum building height. Thirty-five (35') feet above base flood elevation or finist grade, whichever is greater.

Section 4.14.3 Conditional Uses

(A) Public or private emergency facilities may be permitted provided their service area limited to the respective Residential Agricultural District and its immediate environs.

(B) Private, non-commercial radio and transmission or receiving towers, provided th height does not exceed seventy (70') feet.

(C) Wastewater/Sewage Sludge Disposal shall be permitted in a Residential Agricultur District provided a Land Application Permit for Sludge Disposal is granted by the South Caroli Department of Health and Environmental Control in accordance with the Land Application of Slud Guidance Manual, dated December 1987; the Water Classification and Standards, State of Sou Carolina Regulation 616S, and the Classification of Waters, State of South Carolina Regulation 616 dated June 28, 1985.

(D) Mineral extractions - sand, clay, gravel with adequate screening as provided for in th Ordinance.

(E) A solid waste transfer facility, site and accessory uses, including a recycling cente provided such facility is one hundred (100') feet or greater from any residential building and it mee the development standards of this Ordinance.

Section 4.15 RCD - Residential Commercial District

Section 4.15.1 Permitted Uses

The following uses shall be permitted in any Residential Commercial District.

(A) All permitted and/or conditional uses allowed in a Residential Agricultural, unle otherwise indicated.

(B) A temporary office and/or storage building during a project involving construction bu not to be used as a dwelling with the removal of same within 30 days upon completion of the projec

Section 4.15.2 Other Requirements

Uses permitted in the Residential Commercial District shall be required to conform to ti following standards:

All standards are established in Section 4.12.2 as pertaining to lot size, setbacks, and oth requirements.

Section 4.15.3 Conditional Uses

The following uses shall be permitted on a conditional basis in any Residential Commerci District.

All retail and/or personal service businesses permitted in a Neighborhood Commerci. District, except Telecommunication Towers (transmitting and receiving) provided that such us conforms to the following standards:

(A) A commercial establishment shall be permitted only if the proposed location of suc establishment is not within three hundred (300') feet of a neighboring residential structure.

(B) A commercial establishment shall be permitted only as an ancillary use to an existin residence, provided that the owner/operator of such establishment resides on the property.

(C) A commercial establishment shall be permitted only if the proposed location of suc establishment does not exceed a distance of one thousand (1,000') feet from the primary residence

(D) Front yard setback: Seventy-five (75') feet from the right-of-way, where fronting o a two-lane highway, or fifty (50') feet where fronting on a four-lane highway.

(E) Side and rear setback: As established in Section 5.2.9(a), except where such use abut an existing residential use, then fifty (50') feet.

(F) Maximum commercial building size: One thousand five hundred (1,500') square feet

(G) Maximum building height: Thirty-five (35') feet above base flood elevation o finished grade, whichever is greater.

(H) Additional requirements: Commercial uses permitted in the Residential Commercia District shall meet the following requirements:

(1) Buffers: As established in Section 5.2.9(B) and defined in Section 10.2.5.

(2) Screening: A highway frontage buffer shall be maintained and must co an appropriate visual screen consisting of plant materials, that are not less than five (5') feet in heigh and spaced not more than twenty (20') feet apart. Chain-link or woven wire fences, visible from th

highway shall be made as inconspicuous as possible by screening with appropriate plant materia

(3) Signs: No sign shall be erected except in compliance with the Beaufort Cour Sign Ordinance 86-1. In addition, no signs illuminated by internal lighting will be permitted, exce where such sign is placed within the commercial structure out of public view.

(I) A Boarding House for purposes of this Section is defined as a building that is t primary residence of the owner(s) and in which rooms are provided by the owner(s), f compensation, to two or more adult persons not related by blood, marriage, or adoption to tl owner(s), where meals are regularly prepared and served for compensation and where food is plac upon the table family style, without service or ordering of individual portions from a menu.

(1) The structure shall not exceed Three Thousand Five Hundred (3,500') squa feet in size.

(2) There shall be one (1) off-street parking space for each boarder's dwelling ur plus two (2) off-street parking spaces for the owner(s)/operator(s) of the facility.

Section 4.16 HCOD - Highway Corridor (Overlay District)

Section 4.16.1 Permitted Uses

The uses of the property contained within the Highway Corridor Overlay District, shall be prescribed by the various zoning districts underlying the overlay district as established in this Ordinance.

(A) Single family dwellings and parcels of land for single residential use shall be exempt from the provisions of Section 4.16.2 of this Ordinance.

Section 4.16.2 Standards and Guidelines

This section sets forth the standards and guidelines for development of the Highway Corridor (Overlay) District.

(A) The general purpose of the Highway Corridor (Overlay) District is to promote the safe and efficient use of highways as well as to protect the aesthetic and visual character of the adjacent lands. No restrictions beyond those prescribed by this Ordinance are placed on the basic design of the building materials that can be used within the Highway District. It is, however, essential that all structures visible from the highway be visually compatible with the land, natural vegetation, and existing or previously approved projects. An architectural rendering shall submitted to comply with the requirements of this section of the Ordinance.

(1) Large work area doors or open bays shall comply with the provisions of Section 5.2.9 of this Ordinance when opening toward or facing the highway.

(2) Heating, ventilating, and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway. Trash receptacles, dumpsters, utility meters, above-ground tanks, etc. shall be similarly treated.

(3) No temporary structures are permitted except those in conjunction with and during construction of projects.

(4) Large, unbroken parking and drive areas exceeding five thousand (5,000') square feet are not permitted. Separation strips and parking islands shall be used and contain natural or planted trees and shrubs.

(5) The number of parking spaces shall be as required by this Ordinance in Section 5.2.1(1). There shall be a maximum of eight (8) spaces in a single row with a nine (9') feet by twenty (20') feet island separating each eight or fewer space groups. The retention of original trees is encouraged in the islands.

(6) Parking lot islands. When islands are required in parking lots, each island

shall include one (1) shade tree not less than ten (10') feet in height. The preservation of existin trees in parking islands is encouraged.

Section 4.16.3 Site Design Standards

(A) Buffers and Setbacks. Buffers and setbacks shall conform to the following criteria

(1) Buffers as defined in Section 10.2.23.

(2) The site of service yards, utility meters, above-ground tanks, and other such equipment shall be landscaped so that such facilities are not visible from the highway and shall be located not less than ten (10') feet from side and rear property lines.

(3) Setbacks

(a) All structures fronting on a two-lane highway must have a setback of seventy-five (75') feet from the right-of-way.

(b) All structures fronting on a four-lane highway must have a set back of fifty (50') feet from the right-of-way line.

(B) Space Required Between Parking Area and Building. A minimum distance of eight (8') feet will be maintained between any building, including any walkway immediately adjacent thereto, and the parking area. This space is to be reserved for plant material, either existing or planted. No such space is required at the rear of the buildings, but is encouraged.

Section 4.16.4 Landscape and Tree Standards for Highway Corridor Districts

(A) Preliminary applications for site development shall include a schematic Landscape Plan for the area to be developed followed by a detailed landscape plan at the time of final project submission.

(B) The Landscape Plan shall be consistent with the architectural rendering required in Section 4.16.2(A) above, and shall address each of the following issues:

(1) Screening requirements; and

(2) Adequate landscaped islands in parking area; and

(3) Reforestation; and

(4) Use of native plant materials; and

(5) Retention and protection of endangered and valuable native trees; and

(6) Protection and maintenance of trees and plant materials during construct. and after the development is completed; and

(7) Use of shade trees, especially in the development of vehicular-use areas.

(C) The detailed Landscape Plan must include the following.

(1) All existing trees eight (8") inches in diameter and significant plant groupings, with sizes, locations, species, identification, and spacing noted; and

(2) All proposed trees and plant materials, with sizes, locations, species identification, and spacing noted; and

(3) All existing and proposed contours; and

(4) All existing and proposed structures and vehicular use areas, with sizes, square footage, materials, and circulation noted; and

(5) The relationship of the site to the surrounding land uses.

(D) Screening

(1) A highway frontage buffer shall be maintained and must contain an appropriate visual screen consisting of existing or installed trees that are not less than ten (10') feet to twelve (12') feet in height and spaced not more than twenty (20') feet apart. Existing or installed shrubbery in this area shall be not less than three (3') feet above the finished development grade. This three (3') foot requirement includes the height of any berm.

(2) Chain-link or woven fences visible from the highway in all buffer zones shall be made as inconspicuous as possible by screening with appropriate plant materials.

<u>Section 4.16.5</u> <u>Permit Application Requirements</u>

(A) Developers desiring to develop property within the Highway Corridor District shall be required to submit applications for development to the Beaufort County Development Review Team in the normal manner prescribed by that body.

(B) In addition to the application requirements specified in Section 7.5.2.3, applications for development in a Highway Corridor Overlay District shall contain the following additional information.

(1) Parking lot design and materials

(2) Landscape Plan in accordance with the provisions of Section 4.16.4.

Section 4.16.6 Limiting Thoroughfare Access and Safety Stipulations

(A) Thoroughfare traffic flow shall have minimum interruptions so that it may move in a continuous fashion.

(1) There shall be a minimum use of access points on the thoroughfare.

(a) Maximum use of frontage roads shall be encouraged.

(b) Shared access points shall be utilized whenever possible.

(c) Service roads shall also be used when feasible.

(d) Access separation along State and Federal highways shall be in accordance with the S.C.D.O.T. "Access and Roadside Management Standards."

(2) Measures shall be taken to ensure safety on high volume thoroughfares. The following are examples of safety that can be employed.

(a) Left-turn lanes
(b) The separation of lanes by a median
(c) Right turns on red
(d) Separation of lanes by installing islands
(e) Traffic light sychronization
(f) Collector lanes
(g) Acceleration and deceleration lanes

Section 4.16.7 Designation of Highways in Highway Corridor Overlay District and Provisions Thereof

(A) A Highway Corridor is defined as five hundred (500') feet in depth/beginning at the highway right-of-way line, or to the rear property line fronting on the designated highway, whichever is the lesser, on both sides of the highway.

(B) The following highways are herewith designated as highway corridors in their entirety within Beaufort County.

(1) U.S. Highway 21
(2) U.S. Highway 278
(3) U.S. Highway 17
(4) S.C. Highway 116
(5) S.C. Highway 170
(6) S.C.Highway 280
(7) S.C. Highway 802 from S.C. Highway 170 east to the corporate limits of the Town of Port Royal and from the eastern corporate limits of the Town of Port Royal to U.S.

Highway 21 on Lady's Island.

(8) S.C. Highway 46

Section 4.17 AOD - Airport Overlay District

Section 4.17.1 Airport Districts, Beaufort County

The standards prescribed in this section shall apply to all building or development in the Airport Overlay District.

Section 4.17.2 Applicability

The regulations on land set forth herein are applicable to all lands lying within delineated airport noise, accident potential and airspaces zones adopted as a part of the Beaufort County Zoning Ordinance. In addition to the zoning district regulations set forth in the underlying zoning district, the provisions of this section as they apply to a parcel of land shall also apply.

Section 4.17.3 Recommended Uses in Airport Districts

The following uses, based on noise levels and accident potential, are recommended in Airport Districts:

(A) Landing and takeoff runways
(B) Landing strips
(C) Hangars
(D) Taxi ways and parking ramps
(E) Airplane repair shops
(F) Parking as required in this Ordinance
(G) Restaurant facilities related to airport operations
(H) Personnel and ticket offices
(I) Towers for control, landings and takeoffs
(J) Industrial uses and storage of nonvolatile materials
(K) Community parks not in the airport proper
(L) Farming
(M) Entertainment assembly not in the airport proper or accident potential zones.
(N) Communication, transportation and utilities
(O) Motor vehicle transportation
(P) Ambulance and fire protection

Section 4.17.4 Requirements of Airport Districts

(A) Airport Overlay Districts

(1) General Intent of District. It is the intent of this section to promote the health

safety, and general welfare of the inhabitants of the County by preventing the creatioc establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of th utility of the airports in the County and the public investment therein and protecting the lives an properties of owners or occupants of lands in the vicinity of airports as well as the users of airports and to aid and implement the overriding federal interest in the safe operation of airports and th security of land surrounding airports.

(2) Airports Included. Airports included and applicable to this section are th U.S. Marine Corps Air Station (MCAS), the Beaufort County Airport (Lady's Island), and the Hiltor Head Airport.

(3) Airports Environs: Accident Potential (APZs) and Noise Zones. Airpor environ zones are designated in accordance with table below:

AIRPORT ENVIRON ZONES

Area	Characteristics
A	Accident Potential Zone A
B	Accident Potential Zone B
C	Accident Potential Zone C
B3	Accident Potential Zone B and Noise Zone 3
B2	Accident Potential Zone B and Noise Zone 2
C3	Accident Potential Zone C and Noise Zone 3
C2	Accident Potential Zone C and Noise Zone 2
3	Noise Zone 3
2	Noise Zone 2

(B) Airport Potential Hazard Area (APHA)

Accident potential zones (APZs) are divided into three types of zones along primary flight paths, which are designated as Zone A, Zone B, and Zone C. Zone A is an area which possesses a high potential for accidents. Zone B is the area normally beyond Zone A which possesses a significant potential for accidents. Zone C is an area normally beyond Zone B having a measurable potential for accidents.

(C) Airport Noise Zone

The airport noise zones are defined in the table following:

Airport Noise Zone	Decibel Level of a Day/Night Average
1	Less than 65
2	65-75
3	Greater than 75

Section 4.17.5 **Regulations Applicable to Designated Civilian and Military Airport Environs**

(A) **Allowable Land Uses**

The uses to which the property contained within the Airport District(s) may be put shall be prescribed by the various zoning districts underlying the overlay district as established in this Ordinance.

(B) **Conditional Uses**

The following uses shall be permitted subject to the conditions prescribed herein.

(1) Commercial development in accordance with the Zoning and Development Standards Ordinance shall be permitted but are advised that reception, lounge, and office areas shall be designated with a thirty (30) decibels, A-weighted (dbA), noise level reduction (NLR).

(2) Medical and other health services such as hospitals, nursing homes, clinics, and similar uses shall be designated with a sixty (60) decibels, A-weighted (dbA), noise level reduction (NLR).

(3) Industrial uses, such as warehousing, wholesaling, assembly plants shall be permitted with the advice that reception, lounge, and office area shall be designed with twenty-five (25), A-weighted (dbA), noise level reduction (NLR).

(4) Public and quasi-public services structures such as churches, government offices, postal services, schools, libraries, museums, art galleries, and similar uses not be erected in areas where the noise level exceeds 65 or greater decibels.

Section 4.17.6 **Regulations applicable to Established Military and Civil Airport Height Zones**

(A) **Airport Zones and Airspace Height Limitations**

In order to carry out the provisions of this section, there are hereby created and established

certain zones which include all the land lying beneath the approach, transitional, horizontal, and conical surfaces as they apply to a particular airport. The area located in more than one of the described zones is considered to be only one zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) - **Public Civil Airport Height Zones and Limitations**

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(a) Primary Zone is an area longitudinally centered on a runway, extending two hundred (200') feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and take-off area and is of a greater height than the nearest point on the runway center line. The width of the primary zone is as follows:

Five hundred (500') feet for nonprecision-instrument runways having visibility minimum greater than three-fourths (3/4) of a statute mile.

(b) Horizontal Zone is the area around each civil airport with an outer boundary perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by line tangent to the arcs. The radius of each arc is:

Ten thousand (10,000') feet for nonprecision- instrument runways having visibility minimum greater than three-fourths (3/4) of a statute mile.

Ten thousand (10,000') feet for visual runways having only visual approaches.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. No structure or obstruction will be permitted in the horizontal zone that has a height greater than one hundred fifty (150') feet above the airport height.

(c) Conical Zone is the area extending outward from the periphery of the horizontal zone for a distance of four thousand (4,000') feet. Height limitations for structures in the conical zone are one hundred fifty (150') feet above the airport height at the inner boundary with permitted height increasing one (1') foot vertically for every twenty (20') feet of horizontal distance measured outward from the inner boundary to a height of three hundred (300') feet above the airport height at the outer boundary.

(d) Approach Zone is an area longitudinally centered on the extended runway center line and extending outward from each end of the primary surface. An approach zone is designed for each runway based upon the type of approach available or planned for the runway end.

The inner edge of the approach zone is the same width as the primary zone and it expa uniformly to a width of:

Five hundred (500') feet for nonprecision instrument runways having visibility minimum greater than three-fourths (3/4) of a statute mile.

Thirty-five hundred (3,500') feet for visual runways having only visual approaches. The approach surface extends for a horizontal distance of:

Ten thousand (10,000') feet for all nonprecision-instrument runways other than utility.

Five hundred (500') feet for visual runways having only visual approached.

The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

Permitted height limitation within the approach zone is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

Beaufort County Airport Runway 6/24 permitted height increases one (1') foot vertically for every twenty (20') feet of horizontal distance for all utility and visual runways.

Beaufort County Airport Runway 6/24 permitted height increase one (1') foot vertically for every thirty-four (34') feet of horizontal distance for all nonprecision-instrument runways other than utility.

(e) Transitional Zone is the area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one (1') foot vertically for every seven (7') feet horizontally, with the horizontal distance measured at right angles to the runway center line and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of two thousand (2,000') feet from the side of the part of the precision approach zone that extends beyond the conical zone.

(f) Other Areas. In addition to the height limitations imposed in the aforementioned paragraphs, no structure or obstruction will be permitted within the County that would cause a minimum obstruction clearance altitude, a decision height or a minimum vectoring altitude to be raised.

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Section 16-7-470 (AHZ) Airport Hazard Overlay Zoning District, Applicability and Purpc through Section 16-7-473, Nonconforming Uses or Structures, and Appendix A of the Town o Hilton Head Land Management Ordinance (LMO) shall be a part of this Ordinance and shall be

administered by the Town of Hilton Head Island.

Areas of Beaufort County outside the corporate limits of the Town of Hilton Head Island and above-referenced Airport Hazard Overlay Zoning District, are deemed necessary for airspace controls due to overflight, approaches, takeoffs, and pilot training areas.

(a) Approach Zone. The approach zone for the Hilton Head Island Airport for Runways 03 and 21, shall be at a distance of 1.5 miles from the runway end and of width not less than five hundred (500') feet of the sides of the primary runway and shall extend into the County as appropriate.

(b) Height Limits in Approach Zone. The height limits for structures in the Approach Zone shall not exceed thirty-five (35') feet within two hundred forty-five (245') feet of the sides of the primary surface of the runway or a distance of one-thousand one-hundred ninety (1,190') feet of the ends of the runway.

The height limits for structures in the Approach Zone shall not exceed seventy-five (75') feet within five hundred twenty-five (525') feet of the sides of the primary surface of the runway or for a distance of two-thousand five-hundred fifty (2,550') feet of the ends of the runway. The height limits for structures in the Approach Zone shall not exceed three hundred fifty (350') feet within five hundred (500') feet of the sides of the primary surface of the runway or for a distance of one and five-tenths (1.5) miles of the ends of the runways (03 and 21).

(c) Transitional Zone. The transitional zone is the area ending outward from the sides of the primary zones and the approach zones connecting them to a horizontal zone. The transitional zone for Runway 03 shall be a distance of three and five-tenths (3.5) miles from the end of the primary runway and swing in an arc to meet the transitional zone line from Runway 21, or a distance of two (2) miles from the outer limits of the Approach Zone.

The Transitional Zone for Runway 21 shall be a distance off our and five-tenths (4.5) miles from the end of the primary runway and swing in an arc to meet the transitional zone line from Runway 03 or a distance of three (3) miles from the outer limits of the Approach Zone.

(d) **Height Limits in the Transitional Zone**

No structure in the transitional zone shall exceed three hundred fifty (350') feet without review by the Beaufort County Aviation Board and approval by the Town of Hilton Head Island and/or the Beaufort County Development Review Team.

(e) **County Airport Corridor**

There shall be established a Beaufort County Airport Corridor between the Beaufort County Airport (Lady's Island) and the Hilton Head Island Airport. The Airport Corridor shall begin at the outer limits of the Approach Zone to the Beaufort County Airport (Lady's Island) and extend to the outer limits of the Approach Zone of the Hilton Head Island Airport. The Airport Corridor shall

be three (3) miles in width. No structures in the Airport Corridor shall exceed three-hundred f (350') feet without the approval of the Development Review Team and shall be clearly marked and lighted as provided for by Federal Aviation Administration's (FAA) Advisory Circular 70/7460-1G, "Obstruction Marking and Lighting," or as provided for in this Ordinance if deemed that more restrictive measures are deemed necessary for aircraft safety.

(2) Military Airport Zones

The United States Navy (United States Marine Corps) is exempt from the provision of this part for areas under its authority which includes MCAS-Beaufort runways 04, 22, 14, and 32.

(a) Primary Zone is an area located on the ground or water, longitudinally centered on each runway and extending two hundred (200') feet beyond the runway end. The width of the primary zone in one thousand five hundred (1,500') feet.

(b) Clear Zone is the fan-shaped area adjacent to the landing threshold and expanding to two thousand two hundred eight-four (2,284') feet wide, three thousand (3,000') feet from the threshold at an angle of 7 degrees, 58 minutes, 11 seconds commencing two hundred (200') feet from the threshold.

(c) Inner Horizontal Zone is the area encompassing the runways, primary zone and clear zone perimeter formed by swinging arcs of seven thousand five hundred (7,500') f radius about the center line at the end of each primary zone and connecting adjacent arcs by lines tangent to these arcs. No structure or obstruction will be permitted in the inner horizontal zone of a greater height than one hundred fifty (150') feet above the airport elevation.

(d) Conical Zone is a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of twenty (20) to one (1) to a height of five hundred (500') feet above the established airfield elevation.

(e) Outer Horizontal Zone is the area extending outward from the outer periphery of the conical zones for a distance of thirty thousand (30,000') feet. The height limit within the outer horizontal zone is five hundred (500') feet above airport elevation.

(f) Approach Zone is the area longitudinally centered on each runway centerline, with an inner boundary two hundred (200') feet out from the end of the runway and the same width as the primary zone, and extending outward for a distance of fifty thousand (50,000') feet, expanding uniformly in width to sixteen thousand (16,000') feet at the outer boundary. Height limits within the approach zone commence at the height of the runway end and increase at the rate of one (1') foot vertically for every fifty (50') feet horizontally for a distance of twenty-five thousand (25,000') feet, at which point it remains level at five hundred (500') feet above the airport elevation to the outer boundary.

(g) Transitional Zone is the area with an inner boundary formed by side of the primary zones and the approach zones, then extending outward at a right angle to the runway

centerline until the height matches the adjoining inner horizontal zone and increases at the rate o one (1') foot vertically for every seven (7') feet horizontally to the outer boundary of the transition zone, where it again matches the height of the adjoining outer horizontal zone.

Section 4.17.7 Application Review Requirement

All applications for structures exceeding one hundred fifty (150') feet in height in Beaufo County submitted to the Beaufort County Building Inspections Department or Development Revie Team shall have automatic referral to the Beaufort Aviation Board. The Aviation Board shall hav twenty-one (21) working days to respond, in writing, on the application.

Section 4.17.8 Miscellaneous Use Regulations, Variances and Nonconforming Uses

(A) Uses Which Interfere With Aircraft

It shall be unlawful and a violation of the Beaufort County Zoning Ordinance to establish maintain or control a use within an airport accident potential, noise, or height zone in a manner a to interfere with the operation of airborne aircraft. The following special requirements shall appl to each use lawfully established in the zones:

(1) Lights or illumination used in conjunction with street, parking, signs or us of land and structures shall be arranged and operated in such a manner that is not misleading o dangerous to aircraft operating from an airport or in the vicinity thereof as determined by the airpor operator.

(2) No operations of any type shall produce smoke, glare or other visual hazards within three (3) miles of a usable runway of a designated airport.

(3) No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.

(4) No use of land shall be permitted which encourages large concentrations of birds or waterfowl within the vicinity of an airport.

(5) All structures containing guidewires as a means of support shall have an illumination device of all weather material (plastic, aluminum, etc.) connected to the guideline(s) at twenty-five (25') foot intervals. The devices shall be not less than twelve (12") inches in length and not less than four (4") inches in width and be able to withstand high winds and inclement weather conditions.

(6) High intensity white obstruction lights shall be placed on all towers which exceed one hundred fifty (150') feet in height, at fifty (50') feet intervals.

(B) Lighting

Notwithstanding the provisions of this Ordinance, the owner of a structure over two hundred (200') feet above ground level shall install lighting in accordance with Federal Aviation Administration (FAA) Circular 70-7460-1 Series and Amendments thereto on the structure and an additional provisions covering lighting contained in this Ordinance. Additionally, high-intensity white obstruction lights shall be installed on a high structure which exceeds seven hundred forty-nine (749') feet above mean sea level. The high-intensity white construction lights must be in accordance with the Federal Aviation Administration (FAA) Advisory Circular 70-7460-1E and Amendments.

(C) Hazard Marking and Lighting

A permit or variance shall require the owner to mark and light the structure in accordance with Federal Aviation Administration (FAA) Circular 70-7460-1 Series. The permit may be conditioned to permit the United States Navy (United States Marine Corps) or the County, at its owner expense, to install, operate and maintain markers and lights necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

(D) Variances

The Beaufort County Board of Adjustments and Appeals shall not act upon a request fc variance from this Code affecting lands laying within an airport environ or height zone until the Board of Adjustments and Appeals has received an advisory opinion from the Beaufort County Aviation Board. When the division of a lot of record existing upon the effective date of the part by an airport environ zone boundary line makes impractical the reasonable use of the lot, the Development Review Team may, when not contrary to the public interest or the spirit and intent of this part, move the boundary line to wholly encompass or exclude the lot from the zone by reclassifying the zone or by utilizing the Zoning and Development Standards Ordinance variance provisions.

(E) Nonconforming Uses and Structures

To the extent set forth herein, the restrictions or nonconforming uses and structures contained in the Zoning Ordinance, Article II, Section 2.4, are modified or supplemented as follows:

(1) The owners of a nonconforming structure shall allow the installation, operation and maintenance, during hours of darkness, of the markers and lights deemed necessary by the airport's administrative official to indicate to the operators of aircraft in the vicinity of the airport the presence of the structures or aircraft hazards. The markers and lights shall be installed, operated and maintained at the expense of the owners of the airport concerned.

(2) The owner of a tree or other natural growth which exceeds the limitations height as provided in this Code shall allow the owner of this airport at its expense to make lower, remove, or take other action necessary to bring the tree or growth into conformity with the Code.

(3) A use which is nonconforming by virtue of the regulations contained in th part may be structurally altered, reconstructed or replaced provided there is no increase in the floc area or height of a structure.

Section 4.17.9 Helicopter Landing Sites

A landing site for helicopters or other vertical takeoff aircraft shall be a permitted use in commercial, industrial, residential, agricultural, and rural development zoning district; provided that this use shall not be established in a location other than an airport until a permit therefore sha have been authorized by a resolution adopted by County Council, and until FAA airspace has bee authorized and until the State licensing requirements have been obtained pursuant to South Carolin Statutes.

Section 4.17.10 Disclosure Statement

All subdivisions plats, Planned Unit Development plats, townhouse plats, and/o condominium documents shall contain an approved Disclosure Statement as follows:

Airport Overlay Disclosure Statement

This property lies in an Airport Overlay District. Purchasers are required to sign a Disclosure Form per Section 4.17.10.1 of the Development Standards Ordinance and file with deed and/or plat at the Beaufort County Register of Mesne Conveyances Office (RMC Office).

Airport Zone:_____
Accident Potential Zone:_____
Noise Zone:_____
Airport Environs Area:_____

The decibel level of a day/night average ranges from _____ to _____ decibels.

Section 4.17.10.1 Disclosure Statement Form

No person shall sell any property within the airport hazard area unless the prospective buyer has been given the following notice:

To:_____

The property at _____(address/location) is located within the airport hazard area of _____ airport. Beaufort County has determined that persons on the premises will be exposed to a significant noise level and accident potentials as a result of the airport operations. The County has established certain noise zones and accident potential zones (APZs).

The above property is located in Airport Zone _____ and in Accident Potential Zone _____ and Airport Environs Area _____.

The County has placed certain restrictions on the development and use of property within airport environ areas. Before purchasing the above property, you should consult the Beaufort County Zoning and Development Manager to determine the restrictions which have been placed on the subject property.

CERTIFICATION

As the owner of the subject property, I hereby certify that I have informed _____, as a prospective purchaser, that the subject property is located in an airport hazard area.

Dated this ____ day of _____, 19____.

Witness_____ Owner_____

As a prospective purchaser of the subject property, I hereby certify that I have been informed that the subject property is in an airport hazard area, and I have consulted the Beaufort County Zoning and Development Manager to determine the restrictions which have been placed on the subject property.

Dated this ____ day of _____, 19____.

Witness_____ Purchaser_____

Section 4.17.11 Official Maps

In addition to the Official Zone Maps for the County of Beaufort, South Carolina, typic: airport maps are hereby made a part of this Ordinance. The maps show the boundaries of th airports, instrument, non-instrument, VFR transition, horizontal and conical zones; airport referenc points and elevations.

Section 4.18 HPOD - Historic Preservation (Overlay) District

Section 4.18.1 Identification of Historic Resources

All structures, ruins, cemeteries, and other sites of historic significance shall be identifie by the Planning Board, with the assistance of appropriate persons and/or agencies.

Section 4.18.2 Permitted Uses

Any uses which may reasonably be made a structure in a Historic District, and which i permitted within the zoning district or districts which underlies the Historic District, shall b permitted. In the case of a Historic District overlaying more than one type of Zoning District, tho uses permitted in the most restrictive Zoning District classification shall be permitted.

Section 4.18.3 Creation of the Historic Preservation Review Board

There is hereby created and established a Historic Preservation Review Board in accordance with the Code of Laws of South Carolina, 1976, as amended, Title 5, Chapter 23, Article 3 to provide for the preservation and protection of historically and architecturally significant structures and sites and to preserve the cultural and historical heritage of Beaufort County.

(A) Terms of Appointment

The Historic Preservation Review Board shall consist of nine (9) members.

One member will be appointed by Beaufort County Council from each of the following geographic areas of the County:

(1) Northern Beaufort County; and
(2) Southern Beaufort County; and
(3) Lady's Island; and
(4) Port Royal Island; and
(5) St. Helena Island; and
(6) Daufuskie Island and shall have demonstrated interest, competence and knowledge in historic preservation; and

Two members shall be statutory appointments from each of the two existing preservat organizations in Beaufort County:

(1) Historic Beaufort Foundation; and
(2) Bluffton Historic and Preservation Organization.

One member shall be appointed with a professional background in the discipline of architecture, history, planning, archeology, engineering, or related disciplines to the extent that such professionals are available in Beaufort County.

Members shall serve for a period of four (4) years with the terms of service to be staggered. The first members appointed shall be appointed for a term of two, three or four years.

(B) **Election of Officers, Rules and Meetings**

The Historic Preservation Review Board shall elect from its voting membership a Chairman and Vice Chairman who shall serve a one-year term or until their successors are elected. The Board may elect a Secretary, or appoint a Secretary who may be an official or employee of Beaufort County to keep accurate records of the meetings and proceedings of the Board. The Historic Preservation Review Board shall hold regularly scheduled meetings to transact its business and all such meetings shall be open to the public. Reasonable notice of the time and place of such meetings shall be given to the public.

Section 4.18.4 Powers and Duties of the Beaufort County Historic Preservation Review Board

(A) Keep a register of all historically designated properties and structures and to provide for an ongoing survey to identify historically and architecturally significant properties, structures, or areas; and

(B) Investigate and recommend to Beaufort County Council the designation of properties, structures, or areas as having special historic, community, or architectural value as either "landmarks" or "historic districts"; and

(C) Hold public meetings and review the erection, construction, reconstruction, demolition, or relocation affecting proposed or designated historic properties, districts, and structures; and

(D) Issue or deny Certificates of Appropriateness in accordance with that criteria established in the Secretary of Interior Standards for Rehabilitation and Guidelines for rehabilitating historic buildings and to determine, based on established criteria, if an economic hardship exception should be considered; and

(E) Advise owners of National Register regulations and assist them in the process of nomination into the National Register of Historic Places; and

(F) Issue Cease and Desist orders restraining any construction, alteration, or demolition of buildings or land; and

(G) Require owners to submit plans, drawings, elevations, specifications, photograph, and other information as may be necessary to make decisions; and

(H) Consider and issue an exception when it is determined that the owner cannot earn a reasonable rate of return or cannot enjoy reasonable use of his property unless demolition or alteration is approved. The lack of reasonable return or use must be proven to the satisfaction of the Historic Preservation Review Board. Reasonable return is defined as net annual return of six (6%) percent of the valuation of the property or structure. The term net annual return is basically the same as net operating income. Net annual return excludes mortgage payments but does include a deduction for depreciation; and

(I) Present National Register of Historic Places nominations to the South Carolina Department of Archives and History, and to review and comment on any National Register nomination submitted to them; and

(J) Appoint subcommittees as may be required from time to time; and to bring in an outside consultant with such expertise as is determined necessary by the Historic Preservation Review Board deems necessary. Funds for such consulting services may be requested of County Council; and

(K) Seek assistance from the County Planning Department's staff as necessary.

Section 4.18.5 Surveys and Research

(A) The Historic Preservation Review Board shall review and evaluate any prior surveys and studies of historic structures or properties performed by any unit of government or private organization an compile appropriate descriptions, facts, photographs, and summaries of such surveys.

(B) The Historic Preservation Review Board shall provide for ongoing survey and research effort in the County to identify neighborhoods, areas, sites, structures, and unmovable objects that have historic, community, architectural, or aesthetic importance, interest, or value.

Section 4.18.6 Nominations to the National Register

The Historic Preservation Review Board will systematically identify potential historic properties/structures and adopt procedures to nominate them based upon the established criteria of the National Register of Historic Places including any amendments thereto.

Section 4.18.7 Establishment of a Certificate of Appropriateness

There shall be established an application for a Certificate of Appropriateness which shall b

available at the County Zoning and Development Manager's Office. Applications will be requi for all construction, reconstruction, relocation, alteration or demolition, which affects the exterior architectural appearance of a designated historic property or structure located within a designated historic district.

The Historic Preservation Review Board shall review the application for a Certificate of Appropriateness in accordance with its By-Laws and the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and issue or deny a Certificate of Appropriateness within thirty (30) days of receipt of the completed application. Written receipt of the approval or denial of the application with reasons stated shall be provided the applicant and the Building Department within seven (7) days following the determination and shall be accompanied by a Certificate of Appropriateness in the case of approval.

If a Certificate of Appropriateness is denied, the Historic Preservation Review Board shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Historic Preservation Review Board to reconsider its denial. The Historic Preservation Review Board shall confer with the applicant and attempt to resolve as quickly as possible the differences between the applicant and the Historic Preservation Review Board. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Historic Preservation Review Board.

In the event that the application is still denied, the applicant may apply for an exception the applicant cannot enjoy a reasonable use of his property or cannot earn a reasonable rate of return unless demolition or alteration is approved.

Reasonable Use

A reasonable use for a historic structure and/or site is defined herein as a residential, commercial, recreational or industrial use which is in compliance with the Beaufort County Development Standards and Zoning Ordinance and the Beaufort County Building Codes and Licensing Ordinance; and for which a Certificate of Occupancy (CO) can be issued by the Beaufort County Department of Building Inspections. Such Certificate of Occupancy may be waived by the Historic Preservation Review Board providing said Board rules the site's primary function is for passive recreational use.

The lack of reasonable return must be demonstrated by the applicant to the satisfaction of the Historic Preservation Review Board. Reasonable return is defined as net annual return of six (6%) percent of the valuation of the property/structure. The term net annual return is basically the same as net operating income. Net annual return excludes mortgage payments but does include a deduction for depreciation.

The Historic Preservation Review Board may solicit expert testimony or require that the owner make submissions concerning any or all of the following information before it make determination on the application:

(A) Estimate of the cost of the proposed construction, alteration, demolition, or relocatior or an estimate of any additional cost that would be incurred to comply with Design Review Guidelines or recommendations of the Historic Preservation Review Board for changes necessary for the issuance of a Certificate of Appropriateness;

(B) A report from a licensed engineer or architect with experience in rehabilitation as tc the structural soundness of any structures on the property and their suitability for rehabilitation;

(C) Estimated market value of the property in its current condition and after completion of the proposed construction, alteration, relocation or demolition;

(D) Estimated market value after changes recommended by the Historic Preservation Review Board, and, in the case of a proposed demolition, after renovation of the existing property/structure for continued or new use;

(E) The annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period; and

(F) Assessed value of the property according to the two most recent assessments; and

(G) Any other information considered necessary by the Historic Preservation Review Board to determine whether the property does yield a reasonable rate of return to the applicant(s).

The Historic Preservation Review Board shall review all evidence and information required of the applicant and consider an exception when the applicant has demonstrated that he cannot enjoy reasonable use of his property or that property cannot generate return.

Section 4.18.8 Beaufort County Historical Preservation Listing

The Beaufort County Planning Board has recognized the following historical preservation structures and/or sites:

Sheldon Township	Tax Map No.	Parcel No.
Auldbrass Plantation	2	1B
Old Sheldon Church	19	130

Bluffton Township	Tax Map No.	Parcel No.
Rose Hill Plantation	23A	125
St. Lukes Methodist Church	29	7, 16

St. Helena Island	Tax Map No.	Parcel No.
Emanuel Alston House	17	125
Dr. York Bailey House	16	124
Coffin Point Plantation	13	11
Coffin Pt. Plantation Praise House	13	55
Coffin Pt. Plantation Caretaker House	13	203
Corner Packing Shed	16	120
Croft Community Praise House	10	46
Mark D. Batchelder Office	16	55
Fort Fremont Hospital	6	30A
Eddings Pt. Community Praise House	6	30A
Edgar Fripp Mausoleum	23	96
Frogmore Plantation Complex	23	123A
Hunting Island Lighthouse	20	3
Mary Jenkins Community Praise House	11	30
The Oaks Plantation	15	36A
Orange Grove Plantation	22	74A
Penn Community Services, Inc. (Includes 17 Properties)	16	81
Brick Baptist Church Complex Includes: Brick Baptist Church Study House, Cemetery	16	95
Seaside Plant. (Edgar Fripp Plant.)	23	136D
Robert Simmons House	15	83
Chapel of Ease	23	96
Tombee Plantation	36	38B
Pine Island Plantation Complex	7	2

Daufuskie Island	Tax Map No.	Parcel No.
Haig Point Lighthouse	22	1
Haig Point Tabby Ruins	22	1
Haig Point Cemetery	22	1
Cooper River Cemetery	21	9
Jamie Hamilton School	25	2
Mt. Carmel Baptist Church	25	2
Webb Cemetery	24	1

Daufuskie Island	Tax Map No.	Parcel No.
Hudson House	24	99
Union Sisters & Brothers (Oyster Society Hall)	24	11

Roller House	24	19A
Maryfield Cemetery	24	20
First Union African Baptist Church	24	89
One Room School	24	75
Maryfield School	24	124
William House	24	53
Daufuskie School	24	124
Martin House	24	26/2 Southwest corner of Parcel 41
Bloody Point Cemetery	27	9
Bloody Point War Site	27	9
Bloody Point Lighthouse	27	8F
Light Towers Buildings and Winery	27	20
Mary Dunn Cemetery	26	24A
Fripp Cemetery	26	20C

Parris Island	Tax Map No.	Parcel No.
(701) Parris Island Historical District		
(703) Fort Frederick		

Section 4.18.9 Standards for Review

The Historic Preservation Review Board shall use the most recent edition of the "Secretary of Interior's Standards for Historic Preservation Projects" as the Design Review Guidelines in considering an application for a Certificate of Appropriateness.

Section 4.18.10 Appeals of Decisions of the Historic Preservation Review Board

Appeals from the decisions of the Historic Preservation Review Board shall be made pursuant to the Section 5-23-340. Code of Laws of South Carolina, 1976, as amended.

The Petition shall be presented to the Court within thirty (30) days after the filing of the decision of the Board.

Section 4.19 BDOD - Beach Development (Overlay) District

All standards prescribed in this section shall apply to all site design and development hereafter undertaken within the Beach Development District or whenever a portion of a proposed development property lies within the Beach Development District.

Section 4.19.1 Preservation of Sand Dunes

No primary dune shall be leveled, breached, altered, or undermined in any way nor shall

primary dune vegetation be disturbed or destroyed, with the exception of construction of boardwa or similar beach access which have minimal effect on the natural features of the dune.

Section 4.19.2 Beach Access

Access to beach areas shall be provided by elevated walkways, when determined necessary by the County Engineer, to prevent damage to the primary dune.

Section 4.19.3 Public Beach Access Required

Public beach access shall be provided by the developer for any development including more than one thousand (1,000') feet of beach frontage according to the provisions of Section 4.19.4.

Section 4.19.4 Option to Purchase Beach Access

Upon filing of a preliminary application for an oceanfront development plan with the Zoning and Development Manager, Beaufort County shall have an option to purchase reasonable beach access as deemed necessary for the general welfare and benefit of the public. The County's option to purchase beach access shall run from the date of first submission of plans to the Zoning and Development Manager, to the date of the second regular County Council meeting following the proposed permit issue date of the Development Review Team, but in no case shall the option period be more than ninety (90) days from the date of first submission of plans.

The Development Review Team shall review a proposed oceanfront development as to the need for public beach access and shall recommend to County Council what action it feels the County should take as regards to public beach access areas in the best interest of the general public. The County Council shall notify the developer of its intentions on the option by the end of the specified option period, and shall, if electing to purchase the beach access area(s), have a period of thirty (30) days, and one extension period of thirty (30) days, from the end of the option period, to negotiate the terms of the purchase with the developer.

County Council may cause to be made an appraisal of the required beach access area(s) by a board of at least three (3) independent appraisers in order to establish the basis for a purchase offer to the developer for the beach access area.

Section 4.19.5 Beach Development Setbacks

No development shall be undertaken except in compliance with the provisions of this section. Furthermore, the requirements of paragraphs (a) and (b) of this section shall be included as covenants and restrictions for all subdivision development in the Beach Development District.

(A) No building or other structure shall be located or constructed in such a manner as to destroy, undermine, or alter any primary sand dune or disturb primary dune vegetation.

(B) No structure shall be constructed within forty (40') feet landward of the crest of a

primary sand dune or seventy-five (75') feet landward of mean high water, whichever is greater, except for beach cabanas of four hundred (400') feet and less on elevated pilings or beach boardwalks on elevated pilings.

Section 4.19.6 Beach Protection Plan

Development applications will indicate how the developer plans to preserve sand dunes and shore vegetation.

Section 4.20 FHOD - Flood Hazard Overlay District

All standards prescribed in this section shall apply to all site design and development hereafter undertaken within the Flood Hazard District. The Flood Hazard District corresponds to Special Flood Hazard areas officially designated by the Federal Insurance Administration.

Section 4.20.1 Flood Hazard Design Standards

All requirements of the Beaufort County Building Codes related to construction in flood hazard areas must be met.

Section 4.20.2 Indication of Flood Hazard Areas

Plats of development laying in a flood hazard area shall have such areas clearly delineated on the plat by indication of the topographic contour line corresponding to the 100-Year flood elevation shown on official County flood plain maps.

Section 4.20.3 Flood Hazard Design Standards

Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the maximum extent possible that:

(A) Water supply systems will be constructed to preclude infiltration by flood waters; and

(B) Wastewater disposal systems, including septic tanks, will be constructed to preclude infiltration by flood waters; and

(C) Types of and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation and facilities drainage of potential surrounding flood waters.

Section 4.20.4 Protective Deed Restrictions Required

Covenant or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that:

(A) Construction of a residential structure (or commercial structure in the case c commercial business subdivision) on that lot lying within a flood hazard area, shall have as a minimum first floor elevation the level of the 100-Year flood or above as designated on official County flood plain maps.

(B) Construction on lots within what is defined and designated as "coastal high hazard areas" velocity shall be elevated and securely anchored to well-anchored piles or columns and have the level of the bottom of the lowest horizontal support member at or above the level of the 100-Year flood. Space below the level of the first floor level shall be free of obstruction or covered by break-away facade material capable of producing free obstruction for the impact of abnormally high tides or wind-driven water.

(C) All other requirements of the Beaufort County Code, related to construction in flood hazard areas, must be met.

Section 4.20.5 Disclosure Statement Required

On all plats of development for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat(s) and readily visible. "The areas indicated on this plat as flood hazard areas have been identified as having at least a one (1%) percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated in the design a construction of structures in these designated areas." Reference shall be made to the development covenants and restrictions of this development and requirements of the Beaufort County Building Codes Department. In addition, some agencies may require mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas.

Section 4.21 Light Industrial District

Section 4.21.1 Permitted Uses

The uses specified in this section shall be permitted in any Light Industrial District provided that none of the uses or operations specified in Section 4.21.3 Prohibited Uses and Operations, below, are conducted on the premises either as independent operations or as part of the primary permitted activity.

(A) All permitted and conditional uses in the General Commercial District subject to the same conditions apply in that district except those conditional uses permitted under Sections 4.11.2(J) and 4.11.2(K) which shall be prohibited.

(B) Warehouse, wholesale, or distribution operation.

(C) Workshop for building trade other than carpentry (carpentry is included conditional use section).

(D) Photocopying, typesetting, or stripping operation; bindery.

(E) Handicrafts workshop or fine arts studio.

(F) Manufacturing, production, processing, assembly, fabrication, packaging, storage, and distribution of the following materials and products plus customarily associated operations:

(1) Computers, computer components, and computer accessories including, but not limited to: printed circuit boards, semiconductors, terminals, printers, storage devices, peripheral equipment, and software.

(2) Electrical and electronic components and systems for office and consumer use including, but not limited to: audio and video equipment, television sets, radios, telephones, telegraphs, and calculating machines.

(3) Small office supplies and machines suitable for sale in stationery store; household cooking equipment.

(4) Lighting fixtures, fans, lamp bulbs and tubes.

(5) Cameras and other photographic equipment excluding film and chemicals.

(6) Watches, clocks, meters, scales and other counting and timing devices.

(7) Medical, surgical, and dental instruments; optical and opthalmic instruments, lenses, and eyeglasses; orthopedic and prosthetic appliances.

