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DEVELOPMENT AGREEMENT BETWEEN VERDIER PLANTATION, L.L.C. AND THE TOWN OF BLUFFTON, SOUTH CAROLINA

DECEMBER 18, 2002

Prepared By:

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STATE OF SOUTH CAROLINA)
) **DEVELOPMENT AGREEMENT**
COUNTY OF BEAUFORT) **FOR VERDIER PLANTATION**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered this 18th day of December, 2002, by and between **LONGVIEW VILLAGE DEVELOPMENT COMPANY, INC. and/or VERDIER PLANTATION, L.L.C.** ("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 125 acres, generally known as the Verdier Plantation and proposes to develop, or cause to be developed, thereon a mixture of residential and commercial uses; 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".

"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.

"Initial Master Plan" means that map of the Property entitled "Initial Master Plan for The Village at Verdier Plantation Planned Unit Development" that has been accepted and approved by the Town incidental to the Town's zoning of the Property to PUD, and as attached hereto as a part of Exhibit "E".

"Owner" means Longview Village Development Company, Inc., Verdier Plantation, L.L.C., or their successors or assigns.

"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, designated as Section 5.8 of the Bluffton Zoning Ordinance, attached hereto as a part of Exhibit "E".

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

"Verdier Plantation PUD" means that certain tract of land described on Exhibit 'B".

"Zoning Regulations" means the ordinance adopted by the Town Council of Bluffton establishing a Planned Unit Development for the Property (Verdier Plantation PUD), including but not limited to, the Initial Master Plan for The Village at Verdier Plantation Planned Unit Development, and all attachments thereto, including but not limited to, the 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 Verdier Plantation PUD, notwithstanding any other ordinances of the Town of Bluffton existing as of that date. The Zoning Regulations include Exhibit "E" attached hereto.

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 five (5) years thereafter; provided however, that the term of this Agreement will be renewed for one (1) additional five (5) year period, absent a material breach of any term of this Agreement by Owner or any Developer during the initial term.

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. 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.

2. 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.

3. 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. DEVELOPMENT SCHEDULE.

The Property shall be developed in accordance with the development schedule, attached as Exhibit "C". 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 AND LAND USES.

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

A. 200,000 square feet of commercial and business park development;

B. 510 residential dwelling units, comprised of 95 patio homes, 139 townhomes, 216 condominium units and 60 units above commercial space; and

C. 25,000 square feet Village Square (clubhouse, dining, fitness, spa and business center for members only).

D. Notwithstanding any other provisions contained within the Zoning Regulations, commercial uses within the Property shall be limited to those more fully described in Exhibit "D" attached hereto.

VIII. RESTRICTED ACCESS.

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

IX. 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, and thereafter if substantial development has commenced in reliance upon the Initial Master Plan. 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.

X. 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 other 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 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.

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. 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, and those of Beaufort County, South Carolina. 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.

In contemplation of the widening of South Carolina Highway 170, Developer agrees to donate to the appropriate governmental entity rights-of-way across the Property parallel to Highway 170, the widths, locations and median cuts thereof to be mutually agreed by Developer and the receiving

governmental entity, except as otherwise recommended in the Traffic Assessment for the Village at Verdier Plantation ("Traffic Assessment") referred to in subparagraph D. hereafter. Owner and the receiving governmental entity will agree on the location of appropriate signage for the Property. Developer shall not be responsible for the construction and/or maintenance of the improvements to the right-of-way except as otherwise recommended in the Traffic Assessment.

C. Traffic Light. It is contemplated that at some time in the foreseeable future, a traffic light will be required on Highway 170 at the main entrance to the Property. In order to cover the cost for the installation of the light, Developer has agreed to pay to the Town, on the date of execution of this Agreement, the sum of Fifty Thousand and no/100 Dollars ($50,000.00), to be placed in an interest-bearing escrow account ("Traffic Light Escrow"). The Town shall have the right to apply the Traffic Light Escrow, and any interest that may have accrued thereon, toward the cost of the design and construction of the traffic light for a period of ten (10) years following the date of execution of this Agreement. In the event the Traffic Light Escrow has not been utilized for the traffic light design and construction during the ten (10) year escrow period, on the tenth (10th) anniversary of the date of this Agreement, the Town shall return to Developer the principal amount deposited into the Traffic Light Escrow and shall have the right to retain the interest that has accrued thereon for deposit into the general fund of the Town.

D. Traffic Impacts. The public road that is contiguous to and presently serves the Property is identified as South Carolina Highway 170 and is under the jurisdiction of the State of South Carolina regarding access, construction, improvements and maintenance. The Town of Bluffton is concerned with traffic impact resulting from development on South Carolina Highway 170 and its ultimate impact on Highway 278. The Developer acknowledges that a primary reason for the Town's willingness to enter into this Development Agreement is to lessen the traffic impact on these roads. Prior to the annexation to the Town, the Property's intended use was as a research and development center. Research and development use intensity amounted to 460,000 square feet of general office space and 520,000 square feet of high technology industrial space. Using ITE procedures, trip generation figures were calculated for a research and development center and indicated that the total number of daily trips generated was 8,300. The rezoning resulting from the Zoning Regulations will reduce that number of estimated trips to approximately 6,600. This lessening of the traffic will benefit the load on the subject roadways accordingly. The Town of Bluffton will not grant final development approval for any development on the Property that exceeds that as shown on the Traffic Assessment for The Village at Verdier Plantation prepared by Thomas & Hutton Engineering Company dated July 2002.

In addition to the above, the parties hereto recognize the benefit of the interconnectivity of the Property with the Buckwalter PUD. The parties also recognize the difficulty in achieving interconnectivity due to Developer's land plan, the location of wetland areas and the ownership of property owned by third parties lying between the Property and the Buckwalter PUD. The parties agree to cooperate, to the extent possible, in creating interconnectivity subject to these limitations and restrictions.

E. 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.

F. Sewage Treatment and Disposal. Sewage treatment and disposal will be provided 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 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. Notwithstanding the above, should the Town of Bluffton elect to become a retailer or other provider of such services in the future, Owner agrees not to object and to affirmatively support such decision Bluffton may make in the future. Nothing herein shall be construed as precluding the Town from providing sewer services to its residents in accordance with applicable provisions of laws.

G. Use of Effluent. Owner agrees that treated effluent will be disposed of only in such manner as may be approved by applicable government agencies, including the Town of Bluffton, and particularly as approved by DHEC and the Beaufort-Jasper Water and Sewer Authority.

H. 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.

I. 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.

J. **Drainage System.** All storm water runoff and drainage improvements within the Property will be designed in accordance with the Zoning Regulations and Section XII 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 Owners Association. The Town of Bluffton will not be responsible for any construction or maintenance costs associated with the drainage system within the Property.

K. **Solid Waste Collection**. Owner shall provide or cause to be provided solid waste collection services to the Verdier Plantation PUD until such time as: (1) the Town is requested to provide such services; and (2) ad valorem tax revenues generated from the Verdier Plantation PUD, 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 Verdier Plantation PUD, 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 Verdier Plantation PUD 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 Verdier Plantation PUD, and if, at that time, the ad valorem tax revenues generated from the Verdier Plantation PUD 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 Verdier Plantation PUD are sufficient to pay for the solid waste collection services required by it, without the necessity of a town-wide tax increase. Any such 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. **Police Protection**. The Town shall provide police protection services to the Verdier Plantation PUD 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 Verdier Plantation PUD, without requiring private security, and if the ad valorem tax revenues generated from the Verdier Plantation PUD 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 Verdier Plantation PUD 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.

M. Recycling Services. The Town shall not be obligated to provide recycling services to the Verdier Plantation PUD.

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 Verdier Plantation PUD, and if the ad valorem tax revenues generated from the Verdier Plantation PUD 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 Verdier Plantation PUD 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.

N. 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.

O. 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.

P. 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.

Q. 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.

XI. DEDICATIONS, FEES AND RELATED AGREEMENTS

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 Greenway and Leisure Trail.** Developer agrees to make available to the Town, or its designee, a ten (10') foot wide easement and/or right-of-way within the Highway Corridor Overlay District buffer lying parallel to South Carolina Highway 170, as a leisure trail in accordance with that certain Southern Beaufort County Greenway and Leisure Trails Plan prepared by LandPlan Partnership dated the 8th day of August, 2002 ("Plan"). Developer shall be responsible for the cost of construction of the Leisure Trail. On the date of execution of this Agreement and on each anniversary date thereafter for a total of five (5) consecutive years, Developer shall pay to the Town Fourteen Thousand and no/100 Dollars ($14,000.00) for Developer's full cost of construction for the Leisure Trail. Developer shall have no other obligation for the construction of the Leisure Trail, other than the payments as provided for herein. The exact location of the right-of-way within the Highway Corridor Overlay District buffer shall be mutually agreed between the Town and Developer. Developer will provide for interconnection between the Leisure Trail into the sidewalk system of the Commercial Area within the Property. The dedication of the leisure trail right-of-way shall be made within sixty (60) days of the date of execution of this Agreement. The Town or its designee shall be responsible for the maintenance of the Leisure Trail. Developer shall have the right to relocate the Leisure Trail right-of-way with the consent of the Town, said consent not to be unreasonably withheld.

B. **Administrative Charge for Necessary Planning.** The parties acknowledge that the initial development of the Property will effect Town resources and will require the Town to incur expenses solely related to the Development. To enable the Town to appropriately meet the demands of development and to avoid adverse ad valorem tax consequences to the residents of the Town burdening the resources of the Town, Owner shall, upon the execution of this Development Agreement, pay to the Town the sum of Forty-four Thousand and no/100 Dollars ($44,000.00) and shall continue such payments in the same amount on the same date thereafter for four (4) successive years and for each year of any extension of the Development Agreement thereafter.

C. **Interim Development Fees.**

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

DEVELOPMENT FEES	AMOUNT
SFR < 1,800	$400.00
SFR 1,801 - 2,400	$500.00
SFR 2,401 - 3,000	$750.00
SFR > 3,000	$1,000.00
MULTI-FAMILY (MF) - 1 Bedroom	$200.00

MF - 2 bedroom	$250.00
MF - 3 bedroom	$350.00
Commercial Development	$0.75 per square foot

2. 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.

3. All Development Fees shall be collected at the time of obtaining a building permit.

4. 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.

D. **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.

E. **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.

F. **Fee in Lieu of Taxes.** The Town of Bluffton and Owner acknowledge that the Property is located within the New River Tax Increment Financing District ("TIF") established by Beaufort County, South Carolina. Accordingly, a portion of the ad valorem tax revenue that would otherwise accrue to the benefit of the Town, shall be subject to the TIF and retained by Beaufort County. In order to off-set this loss of projected tax revenue to the Town, commencing on the sixth (6th) anniversary date of this Agreement, Owner shall pay to the Town an annual fee in lieu of taxes in the amount of Seventy Thousand and no/100 Dollars ($70,000.00) per year. Subsequent fees in lieu of tax payments in the same amount shall become due and payable on the same day each year thereafter for ten (10) successive years, or the end of the TIF, whichever event first occurs.

To insure payment to the Town of the fee in lieu of tax payments and as a condition of this Agreement, within twenty-four (24) months of the date of the execution of this Agreement, Owner shall commit the Property to a Horizontal Property Regime in accordance with South Carolina code Section 27-31-10, et seq., 1976, as amended ("Horizontal Property Act"). The Master Deed, or lease, as applicable, and the Bylaws of the Regime shall include provisions that provide that: (1) if the annual fees in lieu of tax payments are not paid by Owner on or before December 31 of the year in which they are due, such fees shall automatically constitute an assessment against the then Co-owners of the Property, subject to the regime and a lien against the Co-owners' individual Apartment(s), as that term is defined by the Horizontal Property Act, allocated among the Apartments in accordance with the percentage of value applied to the Apartments pursuant to South Carolina Code Section 27-31-60 at the time of the assessment; (2) the town, or its designee, shall be entitled to collect such fees from the then Co-owners, either by foreclosure of the lien or by suit to recover a money judgment; (3) fees owed the Town by the co-owner of an Apartment whose Apartment is subject to a mortgage foreclosure shall be payable by and collectible from the remaining Co-owners, as provided in South Carolina code Section 27-31-210; (4) the Town, or its designee, shall be entitled to recover its costs and reasonable attorneys fees that will be based on a reasonable hourly rate, if required to foreclose or sue to collect the fees; and (5) the provisions of the Master Deed or lease, as applicable, and the Bylaws setting forth the requirements of Sections (1), (2), (3) and (4) hereof and this Section (5) may not be amended or modified without the prior written approval of the Town. No building permit for vertical construction shall be issued until the Master Deed or lease, as applicable, and the Bylaws of the regime shall be submitted to and approved by the Town and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina. In the event Owner determines not to record a Master Deed until the completion of the initial phase of improvements are constructed on the Property, covenants requiring the recordation of the Master Deed, in accordance herewith and that are enforceable by the Town, shall be submitted to and approved by the Town and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, prior to any permit being issued for vertical construction.

G. **Business Park Donation.** The Town and Developer, as of the date of this Agreement, are considering the dedication by Developer to the Town of a site for a business park within the Property. In the event the parties reach agreement on such dedication, the commercial space resulting therefrom shall be counted as part of the 200,000 square feet of commercial space under Section VII (A) above.

XII. PROTECTION OF ENVIRONMENT AND QUALITY OF LIFE.

The Town of Bluffton and Owner recognize that new 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:

A. **Storm Water Quality.** Protection of the quality in nearby waters is a primary goal of the Town of Bluffton. 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, as amended from time to time), 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 the most current manuel for Stormwater Best Management Practices prepared by Camp, Dresser and McKee 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.

B. **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.

C. **Bluffton Character Protection.** The Verdier Plantation development consists of two distinct building types: residential buildings which include townhomes, patio homes and condominium units, all contained within a restricted, gated community; and commercial and business units accessible to residents and the general public.

The design of both the residential and, particularly the commercial components of the Verdier Plantation, will be based on the planning and architectural principles that define historic Bluffton. The architecture will seek a deeper connection to American Classicism - not through applied ornamentation, but

through a practical and refined sense of architectural form. The patterns of building placement, street elevation, compositional principles, architectural elements, materials and applications - well documented in the Town of Bluffton Preservation Manuel - will define the character of Verdier Plantation. Illustrative elevations of the commercial and residential areas of Verdier Plantation are contained within the Zoning Regulations. The elevations and drawings are for illustration only and should not be construed as granting the Town architectural review approval rights of any improvements within the Property.

D. **Sign/Highway Corridor/Telecommunications Tower Ordinance.** The Property shall be subject to the standards of the Town of Bluffton Sign Ordinance, the Town of Bluffton Highway Corridor Overlay District and the Town of Bluffton Telecommunications Tower Ordinance, as modified by the Zoning Regulations.

E. **Commitment to Employment Opportunity for Residents.** Owner 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 all 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.

XIII. 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.

XIV. 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: Longview Village Development Company
13 Eisenhower Place
Palm Coast, Florida 32164
Attention: William F. McCroy, Jr.

With Copy To: William W. Jones, Jr., Esquire
Jones, Scheider & Patterson, P.A.
Post Office Box 1938
Bluffton, SC 29910

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, 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 D.J.L. Associates, L.P., a South Carolina Limited Partnership.

2. Duration of Agreement. The duration of this Agreement is five (5) years plus any renewals pursuant to Section III.

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 Item IV 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 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. Any historic structure 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:

Karen B. Murphy

LONGVIEW VILLAGE DEVELOPMENT COMPANY, INC.

By: W. F. McCroy Jr. Pres
William F. McCroy, Jr.

Its: President

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, Karen B. Murphy, Notary Public for South Carolina do hereby certify that William F. McCroy, Jr., as President of Longview Village Development Company, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 18th day of December, 2002.

Karen B. Murphy
Notary Public for South Carolina
My Commission Expires: My Commission Expires September 7, 2011

WITNESSES:

TOWN OF BLUFFTON, SOUTH CAROLINA

Hank Johnston
Mayor-Town of Bluffton

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

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF BEAUFORT)

I, Susan L Swanson, Notary Public for South Carolina do hereby certify that Hank Johnston and Sandra Lunceford personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 18 day of December, 2002.

Notary Public for South Carolina
My Commission Expires: Feb. 10, 2008

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WITNESSES:

Karen B. Murphy

VERDIER PLANTATION, L.L.C.

By: W. F. McCroy Jr. Mgr.
William F. McCroy, Jr.

Its: Managing Member

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, Karen B. Murphy, Notary Public for South Carolina do hereby certify that William F. McCroy, Jr., as Managing Member of Verdier Plantation, L.L.C., a South Carolina Limited Liability Company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 18th day of December, 2002

Karen B. Murphy
Notary Public for South Carolina
My Commission Expires: My Commission Expires
September 7, 2011

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Exhibit A

South Carolina Local Government Development Agreement Act

Title 6 - Local Government - Provisions Applicable to Special Purpose Districts and Other Political Subdivisions

CHAPTER 31.

SOUTH CAROLINA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 6-31-150. Invalidity of all or part of Section 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.

SECTION 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.

Exhibit B

Legal Description
The Verdier Plantation

EXHIBIT "B"

Legal Description
The Verdier Plantation

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

Commence at the intersection of the southerly right of way line of Del Webb Boulevard (130' right of way) and the westerly right of way line of South Carolina Highway 170 (50' right of way), said point having South Carolina state plane coordinates of N164730.2031, E2017803.6391 (NAD 1983); thence continue along the South Carolina Highway 170 right of way the following courses and distances; thence South 34°43'22" West, a distance of 900.81 feet to the beginning of a curve tangent to said line; thence southerly a distance of 586.80 feet along the curve concave to the southeast, having a radius of 2005.00 feet and a central angle of 16°46'07"; thence South 17°57'15" West tangent to said curve, a distance of 335.04 feet; thence leaving said right of line South 72°02'45" East, a distance of 50.00 feet, to a ¾ " iron pipe on the easterly right of way line of South Carolina Highway 170 being the common boundary corner of Tract B and the Verdier Plantation, said point also being the **POINT OF BEGINNING**, having South Carolina state plane coordinates of N163131.6701, E2016975.4024 (NAD 1983); thence proceed along said right of way line the following courses and distances; thence North 17°57'15" East, a distance of 335.04 feet to a ¾" iron pipe at the beginning of a curve tangent to said line; thence northerly a distance of 572.16 feet along the curve concave to the southeast, having a radius of 1955.00 feet and a central angle of 16°46'07" to a ¾" iron pipe ; thence North 34°43'22" East tangent to said curve, a distance of 1656.84 feet to a ¾" iron pipe; thence leave the right of way line of South Carolina Highway 170, South 84°12'22" East, a distance of 1467.64 feet, to a Union Camp Concrete Monument on the common boundary corner of the Verdier Plantation and lands of now or formerly Winding River, BTS; thence proceed along said boundary line, South 02°25'49" West, a distance of 717.54 feet to a 5/8"iron rebar; thence South 01°38'43" West, a distance of 376.24 feet to a 5/8" iron rebar; thence South 02°37'57" West, a distance of 809.64 feet to a concrete monument on the common boundary corner of the Verdier Plantation and lands of now or formerly Ursula Elkins; thence continue along said boundary line South 54°38'04" West, a distance of 1111.88 feet to a 1" iron pipe; thence South 07°06'38" West, a distance of 279.98 feet to a concrete monument on the common boundary corner of the Verdier Plantation and Tract B; thence proceed along said boundary line North 65°51'47" West, a distance of 1907.07 feet to the **POINT OF BEGINNING**. Said tract or parcel of land having an area of 125.512 acres more or less.

Reference to said property may be found on that certain plat entitled "A Plat of Verdier Plantation, Town of Bluffton, Beaufort County, South Carolina, prepared for The Village Development Company" by Boyce L. Young, SCRLS #11079 of Thomas & Hutton Engineering Co. dated October 3, 2002, revised December 11, 2002, and further revised on December 16, 2002, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 90 at Page 172.

Exhibit C

The Village at Verdier Plantation
Development Schedule

Development Schedule for The Village at Verdier Plantation

	Year					Total/Ea.
Unit Type	**2,003**	**2,004**	**2,005**	**2,006**	**2,007**	
Patio Home	5	40	30	20	0	95
Townhome	8	24	40	42	25	139
Condominium	0	0	80	80	56	216
Commercial	20,000	40,000	60,000	50,000	30,000	200,000
Village Square	0	25,000	0	0	0	25,000
Total/Units/Yr	13	64	150	142	81	450
Total/Commercial/Yr	20,000	40,000	60,000	50,000	30,000	200,000

Exhibit D

Permitted Uses

Section 5.10 Village Commercial District

5.10.3.A.1 The ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious shall apply to the PUD as a whole. The development is condominiumized, therefore lot lines do not exist.

5.10.3.A.2 The maximum building shall be defined as described in Section 2.E of the PUD.

5.10.3.A.3 This section shall be deleted.

5.10.3.A.4 This section shall be deleted.

5.10.3.B This section shall be deleted.

5.10.3.C.1 The maximum densities shall be as described on the Initial Master Plan.

5.10.3.C.2 This section shall be deleted.

5.10.3.C.3 This section shall be deleted.

5.10.4.O The following shall be added to the list of permitted uses:

1. Hotel/Inn
2. Motion picture studio and/or video commercial preparation
3. Commercial Recreation Facility
4. Temporary Office / Sales Trailer
5. Drive-Thru, Drive-In, and/or Drive-up Restaurants
6. Research and Development uses

Section 5.10 Village Commercial District [VCD]

5.10.1. The purpose of this District is 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, promote the location of a mixture of housing types and prices, and stores/offices/workplaces in close proximity to each other to provide a balanced mix of activities, foster a pedestrian-oriented community center, reduce traffic and parking congestion, avoid the development of strip highway commercial development, discourage large regional businesses and other land uses which might compromise the historic commercial character of the District, and accommodate essential public utilities and public safety services.

5.10.2. The Planning Commission for the Town of Bluffton shall administer the Village Commercial zoning and corridor standards. The Planning Commission shall review the design of all structures (except those excepted), including habitable structures, walls, fences, light fixtures, and accessories and appurtenant structures and the design of all signs within the Town of Bluffton except those that are located within the Historic Preservation Overlay District. All issues related to the design of structures and signage within the District defined by the Historic Preservation Overlay District Ordinance shall be submitted first to the Town of Bluffton Community Development Department.

5.10.3. Standards for the Village Commercial (VC) District

A. General Requirements:

1. Lot Coverage: Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; a minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation.

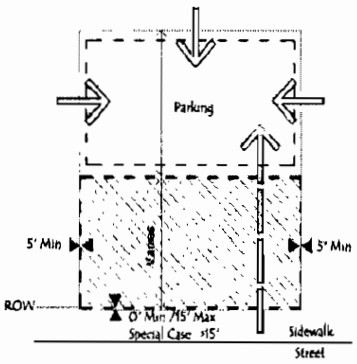
2. Maximum building height: Thirty-five (35) feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles, water towers, or

other structures not intended for human occupancy, with the exception of transmission or observation towers.

3. Minimum lot width at the building line: Forty (40) feet.

4. Building Placement:

   a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from zero (0) feet to fifteen (15) feet behind street right-of-way. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.



   b. Minimum rear and side yard setbacks: Five (5) feet from lot line.

   c. Accessory building setbacks: A minimum of five (5) feet from any property.

   d. Parking shall be located primarily to the rear of the building; side yard parking shall occupy no more than thirty-five (35) percent of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

   e. Hedges, garden walls, or living fences may be built on property lines or as the continuation of building walls. A garden wall, living fence, or hedge (min. three (3) feet in height) may be installed along any street frontage adjacent to parking areas.

   f. Parking areas on and access to adjacent lots shall be connected wherever practical.

   g. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on

adjacent sites and shall be screened from view by an opaque screen.

h. Building facades at street frontage lines shall be pedestrian-oriented and pedestrian-scale.

B. Commercial or Institutional Uses:

1. Maximum Floor-Area Ratio: 0.25. To harmonize with the traditional scale of commercial buildings in the Old Town, new commercial buildings shall not contain more than ten thousand (10,000) square feet of gross floor area.

2. Minimum Lot Area: Seven thousand five hundred (7,500) square feet.

3. Parking areas on and access to adjacent lots shall be connected wherever practical for commercial or institutional uses.

4. All loading berths shall be located at the rear of the building.

5. All principal businesses must operate in a permanent structure. No principal business may operate in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building or structure.

C. Residential Uses:

1. Maximum Permitted Use Density: Three (3) dwelling units per acre.

2. Minimum Permitted Use Lot Area: 14, 250 square feet.

3. See *Section 5.26, Density Bonuses to further Public Objectives.*

5.10.4. Permitted Uses for the Village Commercial (VC) District:

A. Single-family dwelling.

B. Manufactured home dwelling, only if the proposed manufactured home replaces and existing

manufactured/mobile home on the subject property. The manufactured home dwelling shall be under skirted around its base with an appropriate material sufficient to provide a visual screen for the underpinnings of the manufactured home. Further, the manufactured home shall be in accordance with the *Town of Bluffton Preservation Manual (Section 5.5, Manufactured & Mobile Home Elements).*

C. Dwelling units located above commercial activities or combination of residential structure within the classification provided that all dwelling units have a separate access.