(8) Precision instruments and gauges used for measuring, testing, control, display, and analysis; precision instruments used for communications, search, detection, navigation, and guidance.

(9) Magnetic and optical recording media, audio/video tapes and disks.

(10) Electronic capacitors, coils, connectors, and resistors for small office and consumer products; electron tubes.

(11) Materials for fiber optic processes.

(12) Sporting and athletic goods; musical instruments; hand-held tools; lawn and garden equipment.

(13) Hand held firearms excluding ammunition.

(14) Lightweight metal or plastic furniture; drafting equipment; writing, drawing, and marking implements.

(15) Vending machines; signs and advertising specialties.

(16) Brooms, brushes, and combs; fasteners, buttons, needles and pins.

(17) Games, toys, dolls, figurines, and stuffed animals; small curios, novelty items, and tourist souvenirs.

Section 4.21.2 Conditional Uses

The uses specified in this section shall be permitted in any Light Industrial District subject to the specific conditions attached to each use and provided that none of the uses or operations specified in Section 4.21.3 Prohibited Uses and Operations, below, are conducted on the premises either as independent operations or as part of the primary permitted activity.

(A) Laboratory for research, development, experimentation or testing; or biotechnology operation provided there is no activity exceeding Biosafety Level II and no use of recombinant DNA.

(B) Textile, fabric or apparel operation specifically including woven fabric mill, knitting mill, yarn and thread mill, and cut and sew operation provided none of the following occurs on the premises: production of synthetic fibers; printing, dying, bleaching, finishing, or waterproofing of materials; water-jet weaving; pulling or scouring of wool; leather tanning or curing of hides.

(C) Trade shop or tool and die shop provided operations are oriented to servicing needs of types of industries permitted in this district.

(D) Carpentry workshop or cabinet making/wood furniture operation provided there is no chemical treatment of wood by immersion or pressure application, or sawing or planing of raw lumber and provided the operation does not exceed 20,000 square feet. There is no size limitation if, in addition, the operation meets the criteria specified in Section 4.21.2(H), below.

(E) Printing, lithography, and gravure provided that the operation does not exceed 20,000 gross square feet. If only water soluble inks or photocopying processes are used there is no size limitation.

(F) Bulk storage of petroleum or other flammable, volatile or hazardous materials provided they are used for operations on the premises rather than for distribution; and provided the storage arrangement complies with Occupational Safety and Health Administration and National Fire Protection Association standards.

(G) Cold storage plant provided there is no processing of food other than seafood and shellfish.

(H) Light assembly or fabrication of any product not listed in Section 4.21.1 Permitted Uses, above, or in this Section 4.21.2 Conditional Uses, provided only finished, previously prepared or

materials are used including, but not limited to: metal, plastic, rubber, ceramic, glass, wood, fabri leather, canvas, fur, paper, or paperboard; provided production is carried out primarily with han operations or light-duty machines/tool room-type equipment; provided only simple machinin cutting, reshaping and fastening processes are involved; provided no chemicals, dyes, solutions c other applicants are used in the production process with the exception of paints and finishes applie with a small brush or jet, cleansers, lubricants, solders, and glues.

(I) Campgrounds and Recreational Vehicle Parks provided that:

(1) No site or structure shall be continuously occupied for more than fourtee (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before th expiration of fourteen (14) days.

(2) No overflow camping shall be allowed. When a campground/RV Park is full no more campers or vehicles shall be permitted on the grounds.

(3) The campground shall have a minimum size of twenty (20) acres. Th maximum size campground shall not exceed fifty (50) acres on any single parcel.

(4) All permanent structures including cabins in a campground shall be limitec to single-story structures in height.

(5) No more than eight (8) campsites/RV sites or camping structures includin cabins shall be permitted per net acre in any campground.

(6) Not less than thirty (30%) percent of all campgrounds/RV Parks shall consis of open space which shall contain no camp/RV sites and/or structures.

(7) All campgrounds and recreational vehicle parks in Beaufort County shall be in compliance with the Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control and bave a valid permit from same for operation.

Section 4.21.3 Prohibited Uses and Operations

The uses, operations, processes, facilities, and equipment specified below shall not be permitted in any Light Industrial District either as independent operations or as part of the primary permitted activity.

(A) Production for sale as end product or as major component of an end product of chemicals, abrasives, acetylene, acids, asbestos, bleaches, carbon black, caustics, celluloid, chalk, cleaning compounds, dyes, inks, linoleum, oilcloth, paints, polishes, pyroxylin, soda or soda compounds, synthetic resins, turpentine, or varnish.

(B) Production of primary commodities from raw materials, specifically including: metals, plastic, rubber, and paper.

(C) Primary metal operations including, but not limited to: smelting, refining, rolli drawing, founding, forging, die casting, and extrusion.

(D) Manufacture of concrete, cement, brick, plaster, gypsum, lime, mortar, asphalt, tar or other paving or plastering materials.

(E) Cyanide plating; blast furnace, boiler works, coke oven, punch press over twenty tons rated capacity, drop hammer; distillation of coal, tar or wood; combustion of coal or high sulfur oil.

(F) Production of food for distribution (excluding seafood, shellfish, restaurant preparation and bakery serving local community).

(G) The storage, utilization or manufacture of materials or products which decompose by detonation including, but not limited to: primary and high explosives; blasting explosives such as dynamite and nitroglycerine; propellants such as nitrocellulose; pyrotechnics and fireworks; unstable compounds such as acetylides, tetrazoles, perchloric acid; nuclear fuels and fissionable materials.

(H) Any activity which generates high level radioactive waste.

(I) Sanitary landfill; on site storage of waste materials beyond 90 days.

(J) Mining or extraction of minerals, metals, ores, rock, sand, gravel, coal, oil, or gas.

Section 4.21.4 Setbacks

(A) No industrial building or operation in this district shall be situated closer than one hundred (100') feet from the boundary line of any property in an existing residential zoning district or in current residential use (with the exception of a property used as the caretaker's residence).

(B) See Section 5.2.9 (A) for other setback requirements.

Section 4.21.5 Other Requirements

(A) All manufacturing, processing, assembly, fabrication, servicing and repair operations must be carried out within an entirely enclosed building.

(B) All materials, merchandise, and waste/salvage, with the exception of automobiles and other motor vehicles displayed for sale, must be stored within enclosed buildings or completely screened from adjacent properties and public and private roadways by opaque walls, fences, trees and/or shrubbery.

(C) The generation of noise, light/glare, vibration, smoke, gas, odor, dust, dirt, heat or cold, electromagnetic radiation, radioactivity, fire/explosive hazard, condition conducive to the

propagation of rodents or insects, or any other potentially injurious or obnoxious condition must no be sufficient to create a nuisance beyond the property boundaries.

(D) There shall be no discharge into any public or private stream, waterway, body o water, septic or sewage disposal system or into the ground or air of any liquid, solid, or gaseou: materials except in accordance with applicable law.

(E) All activities must be in conformance with the following state and federal acts regulations and standards, as amended: Clean Air Act, Clean Water Act, Resource Conservatior and Recovery Act, Federal Water Pollution Control Act, Occupational Safety and Health Administration General Industry and Construction Standards, South Carolina Pollution Control Act, and South Carolina Stream Standards; regulations promulgated by the Environmental Protection Agency, Department of Health and Environmental Control, and Centers for Disease Control; all other applicable local, state, and federal law.

Section 4.22 OCD - Office Commercial District

Section 4.22.1 Permitted Uses

The following uses shall be permitted in any Office Commercial District:

(A) Single-family dwelling.

(B) Offices for general administrative functions including operations management, sales and marketing, clerical service, personnel management, accounting/finance, data processing, and design/engineering.

(C) Offices for business use including, but not limited to: insurance, real estate, travel, and advertising agencies; business consulting.

(D) Offices for professional use including, but not limited to: accounting, architecture, engineering, surveying, law, medicine, chiropractic, and dentistry.

(E) Offices for governmental or institutional purposes.

(F) Radio or television studio excluding telecommunications tower.

(G) School or day care center.

(H) Public emergency service facilities.

(I) Library.

(J) Museum.

(K) Church, synagogue, temple or other place of worship provided that such use housed in a permanent structure.

(L) Club; business or civic association.

(M) Conference center, retreat house.

(N) Commercial parking lot for passenger automobiles excluding use of lot for overnight sleeping.

(O) Farm or establishment for the growing, care and harvesting of field crops and vegetables, but not including processing and packing of such products nor the commercial raising, care, or processing of poultry, cattle, swine, goats, or sheep.

(P) Tree farm, timber area, or forest management area.

(Q) Horticultural nursery.

(R) Passive public park.

(S) Unlighted, regulation size or par-three golf course.

(T) Cemetery, provided that such use does not include a funeral home or crematorium.

(U) Customary home occupations subject to the provisions contained in the Home Occupation Section of this Ordinance.

(V) Accessory uses customarily appurtenant to a permitted or conditional use.

(W) Temporary storage of construction materials during the construction process provided the materials are removed within 30 days after project completion.

Section 4.22.2 Conditional Uses

The following uses shall be permitted on a conditional basis in any Office Commercial District:

(A) Bank or financial institution provided there are no more than two drive-in windows.

(B) Governmental post office provided it does not exceed 5000 square feet in size.

(C) Restaurant provided that it is not located within one hundred (100') feet of the property line of a residential use or zoning district; it does not exceed two thousand (2,000') squ feet; and there are no drive-in window

(D) Dry cleaning establishment for pick up and drop off service only (excluding dr cleaning on the premises).

(E) Clothing tailoring operation including retail custom and repair work only.

Section 4.22.3 General Requirements

(A) The sale, rental, repair, or servicing of goods or equipment on the premises shall no be permitted unless such activity is either specifically included as, or clearly incidental anc customarily accessory to, a permitted or conditional use.

(B) In addition to the specific standards of this section, all pertinent landscaping, screening, buffering, and parking lot provisions contained in the Highway Corridor Overlay District shall apply (regardless of whether or not the property is located in the HCOD).

(C) Equipment and materials must be stored within completely enclosed buildings.

(D) All trash, garbage or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of fifty feet from the property line of any residential use or residential zoning district.

(E) All loading berths shall be located at the side or rear of the building.

Section 4.22.4 Dimensional Requirements

(A) Minimum lot size: One quarter acre (10,890 square feet).

(B) Maximum building height: thirty-five (35') feet above base flood elevation or finished grade, whichever is higher.

(C) For front, side and rear yard setback and buffer requirements see Section 5.2.9.

Section 4.22.5 Signs and Exterior Lighting

(A) In addition to the provisions of the Beaufort County Sign Control (Article IX, Ordinance 92/3), the following provisions shall apply to signs in the Office Commercial District:

(1) Internally illuminated and neon signs shall not be permitted.

(2) If a sign is to be illuminated a white, stationary light directed solely at the sign shall be used (except for back-lit signs, below). Illuminated signs shall not have a light-reflecting background but may use light reflecting lettering.

(3) Backlighting of signs (see definition) shall be permitted provided the sign is opaque and the rear surface is not reflective.

(B) Exterior lighting shall be designed and arranged so as to minimize glare . reflection. Lighting shall be low intensity, shielded from adjacent parcels, and directed away from any adjacent residential use or zoning district. The applicant shall submit plans for approval to the Development Review Team indicating the location and type of each exterior light.

Section 4.23 U.S. Highway 278/U.S. Highway 278 Extension Corridor Overlay District

Section 4.23.1 General Standards

(A) Applicability

(1) All development, including signage, as defined in this ordinance shall be subject to the provisions of this overlay district, with the following exceptions:

(a) Individual parcels in or designated for single-family residential use and family property (i.e., parcels in residential use by members of the same family). The establishment of a single-family use on such parcels, however, shall be subject to the fifty (50') foot front yard setback on an existing parcel of record and subject to the one thousand five hundred (1,500') foot distance requirement between access points for newly created parcels.

(b) Newly created single-family parcels within subdivisions, which sl be subject to the standard setback of ten (10') feet from the property line where an existing fifty (50') foot landscaped buffer is already established for the entire subdivision, under the provisions of this ordinance, and subject to the one thousand five hundred (1,500') foot distance requirement between access points.

(c) Mobile home parks, which shall be subject to their standard setback from the property line where an existing fifty (50') foot landscaped buffer is already established, under the provisions of this ordinance, and subject to the one thousand five hundred (1,500') foot distance requirement between access points.

Such regulations shall be in addition to, rather than in place of, the requirements for the underlying district.

(2) The Corridor Review Board shall review all elements of development addressed in Section 4.23.2 Landscaping and Screening, Section 4.23.3 Architectural Design, Signage and Lighting, and Section 4.23.4 Other Requirements, of this overlay district. All other elements of development, including those other elements specified within this overlay district, shall be reviewed by the Development Review Team, as required in this Ordinance.

(3) If a parcel extends beyond the boundaries of this overlay district, then the entire parcel shall be subject to review.

(4) The Corridor Review Board will review development within the five hundred

(500') foot corridor. The Corridor Review Board will waive review of development that, in it determination, will not be visible from the highway.

(B) Use

(1) The uses of property contained within the corridor shall be as prescribed by the various base districts underlying this overlay district.

(2) Trailers are not permitted for use on property within this overlay district except for exempted uses in Section 4.23.1(A)(1) and for use as a temporary on-site construction facility, whereby a trailer may be used on the property only during the life of the construction project. Modular buildings are permitted for residential or commercial use within this overlay district. A modular building is defined as any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection, as per Chapter 43, Section 23-43-10 of the South Carolina Modular Buildings Construction Act. Mobile or manufactured homes are not permitted for use as commercial structures within this overlay district. Where modular buildings are used, they must be underpinned, skirted, with the tongue removed, and must conform in appearance to the Architectural Design standards in Section 4.23.3 Such temporary use of trailers or modular buildings shall not continue for a period longer than two (2) years without reapplication to the Corridor Review Board for approval of up to an additional two (2) years.

(C) Access Location and Design

(1) A minimum distance of one thousand five hundred (1,500') feet shall be maintained between all access points onto the corridor, including private driveways, roads and public right-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Corridor Review Board shall have discretion as to the placing of an alternative access point. However, no additional curb cuts on the subject parcel should result from having the alternative access point. This minimum distance applies with the following exceptions:

(a) Access may be granted to a parcel of record existing at the time of adoption of this overlay district provided that the property owner demonstrates that he/she has made significant but unsuccessful efforts to establish alternative access, including, but not limited to, the following methods: with adjoining properties, access from adjacent roads and the establishment of frontage roads.

(1) joint access with adjoining properties;
(2) access from adjacent roads; and
(3) the establishment of frontage roads.

(b) Where the South Carolina Department of Transportation has established nodes along the right-of-way of the U.S. Highway 278 Extension as access points, access

points spaced less than one thousand five hundred (1,500') feet apart may be used provided that they are spaced at least one thousand two hundred (1,200') feet apart.

(D) **Parcel Dimensions and Setbacks**

The following standards shall apply to all property fronting the U.S. 278 highway right-of-way.

(1) Front Yard: The minimum front yard setback from the right-of-way shall be fifty (50') feet for all primary and accessory structures, but not including accessory structures such as walls, fences, trellises and other landscape structures.

(2) Side Yard: The minimum side yard setbacks from the property line shall be fifteen (15') feet.

(3) The Corridor Review Board shall have discretion to adjust the front, side, and rear setbacks in the case of existing jurisdictional wetlands or to preserve existing specimen trees.

(4) The minimum lot width at the building setback line for newly created parcels shall be a distance of one hundred fifty (150') feet. Newly created parcels are subject to the one thousand five hundred (1,500') foot distance requirement between access points from the highway.

(E) **Subdivisions**

In addition to the existing standards of the Zoning and Development Standards Ordinance for subdivisions, the following requirements pertain to the overlay district.

(1) Newly created subdivisions are subject to the one thousand five hundred (1,500') foot distance requirement between access points from the highway.

(2) No subdivision of land which would create parcels fronting on the highway shall be approved unless it is established prior to subdivision approval how access will be provided to each parcel in compliance with the one thousand five hundred (1,500') foot distance requirement, i.e. frontage roads, shared access drives, etc.

(3) Newly created parcels must have sufficient depth to allow for the required fifty (50') foot highway buffer and setback required herein.

(4) A permanent fifty (50') foot highway buffer, as required in this overlay district, shall be provided for in all new residential subdivisions.

(5) If existing platted commercial subdivisions contain dedicated open space, such open space may be utilized to meet the landscaping requirements for the highway buffer

Section 4.23.2 Landscaping and Screening

"Landscaped area" for the purpose of this section shall include all pervious areas containin existing or installed vegetation and water features. The use of existing vegetation and plant specie native to the Lowcountry region is encouraged in the landscaped areas.

The Corridor Review Board shall review particular plant selections and landscaping design only to ensure conformance with the specific requirements of this section. All landscaping require by this section and shown on the approved application shall be maintained in good condition by th property owner.

Plant materials used for installation shall conform to the standards established by th American Association of Nurserymen in the "American Standard for Nursery Stock" provisions.

Section 4.23.2.1 Highway Buffer

(A) A minimum fifty (50') foot wide landscaped buffer shall be established parallel t the entire front of the property along the U.S. 278 highway right-of-way. The buffer shall contai only vegetative landscaping materials, except for the uses listed below:

For existing lots of record with a total depth from the right-of-way lines less than 50 feet, the depth of the highway bufffer will be measured at ten (10%) percent of the depth of the lot For each 50 foot decrease from the 500 foot measure, landscaping will be required according to th following table per every 100 feet of lot width:

		Required Landscaping		
Depth of Lot	Buffer Depth	Overstory trees	Understory Trees	Shrubs
500'	50'	6	7	30
450'	45'	6	7	30
400'	40'	6	6	28
350'	35'	5	6	26
300'	30'	5	5	24
250'	25'	4	5	22

For lots that measure between the 50 foot increments, the number closest to the lot depth shall apply (i.e. a depth measuring 285 feet would be required to plant additional vegetation specified at the 300 foot level).

If an existing lot measures less than 250 feet in depth, the minimum depth of the highway buffer shall be 25 feet.

This sliding scale provision for the highway buffer does not apply to any lot with a depth greater than 500 feet, which would be required to provide for the 50 foot buffer.

If due to site constraints and location of existing vegetation, the number of tot

required landscaping materials cannot be reasonably placed within the highway buffer, individual plant materials are still required but may be placed elsewhere along the side buffers, rea: buffer or within the parking medians. The CRB shall have discretion over the alternate placing o: materials.

The buffer shall contain only vegetative landscaping materials, except for the uses listed below:

(1) Vehicular access drives placed approximately perpendicular to the right-of-way;

(2) Foot and bicycle paths;

(3) Walls and fences less than six (6') feet in height;

(4) Landscaping sculpture, lighting fixtures, trellises and arbors;

(5) Bus shelters;

(6) Signage;

(7) Water, sanitary sewer, electrical, telephone, natural gas, cable and ot service lines provided that they are placed approximately perpendicular to the right-of-way. Where existing lines or planned lines must run parallel to the right- of-way, an equivalent amount of buffer may be required beyond the fifty (50') feet if the character of the buffer is greatly disturbed. To the extent possible, such service lines should be consolidated with vehicular access routes.

Electrical, telephone, gas, water supply and sewage disposal and other utilities may be constructed within the required buffer area and after installation of such services and to meet the requirements of this section, the developer shall be required to restore the buffer area as approved by the County.

(8) Drainage and stormwater detention areas. Where existing or created lagoons and drainage swales will occupy a substantial portion of the highway buffer because of natural land forms or drainage patterns, additional buffer depth may be required to achieve the visual softening intent of this Section. If the development is proposed for an existing platted lot and the size of the lot makes adherence to these standards impractical, the Corridor Review Board may relax these standards as reasonably necessary to be consistent with the Development and Standards Ordinance.

(B) No tree six (6") inches in diameter at four (4') feet dbh (diameter breast height) or larger may be removed from the highway buffer except for access drives, sight triangles and diseased trees as approved by the Corridor Review Board. Where groupings of native shrubs are present, their preservation with minimal disturbance is strongly encouraged.

(C) Landscaping

The purpose of this subsection is to achieve at maturity a semi-continuous and semi-opaque vertical plane of tree canopy, understory trees and shrubbery coverage in order to soften the appearance of structures and parking lots visible from the highway, to screen headlight glare on and off site, and to mitigate commercial lighting as seen by neighboring properties and from the highway. Natural appearing landscape forms are encouraged.

(1) For every 100 linear feet (or portion thereof) of frontage on the highway, a minimum of six (6) broad-leaved overstory trees, seven (7) understory trees, and thirty (30) shrubs are required in the buffer. The plant materials shall be generally distributed along and throughout the buffer in order that there not be significant gaps without plantings (except as required at sight triangles and road intersections).

(2) Three (3) cone-bearing overstory trees may substitute for one (1) broad-leaved overstory tree. However, for each substitution of three (3) cone-bearing overstory trees, one (1) additional understory tree shall be required.

(3) Existing, as well as installed, vegetation may be included in meeting the requirement, but if there is not sufficient distribution within the buffer, then additional plantings will be required; i.e. existing healthy trees which are grouped closely together (such that the canopies are closely intertwined) shall be considered as a group rather than tallied individually. Appropriate credit shall be allocated at the discretion of the Corridor Review Board.

(4) Existing evergreen or deciduous understory trees may be counted for credit to meet the requirements; however, understory trees to be newly planted must be evergreen.

(5) Installed overstory trees used to meet this requirement shall be at least two and one half (2) caliper inches and ten (10') feet tall when planted. Installed understory trees used to meet this requirement shall be at least one (1) caliper inch and eight (8') feet tall when planted. Installed shrubs used to meet this requirement shall be at least two and one half (2') feet tall when planted.

(6) The Corridor Review Board may reduce the planting requirement where existing plant materials are of sufficient sizes and forms to satisfy the purpose of this subsection.

(7) Where commercial parking areas would be visible from the highway, additional vegetation, walls, fences, berms, or some combination shall be used to screen those areas. The effectiveness of proposed screening materials shall be subject to the review and discretion of the Corridor Review Board. This provision shall not apply to those commercial uses exempted for the outside display of merchandise in Section 4.23.4, except for the commercial parking areas which are part of such uses.

(8) Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the buffer except in accordance with standard

horticultural practice. Trees shall not be limbed-up from the ground more than six (6') feet to lowest branches except as required within sight triangles at intersections or to provide adequate light for understory plantings.

The following list contains overstory and understory trees which are found in the lowcountry region and are recommended for use in meeting the landscaping requirements of this section. Other trees used will be reviewed by the Corridor Review Board as to their compatibility and hardiness in the lowcountry region.

BROAD-LEAVED OVERSTORY TREES

American Beech	*Fagus grandifolia*
American Elm	*Ulmus americana*
American Sycamore	*Platanus occidentalis*
Ashleaf Maple	*Acer negundo*
Black Oak	*Quercus velutina*
Black Gum	*Nyssa sylvatica*
Eastern Cottonwood	*Populus deltoides*
Honeylocust	*Gleditsia triacanthos*
Laurel Oak	*Quercus laurifolia*
Live Oak	*Quercus virginiana*
Pecan	*Carya illinoensis*
Palmetto (over 20'in height)	*Sabal Palmetto*
Pignut Hickory	*Carya glabra*
Pumpkin Ash	*Fraxinus profunda*
Shumard Oak	*Quercus shumardii*
Southern Magnolia	*Magnolia grandiflora*
Southern Red Oak	*Quercus falcata*
Swamp Chestnut Oak	*Quercus michauxii*
Sweet Gum	*Liquidamber styraciflua*
Water Tupelo	*Nyssa aquatica*
White Oak	*Quercus alba*
Willow Oak	*Quercus phellos*

CONE-BEARING OVERSTORY TREES

Bald Cypress	*Taxodium distichum*
Loblolly Pine	*Pinus taeda*
Long Leaf Pine	*Pinus palustris*
Pond Cypress	*Taxodium distichum var. nutans*
Pond Pine	*Pinus serotina*
Slash Pine	*Pinus elliottii*
Short Leaf Pine	*Pinus echinata*
Spruce Pine	*Pinus glabra*

UNDERSTORY TREES

Allegheny Chinkapin	*Castanea pumila*
American Holly	*Ilex opaca*
American Plum	*Prunus americana*
Bigleaf Snowbell	*Styrax grandifolia*
Bitternut Hickory	*Carya cordiformis*
Black Cherry	*Prunus serotina*
Black Willow	*Salix nigra*
Blackjack Oak	*Quercus marilandica*
Bluejack Oak	*Quercus incana*
Buckthorn Bumelia	*Bumelia lycioides*
Cabbage Palmetto (under 19' in height)	*Sabal palmetto*
Carolina Ash	*Fraxinus caroliniana*
Carolina Basswood	*Tilia caroliniana*
Carolina Buckthorn	*Rhamnus caroliniana*
Carolina Laurelcherry	*Prunus caroliniana*
Carolina Silverbell	*Halesia carolina*
Chickasaw Plum	*Prunus angustifolia*
Coastal Plain Willow	*Salix caroliniana*
Common Elderberry	*Sambucus Canadensis*
Common Hoptree	*Ptelea trifoliata*
Common Persimmon	*Diospyros virginiana*
Common Sweetleaf	*Symplocus tinctoria*
Crepe Myrtle	*Lagerstroemia indica*
Dahoon Holly	*Ilex cassine*
Devilwood	*Osmanthus americanus*
Eastern Coralbean	*Erythrina herbacea*
Eastern Hornbeam	*Ostrya virginiana*
Eastern Redbud	*Cercis canadensis*
Eastern Red Cedar	*Juniperus virginiana*
Flatwoods Plum	*Prunus umbellata*
Florida Basswood	*Tilia floridana*
Florida Maple	*Acer barbatum*
Flowering Dogwood	*Cornus florida*
Fringetree	*Chionanthus virginicus*
Green Ash	*Fraxinus pennsylvanica*
Hercules Club	*Zanthoxylum clava-herculis*
Ironwood	*Carpinus caroliniana*
Littlehip Hawthorn	*Crataegus spathulata*
Loblolly Bay	*Gordonia lasianthus*
Mockernut Hickory	*Carya tomentosa*
Myrtle Oak	*Quercus myrtifolia*
Overcup Oak	*Quercus lyrata*

UNDERSTORY TREES

Parsley Hawthorn	*Crataegus marshallii*
Pawpaw	*Asimina triloba*
Planer Tree	*Planera aquatica*
Possumhaw Holly	*Ilex decidua*
Post Oak	*Quercus stellata*
Red Buckeye	*Aesculus pavia*
Red Maple	*Acer rubrum*
Red Mulberry	*Morus rubra*
Redbay	*Persea borbonia*
River Birch	*Betula nigra*
Sand Hickory	*Carya pallida*
Sassafras	*Sassafrass albidum*
Sourwood	*Oxydendrum arboreum*
Southern Bayberry	*Myrica cerifera*
Southern Crab Apple	*Malus angustifolia*
Southern Red Cedar	*Juniperis silicicola*
Sparkleberry	*Vaccinium arboreum*
Sugarberry	*Celtis laevigata*
Swamp Cottonwood	*Populus heterophylla*
Sweetbay	*Magnolia virginiana*
Tough Bumelia	*Bumelia tenax*
Turkey Oak	*Quercus laevis*
Water Hickory	*Carya aquatica*
Water Oak	*Quercus nigra*
Waterlocust	*Gleditsia aquatica*
Wax Myrtle	*Myrica cerifera*
Windmill Palm	*Trachycarpus fortunei*
Witch Hazel	*Hamamelis virginiana*
Yaupon Holly	*Ilex vomitoria*

Section 4.23.2.2 **Other Buffer and Landscaping Standards**

(A) **Perimeter Buffers**: Landscaped buffers at least ten (10') feet in width shall be maintained along the side and rear property boundaries. These buffers may be penetrated for vehicular and pedestrian passageways linking adjoining properties provided the passageways are placed approximately perpendicular to these buffers.

(B) **Foundation Buffers**: A landscaped buffer at least eight (8') feet wide shall be maintained between any structure and any parking or driving area, except for loading areas and areas where drive-through facilities are utilized. This space is to be reserved for plant material, either existing or planned. No such space is required at the rear or other sides of the building, bu encouraged. Sidewalks and handicap ramps may be placed adjacent to the buffer on either side.

The buffer may be penetrated to provide for access to the building and is not required in loadin areas.

(C) Any opaque or partially opaque walls or fences installed along the front of th property, including those used for screening of parking areas, must be softened with landscapin materials.

(D) **Frontage Roads**: Frontage roads shall be located behind the front buffer.

(E) **Parking Lot Requirements**

(1) Parking lots shall include landscaped medians and landscaped peninsulas a follows:

(a) Landscaped Median

A minimum of five (5') foot wide landscaped median shall be installed alongside (perpendicular to) parking spaces on the interior portion of a parking lot with more than one (1) parking bay. Wheel stops shall be placed within all parking spaces at the standard distance from every landscaped median to protect plantings.

Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least one (1') foot in heightat installation and reasonably projected to grow at least two (2') feet in height within three (3) years.

(b) Landscaped Peninsula

A minimum nine (9') by twenty (20') foot landscaped peninsula shall be installed parallel to the parking spaces every eight (8) or fewer spaces and at the end of the parking aisle in order to separate the last space from any adjacent travelways.

Each landscaped peninsula shall contain one (1) broad-leaved overstory tree with a minimum size of two and one half (2) caliper inches at dbh and a minimum height of ten (10') feet.

Section 4.23.2.3 Penalties for Removing Trees in the Site Development Area

If any trees are accidently or purposefully removed after the approval of the landscape plan by the Corridor Review Board, the trees must be replaced by the developer before the issuance of the certificate of occupancy of the project.

The total number of calipher inches removed must be calculated, and fifty percent (50%) of the total calipher inches must be replaced. An example for illustration would be that if a 36" live oak were removed, exactly 18 inches of live oak trees, however that would be distributed in numbers of trees, must be replanted. The developer may substitute any trees in the same category as the one removed, as approved at the discretion of the CRB on a case to case basis. These requirements are

in addition to the requirements of the Beaufort County Tree protection Standards. Below are lis. the categories of trees:

CATEGORY I
Broad-leaved Evergreen Overstory Hardwoods and Endangered Species

American Holly	Ilex opaca
Bald Cypress	Taxodium distichum
Laurel Oak	Quercus laurifola
Live Oak	Quircus virginiana
Pond Cypress	Taxodium distichum
Southern Maganolia	Magnolia grandiflora
Spruce Pine	Pinus glabra

CATEGORY II
Deciduous Overstory

Allegheny Chinkapin	Castenea pumila
American Beech	Fagus grandifolia
American Elm	Ulmus americana
American Sycamore	Platanus occidentalis
Bigleaf Snowbell	Styrax grandifolia
Bitternut Hickory	Carya cordiformis
Black Cherry	Prunus serotina
Black Oak	Quercus velutina
Black Tupelo	Nyssa syvatica
Black Willow	Salix nigra
Blackjack Oak	Quercus marilandica
Buckthorn Bumelia	Bumelia lyciodes
Carolina Ash	Fraximus caroliniana
Carolina Basswood	Tilia caroliniana
Carolina Buckthorn	Rhammus caroliniana
Carolina Silverbell	Halesia caroliniana
Coastal Plain Willow	Salix carolina
Common Hoptree	Ptelea trifoliata
Common Persimmon	Diospyros virginiana
Common Sweetleaf	Symplocus tinctoria
Devilwood	Osmanthus americanus
Eastern Cottonwood	Populus deltoides
Eastern Hornbeam	Ostrya virginiana
Florida Basswood	Tilia floridiana
Florida Maple	Acer barbatum
Green Ash	Fraxinus pennsylvania
Hercules Club	Zanthoxylum clava-herculis
Honeylocust	Gleditsia tricanthos

CATEGORY II
Deciduous Overstory

Ironwood	Carpinus caroliniana
Loblolly Bay	Gordonia lasianthus
Mockernut Hickory	Carya tomentosa
Myrtle Oak	Quercus myrtifola
Overcup Oak	Quercus lyrata
Pawpaw	Asimina triloba
Pecan	Carya illinoensis
Pignut Hickory	Carya glabra
Planer Tree	Planera aquatica
Post Oak	Quercus stellata
Pumpkin Ash	Fraximus profunda
Red Buckeye	Aesculus pavia
Red Maple	Acer rubrum
Red Mulberry	Morus rubra
Redbay	Persea borbonia
River Birch	Betula nigra
Sand Hickory	Carya pallida
Sassafras	Sassafras albidum
Shumard Oak	Quercus shurmadii
Southern Bayberry	Myrica cerifera
Southern Red Oak	Quercus falcata
Sugarberry	Celtis laevigata
Swamp Chestnut Oak	Quercus michauxii
Swamp Cottonwood	Populus heterophylla
Sweet Gum	Liquidamber styraciflua
Sweet Bay	Magnolia virginiana
Water Hickory	Carya aquatica
Water Oak	Qercus aquatica
Water Tupelo	Nyssa aquatica
Waterlocust	Gleditisia aquatica
White Oak	Quecus alba
Willow Oak	Quercus phelos
Witch Hazel	Hamamelis virginiana

CATEGORY III:
Cone Bearing Evergreens

Eastern Red Cedar	Juniperus virginiana
Loblolly Pine	Pinus taeda
Long Leaf Pine	Pinus palustris
Pond Pine	Pinus sertonia
Slash Pine	Pinus elliottii

Short Leaf Pine	Pinus echinata
Southern Red Cedar	Juniperus virginiana

CATEGORY IV
Ornamentals and Palms

American Plum	Prunus americana
Cabbage Palmetto	Sabal palmetto
Carolina Laurelcheery	Prunus caroliniana
Chickasaw Plum	Prunus augustfolia
Crepe Myrtle	Lagerstroemia indica
Dahoon Holly	Iles cassine
Eastern Coralbean	Erythrina herbacea
Eastern Redbud	Cercis canadensis
Flatwoods Plum	Prunus umbellata
Flowering Dogwood	Cornus florida
Fringtree	Chionanthus virginicus
Littlehip Hawthorn	Crategus spathaluta
Parsely Hawthorn	Crategus marshalii
Southern Bayberry	Myrica cerifera
Southern Crab Apple	Malus augustfolia
Wax Myrtle	Myrica cerifera
Yaupon Holly	Ilex vomitoria

Section 4.23.3 Architectural and Site Design

(A) Architectural Design

The Corridor Review Board shall review the design of all structures (except those exempted in Section 4.23.1(A), including habitable structures, walls, fences, signs, light fixtures and accessory and appurtenant structures. It is the intent of this section to encourage architecture that is unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings and the form and scale of neighboring architecture, provided the latter conforms with the intent of this section. Architectural review is not meant to stifle innovative design or diversity, but to safeguard property values and long-term economic assets through quality design and development.

The Corridor Review Board shall review elements of design, including form, mass, scale, proportion, height, texture, color, architectural style, individual architectural elements, or orientation or specific location upon the site. If the Corridor Review Board disapproves a design, the Corridor Review Board must establish significant justification for such denial in accordance with the intent of this section. The Corridor Review Board may require adjustments to the design and site location of proposed structures, and reasonable conditions may be attached to an approval.

(1) General Principles

(a) Architectural styles should be reflective of, or at least compatible with architectural styles which exemplify the unique character of the Lowcountry region and conform to general standards of architectural quality.

(b) Multi-unit developments shall utilize a consistent or at leas stylistically compatible palette of scale, forms, colors, materials and textures.

(c) Accessory structures should be architecturally compatible with primary structures.

(d) Ratio of Building Setback to Building Height. The maximum building height shall be seventy-five (75%) percent of the building setback from the edge of right-of-way. Using the calculation x feet of building setback X 75%, or a ratio of 3 to 4, the maximum height shall be rounded up to the nearest whole number in case of fractions. The maximum building height refers to the height of the main roof line and does not apply to architectural features such as hurch steeples and cupolas, which are exempt from the building height provision as approved by the Corridor Review Board.

Building Setback (from r.o.w.)	Maximum Building Height
50 Feet	38 Feet
55 Feet	42 Feet
60 Feet	45 Feet
65 Feet	49 Feet

These setback standards should also apply to fixed or unfixed equipment whether stationary or not, animated structures and recreational structures.

(2) Appropriate Exterior Materials and Architectural Elements

The exteriors of structures only are subject to review. The following are some materials and elements are considered compatible and appropriate for primary and accessory structures:

Other materials and elements consistent with the General Principles outlined above will be considered by the Corridor Review Board.

(a) **Siding**: Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block, and artificial siding which closely resembles painted wood clapboard. Wood siding may be painted, stained, weathered or left natural.

(b) **Roofs**: Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam, or tiles, roof overhangs, and the use of pitched roofs. (A 4 in 12 pitch or greater) Consideration will be given by the CRB on the individual merits of each project for alternative roof design solutions.

(c) Use of pitched roofs, roof overhangs, covered porches, canopi awnings, trellises, gazebos and open wood fences are encouraged.

(d) Colors considered to be compatible with the Lowcountry or coastal vernacular palette are earth tones (greens, tans, light browns, terra cotta), grays, pale primary and secondary colors (with less than 50% color value), white and cream tones, and oxblood red.

However, any accent color (i.e. black, dark blue, greys, and other dark or strong colors) may be used on limited basis as an architectural motif and will be allowed according to the discretion of the CRB and on the merits of its use in the overall design, and the use of corporate logos will be considered on a case to case basis.

(3) Inappropriate Exterior Materials and Architectural Emements

The following materials and elements are considered incompatible and inappropriate for primary and accessory structures:

(a) Plywood, cinderblock, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard.

(b) Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch less than 4 in 12) without a pediment, long unarticulated roofs.

(c) Long, unarticulated or blank facades.

(d) Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance.

(e) Unscreened chain link or woven metal fences.

(f) Use of reflective materials as the main building material or texture.

(g) Use of highly reflective glass.

(4) Accessory Buildings

The design of accessory buildings should reflect and coordinate with the general style of architecture inherent in the primary structure on the property.

(5) Any exterior architectural or structural element that is visible from the highway shall not be internally illuminated or highlighted by neon lighting.

(B) Signage

(1) General Requirements

In addition to the provisions of the Beaufort County Sign Ordinance, the following provisions shall apply to signs in this overlay district:

(a) Signage, including overall design, materials, colors, and illumination, must be compatible with the overall design of the main structure and building site. Details of the sign, such as typeface and layout, shall be subject to minimal review only to prevent obtrusive designs.

(b) Any freestanding sign must be no closer than ten (10') feet from the highway right-of-way line.

(c) Internally illuminated signs (except halo lit signs) and neon signs shall not be permitted. Any interior sign which is visible from the highway shall not be internally illuminated.

(d) If a sign is to be illuminated, a stationary lights directed solely at the sign shall be used. No more than two (2) stationary lights may be used for any one (1) sign face. Illuminated signs shall not have a light reflecting background, but may use light reflecting lettering.

(e) Changeable copy signs shall not be permitted except for gasoline price signs, directory signs listing more than one tenant and signs advertising films and live entertainment which change on a regular basis. Gasoline price signs must be displayed on a single sign.

(f) Lighting for signs shall be of a moderate intensity and designed and arranged so as to minimize glare and reflection. Light sources should be concealed.

(g) An integrated sign system shall be required for all new PUDs, commercial and residential subdivisions, office complexes and shopping centers. The establishment of integrated sign systems for existing developments is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture and establishment of unity of design for the development. Individual signs shall be reviewed for conformance with the sign systems, whether newly established or existing and substantially in compliance with this ordinance.

(h) Pole signs are permitted, provided that no pole shall be higher than four feet (4') from the ground to the base of the sign, and no pole sign shall exceed a maximum of ten feet (10') total in height, as measured from the ground.

(i) Any graphic accent color (i.e. black, dark blue, greys, and other dark or strong colors) may be used for graphic accents only, and the use of corporate logos may be considered on a case to case basis.

(2) The provision of this ordinance regarding colors, materials, and overall design of signage shall not apply to temporary and political signs, as defined in the Beaufort County

sign ordinance.

(C) Lighting

(1) General Provisions

(a) Any lighting used to illuminate parking areas, access drives or loading areas shall be of such a design or level of illumination so as to minimize the amount of ambient lighting perceptible from adjacent properties and that would impair the vision of motorists on the corridor.

(b) Exterior architectural, display and decorative lighting visible from the corridor shall be generated from concealed light source, low level light fixtures.

(c) All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from the corridor.

(d) Entrances into developments from the highway may be lighted for traffic safety reasons provided such lighting does not exceed the foot candle requirements for lighting walkways and streets, per Section 4.23.3(C)(2)(4) of this Ordinance. Lighting poles mounted within fifty (50') feet from the highway right-of-way may not exceed a height of twenty (20') feet, and only forward-throw or Type IV lights may be used to light entrances.

(e) The Corridor Review Board will have the discretion to allow limited flexibility as to variations in the minimum and average levels if the proposed levels are below the ordinance standards, depending on site and traffic conditions. The Corridor Review Board will not allow flexibility for proposed levels which exceed the maximum levels, unless such levels strictly conform to the recommended levels within the IESNA Lighting Handbook, the accepted industry standards.

(2) Lighting Standards

(a) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

(1) Fixture (luminaire)

Any light fixture shall be a cutoff luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from the corridor.

(2) Light Source (Lamp)

Only incandescent, fluorescent, metal halide, mercury vapor or color corrected high-pressure sodium light may be used. The same type must be used for the same or similar type of lighting on any one site or Planned Unit Development.

No colors other than white or off-white (light yellow tones) may be used for any light source for the lighting of signs, structures, or the overall site.

(3) **Mounting**

Fixtures must be mounted in such a manner that the cone of light is not directed at any property line of the site.

The minimum mounting height for a pole shall be twelve (12') feet.

(4) **Illumination Levels**

All site lighting shall be designed so that the level of illumination as measured in footcandles (fc) at any one point meets the following standards. Minimum and maximum levels are measured at any one point.

Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by adding a light or two in the back of the same building, which would lower the average of the intended area for lighting.

Illumination levels are as follows:

Location or Type of Lighting	Minimum Level (fc)	Average Level (fc)	Maximum Level (fc)
Areas for Display of Outdoor Merchandise	1.0	5.00	15.0
Commercial Parking Areas	0.6	2.40	10.0
Multi-Family Residential Parking Areas	0.2	1.50	10.0
Walkways and Streets	0.2	1.00	10.0
Landscape and Decorative	0.0	.50	5.0

(b) Requirements

(1) A site lighting plan shall be submitted at 1" = 20' scale minimum.

(2) Site Lighting Plans shall include:

(a) Location and mounting information for each light;

(b) Illumination calculations showing light levels in footcandles at points located on a ten (10') foot center grid, including an illustration of the areas masked out per the requirements above regarding points of measurements;

(c) A fixture schedule listing fixture design, type of lamp, and wattage of each fixture; and number of lumens after using 85% depreciation for both metal halide and high pressure sodium of initial output;

(d) Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.

(e) An illumination summary, including the minimum, average and maximum foot candle calculations ("array values") and the total number of array points (points used on the ten (10') foot grid for the calculation.

Section 4.23.4 Other Requirements

(A) All trash receptacles, dumpsters, ductwork, fixed operating machinery, and other such utility equipment shall be either screened from view or located so that they are not visible from the highway, and shall be located not less than ten (10') feet from side and rear property lines.

(B) There shall be no outside display of merchandise except for automobiles, trucks, boats, tractors, outside landscape structures (garden sheds, arbors, gazebos, etc. but not outdoor furniture), plant materials and agricultural products.

(C) Outside storage of other merchandise is permitted only at the rear of the property or behind completely opaque walls and screens.

(D) Nonconforming Uses

Any existing nonconformity presently not meeting the site design standards, general standards, landscaping, lighting and sign standards of this section shall be brought into compliance if any portion of the site design, general landscaping, and lighting standards is changed, expanded, or altered, to the greatest degree practical, as defined in Section 2.2.1. Land uses discontinued for more than six (6) months shall conform to the landscaping, sign, lighting and site design provisions of this section as reasonably related to existing site constraints, at the discretion of the Corridor Review Board. If the existing structure or sign is to be repainted with a different color, the n color(s) must be in conformance with the architectural color palette stated in this ordinance. If new siding is applied to the exterior of the structure, the siding should conform in type or material and

color allowed by this ordinance.

Section 4.24 S.C. Highway 170/U.S. Highway 278 Corridor Overlay District

Section 4.24.1 General Standards

A. Applicability

1. All development, including signage, as defined in this ordinance shall be subject to the provisions of this overlay district, with the following exceptions:

a. Individual parcels in or designated for single family residential use and family property (i.e. parcels in residential use by members of the same family). The establishment of a single family use on such parcels, however, shall be subject to the seventy-five (75') feet front yard setback from the existing highway right-of-way on an existing parcel of record and subject to the one thousand five hundred (1,500') foot distance requirement between access points for newly created parcels.

b. Newly created single family parcels within subdivisions, which shall be subject to the standard setback of ten (10') feet from the property line where an existing twenty-five (25') foot landscaped buffer is already established for the entire subdivision, under the provisions of this ordinance, and subject to the one thousand five hundred (1500') foot distance requirement between access points.

c. Mobile home parks, which shall be subject to their standard setback from the property line were an existing twenty-five (25') foot landscaped is already established, under the provisions of this ordinance, and subject to the one thousand five hundred (1500') foot distance requirement between access points.

Such regulations shall be in addition to, rather than in place of, the requirements for the underlying district.

2. The Corridor Review Board shall review all elements of development addressed in Section 4.24.2 Landscaping and Screening, Section 4.24.3 Architectural Design, Signage and Lighting, and Section 4.24.4 Other Requirements of this overlay district. All other elements of development, including those other elements specified within this overlay district, shall be reviewed by the Development Review Team (the "DRT"), as required in this ordinance.

3. If a parcel extends beyond the boundaries of this overlay district, then the entire parcel shall be subject to review.

4. The Corridor Review Board (hereinafter "CRB") will review development within the five hundred (500') foot corridor. The CRB will waive review of development that, in its determination, will not be visible from the highway.

B. Use

1. The uses of property contained within the corridor shall be as prescribed by the various base districts underlying this overlay district.