D. Bluffton Historic Small House Series.

E. Two (2) and three (3) family dwellings.

F. Accessory dwelling unit/dependency unit.

G. Church, other place of worship, institutional, or civic use.

H. Family Day Care Home *(See Article X, Definitions)* as a home occupation in an occupied residence where child day care is regularly provided for no more than six (6) children as a Home Occupation.

I. Group Day Care Home *(See Article X, Definitions)* as a home occupation in an occupied residence, where child day care is regularly provided for seven (7) to twelve (12) children, with conditions, including:

1. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;

2. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;

3. No Group Day Care Home shall be conducted in any detached accessory building;

4. Written agreement to allow outdoor play only between the hours of 8AM and 6PM if adjacent to other residences;

5. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;

6. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard; and

7. The Group Day Care Home shall be subject to all applicable Town business licenses and other business taxes.

J. Child Care Center *(See Article X, Definitions)* with conditions, including:

1. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;

2. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;

3. No Child Care Center shall be conducted in any detached accessory building;

4. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;

5. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard; and

6. The Child Care Center shall be subject to all applicable Town business license and other business taxes.

K. Service businesses involving the rendering of a personal service or the repair and servicing of small equipment specifically including:

1. Appliance, radio, or television repair shop;

2. Art studios, galleries, museums, and libraries;

3. Bank, savings and loan association, and branches provided a traffic impact analysis is submitted that addresses traffic impacts, and traffic circulation is designed so as to provide safe ingress and egress;

4. Barber shop, beauty shop, nail salons, or combination thereof;

5. Bed and breakfast inns, guest house;

6. Bicycle repair and sales shop;

7. Community center;

8. Design studio;

9. Dressmaker, seamstress, and tailor;

10. Duplicating centers including letter and photostat services;

11. Educational institutions of a business, professional, or scientific nature;

12. Health studios and spas;

13. Indoor theaters;

14. Insurance agency;

15. Jewelry and watch repair shop;

16. Locksmith or gunsmith;

17. Medical, dental, chiropractic office, laboratory, and/or clinic, not including veterinary;

18. Office for governmental, professional business, or general purposes;

19. Photographic studio and supply shops;

20. Public or private schools;

21. Public utility business office;

22. Radio and television stations;

23. Real estate agency;

24. School offering instruction in art, music, dancing, drama, or other similar activity;

25. Shoe repair shop;

26. Secretarial and/or telephone answering service; and

27. Travel and ticket agencies.

L. Retail businesses specifically including:

1. Art shops and galleries;

2. Art supply store;

3. Bakeries provided that goods baked on the premises are sold on the premises at retail only;

4. Book, magazine, and newspaper shops;

5. Candy store;

6. Clothing store;

7. Drug store or pharmacy;

8. Florist shop;

9. Fruit, nut, food, and/or vegetable store;

10. Furniture stores;

11. Gift, curio, or antique shop;

12. Hardware store;

13. Hobby and/or toy shop;

14. Ice cream shop;

15. Leather goods and luggage shops;

16. Marine and fishing supply shops;

17. Millinery or hat shops;

18. Music store, video store, and/or record shop;

19. Office supply and equipment store;

20. Paint store;

21. Photographic or camera supply store;

22. Plant or landscaping materials store;

23. Restaurants (except those that include drive-in, drive-up window service, or curb service), supper clubs, delicatessens, tea rooms, coffee shops, and cafes, provided that:

    a. Sound or noise shall be in compliance with *Town of Bluffton Noise Ordinance;*

    b. Noise mitigation measures are installed for outdoor live entertainment (i.e., equipment designed to mitigate sound impacts, speakers directed away from adjoining or nearby residential properties, landscaping buffers, walls, or fences); and

c. All lights or lighting arrangements used for the purpose of advertising or night operations are directed away from adjoining or nearby residential properties;

24. Shoe store;

25. Sporting goods store;

26. Television, radio, sales, and service;

27. Towel and linen shops;

28. Video/small appliance rental and sales;

29. Variety and sundry shops; and

30. Wearing apparel shops.

M. Any combination of permitted uses, provided all applicable standards are met for each use.

N. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.10.5. Uses Permitted by Special Exception in the Village Commercial District:

A. Auto accessory retail store provided there is no storage of wrecked automobiles, scrapped, or salvaged auto parts on the premises, and the store does not include any auto repair or installation facilities.

B. Contractor's office provided there is no storage of equipment, or materials on the premises, and construction vehicle parking is adequately buffered.

C. Grocery store.

D. Meat, fish, and/or poultry shop providing that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such

use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises.

E. Package liquor store.

F. Pet shops, provided all animals are housed within the principal buildings so that no sound is perceptible beyond the premises.

G. Self-service Laundromat or dry cleaning store.

H. Veterinary or pet care clinic/hospital, provided the Board finds that:

1. The clinic or hospital will provide animals no larger than a dog with treatment or medical care on premises and overnight lodging;

2. Structures or equipment will not be located within one hundred (100) feet of any residential zoning district or existing residence;

3. Animals will be contained within the principal building. No animals will be housed or exercised in outside kennels or runs;

4. Buildings in which animals are kept or exercised will be designed and constructed utilizing appropriate soundproofing and ventilation to prevent objectionable sound or odor from being emitted;

5. All activities are in compliance with the *Town of Bluffton Noise Ordinance*; and

6. All dead animals and refuse will be disposed of in accordance with Town, Beaufort County, and other governmental agency regulations; nevertheless, no cremation of animals will occur on the property.

I. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.10.6. Uses Not Permitted in the Village Commercial District:

A. Any convenience or other high volume commercial business.

B. Motels and hotels.

C. Any business involving junk, salvage operations, and/or the open storage of junk and salvage materials.

D. Automobile, and other vehicle repair shops.

E. Any business that constitutes a nuisance.

F. Drive-in and drive-thru facilities, except for banks and financial institutions.

5.10.7. Architectural Design: Properties within the Historic Preservation Overlay District (HPOD) must be reviewed and receive a Certificate of Appropriateness from the Bluffton Historic Preservation Commission (HPC), certifying that the request is designed in accordance with the *Town of Bluffton Preservation Manual* (see *Section 5.16*).

5.10.8. Landscaping and Buffers in the Village Commercial District

A. Bufferyards: The purpose of the bufferyard is to overcome nuisances between adjacent land uses, and promote compatibility. The unique feature of the bufferyard is that it is flexible. It may vary in density based on:

1. What is proposed;

2. What is existing on the adjacent property;

3. View from streets; and

4. The type of bufferyard selected.

B. The Planning Commission and/or Historic Preservation Commission shall approve the width and design of bufferyards, taken into account adjacent land uses and the view from the highway corridor. The width of the street frontage and

highway buffer within the Village Commercial (VC) District is permitted to be a minimum ten (10) foot bufferyard.

C. Village Commercial landscaped buffers along street frontages shall be designed using a variety of elements listed below. Refer to trees and plant materials listed in *Section 5.15.8, Highway Corridor Overlay District*, as well as:

1. Hedges;
2. Street trees at various heights and canopies along roadways;
3. Potted plants;
4. Gardens;
5. Hanging baskets;
6. Ponds;
7. Ivy on buildings;
8. Confederate Jasmine;
9. Benches, grass, and ground cover;
10. Thicket of Bamboo;
11. Window boxes; and
12. Fountains.

5.10.9. Lighting: Refer *to Section 5.15.11, Lighting, Highway Corridor Overlay District*.

5.10.10. Screening requirements for exterior storage areas:

A. Screening shall be exclusive of driveways and sight lines used for safe automobile ingress and egress.

B. Fences and walls that are used shall be of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional

planting material shall be provided so that no more than two-thirds (□) of the surface area of the fence or wall is visible from the street within three (3) years of erection of the structure. Twenty-five (25) percent of this plant material may be deciduous.

C. Any berms installed shall have a minimum height of one and one half (1½) feet and a minimum crown width of two (2) feet and a side slope of no greater than 2:1, and berms shall be planted and covered with vegetation.

D. All shrubs installed to satisfy the requirements of this Section shall be locally adapted species expected to reach a minimum height of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches when planted. Vegetation planted on berms may have a reduced minimum mature height provided that the combined height of the berm and the plantings shall be a minimum height of thirty (30) inches in height after three (3) years. Twenty-five (25) percent of all shrubs may be deciduous.

E. 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 five (5) feet from the property line of any residential use or residential zoning district.

Exhibit E

Zoning Regulations

THE VILLAGE AT VERDIER PLANTATION

PLANNED UNIT DEVELOPMENT

Bluffton Township, South Carolina

Prepared For:

The Village Development Company

THE Village DEVELOPMENT COMPANY

Submitted to:

The Town of Bluffton Town Council

October, 2002

J-15036

Wood+Partners Inc. WPi
Landscape Architects
Land Planners

THOMAS & HUTTON ENGINEERING CO.

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Final 10/09/2002

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Attachment 1 – Development Standards for The Village Development Company Lands Annexed into Town of Bluffton

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SECTION 1

INTRODUCTION AND NARRATIVE OF INTENT

A. THE VILLAGE DEVELOPMENT COMPANY AND THE LAND

The Village Development Company's (Longview) mission with respect to the property is to proceed with a mixed-use, neo-classical, savannah style retail, commercial, and residential development. The Village Development Company is a development company wishing to construct "villages" throughout the country. The Village at Verdier Plantation is one of the properties they wish to develop with the "village" concept. The Village Development Company's mission with respect to the property is to come forth with a carefully planned development to enhance the community.

B. THE VISION

Village Development's vision for the Village at Verdier Plantation is to create a mixed-use, livable, walkable and workable high-tech interconnected community for the twenty-first century. Both residential and commercial areas will be developed as a condominium style development where everything, exclusive of the structures themselves, will be owned and maintained by the developer. The condominium concept is to provide a more cohesive looking community, allowing the residents to be free of individual maintenance responsibilities. The entire grounds, as well as the exterior of structures will be maintained by the development. Another benefit of a condominium style development will be the flexibility for structures to adjust around trees and other unforeseen conflicts as the development evolves.

Entering the twenty-first century Village Development will be leading the way by connecting businesses and residents alike to the outside world and within their village communities. The entire Village at Verdier Plantation will be interconnected with the latest technology in fiber optics and wireless communication. This community along with future Village Development communities will be interconnected through a village intranet infrastructure system and will be connected to the outside world by underground fiber optic and satellite connections. The desired effect is to create a village community that is not only interconnected through traditional community planning methods, but also connected through the use of leading technologies; in life style environments, communications, media resources, and adaptability to future trends and changing technologies.

The Village at Verdier Plantation's residential areas will be developed as gated private communities while the commercial areas and Village Square will be developed outside the gates for public access. The Village Square will function as a membership-based facility that will serve the residential community, the commercial area and other outside members. The overall style of the community is to reflect Bluffton and the low-country area. The commercial area will reflect a Savannah style main street with a park square at the terminus of the main street. The residential areas reflect a more naturalistic appearance with back yard amenities and leisure trails that interconnect and meander through natural open space corridors.

The current zoning of the property, as per Beaufort County's Comprehensive Plan, is Research and Development. With the proximity to the proposed USCB campus, the traffic issues currently hindering US Highway 278 and as part of the TIF district, the developer believes the land will be well suited for a high technology mixed used community with commercial/office space, single family residential use, and multi-family use. The development should provide commercial, office, retail space well-suited to serve the campus, as well as residential facilities to house residents wishing to live in the area. The change in zoning from Research and Development to Mixed Use also significantly reduces the traffic impacts. This topic is addressed in Section L *Roadway and Traffic.*

C. EXPLORATION OF MUTUAL INTERESTS

In early 2002, the developers approached the Town about the prospect of annexing The Village at Verdier Plantation into the Town. The annexation process was openly discussed and debated for approximately two months. It was evident that the Town of Bluffton staff supported annexation of this property into the Town.

D. THE PROPERTY

The Village at Verdier Plantation is located in Beaufort County, west of the Town of Bluffton. The property has frontage on S. C. Highway 170 to the west directly across from Sun City Hilton Head, abuts the Buckwalter Tract to the East, the Northern property line abuts several individual property owners, and an individual property owner to the south.

The Village at Verdier Plantation Tract is owned by Laverne Carter. The property was timbered last year to a residential development cut of approximately 80-100 trees per acre. Exhibit C is a 1999 aerial photograph of the property. The photograph is included to demonstrate the planted pine and lack of structures on the property.

The tract is approximately 125 acres consisting of 114 acres of upland and 11 acres of freshwater wetlands. The property currently drains to the Okatie River via an existing ditch on the southern end of the property and a wetlands system near the midpoint of the Eastern property line. Exhibit H shows the freshwater wetlands on the site. The wetland delineation was verified by the U.S. Army Corps of Engineers and copies of their letters are included with Exhibit H. Soils on the property consist primarily of poorly drained soils (Type D as classified by the NRCS).

Exhibit D depicts The Village at Verdier Plantation's boundary and adjacent parcels. The property owners are listed on Exhibit D. The land surrounding The Village at Verdier Plantation property is predominantly single-family uses or undeveloped land.

Exhibit F depicts topographic information for The Village at Verdier Plantation. Elevations on the site range from 20 feet above mean sea level to 7 feet above 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. INITIAL MASTER 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 Initial Master Plan establishes the framework for the development of The Village at Verdier Plantation over an extended time frame. Land uses, density, environmental quality, development standards, phasing, and utility service are described in this document. An Initial Master Plan has also been created for The Village at Verdier Plantation tract as part of the subsequent approval process. The Master Plan describes specific development in more detail as studies and designs are prepared. Upon approval by Town Council of the Initial Master Plan and the Initial 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 Village Development Company. The planning process seeks to maintain the quality of the environment. The Village Development Company intends to help insure the protection of open space, freshwater wetlands, and trees as part of the Initial Master Plan PUD and Initial Master Planning process.

F. INITIAL MASTER PLAN

The Village at Verdier Plantation tract is a ±125 acre tract of land located west of Bluffton, SC. It is anticipated that the property will be developed over a period of seven (7) years or more, in accordance with the Initial Master Plan as set forth in this document or amended in the future. The Initial Master 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 Initial Master Plan, development of the property is controlled by a Development Agreement between The Village Development Company and the Town of Bluffton. In the event of a conflict between the Initial Master Plan and Development Agreement, the Development Agreement shall control.

The goal of the development is to produce a high quality, environmentally sensitive community. The tract of land provides an opportunity for a mix of land uses that will be developed over a period of approximately seven (7) years. 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.

The Initial Master Plan (refer to Exhibit A) for The Village at Verdier Plantation shows 125 acres of mixed use development which will be built in phases, over several years. 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 including townhomes, patio homes, garden style condominiums including apartments, and commercial use including general office, commercial, retail and flex space.

The Initial Master Plan seeks to maintain areas of open space. The open space, amenities (including the Village Square), and all other areas with the exception of residential units (i.e. yards, roadways, parks, lagoons, etc…) 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 Initial Master Plan and Development Agreement constitute a request for a waiver from the current Bluffton ordinances.

The provisions of the Development Agreement, Initial Master Plan and Attachment 1 shall apply to development in the Village at Verdier Plantation PUD. In the event of a conflict the hierarchy of documents is the Development Agreement, the Initial Master Plan, Section 5.8 Planned Unit Development Modifications, Section 5.8 Planned Unit Development, Town of Bluffton Ordinances as attached and modified herein, DSO Modifications and DSO 90/3.

G. ENVIRONMENTAL PROTECTION

Environmental protection is a priority for The Village Development Company. 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, The Village Development Company 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.

The Village Development Company will prepare a stormwater management master plan for The Village at Verdier Plantation. 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 for final development approval, a stormwater master plan of the development tract is required. The stormwater master plan will serve as the framework for 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 eight (8) to nine (9) percent of the area above mean high water is freshwater wetlands. The Village Development Company owns wetland delineation for The Village at Verdier Plantation. Delineated wetlands are shown on Exhibit H.

Wetland impacts associated with development activity will be permitted through the SCDHEC-OCRM as part of the land disturbance permitting process. The permit process may require 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 report is included as Exhibit I. The U.S. Fish and Wildlife Service will review the report during the wetlands permitting review process. The developer 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 prepared an analysis of the soil characteristics in order to determine the sites most likely to contain significant artifacts. A copy of the report, including a description of the review process, is included as Exhibit E.

A Memorandum of Agreement (MOA) between the developer and appropriate agency will be executed where sites warrant.

J. WATER AND SEWER SERVICE

Water and sewer service will be provided to the development at The Village at Verdier Plantation. Septic tanks are a leading cause of water quality problems. Therefore, long-term development at The Village at Verdier Plantation 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.

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. The Village at Verdier Plantation is in the service territory of Palmetto Electric Cooperative, Inc. for electrical power. The Village Development Company coordinated with Palmetto Electric regarding planning for The Village at Verdier Plantation. Letters stating Palmetto Electric

Cooperative's ability to serve The Village at Verdier Plantation are included in Exhibit K.

Bluffton Telephone Co. and/or Hargray Communications will provide telephone service to The Village at Verdier Plantation. A letter stating Bluffton Telephone Co. / Hargray Communications ability to serve the property is included as Exhibit L.

L. ROADWAYS, TRAFFIC, AND TRAILS

The Village Development recognizes the potential impact on the public roadways as a result of the Village at Verdier Plantation PUD and continuing growth throughout Bluffton and Beaufort County. Accordingly, to address this issue, The Village Development Company retained Thomas & Hutton Engineering Co. to study the traffic impacts of a Research and Development Park and compare them to the traffic impacts of a mixed used community on the same tract. The conclusion is the mixed-use community generates approximately thirty percent (30%) less traffic than a traditional Research and Development Park. The memorandum describing the traffic reductions is attached as Exhibit M.

The Village at Verdier Plantation PUD may have two (2) access points on Highway 170 as shown on the Initial Master Plan. The main access point will be directly across from the entrance to Sun City Hilton Head. The southern access point, which will be right in – right out only, will be located approximately eight hundred (800) feet south of the main entrance. Access points will be permitted by the South Carolina Department of Transportation.

Private roads within the Village at Verdier Plantation 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 their portion of intersection improvements if required by the SCDOT.

This community is designed to be both vehicular and pedestrian friendly. The core village is located at the center of the development and is within a five-minute walking distance to most residential areas. The residential areas are interconnected to each other by a series of natural open space trails and are connected through the Village Square and commercial area by a series of traditional style street sidewalks.

Since there are no internal property lines, the anticipated trails will be clearly indicated on the initial master plan. Natural trails within open space areas will be soft paved with native materials such as mulch, sand-shell or decomposed granite fines. Commercial areas and main roadway entrances into the residential areas will be hard paved walks consisting of concrete and or special pavements with a stone or brick character.

M. ARCHITECTURAL CHARACTER

The design of both the residential and, particularly the commercial components of the Village at Verdier Plantation will be based on the planning and architectural principles that define historic Bluffton and surrounding lowcountry style. The architecture will seek deeper connection to American Classicism – not through applied ornamentation, but through a practical and refined sense of architectural form. The patterns of building placement, street elevation, compositional principles, architectural elements, materials and applications – well documented in the Town of Bluffton Preservation Manual – will define the character of The Village at Verdier Plantation.

Fencing will be of the same material, design and character as the commercial architecture. The fence is to be see-through and will have an ornamental landscape appearance along SC Highway 170. Actual locations, design and detail to be submitted for review during initial phase of site plan submittals.

N. DEVELOPMENT STANDARDS

Site development within the Village at Verdier Plantation 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 Initial Master Plan, Section 5.8 PUD Ordinance Modifications, Section 5.8 PUD Ordinance, the Town of Bluffton Ordinances attached and modified herein, DSO Modifications, and DSO 90/3.

SECTION 2

THE VILLAGE AT VERDIER PLANTATION
INITIAL MASTER PLAN
DESIGNATION AND DEFINITIONS

SECTION 2

THE VILLAGE AT VERDIER PLANTATION INITIAL MASTER PLAN DESIGNATION AND DEFINITIONS

A. INTRODUCTION

The Village at Verdier Plantation PUD has been divided into five Planning Areas as indicated on the Initial Master Plan for the Village at Verdier Plantation Planned Unit Development District prepared by Wood+Partners Inc., dated October, 2002. The planning areas include:

1. Commercial Area
2. Village Square
3. Townhome Area
4. Patio Home Area
5. Garden Style Condominium Area

The Planning Areas included above shall be used to identify allowed land uses and density within each tract. Included within the planning areas, the Village at Verdier Plantation PUD tract has approximately 11 acres of freshwater wetlands. The Tract boundaries indicated on the Initial Master Plan and Land Use Areas within Tract boundaries are not intended to be rigid exact boundary lines for future improvements. The Initial Master Plan for the Village at Verdier Plantation PUD District shall maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, tree preservation, market conditions and design parameters. Accordingly, the exact location of the boundary lines between the various planning areas and the location and size of land uses indicated within the planning area(s) shall be subject to change as Development 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 Village Development Company 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 Village at Verdier Plantation 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 Village at Verdier Plantation PUD. However allowing these uses does not obligate the developer to provide the uses or facilities stated herein.
The following land uses shall be permitted in the Village at Verdier Plantation PUD:

1. Commercial Area

The Commercial Area shall have the following allowed land uses and definitions:

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

2. Townhome Area

The Village at Verdier Plantation Townhome Area shall have the following allowed land uses and definitions:

a. Community Recreation
b. Multi-family Residential
c. Open Space
d. Single-family Residential
e. Traditional Neighborhood Development District
f. Dwelling Unit

3. Patio Home Area

The Patio Home Area shall have the following allowed land uses and definitions:

a. Community Recreation
b. Multi-family Residential
c. Open Space
d. Single-family Residential
e. Dwelling Unit
f. Traditional Neighborhood Development District

4. Garden Style Condominium Area

The Garden Style Condominium Area shall have the following allowed land uses and definitions:

a. Community Recreation
b. Multi-family Residential
c. Open Space
d. Single-family Residential
e. Dwelling Unit
f. Traditional Neighborhood Development District

5. Village Square

The Village Square Area shall have the following allowed land uses and definitions:

a. Community Recreation
b. Open Space
c. Traditional Neighborhood Development District
d. Maintenance Areas
e. Model Home/Sales Center
f. Institutional/Civic
g. Business Park

C. ALLOWED DENSITY

An overall density cap for the Village at Verdier Plantation PUD has been established at 510 Dwelling Units and 200,000 square feet of Commercial and Business Park Development and 25,000 square feet in the Village Square. 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 Initial Master Plan for The Village at Verdier Plantation 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.

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.	The Commercial Area	200,000 Square Feet & 60 Units
2.	Village Square	25,0000 Square Feet
3.	Townhome Area	139 Units
4.	Patio Home Area	95 Units
5.	Garden Style Condominium Area	216 Units
	Total	510 Dwelling Units, 200,000 Square Feet of Commercial, 25,000

Square Feet of Village Square

D. DEFINITIONS OF LAND USE TERMS AND DENSITY TERMS.

In the absence of a term definition in this Initial 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 Initial Master 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 Office, Commercial Services, Research and Development uses 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 square footage. Permitted uses include:

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

(b) Uses allowed are listed in Section 5.10 Village Commercial District as modified in the Development Agreement

The Other Requirements of Section 5.10 Village Commercial District as modified in the Development Agreement control development in the Business Park.

2. Community Recreation

This designation allows for the recreational complexes and amenities to serve the Village at Verdier Plantation PUD and its club members. 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, ancillary facilities such as restaurants, shops, and support services 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, Gazebos, Spas, and Hot Tubs.
(5) Tennis Courts and Paddle Tennis.
(6) Lawn Games such as bocci, croquet, volleyball, etc.
(7) Multi-use fields.
(8) Playgrounds and Basketball Courts.
(9) Neighborhood Parks.
(10) Community Parks.
(11) Leisure Trails and Bike Trails.
(12) Other Recreational Uses.

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

(c) Accessory Buildings.

(d) Community Offices/Administration Buildings.

(e) Maintenance and Storage Facilities.

(f) 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 Village at Verdier Plantation 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.
(4) Spas and Exercise Facilities
(5) Traditional Neighborhood Development District
(6) Ancillary uses associated with community support services

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:

(1) Hotel/Inn/Bed and Breakfast, or Guesthouse room/key shall equal ½ a Dwelling Unit.

(2) Fractional Ownership Units (Interval Ownership/Timesharing Properties) shall equal ½ Dwelling Unit per Unit constructed for the first 200 dwelling units, and 1 dwelling unit for the balance up to a total of 300 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.

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 Village at Verdier Plantation PUD as a whole. Commercial uses are limited to approximately 200,000 square feet within the Village at Verdier Plantation PUD.

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 are listed in Section 5.10 Village Commercial District as modified in the Development Agreement

c. Single-family Residential.

d. Multi-family residential.

e. Hotel/Inn.

f. 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
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 Section 5.10 Village Commercial District as modified in the Development Agreement control development in the General Commercial District

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 300 units, of which the initial 200 units count as a ½ dwelling unit and the balance count as 1 dwelling unit against the overall residential cap.

The Other Requirements of Section 5.10 Village Commercial District as modified in the Development Agreement control development 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 Village at Verdier Plantation PUD. These land uses shall not count against the overall commercial acreage or residential density allowed for the Village at Verdier Plantation 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 Village at Verdier Plantation PUD residential cap of 510 dwelling units. Housing for staff associated with a specific project will not count against the Village at Verdier Plantation 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 Village at Verdier Plantation residential density cap.