2. Trailers are not permitted for use on property within this overlay district except for exempted uses above (Section 4.24.1.A.1.) and for use as a temporary on-site construction facility, whereby a trailer may be used on the property only during the life of the construction project. Modular buildings are permitted for residential or commercial use within this overlay district. A modular building is defined as any building of closed construction regardless of type of construction or occupancy classification, other than a mobile home or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection, as per Chapter 43, Section 23-43-10 of the South Carolina Modular Buildings Construction Act. Mobile or manufactured homes are not permitted for use as commercial structures within this overlay district. Where modular buildings are used, they must conform in appearance to the Architectural Design standards in Section 4.24.3.

Such temporary use shall not continue for a period longer than two (2) years without reapplication to the CRB for approval of up to an additional two (2) years.

C. Access Location and Design

1. Minimum distance of one thousand five hundred (1,500') feet shall be maintained between all access points onto the corridor, including private driveways, roads and public rights-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Corridor Review Board shall have discretion as to the placing of an alternative access point. However, no additional curb cuts on the subject parcel should result from having the alternative access point. This minimum distance applies with the following exceptions:

a. Access may be granted to a parcel of record existing at the time of adoption of this overlay district provided that the property owner demonstrates that he/she has made significant but unsuccessful efforts to establish alternative access, including but not limited to the following methods:

1. joint access with adjoining properties
2. access from adjacent roads
3. the establishment of frontage roads

D. Parcel Dimensions and Setbacks

The following standards shall apply to all property fronting the highway right-of-way:

1. Front Yard: The minimum front yard setback from the right-of-way shall be seventy-five (75') feet for all primary and accessory structures, but not including accessory

structures such as walls, fences, trellises and other landscape structures.

2. Side Yard: The minimum side yard setbacks from the property line shall be fifteen (15') feet.

3. - The Corridor Review Board shall have discretion to adjust the front, side and rear setbacks in the case of existing jurisdictional wetlands or to preserve existing specimen trees

4. The minimum lot width at the building setback line for newly created parcels shall be a distance of one hundred fifty (150') feet. Newly created parcels are subject to the one thousand five hundred (1500') foot distance requirement between access points from the highway

E. Subdivisions

In addition to the existing standards of the Zoning Ordinance for subdivisions, the following requirements pertain to the overlay district:

1. Newly created subdivisions are subject to the one thousand five hundred (1,500') foot distance requirement between access points from the highway.

2. No subdivision of land which would create parcels fronting on the highway shall be approved unless it is established prior to subdivision approval how access will be provided to each parcel in compliance with the one thousand five hundred (1,500') foot distance requirement, i.e. frontage roads, shared access drives, etc.

3. Newly created parcels must have sufficient depth to allow for the specified twenty-five (25) foot-highway buffer and setback required herein.

4. A permanent twenty-five (25') foot highway buffer, as required in this overlay district, shall be provided for in all new residential subdivisions.

5. If existing platted commercial subdivisions contain dedicated open space, such open space may be utilized to meet the landscaping requirements for the highway buffer.

Section 4.24.2 Landscaping and Screening

"Landscaped area" for the purpose of this section shall include all pervious areas containing existing or installed vegetation and water features. The use of existing vegetation and plant species native to the Lowcountry region are encouraged in the landscaped areas.

The Corridor Review Board shall review particular plant selections and landscaping designs only to ensure conformance with the specific requirements of this section. All landscaping required by this section and shown on the approved application shall be maintained in good condition by the property owner. Plant materials used for installation shall conform to the standards established by the American Association of Nurserymen in the "American Standard for Nursery Stock" provisions.

Landscaping requirements of this ordinance shall not interfere with fire and life sa. standards according to the Development Standards Ordinance and other adopted ordinances and requirements.

Section 4.24.2.1 Highway Buffer

A. A minimum twenty-five (25') foot wide landscaped buffer shall be established parallel to the entire front of the property along the highway right-of-way. The buffer shall contain only vegetative landscaping materials, except for the uses listed below:

1. Vehicular access drives placed approximately perpendicular to the right-of-way;
2. Foot and bicycle paths;
3. Walls and fences less than six (6) feet in height;
4. Landscaping sculpture, lighting fixtures, trellises, and arbors;
5. Bus shelters;
6. Signage;
7. Water, sanitary sewer, electrical, telephone, natural gas, cable and other service lines provided that they are placed approximately perpendicular to the right-of-way. Where existing lines or planned lines must run parallel to the right-of-way, additional landscape plantings or an equivalent amount of buffer beyond the twenty-five (25') feet may be required by the Corridor Review Board if the character of the buffer is greatly disturbed. To the extent possible, such serv lines should be consolidated with vehicular access routes.

Electrical, telephone, gas, water supply and sewage disposal and other utilities may be constructed within the required buffer area and after installation of such services and to meet the requirements of this section, the developer shall be required to restore the buffer area as approved by the County.

8. Drainage and stormwater detention areas. Where existing or created lagoons and drainage swales will occupy a substantial portion of the highway buffer because of natural land forms or drainage patterns, additional buffer depth may be required to achieve the visual softening intent of this section. If the development is proposed for an existing platted lot and the size of the lot makes adherence to these standards impractical, the Corridor Review Board may relax these standards as reasonably necessary to be consistent with the Development Standards Ordinance.

B. No tree six (6") inches in diameter at four (4") feet dbh (diameter breast height) or larger may be removed from the highway buffer except for access drives, sight triangles and diseased trees as approved by the Corridor Review Board. Where groupings of native shrubs are present, their preservation with minimum disturbance is strongly encouraged.

C. **Landscaping**

The purpose of this subsection is to achieve at maturity a semi-continuous and semi-opaque vertical plane of tree canopy, under story trees, and shrubbery coverage in order to soften the

appearance of structures and parking lots visible from the highway, to screen headlight glare on anc off site, and to mitigate commercial lighting as seen by neighboring properties and from th highway. Natural appearing landscape forms are encouraged.

1. For every one hundred (100) linear feet (or portion thereof) of frontage or the highway, a minimum of six (6) broad-leaved over story trees, seven (7) under story trees, anc thirty (30) shrubs are required in the buffer. The plant materials shall be generally distributed alon and throughout the buffer in order that there not be significant gaps without plantings (except as required at sight triangles at road intersections).

2. Three (3) cone-bearing over story trees may substitute for one (1) broad-leaved overstory tree. However, for each substitution of three (3) cone-bearing over story trees, one (1) additional under story tree shall be required.

3. Existing, as well as installed, vegetation is included in meeting the requirement but if there is not sufficient distribution within the buffer then additional plantings will be required; i.e. existing healthy trees which are grouped closely together (such that the canopies are closely intertwined) shall be considered as a group rather than tallied individually. Appropriate credit shall be allocated at the discretion of the CRB.

4. Installed over story trees used to meet this requirement shall be at least two and one half (2 ½") caliper inches and ten (10') feet tall when planted. Installed under story trees used to meet this requirement shall be at least one (1") caliper inch and eight (8) feet tall when planted. Installed shrubs used to meet this requirement shall be at least two and one half (2 ½') feet tall when planted.

5. The CRB may reduce the planting requirement where existing plant materials are of sufficient sizes and forms to satisfy the purpose of this subsection.

6. Where commercial parking areas would be visible from the highway, additional vegetation, walls, fences, berms, or some combination shall be used to screen those areas. The effectiveness of proposed screening materials shall be subject to the review and discretion of the Corridor Review Board. This provision shall not apply to those commercial uses exempted for the outside display of merchandise in Section 4.24.4, except for the commercial parking areas which are part of such uses.

7. Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the buffer except in accordance with standard horticultural practice. Trees shall not be limbed-up from the ground more than six (6') feet to the lowest branches except as required within sight triangles at intersections or to provide adequate light for under story plantings.

8. Existing evergreen or deciduous under story trees may be counted for credit to meet the requirements; however, under story trees to be newly planted must be evergreen.

The following list contains over story and under story trees which are found in Lowcountry region and are recommended for use in meeting the landscaping requirements of this section. Other trees will be reviewed by the CRB as to their compatibility and hardiness in this region.

BROAD-LEAVED OVER STORY TREES

American Beech	*Fagus grandifolia*
American Elm	*Ulmus americana*
American Sycamore	*Platanus occidentalis*
Ashleaf Maple	*Acer negundo*
Black Oak	*Quercus velutina*
Black Gum	*Nyssa sylvatica*
Eastern Cottonwood	*Populus deltoides*
Honeylocust	*Gleditsia triacanthos*
Laurel Oak	*Quercus laurifolia*
Live Oak	*Quercus virginiana*
Pecan	*Carya illinoensis*
Pignut Hickory	*Carya glabra*
Pumpkin Ash	*Fraxinus profunda*
Shumard Oak	*Quercus shumardii*
Southern Magnolia	*Magnolia grandiflora*
Southern Red Oak	*Quercus falcata*
Swamp Chestnut Oak	*Quercus michauxii*
Sweet Gum	*Liquidamber styraciflua*
Water Tupelo	*Nyssa aquatica*
White Oak	*Quercus alba*
Willow Oak	*Quercus phellos*

CONE-BEARING OVERSTORY TREES

Bald Cypress	*Taxodium distichum*
Loblolly Pine	*Pinus taeda*
Long Leaf Pine	*Pinus palustris*
Pond Cypress	*Taxodium distichum* var. *nutans*
Pond Pine	*Pinus serotina*
Slash Pine	*Pinus elliottii*
Short Leaf Pine	*Pinus echinata*
Spruce Pine	*Pinus glabra*

UNDERSTORY TREES

Allegheny Chinkapin	*Castanea pumila*
American Holly	*Ilex opaca*

American Plum	*Prunus americana*
Bigleaf Snowbell	*Styrax grandifolia*
Bitternut Hickory	*Carya cordiformis*
Black Cherry	*Prunus serotina*
Black Willow	*Salix nigra*
Blackjack Oak	*Quercus marilandica*
Bluejack Oak	*Quercus incana*
Buckthorn Bumelia	*Bumelia lycioides*
Cabbage Palmetto (under 19' in height)	*Sabal* palmetto
Carolina Ash	*Fraxinus caroliniana*
Carolina Basswood	*Tilia caroliniana*
Carolina Buckthorn	*Rhamnus caroliniana*
Carolina Laurelcherry	*Prunus caroliniana*
Carolina Silverbell	*Halesia carolina*
Chickasaw Plum	*Prunus angustifolia*
Coastal Plain Willow	*Salix caroliniana*
Common Hoptree	*Ptelea trifoliata*
Common Persimmon	*Diospyros virginiana*
Common Sweetleaf	*Symplocus tinctoria*
Crepe Myrtle	*Lagerstroemia indica*
Dahoon Holly	*Ilex cassine*
Devilwood	*Osmanthus americanus*
Eastern Coralbean	*Erythrina herbacea*
Eastern Hornbeam	*Ostrya virginiana*
Eastern Redbud	*Cercis canadensis*
Eastern Red Cedar	*Juniperus virginiana*
Flatwoods Plum	*Prunus umbellata*
Florida Basswood	*Tilia floridana*
Florida Maple	*Acer barbatum*
Flowering Dogwood	*Cornus florida*
Fringetree	*Chionanthus virginicus*
Green Ash	*Fraxinus pennsylvanica*
Hercules Club	*Zanthoxylum clava-herculis*
Ironwood	*Carpinus caroliniana*
Littlehip Hawthorn	*Crataegus spathulata*
Loblolly Bay	*Gordonia lasianthus*
Mockernut Hickory	*Carya tomentosa*
Myrtle Oak	*Quercus myrtifolia*
Overcup Oak	*Quercus lyrata*
Parsley Hawthorn	*Crataegus marshallii*
Pawpaw	*Asimina triloba*
Planer Tree	*Planera aquatica*
Possumhaw Holly	*Ilex decidua*
Post Oak	*Quercus stellata*

Red Buckeye	*Aesculus pavia*
Red Maple	*Acer rubrum*
Red Mulberry	*Morus rubra*
Redbay	*Persea borbonia*
River Birch	*Betula nigra*
Sand Hickory	*Carya pallida*
Sassafras	*Sassafrass albidum*
Sourwood	*Oxydendrum arboreum*
Southern Bayberry	*Myrica cerifera*
Southern Crab Apple	*Malus angustifolia*
Southern Red Cedar	*Juniperis silicicola*
Sparkleberry	*Vaccinium arboreum*
Sugarberry	*Celtis laevigata*
Swamp Cotton wood	*Populus heterophylla*
Sweetbay	*Magnolia virginiana*
Tough Bumelia	*Bumelia tenax*
Turkey Oak	*Quercus laevis*
Water Hickory	*Carya aquatica*
Water Oak	*Quercus nigra*
Waterlocust	*Gleditsia aquatica*
Wax Myrtle	*Myrica cerifera*
Windmill Palm	*Trachycarpus fortunei*
Witch Hazel	*Hamamelis virginiana*
Yaupon Holly	*Ilex vomitoria*

Section 4.24.2.2 Other Buffer and Landscaping Standards

A. Perimeter buffers: Landscaped buffers at least ten (10') feet in width shall be maintained along the side and rear property boundaries. These buffers may be penetrated for vehicular and pedestrian passageways linking adjoining properties provided the passageways are placed approximately perpendicular to these buffers.

B. Foundation buffers: A landscaped buffer at least eight (8') feet wide shall be maintained between any structure and any parking or driving area, except for loading areas and areas where drive-through facilities are utilized. This space is to be reserved for plant material, either existing or planned. No such space is required at the rear of the building, but is encouraged. Sidewalks and handicap ramps may be placed adjacent to the buffer on either side. The buffer may be penetrated to provide for access to the building and is not required in loading areas.

C. Any opaque or partially opaque walls or fences installed along the front of the property, including those used for screening of parking areas, must be softened with landscaping materials.

D. Frontage Roads: Frontage roads shall be located behind the front buffer.

E. Parking Lot Requirements

1. Parking lots shall include landscaped medians and landscaped peninsulas as follows:

a. Landscaped median

A minimum five (5') foot wide landscaped median shall be installed alongside (perpendicular to) parking spaces on the interior portion of a parking lot with more than one (1) parking bay. Wheel stops shall be placed within all parking spaces at the standard distance from every landscaped median to protect plantings.

Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least one (1') foot in height at installation and reasonably projected to grow to at least two (2') feet in height within three (3) years.

b. Landscaped peninsula

A minimum nine (9') by twenty (20') foot landscaped peninsula shall be installed parallel to the parking spaces every eight (8) or fewer spaces and at the end of the parking aisle in order to separate the last space from any adjacent travelways.

Each landscaped peninsula shall contain one (1) broad-leafed over story tree with a minimum size of two and one half (2 ½") caliper inches at dbh and a minimum height of ten (10') feet.

Section 4.24.3 Architectural Design, Signage and Lighting

A. Architectural Design

The Corridor Review Board shall review the design of all structures (except those exempted in Section 4.24.1.A), including habitable structures, walls, fences, signs, light fixtures, accessory and appurtenant structures and any vertical construction over 18" in height. It is the intent of this section to encourage architecture that is unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings and the form and scale of neighboring architecture, provided the latter conforms with the intent of this section. Architectural review is not meant to stifle innovative design or diversity, but to safeguard property values and long-term economic assets through quality design and development.

The Corridor Review Board shall review elements of design, including form, mass, scale, proportion, height, texture, color, architectural style, individual architectural elements, or orientation or specific location upon the site. If the CRB disapproves a design, the CRB must establish significant justification for such denial in accordance with the intent of this section. The CRB may require adjustments to the design and site location of proposed structures, and reasonable conditions may be attached to an approval.

1. General Principles

a. Architectural styles should be reflective of, or at least compatible with, architectural styles which exemplify the unique character of the Lowcountry region and conform to general standards of architectural quality.

b. .Multi-unit developments shall utilize a consistent or at least stylistically compatible palette of scale, forms, colors, materials, and textures.

c. Accessory structures should be architecturally compatible with primary structures.

d. Ratio of Building Setback to Building Height

The maximum building height shall be 75% of the building setback from the edge of right-of-way. Using the calculation x feet of building setback X 75%, or a ratio of 3 to 4, the maximum height shall be rounded up to the nearest whole number in case of fractions. The maximum building height refers to the height of the main roof line and does not apply to architectural features such as church steeples and cupolas, which are exempt from the building height provision as approved by the CRB.

Building Setback (from r.o.w.)		Maximum Building Height
50 feet	38 feet	38 feet
55 feet	42 feet	42 feet
60 feet	45 feet	45 feet
65 feet	49 feet	49 feet

These setback standards should also apply to fixed or unfixed equipment whether stationary or not, animated structures and recreational structures.

2. **Appropriate Exterior Materials and Architectural Elements:**

The exteriors of structures only are subject to review. The following are some materials and elements considered compatible and appropriate for primary and secondary structures. Other materials and elements consistent with the General Principles outlined above will be considered by the Corridor Review Board.

a. SIDING: Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block, and artificial siding which closely resembles painted wood clapboard. Wood siding may be painted, stained, weathered or left natural.

b. ROOFS: Wood shingles, slate shingles, multi-layered aspl shingles, metal raised seam, or tiles, and the use of pitched roofs (4 and 12 pitch or greater), roo overhangs, covered porches, canopies, awnings, trellises, gazebos, and open wood fences.

c. Colors considered to be compatible with the Low-country or coastal vernacular palette are earth tones (greens, tans, light browns, terra cotta), grays, pale primary and secondary colors (with less than 50% color value), white and cream tones, and oxblood red.

d. However, any accent color (i.e. black, dark blue, greys, and other dark or strong colors) may be used on a limited basis as an architectural motif and will be allowed according to the discretion of the Corridor Review Board and on the merits of its use in the overall design, and the use of corporate logos will be considered on a case by case basis.

3. Inappropriate Exterior Materials and Architectural Elements:

The following materials and elements are considered incompatible and inappropriate for primary and accessory structures:

a. Plywood, cinder block, unfinished poured concrete, unfaced concrete block, and plastic or metal not closely resembling painted wood clapboard

b. Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch less than 4/12) or unarticulated roofs

c. Long, unarticulated or blank facades

d. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance

e. Unscreened chain link or woven metal fences

f. Use of reflective materials as the main building material or texture

g. Use of highly reflective glass.

4. Accessory Buildings

a. The design of accessory buildings should reflect and coordinate with the general style of architecture inherent in the primary structure on the property.

B. Signage

1. General Requirements

In addition to the provisions of the Beaufort County Sign Ordinance, the following provisions shall apply to signs in this overlay district:

a. Signage, including overall design, materials, colors, and illumination, must be compatible with the overall design of the main structure and building site. Details of the

sign, such as typeface and layout, shall be subject to minimal review only to prevent obtrus. designs.

b. Any freestanding sign must be no closer than ten (10') feet from the highway right-of-way line.

c. Internally illuminated signs (except halo lit signs) and neon signs shall not be permitted.

d. If a sign is to be illuminated, stationary lights directed solely at the sign shall be used. No more than two (2) stationary lights may be used for any one (1) sign face. Illuminated signs shall not have a light reflecting background, but may use light reflecting lettering.

e. Changeable copy signs shall not be permitted except for gasoline price signs, directory signs listing more than one tenant and signs advertising films and live entertainment which change on a regular basis. Gasoline price signs must be displayed on a single sign.

f. Lighting for signs shall be of a moderate intensity and designed and arranged so as to minimize glare and reflection. Light sources should be concealed.

g. An integrated sign system shall be required for all new PUDs. commercial and residential subdivisions, office complexes and shopping centers. The establishm of integrated sign systems for existing developments is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture and establishment of unity of design for the development. Individual signs shall be reviewed for conformance with the sign systems, whether newly established or existing and substantially in compliance with this ordinance.

h. Pole signs are permitted, provided that no pole shall be higher than four (4') feet from the ground to the base of the sign, and no pole sign shall exceed a maximum of ten (10') feet total in height, as measured from the ground.

i. Any graphic accent color (i.e. black, dark blue, greys and other dark or strong colors) may be used for graphic accents only, and the use of corporate logos may be considered on a case by case basis.

C. **Lighting**

1. General Requirements

a. Any lighting used to illuminate parking areas, access drives or loading areas shall be of such a design or level of illumination so as to minimize the amount of ambient lighting perceptible from adjacent properties and that would impair the vision of motorists on t corridor.

b. Exterior architectural, display and decorative lighting visible from the corridor shall be generated from concealed light source, low level light fixtures.

c. All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from the corridor.

d. Entrances into developments from the Highway may be lighted for traffic safety reasons provided such lighting does not exceed the foot candle requirements for lighting walkways and streets, per Section 4.24.3.C.2.a.iv of this ordinance. Lighting poles mounted within fifty (50') feet from the highway right-of-way may not exceed a height of twenty (20') feet, and only forward-throw or Type IV lights may be used to light entrances.

2. Lighting Standards

(a) All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

(i) Fixture (luminaire)

Any light fixture shall be a cut-off luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from the corridor

(ii) Light Source (lamp)

Only incandescent, fluorescent, metal halide, mercury vapor or color corrected high-pressure sodium may be used. No colors other than white or off-white (light yellow tones) may be used for any light source for the lighting of signs, structures, or the overall site. The same type must be used for the same or similar type of lighting on any one site or Planned Unit Development.

(iii) Mounting fixtures must be mounted in such a manner that the cone of light is not directed at any property line of the site.

The minimum mounting height for a pole shall be twelve (12') feet.

(iv) Illumination levels

All site lighting shall be designed so that the level of illumination as measured in foot candles (fc) at any one point meets the following standards. Minimum and maximum levels are measured at any one point.

Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by

adding a light or two in the back of the same building, which would lower the average of intended area for lighting.

Illumination levels are as follows:

Type of Lighting	Minimum Level (fc)	Average Level (fc)	Maximum Level (fc)
Commercial Parking Lots	0.6	2.40	10.0
Residential Parking Lots	0.2	1.50	10.0
Walkways and Streets	0.2	1.00	10.0
Landscape and Decorative	0.0	0.5	5.0

(b) Requirements

(i) A site lighting plan shall be submitted at 1" = 20' scale minimum.

(ii) Site Lighting Plans shall include:

a. Location and mounting information for each light and number of total lights

b. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture; and number of lumens after using an 85% depreciation for both metal halide and high pressure sodium of initial output.

c. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.

d. An illumination summary, including the minimum, average and maximum foot candle calculations ("array values") and the total number of array points (points used on the ten (10') foot grid for the calculation).

Section 4.24.4 **Other Requirements**

A. All trash receptacles, dumpsters, ductwork, fixed operating machinery, and other such utility equipment shall be either screened from view or located so that they are not visible from the highway, and shall be located not less than ten (10') feet from side and rear property lines.

B. There shall be no outside display of merchandise except for automobiles, trucks, boats, tractors, outside accessory structures (garden sheds, arbors, gazebos, etc.), plant materials, and agricultural products.

C. Outside storage of other merchandise is permitted only at the rear of the property or behind completely opaque walls and screens.

D. Nonconforming Uses

Any existing commercial or industrial use presently not conforming to the site desig standards, general standards architectural, landscaping and lighting standards of this section shal be brought into compliance if any portions of the site design, general, architectural and lightin standards are changed, expanded, or altered. Land uses discontinued for more than six (6) month shall conform to all, provisions of this section as reasonably related to existing site constraints, a the discretion of the Corridor Review Board. If the existing structure or sign is to be repainted, th new color(s) must be in conformance with the architectural color palette stated in this ordinance If new siding is applied to the exterior of the structure, the siding should conform in type of materia and color allowed under this district.

Section 4.25 Beaufort County River Protection Overlay District

(A) Standards prescribed in this section shall apply to all building, development, and site alteration in the River Protection Overlay District, and shall apply to all property in this district, regardless of use or ownership, except as provided below:

(1) The establishment of a single-family use on individual parcels in or designated for single-family residential use and family property (i.e., parcels in residential use by members of the same family) shall be subject to all provisions except those in Section 4.25.5 regarding Stormwater Management. Residential subdivisions approved after the effective date of the ordinance are subject to all provisions.

(2) Existing agricultural activities are exempt from the buffer zone requirement of this section. Agricultural activities within 50 feet of the Critical Line that result in the discharge of sediments, nutrients, pesticides or other non-point source pollutants are strongly encouraged to prepare a mitigation plan that utilizes Best Management Practices to minimize or avoid continued discharge of pollutants into the ORW. The County Engineer will provide technical assistance in the design of an appropriate mitigation plan.

(3) Existing structures within the setback can be expanded, repaired, restored or rebuilt provided that the reconstruction does not increase the horizontal area in the direction of the Critical Line.

(B) All property within this overlay district is also subject to the requirements of a base zoning district included elsewhere in Article 4. In cases where standards prescribed in the River Protection District differ from those prescribed in the base zoning district or in any other applicable local, state, or federal regulation, the more restrictive standard shall apply.

Section 4.25.1 Delineation of District

(A) The Beaufort County River Protection Overlay District consists of

(1) That portion of all bodies of water in Beaufort County contained within the Critical Area as defined by South Carolina Office of Ocean and Coastal Resource Management (OCRM), and

(2) As well as the land abutting those waters extending one thousand five hundred (1,500') feet perpendicular to and in a horizontal plane from the OCRM Critical Line. In situations where the OCRM Critical Area narrows as it extends inland, the River Protection Overlay District shall be measured at the location where the distance between two opposite Critical Lines narrows to a width of 20 feet for at least a length of 50 feet.

(B) Site plans and subdivision plats submitted to the Building Inspections Department or Development Review Team must delineate the OCRM Critical Line, and the Buffer Zone and appropriate Setback Line when these are located on the parcel. All site plans to be used during construction for any land clearing, grading or earthmoving activities shall clearly show the Buffer Zone and appropriate Setback Line.

© The County GIS Department shall prepare advisory maps indicating the approximate location of the OCRM Critical Line, the 1,500 foot district, and the buffer zones and setback lin These maps will be available for public review at the County Planning Department.

Section 4.25.2 Buffer Requirement

(A) In order to protect and conserve the waters located in this district, a buffer strip of existing or planted vegetation is maintained within the District, extending fifty (50') feet perpendicular to and in a horizontal plane from the OCRM Critical Line.

(B) In order to maintain all four of the following objectives, it is encouraged that the required buffer remain an undisturbed natural area. The objectives of this buffer strip are to:

(1) provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the waters;

(2) minimize erosion and help stabilize the streambank;

(3) provide a natural habitat for the flora and fauna that exist in this important transition area between wetland and upland areas; and

(4) encourage the retention of the visual character of the water bodies.

(C) Cutting, pruning of branches, and removal of vegetation, as provided below (C1-C4), is permitted provided that vegetative cover is immediately replaced and maintained throughout the buffer to prevent the creation of bare ground.

(1) If the landowner can clearly demonstrate that runoff from the property will be effectively diverted away from the Critical Line and/or treated through sediment reduction and nutrient and pollutant removal Best Management Practices (BMPs) so that the nutrients, sediments and potentially harmful or toxic substances in runoff are removed prior to discharge into the ORW waters, then cutting, removal and planting of vegetation according to a plan prepared by, or for, the landowner will be allowed following review and approval of the plan by the Development Review Team.

(2) Plans will be reviewed by the Development Review Team to ensure the proposed BMPs are appropriate for the site and are adequately designed to provide effective treatment of any runoff from the site during and after construction, and that the proposed vegetation removal and replacement plan will provide the remaining objectives of the buffer.

Note: Acceptable BMPs for erosion control, sediment reduction, and nutrient and pollutant removal can be found in "A Guide to Site Development and Best Management Practices for Stormwater Management and Sediment Control" or in Appendix I of "South Carolina Stormwater Management and Sediment Control Handbook for Land Disturbance Activities", both of which are distributed by SCDHEC).

Note: The County staff, in coordination with members of the community, will develop guidelines, or "Visual Quality Best Management Practices" to serve as a guide to the landowner in preparing a plan, and to guide the review of the proposed plan for maintaining minimum visual quality.

(3) If runoff from the property flows toward the critical line, without being diverted and/or treated through engineered BMPs, then 2/3 of the total buffer zone area shall remain in a naturally vegetated state, except to allow for the uses specified in (D) below, in order to maintain the water quality function of the buffer. In areas which have been previously cleared, it is encouraged that trees be planted and the buffer return to maritime forest. For parcels that are to be subdivided, the entire buffer zone shall remain in a naturally vegetated state until the subdivided lots are approved for building permits.

(4) In order to accommodate for landowner view, 1/3 of the total buffer zone area, to be seleced by the landowner, can be selectively cleared and selectively landscaped, provided that no more than a maximum contiguous area measuring 75 feet in a horizontal distance parallel to the Critical Line occurs at any one location.

(i) Selective clearing means: the clearing of all trees except

- evergreen trees 16" or greater DBH,
- hardwood trees 8" or greater DBH, and
- Dogwood, Redbud, and Magnolia trees 4" or greater DBH.

(ii) Selective landscaping means that the understory and groundcover can be replaced only with landscaping vegetation, including grass, that requires no chemical treatment for survival or maintenance. In addition, non permanent structures, (such as gazebos, trellises and decks) can be located within the 1/3 selectively cleared area if setback 35 feet from the Critical Line.

(5) Single family property owners may remove, and other owners may remove upon development plan approval, any tree less than 24" in diameter in the buffer to accommodate permitted development specified in (D) below;

(6) Property owners may remove any dead, diseased, unsafe or fallen tree.

(D) No development is permitted in the buffer with the exception of the following seven uses. Accordingly, sections of the buffer may be cleared, as defined above in C (3), in order to accommodate these uses provided that the minimum land area required to serve the purpose is disturbed and that proper erosion control measures are in place during the period of disturbanc

(1) Pedestrian and/or vehicular access ways leading to docks, fishing piers, boat landings, other approved water/marsh uses, provided that only permeable (excluding bare ground) or semi-permeable paving materials (such as open lattice block pavers) are used for vehicular access ways.

(2) That portion of docks, fishing piers, boat landings, or other approved water/marsh uses that by design must tie into the high ground adjacent to the marsh/water.

(3) Use of grassed swales rather than drainage pipes is required unless a drainage pipe is an outfall from a detention, retention, or filtration system. Additional alterations associated with water diversion and treatment as approved under Section 4.25.(C)(1).

(4) Approved flood control (from rising waters or tidal surge) and erosion control devices and other activities related to soil and water conservation. All erosion control devices must be properly installed prior to any disturbance to the soil, and must be properly maintained until vegetation is adequately established.

(5) Utility lines which must cross the buffer area, provided that such lines are buried underground within the buffer area and the area is replanted with vegetation. This provision applies to water, sewer, electric, gas, cable, telephone and irrigation lines. This requirement can waived if the County Engineer determines that burial of lines would pose unreasonable technical or financial burdens. In such a case, utility lines must be placed approximately perpendicular to the line of the buffer.

(6) Installation of playground equipment or benches, picnic tables or other similar outdoor furniture related to recreational or incidental residential use provided the ground surface remains permeable.

(7) Roads leading to bridges or causeways that cross the waterway provided the roads are configured to minimize disturbance into the buffer, and provided all shoulders are grassed or runoff is effectively diverted away from the Critical Line, i.e. curb and gutter, and treated prior to discharge into the ORW.

Section 4.25.3 Development Setbacks

(A) The following uses within the River Protection Overlay District shall be set back a minimum of fifty (50') feet from the South Carolina OCRM Critical Line:

(1) Detached single family residential dwelling units.

(2) All uses customarily accessory to single family residential property that contribute nutrients, sediments and potentially harmful or toxic substances to runoff, including vehicular garages, driveways and septic systems. With respect to individual on site sewage disposal systems, it is strongly encouraged that the system be located on that portion of the property, outside the 50 foot buffer zone, that allows for the maximum vertical distance, up to 24 inches, between the bottom of the trench and the seasonal high water table. Regular septic tank pumpouts are also encouraged to reduce risk of system failure.

(3) New agricultural uses including the growing, care and harvesting of field crops, fruit and nut trees, timber and livestock, except the processing and packing of same and open storage of manure or similar which are subject to the 150' setback as provided in © below.

(4) Regulation golf courses including all areas that are regularly mowed and/or chemically treated, sand traps, and accessory (non-habitable) structures and facilities such as storage sheds, signs, and ball-washing machines.

(5) Noncommercial recreational parks and playgrounds.

(6) Built and landscape structures associated with the use and enjoyment of nature preserves and wildlife refuges (such as boardwalks and interpretative features).

(7) Uses specified in Section 4.25.2(D), however utility lines need not be buried underground landward of the buffer (unless otherwise required).

(8) Drainage systems and retention ponds (with the exception of 4.25.2 (D) (3) and (4)).

(B) For existing platted and recorded single family residential lots, a waiver can be obtained, by application to the Development Review Team (DRT), for the setback under the following conditions:

(1) For situations where an existing platted and recorded lot does not provide appropriate depth for the construction of a single-family dwelling given the setback, the setback will either:

(i) be adjusted by the DRT from 50 feet down to an appropriate distance to a minimum of 35-feet from the Critical Line; or

(ii) be established through the waiver process, as described in 4.25.3(E), to determine the maximum allowable setback that will accommodate construction of the structure. Nothing in this section shall render an existing lot unbuildable.

(2) Application to the Development Review Team for a waiver will follow normal Development Permit procedures and the applicant must:

(I) apply for the waiver two (2) weeks prior to review:

(ii) post a public notice to that effect (obtained from the Zoning and Development Administrator; and

(iii) provide the most recent (within the last 36 months) OCRM certification of the Critical Line to the Zoning & Development Office.

(3) For situations where existing adjacent houses in a Subdivision or a Planned Unit Development create a de facto setback, a waiver can be obtained through the waiver process, as described in 4.25.3 (E), provided that it meets the minimum County standard of 20 feet. (See Section 5.4.3.2 (C)4).

(4) In either case, the remaining buffer shall be subject to the water quality treatment requirements of the buffer zone as provided for in Section 4.25.2 (C)(1) or (C)(2).

(5) Should a variance below the minimum of 35 feet be required, the project must first be reviewed by the Development Review Team, as described in 4.25.3(B)(2) before seeking a variance as described in Section 7.8.1.4.

(C) The following uses within the River Protection Overlay District shall be set back a minimum of one hundred (100') feet from the South Carolina OCRM Critical Line:

(1) Multi-family and attached single family uses.

(2) All uses customarily accessory to residential property, that contribute nutrients, sediments and potentially harmful or toxic substances to runoff, including vehicular garages and driveways serving multifamily or attached single family dwelling units.

(3) Noncommercial clubs, lodges, community centers, research centers, museums, and conservation/nature oriented schools, less than or equal to four thousand (4,000) square feet.

(4) Parking lots and accompanying access drives and maneuvering lanes serving boat landings and other nonresidential uses provided each parking lot contains space for no more than six automobile parking stalls or 1000 square feet (whichever is greater) and provided such parking lots are separated from each other by at least 50 feet of vegetated buffer. .

(5) Two-lane local road, the purpose of which is primarily to provide access service to abutting residential property rather than to provide for through traffic.

(D) All other uses, not specified in (A) and (B) and (C), above, shall be set back a minimum of one hundred fifty (150') feet from the South Carolina OCRM Critical Line.

(E) A waiver for sections (B), C or (D) may be approved by the Development Review Team provided the landowner can demonstrate that the required setback is impractical for the proposed development, the development proposal creates the minimal amount of impervious surface necessary for the proposal, the proposal provides sufficient treatment of runoff prior to discharge into the ORW, during and after construction, and the proposal meets the remaining intent of the Ordinance.

Section 4.25.4 **Standards for Docks, Fishing Piers, Boat Landings, and Activities In Or Over The Water Marsh**

(A) Docks, piers, and boat landings are to be used for non-commercial purposes only, i.e., no fee or rent may be charged except to a resident of an on-site residential community and said facilities are not to be used in connection with commercial uses or structures such as a processing plant, fish market, restaurant, or commercial marina. However, a commercial fisherman may launch and come ashore from public boat landings, or a dock attached to his/her primary residence or a dock that he/she has preapproved access from the owner. Existing docks, piers and boat landings in commercial use are allowed to remain in operation regardless of ownership, provided that there is no increase in impact.

(B) Docks must be for the exclusive use of occupants/owners/ guests of residential dwelling units on waterfront lots or occupants/owners/ guests of residential dwelling units in an on-site residential community where the dock serves that community exclusively. Shared multiple user docks are encouraged over multiple single user docks.

(C) Docks (other than community docks) must be connected with adjacent waterfront lots that have seventy-five (75') feet of water frontage along the marsh/water edge and at least seventy five (75') feet of frontage along the water between extended property lines. Lots with less than this required frontage but with at least fifty feet of frontage both on the marsh edge and along the water between the extended property lines may be eligible to share a dock with adjacent property.

(D) There may be no habitable structures located on the dock, fishing pier, or b landing nor elsewhere upon waters in this district. Only open shelters and limited storage (e.g. foı water skis, anchors, fishing equipment) are permitted.

(E) Pumping of fuel is not permitted at docks, fishing piers or boat landings, nor elsewhere upon waters in this district, except for existing docks, piers, marinas, and boat landings in commercial use.

(F) Utility lines which must cross the water/marsh to serve facilities on the opposite side or upon the water/marsh shall be submerged below the surface or buried underground. This requirement can be waived if the County Engineer determines that burial of lines would pose unreasonable technical or financial burdens. In such a case, utility lines must be placed in a configuration that minimizes impact.

(G) Prior to construction of any dock, pier, or boat landing in the River Protection Overlay District, in addition to the OCRM permit, the applicant must receive a permit or approval from the Building Codes Department or Development Review Team stating that the proposed construction complies with the pertinent provisions of this section.

(H) Projects which received approval from OCRM prior to the establishment of this overlay district are exempt from this section.

Section 4.25.5 Stormwater Management

(A) Any and all development located within the River Protection Overlay District shall pay special attention to stormwater management system designs with respect to the environmental quality of the stormwater discharge leaving the development. Therefore, peak discharge rates for stormwater management systems shall not exceed the pre-development peak discharge rate for the mean annual storm event for a twenty-four (24) hour duration for a 2, 5, 10, 25, 50, & 100-year return period. The stormwater management facilities shall be designed to entrap or settle silt. Other erosion control devices may be required to ensure that excessive siltation does not occur and does not exceed predevelopment siltation of the Outstanding Resource Waters.

(B) As an alternative to providing for a pre-development peak discharge rate for the mean annual storm event for a twenty-four (24) hour duration for a 50- and 100 year-period; designs for the 50- and 100-year storm events may be approved by the County Engineer if the design engineer demonstrates the following for unstabilized sites:

(1) Adequate sediment basins and retention areas for the 25-year storm event, which exceeds OCRM current requirements.

(2) Design based on site specific soil condition.

(3) Appropriate and additional use of sediment control practices such as sil fence, rock check dams, raised catch basins, and other accepted Best Management Practices.

© When the site is stabilized, stormwater facilities shall be designed to accommodate the 2, 5, 10, 25 year design event. The design engineer shall indicate the impact of the 50- and 100-year flood events in the design considerations.

(D) These stormwater management facilities must be installed and/or constructed and be in place prior to any building construction.

(E) Stormwater runoff from any bridge or road crossing a waterway must first be routed through an approved detention, retention, filtration and/or swale system before being discharged into the river/marsh system, unless the County Engineer determines that this provision is technically impractical.

Section 4.25.6 Additional Standards

(A) All use of herbicides, pesticides or fertilizers must be in full compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); South Carolina Pesticide Control Act; and South Carolina Fertilizer Law; and in strict accordance with pesticide label instructions in order that there be a "no adverse effect level" of surface runoff or airborne drift of these materials beyond the area of direct application.

(B) The practice of natural pest control management and the use of natural fertilizers and herbicides is strongly encouraged.

Section 4.25.7 Section Review

The provisions of Section 4.25 will be evaluated by the County no later than 1 year from the effective date to determine if modifications should be made based on the review of any new information.

ARTICLE V
SITE DESIGN AND DEVELOPMENT STANDARDS

Section 5.1

No development shall be undertaken, except in conformance with the standards set forth in this Article, unless expressly exempt from obtaining a development permit as specified in Article VI, Section 6.2.

Section 5.2 Site Design and Development Standards Applying Throughout the Jurisdiction

The standards prescribed in this section shall apply to all site design and development hereafter undertaken within the jurisdiction.

Section 5.2.1 Parking, Street, and Thoroughfare Standards

The size of a parking space for one vehicle shall consist of a rectangular area, having dimensions of not less than nine (9') feet by twenty (20') feet plus adequate area for ingress and egress. Handicap Parking shall be provided, as specified by the "Americans with Disabilities Act (ADA)," latest edition as published in the Federal Register.

Section 5.2.1.1 Minimum Off-Street Parking Requirements

In planned resort, residential, and commercial developments where a substantial number of visitors are presumed to arrive by public transportation, the parking spaces noted below will be required, as approved by the County Engineer.

	USE
Auditorium and Theaters	One (1) space for each four (4) spectator seats.
Automobile Service Station	One (1) space for each vehicle stored or parked, plus one (1) space for each employee.
Bank	One (1) space for each two-hundred square fee (200 SF) of gross floor space, plus one (1) space for each two (2) employees.
Bus Terminal	One (1) space for each four (4) seats in the waiting room, plus one (1) space for each two (2) employees.
Child Care Center	One (1) space for each adult attendant, plus two (2) off-street spaces for loading and unloading.

Church	One (1) space for each six (6) seats in the main assembly room.
Driving Range	One (1) space for each driving tee.
Elementary School	One (1) space for each vehicle owned or operated by the school plus two (2) spaces for each faculty member and administrative office.
Fire Stations	One (1) space for each employee and one (1) space for each three (3) volunteer personnel on a normal shift.
Funeral Home	One (1) space for each four (4) seats in the chapel or parlor, plus one (1) space for each employee.
Golf Course	Four (4) spaces for each green plus requirements for any other associated use, except in planned residential, resort, or commercial developments which have otherwise adequate provisions for parking.
Hospital	One (1) space for each six (6) patient beds excluding bassinet, plus one (1) space for each medical staff member or visiting doctor, plus one (1) space for each four (4) employees.
Hotel, Motel, or Motor Court	One (1) space for each room to be rented, plus one (1) additional parking space for each three (3) employees, plus requirements for any other use associated with the establishment.
Indoor and Outdoor Commercial Recreation	Adequate parking facilities or contemplated use. The required Commercial Recreation parking spaces for any multiple use area shall be either (a) that number of spaces required for such single use having the greatest parking needs plus ten percent (10%) of the combined required for all other uses in the area, or (b) that number of spaces shown to be necessary and reasonable by data submitted by the developer, whichever is less.
Industrial Manufacturing and Wholesale Uses	One (1) space for each two (2) employees on the employees on the largest shift; one (1) space for each number of the managerial or office staff; and one (1) visitor parking space for each then (10) persons on the

	managerial staff; and one (1) space for each veh used directly in the conduct of business.
Junior High School	One (1) space for each vehicle owned or operated by the school, plus three (3) spaces for each faculty member, plus one (1) space for each five (5) seats in the auditorium or gymnasium.
Mobile Home Park	Two (2) spaces for each mobile home.
Nursing Home	One (1) space for each five (5) beds intended for patient use, plus one (1) space for each shift employee.
Office and/or Professional Building; Office, Medical or Dental	One (1) space for each two-hundred (200') square feet of gross floor space, plus one (1) space for each two (2) employees
Planned Shopping	Four (4) spaces for every one thousand square feet (1,000 SF) of gross leasable floor area.
Public or Private Club	One (1) space for each two-hundred square feet (: SF) of gross floor space.
Public Utility Building	One (1) space for each employee.
Residential	One and one-half (1-1/2) spaces for each dwelling unit.
Restaurant	One (1) space for each three (3) seats, plus one (1) space for each two (2) employees.
Retail Business	Five (5) spaces for every one thousand square feet (1,000 SF) of gross floor area, except as otherwise specified below:
Appliance and Furniture Store	Two (2) spaces for every one thousand square feet (1,000 SF) of gross floor area, plus one (1) space for each employee.
Automobile (Vehicle) Dealership	One (1) space per one thousand square feet (1,000 SF) of gross floor area, plus one (1) space for each employee.

Building Supply Store	Three (3) spaces per one thousand square feet (1000 SF) of gross floor area, plus one (1) space for each employee.
Feed and Seed Store	Two (2) spaces per one thousand square feet (1000 SF) of gross floor area, plus one (1) space for each employee.
Sales and Service Establishments Not Listed Elsewhere, Which Deal With Customers on the Premises	One (1) parking space for each two-hundred (200') square feet of gross floor area, plus one (1) space for each two (2) employees.
Senior High School	One (1) space for each vehicle owned or operated by the school, plus seven (7) spaces for each faculty member, plus one (1) space for each administrative office, plus one (1) space for each four (4) students enrolled.
Stadium	One (1) space for each four (4) spectator seats.

Section 5.2.1.2 Off-Street Loading Requirements

Any industrial operation and wholesale building shall provide sufficient off-street space for the loading and unloading of vehicles. Loading berths and parking areas for waiting vehicles shall be designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

Square Feet of Gross Floor Areas in Structure	Number of Berths or Parking Spaces
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4

Square Feet of Gross Floor Areas in Structure	Number of Berths or Parking Spaces
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1

All retail uses and office buildings, with a total floor area of twenty thousand square i (20,000 SF), shall have one (1) loading berth or parking space for each twenty thousand square feet (20,000 SF) of floor area.

Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

Section 5.2.1.3 **Parking Accessibility and Usability for Physically Handicapped People**

All parking areas and accessible routes to buildings or structures must be designed to meet the minimum requirements of the American National Standards, ANSI A117.1-1986 and all amendments thereto.

Section 5.2.1.4 Access to Major Thoroughfares

Street, driveway, or other access separation along State and Federal Highways shall be in accordance with the S.C.D.O.T. "Access and Roadside Management Standards."

Relief requested from this provision, in the form of the stated exception or by request for a variance, must be accompanied by:

(1) Ownership and recording data associated with lot of record; and

(2) Evidence that the applicant has explored all alternatives for access other than by variance or exception to the prescribed standards, include but not limited to, joint use with adjoining properties, access from adjacent minor street, establishment of frontage roads, etc.; and

(3) Qualification of request for variance consistent with provisions of Section 6.6; and

(4) Map or plan showing surveyed distance to nearest existing ingress/egress points from those proposed.

Section 5.2.1.5 **Driveway Linkage Between Commercial and Development**

To the extent practical - as determined by the Development Review Team - driveways on adjacent commercial and office uses shall be linked, to provide for movement from one such development to another without necessitating return to the public roadway. A driveway stub out section shall be incorporated adjacent to the vacant land, if that vacant land is located in a commercial or industrial zoning district. This requirement shall not apply where a frontage road system is planned or in place. All driveways and driving areas (including those through parking lots) designated for such movement shall be paved.

Section 5.2.1.6 Street Thoroughfare Standards

(A) Intent: While it is the intent of t his section to provide ample flexibility in the layout of streets, proposed street systems will be reviewed as to their design, safety, and convenience o: users, as well as adjacent property owners; provided such review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and developmen practices. Emphasis should be placed on safety at curves and intersections.

(B) Continuation of Existing Street Pattern: The layout of proposed streets as to the arrangement, width, grade, and location should be coordinated with the street system in the adjoining street systems, adjoining properties, topography, natural features, and drainage systems to be provided. Minor residential streets shall be laid out, so that their use by through traffic will be discouraged.

(C) Access to Adjoining Property: Upon determination that reasonable access to adjoining property(s) would be seriously effected by a proposed subdivision design, the Zoning and Development Manager will notify the adjacent property owner, by registered mail of his findings, and recommend that he/she take whatever action deemed necessary based on that finding. This provision is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to properties by right of necessity.

(D) Naming of Streets: Proposed streets, which are obviously in alignment with other existing named streets, shall bear the assigned name of the existing street. Proposed street names shall not be phonetically similar to existing street names, regardless of the use of suffixes such as street, avenue, boulevard, drive, place, court, etc. In no case shall the name be used which will be confused with other existing streets. A house or lot numbering (address) system shall be designed, utilizing an extension of an existing system in the area where one exists, and shall be placed on the final plat. This requirement is subject to Section 5.5.1.

(E) Collector Streets: Where a subdivision abuts or contains an existing or proposed collector or through street, the Zoning and Development Manager may require marginal access streets, reverse frontage with screen planting, deep lots, or such other treatment as may be necessary for adequate protection or residential properties and to afford separation of through and local traffic.

(F) Visual Obstructions: No fence, wall, tree, terrace, building, sign, shrubbery, hedge, or other planting or structure or object capable of obstructing driver vision will be allowed at intersections.

(G) Street Jogs: Street jogs, or centerline offsets in the horizontal alignment of streets across intersections of less than one-hundred and fifty feet (150') shall be prohibited.

(H) Intersections: The centerline of no more than two (2) streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no streets shall intersect any other street at less than sixty degrees (60°). Curbed streets shall have a minimum tangent of one-hundred feet (100') at intersections.

(I) Minimum Curb and Street Radius: The lot line radius at intersecting streets si be not less than twenty feet (20'), unless the developer demonstrates to the County Engineer valid reasons to utilize less than twenty feet (20') radii. The centerline radius of all curvilinear streets shall be not less than one-hundred feet (100').

(J) Street Name Signs: Street name signs, constructed to County specifications, shall be installed at all street intersections. Street names proposed by the Developer shall be approved by E-911 and the Development Division.

(K) Dead-end Street and Cul-de-sac: Dead-end streets, designed to be so permanently, shall be no longer than 1800 feet and shall be provided with a cul-de-sac. The cul-de-sac shall have a right-of-way radius of fifty feet (50') and a solid paved circular area with a radius of forty feet (40'). Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal. Planned Unit Developments may utilize landscaping in the center of the cul-de-sac turnaround areas.

(L) Minimum Right-of-Way and Pavement Widths:

Type	Row	Pavement
Local	50 Feet	22 Feet
Collector	60 Feet	22 Feet

(M) Design Drawings and Certification: Professional Engineers, registered in the State of South Carolina, shall prepare plans, profiles, cross-sections, and specifications for all subdivision roads and streets. Said engineers shall certify roads/streets are built to their approved plans and specifications. Cross-sections shall be developed every one-hundred feet (100') at intersections and break-points in grade. Cross-sections shall show travel-way, shoulders, ditches (or curb and gutter if applicable) and utility location.

(N) Additional Right-of-Way: A proposed subdivision that includes a platted street which does not conform to the minimum right-of-way requirements of this Ordinance shall provide for the dedication of additional right-of-way along either one or both sides of said street, so that the minimum right-of-way(s) required by this Ordinance can be established. If the proposed subdivision abuts only one side of said street, then a minimum of one-half of the required extra right-of-way shall be dedicated by such subdivision.

(O) Reverse Curves: The minimum distance between reverse curves shall be one-hundred feet (100').

(P) Specifications for Construction of Roads and Streets: All new roads intended to become County roads shall be paved, to meet the minimum requirements for road construction as follows:

(1) Commercial Subdivisions:

Wearing Surface: Minimum thickness of two inches (2") of Asphalt pavement, as specified in Section 400 titled, "Bituminous Pavements," and Section 403, "Hot Laid Asphalt Concrete Surface Course," Type I.

Base Course shall be a minimum thickness of eight inches (8") and shall comply with Section 306, titled "Stabilized Aggregate Base Course." Prime Coat shall meet the requirements of Sections 304.14 and 401.22.

(2) Residential Subdivisions:

Wearing Surface: Minimum thickness of one and one-half inches (1-1/2") of Asphalt pavement, as specified in Section 400 titled, "Bituminous Pavements," and Section 403, "Hot Laid Asphalt Concrete Surface Course," Type I.

Base Course shall be a minimum thickness of sic inches (6") of stone and shall comply with Section 306, titled "Stabilized Aggregate Base Course." Prime Coat shall meet the requirements of Sections 304.14 and 401.22.

(3) Shoulder Slope:

Maximum slope of shoulders shall be 1 inch per foot. Minimum slope of shoulders shall be ½ inch per foot.

(Q) Planned Unit Development and/or Private Roads: Private roads, when approved for a project, are not to become County responsibility; and are to be so indicated on any plat(s) of the subdivision and to be so noted in covenants and agreements which control or follow the property.

(1) Minimum Specifications and Design Parameters for Inverted Crown Roads:

(a) Transverse slopes shall be a two percent (2%) minimum.

(b) Longitudinal slopes shall be a one percent (1%) minimum.

(c) No utilities shall be placed under pavement, excluding stormwater drainage.

(d) A soil report and analysis shall be performed by a qualified soil professional, to determine if the soil is suitable for Inverted Crown Roads. The water table elevation shall also be determined.

(e) The road cross-section shall consist of the following:

(1) Twenty-four inches (24") compacted sub-base with satisfact. soils that conform to requirements of Section 208 of the South Carolina Highway Department Standard Specifications;

(2) Six inch (6") Stabilized Aggregate Base Course, that conforms to requirements of Section 306 of the South Carolina Highway Department Standard Specifications;

(3) Two inch (2") Hot Laid Asphalt Concrete Surface Course, that conforms to requirements of 306 of the South Carolina Highway Department Standard Specifications;

(4) The Surface Course shall by Type 1.

(f) All designs shall be a minimum of fifty feet (50') of six inch (6") perforated pipe subgrade drain encased with minimum of six inches (6") of #57 stone and wrapped completely with filter fabric on each side of drop inlets.

(g) Road shall consist of twenty foot (20') pavement, with two foot (2') shoulders.

(h) Road shall have a minimum inlet spacing of five-hundred feet (500') or less, depending on stormwater inlet spread calculations.

(i) All inlet shall be 2 feet by 4 feet (2' x 4') minimum.

(j) All intersections shall have enough inlets to keep stormwater out of the intersection.

(k) All discharges of stormwater in saltwater wetlands shall meet or exceed the Water Quality Control Standards of the Office of Ocean and Coastal Resource Management.

(l) There shall be a fifty foot (50') minimum transition area for intersections and changing to a different road cross-section.

(m) Road shall be designed so that potential for hydroplaning be reduced to a minimum (i.e., stormwater spread calculations).

(n) The Engineer designing the road will produce a summary on h ow these criteria are accomplished.

(o) Inverted Crown Roads are to be utilized for residential, low volume traffic usage only.

(p) The existing tree root systems within the right-of-way shall be trimmed and cut back, to eliminate and reduce intrusion or presence within the road subgrade including the twenty-four inch (24") compact subgrade. No existing standing trees which are adversely impacted by the root pruning shall be left standing such that they would present a dangerous or hazardous condition within the right-of-way. The developer or its contractor shall use the services of a qualified arborist in determining the impact and survivability of individual trees.

(2) <u>Minimum Specifications and Design Parameters for Unpaved Roads</u>

(a) Normal Crown cross-section transverse slopes shall be a two percent (2%) minimum.

(b) Longitudinal slopes shall be a one percent (1%) minimum.

(c) A soil report and analysis shall be performed, by a qualified soil professional to determine if the soil is suitable for unpaved roads. The water table elevation shall also be determined.

(d) The road cross-section shall consist of the following:

(1) Strip and remove all deleterious and organic material from sub-base, and compact to a ninety-five percent (95%) of density in six inch (6") to eight inch (8") lifts, to a depth that will accommodate the vehicular loadings so structural failure will not occur;

(2) Six inch (6") Stabilized Aggregate Base Course, that conforms to the requirements of Section 306 of the South Carolina Highway Department Standard Specifications, with prime coat or other suitable approved means of dust control.

(e) Road shall consist of twenty foot (20') roadway with four foot (4') shoulders and roadside ditches.

(f) All intersections shall be designed to keep stormwater out of intersection.

(g) All discharges of stormwater in saltwater wetlands shall meet or exceed the Water Quality Control Standards of the Office of Ocean and Coastal Resource Management.

(h) Road shall be designed so that potential for maintenance be reduced to a minimum (i.e., maintenance plan for roadway).

(i) Engineer shall design so that runoff will not create an erosion problem and damage the structural integrity of the road.

(j) Unpaved roads are to be utilized for residential, low volume tra. usage only.

(k) The engineer designing the road will produce a summary on how these criteria are accomplished.

(l) The existing tree root systems within the right-of-way shall be trimmed and cut back, to eliminate and reduce intrusion or presence within the road subgrade, including the twenty-four inch (24") compact subgrade. No existing standing trees which are adversely impacted by the root pruning shall be left standing such that they would present a dangerous or hazardous condition within the right-of-way. The developer or its contractor shall use the services of a qualified arborist in determining the impact and survivability of individual trees.

Section 5.2.2 Subdivision Layout Standards

All lots which shall hereafter be established within a subdivision shall comply with the following design standards:

(A) Street Access: All lots shall abut on a street which conforms to the design requirements of this ordinance. Minimum street frontage shall be fifty feet (50'), except on cul-de-sacs which shall have a minimum of thirty feet (30'), and fifty feet (50') at the building line.

(B) Lot Lines: Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Excessive lot depth in relation to lot width shall be avoided. The depth of residential lots shall not be less than one nor more than five times their width.

(C) Corner Lots: Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets.

(D) Double Frontage Lots: Double frontage lots are lots what the front and rear property lines border a street Double Frontage lots shall only be permitted where it shall be found necessary to separate a development from Major thoroughfares, or to overcome specific disadvantages of topography and orientation.

(E) Usable Lot Area: Each lot shall have a minimum usable lot area equal to or greater than fifty percent (50%) of the gross lot area. This is calculated by subtracting the area of wetlands and wetlands setbacks from the gross area.

As an alternative to disallowing any lot that does not meet the minimum usable lot area as defined in the in the previous paragraph, if the Professional Engineer can clearly demonstrate that the lot can sustain a single-family residence, an access driveway, a septic tank and drainfield (as may be required) and potable water service, the County Engineer may approve such a lot for development. The accepted method for demonstrating that the substandard lot is suitable development will be that the Design Engineer will provide a site/drainage plan for the lot which locates the house, the driveway, the septic drainfield (as required) and the potable water service.

The site/drainage plan will also include existing and finished topography elevations.

(F) Minimum Lot Elevation and Drainage: Lots shall be provided with adequate drainage and shall be graded, so as to drain surface water away from the building. The minimum elevation of the lot shall be a level that will prevent ponding or flooding as a result of heavy rain, or during abnormally high tides. The entire lot shall be properly drained at a minimum slope of one-eighth inch (1/8") per foot toward roadside and/or lot swales.

(G) Intersecting Streets: In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas and in order to help prevent traffic congestion and traffic hazards, the length between intersecting streets hereafter shall not exceed eighteen-hundred feet (1,800').

(H) Any remnants of land not meeting all the requirements of this ordinance shall be incorporated into either existing or proposed lots, or shall be legally deeded to the Homeowners Association.

(I) Surveys Requiring Ties to Geodetic Control Monuments:

Any subdivision of ten or more lots on ten or more acres, or any Institutional/Industrial/Commercial development of ten or more acres. Beaufort County has a major investment in a Geographical Information System (GIS) which is a modern computerized mapping system used for E-911, planning, engineering, etc. Designers who generate plats with computer-aided drafting procedures are requested to provide the county with an electronic file copy.

Plat requirements when tying to Geodetic Control Monuments:

(1) State Plane Coordinates will be shown on the plat, for at least two (2) property corners. The geodetic monument(s) used for control will be shown on the plat, with the grid distance and azimuth to the coordinated property corners shown.

(2) Horizontal ground distances (not grid distances) will be shown on the plat for all segments of the boundary survey. a combined state plane coordinated-sea level reduction factor will be noted on the plat. Area will be based on horizontal ground distances.

(3) All bearings will be referenced to state plan coordinate grid north.

(J) Surveys Requiring Two Locator Ties: It is considered very desirable for surveyors to tie all surveys, whenever possible, to the state plane coordinate system.

With the exception of Closing/Loan or Mortgage surveys in existing subdivisions, all surveys not tied to geodetic control shall have two (2) "locator ties." a locator tie is defined as a bearing and distance tie, from a property corner to the nearest tie point; intersections of a street or right-of-way and/or property corners on adjoining properties used in the establishment or verification of property corners.

Plat Requirements for Showing Locator Ties: All locator tie points must be described the plat, with data given to show their location and type. The tie line shall be shown between the locator tie point and the property corner, with its bearing and distance, to an accuracy consistent with the class survey.

(K) Survey Requirements: Survey Requirements specified in this document area only for control survey connections between geodetic survey monuments and land parcels. Boundary surveys shall be performed, in accordance with the State Minimum Standards published by the State Board of Registration for Professional Engineers and Land Surveyors unless more stringent requirements are specified herein. Insofar as possible, control surveys between geodetic monuments and property boundaries shall be extended from the nearest geodetic monument(s). County Specifications for horizontal control are as follows:

(1) Terrestrial Surveys:

(a) If control is extended no more than one-half (½) miles from control monument to property boundary, third-order Class I (1/10,0000) specifications shall be followed.

(b) If control is extended more than one-half (½) miles from the control monument to the property boundary, second-order Class II (1/20,000) specifications shall be followed.

(2) Global Positioning System (GPS) Surveys: If GPS is used, procedures shall be followed to insure compatibility with the nearest geodetic control monuments to the accuracy specified under (K)(1)(a) and (b) or 0.2 feet, whichever is the most stringent.

Section 5.2.3 Required Services

All development shall be provided with minimum services, in conformance with the provisions of this Section. The property owner or developer, his agents or his assignees shall assume responsibility for the provision of basic services within the proposed development. The requirement of services, as a prerequisite for development, does not in any way obligate the County Council or its departments or agents to furnish such services.

(a) Minimum Services Requirements:

No development shall be undertaken, if provision has not been made for the following basic services where applicable:

(1) Potable water supply of sufficient quantity to satisfy domestic needs; and

(2) Water supply of acceptable quality and sufficient quantity to satisfy commercial and industrial demand; and

(3) Means for treatment and disposal of domestic sewage and other liquid waste and

(4) Means for collection and disposal of solid wastes, except for single-family residential subdivisions; and

(5) Vehicles access to existing streets or highways; and

(6) All driveways shall be paved, from the property line to the edge of pavement, except for private dirt roads; and

(7) Power supply, normally electricity; and

(8) Water supply for fire protection, as prescribed by Section 5.2.3.(D).

(B) Conformance to Standards and Regulations:

No development shall be undertaken except in conformance with all applicable standards, regulations, specifications, and permitting procedures established by any duly authorized governmental body or its authorized agents, for the purpose of regulating utilities and services. It shall be the responsibility of the developer to show that the development is in conformance with all standards, regulations, specifications, and permitting procedures.

(C) Easements:

No development shall be undertaken, unless adequate easements are provided to accommodate all required or planned utilities and drainage. The developer shall also demonstrate that adequate provisions have been made for access to, and maintenance of all easements.

(D) Providing Community Services:

In providing fire protection for his development, the developer shall have the option of:

(1) Tying into an existing public or quasi-public water system capable of providing required fire flow; or

(2) Installing an approved alternate system, as listed in National Fire Protection Association (NFPA) 1231, and installed according to code; or

(3) Presenting an approved engineering system designed to meet the required fire flow.

Private water systems shall be designed to handle fire flow in that subdivision by water mains or an approved alternative system, per fire safety standards.

The required fire flow shall be determined according to the Insurance Services Offic . determination guide.

(E) Utilities Underground:

All electrical, telephone, and gas utility lines in a development shall be installed according to plans and specifications approved by the respective utility companies providing such service. In addition, all such utility lines shall be installed underground, unless it is determined that a variance to allow for overhead facilities is warranted due to exigencies of construction, undue and unreasonable hardship, or other conditions to the development.

Section 5.2.4 Monuments and Markers:

All property corners shall be identified with a concrete or iron rod monument. For horizontal control and to reestablish lost monuments, concrete control monuments shall be placed on corners of the subdivision.

To establish vertical control for use with setting finished floor elevations, construction of drainage systems, and benchmark monuments referenced to NGVD 1929, shall be located a minimum of one every 4 acres, and reference elevations shall be placed on the subdivision plat.

Section 5.2.7 Tree Protection Standards

No development shall be undertaken, except in conformance with the provisions of this Section.

Section 5.2.7.1 Intent

It is the expressed intent of these tree protection standards that all site planning and design for development of land be undertaken with a survey of trees on the property and that the final placement of buildings, structures, and roads, utilities, and other features minimizes the removal of existing trees on the property.

Section 5.2.7.2 Protected Trees

No person shall cut, destroy, cause to be destroyed or remove any tree trunk diameter at breast height (dbh) of eight (8") inches (25 inch circumference) or larger or any Dogwood, Redbud or Magnolia tree with a trunk diameter of four (4") inches dbh or larger in preparation for, anticipation of or in conjunction with any development activity as defined in Section 2.2 until such removal has been approved as part of the overall site development approval process of this ordinance. The saving of existing trees less than the protected size is encouraged and may be utilized in some cases to meet the requirements of Section 5.2.7.7 pertaining to replacement of trees that are approved for removal. Upon written certification of a certified arborist or forester and u development plan approval, sick or diseased trees may be removed.

Section 5.2.7.3 Tree Survey Required

A survey of all trees with a trunk diameter of eight (8") inches dbh and larger and all dogwoods, redbuds, and magnolia trees with a trunk diameter of four (4") inches dbh and larger shall be made within the area to be modified from its natural state and seventy-five (75') feet beyond in each direction or to the property lines, whichever is less. The survey shall be conducted and certified by a registered land surveyor or engineer and include the type and size of trees. Tree surveys for streets shall extend twenty-five (25') feet beyond either side of the street right-of-way lines.

Applications for subdivision approval must also include an estimate of existing tree cover on each lot of the proposed subdivision indicating tree types, average size, and approximate density of trees per acre.

Residential/commercial lot tree cover estimates may be certified by a registered land surveyor, engineer, or landscape architect.

Section 5.2.7.4 Site Design Emphasis on Significant Trees

While all types of trees are protected under these standards, special emphasis is placed on preservation of large trees and certain significant and more valued species listed herein. The highest site design priority shall be given to preservation of live oaks with a trunk diameter of twenty-four (24") inches or larger. Removal of this valued tree is highly discouraged, and will only be approved upon the determination of the Development Review Team that all responsible design alternatives have been explored by the applicant and removal cannot be avoided. If a twenty-four (24") inch or larger significant tree must be removed, the planting of new trees of the same species or live oak trees, if the same species is not available, totaling the same number of inches in diameter will be required, only 50% of which may be allowed to be used for credit towards the minimum requirement of 15 trees per acre.

Significant Trees

American Holly	Redbud (4")
Bald Cypress	Red Maple
Black Oak	Southern Red Oak
Black Tupelo	Southern Magnolia (4")
Cedars	Sycamore
Dogwood (4")	Walnut
Hickory	Any other species 24" diameter and larger
Live Oak	
Palmetto (may be relocated on site)	
Pecan	

For development sites that do not contain any or very few of these significant trees, design emphasis should be shifted to preserving other species present.

Section 5.2.7.5 Minimum Tree Coverage

The minimum allowable post-development tree cover for all development shall be fifteen (15) existing trees, eight (8") inches, dbh (diameter breast height) and larger, per acre of disturbed area. Pairs or groups of trees with trunk spacing or separation of five (5') feet or less shall count as one (1) tree towards meeting the minimum allowable coverage. Each tree with a trunk diameter of thirty-six (36") inches dbh or larger may count as two (2) trees towards meeting the minimum allowable coverage.

Disturbed area shall mean the limits of the site project activity (buildings, roads, parking areas, retention ponds and the like) including the required front, rear and side yard setbacks or to the property line, whichever is less.

Section 5.2.7.6 Tree Replacement

(A) In those cases where site design alternatives cannot achieve the minimum allowable existing tree cover or where predevelopment tree cover is less than the prescribed minimum, the Developer shall be required to plant two (2) replacement hardwood trees of the same type cut down or one (1) live oak tree, with a minimum trunk diameter of 2.5 inch dbh for each existing protected tree under the minimum requirement of fifteen (15) trees per acre of disturbed area.

(B) Proposed or required planted or replacement tree design, types and locations, sh be prepared by a certified arborist or landscape architect and should take into account site soil types and conditions, existing tree species to be preserved and their locations, and the species to be planted that would be best suited to site conditions, proposed activities and impervious surface areas.

(C) Existing significant hardwood trees and dogwood trees, less than eight (8") inches dbh but not less than 2.5" dbh, may be used in place or relocated on-site to meet prescribed minimums in lieu of purchased trees. Planted or re-located trees should be appropriately designated as such on the site plan and placed so as to enhance the overall landscaping of the site. Required replacement trees in residential subdivisions should be planted on the residential lots outside of the assumed building area.

(D) In commercial projects, replacement trees should be utilized in landscaped islands to enhance parking area and areas of the project site most visible to traveled thoroughfares.

(E) Where the Development Review Team determines that a reduced plantback is necessary due to the size and shape of property and/or structures, and/or other design limitation, or other viable site constraints, such reduction shall be subject to a general forestation fee. This fee shall be the actual and verified cost of the required tree plantback, per tree reduced and shall be paid to the Treasurer of Beaufort County before final approval is given for the development plan. The funds collected through this forestation fee shall be used by Beaufort County to plant trees and other landscaping in highway medians, along-side roads and on other public properties as deem appropriate.

(F) The survival of any tree planted and/or replanted as above shall be guaranteed with a tree maintenance and replacement bond for a period of one year. The required bond amount shall equal 125% of the actual cost to replace each tree that is planted or relocated (replanted) on the development site.

(G) All trees preserved, planted or relocated on the site must be protected and nurtured for the life of the project approved. Any tree lost subsequent to development approval and certification of compliance shall be replaced with 2 ½" dbh tree of the same type, or live oak, with a minimum height of twelve (12') feet at planting. In the event any twenty-four (24") inch dbh or larger live oak is lost subsequent to development, it shall be replaced with an equivalent number of caliper inches of live oaks each with a minimum diameter of 2 ½" dbh and height of twelve (12') feet.

Section 5.2.7.7 Tree Protection Zones

Tree protection zones shall be established and maintained for each tree preserved or planted on a development site. The area within the tree protection zone must be open and unpaved except where approved perforated pavers may be utilized or tree aeration systems and tree wells installed.

If a Developer can demonstrate that a tree protection zone less than that described can be designed so as not to injure the tree under consideration, based upon the use of a certified arborist, the Development Staff Review Team may approve the alternate tree protection zone.

(A) Maintaining open space around the base of a tree is one of the most important factors in promoting the health and longevity of the tree. The root system within the drip line is generally considered to be the critical root zone.

(B) A permanent tree protection zone surrounding both preserved and planted trees shall be established. This tree protection zone shall apply during the construction phase, as well.

(C) Tree protection zones should vary according to the species, size location, and health of a tree and be designed for maximum flexibility of shape and minimum effectiveness of size. However, where compelling information to the contrary regarding a particular tree in its particular setting is not available the minimum tree protection zones shall be established as follows:

(1) For existing trees: a circle with a radius of one half foot for every inch of D.B.H. or five feet, whichever is greater (the circle of protection may be offset as much as 1/3 of its total diameter).

(2) For newly planted trees:

a. understory tree: a circle with a radius of two (2') feet

b. overstory tree: a circle with a radius of three (3') feet

(3) For Palmetto trees, a circle with a radius of two (2') feet

(D) The size of the protection zone may be reduced, the shape adjusted, or other encroachments may occur within the zone where any of the following measures or techniques are deemed to sufficiently mitigate such a change and certified as acceptable by a reputable tree service, arborist, or other qualified party:

(1) limb and root pruning
(2) fertilization
(3) aeration
(4) irrigation
(5) restoring the natural grade of the soil
(6) tree feeders
(7) porous paving materials
(8) tree well

(E) In general, where a tree well is used it should encompass at least half the area beneath the canopy of the tree and extend in every direction no less than half way from the trunk to the tree's dripline.

(F) Prior to commencing construction or any site alterations a conspicuous four (4') foot high barrier sufficiently prominent visually to prevent encroachment by people and vehicles st be erected around the protection zone and approved by the Building Official. Barriers may be erected around groupings of trees, where feasible. Use of orange polyethylene safety fencing or a similar material is recommended. The barrier shall remain in place until the Certificate of Occupancy is issued.

(G) Passive forms of tree protection - such as continuous rope or flagging - may be utilized to mark tree save areas which are remote from areas of land disturbance, if approved by the Building Official. Signage designating such areas shall be put in place.

(H) No building materials, dirt, debris, oils, paints, or any other materials, equipment, or vehicles shall be placed or deposited within the protection area nor shall any trenching or paving be done within the protection area.

(I) No change in grade shall be permitted within the tree protection zone except for a two (2") inch cut or two (2") inch fill of topsoil, sod or mulch.

(J) Underground utility lines shall be routed around and away from tree protection zones. Necessary installation through protection zones shall be accomplished through tunneling rather than cutting open trenches (which sever tree roots).

(K) Where machinery must pass within a tree protection zone during construction. approval shall be required from the Building Official. To protect tree roots from excessive compaction during construction, special cushioning measures may be required by the Building Official such as a heavy layer of chip mulch or pine straw or a "bridge" of boards.

(L) Remedial site reclamation and tree care procedures (such as those mentioned in (D) above, may be required at the reasonable discretion of the Building Official when encroachment or construction activity within protective zones has caused damage to either a tree or tree growing site. Any such treatment shall be in accordance with accepted International Society of Arboriculture practices. Such treatment shall occur prior to the issuance of a Certificate of Occupancy. At the discretion of the Building Official the planting of additional trees may be required if trees are damaged or destroyed.

Section 5.2.7.8 Tree Protection During Construction

Those trees designated for preservation as shown on the approved landscape plan and/or development site plan shall be marked on site with a bright blue ribbon encircling the trunk and a minimum four (4') foot high barricade shall be erected around each tree or clusters of trees at a distance no less than the extent of the required tree protection zone from the base of the tree or preferably at the drip line the tree. No construction activity, other than finish grading in accordance with the provisions of Section 5.2.7.7, or any storage of construction materials or parking of vehicles during construction is allowed within the barricaded area.

Section 5.2.7.9 Master Plans

It is recognized that certain large tracts of land are master planned for residential development or planned unit developments and are developed in phases over many years. Large portions of these planned developments remains forest lands for many years and periodically require removal of certain trees in order to maintain a healthy forest and allow remaining trees to grow better.

For those residential lands of twenty (20) acres and larger, silviculture or selective thinning will be allowed subject to the following conditions:

(A) An approved preliminary plan or master plan on file with the Beaufort County Zoning and Development Administrator.

(B) An application for a development permit for selective harvesting must be filed and include a map or plat of the property indicating the area to be harvested together with silviculture plan prepared by a registered forester or horticulturist. The silviculture plan must contain proposed methods for protection of hardwoods from damage during the timber operation.

(C) Only pine trees may be harvested and only to the extent that there remains in the harvest area the minimum site coverage standards of Section 5.2.7.5

(D) Clear cuts are strictly prohibited.

Section 5.2.7.10 Special Conditions/Exemptions

(A) Golf Courses

For new golf course developments, and for additions to, or renovations of, existing golf courses, the following tree surveying and replacement standards will apply:

(1) Those areas in which golf course clubhouses, cart barns, snack bars, rest facilities, maintenance buildings, storage areas, and parking lots are to be located will adhere fully to all foregoing sections of this Ordinance.

(2) Active playing areas (including proposed fairways, adjoining mowed grass rough, and new water hazards) and outdoor practice/training areas (including driving range, practice putting greens, etc.) will be exempt from the tree survey requirements of Section 5.2.7.3, and will instead require survey, including species, size and location, of all hardwood trees with a trunk diameter of twenty-four (24") inches dbh or larger.

Such areas will also be exempt from the tree replacement requirements of Section 5.2.7.6, except as such apply to all hardwood trees of twenty-four (24") inches dbh or greater located within these areas.

(3) All other portions of the golf course property shall have trees with a trunk diameter of twelve (12") inches dbh or greater surveyed. Any trees of this size which are proposed to be removed will be replaced pursuant to Section 5.2.7.6 requirements, regardless of species.

(B) Commercial Sod Farms and Vegetable Farms

The active growing areas, plus a twenty (20') foot roadway circumscribing such areas, of proposed new sod and vegetable farms, or of areal expansions of such existing farming areas, shall be exempt from all requirements of this Ordinance." .

Section 5.2.8 Pollution, Nuisance, and Hazard.

No development shall be undertaken, except in conformance with the provisions of this Section.

(A) No development shall directly contribute to pollution of the land, air, or water; constitute a nuisance; or pose a hazard to life or property. Conformance with all existing local, state, and federal statutes shall be construed as conformance with this provision.

(B) Aesthetic Standards. Any junk yard, storage or work area, or other such area sh be screened with a fence or buffer approved by he Development Review Team.

Section 5.2.9 Site Design and Density Standards.

The site design and density standards prescribed herein shall apply to all development activity. For purposes of the is Section, density is expressed in terms of dwelling units per net acre of land. The acreage established, upon which density is based, must be under deed to the developer.

(a) Setbacks. For purposes of determining required setbacks, all development is classified as follows:

(LR) Light Residential - 1 to 4 du/acre.

(MR) Moderate Residential - 5 to 8 du/acre.

(IR) Intense Residential - 9 to 15 du/acre.

(HIR) High Intense Residential - 16 du/acre and greater.

(C/I) Commercial/Industrial Development - any establishment included in the buying, selling, or manufacturing of goods or services, except as provided for under institutional development.

(INST) Institutional - shall include schools, churches, medical, rehabilitative, correctional and/or charitable shelters, or other public buildings or grounds.

Required setbacks are determined by relationship of proposed development to existing development on contiguous property. Adjacent vacant property shall be classified as light residential, except where preliminary approved or final approved plans indicate another classification, or where the County considers that the development of the surrounding area is such to warrant a lesser setback distances applying to commercial development. For each habitable story over two (2), setback is computed by adding base figure, as shown in chart, to the initial setback.

TABLE: 1

(Feet of Setback for One or Two Habitable Stories)
Existing Adjacent Use

PROPOSED USE	LR	MR	IR	HOTEL/MOTEL	CI	INST.
LR	10	10	15	15	20	15
MR	10	10	10	15	20	15
IR	20	15	15	10	20	20
HIR (Hotel/Motel)	20	20	15	10	20	20
C/I	30	30	30	30	10	30
INST	20	25	25	30	30	20

The required setback shall be measured inward from the property line to the first vertical wall, excluding fences, map posts, and the like. Exception to this standard is made for any recreational amenity ancillary to the approved project. Such recreational amenities may be constructed in the non-buffer portion of the setback area.

The setback requirements of this Section shall not apply to the separation of patio hom within a specific patio home development. However, in no case shall the separation between such patio homes be less than three feet (3') from the property line of the adjacent lots.

When road right-of-way and easements, or dedicated recreation or open space exists between the property lines of existing and proposed land uses, the setback for the proposed use shall be measured from the property line of the existing use. However, in no case shall side, rear, or front yard setback of the proposed use be less than ten feet (10') measured from its property line, except from patio lot sidelines. Such rights-of-way, easements, or dedicated open space shall be construed as being a part of the required setback.

Adjacent landowners may choose to waive the required setbacks, where common party wall development is desired by:

(1) Filing with the Zoning and Development Manager a statement of mutual agreement prior to development plan approval for one or both tracts; and

(2) Recording the agreement as a property deed covenant in the deed affected properties, prior to development plan approval for one or both tracts.

(B) **Setbacks from Major Thoroughfares.**

No structure, except signs, shall be erected nearer than fifty feet (50') of the right-of-way line of a major thoroughfare so designated on the Official District Map.

Setbacks from all other roadways to be one-half (½) the right-of-way (i.e., 50' road ROW setback 25'; 60 road ROW, setback 30').

(C) Setbacks at Intersections.

There shall be no interference with the vision clearance at any street intersection. No fence, wall, terrace, building, sign, shrubbery, hedge, planing, etc., above the height of three feet (3'), measured from the finished street centerline level, shall be planted, placed, erected, or maintained within the triangular area created by a line connecting points of the front and side lot lines at a distance from the intersection of said lines, or the extension of said lines.

At an Intersection Involving:

(1)	Driveway and a street;	Ten feet (10')
(2)	An alley and a street;	Ten feet (10')
(3)	a street and a street;	Thirty feet (30')
(4)	Major thoroughfares;	Fifty feet (50')

(D) Buffer Requirements.

In order to provide protection for potential incompatibility between neighboring land uses of different types and/or intensity, the following buffer requirements shall apply to the setback areas prescribed in subpart (a) of this Section.

TABLE: 2

Percentage (%) of TABLE 1: Buffer Standards

Existing Adjacent Use

PROPOSED USE	LR	MR	IR	HOTEL/MOTEL	CI	INST.
LR	0	0	0	0	0	0
MR	50	50	50	50	50	50
IR	60	50	50	50	50	50
HIR (Hotel/Motel)	70	50	50	50	50	50
C/I	80	50	50	50	50	50
INST.	50	50	50	50	50	50

Buffer standards are computed as a percentage of required setbacks, established in subpart (a) of this section, and measured inward from the property line of the proposed use. Buffer areas must be left undisturbed, except that underbrush may be cleared and the area landscaped.

Underbrush is defined as a thick growth of bushes, vines, sapling size sprouts, twigs, and trees t do not exceed two inches in diameter. Underbrushing, when approved, shall mean the act of removing such bushes, vines, sapling size sprouts, twigs, and trees by use of a mechanical bushhog device applied in a horizontal manner or manually within like constraints; for the purpose of opening up a property for surveyor teams, or engineers, or health department personnel to accomplish soil suitability evaluations. Underbrushing to improve visual appearance shall not be undertaken, unless approved as a part of project permitting. Maintenance underbrushing is permissible, if accomplished within these guidelines. Nothing herein shall be construed as preventing the removal of junk, debris, or abandoned structures, fences, and the like from the buffer area in the interest of aesthetic improvement.

In the absence of adequate natural vegetation to effect the buffer required herein, the developer shall be required to plant trees, bushes, or shrubs for a minimum depth of fifty percent (50%) of the setback from Table 1, or ten feet (10'), whichever is greater, inward from the development property line to achieve the required buffer. The type, height, and density of planted vegetation shall be approved by the Development Review Team.

When roads or dedicated or covenants, open space or passive recreation areas exist between the property lines of existing and proposed land uses, no buffer area shall be required.

In the case of planned unit developments, the specific requirements for setbacks and buffering shall apply to the perimeter of the PUD only and does not apply to individual developm sites or tracts within the overall PUD consistent with the intent and spirit of these provisions.

The balance of the setback area, required in Subpart (a) of this Section, not reserved as buffer area may be utilized in the site development for roads, parking, drainage facilities, and recreational amenities ancillary to the development.

Electrical, telephone, gas, water supply, and sewage disposal and other utilities may be constructed in the required buffer area; and after installation of such services and to meet the requirements of this Section, the developer shall be required to restore the buffer area, as approved by the County.

(E) Open Space Standards

Open space, as required herein, shall mean all areas not utilized for buildings, sidewalks, roads, and parking. Areas qualifying as open space are landscaped areas, lagoons, ponds and lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas required in Subpart (B), and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.

Required open space, as shown in Table 3, shall be computed as the aggregate sum of the respective open space percentages, computed for the various designated land uses and densities within the overall PUD. The total open space required may be provided anywhere within boundaries of the PUD.

In the case of development fronting on tidal wetlands, the developer may utilize a portion of the wetlands, for which title is held, to meet up to seventy-five percent (75%) of the open space required in Table 3. The Open Space Credit may not exceed the total amount of the wetlands for which title is held.

Example: Development tract size (including wetlands) equals seven acres

High Ground	=	6.00 Acres
Wetlands	=	1.00 Acre
Proposed Density	=	9.0 Du./Acres
Required Open Space from Table 3		
40% x 7 acres	=	2.80 Acres
Total Open Space Required	=	2.80 Acres
75% Credit for Wetlands 2.18 Acres		
Wetlands Held		= (1.00) Acres
Open Space Required on High Ground	=	1.80 Acres

TABLE: 3

Percent Open Space Required By
Land Use and Density

(1) Residential			
(a)	Single Family Less Than 10 Acres		N/A
(b)	Single Family Greater Than 10 Acres		10%
(c)	Multi-Family	2 - du/acre	20%
	Multi-Family	3 - 8 du/acre	30%
	Multi-Family	9 - 15 du/acre	40%
	Multi-Family	16 & Up du/acre	50%
(2) Institution			15%
(3) Commercial			15%
(4) Industrial			20%
(5) Hotel/Motel (Equivalent of 40% of a Residential Unit)*			

* Required open space percentage of total hotel/motel tracts is computed by dividing the hotel/motel units per acre by 2.5 and applying the resultant residential density requirement.

Example: Hotel development at 30 units/acre. Take 30 du/acre divided by 2.5 which equals 12 du/acre or 40% open space required.

(F) Telecommunications Towers

The distance from the base of a telecommunications tower to any existing residential structure must be no less than the tower height plus five (5') feet for self-supporting towers and no less than the guy anchor radius (distance from tower base to anchor) or seventy (70%) percent of tower height, whichever is larger, plus five (5') feet for guyed towers.

Telecommunications towers shall be set back from each property line according to the category in which the land use (as defined in Section 5.2.9(A) above) of the adjoining property falls. In Table 4, below, Category I includes all residential uses (LR, MR, IR, HIR) plus major thoroughfares; Category II includes hotels, motels, vacant property (unless preliminary or fin approved plans indicate another classification), agricultural uses, institutional and public uses and roadways other than major thoroughfares; Category III includes commercial and industrial uses.

Towers must be set back a distance equal to the lesser of the percentage of tower height specified in Column A or the number of feet specified in Column B, with a minimum setback of thirty (30') feet from all property lines and roadway rights-of-way. The minimum setback from the right-of-way of major thoroughfares is fifty (50') feet.

TABLE: 4

(Setbacks for Telecommunications Towers from property lines)

Land Use	A	B
Category I	50%	200'
Category II	25%	100'
Category III	10%	40'

In order to screen the tower from adjacent properties and roadways a planting strip at least twenty (20') feet in width, starting at the property line shall be installed with at least one row of evergreen trees. These trees shall measure at least one (1") inch in diameter three (3') feet above grade when planted, shall be spaced not more than twenty (20') feet apart, and shall have an expected height of at least forty (40') feet at maturity. The Development Review Team, at its discretion, may relax the one (1") inch standard where certain species, such as pine, are normally planted as smaller saplings, and the twenty (20') foot standard where certain species, such as live oak, develop a larger canopy width at maturity. The selection of tree species and their arrangement within the planting strip shall be approved by the Development Review Team. Installation of new planting will not be required in those places where the Development Review Team determines that the presence of existing vegetation or structures is sufficient to screen the tower. The purpose of this paragraph is to provide for a continuous landscaping screen around the property with maximum canopy height.

All tower supports and guy anchors must be located within the property and set back a minimum of twenty (20') feet from the property line.

Section 5.2.10 **Declaration of Land Use and Density**

No development shall be undertaken except where master plans, site plans or plats have been submitted to and approved by the County clearly denoting all proposed use of the land and the maximum density or size of such uses thereon.

Such declared uses, density and size shall not deviated from until such proposed changes submitted to and approved by the County.

Undesignated areas on master plans, site plans or plats shall be considered as open space and any proposed use thereof, other than open space, shall be submitted to and approved by the County.

Section 5.2.11 Special Nuisances

The following uses of land, buildings, and structures within the County are deemed to constitute special nuisances which would endanger the health, safety, and welfare of residents and property owners in the County and shall only be permitted in accordance with the provisions of Section 5.2.12.

(A) Other than normal, acceptable businesses which have a history of safety and regulation, such uses that create a risk of fire, explosion, noise, radiation, injury, damage or other physical detriment to any person, structure or plant growth beyond the boundaries of the premises on which such use is located.

(B) Racing tracks for automobiles, motorcycles, grand prix midget racers, go-carts and similar activities.

(C) Commercial amusement parks, ferris wheels, roller coasters, water slides, carni rides and carnival-like activities except those nonprofit organizations, agricultural or institutional fairs, displays and games in place and operated at special times of the year for thirty (30) days or less.

(D) Commercial wild animal parks, alligator farms and other animal displays and use activities requiring admission for entry; provided, however, that this provision shall not apply to a marine ecology center or aquarium, animal protection shelter, kennels, dog or horse training facilities, boarding and riding stables or similar educational facilities, provided they do not create a nuisance beyond the property boundary.

(E) Businesses such as junkyards, salvage material yards, open storage yards supplies and equipment in disarray, solid waste landfill areas, depositories for nuclear waste, chemicals or other industrial or agricultural wastes.

(F) Any use causing or resulting in the emission of toxic or corrosive gases, radiation, interference with television or radio reception, or other physical or electronic disturbance perceptible beyond the boundaries of the premises on which such use is conducted.

(G) Any light or source illumination either interior or exterior that casts disturbing rays or creates glare so as to constitute a nuisance to nearby residences or creates a hazard by impairing vehicular driver vision.

(H) Such special nuisances as defined above which result in the production or discharge of smoke or other air contaminates as dark or darker in shade than as designated as No. 2 on the Latest Edition Ringlemann Chart as published by the United States Bureau of Mines for a period or periods aggregating more than three (3) minutes in any one hour.

(I) Such special nuisances as defined above which result in the production or discharge of offensive odors exceeding the standards established by Table III (Odor Threshold) in Chapter 5 of Manufacturing Chemists Association, "Air Pollution Abatement Manual," Latest Edition.

(J) Such special nuisances as defined above which result in the production of noise levels in excess of sixty (60) dBA measured at the property line.

Section 5.2.12 **Special Nuisance Standards**

(A) All land uses and land use activities outlined in Section 5.2.11 (A) through (E) shall be screened from view from any public highway, street or road, adjacent existing and approved residential uses and institutional uses such as churches, schools, cemeteries and libraries. Required screening and buffering may be accomplished with natural and/or landscaped plantings or combination thereof, including berms, walls or fencing that effectively prevent from view the nuisance. Not acceptable for fencing/screening is any plastic or fiberglass fabric or sheeting, or cyclone fence inserts. Painted or manufactured color finishes shall be such as to harmonize with the property and surrounding areas. Approved residential uses as described herein shall mean those residential uses shown on plans on file in the office of the Beaufort County Zoning and Development Manager having either preliminary (including master plan approval) or final plan approval under the provisions of this Ordinance.

(B) The applicant shall demonstrate through design and the use of plantings, wall, buffers, setbacks and the like compliance with radiation, light, smoke, odor and noise provisions as established in Section 5.2.11 (F), (G), (H), (I), and (J).

(C) Exceptions to the smoke, odor and noise standards prescribed in Section 5.2.11 (H), (I), and (J) is hereby made for certain temporary activities such as construction, land clearing, special events and the like where, owing to the nature of such activity, temporary nuisance is unavoidable.

(D) Exception to the noise level prescribed in Section 5.2.11 (J) is hereby made for publicly owned airfields and landing strips.

Section 5.2.13 **Fire Safety Standards**

The Fire Safety Standards prescribed herein shall be in accordance with Beaufort County Ordinance 89/5, as amended, other life, fire, building and safety codes that are adopted by Beaufort County and the State of South Carolina and shall apply to all development activity.

The local Fire Official having jurisdiction shall review all new development for compliai. with fire and life safety standards of Beaufort County.

(1) Water Supply for Fire Protection

All new development serviced by a public or quasi-public water system and approved by the South Carolina Department of Health and Environmental Control shall provide firefighting capability through the provision and placement of fire hydrants and adequate flow pressure. The location and spacing of hydrants shall be as follows:

(a) Subdivision. Fire hydrants shall be required for all subdivision of property except single-family subdivisions of four (4) lots or less. Hydrants shall be placed along streets and roads at intervals not to exceed one thousand (1,000') feet. In no case shall the nearest property line of a subdivided lot exceed five hundred (500') feet from a fire hydrant.

(b) All Premises where buildings or portions of buildings, other than one or two family dwellings, are located more than one hundred fifty (150') feet from a public or quasi-public water main shall be provided with approved fire hydrants connected to a water system capable of supplying the required fire flow unless the fire district has approved an alternate fire protection plan. The location and number of such on-site hydrants shall be as designed by the Fire Official with the minimum arrangement being so as to have a hydrant available for distribution of hose to any portio- of any building on the premises at distances not exceeding five hundred (500') feet. Commerc. buildings existing prior to adoption of this section shall not be required to meet Fire Safety Standards for approved changes which do not involve or affect the structure(s). Refer to Article II, "Non-Conforming" for other requirements."

(2) Alternative Water Supply. An alternative method of water supply for fire protection can be utilized if first approved by the local Fire official. The alternative method shall provide a degree of fire protection that is at least equivalent to that required by the adopted codes. In rural areas that have no suitable public or quasi-public water system available, water supply for fire protection shall be provided that complies with National Fire Protection Association 1231 as a viable alternative method of providing the required fire flow.