The Other Requirements of Section 5.10 Village Commercial District as modified in the Development Agreement control development in Institution/Civic

7. Maintenance Areas

The maintenance areas will contain the facilities, tools and equipment necessary to maintain the common properties and recreational facilities within The Village at Verdier Plantation. 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, maintenance equipment, 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.
i. Community support facilities

The Other Requirements of Section 5.10 Village Commercial District as modified in the Development Agreement 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 and garden style condominiums, 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. Multi-family residential consists of attached or detached residential including both short-term and long-term rentals and fee simple ownership, 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 areas.

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

Performance Standards for this district will be determined at the time of Development Permit Application.

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 Village at Verdier Plantation 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 200,000 square feet on total commercial

square footage. Neighborhood commercial development on tracts abutting SC Highway 170 shall have a minimum 50 feet setback to any occupiable, vertical structure greater than 6 feet in height. The Town of Bluffton shall have the right to approve a setback of less than 50 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, grocery stores, clustered commercial establishments, offices, cinema/theatre, and civic/institutional uses, unless specifically prohibited under Prohibited Uses below.
b. Uses allowed in Section 5.10 Village Commercial District as modified in the Development Agreement
c. Single-family Residential.
d. Multi-family Residential.
e. Hotel/Inn.
f. Medical offices (not including facilities for patient care exceeding 48 hours).

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 Village at Verdier Plantation 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 Development Plan stage, each project shall demonstrate a minimum of ten percent open space. Open space shall consist of:

a. Landscaped areas.

b. Lagoons, ponds, impoundments, and lakes.
c. Freshwater wetlands including buffers.
d. Forests, wildlife preserves/corridors, conservation areas and greenbelts.
e. Garden plots.
f. Recreation areas including, indoor and outdoor facilities, swimming pools, tennis courts, playgrounds, ball fields, lawn game fields, gardens, spas, and pervious parking for such facilities 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 Village at Verdier Plantation 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 Development Plan submittal, allowed throughout the PUD in locations appropriate under final site planning. Roads indicated on the Initial Master Plan are subject to modification at the time of Development Plan approval based on specific soil conditions, environmental concerns, physical constraints and design parameters.

The Village at Verdier Plantation PUD shall provide roadway linkage of major land use areas including internal linkage to commercial and recreational uses. Areas within the Village at Verdier Plantation 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 170; setbacks and buffers shall meet the Highway Corridor Overlay District Standards or as modified herein.

b. At adjacent property setbacks shall be a minimum of 50 feet which contains a buffer of 50 feet. 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.

c. Leisure trails and bikeways shall be allowed to move freely through perimeter and wetland buffers as long as the intent of the buffers is maintained and they are approved by state review agencies. The Town of Bluffton shall have the ability to participate in field review and location of trails within buffers.

14. Signage Control

Signage for the Village at Verdier Plantation PUD shall be governed by the Town of Bluffton Signage Ordinance.

15. Single-family Residential

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

- 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.

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.

16. 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 and surrounding lowcountry. These neighborhoods are characterized by a pedestrian-friendly environment of graded streets, neighborhood parks, sidewalks, leisure trails, front porches, mixed uses and a tight scale to unify the district.

The traditional neighborhood development districts may be components of a mixed-use development of Section 5.10 Village Commercial District as modified in the Development Agreement, 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 – 0 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 – 0 feet).
f. Minimum curb radius of 2 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.

17. Wetlands

This designation allows the following uses within wetlands. Freshwater wetlands on the property shall be those areas over which the US Army Corps of Engineers claims 404 jurisdiction for freshwater 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. Storm water control and management.
e. Boardwalks, trails, bridges and other permitted structures.

18. Utilities

This designation allows for utility service to serve the planning areas of the Village at Verdier Plantation 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.
d. Power substations.
e. Central telephone facilities.
f. Stormwater Management Lagoons.
g. Natural Gas Supply
h. Irrigation

In the case of this Initial Master Plan, the community-wide infrastructure may serve more than one Planning Area. Infrastructure projects must receive a Town of Bluffton Development Permit prior to construction, in accordance with the section of PUD ordinance describing Development Permits.

E. BUILDING SETBACKS/SEPARATION/HEIGHT/LIVING AREA.**

1. Patio Homes

   a. Front: 25 feet from back of curb
   b. Side Corner: 10 feet from back of curb
   c. Minimum Building Separation: 10 feet
   d. Maximum Building Height: 30 feet or 2 stories whichever is greater
   e. Approximate Living Area: 1,400 sq. feet – 2,200 sq. feet

2. Townhomes

   a. Front: 25 feet from back of curb
   b. Side Corner: 10 feet from back of curb
   c. Minimum Building Separation: 10 feet
   d. Maximum Building Height: 35 feet or 3 stories whichever is greater
   e. Approximate Living Area: 1,000 sq. feet- 1,800 sq. feet

3. Garden Style Condominiums

   a. Front: 30 feet from back of curb (along collector road)
   b. Side: 15 feet from back of curb
   c. Setback from Paved Areas (Parking Lots): 10 feet
   d. Minimum Building Separation: 20 feet
   e. Maximum Building Height: 35 feet or 3 stories whichever is greater, unless more than 75 feet from project perimeter boundary, then 45 feet or 3 stories whichever is greater
   f. Approximate Living Area: 850 sq. feet -1,500 sq. feet
   g. Approximate Number of Buildings: 13
   h. Maximum Units Per Building: 30

4. Village Square

   a. Front: 10 feet from back of curb (along collector road)
   b. Minimum Building Separation: 10 feet
   c. Approximate Building Height: 45 feet(65 feet for clock tower)
   d. Approximate Building Footprint
      i. Business Center / Executive Suites: ±9,000 sq. feet
      ii. Private Club: ±10,000 sq. feet
      iii. Fitness Center: ±6,000 sq. feet

5. Commercial Area

   a. Front: 15 feet from back of curb (excludes stairs, overhangs, balconies, awnings, porte-cochere, signage, and other architectural fenestrations)
   b. Side: 0 feet for commonly shared walls, 6 feet from back of curb for alleys, 15 feet from back of curb for through streets
   c. Minimum Building Separation: 10 feet
   d. Maximum Building Height: 3 floors, 55 feet

**Note: All set back dimensions are exclusive of roof overhangs, porches, porticos, projecting shutters and stairs. All building height dimensions are measured from average perimeter finished grade or base flood elevation to the eave of the roof.

EXHIBIT A

THE VILLAGE AT VERDIER PLANTATION INITIAL MASTER PLAN DEPICTING LAND USE AND DEVELOPMENT SCHEDULE

Initial Master Plan
for
The Village at Verdier Plantation
PLANNED UNIT DEVELOPMENT
Beaufort County, South Carolina

October 2002

Prepared For:

Village

Planning by
Wood+Partners Inc. WPI

Engineering by
THOMAS & HUTTON ENGINEERING CO

LEGEND

- WETLANDS
- WETLANDS TO BE FILLED
- PERVIOUS UPLANDS
- RETENTION POND
- SINGLE FAMILY PATIO HOMES
- TOWNHOMES
- GARDEN STYLE CONDOMINIUMS
- MIXED USE
- PROPERTY LIMITS
- LAND USE BOUNDARY LIMITS

DEVELOPMENT SUMMARY

ACREAGE SUMMARIES

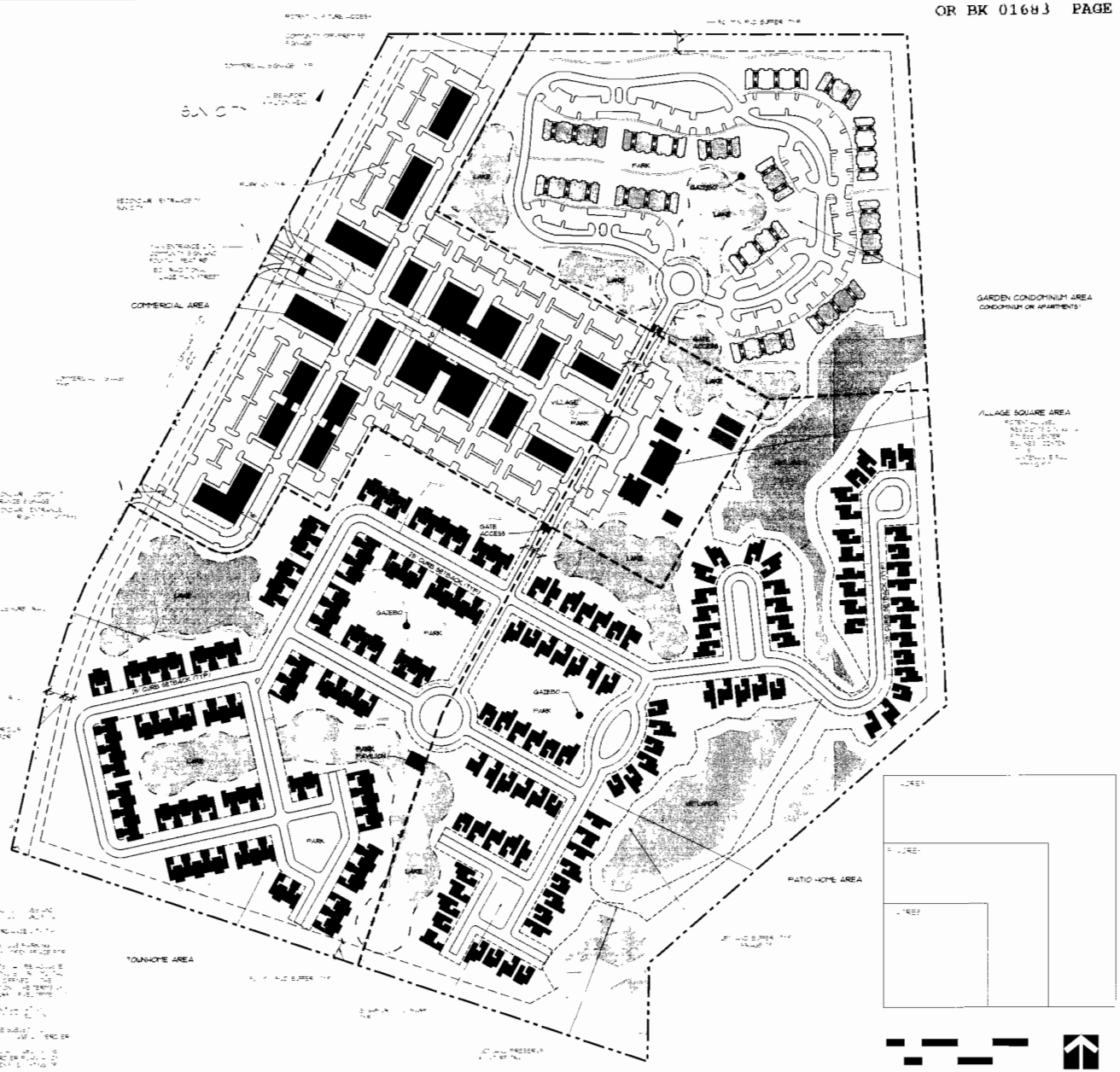
OPEN SPACE SUMMARIES

DENSITIES

TOTAL DWELLING UNITS

PARKING REQUIREMENTS

GENERAL NOTES



SEE MAP/EXHIBIT FILED IN
PLAT BOOK 90 AT PAGE 173
PURSUANT TO THE SOUTH CAROLINA
LOCAL GOVERNMENT DEVELOPMENT
AGREEMENT ACT § 6-31-10 et seq.

Development Schedule for The Village at Verdier Plantation

Unit Type	Year 2,003	2,004	2,005	2,006	2,007	Total/Ea.
Patio Home	5	40	30	20	0	95
Townhome	8	24	40	42	25	139
Condominium	0	0	80	80	56	216
Commercial	20,000	40,000	60,000	50,000	30,000	200,000
Village Square	0	25,000	0	0	0	25,000
Total/Units/Yr	13	64	150	142	81	450
Total/Commercial/Yr	20,000	40,000	60,000	50,000	30,000	200,000

EXHIBIT B

THE VILLAGE AT VERDIER PLANTATION BOUNDARY AND LEGAL DESCRIPTION

INITIAL MASTER PLAN
FOR
THE VILLAGE AT VERDIER PLANTATION

TOWN OF BLUFFTON, SOUTH CAROLINA

EXHIBIT B
BOUNDARY

PREPARED FOR:

Village

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.

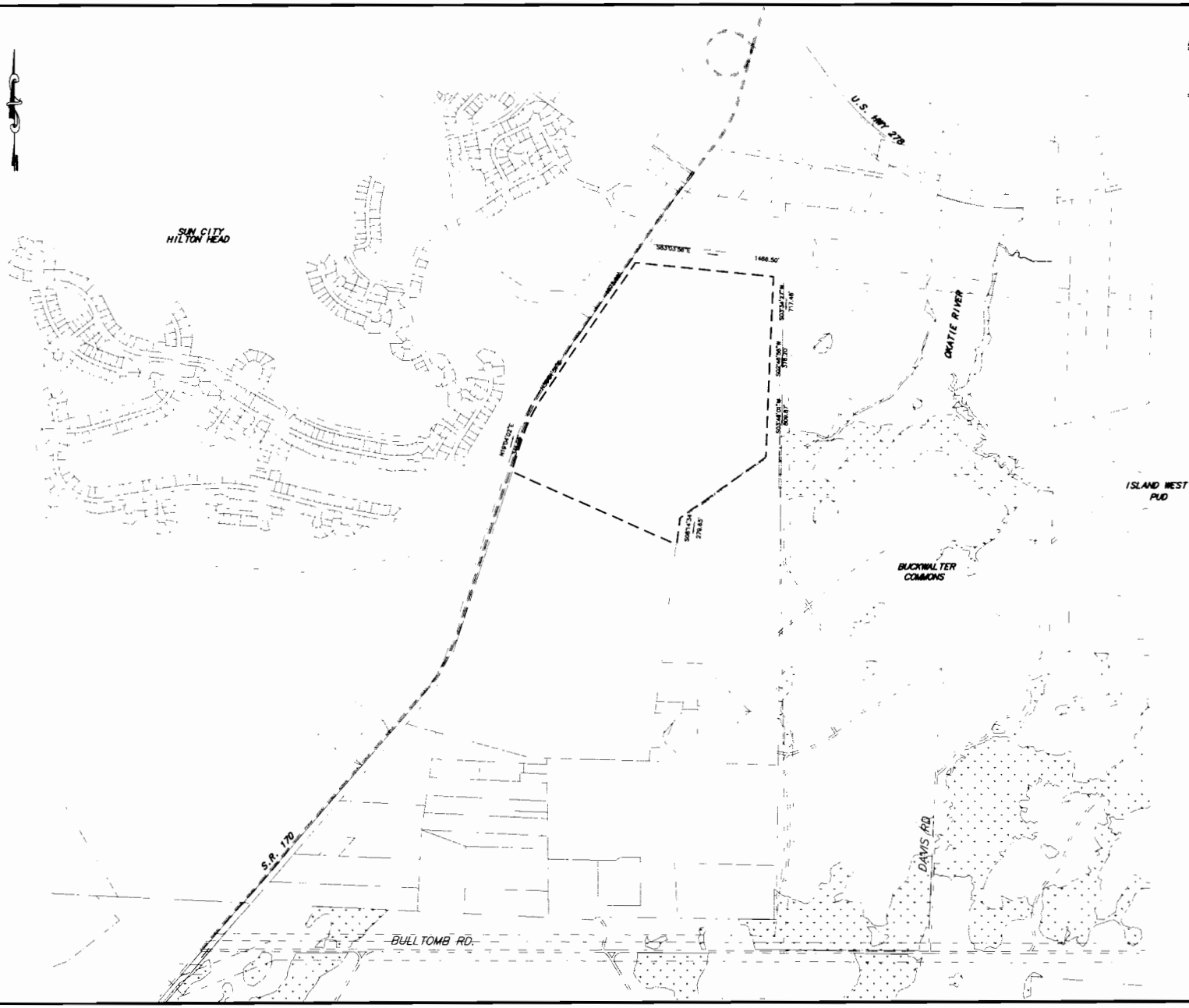
SAVANNAH, GEORGIA

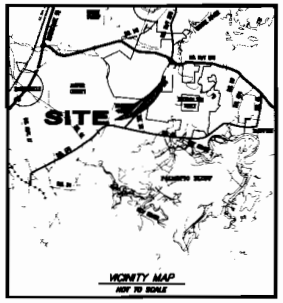
JOB # [illegible] SCALE: 1" = 1000' DATE: APRIL 30, 2002

WOOD + PARTNERS, INC.

LANDSCAPE ARCHITECTS / LAND PLANNERS

HILTON HEAD ISLAND, SOUTH CAROLINA





VICINITY MAP
NOT TO SCALE

NOTES:

1. THIS EXHIBIT WAS COMPILED FROM REFERENCE PLATS, DEEDS, AND HAS NOT BEEN PROVEN BY THOMAS & HUTTON IN THE FIELD.
2. BACKGROUND PARCELS FROM BEAUFORT COUNTY TAX MAPS LAST UPDATED 1996

LEGEND

- EXISTING DIRT ROADS (APPROX.)
- DRAINAGE DITCHES EXISTING OR DUG BY PERMIT
- EASEMENTS
- SURVEYED WETLANDS

TRACT COLOR LEGEND

- VERDIER PLANTATION

± 125 ACRES

Legal Description
The Verdier Plantation

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

Commence at the intersection of the southerly right of way line of Del Webb Boulevard (130' right of way) and the westerly right of way line of South Carolina Highway 170 (50' right of way), said point having South Carolina state plane coordinates of N164739.8582, E2017810.3303 (NAD 1983); thence continue along the South Carolina Highway 170 right of way the following courses and distances; thence South 34°43'22" West, a distance of 912.56 feet to the beginning of a curve tangent to said line; thence southerly a distance of 586.80 feet along the curve concave to the southeast, having a radius of 2005.00 feet and a central angle of 16°46'07"; thence South 17°57'15" West tangent to said curve, a distance of 335.04 feet; thence leaving said right of line South 72°02'45" East, a distance of 50.00 feet, to a ¾ " iron pipe on the easterly right of way line of South Carolina Highway 170 being the common boundary corner of Tract B and the Verdier Plantation, said point also being the **POINT OF BEGINNING**, having South Carolina state plane coordinates of N163131.6701, E2016975.4024 (NAD 1983); thence proceed along said right of way line the following courses and distances; thence North 17°57'15" East, a distance of 335.04 feet to a ¾" iron pipe at the beginning of a curve tangent to said line; thence northerly a distance of 572.16 feet along the curve concave to the southeast, having a radius of 1955.00 feet and a central angle of 16°46'07" to a ¾" iron pipe ; thence North 34°43'22" East tangent to said curve, a distance of 1656.84 feet to a ¾" iron pipe; thence leave the right of way line of South Carolina Highway 170, South 84°12'22" East, a distance of 1467.64 feet, to a Union Camp Concrete Monument on the common boundary corner of the Verdier Plantation and lands of now or formerly Winding River, BTS; thence proceed along said boundary line, South 02°25'49" West, a distance of 717.54 feet to a 5/8"iron rebar; thence South 01°38'43" West, a distance of 376.24 feet to a 5/8" iron rebar; thence South 02°37'57" West, a distance of 809.64 feet to a concrete monument on the common boundary corner of the Verdier Plantation and lands of now or formerly Ursula Elkins; thence continue along said boundary line South 54°38'04" West, a distance of 1111.88 feet to a 1" iron pipe; thence South 07°06'38" West, a distance of 279.98 feet to a concrete monument on the common boundary corner of the Verdier Plantation and Tract B; thence proceed along said boundary line North 65°51'47" West, a distance of 1907.07 feet to the **POINT OF BEGINNING**. Said tract or parcel of land having an area of 125.512 acres more or less.

EXHIBIT C

THE VILLAGE AT VERDIER PLANTATION 1999 AERIAL PHOTOGRAPH

INITIAL MASTER PLAN
FOR
THE VILLAGE AT VERDIER PLANTATION

TOWN OF BLUFFTON, SOUTH CAROLINA

EXHIBIT C
AERIAL PHOTOGRAPHY

PREPARED FOR:

Village

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.

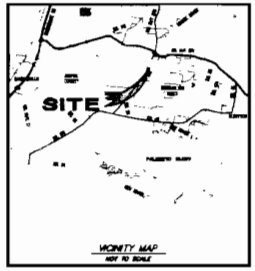
SAVANNAH, GEORGIA

JOB # 19026 SCALE: 1" = 1000' DATE: MAY 1, 2002

WOOD + PARTNERS, INC.

LANDSCAPE ARCHITECTS / LAND PLANNERS

HILTON HEAD ISLAND, SOUTH CAROLINA



VICINITY MAP
NOT TO SCALE

EXHIBIT D

THE VILLAGE AT VERDIER PLANTATION
ADJACENT PROPERTY OWNERS

INITIAL MASTER PLAN
FOR
THE VILLAGE AT VERDIER PLANTATION
TOWN OF BLUFFTON, SOUTH CAROLINA

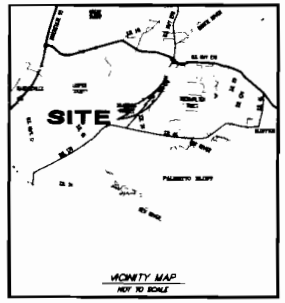
EXHIBIT D
ADJACENT PROPERTY OWNERS

PREPARED FOR:

Village

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.
SAVANNAH, GEORGIA
JOB # 19026 SCALE: 1" = 1000' DATE: APRIL 30, 2002

WOOD + PARTNERS, INC.
LANDSCAPE ARCHITECTS / LAND PLANNERS
HILTON HEAD ISLAND, SOUTH CAROLINA



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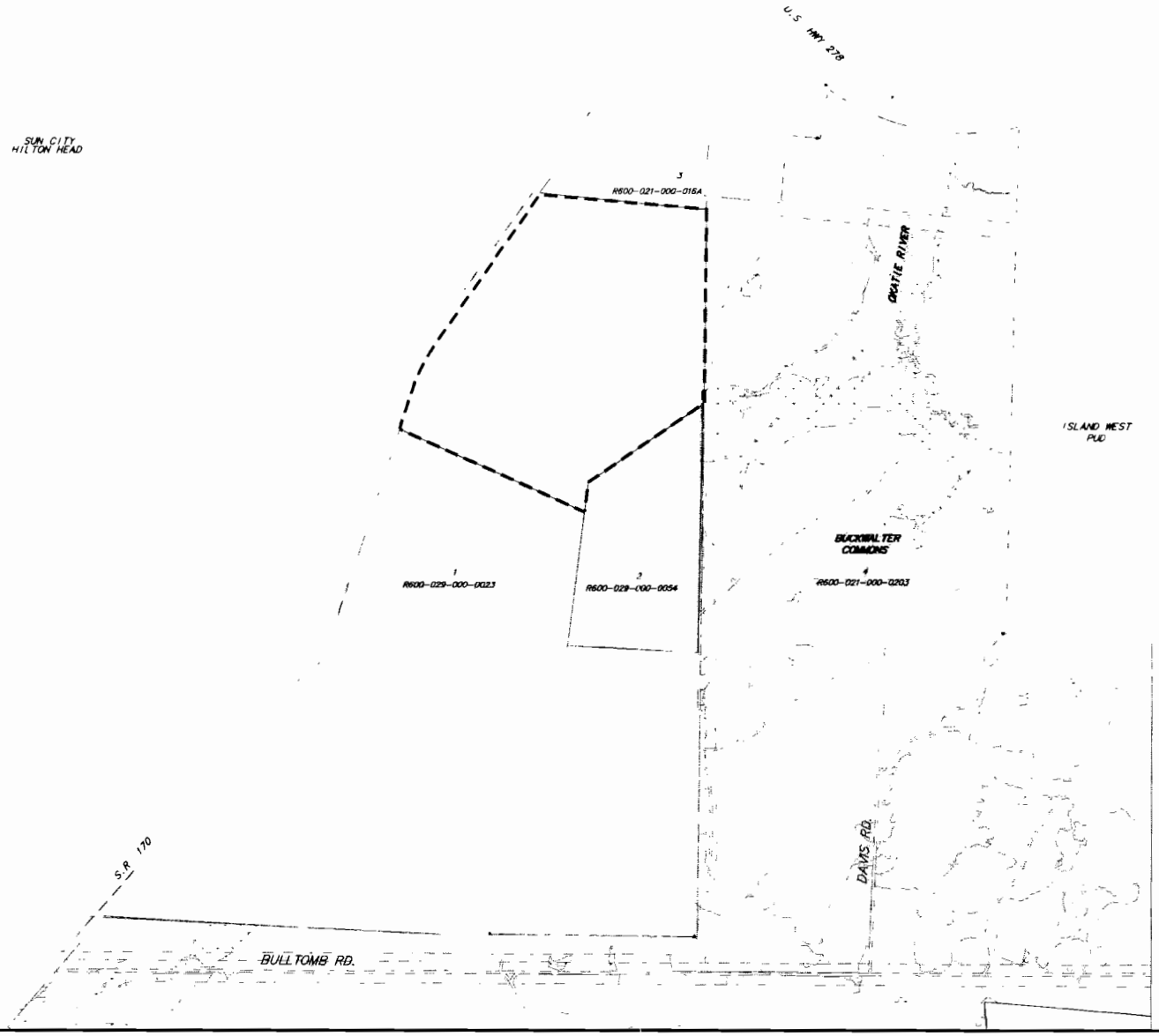

NOTES:
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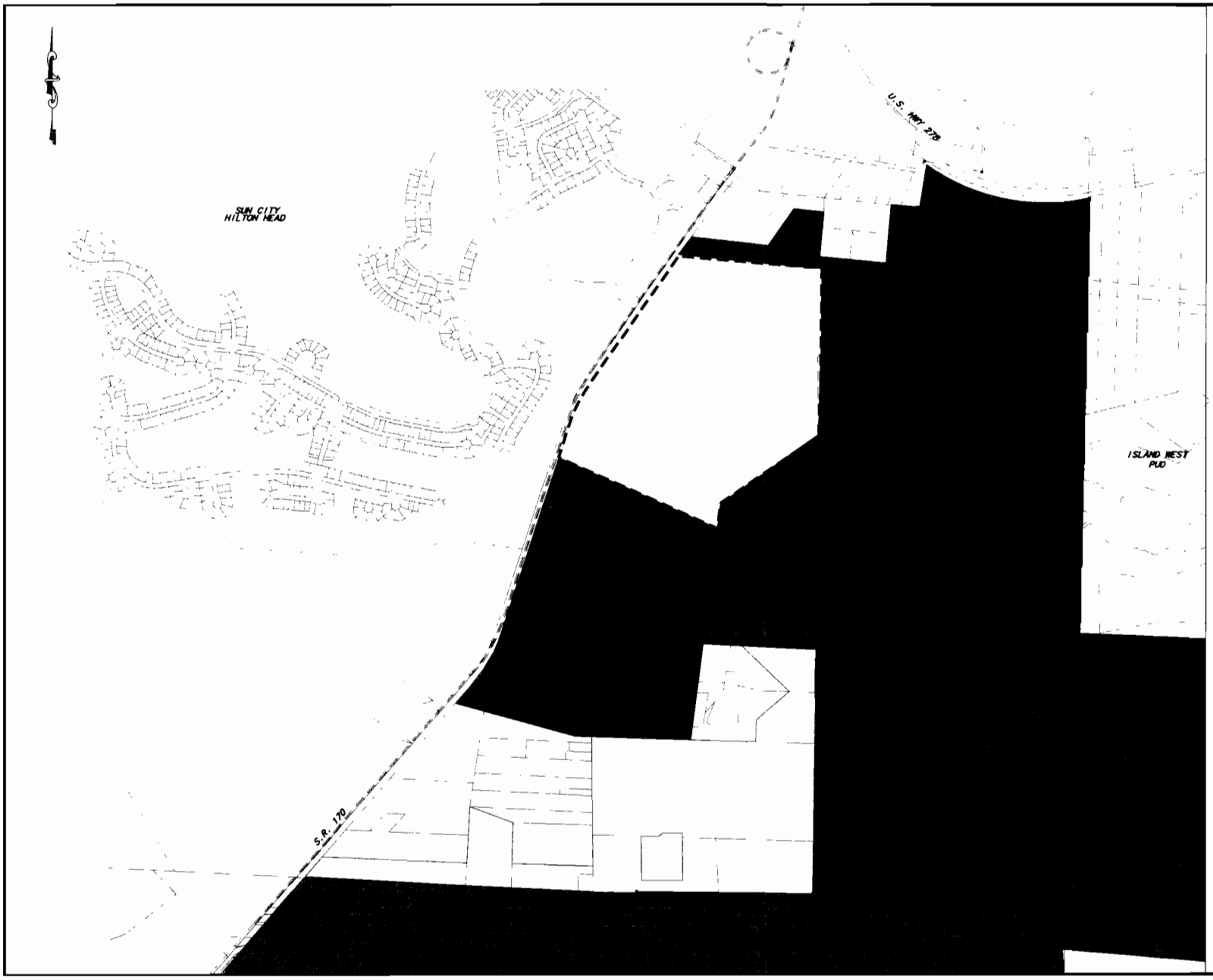
2. BACKGROUND PARCELS FROM BEAUFORT COUNTY TAX MAPS LAST UPDATED 1995

LEGEND
- EXISTING DIRT ROADS (APPROX.
- DRAINAGE DITCHES EXISTING OR DUG BY PERMIT
- EASEMENTS
- SURVEYED WETLANDS

PROPERTY COLOR LEGEND
- ADJACENT PROPERTY OWNERS
- VERDIER PLANTATION



INITIAL MASTER PLAN
FOR
THE VILLAGE AT VERDIER PLANTATION

TOWN OF BLUFFTON, SOUTH CAROLINA

EXHIBIT D
ADJACENT PROPERTY OWNERS

PREPARED FOR:

Village

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.

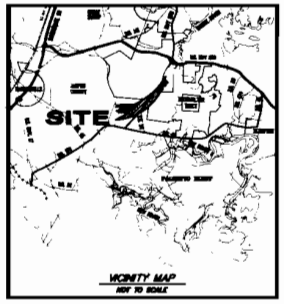
SAVANNAH, GEORGIA

JOB # 10088 SCALE: 1" = 1000' DATE: APRIL 30, 2002

WOOD + PARTNERS, INC.

LANDSCAPE ARCHITECTS / LAND PLANNERS

HILTON HEAD ISLAND, SOUTH CAROLINA



VICINITY MAP
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2. BACKGROUND PARCELS FROM BEAUFORT COUNTY TAX MAPS LAST UPDATED 1996

LEGEND

- EXISTING DIRT ROADS (APPROX.)
- DRAINAGE DITCHES EXISTING OR DUG BY PERMIT
- EASEMENTS
- SURVEYED WETLANDS

PROPERTY COLOR LEGEND

- ADJACENT PROPERTY OWNERS
- VERDIER PLANTATION

INITIAL MASTER PLAN
FOR
THE VILLAGE AT VERDIER PLANTATION
TOWN OF BLUFFTON, SOUTH CAROLINA

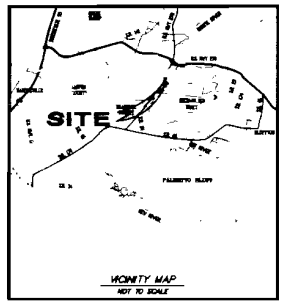
EXHIBIT D
ADJACENT PROPERTY OWNERS

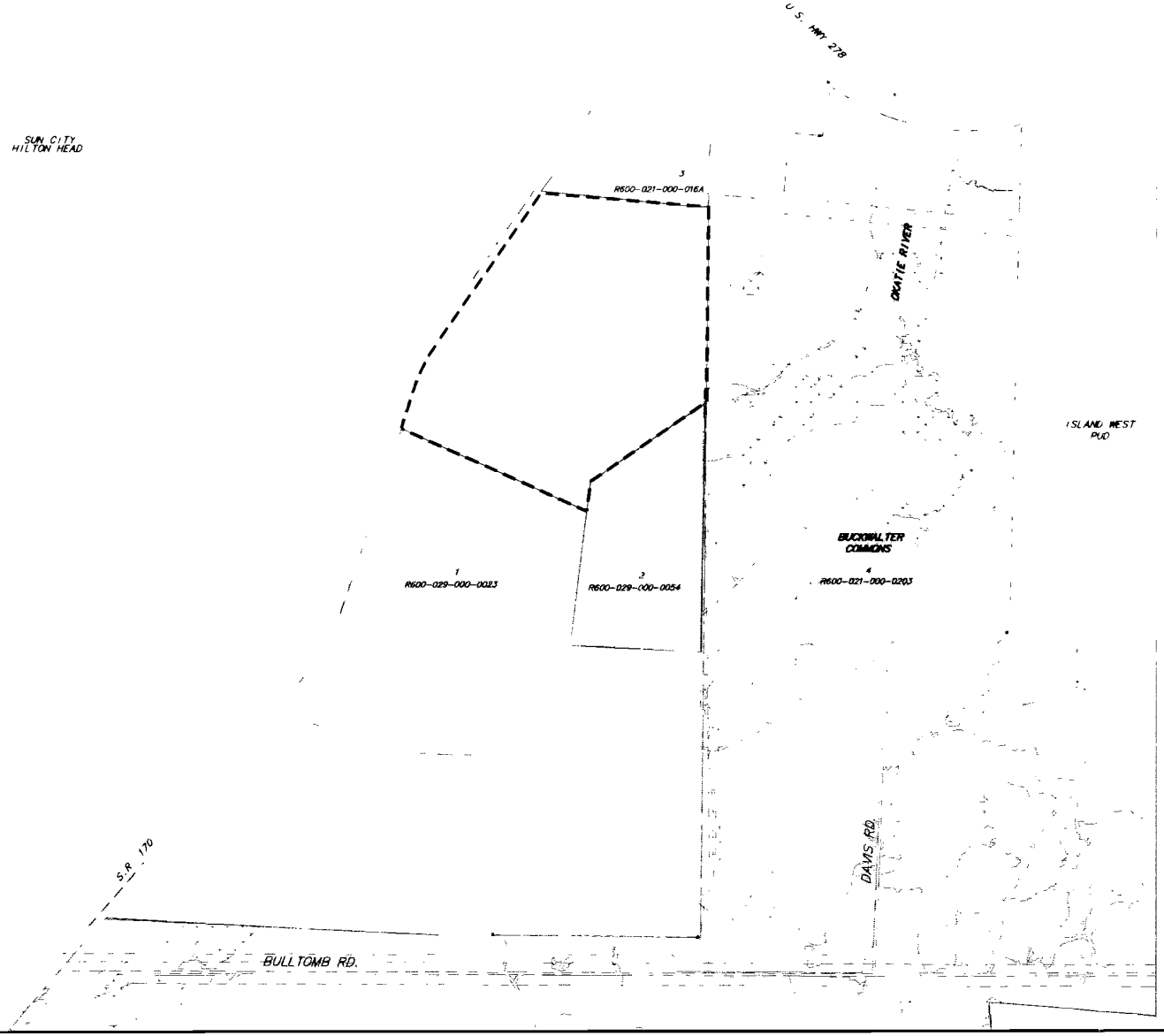
PREPARED FOR:

Village

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.
SAVANNAH, GEORGIA
JOB # 15035 SCALE 1" = 1000' DATE APRIL 30, 2003

WOOD + PARTNERS, INC.
LANDSCAPE ARCHITECTS / LAND PLANNERS
HILTON HEAD ISLAND, SOUTH CAROLINA





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LEGEND

EXISTING DIRT ROADS (APPROX.)

DRAINAGE DITCHES EXISTING OR DUG BY PERMIT

EASEMENTS

SURVEYED WETLANDS

PROPERTY COLOR LEGEND

- ADJACENT PROPERTY OWNERS
- VERDIER PLANTATION

ADJACENT PROPERTY OWNER INFORMATION

ID	PIN NUMBER	ST. ADDRESS	OWNER NAME	OWNER ADDRESS	OWNER ADDRESS	CITY	STATE	ZIP	ACRES
1	R600 029 000 0023 0000								
2	R600 029 000 0054 0000		CLELAND AVERY E	PO BOX 21348		HILTON HEAD ISL	SC	29925	42.470
3	R600 021 000 016A 0000	2094 OKATIE HWY	STRICKLIN MALCOLM M LOIS C	JTROS	2092 OKATIE HWY	BLUFFTON	SC	29910	15.000
4	R600 021 000 0203 0000		R.R.Z., L.L.C.	PO BOX 24143		HILTON HEAD ISL	SC	29925	414.000

EXHIBIT E

THE VILLAGE AT VERDIER PLANTATION CULTURAL RESOURCES

INITIAL MASTER PLAN
FOR
THE VILLAGE AT VERDIER PLANTATION

TOWN OF BLUFFTON, SOUTH CAROLINA

EXHIBIT E
SOIL SERIES

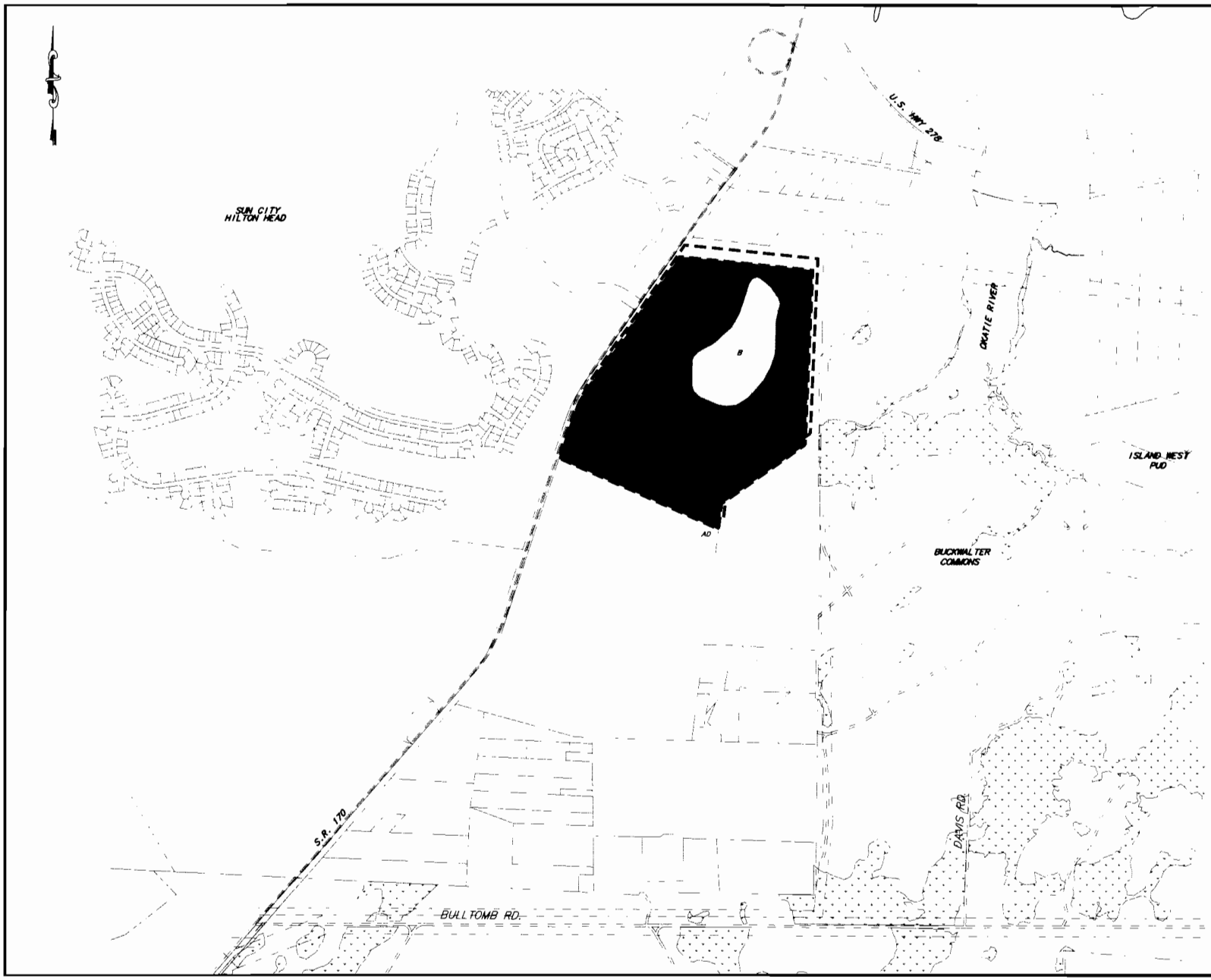
PREPARED FOR:

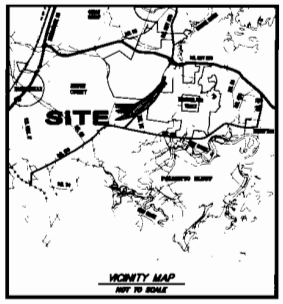
Village

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.
SAVANNAH, GEORGIA
JOB # [illegible] SCALE 1" = 1000' DATE: APRIL 30, 2002

WOOD + PARTNERS, INC.
LANDSCAPE ARCHITECTS / LAND PLANNERS
HILTON HEAD ISLAND, SOUTH CAROLINA





VICINITY MAP
NOT TO SCALE

NOTES:

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2. BACKGROUND PARCELS FROM BEAUFORT COUNTY TAX MAPS LAST UPDATED [illegible]

LEGEND

- EXISTING DIRT ROADS (APPROX.)
- DRAINAGE DITCHES EXISTING OR DUG BY PERMIT
- EASEMENTS
- SURVEYED WETLANDS

SOIL SERIES

- AD
- B
- BD
- C
- D

Cultural Resources Survey of the Village of Verdier Beaufort County, South Carolina

Draft Report

Brockington and Associates, Inc.
Atlanta Charleston Raleigh
2002

Cultural Resources Survey of the Village of Verdier Tract Beaufort County, South Carolina

Draft Report

Prepared for

Village Development Company
Palm Coast, Florida

Prepared by

David Dellenbach
Archaeologist

and

Pat Hendrix
Historian

under the direction of

Ralph Bailey, Jr.
Principal Investigator

Brockington and Associates, Inc.
Atlanta Charleston Raleigh
September 2002

Abstract

Archaeologists conducted an intensive cultural resources survey of the Villages of Verdier Tract in August 2002 for the Village Development Company of Palm Coast, Florida. The project tract consists of 52.6 hectares and is bordered to the north by a pipeline right-of-way, to the east by a large drainage ditch, to the south by private lands, and to the west by SC Route 170. The work was conducted in compliance with state and federal regulations in advance of permitting applications. We identified one isolated find during the survey. The isolated artifact consists of an unidentified prehistoric ceramic sherd. We recommend the isolated find not eligible for the National Register of Historic Places. There are no extant structures on the project tract. There are no historic properties on or near the project tract that will be affected by proposed developed of the project tract. Additional management of cultural resources with respect to the project tract is not warranted.

Acknowledgements

The authors would like to thank Nick Stanley of Thomas and Hutton Engineering for his assistance during this project. The field Crew consisted of Brent Landsell, Ellen Giese, and Justin Parker. In the laboratory, Catherine Runyan, Sara Iselin, and Emily Jateff conducted the artifact analyses. Inna Burns prepared the report graphics. Ralph Bailey and Carol Poplin provided editorial assistance. Susannah Munson produced the report.

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Chapter I. Introduction and Methods of Investigation

Introduction

In August 2002, Brockington and Associates, Inc., conducted an intensive cultural resources survey of the 52.6 hectare Village of Verdier Tract in Beaufort County, South Carolina. The project tract is bordered to the east by a five meter wide drainage ditch, to the north by a pipeline right-of-way, to the south by private land, and to the west by SC Route 170. The project tract is covered primarily in planted pine with some mixed pine and hardwoods in the eastern portion of the tract. Drainage ditches and firebreaks also extend through all portions of the tract. Figure 1 shows the location of the Village of Verdier Tract and nearby cultural resources on the USGS 1979 Jasper, SC quadrangle.

The present investigations were conducted for The Village Development Company, Palm Coast, Florida, to provide compliance with state and federal regulations concerning the management of historic properties (i.e., sites, buildings, structures, objects, and districts eligible for or listed on the National Register of Historic Places [NRHP]) affected through development activities in the Coastal Zone of South Carolina. Compliance will be administered by the regulatory programs of the US Army Corps of Engineers (USACE - 33 CFR Part 325) and the South Carolina Office of Ocean and Coastal Resource Management (OCRM - 15 CFR Part 930). These laws and regulations include:

Section 404 of the Clean Water Act of 1948 (33 USC 1344), as amended;
National Historic Preservation Act of 1966 (16 USC 470), as amended;
36 CFR Part 800: Protection of Historic Properties;
Coastal Zone Management Act of 1972 (16 USC 1451 seq.), as amended; and
Coastal Zone Management Act of 1976 (Chapter 39, Title 48, SC Code), as amended.

These investigations were designed to identify cultural resources present in the project tract, and to assess their eligibility for NRHP. Archaeologists identified one isolated find within the project tract. Isolate 1 consists of a single Pre-Contact sherd. We recommend this isolated find not eligible for the NRHP. There are no extant structures on the project tract. There are, however, a number of previously recorded archaeological sites adjacent to the project tract. One site, 38BU1886, is potentially eligible for the NRHP. This site is located 340 meters southeast of the

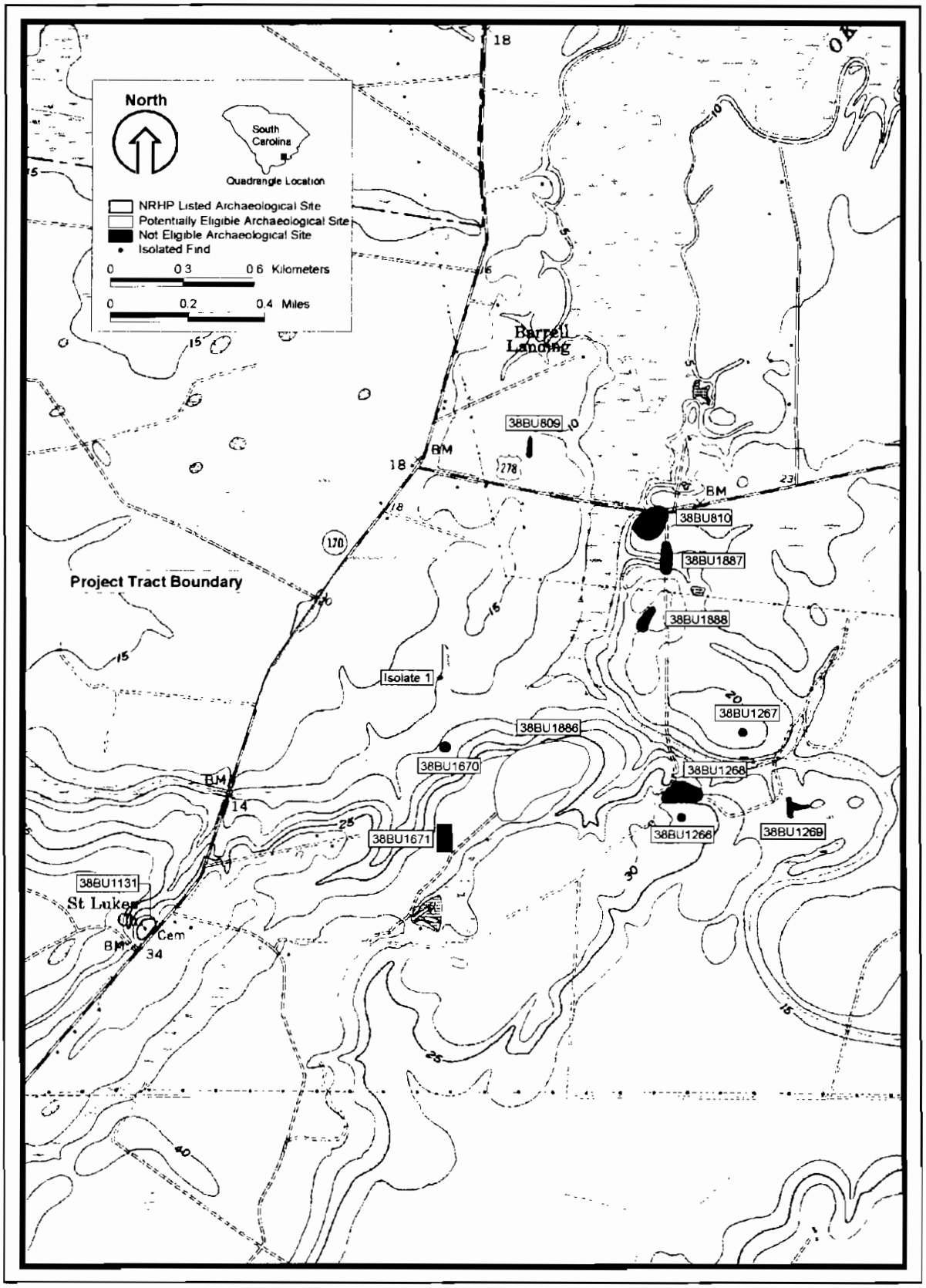

Figure 1. Location of the Village of Verdier Tract and all nearby culutral resources (USGS 1979 Jasper, SC quadrangle).

project tract. The Village Development Company intends to use the project tract for residential development. Execution of these plans will not affect any historic properties. Further management consideration of the Village of Verdier Tract with regard to cultural resources is not warranted.

Chapter II of this report discusses the natural and cultural setting of the project tract. Results of the investigations and management recommendations are presented in Chapter III. Appendix A presents an artifact inventory. Appendix B includes the resumes of the project investigators.

Methods of Investigation

Background Research

Background research included examination of archival, documentary, and cartographic resources in various libraries and repositories. These resources included the archaeological site files maintained by the South Carolina Institute of Archaeology and Anthropology (SCIAA) and the NRHP listings maintained by the South Carolina Department of Archives and History (SCDAH). Maps from the South Caroliniana Library at the University of South Carolina and the South Carolina Historical Society (SCHS) were reviewed. The history of ownership of the tract was obtained from the Beaufort County Records of Mesne Conveyance. Deeds and plats of the project tract also were reviewed. The purpose of this research was to identify potential Post-Contact or Pre-Contact archaeological sites and buildings, and to develop a historic context that would assist in evaluating cultural resources identified on the project tract.