(3) Other Conditions for Water Supply. In the event that required water supply will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as result of any action on the part of the property owners, an enforcement of this standard would result in unusual and undue hardship, the local Fire Official may approve alternate protection systems.

(B) Development Plan Review

The local Fire Official having jurisdiction shall review development site plans of all proposed development as it relates to fire and life safety standards contained in this section.

Prior to the final plan approval, the local Fire Official shall make written recommendations to the Development Review Team indicating approval of the design as submitted or delineating needed design changes consistent with fire and life safety standards and practices.

The local Fire Official shall inspect the completed development site for compliance with the approved plans and submit his findings to the Zoning and Development Manager prior to issuance of a Certificate of Compliance.

(C) **Building Height Restriction**

All occupancies, excluding single-family and two- family dwellings, that exceed 35 feet in height or exceed a total fire flow demand of 3,500 gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment, must have adjustments to plans approved by the Fire District Fire Chief and the County Building Official and, as necessary, reach financial arrangements acceptable to the Fire District and the County Council which provide assistance in purchasing the appropriate fire-fighting apparatus or equipment. This standard shall be applied to the fire management plan as defined in each Fire District program.

(D) **Emergency Vehicular Access**

No development shall be constructed in any manner so as to obstruct emergency vehicular access to the development property or associated buildings and structures.

To insure that access will not be impaired in any emergency situation, attention should be given to the design and layout of such features as signs, fences, walls, street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities, landscaping and maintenance of roads.

Section 5.2.14 Access to Development

(A) While it is the intent of this Ordinance that all property proposed for development have legal and adequate access to public thoroughfares, it is recognized that often times such legal right of access may not be clearly established at the time of proposed development activity. For development activity not involving the sale of lots or residential units to consumers, the concern over questionable legal access is not as great except that such proposed development may impact other property across which access to the development depends.

It is, however, of great concern that projects proposed for the sale of lots or dwelling units to consumers have clear legal access to avoid potential legal litigation involving unsuspecting consumers.

To this end, all applicants for development approval on property not immediately contiguous to deeded public rights-of-way shall submit.

(1) Copies of recorded deeds, plats and easements clearly documenting acc to the development property or,

(2) In the absence of such recorded documents, evidence that reasonable effort has been made to acquire necessary easements from property owners whose lands over which access is dependent, and

(B) Development involving the sale of lots, tracts, or units for which the provisions of subpart (A) (1) of this section cannot be met must include on the face of recorded plats and surveys and in the body of associated deeds, master deeds, covenants and restrictions the following disclosure:

Disclosure Statement

"It has been determined by Beaufort County that access to all lots or units contained in this development is not clearly and legally established or defined at the time of approval of this development for construction and sale of lots or units to the general public."

For development not involving the sale of lots or units which cannot meet the provisions of subpart (a) (1) of this section, the Zoning and Development Manager shall send notice of development intent by certified mail to all affected property owners, whose land over which access to the proposed development property is dependent, at least fourteen (14) days in advance scheduled project review.

(C) The Zoning and Development Manager shall review all applications for physical adequacy of access on a case-by-case basis and may deny development approval where access is inadequate for emergency vehicles or users may experience unwarranted inconvenience.

Section 5.3 Home Occupation Standards

Section 5.3.1 Definition

The term home occupation shall mean an occupation conducted in a dwelling unit by the resident family.

Section 5.3.2 Conditions

A home occupation may be permitted under the following conditions:

(A) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.

(B) No accessory building or out-structure shall be used in conjunction with the hor occupation.

(C) No more than two (2) employees other than members of the resident family shall be engaged in such home occupation.

(D) Not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(E) There shall be no change in the outside appearance of the dwelling or the premises or any visible evidence of the conduct of the home occupation other than one (1) sign not exceeding four (4) square feet in area, non-illuminated.

(F) No traffic shall be generated in greater volumes than normally expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off-street parking and not in the required front yard.

(G) Normal business operating hours shall be limited to 8:00 a.m. to 6:00 p.m. Businesses that operate between the hours of 6:00 p.m. and 6:00 a.m. shall be of a type that is quiet in nature such as clerical, bookkeeping, accounting, computer, etc.

(H) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premise or cause fluctuation of line voltage off the premises.

(I) There shall be no outside display of goods or commodities visible from the street or adjacent residential properties.

(J) A home occupation shall not be considered to include experimentation that may involve the use of chemicals or other substances which may create noises, odors, or hazards to the health, safety and welfare of the neighborhood.

Section 5.4 Stormwater Management Standards

Section 5.4.1 Intent

No development shall be undertaken, except where adequate drainage is provided in conformance with the provisions prescribed in this Section.

No development shall be undertaken that increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by detention or retention on the development parcel, percolation into the soil, evaporation, or by transport by natural or man-made drainage way or conduit (protected by legal easement) to a County approved point of discharge.

In Planned Unit Developments and/or private drainage systems and easements, w. approved for a project, are not to become County responsibility; are to be so indicated on any plat(s) of the subdivision and are to be so noted in covenants and agreements which control or follow the property.

Section 5.4.2 Drainage Easement

Drainage easements are utilized to provide for the protection and legal maintenance of drainage systems not within a right-of-way. Drainage easements shall be required over any portion of a drainage system not within a right-of-way and necessary for the functioning of the system.

Drainage easements for all facilities must be shown on construction drawings and approved by the County Engineer. The easements shall be executed prior to issuance of a site permit and recorded in Public Records.

The minimum allowable width of drainage easements shall be as follows:

Drainage System	Minimum Easement Width
Closed Drainage Systems	(diameter + 4 feet + 2D) Where D = Depth from grade to pipe invert (20' minimum)
Open Drainage Systems	
Bottom Width 20' or less	15' + BW + 2SD (30' minimum)
Bottom Width 20' to 40'	30' + BW + 2SD
Bottom Width greater than 40'	40' + BW + 2SD Where BW = Bottom width D = Depth of opening S = Side slope

The minimum required width of drainage easements may be increased if deemed necessary by the County Engineer, only for justifiable reasons.

Drainage easements shall be conveyed as follows:

(A) Platted subdivisions (greater than 10 acres)

Drainage easements which are required within a platted subdivision shall be clearly identified on the face of the plat and included in the dedication of right-of-ways and easements. Retention/detention ponds within platted subdivisions shall be protected and platted as a separate tract of land dedicated to the entity responsible for its maintenance.

If it is desired to place all or a portion of a detention/retention pond on a buildable lot, not more than fifty (50%) percent of the buildable lot can be used for this purpose; and the detention/retention pond shall be clearly marked on the recordable survey or plat of the lot indicating the location of the 25-year and 100-year storm. Additionally detention/retention ponds may be placed within the open space as required by this Ordinance.

Public drainage facilities, which are located within a private subdivision, shall be granted a drainage easement by conveyance recorded in the official record books of the County.

(B) Unplatted Land

Developments may contain drainage systems which traverse property not included in the plat. These may be adjacent lands which were not platted, future phases of the development to be platted at a later date, or may be part of an overall master plan, as in a Planned Unit Development. The drainage systems must be provided with an easement granted by conveyance recorded in the official record books of the County.

(C) Off-Site

Developments may require off-site drainage improvements in order to ensure the proper functioning of the on-site system. Such off-site improvements shall be provided with a drainage easement granted by conveyance and recorded in the official record books of the County.

Section 5.4.3 Design Criteria

Section 5.4.3.1 Design Storm (minimum)

Facility	Design Storm
Retention/detention ponds (with positive outfall)	25-year, 24-hour
Retention/detention ponds (Landlocked, without positive outfall)	100-year, 24-hour Total retention
Collector, local streets and closed drainage systems	25-year, 24 hour Hydraulic gradient line 1.0 feet below gutter line

Roadside swales	25-year, 24-hour
Canals, major ditches	25-year, 24-hour
Bridges	100-year

As an alternative to providing for the 100-year, 24-hour storm, if the design engineer can clearly demonstrate that the 100-year, 24-hour storm causes no flooding that is damaging within the subdivision upstream and/or downstream of the subdivision the County Engineer will approve such a drainage system which meets the intent of this Ordinance.

Section 5.4.3.2 Stormwater Methodology

(A) Hydrologic Models

The two (2) accepted hydrological methods for computing surface runoff are "The Rational Method" and "U.S.D.A. SCS T.R.-55". Other methods approved by the County Engineer are allowable.

The Rational Method may be utilized for developments up to 50 acres. "TR-55" or other approved method can be used to model developments of any size. Developments shall consider the hydrological features within the total watershed including the development site, upstream a downstream areas.

(B) General Requirements

(1) The use of wetlands for storing and purifying runoff is strongly encouraged. However, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Priority wetlands identified on the official Beaufort County Conservation District Maps or wetlands defined in Sections 4.1 and 10.2.129 of this Ordinance, or the Federal National Wetlands Inventory, U.S. Department of Commerce, should not be injured by the construction of detention ponds in them or sufficiently near to deprive them of required runoff or to lower their normal water table elevations. Adjacent detention ponds that benefit retention of normal wetland water table elevations are acceptable. If a retention or detention pond's proposed location is near a priority wetland, the applicant must provide data showing that impacts will not be detrimental to the wetland.

(2) The first flush runoff (0.5 - 1.0 inch) from paved streets and parking areas may be detrimental to maintenance of water quality standards. Therefore, filtering of runoff from streets and parking areas through vegetation, grass, gravel, sand or other filter mediums to remove oil, grease, gasoline, particulates and organic matter is required before the runoff enters any natural waterbody.

(3) Detention and retention ponds shall be designed so that shorelines are meandering where possible to increase the length of shoreline, thus offering more space for the growth of littoral vegetation for filtering purposes.

(4) Detention and retention ponds shall be designed to provide at least one (1') foot of vertical detention storage volume for runoff above the proposed dry weather water level design elevation. Major drainage canals shall not be used for storage where this may impact the storm hydrology upstream and downstream. Use of rectangular weir outlets will be allowed only where this weir will provide better outlet control needed for a given situation than that provided by a V-notched weir. V-shaped or V-notched weir outlets are recommended to achieve detention storage. Use of innovative outlet structures such as pipe/culvert combinations, perforated riser pipe, or special graduated opening outlet control boxes, is encouraged as ways of reproducing predevelopment runoff conditions. Design data for storage volume and detention outlet requirements shall be submitted and approved by the County Engineer prior to final plan approval.

(5) Detention and retention ponds shall be designed for ten-year sediment loads before the one-foot storage volume requirement is included and in accordance with any State or Federal laws regarding erosion and sedimentation.

(6) Where cleared site conditions exist around detention or retention areas, the banks shall be sloped to the proposed dry weather water surface elevation and planted for stabilization purposes. Where slopes are not practical or desired, other methods of bank stabilization will be used and noted on plans submitted for preliminary approval.

(7) Golf course and private lagoons shall be exempt from the above requirements subject to clear demonstration by the design engineer that no damaging flooding will occur during the 100-year, 24-hour, storm and any safety concerns are addressed.

(C) Direct Stormwater Discharge

(1) Channeling runoff directly into natural waterbodies from pipes, curbs, lined channels, hoses, impervious surfaces, rooftops or similar methods shall not be allowed unless methods of filtration are provided, either at the intake or outfall and approved by the County Engineer. Runoff shall be routed through swales, drywells, or infiltration ditches and other methods to increase percolation, allow suspended solids to settle and remove other pollutants.

(2) Where specific site hardships require a modification to allow direct discharge into tidal areas, prior approval by the Office of Ocean and Coastal Resource Management (O.C.R.M.), Department of Health and Environmental Control (DHEC), County Engineer, Corps of Engineers (C.O.E.) and Water Resources Commission approval is required. Granting of a modification by the County Engineer will be based upon unique site hardships. Where specific site hardships may require a modification to allow direct discharge into a natural water body, methods of diffusing and filtering the discharge and of reducing the velocity will be required.

(3) Dredging, clearing, deepening, widening, straightening, stabilizing otherwise altering natural water bodies or canals may be permitted by the County Engineer only when a positive benefit can be demonstrated. Such approval by Beaufort County does not obviate the need for State or Federal agency approvals where applicable.

(4) Vegetative strips shall be retained or created along the banks or edges of all wetlands. The following shall be the minimum setbacks for construction from the edge of all wetlands:

Single-family Residential	20 feet
Multifamily Residential	50 feet
Commercial or Industrial	50 feet
Impervious Parking Areas or as established by O.C.R.M. Charleston, SC District whichever is greater	30 feet

A modification may be granted by the County Engineer if the specific project desi provides for the drainage or channeling of runoff away from natural watercourses, marshes, wetlands or tidal areas and if such runoff is filtered through a vegetated strip. Vegetative strips shall be retained or created in a natural vegetated or grassed condition to allow for periodic flooding, provide drainage access to the water body, and to act as filter to trap sediment and other contaminants to stormwater runoff.

(5) No new stormwater discharge shall be permitted onto any beaches/shorelines.

(6) Final landscape designs and plantings shall not adversely impact the stormwater runoff controls and drainage concepts approved as part of the preliminary development permit approval process. Landscape design and plantings should enhance opportunities for percolation, retention, detention, filtration and plant absorption of site-generated stormwater runoff.

(7) The Developer shall provide adequate outfall ditches, pipes and easements downstream from his proposed discharge if adequate public or private drainage facilities do not exist to carry the proposed discharge. If the outfall ditches, pipes and easements required for adequate drainage are larger than those needed to carry the additional proposed discharge from the development sought by the applicant, then Beaufort County may bear those incremental costs which are greater than those properly allocable to the development. Beaufort County shall have the authority, however, to condition use of such expanded system by subsequent users on contributions by such users for allocable portions of the cost borne by Beaufort County.

(D) Water Surface Elevations

No Developer will be permitted to construct, establish, maintain or alter the surface water elevation of any waterbody or wetland in such a way as to adversely affect the natural drainage from any upstream or to any downstream areas of the drainage basin on a permanent basis.

The County Engineer shall review and approve any water surface elevations proposed for lagoons or waterbodies. The developer will submit sufficient groundwater and topographic elevation data around the proposed waterbody site to assist in establishing the water surface elevations.

It may be required as a condition of drainage plan approval that adjustments be made to existing or approved water surface elevations if upstream or downstream areas require such adjustments to provide required drainage flows. The County may assist the Developer in negotiating with the affected parties on an equitable distribution of cost under such conditions and if necessary, initiate condemnation proceedings if the County Council so deems appropriate and the developer pays all costs associated with any condemnation proceedings.

(E) Exemptions from Site Runoff and Drainage Planning

The following activities shall be exempt from the requirements of site runoff control and drainage planning:

(1) Any maintenance, alteration, renewal use or improvement to an existing drainage structure as approved by the County Engineer which does not create adverse environmental or water quality impacts and does not increase the velocity, volume or location of stormwater runoff discharge, and

(2) Developments, where adequate drainage exists of less than four (4) residential dwelling units not a phase of a larger development, not involving a main drainage canal; and

(3) Site work on existing one (1) acre sites (or less) where impervious area is increased by less than 2%; and

(4) Site work on existing one (1) acre sites (or less) where impervious area is increased by less than two (2%) percent; and any earthwork that does not increase runoff and/or eliminate detention/retention facilities and/or stormwater storage; and

(5) Agricultural activity not involving relocation of drainage canals; and

(6) Work by agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will restore the site of the emergency work to its

approximate pre-emergency condition within a period of sixty (60) days following the end of emergency period.

Section 5.4.3.3 Retention-Detention Facilities

(A) Design Criteria For Developments

(1) **Peak Attenuation**: The peak discharge as computed from the design storm for post-development shall not exceed the peak discharge for the design storm for predevelopment or existing conditions.

(2) Total Retention. Developments which are unable to secure a positive outfall for discharge shall retain all runoff resulting from the design storm as computed for the developed condition. As an alternate, the design engineer can comply with Section 5.4.3.1.

(B) Design Criteria For Redeveloped Sites

Redevelopments which have no increase or a net decrease in impervious area yet lack evidence of a functioning retention/detention facility may be required to retrofit the site to current County standards.

(C) Design Based On Soils

The design of stormwater management facilities should be based upon soil conditions. In areas where soils have been classified under the Soil Conservation Service (SCS) Hydrologic Soil Classification System as Types A or B (pervious), the overall storm water management strategy should be that of on-site retention and infiltration into the ground.

The areas where the soils have been classified under the SCS Hydrologic Soils Classification as Types C and D (impervious) or A/D, B/D, and C/D (high ground water table areas) the overall storm water management system shall be that of providing detention basins to attenuate peak from the contributory drainage area and to settle solids washed off or eroded therefrom.

(1) Detention ponds shall be designed to attenuate peak outflows to predevelopment rates and to provide filtration.

(2) Retention ponds shall be designed to provide for total retention of design storm as computed for the developed condition.

(3) Exfiltration systems shall be designed to store and exfiltrate over the duration of the storm the difference in runoff volume between pre- and post-development. Exfiltration systems shall be designed with a safety factor 1.5 (design using seventy-five percent (75%) of the permeability rate or 75% of the time for drawdown).

(D) Outfall

Unless otherwise approved by the County Engineer, outfall structures shall be as simple as possible and shall employ fixed control elevations (i.e. no valves, removable weirs, etc.).

(1) Detention ponds shall be required to have an outfall structure to limit peak off-site discharges to pre-development rates. The location of the structure and the shape of the pond shall be designed such that no "short-circuiting" of flow occurs and that maximum retention of suspended solids is achieved.

(2) Retention ponds may be required to provide outfall structures where deemed necessary by the County Engineer. In all cases retention ponds shall be designed considering the event of a possible overflow. A path for such overflow shall be determined, and no structures in the development can be situated such that flood damage can occur either on-site or off-site.

(3) Exfiltration systems may be required to connect to an outfall system as deemed necessary by the County Engineer. In all cases, exfiltration systems shall be designed considering the event of a system surcharge. A pathway for excess runoff shall be determined and structures in the development shall be situated such that no flood damage shall occur either on-site or off-site.

Section 5.4.3.4 Open Drainage Systems - Ditches and Ponds

(A) Access easement shall be provided to all drainage ponds and ditches.

(B) Maintenance access shall be built and protected by drainage easements, as follows:

Ditch or Canal Width	Minimum Unobstructed Access
20 feet or less	15 feet one side
20 feet to 40 feet	15 feet both sides
Greater than 40 feet	20 feet both sides
Ponds, with fencing	20 feet around pond
Ponds, without fencing	15 ft. around pond

The cross slopes of maintenance berms shall be 15:1.

(C) Areas adjacent to open drainage ways and ponds shall be graded to preclude the entrance of stormwater except at planned locations.

(D) Maximum Side Slopes Allowed Without Fencing

Open Drainage Ways	Side Slopes
Swale, ditch, or canal	3:1
Ponds (normally dry)	3:1
Ponds (normally wet)	4:1 (to 3' below the normal water level 2:1 to pond bottom)

Minimum bottom width for ditches or canals shall be two feet.

(E) Slope protection

The disturbed areas in and around the ponds and ditches shall be revegetated as follows:

Side slopes and Berms	Sod or hydroseed with maintenance bond
Bottom (Dry Ponds)	Grass Seeded

(F) Fencing Requirements - If Necessary for Safety

The following fencing recommendations are not required; however, the design engineer shall carefully take into account the following fencing criteria and determine or render a professional opinion as to the necessity of fencing as discussed below.

(1) Canals will not be approved which, along easements or right-of-way, do not meet the provisions of Section 5.4.3.4(D).

(2) Ponds, which present a hazard, should have six (6') feet chain-link fence or other access-proof fence to prevent entry to the facilities. Fences will be required for retention/detention areas where one or more of the following conditions exist:

(a) Rapid stage changes that would make escape practically impossible for small children.

(b) Dry bottom ponds where side slopes are steeper than 4:1 and the design high water elevation exceeds two (2') feet.

(c) Wet bottom ponds where the side slopes are steeper than 4:1 (to below the normal water level and 2:1 to pond bottom).

(G) Freeboard

Open drainage ways and ponds shall have a one (1') foot minimum freeboard above design high water elevation except retention ponds with positive outfall depending upon the design of the outfall structure.

(H) Berms Constructed on Fill

Where fill berms are proposed, calculations supporting the stability of the fill berms are to be submitted by the Design Engineer. Where excess seepage may be expected through the berm, a clay core may be required.

Section 5.4.3.5 Hydraulic Design Criteria

(A) Roadway Drainage Design

Good roadway drainage design consists of the proper selection of grades, cross slopes, curb types, inlet location, etc., to remove the design storm rainfall from the pavement in a cost effective manner while preserving the safety, traffic capacity and integrity of the highway and street system. These factors are generally considered to be satisfied, provided that excessive spreads of the water are removed from the vehicular traveled way and that siltation at pavement low points is not allowed to occur. The standards included herein will accomplish these objectives.

(1) Roadway grade. The minimum allowable centerline grade for all streets shall be 0.5%.

(2) Minimum centerline elevation shall be 7.50 NGVD. (NGVD is very close to MSL, however is more accurate measurement)

(3) Minimum cross-slope for all streets shall be 1/4" per foot. All streets shall drain from the road centerline to curb and gutter or drainage ditches. Inverted Crown Roads shall not be permitted for roads intended for County Acceptance and/or maintenance.

(4) All drainage structures, unless specifically detailed in these guidelines, shall conform to the latest edition of the SC DOT standards or designed in conformance with good engineering practices and shall require approval by the County Engineer.

(5) Design Criteria For Underdrains

All new streets shall be designed to provide a minimum clearance of one (1') foot between the bottom of the base and the estimated seasonal highwater table, or the artificial water table induced by an underdrain system. The following requirements and limitations apply to the design of underdrains:

(a) The underdrain trench bottom should not be placed below the seasc low water table elevation.

(b) The distance between the bottom of the under- drain trench and the bottom of the roadway base shall not be less than 24 inches.

(c) The bottom of the base course of underdrains shall be placed more than twenty-four (24") inches below the seasonal high water table elevation.

(d) The developer's design engineer shall provide the following design certification:

> This is to certify that the underdrain design for _____ road, extending from station _____ to station _____ has been designed such that the separation between the bottom of the base and the artificially induced wet season water table is no less than one (1') foot for the entire width of pavement.

(e) The installation shall be inspected by the project design engineer who shall then certify that the underdrain installation procedures and materials are in accordance with the approved plans.

(f) The stormwater facilities shall be designed to accommodate expec flow contributed by the underdrain system.

(g) The County shall inspect the underdrain system for compliance prior to the issuance of final approval.

(6) Roadside Swales

Swale drainage will be permitted only when the wet season water table is minimum of one (1') foot below the invert of the swale. Where roadside swales are required, a positive outfall for the drainage may be required depending on the soil classification and topography.

(7) **Curbs and Gutters**

All roadway drainage not considered suitable for swale and/or ditch type drainage shall be designed as one of the following:

(a) Mountable Curb and Gutter Section: Maximum 600 feet run between inlets

(b) Standard Curb and Gutter Section: Maximum 1,200 feet run between inlets

Any modification to the above runs must be substantiated with calculations.

The width of curb and gutter shall be a minimum of eighteen (18") inches and shall be either standard or mountable (subdivisions only) curb and gutter, depending upon flow to be handled.

There shall be stabilized subgrade beneath all curbs and gutter for one (1') foot beyond the back of curb.

No new water valve boxes, meters, portions of manholes, or other appurtenances of any kind relating to any underground utilities shall be located in any portion of a curb and gutter section.

The minimum allowable flow line grade of curbs and gutter shall be 0.5%, except in intersections where flatter grades shall be allowable. The tolerance for ponded water in curb construction is one-fourth inch (1/4") maximum, if exceeded, the section of curb shall be removed and reconstructed to grade.

Plastering shall not be permitted on the face of the curb. Joints shall be sawed (unless an alternate method is used) at intervals of ten (10) feet, except where shorter intervals are required for closures, but, in no case, less than four (4) feet.

After concrete has set sufficiently, but in no case later than three (3) days after construction, the curbs shall be backfilled.

All cross-street valley gutters shall be constructed of concrete.

(8) **Runoff Determination**

The peak rates of runoff for which the pavement drainage system must be designed, shall be determined by the Rational Method. The time of concentration, individual drainage areas and rainfall intensity amount shall be submitted as part of the drainage plans.

A separate Rational Runoff Coefficient (C) shall be determined for the specific contributing area to each inlet/catch basin within the proposed storm sewer system. A composite C value shall be computed for each contributing area based on an individual C value of 0.9 for the estimated impervious portion of the actual area and an individual C value of 0.2 for the remaining pervious (grassed) portion of the actual area.

(9) **Stormwater Spread Into Traveled Lane**

Inlets shall be spaced at all low points, intersections and along continuous grades so as to prevent the spread of water from exceeding tolerable limits. The acceptable tolerable limits for collector roadways is defined as approximately one half the traveled lane width. Acceptable tolerable limits for interior subdivision roadway are defined as a maximum of one (1) inch above the crown of the road.

(10) **Low Point Inlets**

All inlets at low points (sumps) shall be designed to intercept one hundred (100%) percent of the design flow without exceeding the allowable spread of water onto the traveled lanes as defined above. On collector roadways, in order to prevent siltation and to provide for a safety factor against clogging of single inlet in a sump location, it is required to consider constructing multiple inlets at all sump locations or provide for other safety factor against clogging. Preferably two (2) inlets should be constructed on each side of the roadway. Open bottom inlets are encourage in effective recharge areas.

(B) <u>Storm Sewer Design</u>

(1) **Design Discharge**

Storm sewer system design is to be based upon a 25-year frequency event. The system shall be designed to handle the flows from the contributory area within the proposed subdivision. Then, the system shall be analyzed a second time to insure that any off-site flows can also be accommodated. This second analysis shall consider the relative timing of the on-site and off-site flows in determining the adequacy of the designed system.

(2) **Minimum Pipe Size**

The minimum size of pipe to be used in storm sewer systems is fifteen (15") inches or equivalent elliptical. Unless otherwise approved by County Engineer, designs shall be based upon six (6) inch increments in sizes above 18 inches.

(3) **Pipe Grade**

All storm sewers shall be designed and constructed to produce a minimum velocity of 2.0 fps when flowing full, unless site conditions do not allow. No storm sewer system or portion thereof will be designed to produce velocities in excess of 10 fps.

(4) **Pipe Clearance**

Unless otherwise authorized by the County Engineer, the minimum clearance for all storm pipes shall be:

Description	Clearance
From bottom of roadway base to outside crown of pipe	1.0 Feet
Utility crossing, outside edge to outside edge	0.5 Feet

(5) Roadway Cross Pipes

All pipes crossing major highways, collectors, and arterials shall be reinforced concrete pipe.

(6) Interference Manholes

Interference manholes shall be used only when there is no reasonable alternative design. Where it is necessary to allow a sanitary line or other utility to pass through a manhole, inlet or junction box, the utility shall be ductile iron or another suitable material. A minimum of 1.0 feet vertical clearance shall be required between the bottom of the manhole and face of utility pipe.

Interference manholes shall be oversized to accommodate the decreased maneuverability inside the structure and flow retardant.

(7) Maximum Lengths of Pipe

The following maximum runs of pipe shall be used when spacing access structures of any types:

Pipe Size	Maximum
15 Inches	300 Feet
18 Inches	300 Feet
24 to 36 Inches	400 Feet
42 Inches and Larger	500 Feet

(8) Design Tailwater

All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility. In the case where the detention pond is the receiving facility, the design tailwater level can be estimated from the information generated by routing through the pond the hydrograph resulting from a 25-year frequency storm of duration equal to that used in designing the pond. Then the design tailwater level can be assumed to be the 25-year pond level corresponding to the time at which peak inflow occurs from the storm sewer into the pond. In lieu of the above detailed analysis, however, a simpler design tailwater estimate can be obtained by averaging the established 25-year Design High Water elevation for the pond and the pond bottom elevation for "dry bottom" ponds or the normal water elevation for "wet bottom" ponds.

(9) Hydraulic Gradient Line Computations

The Hydraulic Gradient Line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into

and exit from the system, friction through the system, and turbulence in the indivic manholes/catch basins/junctions with the system.

The energy losses associated with the turbulence in the individual manholes are minor for an open channel or gravity storm sewer system and can typically be overcome by adjusting (increasing) the upstream pipe invert elevations in a manhole by a small amount. However, manholes can be significant for a pressure or surcharged storm sewer system and must be accounted for in establishing a reasonable hydraulic gradient line. Acceptable head loss coefficients (K) for various types of surcharged manholes/catch basins/junctions shall be used.

(C) <u>Culvert Design</u>

(1) **Minimum Size**

(a) **Pipe**

The minimum size of pipes to be used for culvert installations under roadways shall be 18 inches. The minimum size of pipes to be used for driveway crossings shall be twelve (12") inches or equivalent elliptical.

(b) **Box**

Unless otherwise approved by the County Engineer, box culverts shall be 3' x 3' minimum. Unless otherwise approved by the County Engineer, increments of 1 foot in height or width should be used above this minimum.

(2) **Maximum Pipe Grade**

The maximum slope allowable shall be a slope that produces 10 fps velocity within the culvert barrel. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

(3) **Maximum Lengths of Structure**

The maximum length of culvert conveyance structure without access shall be as allowed in Section 5.4.2.5. (B) (7).

Note: For box culverts use five hundred (500') feet maximum.

(4) **Design Tailwater**

All culvert installation shall be designed taking into consideration the tailwater of the receiving facility.

(5) **Allowable Headwater**

The allowable headwater of a culvert installation should be set by the designer for an economical installation. When end walls are used, the headwater should not exceed the top of the endwall at the entrance. If the top of the endwall is inundated, special protection of the roadway embankment and/or ditch slope may be necessary for erosion protection.

(6) **Design Procedure**

The determination of the required size of a culvert installation can be accomplished by mathematical analysis or by the use of design nomographs.

Section 5.4.3.6 Plan Requirements

(A) **Drainage Plans**

A master drainage map showing all existing and proposed features shall be included in the construction plans. The map is to be prepared preferably on twenty-four (24") inch by thirty-six (36") inch sheet on a scale not to exceed 1" = 200'. In cases where the drainage area will not fit on the sheet, a larger scale may be needed in some cases, to be approved by the County Engineer. Listed below are the features that are to be included on the drainage map.

(1) Drainage bounds, including all offsite areas draining to the proposed development.

(2) Sufficient topographical information with elevations to verify the location of all ridge, streams, etc. (one foot contour intervals).

(3) Highwater data on existing structures upstream and downstream for the development.

(4) Notes indicating sources of highwater data.

(5) Notes pertaining to existing standing water, area of heavy seepage, or springs.

(6) Existing drainage features (ditches, roadways, ponds, etc.). Existing drainage features are to be shown a minimum of 1000 feet downstream of the proposed development unless the ultimate outfall system is a lesser distance.

(7) Drainage features, including location of inlets, swales, ponding areas, etc.

(8) Delineation of drainage sub-areas.

(9) Show retention/detention areas and ingress/egress areas for retention/detention facilities.

(10) General type of soils (obtain from soil survey of Beaufort County).

(11) Flood hazard classification.

(12) Description of current ground cover and/or land use.

(13) Drainage plans shall also include the following:

(a) Cross-section of retention/detention facilities.

(b) Typical swale, ditch or canal cross-sections and profiles.

(c) All driveway pipe size and inverts will be shown on the site plan and installed at time of and as part of the building and driveway construction. Minimum driveway pipe shall be 12" RCP with all pipe having flared ends.

(d) Drainage rights-of-way, or easements.

(e) Typical fencing detail.

(f) Note on the design plans that an erosion control plan will be submitted to the Zoning/Development Manager. The erosion control plan shall be in accordance with St and/or Federal laws concerning erosion control. Engineering shall review for approval prior to the preconstruction conference.

(14) The overall drainage plan shall be placed on the final plat, showing proposed finished contour elevations for the entire subdivision and proposed minimum first floor elevations of all proposed structures. This overall drainage plan shall be prepared by the Professional Engineer and approved by the County Engineer.

(B) <u>Subsoil Investigation</u>

A subsoil report by a Professional Engineer may be required by the County Engineer. A minimum of two (2) locations will be indicated per retention/detention area in order to determine the location of groundwater elevation and/or soil conditions.

(C) <u>Stormwater Calculations</u>

Stormwater calculations for retention/detention areas, including design high water elevations for the 25-year and/or 100-year storm events shall include the following:

Storm sewer tabulations including, but not limited to, the following:

(1) Locations and types of structures.
(2) Types and lengths of line.

(3) Drainage sub-area tributary to each structure.
(4) Runoff coefficient per sub-area.
(5) Time of concentration to structure.
(6) Hydraulic gradient for the 25-year frequency storm event.
(7) Estimated receiving water (tailwater) elevation with sources of information, if available.
(8) Diameters of pipe.
(9) Outlet and other pipe velocities.

(D) Off-Site Improvements

For all off-site improvements involving roadways, cross sections showing all existing and proposed topographic features within the right-of-way shall be plotted at 50 foot intervals or as approved by the County Engineer and at all locations where the roadway features change significantly. Plotted centerline profile of the existing and proposed roadways shall also be required.

Section 5.4.4 Material Specifications

Section 5.4.4.1 Pipe

Reinforced concrete pipe shall conform to the latest edition of the SC DOT Standard Specifications for Highway Construction.

Corrugated aluminum pipe shall conform to AASHTO M-196, M-197, and Federal Spec. WW 442-C. Corrugated polyethylene pipe shall conform to AASHTO M-252, M-294, Type "S". All pipe shall have a minimum cover so as not to pose structural damage to pipe and as per manufacturer's technical specifications and recommendation.

Section 5.4.4.2 Inlets, Manholes, and Junction Boxes

All materials used in the construction of inlets, manholes and junction boxes shall conform to the latest editions of the SC DOT Standard Specifications for Highway Construction.

Section 5.4.4.3 Underdrains/Exfiltration Systems

All materials used in the construction of underdrains shall conform to the latest edition of the SC DOT Standard Specifications for Highway Construction.

The following is a list of underdrain materials acceptable for use in Beaufort County.

(a) Perforated Corrugated Tubing

Corrugated, polyethylene tubing perforated throughout and meeting the requirements of AASHTO M-252 or M-294.

(b) **Perforated PVC Pipe**

Polyvinyl-chloride pipe conforming to the requirements of ASTM D-3033. The perforations shall meet the requirements of ASTM C-508.

(c) **Exfiltration Pipe**

The following is a list of pipe materials acceptable for use in exfiltration systems:

(1) Aluminum Pipe Perforated 360_, meeting the requirements of AASHTO M-196.

(2) Perforated Class III Reinforced Concrete Pipe with Perforations meeting the requirements of ASTM C-444.

(3) Polyvinyl-chloride Pipe Perforated 360_, meeting the requirements of ASTM D-3033.

(d) **Coarse Aggregate**

Clean stone containing no friable materials and a gradation equivalent to size number 56 or 57.

Section 5.4.4.4 Drainage Structures

All materials used in the construction of drainage structures shall conform to the latest editions of the SC DOT Standard Specifications for Highway Construction.

Rip-rap is not an acceptable material for drainage structure, but can be used for erosion control.

Section 5.4.4.5 Fencing

Unless otherwise approved by the County Engineer, all fencing shall be six (6') foot chain link or access-proof fence with a minimum 15-foot wide double gate opening conforming to the SC DOT specifications.

Section 5.4.4.6 Sod, Seed, Hydroseed & Mulch

All sod, seed, hydroseed and mulch materials and installation shall conform to the latest edition of the SC DOT Standard Specifications for Highway Construction.

Section 5.4.5 Planning and Design Certification

Professional Engineers, registered in the State of South Carolina, shall prepare detailed drainage report, design and certify all subdivision grading, drainage, roads, parking lots, and water and sewer systems. Tier B Land Surveyors, registered in the State of South Carolina, may design and certify drainage systems as limited by State Regulations. An as-built field survey shall be submitted to the County Engineer showing controlling stormwater invert elevations and spillways and outlet structures of commercial and industrial developments and residential developments requiring drainage systems.

Landscape Architects, registered in the State of South Carolina, shall certify drainage features pertinent to their Landscape design drawings. Design engineers or landscape architects may perform, design and/or certify their plans in accordance with South Carolina rules and regulations governing their professions.

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ARTICLE VI
DEVELOPMENT PERMITS

Section 6.1

No development shall be undertaken within Beaufort County except in accordance with the procedures established in this Ordinance.

Section 6.2 Development Exempt from Permit

The following types of development shall be exempt from obtaining a development permit under the provisions of this Article. These developments are, however, subject to the provisions of Article Four of this Ordinance. Compliance with the provisions of Article Four of this code is checked off as part of the administrative process of obtaining a Beaufort County building permit from the County Department of Building Inspections.

(A) Any single-family residential structure (including a mobile home) on an individual parcel, tract, or lot of record, or on a lot within a platted subdivision existing prior to the adoption of this Ordinance or approved under this Ordinance.

(B) The construction or addition of single-family residential units on family property . occupancy by members of the same family. Applications must be accompanied by a signed statement indicating that the property is family land and existing or proposed occupancy by family members only.

(C) Accessory uses incidental to the enjoyment of a single-family residential structure (i.e., detached garage, swimming pool, pump house and private use fish ponds) where no materials are removed from the property.

(D) Any structure or use expressly approved as integral to a development permitted in accordance with the provisions of this Article.

(E) The owner or operator of harvesting or cutting of timber in tree farms, designated timber areas, and forest management areas shall be exempt from a Development Permit, providing that, the owner/operator shall notify, in writing, the County Zoning and Development Manager no less than five (5)days prior to the cutting of timber with a statement indicating the site location, estimated number of acres to be harvested, and dates the cutting will occur and a statement that the harvesting or cutting of trees is not being undertaken with any contemplation of other or further development of the land. At no time shall this timber cutting provision be construed as an exemption from a permit as required for site development and/or construction or other use of the land after timber harvesting.

(F) Farming and other agricultural uses of land including operations incidental to the farming of land.

Section 6.3 Development Subject to Permit

No development, unless expressly exempted in Section 6.2, shall commence without a permit approved by the Beaufort County Development Review Team in accordance with the provisions of this Article.

Section 6.4 Approval by Development Review Team

The Zoning and Development Manager shall not issue a development permit under the provisions of this Article without Development Review Team expressed approval.

Section 6.5 Conditions for Development Plan Approval

If the conditions set forth in this section are satisfied, the Development Review Team shall approve the development plan and direct the Zoning and Development Manager to issue a permit. Said permit shall authorize the applicant to:

(a) Record a subdivision plat, were appropriate.

(b) Commence all improvements to the land and the construction of all support facilities as specified by the permit.

(c) Commence the construction of all buildings and facilities shown by the development plan as specified by the permit.

Section 6.5.1

The following conditions shall be met prior to development plan approval: (Phased-planned developments shall be treated, insofar as this section is concerned, by phases, not withstanding general approval of the entire plan).

(A) The applicant has complied with the procedures of this Ordinance and has furnished all information and data expressly required by this Ordinance.

(B) The development plan complies, as a whole, or in the case of phased-planned developments, in relevant part with the provisions of Article Four and Article Five of this Ordinance.

(C) The applicant has satisfactorily demonstrated his ability and intent to complete the proposed development and to meet all obligations agreed to or incurred as a result of conformance with this Ordinance within a reasonable time period and in accordance with all conditions of the permit.

(D) The applicant has established adequate legal safeguards to ensure compliance w the approved development plan and to provide for adequate management of the development regardless of future ownership or control of the land or facilities thereon.

(E) The applicant has given legal guarantee (where applicable) of the installation and maintenance of water systems, sewer systems, drainage systems, street systems and open space areas and any other improvements indicated on the final plat in lieu of actual construction of improvements prior to final approval. Such guarantees are applicable only to residential developments involving the sale or other transfer of lots, building sites or buildings. Consistent with the *Code of Laws of South Carolina*, 1976, as amended, Chapter 29, Title 6, May 3, 1994, guarantees shall be in an amount not less than one hundred twenty-five (125%) percent of all costs for site improvements.

Guarantees may be in the form of:

(1) Letter of commitment from a public agency providing service (such as a municipality or public service district providing the water or sewer systems).

(2) Dedication to and acceptance by Beaufort County for permanent public maintenance of streets and/or drainage systems or open space areas or; dedication to and acceptance by a homeowner's association for permanent maintenance of streets and/or drainage systems or open space. Copies of recorded deeds and associated plats shall be provided to the County as validat. of responsible party acceptance or responsibility for roads, drainage or open space. For right-of-way or drainage easements being dedicated to Beaufort County, a dedication statement shall be placed on the final plat, signed by the owner(s) and recorded within one hundred twenty (120) days after the issuance of a development plan approval and permit, with the Registrar of Mesne Conveyances as a matter of public record.

(3) Establishment of an automatic homeowners association.

(4) Irrevocable, unconditional bank letter of credit.

(5) Cashiers check payable to Beaufort County.

(6) Any other means acceptable to the Beaufort County Council.

(F) For all time-sharing (internal ownership) units, the developer must show, prior to commencement of sales, a financial plan demonstrating its capacity to fund maintenance and other preferred services.

(G) Prior to submitting plans for preliminary plan approval on a project containing an element critical to that development involving other agencies including, but not limited to, the Office of Ocean and Coastal Resource Management, Army Corps of Engineers and DHEC, applicant shall seek preliminary comments from such agencies regarding:

(1) Protection of water quality in adjacent waterways and wetlands;

(2) The long-term operating viability of any mechanism or process associated with the element. Comments from the respective agencies will be required, in writing, at the time of preliminary plan submission.

(H) A maintenance bond shall be posted with Beaufort County as assurance that private roads and drainage systems which are installed shall be maintained in an operational and safe condition. The bond shall remain in place for a period of one (1) year following engineering certification of completion of construction of these systems. The amount of the bond shall be at ten (10%) percent of the construction costs for the covered items, subject to review and acceptance by the County Engineer.

This bonding requirement does not substitute for the bonding relating to sale of lots. Bonding shall be in the form of cash, certified check or unconditional, irrevocable letter of credit.

Developer may file for return of bonding, at the completion of one (1) year, by submitting engineering certification as to condition of roads and/or drainage. Upon acceptance of the certification by the County Engineer the bonding will be released.

(I) To protect the many significant archaeological and historic resources of Beaufort County.

(1) General Requirements

All proposed developments shall be required to have a written statement from the Beaufort County Planning Director indicating whether or not the location of the proposed development contains any archaeological resources identified by Beaufort County through existing surveys, historic maps and papers and other information available, the South Carolina Department of Archives and History, and the South Carolina Institute of Archaeology and Anthropology, as being listed in or having been determined eligible, or potentially eligible, for listing in the National Register of Historic Places, as well as those areas identified in the document entitled Cartographic Survey of Historic Sites in Beaufort County, South Carolina, dated June 30, 1992, as having the potential to yield significant archaeological information.

If the Planning Director determines that the proposed development contains, or is likely to contain archaeological resources, then a professional Reconnaissance Level Archaeological Survey shall be completed by qualified personnel to determine the existence of the resource and to evaluate the significance of the resource.

The survey shall be submitted to the Planning Director for review. If the survey confirms the presence of significant resources, then the applicant may be required to perform an Intensive Level Survey prior to proceeding with the review process. An applicant has the option to proceed directly with an Intensive Survey without first completing a Reconnaissance Level Survey if a site is more than likely to contain significant resources.

If the area of the proposed project has been previously surveyed for archaeological resour and the survey report is available and meets the Standards, the applicant will not be required to perform another survey, but merely submit that report to the Planning Director.

If the Planning Director determines that the location contains a potential historic resource, qualified personnel shall complete and submit to the Planning Director the documentation as outlined in Section 6.5.1.I.5.

Identified resources shall be preserved and/or the effects of the proposed project mitigated in accordance with the applicable Federal and State laws and guidelines. Further, for any contemplated construction that would significantly affect the setting or vista of any archaeological or historic resource in a manner that would compromise the resource's eligibility to the National Register of Historic Places, the Planning Director may require that the development plans be altered to mitigate or avoid such effects.

All requests to the applicant by the Planning Director for surveys, documentation, and mitigation shall include a letter outlining the justification for such requests. A letter of justification from the Planning Director shall also be required in those instances when a survey is required by Beaufort County and not by the South Carolina Department of Archives and History and in those instances when no survey is required.

(2) Prohibited Acts

No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological or historic resource located in Beaufort County unless such activity is pursuant to a permit issued by the Planning Director.

Any person(s) violating this section of the DSO shall be subject to penalties prescribed in Section 7.10.f of the Beaufort County Zoning and Development Standards Ordinance 90/3 or any additional penalties prescribed by the S.C. Code of Laws.

(3) Reconnaissance Level Archaeological Survey

(a) The Planning Director will officially notify, in writing, the applicant of the need for a Reconnaissance Level Survey. The survey must meet the criteria set forth by the South Carolina State Historic Preservation Office's *Guidelines and Standards for Archaeological Investigation.*

(b) The applicant will notify the Planning Director as to who will be authorized to undertake the survey. The survey will be executed by qualified personnel, as required by the South Carolina State Historic Preservation Office's *Guidelines and Standards for Archaeological Investigation.*

(c) The findings of the Reconnaissance Level Survey will be submitted to the Planning Director.

(d) The Planning Director then determines whether significant archaeological and historic resources were found, adhering to the criteria for inclusion to the National Register of Historic Places.

(1) If no significant archaeological and historic resources were found, the Planning Director may issue a Permit of Approval.

(2) If significant archaeological and historic resources are found, the applicant will be required to complete an Intensive Level Archaeological Survey.

(4) **Intensive Level Archaeological Survey**

(a) The Planning Director will officially notify, in writing, the applicant of the need for an Intensive Level Survey. The survey must meet the criteria set forth by the South Carolina State Historic Preservation Office's *Guidelines and Standards for Archaeological Investigation.*

(b) The applicant will notify the Planning Director as to who will be authorized to undertake the survey. The survey will be executed by qualified personnel, as required by the South Carolina State Historic Preservation Office's Standards.

(c) The findings of the Intensive Level Survey will be submitted to the Planning Director.

(d) Upon receipt of the Intensive Level Survey final report, and any necessary visual records, the Planning Director will either issue a Permit of Approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any negative impact.