Archaeological reports for the following tracts were examined at SCIAA: the D.R. Horton Tract (Bridgman and Hendrix 2001), Belfair's Buckwalter Tract (Bridgman and Harvey 2001), the Colleton River Plantation (Allan and Brockington 1990), the Sun City Hilton Head Tract (Eubanks et al. 1993), the Berkeley Hall Tract (formerly Meggett Tract--Eubanks et al. 1996; Bridgman et al. 2000), the Okatie Center Tract (Hill and Poplin 1994), portions of the Palmetto Bluff Tract (Hill et al. 1994), the Hampton Woods Tract (Konieczko and Harvey 1996), the Belfair Plantation Tract (Markham 1994), the Roller Tract (McMakin et al. 1995), the Island West Golf Club (Richardson and Brockington 1991), the Buckwalter Access Road Tract (Fletcher and Harvey 1999a), the Villages at Buckwalter Plantation Tract (Fletcher et al. 1999), and the Cram Tract (Rust et al. 1997). All of these tracts are located adjacent to US Route 278 between Great Swamp and Hilton Head Island. Palmetto Bluff, Sun City Hilton Head, Okatie Center, and Meggett were once owned by

Union Camp Corporation, now International Paper Company (IPC). Chapter II concludes with a more detailed discussion of the previous investigations that occurred in close proximity to the project tract.

Field Investigations

Defining High Potential Areas. Archaeologists have attempted to predict the locations of archaeological sites on the Lower Coastal Plain of South Carolina since the 1970s. Brooks and Scurry's (1979) survey of the proposed Amoco Chemical Plant in Berkeley County is the earliest systematic examination of a particular tract with the intent to create a model of site location. Brooks and Scurry (1979) predicted that most Pre-Contact sites along the Cooper River should be located on drier soils close to water sources. The water sources provided access to a variety of riparian and tidal resources while drier uplands contained the majority of the mast producing trees (oaks and hickories) that attracted deer and other game during particular seasons of the year. Thus, these areas contained predictable resources that could be easily exploited. During the 1980s, archaeologists with the US Forest Service working in the Francis Marion National Forest in Charleston and Berkeley Counties noted that the majority of the sites they discovered during surveys of scattered parcels throughout the Forest occurred on drier soils close to water sources. They implemented an intuitive model defining areas of high, moderate, and low potential to contain archaeological sites based on these environmental factors.

During the 1990s, archaeologists attempted more in-depth analyses of site locations throughout the Lower Coastal Plain. Archaeologists surveyed extensive acreage throughout the region during the late 1980s and early 1990s, usually through systematic shovel testing at 30-40 meter intervals, providing a vast body of data. These early efforts attempted to predict site locations based on parameters associated with known sites, creating intuitive models like the one developed for the Francis Marion National Forest. Following examination of the 688 hectare Delta Plantation Tract in Jasper County, Poplin et al. (1991) noted that 71 percent of all non-cemetery sites occurred on wet (hydric) soils; however, the majority of these sites dated from the Post-Contact era. Most Pre-Contact era sites (55 percent/5 of 9) occurred on dry (anhydric) soils, particularly along the edges of streams, swamps, and marshes. Poplin (1992) reviewed 10 surveys and the locations of all known sites in and along the Charleston Harbor during an assessment of 19 potential disposal areas for dredged materials. Poplin (1992) noted that 73 percent of all identified sites (120 of 164) occurred on dry (anhydric) soil types although two surveys reported more sites on wet (hydric) soils.

Interestingly, most of these sites related to eighteenth-nineteenth century brick manufacture. Eubanks and Poplin (1995) employed a similar approach to stratify the 2,000+ hectare Sun City-Hilton Head Tract (formerly a portion of IPC's [through Union Camp Corporation] Argent Tract). Here, multi-component Pre-Contact sites occurred primarily on anhydric soils within 200 meters of a water source or small bay-like wetlands. Eubanks and Poplin (94) also employed soil conditions and distance to water to model site location potential in 1,380 hectares of the Mary's Island Plantation Tract in Colleton County. Archaeologists examined all high and moderate potential areas as well as 20 percent of the low potential areas through 30 meter interval shovel testing. Here, distance to water and the depth of the seasonal high water table appeared more critical in determining where sites were located than the described nature of soil hydrology.

In Beaufort County, Hill et al. (1994) attempted to predict the likely location and density of sites on Palmetto Bluff, a 7,300 hectare tract then owned by Union Camp Corporation (later IPC) and today held by a number of entities. Hill et al. (1994) analyzed the locations of all known sites with respect to soil hydrology and distance to a mapped water source on the nine USGS 7.5 minute quadrangles containing and surrounding Palmetto Bluff. The 543 sites identified on the nine quadrangles prior to 1994 occurred in higher frequencies on anhydric soils than hydric soils. That is, while the actual numbers of sites in each soil class were approximately equal, anhydric soils constitute only 17 percent of all of Beaufort and Jasper Counties. Thus, sites occur more frequently on anhydric soils than on hydric soils. Similarly, 77 percent of all known sites lie within 100 meters of a water source, with 91 percent of the known sites within 300 meters of a water source. Using these data, Hill et al. (1994) defined areas of high (anhydric soils within 300 meters of a water source or locales where historic plats indicated former buildings or facilities), moderate (anhydric soils greater than 300 meters from a water source), and low (hydric soils) potential to contain archaeological sites. Archaeologists examined a sample of 203 hectares, including portions of each of the defined strata, through 30 meter interval shovel testing and identified 22 sites. Seventy-two percent of the Pre-Contact sites (8 of 11) occur in high or moderate potential areas; 84 percent (16 of 19) Post-Contact sites occur in high or moderate potential areas.

Between 1996 and 2000, archaeologists attempted to develop more rigorous models of site location. Cable (1996) developed a site location model for the Charleston Harbor region (Berkeley, Charleston, and Dorchester Counties) employing the results of recent surveys where 30 meter interval shovel testing was employed routinely to discover sites. Using a wide array of environmental variables, Cable (1996) demonstrated that site locations vary between the maritime strand and interior portions of his study area. Proximity to a variety of soil types (i.e., the interfaces

of different soil types defined primarily on hydrology) increased the potential for Pre-Contact era sites. Unfortunately, the implementation of Cable's (1996) model is extremely difficult given the complexity of the mathematical formulae employed to calculate areas of high or low site potential. In 1998-2000, Brockington and Associates, Inc., employed a Geographic Information System (GIS) based analysis of environmental factors to predict site locations on the US Navy Weapons Station, Charleston (NWS) in Berkeley County (Bailey et al. 2001). This approach employed cost distance to a variety of environmental settings, including water sources and anhydric/hydric soils, to generate a series of models. The use of environmental conditions and cost-distances to these conditions attempts to project human behavior over the landscape rather than examining where archaeological sites have been identified as during all previous modeling efforts. The locations of all known archaeological sites on the four USGS 7.5 minute quadrangles containing and surrounding the NWS as well as a sample of sites from a recent survey of the NWS permitted a statistical evaluation of these models. Two models, one for Pre-Contact era sites and one for Post-Contact era sites, proved the most applicable, capturing 82 percent of the total area of all sites within the high potential areas for the two models. A subsequent survey of 1,290 hectares of the NWS supported the two models, with over 80 percent of all Pre- and Post-Contact sites (or portions thereof) falling in the defined high potential areas (Bailey et al. 2001). Unfortunately, like Cable's (1996) model, this behavioral model is difficult to implement on most tracts given the level of effort necessary to develop models away from the NWS.

A more recent GIS based analysis by James Scurry, as a component of his dissertation in the University of South Carolina's Department of Geography, demonstrates that the majority of known sites in Horry, Berkeley, and Beaufort Counties (70-85 percent) lie on anhydric soils within 200-300 meters of the interface of the anhydric soils with hydric soils or water. While not as detailed as Cable's (1996) or Bailey et al.'s (2001) analyses, these data describe where known sites occur in the Lower Coastal Plain.

We employed soil conditions and historic maps and plats to define areas of high and low potential within the Village of Verdier Tract, following primarily Hill et al.'s (1994) model for Palmetto Bluff. We assumed that areas where anhydric soils (soil types described as moderately to excessive well drained) occur and areas where historic plats and maps indicate former facilities possess a high potential to contain archaeological sites. Areas with hydric soils away from mapped facilities (most of the Village of Verdier Tract) possess a low potential to contain archaeological materials. Examinations of nearby tracts, including Meggett and Shults, employed similar models; the results of these surveys as well as Pecorelli and Harvey's (1999) and Fletcher and Harvey's

(1999a) examinations of the Buckwalter Parkway corridor, Bridgman et al.'s (2001) examination of the Rose Dhu Plantation (a 107 hectare portion of IPC's original Buckwalter Tract), Bridgman and Hendrix's (2001) examination of the D. R. Horton Tract (also a portion of IPC's original Buckwalter Tract), and Fletcher et al.'s (1999) examination of the Villages at Buckwalter Plantation Tract support the stratification of the project tract. The two surveys of the Buckwalter Parkway corridor employed 30 meter interval shovel testing throughout the examined areas, approximately 50 hectares in total, without regard to high or low potential. The more recent surveys of Rose Dhu Plantation and the D. R. Horton Tract examined high potential areas through 30 meter interval shovel testing and low potential areas through 60 meter interval shovel testing. Fletcher et al. (1999) examined the high potential areas in the 131 hectare Villages at Buckwalter Plantation Tract through 30 meter interval shovel testing and a reconnaissance of the low potential areas. During all of the surveys within IPC's original Buckwalter Tract, sites occurred in high potential areas only.

The Village of Verdier Tract is comprised of mostly poorly drained soils, with 21.6 hectares of marginal wetlands. Most of the soils exposed during the field investigations were very dark grey in color with disturbed or mixed soils in the low lying areas. Drier soils were considered to possess a higher potential to contain Pre-Contact sites. [The isolated find (Isolate 1) located during the current investigations occured in association with poorly drained Bladen fine sandy loam.]

The remaining portions of the tract contain wetter soils although most of these areas have been dramatically altered due to extensive logging. Drainage ditches and deep furrows have been excavated in most portions of the tract, irrespective of the soil conditions. These activities have a great potential to disrupt archaeological deposits. Areas with wetter soils witnessed more extensive modifications. Thus, these areas of low potential have been so altered that it is highly unlikely that any intact sites remain in the low potential areas.

Intensive Survey. Despite the limited number of hectares containing soils with a high potential to contain cultural resources, investigators surveyed the Village of Verdier Tract as a high potential area. Transects in this survey area were spaced 30 meters apart and investigators excavated shovel tests at 30 meter intervals along each transect. Investigators excavated 493 shovel tests across the project tract. Figure 2 presents the location of survey transects.

Investigators excavated each 30 by 30 cm shovel test into sterile subsoil or below the water table (30-60+ cm below surface [bs]). They sifted the fill from these tests through ¼ inch mesh

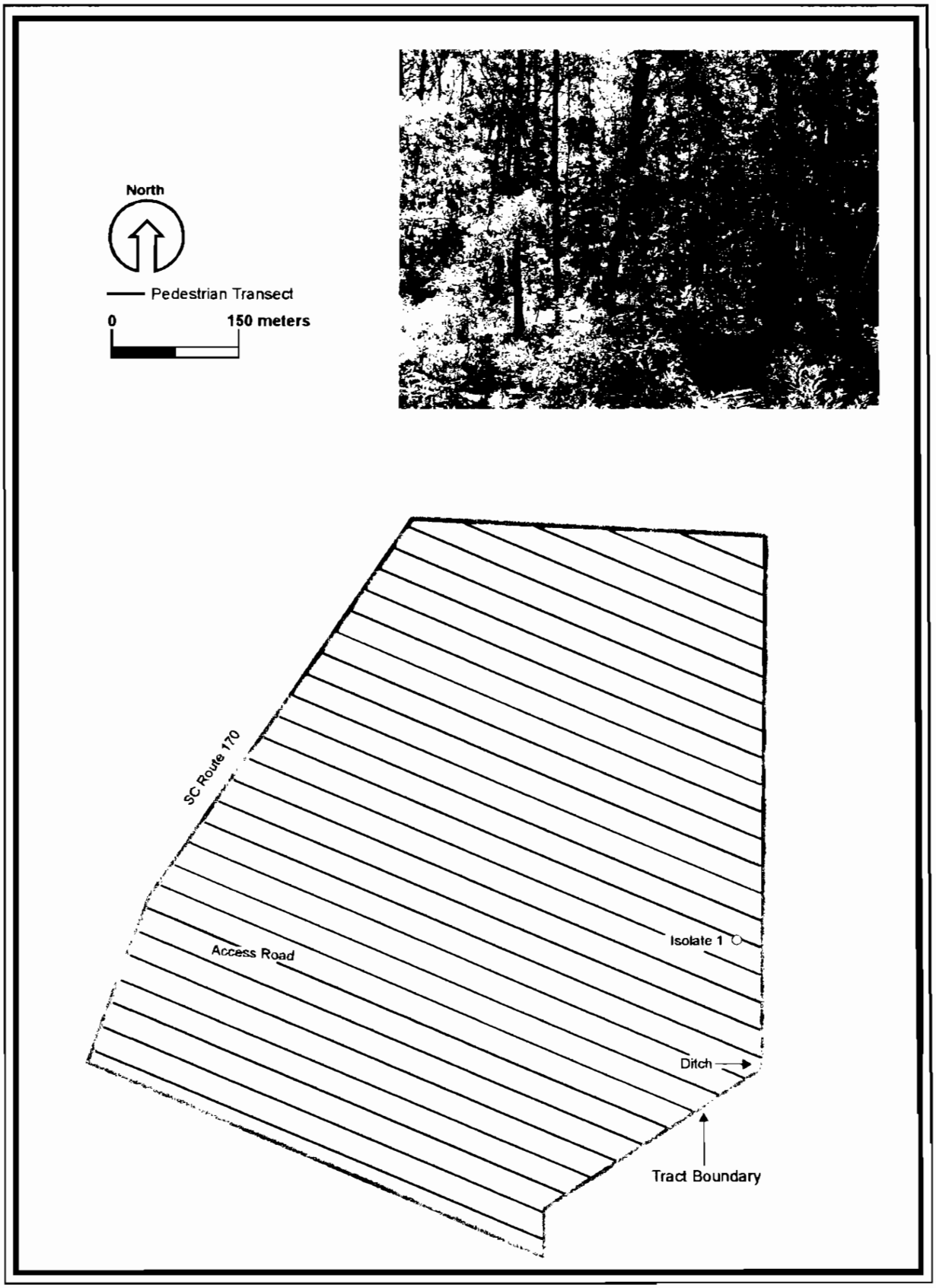

Figure 2. A plan and view of the project tract showing the location of all pedestrian transects and isolate 1.

hardware cloth. They recorded information relating to each shovel test and soil profile in field notebooks, and plotted the shovel tests onto a master map of each survey area.

Investigators subjected the one surface find to reduced interval shovel testing to aid in determining whether intact buried deposits were present. Shovel tests were excavated at 15 meter intervals around the original surface find. Isolated finds contain less than three artifacts. Investigators plotted the location of the isolated find on the project map and on the USGS quadrangle map of the project area. The project tract contains no buildings or structures.

Laboratory Analysis

Investigators transported the recovered artifact to the Mount Pleasant office of Brockington and Associates, Inc., where it was cleaned with warm, soapy water. Laboratory personnel assigned the artifact collection area a unique provenience number. They identified the artifact from the single provenience according to type and class. Artifact analysts utilized sources typically used for the types of artifacts recovered in the region.

Laboratory personnel placed the artifact within the single provenience in an appropriately labeled acid free plastic bag. They then placed this material from the single provenience in a larger acid free plastic bag. This bag also was labeled with the provenience number, and field identification information. This provenience was placed in a larger acid free bag and box; all were appropriately labeled. The single ceramic artifact recovered from the project tract was identified as a Pre-Contact sherd. Upon acceptance of the final report, field notes, photographs, slides, maps, and artifacts will be transferred to the SCIAA for permanent curation.

Assessing NRHP Eligibility

Cultural resources are evaluated for listing on the NRHP. As per 36 CFR Part 60.4, there are four broad evaluative criteria to determining the significance of a particular resource and its eligibility for the NRHP. Any resource (building, structure, site, object, or district) that:

A. is associated with events that have made a significant contribution to the broad pattern of history;

B. is associated with the lives of persons significant in the past;

C. embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction; or

D. has yielded, or is likely to yield, information important to history or prehistory

may be eligible for the NRHP. A resource may be eligible under one or more of these criteria. Criteria A, B, and C are most frequently applied to historic buildings, structures, objects, non-archaeological sites (e.g., battlefields, natural features, designed landscapes, or cemeteries), or districts. The eligibility of archaeological sites is most frequently considered with respect to Criterion D. Also, a general guide of 50 years of age is employed to define "historic" in the NRHP evaluation process. That is, all resources greater than 50 years of age may be considered. However, more recent resources may be considered if they display "exceptional" significance (Sherfy and Luce n.d.).

Following *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* (Savage and Pope 1998), evaluation of any resource requires a twofold process. First, the resource must be associated with an important historic context. If this association is demonstrated, the integrity of the resource must be evaluated to ensure that it conveys the significance of its context. The applications of both of these steps are discussed in more detail below.

Determining the association of a resource with a historic context involves five steps (Savage and Pope 1998). First, the resource must be associated with a particular facet of local, regional (state), or national history. Secondly, one must determine the significance of the identified historical facet/context with respect to the resource under evaluation. A lack of Native American archaeological sites within a project area would preclude the use of contexts associated with the Pre-Contact use of a region.

The third step is to demonstrate the ability of a particular resource to illustrate the context. A resource should be a component of the locales and features created or used during the historical period in question. For example, early nineteenth century farm houses, the ruins of African-American slave settlements from 1820s, and/or field systems associated with particular antebellum

plantations in the region would illustrate various aspects of the agricultural development of the region prior to the Civil War. Conversely, contemporary churches or road networks may have been used during this time period but do not reflect the agricultural practices suggested by the other kinds of resources.

The fourth step involves determining the specific association of a resource with aspects of the significant historic context. Savage and Pope (1998) define how one should consider a resource under each of the four criteria of significance. Under Criterion A, a property must have existed at the time that a particular event or pattern of events occurred and activities associated with the event(s) must have occurred at the site. In addition, this association must be of a significant nature, not just a casual occurrence (Savage and Pope 1998). Under Criterion B, the resource must be associated with historically important individuals. Again, this association must relate to the period or events that convey historical significance to the individual, not just that this person was present at this locale (Savage and Pope 1998). Under Criterion C, a resource must possess physical features or traits that reflect a style, type, period, or method of construction; display high artistic value; or, represent the work of a master (an individual whose work can be distinguished from others and possesses recognizable greatness [Savage and Pope 1998]). Under Criterion D, a resource must possess sources of information that can address specific important research questions (Savage and Pope 1998). These questions must generate information that is important in reconstructing or interpreting the past (Butler 1987; Townsend et al. 1993). For archaeological sites, recoverable data must be able to address specific research questions.

After a resource is specifically associated with a significant historic context, one must determine what physical features of the resource are necessary to reflect its significance. One should consider the types of resources that may be associated with the context, how these resources represent the theme, and which aspects of integrity apply to the resource in question (Savage and Pope 1998). As in the antebellum agriculture example given above, a variety of resources may reflect this context (farm houses, ruins of slave settlements, field systems, etc.). One must demonstrate how these resources reflect the context. The farm houses represent the residences of the principal landowners who were responsible for implementing the agricultural practices that drove the economy of the South Carolina area during the antebellum period. The slave settlements housed the workers who conducted the vast majority of the daily activities necessary to plant, harvest, process, and market crops.

Once the above steps are completed and the association with a historically significant context is demonstrated, one must consider the aspects of integrity applicable to a resource. Integrity is defined in seven aspects of a resource; one or more may be applicable depending on the nature of the resource under evaluation. These aspects are *location, design, setting, materials, workmanship, feeling, and association* (36 Part CFR 60.4; Savage and Pope 1998). If a resource does not possess integrity with respect to these aspects, it cannot adequately reflect or represent its associated historically significant context. Therefore, it cannot be eligible for the NRHP. To be considered eligible under Criteria A and B, a resource must retain its essential physical characteristics that were present during the event(s) with which it is associated. Under Criterion C, a resource must retain enough of its physical characteristics to reflect the style, type, etc., or work of the artisan that it represents. Under Criterion D, a resource must be able to generate data that can address specific research questions that are important in reconstructing or interpreting the past.

Chapter II. Environmental and Cultural Settings

Environmental Setting

Description of the Project Tract

The Village of Verdier Tract occupies approximately 52.6 hectares in Beaufort County (see Figure 1). The tract is located in the Lower Coastal Plain of South Carolina. The project tract is bordered to the east by a five meter wide drainage ditch, to the north by a pipeline right-of-way, to the south by private land, and to the west by SC Route 170 (see Figure 1). Most of these portions of the tract are planted in pines. Figure 3 provides views of the project tract in July 2002. Stands of mixed pines and hardwoods are present throughout the eastern section of the tract. Drainage ditches and firebreaks extend through all portions of the tract.

For the most part, the project 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. Investigators observed evidence of disturbance caused by dirt road and fire break construction and maintenance throughout the tract.

Presently, the project tract is covered in mature or maturing pine forest, mixed pine and hardwood forest, and wetlands. The pine trees on the tract were planted by Union Camp Corporation (now International Paper). Stands of pines on the project tract appear to be 1 to 15 years old. This suggests that most of the tract has witnessed the planting and harvesting of 2-3 crops since Union Camp (IPC) acquired the land in the 1950s. During this period, intensive silviculture practices have been implemented on most Union Camp lands to enhance production. These practices are described below. Silviculture practices can have severe effects on archaeological deposits (see Eubanks et al. 1993; Eubanks et al. 1994; Eubanks and Poplin 1995; Fletcher and Bailey 2000; Fletcher and Harvey 1999a, 1999b; Fletcher et al. 1999; Kanaski et al. 2001).

Timber planting in the tract involves three processes. Initially, areas are prepared (bedded) for planting. Previously wooded areas are mechanically chopped and/or raked with implements pulled behind bulldozers to break up and remove the stumps of the former trees. Then, the area is disked (with harrow blades that are 81 centimeters in diameter) and plowed to create raised beds. Seedlings are inserted into the raised furrows. Chemical treatments to the young trees are conducted

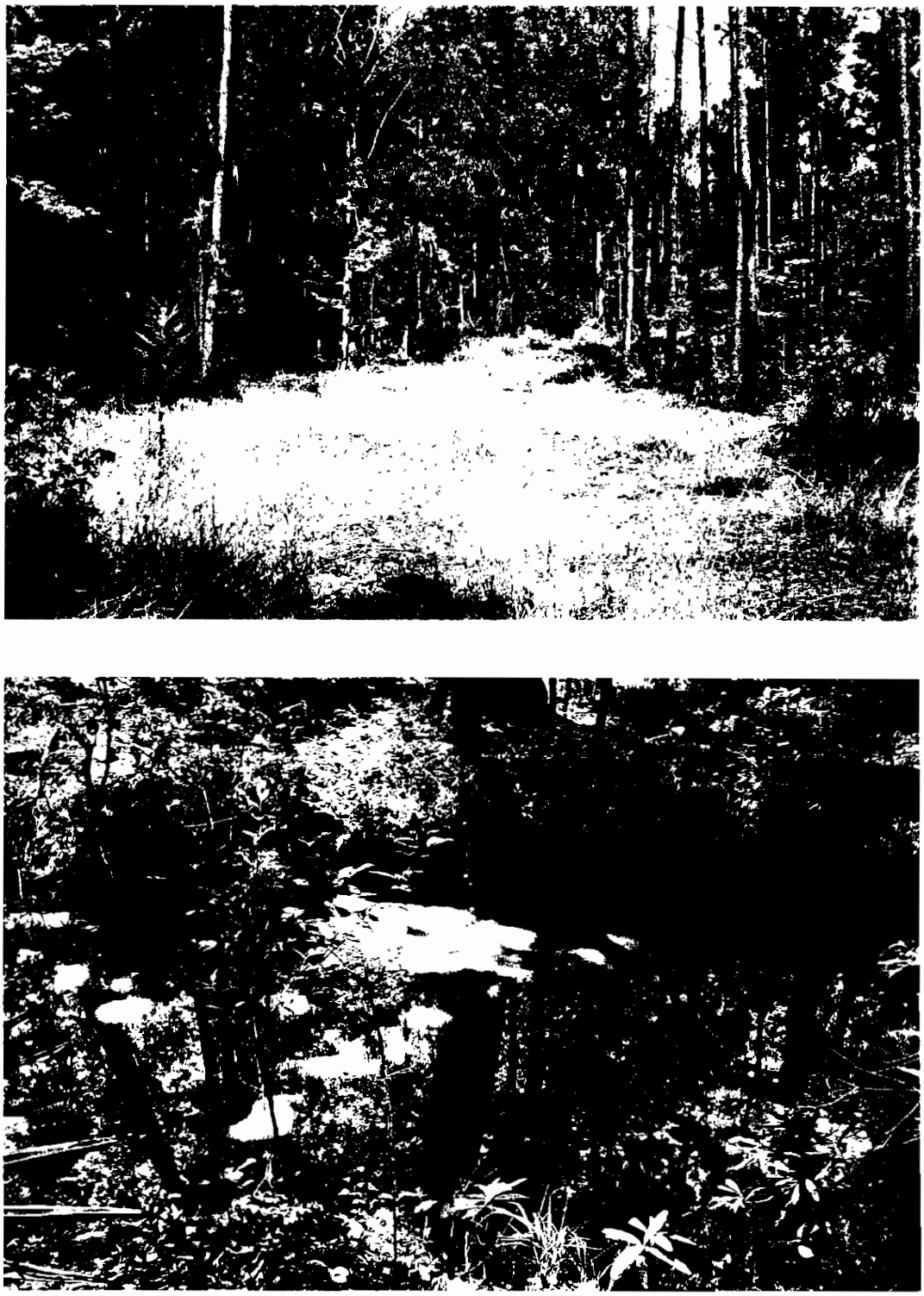

Figure 3. Views of the project tract showing the access road (top) and ditch (bottom).

by air (for fertilizers) and from tractors (for pesticides). After 15 years, the timber can be harvested. Clear cutting and mechanical removal of the harvested trees using skidders and large trucks has been employed throughout the harvested areas. Once harvested, areas again are subjected to the bedding and planting activities outlined above (Steve Brown [former Union Camp Forester], personal communication July 1993; Garrett Albert [Branigar-Union Camp land manager], personal communication October 1998). These activities result in severe disruption to the upper 0.6-1.0 meters of soil present in any affected area. Most archaeological deposits are located at this same depth from the ground surface. Thus, these activities can disturb or completely destroy any archaeological deposits that may present.

The potential for timbering activities to affect historic properties, particularly archaeological sites, varies with the amount of ground disturbance associated with the activity. The actual planting of seedlings usually results in very little disturbance to the ground surface. Disturbances most often occur during the preparation of an area to receive seedlings. Removal of stumps, roots, or incidental vegetation is accomplished most effectively with one of several devices towed by large caterpillar tractors. These large heavy rollers have 30-50 centimeter steel blades that penetrate the ground, breaking up roots, stumps, and debris. The actual movement of the tractor rarely affects more than the upper 20-30 centimeters since these vehicles generally generate less ground pressure than wheeled vehicles, such as trucks.

Caterpillar tractors will penetrate deeply below the ground surface only where soils are very soft or wet. The chopping blades can penetrate very deeply, affecting soil horizons well below the ground surface. Artifacts may be crushed, broken, or displaced. The upper soil horizons are mixed, thus creating an Ap horizon as well as blurring distinctions between site formational episodes. These are the basic archaeological and pedological materials that archaeologists employ to gather significant information from a site.

Brockington and Associates, Inc., has conducted a number of surveys and site assessments on timberlands in Georgia, South Carolina, and North Carolina (Bailey and Poplin 1997; Bridgman and Hendrix 2001; Bridgman et al. 2000; Eubanks et al. 1993; Eubanks and Poplin 1995; Fletcher and Bailey 2000; Fletcher and Harvey 1999a, 1999b; Fletcher et al. 1999; Giliberti and Jordan 1999; Mc Makin and Bailey 1997; Pecorelli and Harvey 1999; Poplin and Fletcher 1999; Poplin et al. 1999). Observed effects included disruption of the stratigraphic integrity of cultural deposits, mixed assemblages, fragmentation of artifacts, and secondary deposition.

Regional Overview

The project tract is located in Beaufort County, on the Lower Coastal Plain of South Carolina. Beaufort County is located in the southernmost portion of South Carolina and has the mildest climate in the state (Stuck 1980). The climate is subtropical, with long, hot summers followed by short mild winters. Rainfall is frequent and well-distributed throughout the year. An abundance of moist, warm, unstable air frequently produces scattered showers and thunderstorms.

Average annual rainfall in Beaufort County is approximately 1.2 meters. The low monthly average occurs in November (4 cm), and the high monthly average occurs in July (19 cm). The average annual temperature is 65.6 °F. January is the coldest month of the year with an average of 49 °F, and July is the hottest with an average of 80.5 °F. Beaufort County averages 249 frost free days per year. The first freezing temperatures usually occur in November.

The tropical storm season runs from June through October. Hurricanes are rare for the area, but tropical storms with winds up to 50 miles per hour occur on average of every two to three years. Tornado season runs from March through October, but April and May are the months of greatest tornado hazard (Stuck 1980).

Holocene Changes in the Environment

Regional research in palynology, historic biogeography, and coastal geomorphology allows a general reconstruction of the Holocene changes in the environment. Data from Florida, Georgia, North Carolina, and Virginia indicate that the Late Pleistocene was a time of transition from full glacial to Holocene environmental conditions (Gardner 1974; Watts 1980; Whitehead 1965, 1973). Upper Coastal Plain forests of the Late Pleistocene (as reflected in the White Pond pollen record) were dominated by oak, hickory, beech, and ironwood (Watts 1980). The deciduous forest occurred in a cooler, moister climate than exists in the region today (Barry 1980; Braun 1950).

The general warming trend at the onset of the Holocene is reflected in sea level changes. Beginning approximately 17,000 years before present (BP), sea level began to rise from its Late Pleistocene low of approximately 100 meters below modern mean sea level (Brooks et al. 1989; Colquhoun and Brooks 1986; Howard et al. 1980). By 7,000 years BP, sea level had risen dramatically to within 6.5 meters of present levels.

As drier and warmer conditions became prevalent during the Early Holocene, pines and other species suited to more xeric conditions increased. The southern forest at 7,000 years BP was beginning to resemble that of modern times (Watts 1980). The Early Holocene also was a period of extinction for many large Pleistocene mammals. On a regional level, vegetation and climate have remained effectively static since the Early Holocene.

Cultural Setting

Regional Overview: Pre-Contact Era

The present interpretations of coastal South Carolina Pre-Contact adaptations are presented in this section. Readers are directed to Anderson (1977) and Anderson and Logan (1981) for detailed overviews of previous research in the region. The following summary discussion is divided into periods which represent distinct cultural adaptations in the region. Environmental changes that occurred in each period are also described.

Paleoindian Period (10000 - 8000 BC). The earliest presence of humans in the Coastal Plain of South Carolina apparently began about 12,000 years ago with the movement into the region of hunter-gatherers. Goodyear et al. (1989) review the evidence for the Paleoindian occupation of South Carolina. Based on the distribution of distinctive fluted spear points diagnostic to the period, they see the major sources of highly workable lithic raw materials as the principal determinant of Paleoindian site location, with a concentration of sites at the Fall Line possibly indicating a subsistence strategy of seasonal relocation between the Piedmont and Coastal Plain. Based on data from a number of sites excavated over most of North America, Paleoindian groups were generally nomadic, with subsistence focusing on the hunting of large mammals, specifically the now-extinct mammoth, horse, camel, and giant bison. Groups were probably small, i.e., kin-based bands of 50 or fewer persons. As the environment changed at the end of the Wisconsin glaciation, Paleoindian groups had to adapt to new forest conditions in the Southeast and throughout the continent.

Archaic Period (8000-1500 BC). The Archaic period was a long period of adaptation to modern forest conditions in eastern North America. Caldwell (1958) characterizes the period as movement toward Primary Forest Efficiency, meaning that during this period, human groups continually developed new and more effective subsistence strategies for exploiting the wild resources of the modern oak-hickory forest. Based on extensive work in the North Carolina Piedmont, Coe

(1964) subdivides the Archaic period into a number of sequential phases recognizable by distinctive stone point/knife forms. This sequence has been confirmed over large parts of the Southeast, and is applicable to most parts of South Carolina.

Archaic groups probably moved within a regular territory on a seasonal basis; exploitation of wild plant and animal resources was well planned and scheduled. Anderson and Hanson (1988) developed a settlement model for the Early Archaic (8000-6000 BC) in South Carolina involving movement of relatively small groups (bands) on a seasonal basis within major river drainages. The Charleston region is located within the range of the Saluda/Broad band. Anderson and Hanson (1988) hypothesize that Early Archaic use of the Lower Coastal Plain was limited to seasonal (spring time) foraging camps and logistic camps. Aggregation camps and winter base camps are suggested to have been near the Fall Line. They also hypothesize that as population increased in the Middle Archaic (6000-2500 BC), band mobility decreased and territoriality increased. Blanton and Sassaman (1989) recently reviewed the archaeological literature on the Middle Archaic. They document an increased simplification of lithic technology during this period, with increased use of expedient, situational tools. Furthermore, they argue that the use of local lithic raw materials is characteristic of the Middle and Late Archaic. Blanton and Sassaman (1989:68) conclude that "the data at hand suggest that Middle Archaic populations resorted to a pattern of adaptive flexibility as a response to 'mid-Holocene environmental conditions' such as variable precipitation, sea level rise, and differential vegetational succession." These processes resulted in changes in the types of resources available from year to year.

In general, there is evidence of extensive trade networks covering large areas of North America, and of the establishment of sedentary villages during the Late Archaic period (2500-1500 BC). Some of the best evidence of such sedentary villages occurs along the South Carolina coast in the form of large middens of oyster shell and other faunal remains. These refuse heaps probably indicate substantial, relatively long term habitations. The first evidence of the manufacture and use of ceramics also dates to the Late Archaic.

Woodland Period (1500 - AD 1000). During the Woodland period, sedentism seems to have increased, although scheduled exploitation of wild food resources in a seasonal round continued. The Woodland period is significant for several technological and social developments: (1) the widespread manufacture and use of ceramics for cooking and storage; (2) the beginnings of agriculture; and (3) the construction of burial mounds and other earthworks. While evidence of burial mounds and agriculture is not extensive at the few South Carolina Woodland period sites

investigated in detail (Brooks and Canouts 1984; Trinkley 1980, 1990), ceramics are widespread, and have been recovered at numerous small sites throughout the state. The varied manufacturing procedures and decorative styles of these ceramics allow the differentiation of site collections into several sub-periods as well as inferences of group movement and influence from adjacent geographic areas. Trinkley (1980) and Anderson et al. (1982) developed classificatory schemes for Woodland period groups based on ceramics from a number of sites. Following Anderson et al. (1982), Poplin et al. (1993) developed a classificatory scheme for the ceramic producing Pre-Contact periods in the central coast.

Mississippian Period (AD 1000-1521). The final Pre-Contact period in South Carolina, the Mississippian period, begins about AD 1000 and ends with the arrival and colonization of the area by Europeans in the 1500s and 1600s. During the Mississippian period, agriculture became well established, and sedentary villages and towns became the dominant habitation type (although relatively isolated farmstead also were common– see Brooks and Canouts 1984). Ferguson (1971) proposes a model of Mississippian settlement involving major political centers dominated and surrounded by smaller villages and farmsteads. Major centers were spaced about 160 kilometers apart; hypothesized centers in the project region were located at Town Creek (North Carolina), near Camden, Lake Marion, and Charleston (South Carolina), and near Augusta and Savannah (Georgia-Ferguson 1971). Anderson (1989) and DePratter (1989) identify large political centers on the Wateree River (near Camden), on the Oconee River (in central Georgia), and at Savannah (Georgia). These centers usually contained one or more large mounds upon which temples were built. The Mississippian ceremonial center at the original Charles Towne settlement on Albemarle Point (38CH1) contained no mound structure. Mississippian society appears to have been highly stratified, with hereditary ruling families, middle and poorer classes, and slaves (usually prisoners taken in war from other groups).

Regional Overview: Contact and Post-Contact Eras

Introduction. The low-lying lands surrounding Port Royal Sound were an early focus of European settlement. The Spanish and the French sought to hold the excellent harbor and the rich swamp lands in the sixteenth century, while Scottish and English settlers first aligned with, and then defeated local Indians in the late seventeenth century. The project tract lies northwest of the Town of Bluffton, a resort community founded by planters in the early nineteenth century, and is close to both the May and the Okatie Rivers. While the project tract is not directly on either of these rivers,

each provided crucial access to markets for the staple crops of cotton, indigo, and rice grown on the nearby plantations. At the same time, the area around and probably including the project tract was used for producing the more prosaic forest products of lumber and turpentine. Note the following discussion uses English Measurements without metric conversion to maintain consistency with historic documents.

The geopolitical situation of the Bluffton area changed several times during the seventeenth, eighteenth, and nineteenth centuries. The Carolina colony consisted of four coastal counties in the seventeenth century: Craven, Berkeley, Colleton, and Granville. The Bluffton/Hilton Head Island area which includes the project tract was not within a county in 1682, but was probably administered first from Colleton County and then from Granville. There were no county seats and all official records were kept in Charleston. Between 1706 and 1767, the coastal portions of South Carolina were divided into parishes, centered around Anglican churches. St. Luke's Parish, which includes the project tract, was created in 1767. The colony of South Carolina was reorganized into circuit court districts in 1769. The project area was then within Beaufort District, the seat of which moved from Beaufort to Coosawhatchie in the late eighteenth century, to Gillisonville in the early nineteenth century, and back to Beaufort later in the nineteenth century after the Civil War. The new state constitution of 1868 redesignated the districts as counties, and the project tract has remained within Beaufort County since then. Note: the following discussions use English measurements without metric conversion to coincide with historical documents.

Exploration and Settlement. Spanish exploration on the South Carolina coast began as early as 1514, and a landing party went ashore in the Port Royal Sound vicinity (now Beaufort County) in 1520 at a spot they named Santa Elena (Hoffman 1983:64; Rowland 1978:1). From that time on, the area was of great interest to both the Spanish and the French. The Spanish did not establish a permanent settlement at that time, however. The first Spaniard to attempt a permanent settlement on the South Carolina coast (in 1526) was San Miguel de Gualdape. The settlement appears to have been in the Winyah Bay area, near Georgetown (Quattlebaum 1955). The French, under Jean Ribault, attempted to establish a settlement in the Port Royal area in 1562. This settlement on Parris Island was called Charlesfort.

This French presence on the South Carolina coast drew the Spanish back to protect their original interest. Spanish forces attacked Charlesfort and established their own settlement of Santa Elena in 1566. Recent archaeological evidence indicates that the Spanish built their new settlement of Santa Elena on top of the destroyed French settlement. Local Indians, the Cusabo, were less than

friendly, but despite numerous attacks and several burnings, the Spanish settlers did not abandon Santa Elena until 1587 (Lyon 1984; Rowland 1978:25-57). The Spanish maintained their interest in Santa Elena as part of a series of missions on the Sea Islands from St. Augustine, Florida, through Georgia, and into South Carolina; Spanish friars were at "St. Ellens" when the English explorer William Hilton visited the area in 1663 (Covington 1968:8-9; Hilton 1664:2). During its twenty year existence, Santa Elena served the Spanish as the base for the first serious European explorations into the interior of the state.

English Colonial Occupation. Settlers in the Carolina Lowcountry were caught up in and were integral parts of wide-ranging disputes and rivalries among the English, Spanish, Native Americans, and African slaves. These disputes and rivalries encompassed nearly all of the Lowcountry, an area that spanned hundreds of miles from Cape Fear, North Carolina south to St. Augustine, Florida. The Spanish had routed the French in East Florida in 1565, and established a settlement at what is now St. Augustine. This Spanish presence was a continual threat to the English settlers, particularly after the 1670s, when Spain learned of the Charles Towne settlement along the Ashley River.

King Charles II of England disregarded Spain's claim to the region. In 1663, King Charles II made a proprietary grant to a group of powerful English courtiers who had supported his return to the throne in 1660, and who sought to profit from the sale of the new lands. These Lords Proprietors, including Sir John Colleton, Sir William Berkeley, and Sir Anthony Ashley Cooper, provided the basic rules of governance for the new colony. They also sought to encourage settlers, many of whom came from the overcrowded island of Barbados in the early years. These Englishmen from Barbados first settled at Albemarle Point on the west bank of the Ashley River in 1670. By 1680, they moved their town down the river to Oyster Point, the present location of Charleston, and called it Charles Towne. These initial settlers, and more who followed them, quickly spread along the central South Carolina coast. By the second decade of the eighteenth century, they had established settlements from Port Royal Harbor in Beaufort County northward to the Santee River in Georgetown County.

A group of Barbados planters hired William Hilton to explore the acquisition in 1663. Hilton spent over a month in the waters of both Port Royal and St. Helena, leaving with a high opinion of the area's potential as a colony (Hilton 1664). Prompted by the account of tall pines and good soils, a small colony set out for Port Royal. Tales of hostile Indians convinced them to move farther north, though, where they founded Charles Towne in 1670 (Holmgren 1959:39). One of the first orders

of business for the settlers was to initiate trade with the Indians as a way of ensuring both economic and physical survival (Covington 1968:9).

Scottish dissenters established Stuart's Town on Port Royal Island in 1684. The Scots forged ties with the Yamasee Indians, who sought to avoid Spanish missionaries in coastal Georgia. They effectively formed a defensive perimeter of villages on the islands surrounding Port Royal Sound. Stuart's Town was short-lived, however, and was destroyed by the Spanish in 1686, largely as a result of joint Scottish-Yamasee attacks on the Spanish fort at Santa Catalina. At this time the Yamasee left the Port Royal area and settled near the Ashepoo and Combahee Rivers (Green 1992:23-27).

A series of large land grants beginning in 1698 signaled a renewed English interest in settling the Port Royal area (Holmgren 1959:42). The Yamasee also returned to the Port Royal area in the 1690s (Green 1992:28). When the town of Beaufort was chartered in 1711, the Yamasee still had ten villages in what are now Beaufort and Jasper Counties; the available evidence does not allow a positive location for many of these sites, and it is unclear if any were located within the project tract. Angered by mistreatment from traders, the Indians attacked, but did not succeed in dislodging the English in the Yamasee War in 1715 (Covington 1968:12). At the time, the war was blamed on Spanish influence from Florida, but a more likely cause was the English traders' practice of seizing Indian women and children, and holding them as slaves to meet Indian debts. The settlers' growing need for land for cattle ranching also seems to have been a factor.

These early settlements grew slowly, and despite its geographic spread, the Lowcountry of South Carolina contained only around 5,000 European and African-American inhabitants in 1700 (Kovacik and Winberry 1989:77). The Town of Beaufort emerged during these early years, when tensions among the English, French, and Spanish were still strong. The English in the early eighteenth century, like the Spanish in the sixteenth century, discovered that Port Royal Island was a valuable defensive position for the inland waterway between Spanish St. Augustine and English Charles Town. Between 1703 and 1706, a small garrison evolved into a town where military men, cattle traders, planters, merchants, naval stores producers, and Indian traders could gather. The Lords Proprietors agreed, and the town of Beaufort was chartered in 1711. It was made a seaport, subject to the Navigation Acts which regulated British overseas commerce (Rowland et al. 1996:88-92). St. Helena Parish, which included all of Granville County, was created in 1712 to center in Beaufort, and St. Helena Parish Church was begun between 1724 and 1726.

Initially, the town of Beaufort was little more than an entrepot, a gathering place for merchants and traders that had access to the coastal shipping routes. It took a number of years for it to be established as a port and market town. Settlement in the hinterland waited upon two developments. The end of the Yamasee threat in 1728 and the creation of Georgia in 1732 as a buffer between the English colonies and the Spanish in Florida made movement into the rural areas inland from Beaufort safe, while the emergence of rice and indigo in the region's economy made it profitable.

The early economy centered around naval stores production, cattle ranching, and trade with the Native American populations, particularly in deerskins. While cattle ranching in northern Beaufort County never fully recovered from the attacks suffered during the Yamasee War, it flourished during the middle and later eighteenth century in southern Beaufort County, especially on the sea islands. The barrier islands, especially what is now Hunting Island, were ideal cattle grazing lands in the eighteenth century, and beef and hides from sea island cattle plantations along with rice from the new plantations in Prince Williams Parish were the basis of a shipping trade between Beaufort and the West Indies sugar plantations (Rowland et al. 1996:153-154).

By the end of the seventeenth century, however, the colonists began to experiment with rice cultivation. The first attempts at growing rice in the Lowcountry were on dry upland soil. By the late seventeenth and early eighteenth centuries attention turned to the inland swamps. This new technology required the construction of elaborate drainage ditches and canals, and other extensive modifications to the terrain. Rice was complemented by the introduction of indigo as a cash crop in the 1740s. Indigo became one of South Carolina's principal exports during the eighteenth century. While rice generally did not grow well on the Sea Islands, indigo was successful and provided a strong economic base for the area. It faded quickly as a staple crop, however, after the Revolutionary War.

The Revolution and its Aftermath. The American colonies declared their independence from Britain in 1776, following several years of increasing tension due to unfair taxation and trade restrictions imposed on them by the British Parliament. South Carolinians were divided during the war, although most citizens ultimately supported the American cause (Rowland 1993). Military activities began the same year, when Britain's Royal Navy attacked Fort Sullivan (later renamed Fort Moultrie) near Charleston. The British failed to take the fort, and the British defeat bolstered the morale of American revolutionaries throughout the colonies. The British military then turned their

attention northward. They returned in 1778, however, besieging and capturing Savannah late in December.

Two months later, in February of 1779, British troops from Savannah attacked Port Royal Island. A threatened British invasion led to the American abandonment of Fort Lyttleton on Spanish Point near Beaufort in late January 1779, Beaufort's only real protection. A small British flotilla then sailed up Skull Creek behind Hilton Head Island, burning plantations. The forces landed at Laurel Bay on the western edge of Port Royal Island in early February, and turned to Beaufort. American forces under General William Moultrie turned the British forces into a retreat, but the loss of Fort Lyttleton left Beaufort and the Sea Islands essentially unprotected. Americans lost to the British under General Augustine Prevost at Coosawhatchie in March 1779, and this put the Americans in a retreat all the way to Charleston. When British forces under Prevost withdrew to Savannah after attempting to take Charleston that same year, the rear guard of his army occupied Beaufort.

A major British expeditionary force landed on Seabrook Island during the winter of 1780, and then marched north and east to invade Charleston from its landward approaches (Lumpkin 1981:42-46). The city was captured in May after offering a weak defense. Charleston subsequently became a base of operations for British campaigns into the interior of South Carolina, Georgia, and North Carolina in an attempt to consolidate and draw upon Loyalist support. However, the combined American and French victory over Lord Cornwallis at Yorktown in 1782 effectively destroyed British military activity in the south and forced a negotiated peace (Lumpkin 1981). The thirteen colonies gained full independence, and the English soldiers evacuated Charleston in December 1782.

The Port Royal Sound area was hard hit by the armies that passed back and forth. A minister who fled the area during the war described the changes when he returned at the end of the war. "All was desolation," he noted. "Every field, every plantation, showd [*sic*] marks of ruin and devastation. Not a person was to be met with in the roads. All was Gloomy [*sic*]....The people that remain have been peeled, pillaged, and plundered. Poverty, want, and hardship appear in almost every countenance" (quoted in Weir 1983:336).

Antebellum Period. The period between the close of the American Revolution and the beginning of the Civil War was characterized in South Carolina, and throughout the South, by plantation agriculture based on slave labor and the production of staple crops such as cotton and rice.

It was also a period of increasing sectional tensions, with Southerners emphasizing the political expedience of states' rights, nullification, and agricultural expansion as means to protect their slave-based society.

In the wake of the Revolutionary War, indigo waned quickly as an important crop in Beaufort County, while Sea Island planters were beginning their experiments with long staple cotton. Rice provided a degree of economic continuity for Beaufort County after the War. It had grown quickly during the eighteenth century in its importance to the Lowcountry's economy, and with the development of new technologies, rice cultivation increased still further. By the late eighteenth century some planters began to experiment with another new technology, which relied on the power of tides to raise river levels; this inundated crops with fresh water that would kill off the weeds. A series of elaborate canals, dikes, and gates kept the salt water out of the fields. In order to do this, the process of radically altering the landscape was expanded as lands along the tidal rivers were drained, canals were built, and fields were surrounded by levies to control their access to the water (Chaplin 1993:227-276) At the same time, this placed a high priority on geography, for only some rivers had tides strong enough to force tidal action up into the fresh water sections of the rivers.

Duncan Clinch Heyward (1993:18-20), the fifth generation of his family to plant rice in the Lowcountry, gave a useful description of the process and the difficulties of clearing the swamps in his 1937 memoirs:

> There were many large white gum, cedar, and cypress trees, and the dark alluvial soil was so soft that one could scarcely walk any distance upon it. To avoid sinking he would have to step from one root to another, or trust his weight to some treacherous tussock. Everywhere his progress was impeded by dense undergrowth, and his clothes and flesh torn by briars....The first step in reclaiming the swamp lands was to build a bank along the edge of the river, with both ends joined to strips of highland where they approached the river's edge, and through the bank to place trunks, similar to those used in the inland swamps, for the water to pass through. When the bank had been built and the trunks installed, the digging of the canals and ditches in the swamp followed. Then the trees and undergrowth had to be removed, the greatest undertaking of all. The trees were cut down and burned, but their stumps were never completely removed.

The result was a distinctive landscape, which maps from the late eighteenth and nineteenth centuries capture. Plats of rice plantations from this period show a series of buildings including rice machines,

slave cabins, and the main house, that seem minor features in the midst of the pattern of rice canals and dams.

With Eli Whitney's invention of the cotton gin on a Savannah River plantation in 1793, cotton superseded rice as the South's most important cash crop. Although rice remained an important crop along the major fresh water swamps and rivers of the South Carolina Lowcountry, the Sea Islands of Beaufort District were completely devoted to the cultivation of long staple cotton.