(5) **Historic Resource Documentation**

(a) If at any time either prior to, during the execution of, or after the completion of either the Reconnaissance or the Intensive Level Survey, historic resources are identified on the property to be developed, the Planning Director will notify the applicant in writing of the need to document the identified historic resources.

(b) The documentation will be executed by qualified personnel, as required by the South Carolina State Historic Preservation Office's Guidelines and Standards for Archaeological Investigation. The applicant will notify the Planning Director as to who will be authorized to complete the documentation.

© Documentation will be completed for each resource. Documenta. required will be one or more of the following:

(1) A completed South Carolina Statewide Survey Site Form.

(2) Measured drawings, flat plane photographs (4" x 5", or 8" x 10"), or 35mm documentation as prescribed by the American Institute of Architects (AIA) in their publication *Recording Historic Structures.*

(d) The completed documentation will be submitted to the Planning Director for review, after which the Planning Director will either issue a Permit of Approval for the proposed development project or deny approval of the project until the development plans can be altered to mitigate or avoid any adverse affect.

(6) Mitigation

(a) Determination of Adverse Effects. Upon receipt of an Intensive Level Archaeological Survey final report, documenting archaeological resources and/or the South Carolina Statewide Survey Form(s) documenting historic resources, the Planning Director will determine whether the proposed project will have an adverse effect on archaeological or historic resources listed in, or eligible for listing in, the National Register of Historic Places.

(b) No Adverse Effect. If the Planning Director determines that the project will not have an adverse effect on archaeological or historic resources listed in, or eligible for listing in, the National Register of Historic Places, he/she will issue a Permit of Approval for the proposed project.

(c) Adverse Effect. If the Planning Director determines that the project will have an adverse effect on archaeological or historic resources, listed in, or eligible for listing in, the National Register of Historic Places, he/she will deny a Permit of Approval for the proposed project until the development plans can be altered to mitigate or avoid adverse effects.

(d) Mitigation of Adverse Effects. The applicant shall enter into a Memorandum of Agreement (MOA) with Beaufort County that describes mitigation measures that will be required prior to the issuance of a Permit of Approval. The Planning Director shall stress to the applicant that preservation-in-place of a significant resource is the preferred mitigation method. Mitigation may include:

(1) Preservation in Place. Preservation-in-place of an archaeological or historic resource is the avoidance of the resource which protects it from damage, destruction, vandalism or deterioration and may include such measures as: dedicated open space, protective barriers, deed restrictions, preservation covenants and easements, the rehabilitation/maintenance of historic buildings and structures, and others.

(2) Documentation. if is determined that an adverse effect to a historic resource cannot be avoided, the resource shall be documented in accordance with the Secretary of the Interior's Standards for Historical Documentation, the Secretary of the Interior's Standards for Architectural Documentation, and/or *Recording Historic Structures* by the American Institute of Architects.

(3) Data Recovery. Data recovery of an archaeological site shall be conducted if the site cannot be preserved. Provisions for the ownership and curation of the excavated artifacts, field notes, records, maps, photographs, and materials shall be detailed in the Archaeological data recovery mitigation plan. A final report on the archaeological data recovery shall be produced.

(4) Reporting. All identified archaeological sites shall be reported to the South Carolina Institute of Archaeology and Anthropology , and all historic sites shall be reported to the South Carolina State Historic Preservation Office for assignment of a site number.

(7) Open Space

If the property proposed for development contains any archaeological or historic sites, the Planning Director, along with the Development Review Team, may allow for the potentially impacted sites and their appropriate buffers to be counted as part of the required open space for the development, or the open space requirements may be reduced by an amount that would equal the value of the land containing the archaeological or historic sites provided that the property owner agrees to preserve the resource.

(8) Definition of Terms

Archaeological Resources:

A(3)s defined in the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-470mm) Section (1): The term "archaeological resource" means any material remains of past human life which are of archaeological interest. Such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

Archaeological Site:

For the purposes of this ordinance, an archaeological site is the area of the development identified as being listing in, or having the potential for listing in, the National Register of Historic Places.

Effect and Adverse Effect:

Effect:An undertaking has an effect on a historic resource when the undertaking may alter the characteristics of the resource that may qualify the resource for inclusion in the National Register of Historic Places.

Adverse Effect: An undertaking is considered to have an adverse effect when the effect on a historic resource may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Historic Resources:

According to the National Historic Preservation Act of 1966, as amended through 1992, (16 U.S.C. 470 et seq.) Section 101 (a) (1) (A):

> The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.

Criteria set forth by the Secretary of the Interior states that any district, site, building, structure, or object that is at least fifty years of age and is significant in American histor architecture, archaeology, engineering, and culture may be considered for inclusion on National Register of Historic Places.

Intensive Level Survey:

An Intensive Level survey will be based on a systematic approach to the entire tract, usually at 100 ft. intervals are differentiated between having high or low potential for containing archaeological and historic resources. Topography and soil types are also taken into consideration to help determine the areas of high and low potential. In addition, sub-surface activity, such as shovel tests are done (unless surface exposure is evident), and the materials are sifted. All of the findings, as well as a determination of eligible sites will be compiled into a final report.

Memorandum of Agreement:

An agreement between Beaufort County, and the applicant to avoid, reduce, or mitigate, adverse effects on archaeological and historic properties, or to accept each effect in the public interest.

Qualified Personnel

Professional consultants meeting the criteria set forth by the Secretary of the Interior, as w as the South Carolina State Historic Preservation Office and published in their *Guidelines and Standards for Archaeological Investigation*.

Reconnaissance Level Survey:

A Reconnaissance Level survey consists predominantly of archival research. Areas o research consist of known archaeological sites, National Register properties, and relevan subjects such as social and cultural histories of the identified area. In addition, an on-sit inspection will be made, and a final report generated.

Significant Resources:

Historic resources eligible for listing in the National Register of Historic Places.

(J) Applicants proposing any of the following listed types of developments shall perform or have performed for the proposed development an Environmental Impact Assessment:

(1) All Planned Unit Development (PUD) for forty (40) acres or more including commercial, residential, and/or mixed uses;

(2) All industrial projects/development;

(3) All commercial, wholesale and distribution uses of 150,000 square feet or greater net building(s) proposed at build-out;

(4) All residential/housing developments of 250 or greater new lots or units proposed at build-out;

(5) All office developments of 250,000 square feet or greater net building(s) proposed at build-out;

(6) All hotels/motels with 250 or greater rooms;

(7) Any attractions or recreational use(s) that will have 1,000 or more parking spaces, or more than 3,750 permanent seats.

The requirement for preparation and submittal of the Environmental Impact Assessment report by a development applicant may not be waived except by formal approval by the Beaufort County Council; and the Development Review Team may not begin formal review of a development application prior to receipt of such reports.

Environmental Impact Assessment

To comply with the Environmental Impact Assessment requirement, the applicant shall submit a notification with an adequate project description to the County's Development Division of any permit applications that are filed with the S.C. DHEC, U.S. Army Corps of Engineers, and any other state or federal agency requiring review for impacts relating to the following environmental considerations, when such applications are filed:

(a) Air quality {including, but not limited to, regulations authorized under the Clean Air Act (42 .S.C. Sec. 7401 *et seq.*.), and the Pollution Control Act (*SC Code of Laws*, 1976, as amended, Title 48, Chapter 1), including regulations required under Fed. Reg. 40 CFR 1-100 and 40 CFR 61, SC R.61-62};

(b) Wetlands {including, but not limited to, permits required under Section 401 and Section 404 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-217) and the Water Quality Act of 1987 (P.L. 100-4)[U.S.C. 1251 *et seq.*]};

(c) Waste water treatment and disposal {including but not limited to regulations authorized under the Federal Water Pollution Control Act of 1972 (PL. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-217) and the Water Quality Act of 1987 (P.L. 100-4)[U.S.C. 1251 *et seq.*] and SC Pollution Control (*SC Code of Laws*, 1976, Title 48, Chapter 1), including regulations required under SC R. 61-9, and SC R.61-67};

(d) Wildlife, and Threatened and Endangered Species {including but not limited to regulations authorized under The Endangered Species Act of 1973, [16 U.S.C.A. §1531 *et seq.*] and permits required under Section 401 and Section 404 of the Federal Water Pollution Control Act of 1972 (PL. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-217) and the Water Quality Act of 1987 (P.L. 100-4)[U.S.C. 1251 *et seq.*]}

(e) Surface Water Quality {including, but not limited to regulations authorized under Federal Water Pollution Control Act of 1972 (P.L 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-217) and the Water Quality Act of 1987 (P.L. 100-4)[U.S.C. 1251 *et seq.*], the SC Pollution Control (*SC Code of Laws*, 1976, Title 48, Chapter 1), Article 14, Section 4 of the SC Constitution, 49-1-10 1976 *Code of Laws of SC*, and SC Stormwater Management and Sediment Reduction Act (*SC Code of Laws*, 1976, as amended Title 48, Chapter 14) including regulations required under SC R.61-9, SC R.19-450, and regulation document No. 1416 of Chapter 72 as published in the SC State Register Vol. 16, Issue 6, Friday, June 26, 1992};

(f) Ground Water Protection {including but not limited to regulations authorized under the SC Safe Drinking Water Act, Title 44, Chapter 55, *SC Code of Laws*, 1976, As Amended; Resource Conservation and Recovery Act, Subtitle I (42 U.S.C. § 6901, *et seq.*); SC State Underground Petroleum Environmental Response Bank Act (*SC Code of Laws*, 1976, Title 44, Chapter 2); the Groundwater Use Act of 1969 (Chapter 5 of Title 49, Section 49-5-10 *et seq.* of the 1976 Code as amended), including regulations required under SC R.61-58, 40 CFR 280 and 281, SC R. 61-92, and regulations for Groundwater Use in the Low Country Capacity Use Area, Chapter 121, Section 49-5-10 *et seq.*, 1976 *SC Code*.}

Upon receipt of notices of applicable permit applications, the County has the authority to provide comment to the appropriate reviewing agency. Once the permit is issued, the County shall have the authority to enforce all conditions of the permit in conjunction with the applicable

state or federal agency when that agency may not be able to respond to a violation in a timely manner.

Section 6.6 **Adjustments**

The Board of Adjustments and Appeals may grant, in specific cases, relief from the expressed provisions of this Ordinance, where, owing to special conditions, a literal enforcement of the provision would in an individual case, result in unnecessary and unusual hardship (not to include economic considerations). Zoning amendments are not within the purview of this action.

Section 6.7 **Denial of Permit**

Development Review Team shall deny approval of a development permit only if it finds that the proposed development does not comply with the expressed provisions of this Ordinance.

Section 6.8 **Rights Attaching to Development Permits**

Changes to this Ordinance which become effective after an application for a development permit has been filed, but before the permit has been granted, apply to the pending application unless it is determined that the Ordinance change would place a unique hardship on the applicant in having to modify the application to conform with the change.

A change in this Ordinance, which becomes effective after a development permit has been granted, shall not apply to the permitted development unless such permit shall have expired as provided for in Section 6.9 of this Ordinance.

A development permit is assignable, but an assignment does not discharge any assignor or assignee from the requirements of the approved permit or from any obligation owed to the County in connection with the development unless the Development Review Team approves the discharge of obligations.

Section 6.9 **Expiration of Development Permit**

Any permit approved under the provisions of this Article shall become invalid two (2) calendar years from the date of its issue unless:

(A) Otherwise specified by the permit.

(B) The subdivision plat has been recorded.

(C) An appreciable amount of improvement or development of the land has commenced in accordance with the approved permit as determined by the Development Review Team, which in the case of phased developments shall be understood as improvement or development of the permitted phase of such development.

The Development Review Team may grant one (1) extension for a period of a one (1) calenda. year upon written request of the applicant.

Section 6.10 **Revocation of Development Permit**

Any permit approved under the provisions of this Ordinance may be revoked by the County upon determination that conditions related to a development activity permitted have changed or been altered from that which was approved for the particular permitted development or which is not in compliance with the provisions of this Ordinance.

Revocation of a development permit immediately ceases all authorized construction, work or sales associated with the development activity.

The developer shall be notified in writing of permit revocation and may apply for reinstatement of the permit by correcting the deficiency for which revocation action was taken.

Section 6.11 **Public Dedication of Improvements**

A developer may, at his option, choose to dedicate for permanent public ownership and maintenance road, drainage, water and sewer systems within developments involving the sale of lots, units or building sites to consumers.

Upon the filing of any plan, all intended offers of public dedication must be formally expressed in writing, setting forth clearly the improvements to be dedicated and government body or agency to which dedication is to be made. The Zoning and Development Administrator will forward such notices of intent to the appropriate agency for which dedication is intended and advise the applicant of persons to contact regarding required specifications and conditions to be met prior to formal acceptance.

With the filing of a final plan application, the developer shall submit final plans and design specifications required by agencies to which dedication is intended and receive final design approval from such agencies.

Following final plan approval by the Development Review Team, construction of required improvements may commence and upon completion of construction, the developer shall contact the agencies to which dedication is intended for final inspection prior to acceptance.

Upon certification for acceptance by the appropriate agency official, the developer shall prepare necessary plats, easements, or deeds as required and obtain final acceptance by the County Council of the dedicated improvement.

In the event of non-acceptance of the completed improvement for public ownership and maintenance, the developer shall submit and obtain approval of an alternate method of ownership and maintenance of improvements.

No lot, unit or building site may be sold until offers of public dedication have been formally accepted or alternate methods of ownership and maintenance of required improvements have been approved and legally established except that the developer may, at his option, post a maintenance bond with the County, in an amount sufficient to maintain the improvements as determined by the County Engineer.

With the posting of such bond, the developer may record appropriate plats and sell platted lots, units or building sites while completing the process of public dedication or establishment of alternate methods of ownership and maintenance of required improvements.

Section 6.12 Temporary Certificate of Compliance

(A) Requirements for Obtaining

Upon receiving approval for his/her referenced project, the design engineer of record shall file with the Beaufort County Engineer an approved construction cost estimate for all site improvements and landscaping. The construction cost estimate shall be the sole and singular source document which qualifies a project for a temporary certificate of compliance.

(B) Qualifying Conditions

(1) A site with a singular structure or no planned structure shall qualify for a temporary certificate of compliance when:

(a) The existing construction cost estimate (filed under Part A above) is current to within twelve (12) months of its filing date. If it is not, it shall be updated by the engineer of record and agreed upon by the County Engineer as to construction units and quantities as well as values, prior to submitting for a temporary certificate of compliance.

(b) The site shall be seventy-five (75%) percent complete as referenced to the monetary value of the improvements.

(c) A written request by the owner of record for a temporary certificate of compliance shall be forwarded to the office of the County Engineer, accompanied by the appropriate financial guarantee.

(2) A site with multiple structures shall qualify for a temporary certificate of compliance when:

(a) The existing construction cost estimate (filed under Part A above) is current to within twelve (12) months of its filing date. If it is not, it shall be updated by the engineer of record and mutually agreed upon by the County Engineer as to construction units and quantities as well as values, prior to submitting for a temporary certificate of compliance.

(b) At least one habitable structure shall be completed on site, representing thirty-five (35%) percent of the structural square footage and its related site improvements shall be seventy-five (75%) percent completed. The remaining structures and their infrastructure and improvements shall be fifty (50%) percent completed as referenced to the monetary value of the improvements.

(c) A written request, by the owner of record, for a temporary certificate of compliance, shall be forwarded to the office of the County Engineer, accompanied by the appropriate financial guarantee.

(B) Required Guarantee

The owner of the property of record shall agree in writing that he/she shall, as of the date of approval of this filing, enter into a binding agreement with Beaufort County for the 100% completion of the outstanding site infrastructure and improvements, to be completed within 60 calendar days from the date of the approved request for temporary certificate of compliance. In exchange for this consideration, the owner of record shall post a financial guarantee of one hundred twenty-five (125%) percent of the value of the outstanding site improvements as per approved plans and the agreed-to engineer's estimate. Financial guarantee shall be in the form of cash, cashier's check or an approved unconditional, irrevocable letter of credit from a bank conducting business within the State of South Carolina.

(C) Forfeiture of Guarantee

(1) Should the developer or owner of record fail to complete the required remaining site and infrastructure improvements by the end of the 60 calendar day life of the temporary certificate of compliance, the temporary compliance shall be revoked and Beaufort County shall institute proceedings such that the reserved financial guarantee shall be utilized through the public low bid process to acquire the services necessary to complete the project as per the approved plan.

(2) The owner of record is hereby advised and agrees to Beaufort County's intent and right under the terms of this agreement to pursue and acquire any additional funds or capital which may be required to fulfill Beaufort County's limited obligation to complete the outstanding project improvements.

ARTICLE VII

ADMINISTRATION, APPEAL, COMPLAINTS AND REMEDIES

Section 7.1

This Article defines the department officer responsible for the overall administration of this Ordinance; specifies the powers of that department officer; sets forth procedures for the filing of development applications and the issuance of permits including the establishment of time limits; establishes the foundation and procedures for the appeal of rulings made under this Ordinance; and sets forth remedies and penalties for violation.

Section 7.2 Grant of Power to Administer and Enforce

The Beaufort County Council delegates the responsibility and authority for administration of this Ordinance to the Development Review Team and the Zoning and Development Manager. These entities shall exercise the following duties:

(A) The Zoning and Development Manager:

Prepare and publish rules and procedures relating to the administration of this Ordinance; and

(B) The Development Review Team:

Review and approve or disapprove all permit applications in accordance with Article Six of this Ordinance; and

(C) The Zoning and Development Manager:

Issue permits in accordance with the provisions of this Ordinance; and

(D) Both the Development Review Team and the Zoning and Development Manager:

Review and recommend action, when applicable, to the County Council, County Administration, and the Board of Adjustments and Appeals; and

(E) All other responsibilities and powers granted explicitly by this Ordinance; and

(F) All other authority lawfully delegated to it by County Council legislation.

(G) The Zoning and Development Manager and any other Development person engaged to perform tests or other duties, may enter upon any land within the jurisdiction of this Ordinance and make examinations and surveys. However, there shall be no right of entry into any building without the consent of the owner.

Section 7.3 Establishment of Development ReviewTeam

The Beaufort County Council hereby establishes the Development Review Team for the purpose of review and approval of development plans in accordance with the provisions of this Ordinance.

The Development Review Team shall utilize the review and permitting authority of other agencies as they may relate to projects affected by this ordinance such as, but not limited to, Office of Ocean and Coastal Resource Management, local fire districts, DHEC, Corps of Engineers, water and sewer authorities, utilities, and others.

The Development Review Team shall be drawn from:

The Zoning and Development Manager
County Engineer
Building Inspections Director

The Zoning and Development Manager shall function as Team Leader/Facilitator and shall assure that appropriate minutes and records are maintained for public purpose. Designated alternates may function in the absence of a Development Review Team member.

All activities of the Development Review Team are open to the public.

Section 7.4 Approvals

The Planning Board, formerly the Beaufort County Joint Planning Commission, hereby delegates all permitting responsibilities to the Development Review Team and the Zoning and Development Manager.

Section 7.5 Permit Applications

All applications for development permits under this Ordinance shall conform to the procedures and requirements of this section.

Section 7.5.1 Preapplication Conference

Although not mandatory, prior to the filing of a formal application, the applicant is encouraged to consult with the Zoning and Development Manager for comments and advice on procedures, specifications, and applicable standards required by this Ordinance. The Zoning and

Development Manager, or a designated representative, shall be available for such purposes at the request of the applicant at a time mutually agreeable to both parties.

Section 7.5.2 Application Process

The owner, developer or otherwise responsible agent initiates the permit procedure by filing a final application with the Zoning and Development Manager in accordance with the provisions of this section.

Section 7.5.2.1 Filing Fees

(A) Application Filing fees are computed and assessed as follows:

Residential: $25.00 per lot or unit
Maximum $1,000.00

Commercial, Industrial, Institutional, Structures or Land Disturbance:

(1)	Up to 5,000 square feet	$0.05 per square foot
	5,001 to 10,000 square feet	$0.04 per square foot
	10,001 and over square feet	$0.03 per square foot
	Maximum $1,000.00	

(B) Site Inspection Filing Fees are computed and assessed as follows:

Residential:	(a)	Up to five lots/units	$25.00
	(b)	Six or more lots/units	$75.00

Commercial, Industrial, Institutional, Structures or Land Disturbance:

(1)	Up to 5,000 square feet	$0.05 per square foot
	5,001 to 10,000 square feet	$0.04 per square foot
	10,001 and over square feet	$0.03 per square foot

Engineering Site Inspection fees cover one (1) final site inspection by the County Engineer. Additional site visits required to bring the project into compliance with the approved site plans will be subject to an additional fee of seventy-five and no/100 ($75.00) Dollars per trip. Fees are non-refundable.

(C)	PUD Preliminary Master Plan Rezoning	$250.00
(D)	Rezoning Requests - All Others	$ 50.00
(E)	Variance Requests and Appeals	$ 50.00

Section 7.5.2.2 Posting Notice of Development

In order to notify adjacent property owners, landowners and residents in the immediate vicinity and the general public of impending development activity, applicants for development plan approval shall post a notice of development at least two (2) weeks prior to the date for which issuance of permit has been requested. The notice sign shall be obtained from the Zoning and Development Manager and erected on the development property readily visible from the most traveled thoroughfare adjacent to the property. The Development Review Team will not review applications for which the prescribed notice sign has not been posted in accordance with the provisions of this section.

Section 7.5.2.3 Preliminary Application Format and Content

(A) Subdivision of Land. The preliminary application for subdivision of land shall contain:

(1) Six (6) black or blue line prints of the subdivision layout; and

(2) The names and addresses of the owner(s) of record and the applicant, if different from the owner; and

(3) A legal description of the property and a boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor; and

(4) The location of primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and

(5) The proposed name of the subdivision; and

(6) Names of the owners of contiguous parcels and an indication of whether or not contiguous parcels are developed or a development permit has been obtained; and

(7) A map or site plan showing:

(a) The location, dimensions, descriptions, and flow line of existing watercourses and drainage structures within the tract or on contiguous tracts; and

(b) Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary; and

(c) Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved road. Reference distances shall be shown in feet if less than one thousand (1,000') feet and in miles or tenths of a mile if greater than one thousand (1,000') feet; and

(d) Topographic survey when required by the County Engineer; and

(e) The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries; and

(f) The location, dimensions, descriptions and names of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract.

(8) Proposed lot layout, street design and street right-of-way widths; and

(9) Proposed street names; and

(10) Proposed drainage system layouts. (Submit directly to the County Engineer); and

(11) Proposed water system layout, except where individual wells are proposed; and

(12) Proposed sewer system layout, except where individual septic tanks are proposed; and

(13) Proposed open space areas (where applicable); and

(14) Where applicable, surveyed line delineating the extent of any special district boundary on the development property. (See Article Three); and

(15) Where applicable, topographic contour line corresponding to the one-hundred year base flood elevation affecting the proposed development property. (See Sections 4.20.3); and

(16) Tree survey as specified in Section 5.2.7 (C); and

(17) Other affected agencies' preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority. In the case of Health Department preliminary comments on the use of individual septic tanks as the proposed method of sewage disposal, such comments need only relate to lots or parcels proposed for platting and sale or other transfer by the applicant; and

(18) Letters of capability and intent to serve community water supply and sew. _ . disposal (where applicable) from the affected agency or entity; and

(19) The Development Review Team may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education and the like; and

(20) A narrative addressing:

(a) The proposed ownership and maintenance of streets, drainage systems, water, sewer systems, open space areas, parking areas and other proposed amenities and improvements; and

(b) Proposed phasing and time schedule if development is to be done in phases; and

(c) In a beach development district, a plan to preserve sand dunes and shore vegetation. (See Section 4.19).

(B) Planned Unit Development (PUD). The preliminary application for planned unit development shall contain:

(1) Six (6) copies of the development master plan; and

(2) Proposed arrangement of land uses, approximate acreage of each use area or tract, type of use and density (residential use tracts); and

(3) The names and addresses of the owner(s) of record, and the applicant, if different from the owner; and

(4) A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor; and

(5) The location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and

(6) The proposed name of the development if there is one; and

(7) Names of owners and type of land use of all parcels contiguous to development property; and

(8) A map or site plan showing:

(a) The location, dimensions, descriptions, and flow of existing watercourses and drainage structures within the tract or on contiguous tracts; and

(b) Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary; and

(c) Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads. Reference distances shall be shown in feet if less than one thousand (1,000') feet and in miles or tenths of a mile if greater than one thousand (1,000') feet; and

(d) Topographic survey when required by the County Engineer; and

(e) The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries; and

(f) The location, dimensions, description, and names of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract; and

(9) Proposed conceptual street system layout; and

(10) Preliminary (master) drainage plan; and

(11) Where applicable surveyed line delineating the extent of any special district boundary on the development property (See Article Three); and

(12) Preliminary comments from other affected agencies having approval or permitting authority over elements related to the proposed development, or evidence that a written request for such comments was properly submitted to the agency and a reasonable period of time has elapsed without receipt of such comments. In such event, Beaufort County may, at its option, seek such comments directly. A copy of any direct request by Beaufort County for such comments shall be sent to the applicant when the request is made.

(13) A narrative addressing:

(a) The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and

(b) Proposed phasing and time schedule if development is to be done phases; and

(c) In a beach development district, a plan to preserve sand dunes and shore vegetation (See Section 4.19).

(14) Proposed internal site planning standards such as setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities; and

(15) The Development Review Team may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education, and the like; and

(16) Letters of capability and intent to serve community water supply or sewage disposal service from the affected agency or entity, where applicable; and

(17) A statement describing the character of, and rationale for, the proposed PUD

(C) Other Development. The preliminary application for development other than subdivision of land or planned unit developments shall contain:

(1) Six (6) black and blue line prints of the project site plan; and

(2) The names and addresses of the owner(s) of record and the applicant, if different from the owner; and

(3) A legal description of the property and a boundary survey with the computed acreage of the tract bearing the seal of a registered surveyor; and

(4) The location of primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and

(5) The proposed name of the development if there is one; and

(6) Names of the owners of all contiguous parcels and surrounding land use (i.e., single-family residential, multi-family residential, commercial, industrial, institutional, agricultural, vacant (wooded).

(7) A map or site plan showing:

(a) The location, dimensions, descriptions and flow line of existing watercourses and drainage structures within the tract or on contiguous tracts; and

(b) Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary; and

(c) Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved road. Reference distances shall be shown in feet if less than one thousand (1,000') feet and in miles or tenths of a mile if greater than one thousand (1,000') feet; and

(d) Topographic survey when required by the County Engineer; and

(e) The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries; and

(f) The location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract.

(8) Proposed land use design or layout, ingress/egress, streets, parking layout, loading/unloading areas, and other proposed structures, facilities and areas; and

(9) Proposed drainage system layout; and

(10) Proposed water system layout; and

(11) Proposed sewer system layout including septic tank and drainage field location, where applicable; and

(12) Proposed setbacks, buffers and open space areas; and

(13) Proposed building heights and number of stories (floors); and

(14) Where applicable, surveyed line delineating the extent of any special district boundary on the development property; and

(15) Where applicable, topographic contour line corresponding to the one-hundred year base flood elevation affecting the proposed development property (See Section 4.20.2); and

(16) Tree survey and indication of trees proposed for removal. (See Section 5.2.7 (D)); and

(17) A narrative addressing:

(a) The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas and other proposed amenities and improvements; and

(b) Proposed phasing and time schedule if development is to be done in phases; and

© In the beach development district, a plan to preserve sand dunes and shore vegetation. (See Section 4.19.1); and

(18) The Development Review Team may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education and the like; and

(19) Other affected regulatory agencies preliminary comments or approvals on elements of the proposed development over which such agencies have approval or permitting authority; and

(20) Letters of capability and intent to serve community water supply and sewage disposal service from the affected agency or entity, where applicable.

(21) To the extent practical, applicants seeking to develop or expand research, assembly, or industrial operations must include in their development application information regarding the following items (excluding proprietary information):

(a) Final product(s) of operation; and

(b) Number of employees and general job descriptions; and

(c) Type and specifications of equipment and machinery; and

(d) Description of production processes including usage of any chemicals, finishes, applicants, etc.; and

(e) Raw materials, by-products, and waste materials; and

(f) Chemicals, compounds and materials that may be discharged into the air, water, ground, or septic/sewage system; and

(g) Potential creation of nuisance(s) beyond the property boundaries through generation any of the following conditions: noise, light/glare, vibration, smoke, gas, odor, dust, dirt, heat or cold, electromagnetic radiation, radioactivity, fire/explosive hazard, condition conducive to the propagation of rodents or insects, or any other potentially injurious or obnoxious condition; and

(h) Provisions for storage, handling, utilization, and disposal of potentially hazardous materials; and

(i) Measures to mitigate potential nuisances and environmental pollution.

Section 7.5.2.4 Preliminary Application Processing

(A) Upon receipt of the preliminary application, the Zoning and Development Manager shall review the application for conformity with format and content requirements of this section. If discrepancies are found, the Zoning and Development Manager shall, within ten (10) working days, notify the applicant of all discrepancies and return the application for correction.

(B) If the Zoning and Development Manager finds that the preliminary application conforms to the format and content provisions of Section 7.5.2.3, he shall record the application and the date of its receipt, and shall submit the application for review.

(C) The Development Review Team shall review all preliminary applications within thirty (30) days of the application filing date and take one of the following actions:

(1) Approve the preliminary application.
(2) Approve the preliminary application with conditions.
(3) Disapprove the preliminary application.

(D) The applicant shall be notified in writing of Development Review Team action by the Zoning and Development Manager. If the preliminary application is disapproved, the written notice to the applicant shall specify the reasons for disapproval.

(E) Preliminary approval, where granted by the Development Review Team, shall expire two (2) years from date of such approval.

Section 7.5.2.5 Right Attaching to Preliminary Application Approval

(A) General

Approval of the preliminary application shall be deemed an expression of approval of the development concept and preliminary site design submitted, and invites the applicant to proceed with more detailed planning and design prior to submission of a final application. Preliminary application approval does not authorize the recording of a subdivision plat nor the sale or transfer of subdivided property except as provided for in Section 7.5.2.5 (B) below.

(B) Planned Unit Development

Often times a tract of land is master planned for development in sections or phases consisting of several different types and densities of land use. The original developer of a planned unit development may or may not be the developer that actually develops each phase or section to completion. As a special exception to the development process, the developer of a planned unit development may sell or transfer ownership of development tracts within a planned unit development in accordance with the following procedures and provisions:

(1) The developer must submit a preliminary application according to the procedures and requirement of Section 7.5.2 and obtain Development Review Team approval of the preliminary master plan of the total planned unit development; and

(2) Property covenants and restrictions must accompany the transfer of any development tract within the approved planned unit development restricting the new owner to the development type and density indicated on the approved master plan; and

(3) The developer must submit a sworn affidavit from the prospective purchaser of a development tract wherein the purchaser waives his right to the guarantee of the installation of required improvements afforded through this Ordinance for the subdivision of land, and further states that he understands that a final application must be submitted, and a development permit awarded by the County, prior to commencement of any development on the tract according to the procedures of Section 7.5.3; and

(4) The developer must submit a plat for certification for recording by the Zoning and Development Manager, and subsequently record such plat prior to sale or transfer of any development tract or phase; and

(5) This procedure will not be permitted for the sale of transfer of any individual single-family lot or group of lots intended for construction of one single-family dwelling.

Section 7.5.3 Final Application

The applicant initiates the final approval procedure by filing a final application with the Zoning and Development Manager in accordance with the provisions of this section.

Section 7.5.3.1 Final Application Format and Content

(A) Subdivision of Land. The final application of subdivision of land shall contain:

(1) Six (6) black or blue line prints of the ~~final~~ preliminary subdivision plat; and

(2) Name and address of owner of land being subdivided; and

(3) Name of subdivision, date, north point and graphic scale; and

(4) Name and seal of registered land surveyor; and

(5) Name of county, location, tax map and parcel number; and

(6) Bearings and distances of all lot lines and street lines; and

(7) Streets and alleys, right-of-way, proposed street names and lot numbers. (Street addresses will be assigned by the Planning Board after final plat approval and copies sent to appropriate agencies); and

(8) Square foot area of each lot; and

(9) Location of all monuments and markers and type indicated; and

(10) Location, size and type of all existing and proposed easement; and

(11) Proposed location and designation of parks, playgrounds, school sites, open space, recreation amenity areas and facilities where applicable; and

(12) Existing railroads, watercourses, streets, highways, city limit lines, transmission lines, water and sewer lines, drainage pipes, ditches, and wetlands within or immediately adjacent to land being subdivided; and

(13) Design, specifications and profiles of all proposed streets and drainage system (submit directly to County Engineer); and

(14) Layout of all proposed water lines and sewer lines (where applicable); and

(15) Letters of Intent to serve underground electrical, telephone or gas from respective utility companies; and

(16) Proposed fire hydrant locations or locations and quantity of other proposed water supply systems for fire protection as required (See Article 5).

(17) Other affected agency final approval, certification or permits for elements relative to the subdivision such as:

(a) DHEC construction permit for community water and sewer systems; and

(b) DHEC approval of the use of individual wells or community water system in conjunction with septic tanks for only those lots the subdivider is making application for to record and sell after final plat approval; and

(c) OCRM signed certification of surveyed Critical Wetland Bound. Line. Note: Corresponds to Beaufort County Conservation Preservation District Boundary line (See Section 4.1.1); and

(d) OCRM and/or Corps of Engineers permits for proposed docks, marinas, bulkheads and the like (where applicable); and

(e) County Engineer approval of stormwater drainage systems plans; and

(f) Local Fire Official having jurisdiction shall certify that development is in compliance with all applicable fire and life safety standards.

(g) All other applicable regulatory agency approvals; and

(18) Two copies of signed final covenants and restrictions for the subdivision (where applicable); and

(19) Signed statement of any offers of proposed public dedication of streets, drainage system, school sites, open space areas, easements or beach, river, wetland or historic site access; and

(20) Two (2) copies of final Homeowners or Property Owners Associat documents addressing ownership and maintenance of all subdivision improvements; and

(21) Bond or legal surety guaranteeing the completed installation of all required improvements to the subdivision and other improvements shown on subdivision plat, or represented in the application, where sale of lots is intended prior to complete construction of all improvements. Such bonds or other surety shall be payable to Beaufort County and equal registered engineers estimates of construction costs or contractors executed contract sales. In the event the subdivider exercises the option to post bond in lieu of completed construction, the subdivider shall complete all subdivision improvements, including required mechanisms guaranteeing perpetual ownership and maintenance, within twelve (12) months of the date of final plat approval. Failure to do so will constitute a violation of the development permit issued and subject the developer to the penalty provisions set forth in Section 7.10.

In addition, the County shall act on the posted bond and cause the improvements to be completed on behalf of the lot purchasers in the development. Extension to the twelve (12) months time period afforded for completion of improvements may be granted one time by the County. Such requests must be submitted in writing prior to the expiration date and accompanied by:

(a) An explanation of why the extension is necessary; and

(b) Signed/Dated agreement with the extension by all lot owners in subdivision to date; and

(c) Amount of work completed and costs remaining for incomplete work; and

(d) Amended bond or surety for incomplete work; and

(22) Beaufort County Overlay District boundary lines (where applicable) denoted directly on the final plat. (See Section 3.2); and

(23) Tree survey of all trees eight (8) inches or larger in trunk diameter and indication of trees proposed for removal in all areas for the subdivision that the developer (subdivider) proposes to disturb. Such areas are likely to be street rights-of-way, amenity areas, lakes, lagoons and the like. In the case of proposed subdivision roads, the tree survey shall include all trees of the applicable size twenty-five (25') feet both sides of the proposed street right-of-way; and

(24) Copies of recorded deeds, plats or easements clearly documenting legal access to the proposed subdivision.

(B) Other Development. The final application for other development shall contain:

(1) Six (6) black or blue line prints of the development site plan; and

(2) Name and address of owner of record (developer/applicant); and

(3) Name of development, north point, graphic scale and date; and

(4) Name of county, project location, tax map and parcel number; and

(5) Bearings and distances of all property lines, tract acreage, location of property markers and seal of registered land surveyor; and

(6) Location, size and type of all existing easements on or immediately adjacent to the development property; and

(7) Existing railroads, streets, drainage ditches, watercourses, city limit lines and utility lines on or adjacent to the development property; and

(8) Names of all contiguous land owners and indication of all contiguous property land uses (residential, commercial, industrial, institutional, agricultural, wooded/vacant, etc; and

(9) Beaufort County Special District boundary lines (where applicable). (See Section 3.1); and

(10) Tree survey of all trees eight (8) inches and larger in trunk diameter and indication of trees proposed for removal. [Note: It is the expressed intent of this Ordinance that

every effort be made in the design and layout of development projects to conserve as many trees possible]; and

(11) Proposed building locations, ingress/egress, circulation/maneuvering facilities and areas, parking areas, loading/unloading areas, storage areas, work and other activity areas and facilities properly dimensioned and labeled; and

(12) Final stormwater drainage plan (See Section 5.2.5); and

(13) Final water and sewer system layouts, or well and septic tank locations, where applicable; and

(14) Letters of Intent to serve underground electrical, telephone or gas from respective utility companies; and

(15) Existing and proposed fire hydrant locations or locations and quantity of other proposed water supply systems for fire protection as required (See Article V).

(16) Location, size and type of all proposed easements; and

(17) Proposed setbacks, buffer and screening (where applicable); and

(18) Proposed open space and landscaped areas; and

(19) Other required agency permits or approvals such as:

(a) DHEC septic tank permit; and

(b) DHEC water supply construction permit; and

(c) DHEC sewage disposal system construction permit; and

(d) OCRM permit for docks, wharfs, piers, marinas, bulkheads, causeways, bridges and the like; and

(e) U.S. Army Corps of Engineers permit (where applicable); and

(f) County Engineer approval of stormwater runoff design; and

(g) Fire Official approval; and

(h) Any other applicable local, state or federal agency permit or approval

(20) Solid waste disposal plan or letter of intent to provide contract service by private refuse collection agency or the like.

(21) Agreements, contracts or letters of intent to provide water supply or sewage disposal service by a municipality, public service district, or private utility company, where applicable.

(22) For development projects on property which is not immediately contiguous to a public road, street or highway and, where such proposed project involves the sale of residential commercial, industrial or institutional condominium, villa, town house or other such unit or space the applicant shall submit:

(a) Copies of recorded deeds, plats or easement clearly documenting access to the development property.

(23) To the extent practical, applicants seeking to develop or expand research, assembly, or industrial operations must include in their development application information regarding the following items (excluding proprietary information):

(a) Final product(s) of operation; and

(b) Number of employees and general job descriptions; and

© Type and specifications of equipment and machinery; and

(d) Description of production processes including usage of any chemicals, finishes, applicants, etc.; and

(e) Raw materials, by-products, and waste materials; and

(f) Chemicals, compounds and materials that may be discharged into the air, water, ground, or septic/sewage system; and

(g) Potential creation of nuisance(s) beyond the property boundaries through generation any of the following conditions: noise, light/glare, vibration, smoke, gas, odor, dust, dirt, heat or cold, electromagnetic radiation, radioactivity, fire/explosive hazard, condition conducive to the propagation of rodents or insects, or any other potentially injurious or obnoxious condition; and

(h) Provisions for storage, handling, utilization, and disposal of potentially hazardous materials; and

(i) Measures to mitigate potential nuisances and environmental pollution.

(C) Planned Unit Development (PUD). The format and content of final p. application for phases or sections of preliminary approved Planned Unit Developments shall consist of those items outlined in parts (A) and (B) of this section as determined by the type of development of the PUD phase.

Section 7.5.3.2 Final Application Processing

(A) Upon receipt of the final application, the Zoning and Development Manager shall review the application for conformity with the format and content requirements of this section. If discrepancies are found, the Zoning and Development Manager shall within ten (10) working days notify the applicant of all discrepancies and return the application for correction.

(B) If the Zoning and Development Manager finds that the final application conforms to the format and content provisions of this section, he shall record the application and the date of its receipt, and shall submit the application to the Development Review Team.

(C) The Development Review Team shall review all final applications and may, at its discretion, call a public hearing in accordance with the provisions of this article. Within sixty (60) days of the application filing date, Development Review Team shall take one of the following actions:

(1) Approve the application; or
(2) Disapprove the application.

(D) In the event the application is approved, the Zoning and Development Manager shall issue a permit authorizing the applicant to commence development or file a subdivision plat (where appropriate).

(E) If the permit is denied, the Zoning and Development Manager shall notify the applicant of such action in writing specifying the reasons for such denial.

(F) In the event the Development Review Team does not take action within sixty (60) calendar days of the filing date of the application, the application shall be deemed to have been approved and a certificate to that effect shall be issued by the Zoning and Development Manager upon demand.

Section 7.6 Documentation of Rulings

Any ruling made by the Development Review Team under the provisions of this Ordinance shall be issued in writing and shall include written findings of fact and conclusions, together with the reasons therefore to the extent practicable. Conclusions based on any provision of this Ordinance shall contain a reference to the provision relied on.

Section 7.7 Changes to Approved Plans

Changes to approved plans involving, but not limited to, street and parking layouts, water, sewer, drainage, density, access, setbacks, buffer zones, tree removal, shall be submitted to and approved by the Development Review Team.

(1) Minor changes occasioned by field work or unforeseen conditions may be approved by the Zoning and Development Manager in conjunction with the County Engineer without recourse to the Development Review Team.

Section 7.8 Appeals

Section 7.8.1 Establishment of the Board of Adjustments and Appeals

(A) Purpose. To hear appeals relative to the Standard Codes, National Electrical Code, Zoning and Development Standards Ordinance, and other County Ordinances.

(B) Membership. The Board shall consist of not less than three nor more than nine members.

(C) At least one or more members shall be appointed from the following professions: An architect and/or engineer; a Beaufort County master electrician; a Department Head or Instructor from the Technical College of the Lowcountry; a fire prevention industry member; and a building industry member.

(D) Two (2) shall be appointed from the development industry.

Section 7.8.1.2 Proceedings of the Board of Adjustments and Appeals

The Board shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until reelected, or until their successors are elected. The Board shall appoint a secretary who may be an employee of the County, or a member of the Board of Adjustments and Appeals. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

Section 7.8.1.3 Decisions of the Board of Adjustments and Appeals

The concurring vote of a majority of the members of the Board of Adjustments and Appeals shall be necessary to reverse any decision or determination of the Zoning and Development Manager and/or the Development Review Team on any matter relating to application of the provisions of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. On all appeals brought before the Board of Adjustments and

Appeals, the Board shall inform in writing all the parties involved of its decisions and the reas thereof.

Section 7.8.1.4 Appeals, Hearings, Notices

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the County. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning and Development Manager and with the Board of Adjustments and Appeals notice of said appeal specifying the grounds thereof. The Zoning and Development Manager shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning and Development Manager certifies to the Board, after the notice of appeal shall have been filed with it, that by reason of facts stated in the application, a stay would, in its opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be publisl in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled hearing date. At the hearing, any party may appear in person, by agency or by attorney.

Requests for variances to the ordinance shall not be scheduled or reviewed unless there shall have been placed a public posting notice on the property on which or for which a variance is requested. Such posting notice shall be placed so as to be visible to the public and must be in place not less than one week prior to the review date of such variance request. The notice shall provide information as to the property location, name of the person requesting variance, type of variance being requested, the zone in which the property is located, as well as the date for review.

Section 7.8.1.5 Powers and Duties of the Board of Adjustmentsand Appeals

The Board of Adjustments and Appeals shall have the following powers and duties:

(A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Development Review Team or the Zoning and Development Manager in the administration and enforcement of the Beaufort County Zoning and Development Standards Ordinance; and

(B) Render a decision upon hearing an appeal in accordance with the *Standard Codes* and other ordinances, as amended; and

(C) Review all proposed codes changes and amendments to the Building Codes, Electrical Codes and other applicable ordinances; and

(D) Prepare examinations designed to determine the applicant's practical knowledge of electrical, mechanical, and other trades that may be required by Beaufort County Council; and

(E) Administer examinations and issue licenses to applicants having appropriate qualifications; and

(F) Conduct hearings, after receiving written notification from an Inspector or licensed contractor, that a licensed contractor, willfully violated the provisions of the codes or ordinances; and

(G) To authorize on appeal in specific cases relief from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unusual hardship upon a finding by the Board that:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

(2) The application of the Ordinance on this particular piece of property would create an unusual hardship;

(3) Such conditions are peculiar to the particular piece of property involved; and

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance or comprehensive plan; provided, however, that no variance may be granted for a use of land or building or structure that is not permitted in a given district.

(H) To decide on matters where a decision of the Board may be specifically required by the provisions of this Ordinance.

In exercising the above powers, the Board of Adjustments and Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify any decision, or determination of the Development Review Team from whom the appeal is taken. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction.

(I) Any member of the Board of Adjustments and Appeals, the Beaufort County Planning Board, the Beaufort County Planning Board staff, the Beaufort County Historic Preservation Review Board, the Zoning and Development Manager, the Development Review

Team or other employee charged with the enforcement of this Ordinance, acting for Beau. County within the proper scope of his/her official duties, and/or noted in the employee's job description, shall not hereby render himself/herself liable personally. He/she is relieved from all personal liability and shall be held harmless by Beaufort County of any damage that may accrue to persons or property as a result of any act required or permitted in the proper discharge of his/her official duties. Any suit brought against a Board member, the Zoning and Development Manager, staff member or employee charged with the enforcement of this Ordinance shall be defended by legal representatives furnished by Beaufort County and shall include coverage of any awards up to and including the final termination of such proceedings; provided, however, this section shall not apply to any liability on the behalf of an employee or a board member whose conduct is outside the scope of his/her official duties or which constitutes actual fraud, actual malice, intent to harm or a crime involving moral turpitude."

Section 7.8.1.6 Appeals from Decisions of Board of Adjustments and Appeals

Any person who may have a substantial interest in any decision of the Board of Adjustments and Appeals may appeal from such decision to the Circuit Court in and for the County of Beaufort by filing with the Clerk of such Court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

Section 7.9 Public Hearing -- Development Review Team

Public hearings required or called under the provisions of this Ordinance shall proceed in accordance with this section. Other than those expressly provided for in the Ordinance, public hearings may be called only when the issues raised by the proposed development, in the judgment of the Development Review Team, have sufficient County-wide impact as to warrant public discussion.