Originally introduced in the 1790s, Sea Island (or long staple) cotton provided high market returns for planters throughout the antebellum period. The fine, long staple cotton (1.5-2.0 inches compared to 0.75-1.0 inch for upland cotton) was used to weave the finest laces and fabrics. The crop thrived on the soils of the Sea Islands, where farmers fertilized it with marsh mud, eventually even reclaiming salt marshes for cotton fields. The diking and ditching necessary for this reclamation, and also to channel away torrential rains from the fields, created a flood control system nearly as extensive as that for rice.

According to Gray (1933:734-735):

> [I]t was customary to "quarter-drain" the land; that is, divide it into square plots of ¼ acre by cross ditches about 105 feet apart, commonly spoken of as a "task."
>
> The crop was planted on high ridges thrown up at distances of 3 to 6 feet, usually about 4 feet. In the old sea-island region the labor of throwing up the ridges and the entire work of cultivation were generally performed with the hoe until near the close of the period. Many planters maintained permanent ridges, sometimes alternating them with provision crops. Others continued the older practice of hauling down the ridges into the baulks, bedding on the cotton stalks and other manures. In the last two decades of the ante bellum [*sic*] period the plow was more generally employed.

The crop required greater care in production than the shorter stapled upland cotton, and underwent a number of different operations prior to being shipped. These included planting, hoeing, picking, whipping, moting, ginning (initially by hand, then by treadle gins, and by the 1850s the larger and mechanized McCarthy Gin), and packing. Bale weights averaged 300-350 lbs, and actually were large, round sacks of cotton—not the square, higher compression bales used for upland cotton (Gray 1933:735-737). The wealth returned to the planters of St. Helena and St. Luke's parishes and the other Sea Islands as a result of this crop provided an opulent lifestyle second only to that enjoyed by Lowcountry rice planters. As one northern reporter observed, Beaufort and its

environs was "the exclusive home of the most exclusive few of that most exclusive aristocracy" (quoted in Rose 1964:xiv-xv).

The Civil War. Seven months after the successful Confederate attack on Fort Sumter, the initial military action of the Civil War, Beaufort and the surrounding Sea Islands fell to Union forces. The harbor of Port Royal was attacked by a Federal fleet on 7 November 1861. Union forces made effective use of steamboat technology as their nineteen boats repeatedly steamed past Fort Walker on the northern end of Hilton Head Island in a tight elliptical formation, bombarding as they passed. While they originally stayed out of firing range of the Confederate guns, the Federal ships steamed closer to the coast with each pass. After five hours of bombardment Fort Walker surrendered. When Confederate forces learned of Fort Walker's surrender, they determined the defense of the harbor impossible and ordered the retreat from Fort Beauregard on Port Royal Sound's eastern shore (Carse 1961:11; *Official Records of the War of Rebellion [OR]*:1901:I(6):27-29). Sea Island plantation owners fled to the mainland, leaving behind houses, fields, plantation complexes, and a slave populace convinced they would soon be free (Rose 1964:11-12).

The entire Hilton Head area was occupied by Federal troops. Treasury Department operatives and abolitionists (in the form of missionaries, teachers, farm managers, and agents for northern investors) swarmed over the islands within weeks of the military invasion. Congress passed a Direct Tax law in August 1861, and an enforcement provision in June 1862. This placed a levy on all properties held by the Confederates in the Sea Islands. The former owners were given 60 days to pay the taxes, plus penalties, or the property would be sold. Few if any levies were paid by their owners, who had fled at the Union occupation of Port Royal. All of the lands in St. Helena Parish and a portion of those in St. Luke's were confiscated. The land was advertised for sale in January 1863 (*Free South* 1863), and in a series of public government auctions 76,775 acres were sold, with 78 percent (60,296 acres) going to the US Government for military, educational, and charitable purposes. Freedmen, military leaders, and abolitionists hotly contested the sales, the conditions of which effectively prevented African-Americans from buying the lands that they had formerly worked. Nevertheless, the sale and the accompanying surveys of parish land went forward, as the tax commission sought the highest return for the government. This land confiscation and redistribution had significant lasting effects on the parish for over thirty years, leaving a legacy of government regulations, additional sales, and court cases long after the war was over (Rose 1964; Rosengarten 1986).

Despite the controversy surrounding property ownership, the area surrounding Port Royal Sound served as the proving ground for Reconstruction policy toward the freedmen. In the early part of the war, many in the North were unconvinced that the liberated slaves would labor without being forced to do so. Policies quickly changed, however, and the US Army, Department of the South, issued General Orders No. 9 in February 1862 which set up districts to oversee plantation work and provided educational and religious instruction to the former slaves (*OR* 1901:I(6):222-223). The experience in the Port Royal area proved that freedmen could be successful, self-sufficient farmers. It was hoped that this experiment would prepare freedmen for land ownership and stimulate economic independence through agriculture (Rose 1964; Rosengarten 1986). For most freedmen, though, this dream would never materialize.

Postbellum Adaptations. Beaufort District became Beaufort County in 1868 under the newly ratified state constitution which redesignated South Carolina's judicial districts (Stauffer 1994). Ten years later Hampton County was created from northern and western Beaufort County. Jasper County was then created from southern Hampton County in 1912, thus containing what was, prior to 1878, western Beaufort County.

Administrative changes were among the least of the transformations experienced by Beaufort County residents in the aftermath of the Civil War. The overwhelming number of African-Americans in the county enjoyed more complete political participation, for a longer period of time, than African Americans elsewhere in the state; they were led by a former slave, war hero, and congressman, Robert Smalls. The historian Eric Foner has noted that nearly every southern county with a substantial black population had black local officials; in Beaufort, the mayor, police force, and magistrates were all black (Foner 1988). Most of the county's officeholders were African Americans well into the 1880s, and the congressional district of which the county was a part elected black representatives until 1896 (Foner 1988; Edgar 1992). By 1870, the population of Beaufort County consisted of 29,050 African American freedmen (84.6 percent) and 5,309 whites (15.4 percent). Beaufort County had a strong majority of African Americans, and this situation continued through the beginning of the early twentieth century; by 1910 over 75 percent of Beaufort County's population consisted of African Americans.

Despite these early and promising political signs, the situation for the County's freedmen was not promising. The Civil War effectively destroyed the plantation system in South Carolina and the rest of the South. This meant profound changes for the County both economically and socially. The antebellum economic system disintegrated as a result of emancipation and the physical destruction

of agricultural property through neglect and (to a lesser extent) military action. A constricted money supply coupled with huge debt made the readjustments worse. The changes were enormous. Land ownership was reshuffled, as outsiders began purchasing plots and former plantations which had been abandoned in the wake of the Civil War. Newly freed slaves often exercised their freedom by moving, making the labor situation even more unsettled.

One result of this migration was a variety of labor systems. Reconstruction was an era of experimentation and redefinition in the socio-economic relationships between the freed blacks, landless whites, and white landowners. Although many freedmen owned their own small farms, farm tenancy emerged as a dominant form of agricultural land management toward the end of the nineteenth century. Large tracts of Beaufort Country were purchased by northern investors or regained by their former southern owners.

While census statistics for Beaufort County in 1890 and 1900 indicate that the average farm size was approximately 45 acres, a figure deceptively close to the "40 acres and a mule" ideal held by the Freedmen's Bureau during Reconstruction, very little of the county outside of St. Helena Parish went to the former slaves (US Census 1895, 1902). In fact, only a small portion of the St. Helena property seized and sold by the US Government during and after the war made it to the hands of freedmen (Rose 1964; Rosengarten 1986). As one example, only three lots of 20 acres or less each on Salem Plantation of Port Royal Island were apparently sold to free African Americans. These transactions did not occur until 1885 or after, and the property was quickly repurchased by whites (e.g., see Beaufort County Deed Book (BCDB) 18:133, 583, 589, 740, 766). Developers actively encouraged small farmers to immigrate to the area to break the pattern of large landholding, but their efforts were focused on whites (Maul n.d.).

Census records for 1880 reveal a wide variety in rates of farm ownership throughout Beaufort County. Table 1 shows the rates of farm ownership for the various census enumeration districts in the County in 1880. The impact of the various efforts to educate the freedmen on St. Helena, Lady's, and Port Royal Islands seems clear, both in the number of farmers and the high rate of farm ownership, particularly when compared to the rates of ownership in such districts as Sheldon, Coosawhatchie, and especially Hilton Head Island. The farms on the sea islands tended to be very small, generally no more than ten acres. Clearly, however, farm ownership was an attainable goal on these islands. The concentration of lands, when the small farmers were either bought or foreclosed off their land, occurred later in the nineteenth century and early in the twentieth.

Table 1. Beaufort County Farm Ownership, 1880.

Enumeration District	Number of farmers	Percent owners
Beaufort	886	59.5
Bluffton	443	19.4
Coosawhatchie	300	25.3
Hilton Head	182	1.6
Rose Island	1	100
Sheldon	665	24.5
St. Helena	939	77.2
Yemasee	160	76.3

Turpentine and timber led the county's economy during the late nineteenth and early twentieth centuries. Agricultural production included cattle, swine, and the traditional crops of cotton and corn. Vegetable and truck crops were also raised, thriving in the county's long, warm growing season (Maul n.d.; US Census 1895, 1902).

Although cultivated until the third decade of the twentieth century, Sea Island cotton never approached its former status in price, crop yield, or quality (Rose 1964; Rosengarten 1986). In the three years prior to the war, Beaufort County produced 54,904 bales of the staple. A decade later (1870-1873) only 23,307 bales made it to market. By the end of the same decade, over 100,000 acres of formerly cultivated land lay fallow. Some of the decline was due to natural forces, like the unfavorable weather in the years after the war. The altered labor force and lack of capital on the part of former owners who could no longer afford large scale operations, also stymied production. As Rose (1964:381-382) noted, "other land was in disuse because many northern investors had failed at cotton planting." However, the cotton culture still persisted. The first wilt-free variety of Sea Island cotton was developed by US Department of Agriculture research off the coast of South Carolina in 1899. The hope produced by such advances was dashed with the arrival of the boll weevil in South Carolina in the early twentieth century. Farmers who were members of the Agricultural Society of South Carolina were warned of the arrival of the boll weevil in 1916. By 1919 the pest had spread throughout South Carolina, and it was particularly attracted to sea island cotton. Many planters had given up on the crop before the 1918 season (Murray 1949:193-197).

Patterns in land use and ownership underwent fundamental changes in the late nineteenth and early twentieth centuries. Several factors fostered these changes. The development of truck farming,

particularly in northern Beaufort County, led to the consolidation of small lots into large farms that could take advantage of the improvements in transportation, allowing perishable crops to get to market. A second factor was the Federal government. The United States government became the major employer and economic force in the Beaufort vicinity between World War I and World War II, with the establishment of the Naval Station and dry dock, later the Parris Island Marine Corps Recruiting Depot. During and particularly after WWII, the Marine Corps Air Station had a powerful impact on the land through developments on the base and through providing an impetus for new housing throughout the County.

Two additional factors were particularly important in southern Beaufort County. One was the reconsolidation of former plantation lands in lower Beaufort County into the hands of wealthy outside investors. Foot Point Plantation, on a point of land in a bend of the Colleton River near the project tract, provides a useful example of this process. Henry Seabrook of Edisto Island and Thomas Colcock of Charleston purchased 525 acres of the property in 1864 on behalf of a larger group of investors, all based in Charleston and Columbia. This larger group, which included William Gregg, William Ravenel, James Eason, and William Whaley, was incorporated as the Foot Point Land Company in 1864. By 1868, the Company no longer existed and Eason owned the property. In the late 1860s, however, Eason's financial difficulties led him to mortgage the plantation, along with a number of other properties, to Charles Lowndes, a Charleston merchant. Eason then sold the property to Lowndes "to avoid the expenses of foreclosure" in 1879. Shortly after, it went into the hands of outside investors. A Bostonian, John Phillips, bought the plantation in 1882; he died in 1885, and his estate turned it over to two Connecticut investors who in turn sold it to the Macon and Atlantic Railway Company in 1891. When this company went bankrupt in the early 1890s, Foot Point along with several other plantations along the Colleton River were sold to the Hunting Island Company; by the 1920s, Henry Cram, a Philadelphia capitalist, had acquired the land (Rust et al. 1997:26-28).

A second important factor drew upon the development of investor interest in lands in the Lowcountry, particularly as timber and forest products gained new importance. Plantation owners throughout the Lowcountry had maintained forested areas on their lands, and used them for reserves for firewood and building materials. A locally-owned timber and turpentine industry rose in the late nineteenth century, then was taken over by outside investors, principally corporations, in the early twentieth century. By the 1890s, after a century and more of harvesting timber in the Lowcountry, the great stands of long-leaf yellow pines had been decimated by the late nineteenth century. The yield of timber from southern forests doubled between 1880 and 1890, and in the first three decades

of the twentieth century the South's share of the nation's timber production rose from under one-third to nearly one-half (Simkins and Roland 1972:467). In 1895, however, the feed planing mill and the steam dry kiln were perfected. Demand for the giant stands of short leaf along the southern coast, loblolly pines that had long ago been written off, rose sharply and several big lumber mill operations emerged throughout the Lowcountry. In 1910 Charleston, for example, only phosphates played a larger role in Charleston's commercial life than timber (Halsey 1938:209).

Lower Beaufort and Jasper Counties, with their vast undeveloped pine forests, came into the hands of timber companies, many of them created by local investors, in the late nineteenth century. Many of these lumber companies remained in business in the area for only a few decades before either going bankrupt or moving on. These investors included John Holbrook Estill, a Savannah publisher, developer, financier, and railroad and utility magnate; Coleman and Williams of Hardeeville, in Jasper County; and Varn Turpentine & Cattle Company of Valdosta, Georgia; the Bluffton Turpentine Company; Turpentine and Rosin Factors, Inc., of Jacksonville, Florida; the William Hutson Lumber Company; and the Argent Lumber Company, also of Hardeeville (Harvey and Poplin 1998:32; Hill et al. 1994:38-43). Other locally-based landowners in the area included John Meggett, George Shults, and W.B. Ryan. The Savannah River Lumber Company, the New River Lumber Company, and the Pierpont Company, meanwhile, all operated in Jasper County (Harvey and Poplin 1996).

The dominant twentieth century landowner in southern Beaufort County entered the scene in the 1930s. The Union Bag and Paper Corporation was based in New York City, and produced bags and other paper products. The company joined the movement southward, and in 1935 began building a pulp and paper plant in Savannah. Union Bag and Paper Company made a significant purchase in 1937, buying the Palmetto Bluff properties of Varn Turpentine and Cattle Company (Spieler 1985). Through the late 1930s, 1940s, and 1950s the company bought vast amounts of timber land that had been acquired in the early twentieth century by individual and smaller corporate investors.

Many areas throughout the County were left out of these processes, however. In large parts of the County, the predominantly African-American population remained isolated, eking a subsistence from their small farms and gardens, hunting, and fishing in the area's vast woodlands and wetlands until large scale land development began in the region in the 1960s.

An Overview of the May River Neck

The May River Neck has experienced a cyclical history of land tenure and land use in its roughly three hundred years of Anglo-American settlement; although the particulars between the late seventeenth and late twentieth centuries may differ, the similarity is easily discernable. The landscape has moved from large, thinly populated tracts of virgin timber and savannahs where native wildlife grazed, to labor and land intensive, exploitative and artificial agriculture, to careful and controlled silviculture and wildlife management with human settlement limited to a few caretakers and guests. Yet, within this broad contour, smaller social and economic cycles have occurred. The hustle and bustle of the antebellum plantations gave way to the desolation and dislocation caused by the Civil War and Reconstruction. The late nineteenth and early twentieth century commotion created by railroad construction, the activity of sawmills and turpentine distilleries, and the animation surrounding the winter homes of northern industrialists and financiers vacationing on their "plantations," has been replaced by the solitude of the southern pine forest and game preserve.

Located in lower Beaufort County, the May River Neck has played an integral part in the Anglo-European and African American development of the region. English settlement of the area was shaped by the concomitant arrival of the Yamasee Indians from their homelands along the Altamaha River in Georgia in 1684, and the establishment of Lord Cardross' settlement on Port Royal Island in 1685. Despite the colonial government's successful campaign against the Yamasee after their bloody uprising in 1715, it was not until 1728 that the Indian threat was completely removed and settlement began again in earnest.

As the population grew, so did the need for social and political representation. St. Helena Parish was established in 1712. Three decades later Prince William Parish, between the Combahee and Coosawhatchie Rivers, and St. Peter's Parish, hugging the eastern shore of the Savannah River, were created in 1745 and 1747, respectively. The intervening area became St. Luke's Parish in 1767. The colonial act creating the parish was disallowed for political reasons by the British government, and as a result, the parish was never part of the Anglican Church's establishment in South Carolina.

Economic prosperity played a leading role in the events of the American Revolution in St. Luke's Parish. As one scholar of Beaufort County history states: "Indigo, shipbuilding and the overflow from burgeoning Savannah made the 1760s and 1770s the most prosperous period in the eighteenth century for the Beaufort District and most of the local citizens were not anxious to disturb the new prosperity with a political Revolution" (Rowland 1978:9). Riches led to rivalries and sea

islanders and mainlanders opposed one another over independence. As a result, the inhabitants of Beaufort were known for their loyalty, while those of St. Luke's tended to support the Revolution. Yet, even these divisions broke down, as Loyalists on Daufuskie Island waged a bloody feud with their patriot neighbors on Hilton Head and the May River Neck.

Thus, the residents of southern St. Luke's Parish were more affected by the internecine nature of the War for Independence in South Carolina than by the British military presence in and around Savannah and Charleston from 1779 to 1782. After the Revolution, the economy of the region underwent a fundamental change as the 1790s witnessed the introduction of Sea Island cotton and the advent of the cotton gin on the nearby Savannah River. The cultivation of cotton spread and it became the most lucrative agriculture commodity in the region. Even so, rice culture in the area flourished during the first half of the 1800s, particularly along the Savannah River. Prior to 1860, neighboring St. Peter's Parish consistently held second place among South Carolina's rice producing regions. In 1849, Beaufort District led the state in production of the commodity (Rowland 1985:122).

Both Sea Island and upland varieties of cotton were grown on the May River Neck; Joseph L. Crowell cultivated the former on his May River plantations of Savage Island and Pettigrew, while Elizabeth Hamilton raised the latter on the New River (Crowell 1862; Hamilton 1862). A certain amount of naval stores may have been produced, in addition to the other agricultural interests. While census information does not link any of the antebellum owners of the project tract with sawmills or turpentine distilleries, the timber industry was nonetheless a major business in St. Luke's Parish at this time (US Census 1850, 1860).

An interesting glimpse of the project area at this time is afforded by the correspondence of William Stokes, a Confederate cavalry officer stationed in St. Luke's Parish from 1861 to 1863. During the summer and fall of 1862, he and his men encamped on the bluffs of the May River, a short distance above Bluffton. From there he moved to Dr. Pritchard's plantation, near the project tract, and remained there until May 1863. While stationed at "Camp Jackson," the encampment on the May River, Stokes highly praised the area. The view was among the finest anywhere, the fishing in May River was excellent, and he relished the cool breezes. He met Nathaniel P. Crowell, owner of Savage Island and adjacent Pettigrew plantations, who had remained on his property to prevent its total destruction. Crowell, with the help of his few remaining slaves, supplied the troops with beef, dairy products, and salt (Halliburton 1993:43, 46). On 22 July 1862, Stokes described the prospect:

> This country is completely deserted, only one old man living here, This camp is about 2 miles above Bluffton. The bank on which my tents are pitched is about 30 or 40 ft. above high water and one of the prettiest places you ever saw. The water here is very salt[y] and here is the place to boil it. My tent is in 20 ft. of the bluff.
>
> There is an old man, Mr. Crowell, who lost 60 negroes; in fact, all but three old negroes and with them and one large kettle and a pot, he makes a 12 bushel of salt each day, and boils only in the day. Mr. Crowell is very kind to me and sends me butter milk every day and last night a fine curd. Since I started [writing] I stopped to ride down to Bluffton. It looks like desolation and the once beautiful village is now grown up with weeds.
>
> The sand flies are very bad here when the wind is from the inland. Last night they troubled me a great deal, but the night before they did not trouble me at all. Expect to move to New River soon if I can find a good camping place. I may move my camp in a few days as it is too much exposed to the enemy's gun boats here. Still, I will not be far from here then, and all that I would like to move for now is to get my baggage and tents farther from the river (Halliburton 1993:43).

Livestock grazing and timbering became the quickest ways to recoup the loss of economic capital brought on by the war; they were the major land utilizations that characterized the postbellum period. The absentee owner of Chinquapin Hill and Greenleaf Plantations commented 30 years after the war that no crop had been raised since 1860; most of the land was in timber and being grazed (Burn Family Papers n.d.).

Since at least the 1850s, the project tract apparently has been used for turpentine and other forest products. Few other significant historical trends can be associated with the tract. It is therefore valuable to be aware of the long history of the production of timber and other forest-related products in the South Carolina Lowcountry.

One of the earliest industries in the South, the production of tar, pitch, turpentine, rosin, and lumber utilized the forests of long leaf pine, cypress, and live oak along the coastal plain. Both the colonial timber and naval stores industries were located primarily in the Carolinas, with North Carolina leading in production. Operations were mostly small scale. Migrating timber crews surveyed the Sea Islands for suitable live oaks for shipbuilding. Woodsmen cut trees with cumbersome axes (improved slightly in the eighteenth century). The felled trees were sawed on the spot, and then dragged by draft animals, or floated via water to a mill. These eighteenth-century mills were simply men who squared the logs, and two men who sawed them over a pit, one man

beneath the log and one man above. This practice was later replaced by water-powered European up and down saws.

In the mid-nineteenth century, the timber industry shifted farther south, and by 1890 Georgia led the South in both naval stores and lumber production. At this same time, changes occurred in the use of pine timber as the industry expanded into the manufacture of cross ties, building materials, and pulpwood for paper. Advances in equipment technology in the mid-nineteenth century further enhanced the industry. Woodsmen began using the double bit axe and crosscut saw; drivers used "caralog wheels," eight-wheeled log wagons, and tramroads; rafters used spoke poles, peavys and jam spikes; and mill workers used improved feeding equipment. Steam powered saws and crosscut saws appeared later in the nineteenth century.

During the colonial period, tar was obtained by a dry distillation process in earthen kilns. Pitch was simply tar boiled to a thicker consistency. In the 1820s and 1830s, production of tar declined and improved distillation processes produced turpentine and derivative spirits. These products had wider uses, from sizing paper, to fueling Camphene lamps (prior to the development of kerosene), to paint thinner, wood preservatives, and lamp black. Antebellum planters became involved in turpentine production on a large scale. Unlike tar production, which was a winter time occupation, hot and arduous turpentine manufacturing occurred year round. Because labor was organized around the task system, there is some indication that African-American slaves preferred it to other forms of work. This is in stark contrast to the attitude held by black conscripted laborers in the postbellum period. The various jobs included: the Boxers, who cut "boxes" in the trees themselves to catch the rosin; Chippers, who slashed the trees every week or so to keep the sap flowing; Dippers, who collected the sap in buckets and delivered it to the Distillers, who passed the refined product on to the Coopers for packaging. For the woodsmen, one man's "crop" was equal to 10,000 boxes, covering 50-100 acres of land. An orchard of trees would be exhausted in five to ten years, after which the turpentine operation moved to new timber stands. The bled trees were an ever constant threat of forest fire.

After the Civil War, production shifted to lower South Carolina, Georgia and the Gulf states. Postbellum Southerners used the turpentine industry as a quick way to recoup capital lost during the war. By the last quarter of the nineteenth century, factors in Savannah and the Gulf ports controlled the trade. Savannah controlled the world price for naval stores from 1880 to 1950. Ceramic pots, rather than boxes, were introduced to the trade around 1908, and several other technological improvements lessened certain of the exhaustive effects of the practice. Nevertheless, between 1870

and 1930, an estimated 130,000,000 acres of pine forest were consumed (Wilson and Ferris 1989:39-40, 752-753, and 1428-1429).

History of Land Ownership of the Project Tract

The official record of the land ownership in Beaufort County is incomplete. Deeds for land in Beaufort County were recorded in the Charleston County Courthouse before 1785. Beaufort County was created in 1785, but the Beaufort County deed records prior to 1865 were destroyed by a courthouse fire during the Civil War, leaving a gap in the official record. Table 2 summarizes the history of ownership of the Verdier Tract. A brief summary follows.

Table 2. Village of Verdier Tract Chain of Title.

Date	Landowner	Reference
1726	Issac Lownds	CCDB YY:472
?	Robert Thorpe	CCDB YY:472
1762	John Guerard	CCDB YY:472
?	William Guerard	CCDB YY:472
1847	Dr. A. G. Verdier	BCDB 35:31
1867	F. H. Verdier, Julia M. Vincent, & James G. Verdier	BCDB 2:120; 33:760
?	Martha Pope Verdier et al. (1428 ac)	BCDB 35:38
?	Martha P. Verdier	Martha P. Verdier estate
?	Wade Verdier Pugh & Harriet Verdier Felts (1428 ac)	Martha P. Verdier estate
1943	Argent Lumber Co. (1428 ac)	BCDB 59:721
1958	Union Bag - Camp Paper Corp.	BCDB 95:6

The earliest record of ownership dates from the first quarter of the eighteenth century. The Lords Proprietors of the colony of Carolina granted Issac Lownds a 12,000 acre barony in 1726 which included the Verdier Tract. Lowndes disposed of the 12,000 acres to Robert Thorpe in 1731. The massive acreage, however, was located within the six mile Purrysburgh Township which was restricted to Swiss immigrants. After some controversy over the legality of the purchase, he received

from the Board of Trade the confirmation of the purchase of a "barony of 9,000 acres at Occatee" (CCDB YY:472).