(A) At least fifteen (15) days in advance of a hearing the Zoning and Development Manager shall publish notice of the hearing in a newspaper of general circulation, and shall give notice individually to the following:

(1) The developer, property owner or applicant; and

(2) Any other person, agency or organization that may be designated by this Ordinance.

(B) The notice shall:

(1) Give the time and place of the hearing; and

(2) Contain a statement describing the subject matter of the hearing; and

(3) Specify the officer or employee of the County from whom additional information can be obtained.

(C) The notice shall specify the governmental authority, commission, agency or officer responsible for conduct of the hearing and before which the hearing shall be held, and shall designate the presiding officer.

(D) A written statement giving the name and address of the person making the appearance, signed by him or his attorney, and filed with the presiding officer, constitutes appearance of record. The parties to a hearing shall be any of the following persons who have entered an appearance of record either prior to commencement of the hearing or when permitted by the presiding officer.

(1) A person entitled to notice under (a) subsection (1);

(2) The representative of any department or agency of Beaufort County; and

(3) A person who satisfied the presiding officer that he has significant interest in the subject matter of the hearing.

(E) The Zoning and Development Manager shall make a record of the hearing.

Section 7.10 Enforcement, Remedies and Penalties

(A) It shall be unlawful for any person, firm or corporation to sell or transfer lots of subdivided land until such subdivision or development plan has been approved and a development permit issued under the provisions of this Ordinance and the approved subdivision plat duly recorded with the Registrar of Mesne Conveyances for Beaufort County.

(B) No building, plumbing or electrical permit shall be issued by the County unless a valid development permit has been approved under the provisions of this Ordinance for those developments for which a development permit is required.

(C) No agency, public or private, shall modify, install or provide any streets or public utility services to any development unless an improved design approval, final approval or final approval construction only has been granted under the provisions of this Ordinance.

(D) No agency, public or private, shall sell or supply any water, gas, electricity or sewer services within any development unless a valid development permit has been approved under the provisions of this Ordinance.

(E) The responsibility for the enforcement of this Ordinance is delegated to the Development Review Team and the Zoning and Development Manager.

(1) If the Zoning and Development Manager shall find that any of the provisic of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, setting forth the nature of the violation and order the action necessary to correct it.

(2) Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a signed written complaint with the Beaufort County Zoning and Development Manager. Such complaint shall state fully the causes and basis thereof.

The Zoning and Development Manager shall properly record such complaint, immediately investigate to determine the validity of the charge and take whatever action is necessary to assure compliance with this Ordinance.

(3) In the event any development is undertaken in violation of this Ordinance, the Zoning and Development Manager, the Beaufort County Council or its agent, or any person aggrieved may, in addition to other remedies, provided by law, institute an injunction, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful development.

(F) Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon the conviction thereof, shall pay such penalties as the court may decide as prescribed by South Carolina law, not to exceed five hundred ($500.00) dollars or thirty (30) dav imprisonment, for each violation. Each day during which such conduct shall continue shall subj the offender to the liability prescribed in this chapter. Furthermore, any violation of the provisions of this Ordinance dealing with subdivision of land, by any person, firm, corporation, owner or agents of owners of land to be subdivided shall make the transfer, sale, agreement for sale, or negotiation for sale of any lot, part, tract, parcel, building site or building interior structure, rescindable at the purchaser's option.

(G) In the event any development activity is undertaken prior to approval and issuance of a development permit, if the developer is declared guilty by a magistrate in accordance with the provisions of this Ordinance, in addition to other prescribed remedies in this section, the Development Review Team shall not consider the developer's application for development plan approval and subsequent issuance of a development permit for that project for a period of ninety (90) days from the date of determination of violation.

(H) Nothing herein shall prevent the County of Beaufort from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 7.11 **Establishment of the U.S. Highway 278/U.S. Highway 278 Corridor Review Board**

The Beaufort County Council hereby establishes the Corridor Review Board (the "CRB") for the purpose of reviewing and taking action on the development applications subject to the

guidelines and standards established in the U.S. Highway 278/U.S. Highway 278 Extension Corridor Overlay District.

Section 7.11.1 Membership

The Corridor-Review Board shall be appointed by County Council and shall be composed of seven (7) voting members who are residents of Beaufort County, to include four (4) design professionals who live in or have principal offices in southern Beaufort County, namely two (2) architects, one (1) landscape architect and one (1) other design professional, and three (3) persons who reside full time in District #4.

Section 7.11.2 By-laws and Administrative Rules and Procedures

Subject to the approval by County Council, the Corridor Review Board may establish by-laws and administrative rules and procedures.

Section 7.11.3 Meetings

The Corridor Review Board shall meet biweekly or one week prior to the Development Review Team unless no applications are pending, and meeting dates should be coordinated with the Development Review Team meeting schedule to facilitate permit processing.

Section 7.11.4 Applicability

All development proposed in the U.S. Highway 278/U.S. Highway 278 Extension Corridor Overlay District as defined in Section 4.23.1(A) shall submit an application to the Corridor Administrator for review by the Corridor Review Board. Such application shall be reviewed for consistency with the guidelines and standards found in Article IV, and according to the submission and review requirements in this section. When a project lies within the jurisdiction of a private architectural review board (ARB), the Corridor Review Board (CRB), may consider such Architectural Review Board's decisions during deliberations.

Section 7.11.5 Application Process

All applications for Corridor Review Board review shall be complete according to the requirement of this section before being reviewed by the Corridor Administrator for conformance with all corridor standards and guidelines as outlined in Section 4.23. No application for Corridor Review Board review shall be reviewed by the Corridor Review Board as outlined in this section until the minimum items of submission required by this section have been submitted in a format acceptable to the Administrator.

Applicants may arrange a preliminary review of the project with the County staff before official submission.

Section 7.11.5.1 Filing Fees

In order to defray some of the administrative cost associated with processing Corridor Review Board applications, a filing fee must accompany each application according to the following schedule:

(A) New Project: $100.00

(B) Major Alterations: $ 50.00
Major alternations include: additions more than 15% of original building footprint; change in roof type; complete reworking of landscape plan; and new lighting plan.

(C) Minor Alterations: $ 25.00
Minor alterations include: new sign; new parking lot configurations

(D) Color changes, building texture changes, the removal of diseased trees, the replanting of dead trees, etc. will be subject to Corridor Review Board, but no fee will be required.

The filing fee is payable to Beaufort County and credited to the County General Fund.

Section 7.11.5.2 Application Content

Applicants shall submit the following items for review by the Corridor Review Board before an application shall be considered complete:

(A) For new development and alterations/additions:

(1) Survey (1" = 30' minimum scale) of property lines, existing topography, regulated wetlands and the location of trees meeting the tree protection regulations of Section 5.2.7.

(2) Site Plan (1" = 30' minimum scale) showing all buildings (including roof lines) and all site improvements with distances and dimensions clearly labeled.

(3) Photographs or drawings of neighboring uses and architectural styles.

(4) Location of bordering streets and existing and approved access points.

(5) Parking lot design and materials, and proposed landscaping and site lighting plans.

(6) Floor plans and elevation drawings (1/8" = 1'-0" minimum scale) including exterior building materials and colors.

(7) If applicable, recreation and open space improvements.

(8) Filing fee in the amount specified in Section 7.11.5.1.

(B) **For Minor External Changes:**

(1) Photographs and/or drawings of existing development.

(2) Site Plan (1" = 30' minimum scale) showing location of existing development.

(3) Drawings, material samples and/or color samples of proposed changes.

(4) Filing fee in the amount specified in Section 7.11.5.1.

(C) **For Signs:**

(1) Accurate color rendering of sign(s) showing dimensions, type of lettering, materials and actual color samples.

(2) For freestanding signs: a site plan (1" = 30' minimum scale) showing location of sign(s) in relation to buildings, parking, existing signs and property lines. Proposed landscaping plan.

(3) For wall signs: a photograph or drawing of the building depicting the proposed location of the sign(s).

(4) Location, fixture type and wattage of any proposed lighting.

(5) Filing fee in the amount specified in Section 7.11.5.1.

(D) **For the Submittal of the Landscape Plan**

Preliminary applications for site development shall include a landscape plan for the area to be developed. The plans will be certified by and bear the seal of a licensed landscape architect, engineer and/or land surveyor registered in the State of South Carolina.

The landscape plan shall include:

(1) Name(s) and type(s) of proposed land use(s) with address(es) and tax map reference number(s);

(2) Existing land use(s) abutting subject property;

(3) Location of buffer areas, indicating widths;

(4) Location, species and diameter breast height (dbh) of required existing trees retained in buffer;

(5) Schedule of materials to be planted, including location, species, spaci caliper, height, quantities and installation of details of trees, shrubs and other landscaping materials;

(6) Location, height and grading details of proposed earthworks and berms;

(7) Location height, design and construction details for fences, walls and other non-permanent accessory structures;

(8) Location and details of water features, including sprinkler systems, water outlets and stormwater management facilities;

(9) Location and width of existing or required drainage easements, along with points of access for maintenance;

(10) Approval letter(s) or encroachment permit(s) from Beaufort County Public Works or other easement holders, where landscaped areas are to be located in drainage or utility easements.

Landscaping and/or approved accessory structures shall be installed, constructed or erected prior to the issuance of a certificate of occupancy for the proposed use. It is the responsibility of the property owner or agent to contact the Administrator or designee regarding the compliance inspection.

Section 7.11.5.3 Application Review Procedures

All applications shall be submitted and reviewed according to the following procedures:

(A) Complete applications shall be submitted not less than fourteen (14) days before the Corridor Review Board meeting at which the applicant wishes to be reviewed.

(B) The Corridor Review Board shall act on an application at its first regularly scheduled meeting, as provided in its by-laws, after the application review period stated in (A) above. The Corridor Review Board may delay action on an application until its second regularly scheduled meeting, if the applicant requests this extension. This extension would normally be used in cases where an application would otherwise be denied without revision.

(C) Applicants shall be informed in writing of the outcome of their review. The Corridor Review Board shall direct its determination and findings to the applicant in writing not more than five (5) working days after taking action.

(D) Upon review of a project within the jurisdiction of a private Architectural Review Board, the Corridor Review Board may accept, modify or deny the Architectural Review Board's action.

(E) In addition to those items required elsewhere in this article, an application for final development plan approval shall be considered complete by the Administrator only when the Corridor Review Board's final approval with written recommendations and findings shall be received by the Administrator. Final Corridor Review Board action shall be binding on the Development Review Team.

ARTICLE VIII
AMENDMENTS

Section 8.1 Authority

This Ordinance, including the Official District maps, may be amended from time to time by County Council in accordance with the provisions of this Article.

Section 8.2 Review By Planning Board

County Council shall not adopt an amendment to this Ordinance, or the Official Zoning Maps, until the proposed amendment has been transmitted to the Planning Board for comments and recommendations and either:

(a) The Planning Board has transmitted its comments and recommendations to County Council and these comments have been made available to the public at least fifteen (15) calendar days prior to adoption of the amendment; or

(b) Ninety (90) calendar days has elapsed since the proposed amendment was submitted to the Planning Board.

Section 8.3 Requirements for Change

All requests to amend the Zoning and Development Standards Ordinance, including the Official Zoning Maps, shall be processed in accordance with the following requirements.

Section 8.3.1 Initiation of Proposals for Zoning Amendments

An amendment to this Ordinance may be proposed by County Council, the Planning Board, the Zoning and Development Manager, any department or agency of the County, or any other individual, corporation or agency. A request for a land reclassification to a zoning map, including property other than that owned by the applicant, shall include a written certification that the owners or authorized agents of all properties, other than that owned by the applicant for amendment, are in agreement with the proposed amendment request, provided, however, that the amendments proposed by Beaufort County Council and the Planning Board are exempt from the owner certification requirement, but the property owner of record shall be notified at the last known address. Such notification shall be by certified mail and shall outline the amendment desired by County Council and/or the Planning Board.

Section 8.3.2 Changes to PUD Zoning

(A) Any of the following changes to adopted planned unit development master plans for areas designated Planned Unit Development Districts (see Section 3.4.1.2) shall constitute an amendment to this ordinance and be subject to the amendment procedures set forth in Article VIII:-

(1) An overall increase within the PUD in any of the following: number of residential units; number of multifamily units; or acreage or square footage (if indicated on master plan) of commercial or industrial use.

However a land use area placed into a use which is permitted according to the provisions of Section 4.13.3 shall not be construed to constitute an increase, for this purpose.

(Example: An area designated "Commercial" or "Telecommunications Tower" may be developed for single-family use, even though the number of single-family units thereby developed will exceed the number indicated in the master plan.)

(2) An overall decrease within the PUD of open space;

(3) Upzoning of any land use area or section of a land use area as follows: single family residential to multifamily residential; residential to commercial or industrial; commercial to industrial; neighborhood commercial to general commercial; or light industrial to industrial, provided, however, that changes to boundaries that are considered to be minor adjustments by the Development Review Committee shall not constitute an amendment to this ordinance; or

(4) Any other change in use, density, or development parameters within a land use area or for the overall PUD which the Development Review Committee reasonably determines would change the character of the PUD in a significant manner or would reasonably be expected to have a significant adverse impact upon any other parties.

A change in use, density or development parameters which is expressly permitted by another provision of this ordinance shall not be construed to be in this category.

(Example: If a PUD master plan designates a land use area only as "Residential", but a public park is proposed for the area, the public park would not be a "change" in the character of the PUD because Section 4.13.3(C) allows land use areas designated "Residential" to include uses allowed in a Neighborhood Preservation District (which allows public parks).)

(B) All other changes in a PUD District not listed in (A), above shall be processed in accordance with the applicable procedures of 7.5.2.3(B) (preliminary application for planned unit development) or 7.5.3.1(C) (final application for a planned unit development),

and the standards for a planned unit developments set forth in Section 4.13.

Section 8.3.3 **Planning Board Review**

All proposed amendments shall be submitted to the Planning Board for review and recommendations."

(A) **Nature of Review**

The Planning Board shall study such proposals to determine:

(1) The need and justification for the change.

(2) When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and surrounding properties.

(3) When pertaining to a change in the district classification of the property, the amount of land in the general area having the same district classification as that requested.

(4) The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance and the comprehensive plan.

(B) Public Notice of Proposed Amendments of General Application

When a proposed amendment is reviewed by the Planning Board which could apply to a substantial segment of the public (i.e. an amendment which is of greater or wider significance than a small area rezoning, a PUD master plan change or a typographical, grammatical or structural change in the ordinance), the Planning Board shall hold a public hearing on the proposed amendment. Notice of the time and place of the public hearing and a summary of the proposed amendment adequate to explain the general nature of the change shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled public hearing date. If specific proposed language has been drafted, such language (and any final recommendations by the Planning Board to County Council) shall be made available upon request, at a reasonable cost, to the public. The procedure for and cost of, obtaining the proposed amendment shall be stated in the published notice.

Section 8.3.4 **Planning Board Review Procedure**

(A) **Nature of Review**

All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Board. The Planning Board, at regular meetings,

shall review and approve its (Planning Board) recommendation for transmittal to County Council. All meetings of the Planning Board shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney. No member of the Planning Board shall participate in a matter in which he has any pecuniary or special interest. Following action by the Planning Board, all papers and data pertinent to the application shall be transmitted to County Council for final action. One original of all applications and related data shall be retained in the office of the Planning Board and Office of the Zoning and Development Manager.

(B) **Rezoning Application Procedure**

Applications of general rezonings must be complete and submitted to the Beaufort County Planning Department at least three (3) weeks prior to the appropriate Subcommittee meeting date. The application must be submitted by noon of that day.

Applications for Planned Unit Developments must be complete and submitted to the Beaufort County Planning Department at least four (4) weeks prior to the appropriate Subcommittee meeting date. The application must be submitted by noon of that day.

Applications must be complete when submitted. Applicants will be notified within two working days of submittal if their application is incomplete. Applications resubmitted due to their being considered incomplete at submittal must still adhere to the above schedule for consideration by the Subcommittee.

Section 8.3.5 Planning Board Recommendation to County Council

Within thirty (30) days from the date that any proposed zoning amendment is referred to it (unless a longer period shall have been established by mutual agreement between County Council and the Planning Board in the particular case), the Planning Board shall submit its report and recommendation to County Council. If the Planning Board does not submit its report within the prescribed time, County Council may proceed to act on the amendment without further awaiting the recommendations of the Planning Board.

Section 8.3.6 Public Hearing by County Council

Before enacting an amendment to this Ordinance, County Council shall hold a public hearing thereon; notice of the time and place of which shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled public hearing date.

Section 8.3.7 Posting of Property

When a proposed amendment affects the district classification of particular pieces of property, the administrative official shall cause to be conspicuously located on or adjacent to the property affected, a hearing notice. Such notice shall be posted at least fifteen (15) days

prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date and place of hearing. The notice sign shall be obtained from the Planning Staff and erected on the development property readily visible from the most traveled thoroughfare adjacent to the property. County Council shall not review applications for which the prescribed Notice has not been posted in accordance with the provisions of this section.

Section 8.3.8 **Reconsideration of Proposed Amendments**

When a private property owner applies to rezone a parcel of property to a zoning district within one of three land use categories (Residential, Commercial/Industrial, Planned Unit Development as defined below) he may not submit another application to rezone the same parcel of property to any zoning district within that same land use category until twelve (12) months after the date of the final determination or withdrawal of the initial application, unless the Planning Board has found that either:

(a) there has been substantial change in the character of the area; or

(b) evidence, factors or conditions exist which were not considered by the Planning Board or County Council in previous deliberations which might substantially alter the basis upon which the previous determination was reached; or

(c) the property has changed ownership since the last request.

He may, however, submit an application to rezone the property to any zoning district within one of the other two land use categories at any time. The land use categories -- Residential, Commercial/Industrial, and Planned Unit Development -- include the zoning districts specified below:

Residential	Commercial/Industrial	Planned Unit Development
NPD	RCD	PUD
GR-4 - G-20	NCD	
RDD	GCD	
DD	ID	
RAD	LID	
	OCD	

Section 8.3.9 **Changes in the Official Zoning Map**

Following final action by County Council, any necessary changes shall be made in the Official Zoning Maps. A written record of the type and date of such change shall be maintained by the Clerk to Council, Planning Board, and Zoning and Development Administrator.

Section 8.3.10 **Appeal from the Decision of the Zoning and Development Administrator**

It is the intent of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning and Development Manager and that such questions shall be presented to the Board of Adjustments and Appeals only on appeal from the decision of the Zoning and Development Manager as provided for in Section 7.8.

ARTICLE IX
LEGAL STATUS PROVISIONS

Section 9.1 **Conflict With Other Laws**

Whenever the provisions of this Ordinance impose more restrictive standards than are required under other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

The provisions of this Ordinance shall not be held to deprive any Federal or State agency, or any applicable governing body having jurisdiction, of any power or authority which it had on the effective date or the adoption of this Ordinance or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law, nor shall it prevent enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

Section 9.2 **Validity**

Should any section or provision of this Ordinance be declared invalid or unconstitutional ' any Court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 9.3 **Repeal of Conflicting Ordinances**

All Ordinances and parts of Ordinances in conflict herewith, are repealed to the extent necessary to give this Ordinance full force and effect (See Section 2.3).

Section 9.3.1 **Suspension**

The Beaufort County Council shall be authorized to temporarily suspend all or any portion of this ordinance upon a declaration of public emergency of significant or massive nature.

Section 9.4 **Effective Date**

This Ordinance shall take effect and be in force from and after the date of its adoption by County Council.

ARTICLE X

DEFINITION OF TERMS

Section 10.1 - **Interpretation of Certain Terms or Words**

Except as specifically defined herein, all words in this Ordinance have the customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

(a) Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

(b) The word "shall" is always mandatory.

(c) The word "may" is permissive.

(d) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(e) The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged or designed to be used or occupied.

(f) The word "map", "district map", or "Official District Map" shall mean the Official District Map of Beaufort County, South Carolina, and refers to all maps so titled and bearing the seal of Beaufort County Council together with the signatures of the Chairman of Beaufort County Council, one Administrative Official of Beaufort County, as well as the date of adoption of the Ordinance.

(g) The term "Zoning and Development Manager" refers to the person subsequently and specifically designated by County Council and so employed and empowered to administer this Ordinance.

Section 10.2 **Definitions**

Section 10.2.1 **Access**

The right and/or ability of pedestrians and vehicles to enter and leave property.

Section 10.2.2 **Accessory to Use**

A use of a structure subordinate to the principal use of the structure on a lot used for purposes customarily incidental to the main or principal use of the structure and located on the same lot.

Section 10.2.3 **Accident Potential Hazard Area (APHA)**

An area within five thousand (5,000') feet at MCAS 04/22 and an area within four thousand five hundred (4,500') feet at Beaufort County Airport 6/24 of the approach or departure end of a runway or in proximity to an airport in which aircraft may maneuver after takeoff or before landing and are subject to the greatest potential to crash into a structure or the ground.

Section 10.2.4 **Accident Potential Zone Z**

As applied to military airfields, means the area seven hundred fifty (750') feet on either side of the runway centerline plus the clear zone immediately beyond the end of the runway which possesses a high potential for accidents.

Section 10.2.5 **Accident Potential Zone (APZs)**

Areas lateral to, and immediately beyond, ends of runways along primary flight paths.

Section 10.2.6 **Adjustment**

A departure from the strict terms or expressed provisions of this Ordinance where such departure will not be contrary to the public interest, and where owing to conditions peculiar to : property and not as a result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Section 10.2.7 **Air Installation Compatible Use Zones (AICUZ) Program**

A program to protect the public's safety, health, and welfare while forestalling degradation of the operational capability of airports. The main intent of the AICUZ Program is to insure that development of surrounding lands will be compatible with the noise levels and accident potential associated with airport operations.

Section 10.2.8 **Airpark**

A small airport usually near an industrial area.

Section 10.2.9 **Airport**

A tract of land or water that is maintained for the landing and takeoff of aircraft and for receiving and discharging passengers and cargo and that usually has facilities for the shelter, supply, and repair of planes.

Section 10.2.10 **Airport Elevation**

The highest point of an airport's usable landing area measured in feet above sea level.

Section 10.2.11 Airport Environs

Those areas which are identified according to their accident potential and/or noise rating.

Section 10.2.12 Airport Obstruction

A structure or object of natural growth or use of land which would exceed the Federal Obstruction Standards which obstructs the airspace required for flight of aircraft in landing or taking off of aircraft.

Section 10.2.13 Airspace Height

The determination of height limits in all zones set forth in the Airport Districts, the datum of which shall be above mean sea level elevation (AMSLE) unless otherwise specified.

Section 10.2.14 Airstrip

A runway without normal air base or airport facilities.

Section 10.2.15 Alley

A secondary street or roadway which affords access to the side or rear of abutting property.

Section 10.2.16 Allowable Use

That use or those uses which do not require written certification prior to engaging in such use or action.

Section 10.2.17 Altitude Minimum Descent

The lowest altitude, expressed in feet above sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

Section 10.2.18 Altitude Minimum Vectoring

The lowest mean sea level altitude at which an aircraft on instrument flight rules will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures, and missed approaches.

Section 10.2.19 **Animals**

Customary members of the branch "Animalia", including dogs, cats, rabbits, deer, fox, or other animals which are generally found on or associated with farms or farming; including boarding and breeding.

Section 10.2.20 **Aquaculture**

The cultivation, production, or marketing of domesticated aquatic organisms. This term 'domesticated organism' means any fish, and vertebra aquatic animals, aquatic invertebrate, or aquatic plant that is spawned, produced, or marketed as a cultivated crop in the waters of this County.

Section 10.2.21 **Backlighting**

A method of sign illumination whereby a cutout sign is mounted on, and projected in front of, a building or wall. The sign is illuminated indirectly by a light located behind the sign that is directed against the rear wall. The sign usually incorporates cutout letters.

Section 10.2.22 **Boarding House**

A building that is the primary residence of the owner(s) and in which rooms are provic by the owner(s), for compensation, to two or more adult persons not related by blood, marriage, or adoption to the owner(s), where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

Section 10.2.23 **Buffers**

A piece of land of specific width, free from man-made structures (including driveways and parking areas), permanently set aside by the owner and his assigns and planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy. Sufficient density may be achieved by, but is not limited to, the planting of such shrubs as ligustrum, red tip or cherry laurel at intervals of three (3') feet on center. These may be used in combination with structures (wall, fences, screens) which serve to minimize or eliminate conflicts between contiguous uses of land.

Section 10.2.24 **Building**

Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment or goods.

Section 10.2.25 Building Alteration

Any change in the supporting members of a building (such as bearing walls, columns or girder), any addition or reduction to a building, any change in use or any relocation of a building from one location or position to another.

Section 10.2.26 Building Height

The vertical distance above the base flood elevation or finish grade, whichever is highest, to the highest finished roof surface in case of a flat roof or to the top of the facade or to a point at the average height of the highest roof having a pitch.

Section 10.2.27 Building Line

A line which represents the distance that a building or structure must be set back from a lot boundary line or a street right-of-way line according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to right-of-way lines and lot boundary lines.

Section 10.2.28 Building Principal

A building in which the principal use of the lot is conducted.

Section 10.2.29 Campground

A campground is defined as an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Section 10.2.30 Canal

Those main drainage canals and additions thereto throughout Beaufort County and studied in the "Feasibility Study of Requirements for Main Drainage Canals", Beaufort County, South Carolina, dated April 1970.

Section 10.2.31 Clear-Cutting

As used in this Ordinance, shall mean the cutting of more than seventy-five (75%) percent of the trees eight (8") inches in trunk diameter or larger measured four (4') feet above natural ground level.

Section 10.2.32 Clear Zone

The fan-shaped area one thousand five hundred (1,500') feet wide at the end of the runway expanding to two thousand two hundred eighty-four (2,284') feet wide, three thousand (3,000') feet from the end of the runway.

Section 10.2.33 Coastal High Hazard (Also Velocity) Areas

A flood hazard area subject to high velocity waters.

Section 10.2.34 Co-Efficient of Runoff

A number used as a multiple in measuring the change in storm-water runoff.

Section 10.2.35 Day Camp Campground

A Day Camp Campground shall mean any area or tract of land of camp character providing accommodations for five or more children or adults for recreational, religious, educational, social, or camp-craft activities, used primarily during daylight hours and not providing overnight sleeping facilities for campers.

Section 10.2.36 DBA

A unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about one hundred thirty (130) decibels on a scale beginning with one (1) for the faintest audible sound.

Section 10.2.37 Day/Night Average Sound Level (LDN)

A basic measure for quantifying noise exposure being the A-weighted sound level energy average over a twenty-four (24) hour time period, with a ten-decibel penalty applied to night time (10:00 p.m. to 7:00 a.m.) sound levels.

Section 10.2.38 Density

The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise stated in this Ordinance, density requirements are expressed in units per net acre.

Section 10.2.39 Detention

The collection and storage of surface water for subsequent controlled discharge at a r which is less than the rate of inflow.

Section 10.2.40 Developer

Any individual, partnership, corporation, consortium or other recognizable entity who (which) institutes action for development impact and who is considered as fianancially responsible for such development.

Section 10.2.40 Development

The word "development" shall mean, except where the context otherwise requires and in the absence of a more limiting provision, the performance of any building or mining operation, the making of any material change in the use of any structure or land, or the division of land into two (2) or more parcels, lots, building sites or building units (See Section 2.2.1).

Section 10.2.41 Development, Industrial

Development for the purpose of converting natural resources into marketable products, the assembly of parts into wholly or partially finished products, the physical or chemical processing of materials, the extraction of minerals and other substances, and other activities normally considered industrial in nature.

Section 10.2.42 Development, Institutional

Development involving public, quasi-public, eleemosynary, religious, philanthropic or other activity undertaken for the purpose of providing for the social, cultural, educational or physical betterment of the community.

Section 10.2.43 Development, Non-conforming

Existing development not in conformance with one (1) or more provisions of this Ordinance.

Section 10.2.44 Development, Office

Development providing space and facilities for the conduct of business, administrative, professional activities or services not involving the movement, storage or sale of goods on the premises.

Section 10.2.45 Development, Residential

The provision of the structures and facilities to permanently house the population.

Section 10.2.46 Development, Retail Commercial

Structures and activity involving the sale of goods on the premise to the public.

Section 10.2.47 **Development, Transportation**

Structures and facilities for the movement and distribution of goods and people.

Section 10.2.48 **Development, Warehousing**

Structures, facilities and activities for the sole purpose of storing goods.

Section 10.2.49 **Development, Wholesale**

Structures and activity involving the sale of goods primarily to the retailer.

Section 10.2.50 **Drainage Basin**

A drainage area and/or watershed contributing to the flow of water in a receiving body of water.

Section 10.2.51 **Drainage Facility**

Any component of the drainage system.

Section 10.2.52 **Dry Hydrant**

A permanently installed pipe that has fire apparatus suction connections installed at static water sources, to speed drafting operations during fire-fighting duties.

Section 10.2.53 **Dwelling Unit**

Dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 10.2.54 **Easement**

An interest in land of another that entitles the holder to a specified limited use.

Section 10.2.55 **Elevation**

A numerical representation of a vertical distance in relation to mean sea level.

Section 10.2.56 **Existing Grade**

The existing or natural slope of land expressed in terms of vertical drop per horizontal distance of land.

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Section 10.2.57 Family

One or more persons living together as a housekeeping unit in a dwelling unit.

Section 10.2.58 Family, Immediate

A property owner's heirs at law who would succeed to his estate or inheritance under the South Carolina statute of descent and distribution.

Section 10.2.59 Farm

Any tract of real property which is principally used to raise, harvest or store crops, feed, breed or manage livestock or to produce plants, trees, fowl or animals, including agriculture operations, useful to man including the preparation of the products raised thereon for man's use and disposed of by marketing or other means, including aguaculture.

Section 10.2.60 Finished Grade

The resultant slope of land following alteration as part of a development activity expressed in terms of vertical drop per horizontal of lands, streets, embankment, etc.

Section 10.2.61 Fire Flows

The quantity of water available for firefighting in a given area; it is calculated in additional to the normal water consumption in the area.

Section 10.2.62 Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters.

Section 10.2.63 Flood Hazard District

That area designated by the Federal Flood Insurance Administration on official flood hazard area maps, subject to a one (1%) percent or greater chance of flooding in any given year.

Section 10.2.64 Fowl

Customary members of order "Galliformes", including chickens, ducks, ostrich, geese, or other fowl which are generally found on or associated with farms or farming; including breeding.

Section 10.2.65 Grade

The slope expressed in terms of vertical drop per horizontal distance of land, streets, embankment, etc.

Section 10.2.66 Gross Acre

All land under title or ownership and recorded with the property deed.

Section 10.2.67 Gross Floor Space

Gross floor space shall be computed as the foot print of the space times and number of floors.

Section 10.2.68 Habitable Space (Room)

Habitable space is space in a structure for living, sleeping, eating or cooking. Maintenance or utility space, parking garages and similar areas are not considered as habitable space.

Section 10.2.69 Height

A numerical representation of a vertical distance in relation to existing ground level or some other specified reference level.

Section 10.2.70 Heliport

A facility specifically designed to accommodate the operational characteristics of helicopte and other rotary wing aircraft, separate and apart from inclusion in an airport facility.

Section 10.2.71 Home Occupation

Any use of a principal building clearly incidental to its uses for dwelling purposes and conducted for compensation by a resident thereof, within a residential area.

Section 10.2.72 Horticultural Nursery

Any business operation which involves the cultivation and sale of plants, seeds, sod, shrubs, trees and other form of vegetation for wholesale or retail purposes. The operation may utilize structures associated with such activity, such as greenhouses and storage sheds.

Section 10.2.73 Impervious Surface

A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool decks and other similar structures.

Section 10.2.74 Improvement

The construction of buildings and the establishment of basic services and amenities associated with the development activity including, but not limited to, streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreational facilities, (i.e., lakes; swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like).

Section 10.2.75 Inverted Crown Section

A road or street cross section where the center of the road or street profile is lower than the edges of the profile to allow for stormwater to drain toward the center of the road or street for removal through a stormwater drainage system.

Section 10.2.76 Lined Channels

The use of plastics, concrete, stone, asphalt or similar material to define a drainage channel.

Section 10.2.77 Littoral Vegetation

Vegetation found off, or along a shore of surface water.

Section 10.2.78 Livestock

Includes cows, horses, goats, steer or beef cattle, domesticated buffalo, mules, donkeys or pigs.

Section 10.2.79 Loading Space, Off-Street

Space logically and conveniently located for pickups and deliveries off public right-of-way, scaled to delivery vehicles expected to be used, and accessible to such vehicles.

Section 10.2.80 Local Fire Official

The duly appointed or employed Fire Officer of a County, municipal, public service district, or special tax district, fire protection service agency, or department, or other designated individual.

Section 10.2.81 Lot

A small developed or undeveloped tract or parcel of land suitable for building purposes and legally transferable as a single unit of land.

Section 10.2.82 Lot of Record

A separate lot, parcel, piece or tract of land that existed and was described and defined as part of the public record prior to adoption of this Ordinance on September 11, 1978.

Section 10.2.83 Man-Made Waterbody

Any man-made pond, lake, lagoon, channel, wetland, marina, or basin which ordinarily or intermittently contains water and which has a discernible shoreline.

Section 10.2.84 Material

As contained herein, shall be construed to mean objective, substantive, tangible and consequential.

Section 10.2.85 Mining

The act or process of digging, excavating or tunneling for the purpose of removing some natural material, for sale or trade.

Section 10.2.86 Miniwarehouse

A miniwarehouse or self-service storage facility is defined as a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies. It may also be a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods and wares.

Section 10.2.87 Natural Waterbody

Any natural pond, lake, channel, wetland, marsh, creek, sound or ocean which ordinarily or intermittently contains water and which has a discernible shoreline.

Section 10.2.88 Net Acre

That acre which remains after the deduction of easements for existing utilities, roads, and ditches, excluding wetlands and marshes. View easements shall not apply to net developable acre. Where easements exist on the whole parcel, the exact easement dimensions shall be determined such as powerline right-of-way, ditch right-of-way, or road widths, or the easement for the total parcel must be released before the parcel can be developed.

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Section 10.2.89 **Non-Precision - Instrument Runway**

A runway having non-precision instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an FAA planning document or a military service's military airport planning document.

Section 10.2.90 **Nursing Home**

A home for the aged, convalescent, chronically ill or incurable persons except mental or alcoholic patients in which three (3) or more persons are received, kept and provided with food and shelter and/or health care for compensation.

Section 10.2.91 **On Site**

On or within the area contained in the development permit application or within other area which, pursuant to this Ordinance may be included in defining the site's said referenced purpose.

Section 10.2.92 **One Hundred (100-Year Flood)**

Means the flood or level of flood water measured from mean sea level that has a one (1%) percent chance of being equaled or exceeded in any given year.

Section 10.2.93 **Open Space**

Land area not covered by buildings, parking areas or other accessory structures. Open space does not include utility easements, street right-of-way, drain ditches and the like (See Section 5.2.9).

Section 10.2.94 **Owner**

An owner of property or the authorized agent of an owner.

Section 10.2.95 **Parcel**

See Tract.

Section 10.2.96 **Parking Lot**

Any public or private open area used for the express purpose of parking automobiles and other vehicles.

Section 10.2.97 Parking Space, Off-Street

The storage space for one automobile of not less than nine (9') feet by twenty (20') feet, plus the necessary access space, and located outside the dedicated street right-of-way, other than handicapped spaces.

Section 10.2.98 Peak Flow

For Runoff. At the time of greatest runoff concentration, the volume or velocity in cubic feet per second (cfs) being discharged at a given point.

Section 10.2.99 Permitted Use

That use or those uses which require a written certificate of approval prior to engaging in such use or action.

Section 10.2.100 Person

Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

Section 10.2.101 Planned Development

A tract of land master planned or developed in sections or phases whether or not consisting of several different types and densities of land use.

Section 10.2.102 Planned Unit Development (PUD)

A tract of land master planned or developed in sections or phases that may consist of several different types of land use and densities.

Section 10.2.103 Planning Board

Means the agency which has been designated by Beaufort County Council, commonly known as the Beaufort County Planning Board, to prepare zoning, land use regulations, and plans.

Section 10.2.104 Precision Instrument Runway

A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and so indicated on an FAA-approved airport layout plan; another FAA planning document; or a military service's military approach planning document.

Section 10.2.105 **Pre-Development Conditions**

Those conditions which existed before alteration, resulting from human activity, of the natural topography, vegetation and rate, volume or direction of surface or ground water flow as indicated by the best available historical data.

Section 10.2.106 **Premises**

A lot or other tract of land including the buildings or structures thereon.

Section 10.2.107 **Primary Dune**

The major front dune immediately behind the beach.

Section 10.2.108 **Property**

An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of the County.

Section 10.2.109 **Quasi-Public (Also Quasi-Governmental)**

Commissions, boards, authorities, public service districts created by local or state legislation to serve a limited and specified public purpose.

Section 10.2.110 **Receiving Waters**

Any waterbodies, watercourses, or wetlands into which surface waters flow either naturally, in man-made ditches, or in a closed conduit system.

Section 10.2.111 **Recreation Vehicle**

A Recreation Vehicle shall mean any vehicle on wheels used for camping and shall include travel trailers, pickup truck campers, converted buses, self-powered vehicles and others of a like nature.

Section 10.2.112 **Recreational Vehicle (RV) Park**

A Recreational Vehicle (RV) Park is defined as any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. "Temporary" is defined herein as a period not exceeding fourteen (14) days.

Section 10.2.113 **Retention**

The collection and storage of runoff without subsequent discharge to surface waters.

Section 10.2.114 Runway

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Section 10.2.115 Runway, Primary Surfaces

Horizontal planar surfaces which in plain view, are longitudinally centered on runways, extending two hundred (200') feet horizontally beyond the runway ends, and of constant width for the given runway.

Section 10.2.116 Screening

The act of installing natural or manmade materials so as to block from public view unsightly conditions or items which may exist on any given property.

Section 10.2.117 Sediment

Fine particulate material, whether mineral or organic, that is temporarily in suspension or has settled in a waterbody.

Section 10.2.118 Sign

Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences or emblems.

Section 10.2.119 Site

A space or piece of ground occupied or planned for occupation by structures or a set of structures and support improvements.

Section 10.2.120 Street, Private

A right-of-way which has not been dedicated or publicly accepted by the County.

Section 10.2.121 Street, Public

A dedicated public right-of-way which affords means of access to abutting property and which has been accepted for maintenance by the County or the State Highway Departments. For the purposes of these regulations, the term street or streets shall also mean avenues, boulevards, roads, lanes and other public ways.

Local Street - A public or private way used primarily for providing direct access to abutti property.

Collector Street - A public or private way designed primarily to connect residential service streets with arterial streets or to provide a direct connection between two arterial streets and may be expected to carry a significant volume of traffic having neither origin nor destination on the street.

Major Thoroughfare - A federal or State Highway designated for the movement of large volumes of traffic or recognized for purposes of this Ordinance, as a result of long-range planning study, to possess such potential. For purposes of this Ordinance, major thoroughfares are designated on the Official Major Thoroughfare Maps adopted as a part of this Ordinance and included in the Appendix.

Section 10.2.122 Structure

Anything constructed, erected or established including, but not limited to the following: Buildings, signs, seawalls, mobile homes, fences, screen enclosures and patio walls.

Section 10.2.123 Structure, Alteration

Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

Section 10.2.124 Subdivision

The term "subdivision" shall mean all divisions of a tract or parcel of land into two (2) or more lots, building units or other division, for the purposes, whether immediate or future, of sale, legacy, transfer or resale and involves all division of land involving a new street or change in existing streets, and includes the act of resubdividing previously subdivided property.

Section 10.2.125 Tandem Parking

An arrangement for parking two vehicles in a straight line (bumper to bumper) in which ingress and egress to the space is provided at only one end so that the second vehicle parked blocks the exit way of the first.

Section 10.2.126 Telecommunications Tower

A roof or ground mounted structure on which transmitting and/or receiving antenna(e) are located.

Section 10.2.127 Temporary Structure

A structure having a pattern of short-term use, either daily, seasonal, or for the term of a project.

Section 10.2.128 Temporary Use

A short-term living quarters for farm labor employed by a resident farmer for work during the planting and/or harvesting season; as a temporary office and/or storage building during a project involving extensive construction but not to be used as a dwelling with the removal of same within 30 days of project completion.

Section 10.2.129 Tract

A defined area or piece of land, the term itself not importing any precise dimension.

Section 10.2.130 Tree

Any self-supporting woody perennial plant which has a diameter of eight (8") inches or more (25" circumference) measured three (3') feet up from the based and which normally attains a height of at least ten (10') feet at maturity and usually has one main stem or trunk and many branches.

Section 10.2.131 Use

The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied and maintained.

Section 10.2.132 Utility, Private

Any privately-owned company or corporation which provides the general public or residents within a private development with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other services.

Section 10.2.133 Utility, Public

Any agency which, under public franchise or ownership provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other services.

Section 10.2.134 Variance

A departure from the strict terms or expressed provisions of this Ordinance where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unusual and undue hardship.

Section 10.2.135 Vegetation

All plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Section 10.2.136 Water Supply - Fire Protection

Systems for areas or developments primarily for providing water for extinguishment of fires or other emergency needs.

Section 10.2.137 Wetlands

(a) Any salt, brackish or fresh water marsh, bog, swamp, meadow, flat or other area subject to tidal flow, whether or not the tide water reaches the area naturally or through artificial water courses; and

(b) Any other area upon which exists a natural community of one or more of the following indications of tidal influence: *Spartina alternifora*, *Spartina potenas* and *Juncas roemerianus*; and

(c) Any natural land-locked bogs, swamps, lakes and ponds, sinks or low-lying areas that are unique and important wildlife habitats, or possess unique scenic and recreational value.

Severability

If any section, subsection, or clause of this Ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

Adopted this 9th day of April, 1990.

AMENDMENTS

Ordinance	Adopted
90/14	August 27, 1990
91/1	January 14, 1991
91/10	April 8, 1991
91/21	September 9, 1991
91/27	October 28, 1991
92/8	March 9, 1992
92/10	March 23, 1992
92/18	June 8, 1992
92/23	August 24, 1992
92/26	September 28, 1992
92/33	November 9, 1992
93/2	February 8, 1993
93/13	May 24, 1993
93/16	June 28, 1993
93/25	August 23, 1993

AMENDMENTS

Ordinance	Adopted
94/6	April 25, 1994
94/9	July 25, 1994
94/18	August 8, 1994
94/24	November 14, 1994
95/5	February 13, 1995
95/12	March 27, 1995
95/16	May 8, 1995
95/18	June 12, 1995
95/22	June 26, 1995
95/27	June 26, 1995
97/3	March 10, 1997
97/10	May 05, 1997
97/13	May 19, 1997
97/26	August 25, 1997

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APPENDIX A
MAJOR THOROUGHFARES
Beaufort County, South Carolina

U.S. Highway 17

U.S. Highway 21

U.S. Highway 278

South Carolina 802 and South Carolina 802 West

Highway State Secondary - 20

Highway State Secondary - 40

Highway State Secondary - 46

South Carolina Highway 116

Highway State Secondary - 163 (Burnt Church Road)

South Carolina Highway 170

South Carolina Highway 280

4

Modifications to Town of Bluffton 5.8 Planned Unit Development Ordinance

The Town of Bluffton has an ordinance regarding the approval of Planned Unit Developments. Section 5.8 (Approved September, 1999) is included in Attachment 1 for reference. In order to clarify some of the issues and statements in Section 5.8 the following modifications are made:

5.8 Planned Unit Development

5.8.6 (A) Add: "as applicable" after Historic Preservation Overlay District.

(C) Add: Buffer requirements apply to the perimeter of the PUD. The Concept Plan describes the buffers and requirements.

Delete: Items 1 – 7.

5.8.7 Application and Concept Plan

(E) The Concept Plan shall contain:

3. Delete: "... total square footage for commercial uses and institutional uses".

Add: "... total acreage for commercial uses and institutional uses".

12. Delete: Proposed stormwater mitigation for deviations from the DSO maximum of 10 percent impervious surface.

Add: Proposed deviations from DSO stormwater requirements to achieve goal of *Beaufort County's Manual for Stormwater Best Management Practices.*

(G) Add:

However, in the event that a PUD is approved with a Development Agreement, the Development Agreement details the rights of the Owner, Developer and Town.

5.8.9 (B) Add to the beginning of the sentence:

"Unless provided for in the Development Agreement, "...

5.8.10 (W) Add to the end of the sentence:

..."unless modified by a Development Agreement and Concept Plan."

5.8.11 (B) Add to the end of the sentence:

..."unless modified by a Development Agreement and Concept Plan."

5

Town of Bluffton 5.8 Planned Unit Development Ordinance

Section 5.8 PLANNED UNIT DEVELOPMENT

5.8.1 The purpose of the PUD district is to encourage flexibility in land planning that will result in improved design, character, and quality of new homogenous and mixed use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

5.8.2 General Requirements

(A) All property that is at least four contiguous acres shall be eligible for the PUD district regulation.

(B) Properties consisting of less than 200 acres shall not be required to submit a Concept Plan and shall begin the review process with an application and Master Plan. It is recommended, however, for projects less than 200 acres that are unusually complex or sensitive to submit a concept plan to avoid undue delays in the review process. Applicants under 200 acres will be granted PUD zoning only after acceptance of the Master Plan by Town Council.

(C) All property zoned PUD shall be under single ownership, or if in multiple ownership, then by written consent of all owners who agree to be bound by the district designation and regulations.

(D) The detailed standards set forth herein are minimum requirements and it is the intent of this section that the Town Council may impose conditions and safeguards in excess of, or in addition to, the specified minimal requirements. Satisfying the minimum requirements set forth herein does not per se indicate that an applicant is entitled to a zoning change and notice is hereby given to that effect.

5.8.3 General Considerations. Following is a list of general considerations to be reviewed by the Town of Bluffton when analyzing applications for a PUD rezoning.

(A) The applicant's statement describing the character of and rationale for the proposed development.

(B) The appropriateness of each development area and the development standards proposed for each area.

(C) Land uses proposed are adopted as permitted uses by the Town of Bluffton.

(D) Whether the major components of the PUD are properly located and should be able to continue to function if any of the other phases are not completed, taking into factors such as the infrastructure guarantee procedures described herein.

(E) Compatibility of proposed land uses within the PUD and the surrounding area.

(F) Infrastructure capacity and the effect upon public services.

(G) Conformance with engineering and other technical requirements.

(H) Effects upon public health, safety, and general welfare.

(I) Residential desnities and square footage of commercial usage as they compare to current Town requirements and optimal usage of the land.

5.8.4 Special Considerations. The following list includes special considerations to be made by the Town of Bluffton when reviewing applications for PUD rezoning. Satisfaction of these requirements is not mandatory, but are strongly recommended and desired by the Town of Bluffton. Inclusion of these special considerations within a PUD can increase the ability of the developer to negotiate mitigation of other requirements.

(A) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.

(B) Preservation of open space, natural and cultural areas as well as the creation of active and passive recreation to include greenways, sidewalks, and other pedestrian/bicycle circulation networks that serve to connect significant areas and various land uses.

(C) Enhanced landscaping, deeper buffers, and increased planting along public right-of-ways, open space/ recreational areas, and the overall perimeter of the project.

(D) Segregation of vehicular and pedestrian/bicycle circulation networks and other traffic mitigation measures.

(E) Provision of subsidized affordable housing.

(F) Public benefits and community facilities and the access thereto.

(G) Sensitive treatment of perimeters to mitigate impacts upon adjoining property.

(H) Placement of utilities underground.

5.8.5 Permitted Uses

(A) Any use permitted in all zoning districts adopted by the Town of Bluffton may be permitted, and any conditional uses allowed in these districts may be permitted and any other uses as the Council may approve, provided the conditions for such uses are satisfied.

(B) There shall be no areas of a PUD that are unspecified as to the type of land uses that will occupy those particular areas.

5.8.6 Standards

(A) Any property in a PUD district shall be required to adhere to all provisions of the Town's Zoning Ordinance, Development Standards Ordinance, as well as the Historic Preservation Overlay District, the River Protection Overlay District, as applicable, and the Highway Corridor Overlay District as applicable. The regulations applicable to the uses in an approved PUD shall be those of the most restrictive zoning district where such uses are allowed, unless a waiver or deviation from such restrictions is secured as part of the approved Concept Plan.

(B) External setbacks shall be a minimum of 20 feet for front, rear and side yards.

(C) Buffer Requirements:

1. Minimum buffer strips of ten feet shall be maintained along all external dimensions of a PUD.

2. Buffer strips shall be in addition to the required external setback. In effect there shall be a minimum 30 feet of total setbacks with the required buffer.

3. No development, parking areas, structures or accessory buildings except the required fence and vegetation shall be placed in the buffer

area. Buffer strips shall include vegetative cover and be maintained regularly.

4. The buffer shall include a vegetative screen of evergreen trees and/or shrubs that will reach six feet in height within twelve months of installation and form a contiguous screen within two years of installation.

5. The Town of Bluffton reserves the right, if it finds substantial needs for screening of the proposed PUD activity, to include within the buffer a six foot high fence made of either brick, finished concrete, mortar, wood, stone, masonry units, or a combination of the above. The fence shall be fronted by the required vegetative screen.

6. The frontline of the required side yard buffer shall begin where the private property line and the public right-of-way intersect and extend to the rear lot line. The required vegetative screen and the fence, if required, shall begin 20 feet from where the private property line and the public right-of-way intersect and extend to the rear lot line.

7. Required rear yard buffer strips and the fence, if required, shall extend the entire length of the rear lot line.

5.8.7 Application And Concept Plan

(A) A request for the PUD district shall be processed as an amendment to the zoning ordinance and official map(s).

(B) To secure a PUD district designation an application must be filed with a fee established by the Town.

(C) The Application shall contain, at a minimum, a legal description of the property and if in multiple ownership, the written consent of all owners who agree to be bound by the district designation and regulations.

(D) A Concept Plan shall be submitted with the application to the Town's designated planning staff. Applications and Concept Plans will be forwarded to the DRB and designated Planning Commission for recommendation to Town Council in accordance with standard procedural requirements.

(E) The Concept Plan shall contain:

1. A narrative statement by the applicant as to the goals of development and a definitive justification of why a PUD designation is necessary to achieve them.

2. The types of uses proposed for the PUD, either specifically or generally. If general descriptions are used, the uses deemed applied for shall be those allowed in the most restrictive zoning district where such uses are permitted as a matter of right, and the regulations of such zoning district shall apply. To avoid miscommunication and to encourage ease of administration, applicants are encouraged to specifically designate the uses it proposes, i.e. single family residences or offices or business parks or the like. Sewer treatment plants and utility pads may be permitted in a PUD.

3. The total number of units for residential uses and the total number of acres to include the range of residential lot sizes and the total square footage for commercial uses and institutional uses.

4. A general layout of roadways of major circulation, the anticipated widths thereof, whether they are to be publicly or privately maintained, and a general statement as to the anticipated impact of the PUD project on public roads.

5. A description or list of any proposed waivers or deviations from zoning district regulations, Development Standards Ordinance regulations or Overlay district regulations, and what is proposed in their place.

6. Statement(s) from applicable utility service providers (water and sewer, if applicable, telephone and electricity) that service is available to the PUD, or what is required to render services available.

7. A proposed build-out schedule.

8. A statement identifying existing buildings, structures, or other facilities on the property including any historic structures.

9. Proof of notification to adjacent landowners by certified mail of notice of zoning application.

10. Identification, by name, number and width, of existing public rights-of-way on or adjacent to the property, and the proposed access to such existing rights-of-way.

11. The proposed internal setbacks, vegetative buffer material and percent open space areas.

12. Proposed stormwater mitigation for deviations from the DSO maximum of 10 percent impervious surface.

13. The proposed ownership and maintenance of rights-of-way, drainage systems, water and sewer systems, open space systems and amenities.

14. A description of known archeological sites or historic structures on the property, and the proposed approach for protecting them and any others that might be discovered during development.

15. A site map/plan delineating the vicinity of the property; the boundary lines of the property; any rivers, creeks, marshes and general patterns of wetlands on or adjacent to the property; land uses adjacent to the property; existing buildings, structures or facilities on the property; municipal or county boundary lines adjacent to the property; historic structures on or adjacent to the property; any flood hazard and all overlay district boundary lines; proposed access to existing roads; and arrangement/layout or land uses, approximate acreage of each land use area, type of use and residential density of each use area.

(F) The Town Council will consider the application, Concept Plan, and recommendations from the DRB and Planning Commission. The Town Council shall examine, consider and address issues relating to financial impacts upon the Town, environmental impacts and required infrastructure to serve the PUD. The Council may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the development which are reasonably available and where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens. Such elements may be, but are not limited to, environmental impact statements as to specific matters not otherwise required or adequately addressed herein, traffic analysis, hurricane evacuation, other emergency preparedness and response, historical preservation, shoreline erosion, public access, community linkages, public education and the like. Should additional information be requested by the Town Council, the Town Council may request the review and recommendation of the DRB and Planning Commission relative to the additional information prior to study. When necessary and appropriate to address such issues, the Town may require a development

agreement as a prerequisite to approving a PUD hereunder, in accordance with the South Carolina Development Agreement Act.

(G) Upon approval by the Town Council of the application and Concept Plan and the adoption of an ordinance to that effect, property greater than 200 acres shall be zoned PUD. A zoning of PUD shall not entitle an owner of the affected property any right to develop or engage in any land use or land disturbing activity, other than that in existence as of the time the Concept Plan is approved. Further, initial zoning of PUD does not vest a developer any number of residential units or square footage of commercial/ institutional/ industrial space. To engage in development or any land use or land disturbing activity other than that in existence when PUD zoning is approved, An overall Master Plan and subsequent Development Plan(s) must be approved for the areas to be developed or engaged in land disturbing activity. A zoning of PUD is not deemed by the Town to constitute the commencement of activity or use that would abrogate exemptions, tax or otherwise, attendant to silviculture activities.

(H) The developer of a PUD may sell or transfer ownership of development tracts within a PUD in accordance with the following procedures and provisions:

1. The developer must submit and have secured approval of a Concept Plan for the PUD;

2. Property covenants and restrictions must accompany the transfer of any development tract within the approved PUD restricting the new owner to the development type, road network, water, sewer approach, and density indicated on the approved Concept Plan;

3. The developer must submit a sworn affidavit from the prospective purchaser of a development tract wherein the purchaser waives rights to the guarantee of the installation of required improvements afforded through this Ordinance for the subdivision of land, and further acknowledges and agrees that an initial master plan and final development plan must be submitted, and a development permit awarded, prior to commencement of any development on the tract;

4. The developer must submit a plat for certification for recording by the Development Review Board or its designee, and subsequently record such plat prior to the sale or transfer of any development tract or phase;

5. This procedure will not be permitted for the sale or transfer of any individual single-family lot or group of lots intended for construction of one single-family dwelling.

5.8.8 Master Plan. A Master Plan shall be developed for all or any portion of the PUD property to be developed. The Master Plan, as well as any fee as may be established by the Town, shall be submitted only to the DRB for a recommendation to the Town Council. The minimum requirements of the Master Plan include:

(A) Multiple copies of the Master Plan to sufficiently distribute to all designated reviewing bodies at the time of submittal.

(B) Proposed arrangement of land uses, including land for public facilities, approximate acreage of each use area or tract, type of use and density (residential use tracts). All specified densities will be construed as maximums, with acceptance of the maximums subject to satisfaction of other provisions within the PUD ordinance.

(C) A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor.

(D) The location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.

(E) The proposed name of the development.

(F) Type of land use of all parcels contiguous to the development property.

(G) A map or site plan showing:

1. The location, dimensions, descriptions, and flow of existing watercourses and drainage structures within the tract or on contiguous tracts.

2. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary.

3. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads.

4. Topographic survey of the area being applied for.

5. The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries.

6. The location, dimensions, name and description of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract.

7. The proposed location, dimensions and description of land(s) for public facilities.

(H) Proposed conceptual street system layout, vehicular and pedestrian, with the written comments of the Town's designated engineer;

(I) Traffic impact analysis and a statement of need for mitigation (if any). If mitigation is required, a statement of proposed mitigation;

(J) Preliminary (master) drainage plan and (master) water and sewer plan with the written comments of the Town's designated engineer;

(K) Where applicable, surveyed line delineating the extent of any special district boundary on the development property;

(L) Preliminary comments from affected agencies having approval or permitting authority over elements related to the proposed development, or evidence that a written request for such comments was properly submitted to the agency and a reasonable period of time has elapsed without receipt of such comments. Minimum agency responses include EMS, DHEC, OCRM, DHEC, fire officials, and school districts (as applicable).

(M) A narrative addressing:

1. The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and when any are to be privately owned, a description of the mechanism to be used to secure their future maintenance, upkeep and upgrading;

2. Proposed phasing and time schedule if development is to be done in phases;

3. Proposed phasing and time schedule for lands to be dedicated for public facilities.

4. Proposed internal site planning standards such as typical lot sizes and widths, and setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities;

5. Letters of capability and intent to serve community water supply or sewage disposal service from the affected agency or entity, where applicable; and

6. A statement describing the character of, and rationale for, the proposed Master Plan;

o. Other information or descriptions deemed reasonably appropriate for review.

5.8.9 Upon review of the proposed Master Plan the Town Council may move to approve or disapprove the Master Plan. The Town Council may request additional study of the Master Plan through the process outlined in section 2.1(f).

(A) Approved Master Plans may be revised subject to the approval of the Town's designated Zoning Administrator for the following changes:

1. Minor changes in the location of roads or widths of streets or right-of-ways within the Master Plan;

2. Minor changes in the allocation of housing density within the Master Plan so long as the overall approved density of the Master Plan is not increased;

3. Change in the proposed build-out and phasing schedule.

(B) All phases of the PUD will be required to adhere to the latest version of the following standards at the time of Development plan submittal:

1. Tree and landscaping standards
2. Stormwater drainage standards
3. Environmental quality standards

4. Town Fee adjustments
5. Impact fees (unless otherwise specified in a development agreement)

(C) Changes to the Master Plan listed below shall require that a revised Master Plan be submitted for approval.

1. Designation of land uses within a development area or phase
2. Building heights, setbacks and buffers
3. Major changes in the location of roads or widths of streets or right-of-ways within the Master Plan.
4. Major changes in the allocation of housing density within the Master Plan, especially when the overall approved density of the Master Plan is increased.
5. Lot Sizes and dimensions

5.8.10 Development Plans. Development plans are required to commence activity within any area or phase within the PUD district. Development Plans must be in conformance with the approved Master Plan. To secure a Development Plan approval, the applicant must submit to the Town any administrative fee as may be established by the Town and the following:

(A) A sufficient amount of black or blue line prints of the Development Plan to be distributed to all reviewing bodies.

(B) Name and address of owner(s) of land being developed.

(C) Name of the development, date, north point and graphic scale.

(D) Name and seal of registered land surveyor.

(E) Name of county, location, tax map(s) and parcel number(s).

(F) Bearings and distances of all lot lines and street lines.

(G) Streets and alleys, rights-of-way, proposed street names and lot numbers. (Street addresses will be assigned by the Beaufort County Office of Emergency Preparedness after Development Plan approval and copies are sent to appropriate agencies).

(H) Final traffic mitigation plans (if applicable).

(I) Square foot area of each lot.

(J) Location of all monuments and markers and type indicated.

(K) Location, size and type of all existing and proposed easements.

(L) Proposed location and designation of parks, playgrounds, school sites, open space, recreation amenity areas and public facilities where applicable.

(M) Existing railroads, watercourses, streets, highways, city limit lines, transmission lines, water and sewer lines, drainage pipes, ditches, and wetlands within or immediately adjacent to land in the land being developed.

(N) Design, specifications and profiles of all proposed streets, drainage systems, parking, and parking lots (submit directly to County Engineer).

(O) Layout and design, specifications and profiles for all proposed water lines and sewer lines or well and septic tank locations, as applicable.

(P) Letters of Intent to serve underground electrical, telephone or gas from respective utility companies.

(Q) Proposed fire hydrant locations or locations and quantity of other proposed water supply systems for fire protection as required.

(R) Other affected agency final approval, certification or permits for elements relative to the development such as:

1. DHEC construction permits for community water and sewer systems.

2. DHEC approval of the use of individual wells or community water system in conjunction with septic tanks for those lots the applicant is making application to record and sell after Development Plan approval.

3. OCRM signed certification of surveyed Critical Wetland Boundary Line.

4. OCRM and/or Corps of Engineers permits for proposed docks, marinas, bulkheads, fill and the like (where applicable).

5. Town designated Engineer approval of storm water drainage systems and road plans.

6. Local Fire Official having jurisdiction shall certify that development is in compliance with all applicable fire and life safety standards.

7. All other applicable regulatory agency approvals.

(S) Two copies of signed final covenants and restrictions for the development (where applicable).

(T) Signed statement of any offers of proposed public dedication of streets, drainage system, school sites, open space areas, easements or beach, river, wetland or historic site access.

(U) Two (2) copies of final Homeowners or Property Owners Association documents addressing ownership and maintenance of all improvements.

(V) Town of Bluffton Overlay district boundary lines (where applicable) denoted directly on the Development Plan.

(W) Tree survey consistent with the provisions of the Development Standards Ordinance;

(X) Copies of recorded deeds, plats or easements clearly documenting legal access to the development.

(Y) Bond or legal surety, acceptable to the Town, guaranteeing the completed installation of all required improvements to the development and other improvements shown on the Development Plan, or represented in the application, shall be posted with the Town. Such bonds or other surety shall be payable to the Town of Bluffton and equal one hundred twenty-five percent of registered engineers' estimates of construction costs or contractors' executed contracts for subdivision improvements, whichever is greater. The applicant shall complete all improvements, including required mechanisms guaranteeing perpetual ownership and maintenance, within twelve (12) months of the date of Development Plan Approval. Failure to do so will constitute a violation of the development permit and terminate the right to continue development, and shall entitle the Town to act on the posted bond and cause the improvements to be completed on behalf of the lot purchasers in the development. Extension to the twelve-(12) month time period afforded for completion of improvements may be granted one time by the Town. Such requests must be submitted prior to the expiration date and accompanied by:

1. An explanation of why the extension is necessary;

2. Signed/Dated agreement with the extension by all lot owners in the development to date;

3. Amount of work completed, cost remaining for incomplete work and time frame for completion of work, certified by a registered engineer;

4. Amended bond or surety for incomplete work in an amount of one hundred twenty-five percent of the cost of completion and of sufficient duration to secure the completion of the work.

5.8.11 Development Plan Approval

(A) A Development Plan shall be submitted to the Development Review Board or its designated agent and such other professional advisors as the Town may designate. A Development Plan may be approved if:

1. It incorporates all information required by section 4.1 hereof as applicable; and

2. It complies with the approved Master Plan (section 3.1) in all details; and

3. It complies with the provisions of the Zoning Ordinance and Development Standards Ordinance appertaining to the PUD and/or any other Development Agreements, if applicable; and

4. All infrastructure systems have been reviewed and approved by the applicable reviewing authority.

(B) Except as otherwise modified herein, the provisions of the Development Standards Ordinance in effect at the time of the application shall be applicable.

5.8.12 Should any section or provision of this Ordinance be declared invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

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Modifications to Article IX Sign Control

The following text shall apply to development of signage within the Buckwalter PUD.

The text is based on Article IX Sign Control adopted 1/13/92 by Beaufort County. The provisions of the Development Agreement, the DSO Modifications (pp 1-12), the Sign Control Modifications, Attachment 1 and the Concept Maser Plan shall apply to the development of the Buckwalter PUD as defined in the Concept Plan. In the event of conflict, the Development Agreement takes first precedence followed by, in order the Concept Master Plan, DSO Modifications (pp 1-12), Article IX Signage Control Modifications, and Attachment 1 DSO.

Sign Control

Article IX, Sign Control adopted 1/13/92 by Beaufort County, shall apply to the subject property within the Town of Bluffton, with the following exceptions and modifications:

- All reference to "Beaufort County" shall be deemed to mean the "Town of Bluffton" and the reference to "County" shall be deemed to mean the "Town" throughout the document.

- Development permits within the Town of Bluffton shall be processed in accordance with Town procedures and under the requirements of the PUD Ordinance 5.8 as of December 31, 1999, and included for reference in Attachment 1.

Section 9.2.4 On-Premise Signs – Area, Height, Size, Number, Type, etc.

Modify A.3. Insert "(Letters Only)" after "maximum allowable area of eighty (80') square feet."

Add:

D. Individual Project Signage

The exact number of signs and square footage of signage allowed per individual development tracts within the PUD shall be determined on a development project by development project basis in accordance with the criteria listed above in 9.2.4 A.

Section 9.2.6 Off Premise Signs.

Add to H:

Directory Listing Signs may be placed at each PUD access point indicated on the Conceptual Master Plan. Each access point shall be allowed a maximum of 160 square

feet of signage (letters only). The Directory Listing signs are intended to be informational and helpful for the convenience of visitors and not promotional of a particular business or type of business. Listings may include hotels, motels, restaurants, major residential developments, retail centers and the like.

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Article IX Sign Control

ARTICLE IX

SIGN CONTROL

Section 9.1 **General**

Section 9.1.1 **Title**

This article shall be known as the "Sign Control of Beaufort County, South Carolina."

Section 9.1.2 **Authority**

This article is adopted pursuant to the authority granted under Section 6-7-310, et seq., of the Code of Laws of South Carolina, 1976, as amended, otherwise known as Act 487 of 1967.

Section 9.1.3 **Purpose**

The purpose of this article is to:

A. **Safety.** Promote the safety of persons and property by providing that signs:

1. Do not create traffic hazards by distracting or confusing motorists, or impairing motorists' ability to see pedestrians, other vehicles, obstacles, or to read traffic signs; and

2. Do not create a hazard due to collapse, fire, collision, decay or abandonment.

B. **Information.** Promote the efficient transfer of general public and commercial information through the use of signs.

C. **Public Welfare.** Protect the public welfare and enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes Beaufort County while promoting and increasing the economic benefits derived from the attraction of tourists, permanent and part-time residents, new industries and cultural facilities.

Section 9.1.4 **Definitions**

A. **General.** Except as specifically defined herein, all words used in this article have their customary dictionary definitions. For the purpose of this article, certain words or terms used are herein defined as follows:

1. The word "shall" is mandatory.

2. The word "may" is permissive.

3. The word "lot" includes the words "plot", "parcel" or "tract".

4. The word "person" includes a firm, association, organization, partnership, trust company, company or corporation as well as individual.

5. The term "county council" refers to the legally constituted and elected governing body of Beaufort County.

6. **Abandoned sign.** An abandoned sign is one which was erected on property in conjunction with a particular use which has been discontinued for a period of ninety (90) days or more, or a sign the contents of which pertain to a time, event or purpose which no longer applies.

7. **Back-to-back sign.** A back-to-back sign is one constructed on a single act of supports which may have two (2) messages visible on either side, provided double message boards are physically contiguous.

8. **Billboard.** [See "Off-Premise Sign"].

9. **Building official.** The building official is the person specifically designated by the Beaufort County Council and so employed and empowered as the building official for Beaufort County.

10. **Detached sign.** A detached sign is any sign that is not attached to a building in any manner and is structurally free-standing.

11. **Dilapidated sign.** A dilapidated sign is any sign which is insecure or otherwise structurally unsound, has defective parts, or is in need of painting or maintenance.

12. **Directional sign.** A directional sign is an off-premise sign the content of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

13. **Flashing sign.** A flashing sign is any lighted or electrical sign which emits light in sudden transitory bursts. On/off time and temperature signs and message boards are not considered flashing signals for the purpose of this article.

14. **Ground sign.** A free-standing sign flush to the ground and not elevated upon poles or other stanchions.

15. **Illuminated sign.** An illuminated sign is any sign which is directly lighted by an electrical source, internal or external.

16. **Moving message board.** A moving message board is an electrical sign having a continuous message flow across its face by utilization of lights forming various words.

17. **Nonconforming sign.** A nonconforming sign is any sign erected or displayed prior to the effective date of this article or subsequent amendments thereto which does not conform with the standards of this article.

18. **Commercial sign.** Any sign which is in the nature of commercial advertising, and which transmits a message pertaining to a product, service, use, occupancy, business, operation, event or function.

19. **Noncommercial sign.** Any sign which is not in the nature of commercial advertising, and which transmits a message which does not relate to a product, good, or service that is sold or rendered for profit.

20. **On-premise sign.** Any sign, commercial or noncommercial, the content of which relates to use, occupancy, or function on the same property as that upon which the sign is located.

21. **Off-premise sign.** Any sign, commercial or noncommercial, the content of which relates to use, occupancy, or function on property other than that upon which the sign is located.

22. **Pole sign.** A sign erected above ground supported by poles or other stanchions and not attached to a building.

23. **Political sign.** A political sign is a temporary off-premise sign which refers only to a political candidate or the issues involved in an upcoming political election.

24. **Portable sign.** A portable sign is any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

25. **Roof sign.** A roof sign is a sign which is located upon or over the roof of a structure.

26. **Rotating sign.** A rotating sign is any sign which revolves around one or more fixed areas.

27. **Scenic highway district.** Land abutting a highway or section of highway which is officially determined by Beaufort County to contain exceptional scenic value such as, but not limited to, marsh and river vistas, trees, farm fields, timber stands, or important architectural or historic structures.

28. **Shopping Center.** A commercial complex consisting of several stores or commercial establishments grouped together and generally sharing a common parking area.

29. Sign. A sign is any privately owned permanent, temporary or portable structure or device, billboard, figure, symbol, insignia, medallion, promotional flag, banner, balloon or the like which is in the nature of advertising, representing or calling attention to a product, service, person, business, operation, use, event, or which transmits information or an idea.

30. Temporary sign. A temporary sign is any sign or information transmitting structure intended to be erected or displayed for a limited period of generally sixty (60) days or less.

31. Time and temperature sign. A time and temperature sign is an electrical sign utilizing lights going on and off periodically to display current time and temperature in the community.

32. Vehicular sign. A vehicular sign is any sign painted on, attached to or pulled by an vehicle moving or parked (also mobile, portable or vehicular movable).

33. V-sign. A V-sign has two (2) sets of supports, sharing a least one common support and capable of displaying two (2) message boards in different directions provided such double message boards are physically contiguous.

Section 9.2 **Sign Standards**

Section 9.2.1 **General Sign Provisions**

The following provisions shall apply to all signs.

A. Visibility. The area around the sign shall be properly maintained clear of brush, trees and other obstacles so as to make signs readily visible.

B. Finish. Reverse sides of signs must be properly finished with no exposed electrical wires or protrusions and shall be of one color.

C. Glare. Signs shall not be illuminated so as to impair driver vision.

D. Location. No sign shall be located so as to obstruct or impair driver vision at business ingress-egress points as at intersections.

E. Design. Sign shapes shall be composed of standard geometric shapes and/or letters of the alphabet only and not be in the shape of a sponsor motif (bottles, hamburgers, human or animal figures, ect.). All elements of a sign structure shall be unified in such a way not to be construed as being more than one sign. Outcrops on signs are prohibited.

Section 9.2.2 Prohibited Signs

The following signs are prohibited when visible from a publicly maintained street, road or highway, whether county, state or federal.

A. Commercial billboard signs; and

B. Flashing signs; and

C. Moving signs or signs having moving parts; and

D. Signs using the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead, confuse or distract a vehicle driver; and

E. Except as otherwise provided, no sign, whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way; and

F. Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles, or painted on or projected from the roofs of buildings visible from any public thoroughfares; and

G. No sign of any kind shall be erected or displayed in any salt marsh areas or any land subject to periodic inundation by tidal salt water; and

H. Portable commercial signs or vehicle movable commercial signs except business identification painted on or magnetically attached to business cars and trucks; and

I. Abandoned or dilapidated signs; and

J. All signs and supporting structures in conjunction with a business or use which is no longer in business or operation unless a new permit for the sign has been obtained.

Section 9.2.3 Sign Illumination

A. Shielding. Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences, sleeping accommodations or in the eyes of vehicle drivers.

B. Unshielding lights - Intensity. Signs incorporating steady, unshielded light bulbs shall utilize bulbs not in excess of seventy-five (75) watts intensity.

C. Electrical requirements. Electrical requirements pertaining to signs shall be as prescribed under the adopted National Electrical Code for Beaufort County. (Cross Reference -

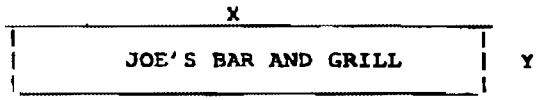
Adoption of the National Electrical Code and Amendments thereto, Chapter 3.)

Section 9.2.4 On-Premise Signs - Area, Height, Size, Number, Type, Etc.

A. Type. All businesses located in Beaufort County may choose to utilize any two (2) types of the following types of on-premises signs. In no case shall individual types exceed the limitations prescribed herein, and in no case shall the combined area of any two (2) types chosen exceed one hundred sixty (160') square feet, except in the case of a business fronting on two highways. In this instance, two hundred forty (240') square feet shall be the maximum allowed.

1. "Flat sign" erected flat against or painted on the principal building, provided, however, that the amount of sign area on any one face or side of the building shall not exceed fifteen (15%) percent of the area of such face or wall and the aggregate sum of signage on all walls or faces shall not exceed eighty (80') square feet. The area of "letters only" signage painted on or attached to walls shall be computed as the area of an imaginary rectangle enclosing the lettering.

Example 1:



Area = X times Y

Example 2:

Area = X-1 times Y-1 + X-2 times Y-2

2. One projecting sign per business frontage perpendicular to the wall of a building and consisting of an area not exceeding thirty-two (32') square feet. Signs attached perpendicular to the wall of a building shall not extend outward from the wall more than eight and one-half (8 1/2') feet.

3. One ground sign (free-standing) per each highway frontage, not exceeding ten (10') feet in overall height, fifteen (15') feet in width with a maximum allowable area of eighty (80')

square feet. Location for a new free-standing sign shall be clearly identified on the ground by white stake visible above ground line. The sign shall not be erected until a permit for said sign has been received.

A. One pole sign (free-standing) not exceeding twenty-five (25') feet in total height, fifteen (15') feet in width with a maximum allowable area of eighty (80') square feet.

B. On-premises signs shall be erected so as not to obstruct or impair driver vision at business ingress-egress points and intersections.

C. When necessary to facilitate traffic movement, such on-premise signs as "Enter", "Exit", "Drive-In", "Service Entrance", "No Parking", etc., without any other advertising words or phrases, may be installed without a permit fee after proper notification to the Building Inspection Department. Maximum area of each sign not to exceed six (6') square feet.

Section 9.2.5 Shopping Centers and/or Multiple Tenant Buildings

A. Shopping centers, malls and multiple tenant buildings may erect either one 80' square foot free-standing ground or pole sign (which may be used as an identification sign, directory listing or combination thereof) on each street or highway frontage except where the frontage exceeds 500' feet. An additional sign may be allowed provided it does not exceed 80' square feet in area and the total area of all free-standing signs do not exceed the maximum allowable area as specified in Section 9.2.5(b).

In addition to the above, shopping centers and/or multiple tenant buildings may be allowed one 80' square foot pole identification, directory listing or combination thereof at each entrance to the complex, not to exceed maximum area indicated in Section 9.2.5(b).

B. Total maximum allowable area:

1. Shopping centers and/or multiple tenant buildings fronting on one street or highway. Maximum total free-standing area 160' square feet.

2. Shopping center and/or multiple tenant buildings fronting on two streets or highways. Maximum total free-standing area 240' square feet.

3. Individual businesses within a shopping center and/or multiple tenant building may erect flat and/or projecting signs consistent with the provisions of Section 9.2.4(1) and (2).

4. Individual businesses within a complex shall not be allowed to have separate free-standing signs.

Section 9.2.6 Off-Premise Signs

A. Except as provided for in paragraphs (G) and (H) of this section, all commercial off-premise signs are banned in the areas of Beaufort County to which this ordinance applies.

B. Non-commercial off-premise signs shall be limited to the location and design standards set forth in this section, provided, however, that noncommercial off-premises signs and noncommercial on-premise signs may be placed on any premises where on the placement of commercial on-premise signs is allowed, and such noncommercial off-premise signs and noncommercial on-premise signs shall be subject to the size standards set forth in Section 9.2.4(a)(1-4).

C. Subject to the foregoing provisions of this Section 9.2.6, the following provisions shall apply to all noncommercial off-premise signs:

1. Off-premise signs may be located only within six hundred (600') feet of a commercial business or industrial operation measured from the center line of the commercial or industrial structure and only on the same side of the highway as the commercial use.

2. Commercial business or industrial operation does not include:

a. Such activities not visible from the main traveled thoroughfare; and

b. Transient or temporary activities; and

c. Outdoor advertising structures; and

d. Agricultural, forestry, ranching, grazing or farming activities; and

e. Activities conducted in a building used principally as a residence, i.e., home occupations; and

f. Activities more than one hundred sixty (160') feet from the nearest edge of right-of-way; and

g. Railroad tracks and sidings; and

h. Public buildings or activities;

C. No portion of any noncommercial off-premise sign shall be located nearer than three hundred (300') feet to any portion of the following:

a. Any other off-premise sign on same side of the street or highway; and

b. Church; and

c. Cemetery; and

d. Public building or facility; and

e. Historic district or site; and

f. Residence (single family or multi-family); and

g. Intersection of two or more streets (does not include driveways) other than directional signs of a uniform design pursuant to regulations for intersection directional signs as may be adopted from time to time by County Council.

D. The maximum permitted area of an off-premise sign shall be eighty (80') square feet.

E. The maximum permitted height of any noncommercial off-premise sign shall not exceed twenty-five (25') feet measured from the highest part of any sign and its supporting structure and the elevation of existing grade.

F. Back-to-back signs and V-sign structures shall be considered as one sign for purposes of spacing requirements.

G. Off-premise Directional Signs. In order to provide information and directional aid to the general public, directional signs may be erected upon approval of Beaufort County only within 300' feet of intersections of major traveled thoroughfares and secondary roads to identify businesses, services, organizations, agencies, facilities and activities located down the secondary road. Such directional signs shall not be utilized to identify uses on down the major traveled thoroughfare.

H. Directory Listing Signs. Directory listing signs may be placed at strategic locations in major highways in order to provide pertinent Beaufort area information to tourists and visitors. Such listings are intended to be informational and helpful for the convenience of visitors and not promotional of any particular business or type of business. Listings may be limited to local area hotels/motels, restaurants, major residential developments, major retail outlet centers and the like.

I. The design, location and information character of off-premise directional signs will be consistent with policies adopted by Beaufort County Council and, in addition, must be in compliance with the "Outdoor Advertising Act" of South Carolina.

J. Administration of directory listing signs will be in accordance with regulations developed by the County.

Section 9.2.7 Temporary Signs - Types

The following types of signs are classified as "temporary signs":

A. Special event signs which are in the nature of noncommercial advertising; and

B. "Grand Opening", "Going Out of Business" and "Sale" signs of business and services; and

C. Signs for work under construction; and

D. Land subdivision or development signs; and

E. Signs advertising the sale or lease of property upon which they are located.

Section 9.2.8 Temporary Signs - Area, Height, Location

A. **Area.** The total area of temporary signs shall not exceed eighty (80') square feet.

B. **Height.** The maximum height of temporary signs shall not exceed ten (10') feet measured from the highest part of any sign or supporting structure and existing ground level except special event promotional banners.

C. **Location.** No off-premise temporary sign, except those identified in Section 9.2.7 (d) and (e) shall be located nearer than one hundred (100') feet to any church, cemetery, public building, historic site or district and intersection of two (2) or more public streets or highways.

Section 9.2.9 Temporary Signs - Time They May Be Erected

A. **Special event signs.** Special event signs may be erected no sooner that thirty (30) days preceding a special event and shall be removed within forty-eight (48) hours following the special event.

B. Grand opening signs shall be erected for a period not to exceed thirty (30) days.

C. Going out of business and sale signs shall be erected for a period not to exceed thirty (30) days.

D. Work under construction signs pertaining to owners, architects, engineers, contractors, development agencies, financial institutions and the life may be erected on the

construction site during construction and shall be removed within thirty (30) days following completion of the project.

E. Signs announcing the subdivision of land may be erected on the land being developed and shall be removed when seventy-five (75%) percent of the lots are conveyed, or after two (2) years, whichever comes first.

Section 9.2.10 Temporary Signs - Permits

Unless exempted in section 9.4.2 of this Code, temporary signs must be permitted in the same manner as permanent signs.

Section 9.2.11 Nonconforming Signs - Defined

A. Any off-premise sign (other than those signs which are allowed in Section 9.2.6) on a federal primary aid or non-Federal aid highway which is not in compliance with the provisions of the Sign Ordinance orginally adopted March 28, 1977.

B. Any off-premise commercial sign located on a designated scenic highway by the State of South Carolina which is located on the opposite side of the highway from the commercial use.

C. Any off-premise commercial sign not in compliance with the provisions of this Ordinance.

D. Any on-premise commercial sign not in compliance with the original Sign Ordinance adopted March 28, 1977.

E. Any on-premise sign not in compliance with this Ordinance.

Section 9.2.12 Removal of Non-Conforming Signs - Just Compensation

A. Removal of off-premise nonconforming signs located adjacent to Federal Aid Primary Highways and/or Interstate Highways. (1) Subject to the provisions of this Article relating to maintenance (Section 9.5.9), the County Council may acquire, by purchase or condemnation, and require removal of such nonconforming off-premise signs as it may deem appropriate in pursuit of the purposes of this Ordinance, upon payment, to the owner of such sign, of such just compensation as may be required by the provisions of Title 23, U.S. Code, Section 131, and/or any amendments thereto, and/or the provisions of Section 57/25/195 of the Code of Laws of South Carolina, 1976, as amended, or other such S.C. Statutes as may be enacted pursuant to the Federal Highway Beautification Act of 1965, or any amendments thereto. Nothing herein shall be construed so as to require payment of just compensation upon removal of those signs maintained in violation of the provisions of this Article.

B. Removal of On-Premise Non-Conforming Signs.

1. Those signs as specified in Section 9.2.11(D) and Section 9.2.11(E) shall be removed or brought into compliance with this Ordinance within 45 days of official notice by Beaufort County.

D. **Future Nonconforming Signs.** Existing signs which conform to the provisions of this article and are subsequently made to be nonconforming by new construction or some other action beyond the control of the sign owner, shall be removed, changed, altered or otherwise made to conform with this article.

Section 9.2.13 Failure to Conform

Upon Determination by the County that a sign remains nonconforming after termination of the allowable time periods provided for in this section, the County shall notify the sign owner and/or the owner of land on which the nonconforming sign is erected, giving notice of mandatory removal within ten (10) days. Should the sign continue to be nonconforming at the end of the ten (10) day extension period, the County shall cause the sign to be removed and assess the sign owner or land owner the costs incurred by the County for such removal as provided by Section 9.2.16 of this article.

Section 9.2.14 Impoundment of Signs by Building Inspections Department

A. Signs subject to Removal Without Notice.

B. The Building Inspection Department shall have the authority to remove without notice to the owners thereof, and impound for a period of ten (10) days, signs placed within any street or highway right-of-way; signs attached to trees, fence posts, telephone and utility poles, or other natural features; and signs erected without a permit.

Section 9.2.15 Impoundment of Signs Erected Without Permits, But Which Otherwise Are In Compliance

When a sign requiring a permit under the terms of this article is erected without a sign permit, the Building Inspection Department shall use the following procedure.

A. **Violation sticker.** The Inspection Department shall attach a highly visible sticker reading "VIOLATION" to the face of the sign. The sticker shall include the date that it was attached to the sign with instructions to call the Inspection Department immediately.

B. **Failure to obtain permit.** If, within ten (10) working days, the owner of the sign fails to contact the Inspection Department, bring the sign into conformance with this article and get a permit for the sign, the Building Inspection Department shall have the sign removed and impounded without any further notice.

Section 9.2.16 Impounded Signs - Recovery, Disposal

The owners of signs impounded may recover same upon the payment of One and No/100 ($1.00) Dollar for each square foot of such impounded sign, prior to the expiration of the ten (10) day impoundment period. In the event it is not claimed within ten (10) days, the Inspection Department shall have authority to either discard or sell the sign.

Section 9.4 Permits

Section 9.4.1 Permits Required

Unless otherwise provided for, no sign shall be erected, replaced, relocated or altered without first obtaining a sign permit.

Section 9.4.2 Signs Exempt from Permit

A. One non-illuminated "For Sale", "For Rent", or "For Lease" sign not exceeding six (6') square feet in area.

B. One non-illuminated home occupation sign not exceeding four (4') square feet in area and mounted flat against the wall of the principal building for each profession or occupation carried on therein.

C. One residential person identification sign not exceeding four (4') square feet.

D. Official notices issued by any court, public agency or similar official body.

E. Traffic directional, warning or information signs authorized by any public agency.

F. Private street or road name signs.

G. The changing of words on signs designed for changing.

H. No trespassing, no hunting, no fishing, no loitering and similar signs not exceeding one (1) square foot in area.

I. One temporary in-season agricultural products sales sign not exceeding ten (10') square feet in total area.

Section 9.4.3 Application for Permit

A. All applications for sign permits shall be made to the Beaufort County Building Inspection Department.

B. The following information shall be submitted with the application:

1. Documentation of ownership of property on which sign is to be erected or written authorization by the owner of the property.

2. Name and address of the owner of the sign.

3. Site plan showing the precise location of the sign with respect to property and right-of-way lines and any buildings or other improvements to the property.

4. Exact size, nature and type of sign to be erected.

5. Any other information, specification, photographs or the like deemed necessary by the Building Inspection Department.

C. Change of ownership. When ownership of a business or property on which a sign is located changes, the new owner shall so notify the Building Inspection Department.

Section 9.4.4 Expiration of Permit

Any permit issued for the erection of a sign shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance.

Section 9.4.5 Fees

A. Regular fee. In order to defray some of the administrative costs associated with processing permit applications and inspection of signs, a minimum fee of Ten and No/100 ($10./00) Dollars or Twenty-Five (25¢) Cents per square foot of sign (whichever is greater) shall be paid by the applicant at the time the permit is issued. (Additional electrical permit fees will be charged for illuminated signs as specified under the National Electric Code.)

B. Temporary sign permit fee shall be Five and No/100 ($5.00) Dollars for each permit.

C. Reinspection fee shall be Five and No/100 ($5.00) Dollars. (Cross reference: Adoption and Amendment of National Electrical Code, Chapter 5.)

Section 9.4.6 Display of Permit

A. Display for permit tag. All permit tags issued for the erection of a sign shall be displayed on the sign and be readily visible.

B. Relocation of permit tag. Under no circumstances may the permit tag be removed from one sign to another, nor may the sign to which it is attached be relocated to another location.

C. Return of permit tag. In the event signs are dismantled, removed or the ownership transferred, the permit tag shall be removed, returned to the Department of Inspections and a new application made as appropriate.

D. Lost or illegible permit tag. If a permit tag is lost, defaced, destroyed or otherwise becomes illegible through normal wear or an act of vandalism, a new application shall be made to the Department of Inspections.

Section 9.5 Administration, Enforcement and Appeals

Section 9.5.1 Administration and Enforcement

Beaufort County Council hereby designates the Building Inspection Department to administer and enforce the provisions of this article.

Section 9.5.2 Interpretation and Conflict

A. Minimum requirements. The standards and provisions of this article shall be interpreted as being the minimum requirements necessary to uphold the purposes of this article.

B. Other regulations, ordinances, etc. Whenever this ordinance imposes a more restrictive standard than required by other regulations, ordinances or rules, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

C. Statutes. When the provisions of any statutes impose more restrictive standards, the provisions of such statutes shall govern.

Section 9.5.3 Appeals

A. From decision of Building Inspection Department. Any person who feels that the official charged with administration and enforcement of this ordinance has erred in his interpretation or application of any provision of this ordinance may appeal such decision to the Beaufort County Board of Adjustments and Appeals for Building and Development Appeals Board. Such an appeal shall be filed in writing with the Board within twenty (20) days of a decision by the Building Inspection Department.

B. Fee. A fee of Ten and No/100 ($10.00) Dollars shall be paid for each appeal filed.

Section 9.5.4 Variances

A variance may be granted by the Board of Adjustments and Appeals for Building and Development Appeals Board where the literal application of this ordinance would create a particular hardship for the sign user and the following criteria are met:

A. Hardship caused the sign user under a literal interpretation of the ordinance is due to conditions unique to that property and does not apply generally to the County.

B. The granting of the variance would not be contrary to the general objectives of this ordinance.

In granting a variance, the Board of Adjustments and Appeals for Building and Development Appeals Board may attach additional requirements necessary to carry out the spirit and purpose of this ordinance in the public interest.

Section 9.5.5 Violations and Penalties

Any person, firm and corporation who violates the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay such penalties as the Court may decide to prescribe not to exceed Two Hundred and No/100 ($200.00) Dollars or thirty (30) days imprisonment at the discretion of the Court for each violation.

Section 9.5.6 Amendments

From time to time this article may be amended by Beaufort County Council after holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper having general circulation in the jurisdiction at least fifteen (15) days prior to said hearing.

Section 9.5.7 Severability of Provisions

The provisions of this ordinance, as they may apply to commercial and/or noncommercial expression, respectively, are hereby specifically and distinctly declared to be severable. In the event that any provision of this ordinance be subsequently held or declared by the courts of this State or of the United States, acting with proper jurisdiction, to be illegal, null, or void. The validity of the remaining provisions shall not be affected, it being the intention and desire of the County Council that such remaining provisions continue effective.

Section 9.5.8 Scenic Areas and Highways

Beaufort County Council recognizes that county citizens may desire more comprehensive sign regulations than those contained in this article in various sections of the County and along these public highways. Therefore, County Council reserves the right to establish scenic areas in which additional sign controls and regulations may be enacted and enforced under the provision of this article.

Section 9.5.9 **Maintenance Standards for Off-Premise Signs**

All off-premise commercial signs must be structurally safe and maintained in a good state of repair which includes but is not limited to the following:

1. The sign face must be maintained free of peeling, chipping, rusting, wearing an fading so as to be fully legible at all times.

2. No maintenance may occur which will lengthen the structural life of the sign, as a result of decay, damage sustained from high winds or other climatological conditions or damage resulting from any cause.

3. There must be existing property rights in the sign.

4. In the event a sign is partially destroyed by wind or other natural forces, the County Council must determine whether to allow the sign to be rebuilt. If the County determines that the damage of the sign was greater than fifty (50%) percent of its replacement cost as of the time of the damage, the sign must be dismantled and removed at no cost to the County Council, and may not be erected again.

5. Extension, enlargement, replacement, rebuilding, adding lights to an unilluminated sign, changing the height of the sign above ground, or re-erection of the sign are prohibited.

6. Any signs suffering damage in excess of normal wear cannot be repaired without:

(a) Notifying the Beaufort County Department of Inspections in writing of the extent of the damage, the reason the damage is in excess of normal wear, and providing a description of the repair work to be undertaken, including the estimated cost of repair; and

(b) Receiving written notice from the Beaufort County Department of Inspections authorizing the repair work as described above. If said work authorization is granted, it shall be mailed to the applicant within thirty (30) days of receipt of the information described in (a) above. Any such sign which is repaired without Department of Inspections' authorization, shall be removed by the Department of Inspections, and the costs and expenses of such removal shall be paid by that person or entity making the unauthorized repairs.

7. Signs may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when originally permitted. Upon determination by the Department of Inspections and notice to the permittee that a sign has become dilapidated or structurally unsound, such sign shall be removed within twenty (20) days,

unless an appeal of such determination has been previously filed with the County Council. Such sign shall thereafter be removed within twenty (20) days of disposition of such appeal in favor of the Council, its agencies, departments, and/or officials. Any structural or other substantive maintenance to a sign shall be deemed an abandonment of the sign, shall render the prior permit void and shall result in removal of the sign without compensation. Costs and expenses of removal hereunder shall be paid by the owner of such sign.

Adopted this 13th day of January, 1992.

AMENDMENTS

Ordinance	Adopted
93/29	October 11, 1993
93/21	June 28, 1993
92/34	November 23, 1992
92/13	April 13, 1993

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