In addition to the 9,000 acre barony, Thorpe owned one plantation of 800 acres, 2,200 acres near the Combahee River, 160 acres at the head of Saltketchers Creek, a house and two lots in Beaufort, and a house in Charleston. Thorpe was also involved in trade and was a partner of Benjamin Floyd in the firm of Robert Thorpe & Company (Edgar and Bailey 1977).

Floyd served St. Helena Parish in the Eleventh Royal Assembly (1736-1739) and in the Fouteenth Royal Assembly (1745-1746). Local offices held by Thorpe include road commissioner, from the Combahee to the Coosawhatchie rivers in 1735; justice of the peace for Granville County in 1737; and commissioner to build Sheldon Church in 1745 (Edgar and Bailey 1977).

Robert Thorpe died intestate, about 1749, and his land was sold to satisfy the estate's debts. John Guerard bought 9,336, acres, however, the deed was not recorded until 1762 (Charleston County Deed Book [CCDB] YY:472). The deed does not indicate the tract was under cultivation and Thorpe's small number of slaves does not indicate much in terms of reclamation or cultivation of the barony.

John Guerard, son of French Huguenot John Guerard, was born in South Carolina in 1702. Guerard formed the firm of Hill & Guerard (1736-1746) which primarily dealt in Indian and slave trades. Following the death of his brother-in-law Richard Hill, he operated the fur and slave trades alone. As Guerard prospered in business he began to acquire large tracts of land (totaling 10,500 acres) in Granville County. He carved four working plantations from this immense acreage with the help of 180 slaves. He also donated the land on which the original St. Luke's church was built. Although he conducted a significant amount of business in the project area, Guerard appears to have resided full-time at his town house in Charleston (Edgar and Bailey 1977).

Guerard served Charleston and its parishes as tax inquirer (1733); clerk of the First Company Militia (1738); tax assessor for St. Phillip Parish (1739); representative for St. Phillip Parish in the Twenty-first (1754-1757) and Twenty-second (1757-1760) Royal Assemblies; and commissioner to prevent the spread of smallpox (1760). While serving in the Royal Assembly, Guerard was appointed by that body to be a commissioner to regulate the Indian trade with the Creek (1755). In 1757, Governor William Henry Lyttleton recommended to the Board of Trade that Guerard be appointed to the Royal Council and, on 1 April 1758, King George II approved. His most notable

achievement in public life was a successful fight against a bill which would have levied an import duty on slaves and hurt his businesses interests. John died of apoplexy in Charleston 14 May 1764 and was buried the next day. A later deed indicated that the next owner of the 9,336 acre tract was William Guerard. Nothing is known of Guerard except that he died in 1847 (Edgar and Bailey 1977).

Dr. A. G. Verdier and William C. Howard purchased 8,186 acres from William Guerard's estate in 1847; this deed was not recorded until 1867 (BCDB 2:118). Sometime later, Verdier became the sole owner of all or part of that tract and it became known as Bull Hill, which included the current project tract. The maximum acreage of Bull Hill is not known, but it contained at least 4,252 acres. Bull Hill was eventually divided into several tracts of land and divided between several members of the Verdier Family.

Dr. Verier's name appears in the "Schedule of losses incurred by the invasion of the coast" His appeal to William Whaley read:

> Gentelman - I submit the following, additional return of losses under the following, circumstances - one of my negroes fellows ran off & went to the enemy & the night of that he was missed my Gin house &c was burned to the ground undoubtedly the work of a incendiary & duly reasonably to be ascribed to him. I have no earthly doubt that the whole loss resulted from the disturbance [illegible] of this country & was the work of the fugitive from my plantation - AG Verdie
>
> Supplemental Schedule of Looses
> Made by A.G. Verdie of St. Lukes Parish
> 1 McCarthy Gin $100.00
> Gin House $200.00
> Running Geer to Gin $50.00
> 1,000 lbs ginned cotton $300.00
> Sum tot. $650.00
> March 13th 1862 AD.
> Alex G. Verdie

The project tract appears to have been a portion of a 1,488 acre parcel within the larger Bull Hill Tract. This parcel was subdivided among the heirs of A.G. Verdier. James G. Verdier and Julia

M. Vincent owned 269.2 acres of Bull Hill after Alexander Verdier's death; F. H. Verdier owned 840 acres known as Oak Grove, plus a share of the 3,500 acre Bull Hill Plantation (BCDB 2:120; 33:760). The project tract is shown as owned by James G. Verdier on a 1939 plat of Bull Hill Plantation shown in Figure 4. Their heirs were Martha P. Verdier, George G. Verdier, Susan V. Alston, Wade H. Verdier, Clayburn A. Verdier, and Margaret Verdier. These heirs owned a undivided interests in at least 3,500 acres of Bull Hill. All of those Verdier family members, except Susan V. Alston, sold their interest in the Verdier estates to Martha P. Verdier. Wade Verdier Pugh and Harriet Verdier Felts purchased Martha P. Verdier's interest, and Susan V. Alston's interest in 1,428 acres of Bull Hill. The Argent Lumber Company purchased all of Bull Hill tracts in 1943 (BCDB 35:38).

When the Bull Hill Tract was offered for sale in 1928, an advertisement placed by the Christensen Realty Company read as follows:

> Bull Hill is located in Beaufort County, Bluffton Township, near the village of Pritchardville. It is near the preserves of W.A. Cole, the Palmetto Bluff Plantation, recently owned by R.T. Wilson. It is not far from the Okatie and Chelsie Clubs and paved state highway is within five miles. Pritchard Station on the Seaboard Airline Railway is five miles. Vincents Station in the same railway is three miles. The Atlantic Coastline Railway at Hardeeville is ten miles. Lands: There are eight hundred acres, of which five hundred and seventy-five are woods, fifty swamp, seventy-five old rice fields, one hundred cultivated and buildings. There is a simple frame farm house of six rooms and some farm buildings. The smoke house is over one hundred years old. The avenue on the road to the house and the trees surrounding the house are mostly live oak. The woods are still stocked with deer and wild turkeys and with some small expense the rice fields and swamp can be made into good duck ponds. Price: $ 17,800.00.
>
> Christensen Realty Company
> 1928 Scrapbook

The farmhouse described in this advertisement refers to site 251-0056 identified by Eubanks et al. (1993) during their survey of the adjoining Argent Tract Lands purchased by Del Webb Communities. A scatter of nineteenth and twentieth century artifacts surrounded the extant structure. The archaeological component was recorded as 38BU1329 by Eubanks et al. (1993). The remains

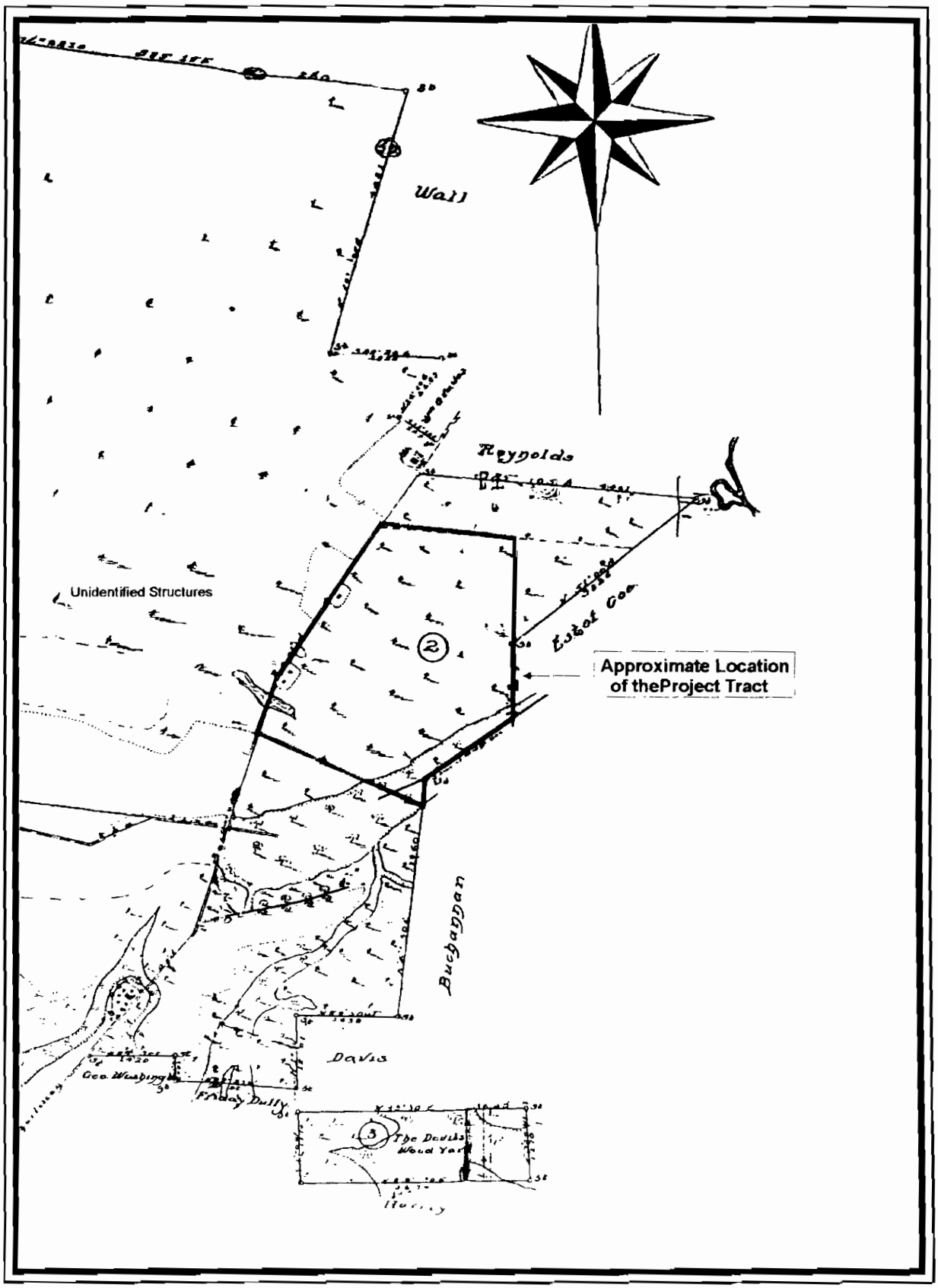

Figure 4. A portion of a 1939 Plat of Bull Hill Plantation showing the approxiamte location of the project tract and three unidentified structures.

of Vincent Station (mentioned above) also were recorded by Eubanks et al. (1993) as 38JA206. Eighteenth and nineteenth century occupations were identified at 38BU1315, 38BU1316, 38BU1318, and 38BU1321 by Eubanks et al. (1993). These sites probably represent outlying settlements or facilities of the Guerard or Verdier plantations that eventually became the greater Bull Hill Plantation.

Previous Cultural Resources Investigations Near the Project Tract

Numerous cultural resource surveys and reconnaissance studies have been completed in and around the project tract. The locations of these studies are displayed in Figure 5; Table 3 summarizes these investigations. Several relevant studies are described below.

The Sun City Hilton Head Tract is located to the west of the project tract (see Figures 1 and 7). This tract was owned by Union Camp Corporation, who managed the tract for timber. Eleven sites were identified by Eubanks et al. (1993) and Eubanks and Poplin (1995) during intensive cultural resources survey and testing of the 2,000+ hectare Argent parcel. The Argent Tract contained Pre-Contact sites 38BU1319, 38BU1322, 38BU1323, 38JA202; multi-component sites 38BU1315, 38BU1316, 38BU1317, 38BU1318, 38BU1321; and Post-Contact sites 38BU1320 and 38JA206. Two sites (38BU1420 and 38BU1421) were identified by Eubanks et al. (1994) in the 121+ hectare Bull Hill parcel. They include a nineteenth century domestic occupation site (38BU1420), and a small Post-Contact scatter (38BU1421), interpreted as a secondary refuse disposal site. None of the sites recorded on the Sun City Hilton Head Tract are eligible for the NRHP.

Eight sites were identified at the 459 hectare Meggett Tract (Bridgman et al. 2000) located to the north of the project tract (see Figure 7). Union Camp Corporation owned and managed this tract for timber, and the majority of the project tract possessed poor soils and/or was disturbed by silviculture. The project tract was surveyed at 30 or 60 meter intervals based on a reconnaissance conducted by Rust and Harvey (1996a). Site 38BU1652 is an unknown Pre-Contact period scatter; sites 38BU1649, 38BU1650, 38BU1651, 38BU1835, and 38BU1856 contain Pre-Contact and Post-Contact components. Site 38BU1653 is a Pre-/Post-Contact shell midden. Site 38BU1654 is a shell midden from an unknown cultural period. Sites 38BU1649, 38BU1651, 38BU1652, 38BU1653, 38BU1654, and 38BU1835 and the isolated finds are not eligible for the NRHP. Site 38BU1650 is potentially eligible for the NRHP, and site 38BU1856 is eligible for the NRHP.

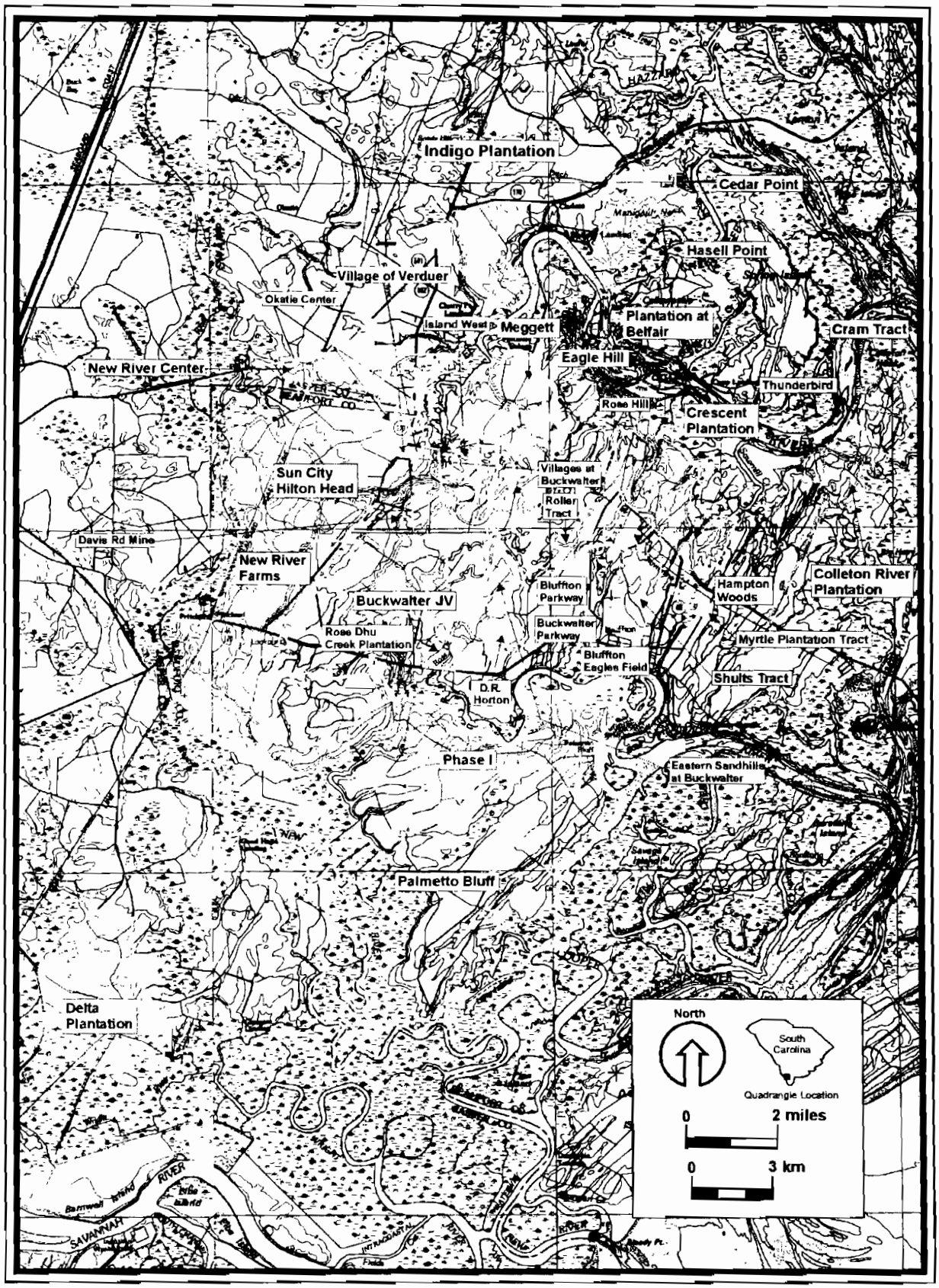

Figure 5. Cultural resources investigations near the project corridor.

Table 3. Summary of Cultural Resources Investigations Near the Project Tract.

Tract	Hectares	Sites	Sites/km²	Setting	Reference
Survey Level					
Belfair Plantation	396	23	5.8	Colleton River	Markham 1994, Adams et al. 1992
Belfair's Buckwalter Tract	1380	7	0.5	Interior	Bridgman and Harvey 2001
Bluffton Eagles Field	1	0	0.0	Interior	Poplin 1999
Buckwalter Parkway	50	1	2.0	Interior	Fletcher and Harvey 1999a, Pecorelli and Harvey 1999
Cedar Point Tract	152	9	5.9	Colleton River	Jordan et al. 1999
Colleton River Plantation	257	26	10.1	Colleton River	Allan and Brockington 1990
Cram Tract	223	13	5.8	Colleton River	Rust et al. 1997
Crescent Plantation	263	10	3.8	Colleton River	Trinkley 1997
Delta Plantation	688	23	3.3	Savannah River	Poplin et al. 1990
D.R. Horton Tract	75	0	0.0	May River	Bridgman and Hendrix 2001
Eagle Hill Tract	148	2	1.4	Interior	Rust and Harvey 1996b
Hampton Woods Tract	53	0	0.0	Interior	Konieczko and Harvey 1996
Heyward Pointe Tract	248	19	7.7	Colleton River	Fletcher and Harvey 2000
Indigo Plantation	375	2	0.5	Okatee River	Poplin 2000
Island West Golf Club	143	4	2.8	Interior	Richardson and Brockington 1991
Meggett Tract	421	8	1.9	Okatee River	Bridgman et al. 2000
Myrtle Plantation	40	0	0.0	Interior	Rust and Hendrix 2000
Palmetto Bluff- Reconnaissance (less Phase 1)	139	15	10.8	May River	Hill et al. 1994
Palmetto Bluff- Phase 1	1171	53	4.5	May River	Poplin et al. 2001
Palmetto Bluff- Lodge	173	13	7.5	May River	Poplin et al. 2001
Roller Tract	93	2	2.2	Interior	McMakin et al. 1995
Rose Dhu Plantation Tract	107	6	5.6	May River	Bridgman et al. 2001
Rose Hill Plantation	18	2	11.1	Colleton River	Eubanks et al. 1995
Shults Tract	295	0	0.0	Interior	Fletcher and Harvey 1999b
Sun City Hilton Head (less Compartment 5)	2077	13	0.6	Interior	Eubanks et al. 1993, Eubanks et al. 1994 Eubanks and Poplin 1995, Rust 1999
Sun City Hilton Head - Compartment 5	88	0	0.0	Okatee River	Eubanks et al. 1993
Thunderbird Tract	64	9	14.1	Colleton River	Poplin et al. 1989
Villages at Buckwalter Plantation	131	1	0.8	Interior	Fletcher et al. 1999
Reconnaissance Level					
Davis Road Mine Site	16	2	12.5	Interior	Bailey 1996
New River Center	68	0	0.0	Interior	Poplin 1997
Okatee Center	108	0	0.0	Interior	Hill and Poplin 1994

Fletcher et al. (1999a) identified one site (38BU1828) in the northern portion of the 131 hectare Villages at Buckwalter Plantation Tract located east of project tract (see Figures 1 and 7). This site contains both Pre-Contact and Post-Contact deposits and is not eligible for the NRHP.

Evidence of severe disruption of soil profiles through silvicultural practices was noted throughout the Villages at Buckwalter Plantation Tract. Fletcher and Harvey (1999a) surveyed the northern portion of the Buckwalter Parkway corridor, located north of the project tract. They identified no cultural resources in the surveyed area. Pecorelli and Harvey (1999) identified one site (38BU1833) on the southern portion of the Buckwalter Parkway, located east of the project tract. This site is not eligible for the NRHP.

Site 38BU649 was recorded in 1983 by Tommy Charles of the South Carolina Institute of Archaeology and Anthropology (SCIAA) during random surface inspection with local informants. This site is located southwest of the project tract (see Figure 1). Bridgman and Harvey (2001) revisited the site (see below).

Seven sites were identified during a survey of selected portions of Belfair's Buckwalter Tract (the new Buckwalter JV tract), located around the Eastern Sandhills at Buckwalter Tract (Bridgman and Harvey 2001) (see Figures 1 and 7). Three of the sites (38BU649, 38BU1887, and 38BU1888) contain both Pre-Contact and Post-Contact components. Sites 38BU1886, 38BU1889, and 38BU1890 are Pre-Contact scatters. Site 38BU1894 is an abandoned eighteenth century cemetery. Site 38BU1886 is potentially eligible for the NRHP. this site is located approximately 340 meters southeast of the project tract. Development activities in the Village of Verdier tract will not affect 38BU1886. Sites 38BU649, 38BU1887, 38BU1888, 38BU1889, 38BU1890, and 38BU1894 are not eligible for the NRHP. Site 38BU1894 is to be preserved in place.

Site 38BU810 was identified by Roberts (1986) during his survey of the US Route 278 right-of-way prior to widening. The reported location of site 38BU810 is north of the project tract, immediately south of US Route 278 (see Figure 1). However, this site was not relocated during Bridgman and Harvey's (2001) investigations of Belfair's Buckwalter Tract. The site apparently was destroyed when US Route 278 was widened, as the road was moved to the south. Site 38BU810 is not eligible for the NRHP.

Site 38BU1829 was recorded by South Carolina Department of Transportation (SCDOT) archaeologists during the replacement of a bridge on SC Route 46 south of the project tract (see Figure 1). This site is not eligible for the NRHP.

Two Post-Contact sites were identified on the 93 hectare Roller Tract (McMakin et al. 1995) located east of the project tract (see Figures 1 and 7). Sites 38BU1589 and 38BU1590 are not

eligible for the NRHP. Bailey (1996) identified two sites during a reconnaissance of the 6.4 hectare Davis Road Mine Site property located west of the project tract. Site 38BU1670, a Pre-Contact scatter, is not eligible for the NRHP. Site 38BU1671, a Post-Contact cemetery, also is not eligible for the NRHP.

Richardson and Brockington (1991) identified four sites (38BU1266, 38BU1267, 38BU1268, and 38BU1269) on the 143.5 hectare Island West Golf Course located north of the project tract (see Figures 1 and 7). Site 38BU1266 is a nineteenth century and Middle Woodland artifact scatter; 38BU1267 is a light scatter of Early-Middle Woodland ceramics and lithic artifacts; 38BU1268 is a light scatter of Middle-Late Woodland ceramics and lithics, and a dense scatter of mid-eighteenth century historic artifacts. Site 38BU1269 is a small nineteenth century and Early-Middle Woodland ceramic scatter.

Bridgman et al. (2001) identified five sites (38BU1896, 38BU1897, 38BU1898, 38BU1899, and 38BU1900/38BU1901) on the 107 hectare Rose Dhu Plantation Tract located southwest of the project tract, and formerly a portion IPC's Buckwalter Tract (see Figures 1 and 7). Site 38BU1896 is a Middle or Late Woodland ceramic and lithic scatter and a nineteenth century scatter; 38BU1897 is a Ceramic Late Archaic ceramic and lithic scatter; 38BU1898 is a Ceramic Late Archaic and Middle Woodland ceramic scatter; 38BU1899 is a Early or Middle Woodland ceramic scatter; 38BU1900/1901 is a Early and Middle Woodland and Mississippian ceramic and lithic scatter.

Bridgman and Hendrix (2001) identified one isolated find from the 74.8 hectare D.R. Horton Tract located south of the Eastern Sandhills at Buckwalter Tract (see Figures 1 and 7). Isolate 1 consists of a concentration of Early/Middle Woodland sherds from a single shovel test. Isolate 1 is not eligible for the NRHP. No extant buildings greater than 50 years of age were present on the D.R. Horton Tract.

No cultural resources were identified on the 295 hectare Shults Tract (Fletcher and Harvey 1999b), located north of the town of Bluffton and southeast of the project tract (see Figure 7). The tract was surveyed at 30 or 60 meter intervals based on soil associations. The majority of the tract was disturbed by intensive silviculture. Similarly, no cultural resources were identified on the 40 hectare Myrtle Plantation Tract (Rust and Hendrix 2000) located east of the Shults Tract (see Figure 2). Although the entire Myrtle Plantation Tract possesses poor soils, it was shovel tested at 30 meter intervals.

The Pre-Contact and Post-Contact components identified at sites in the area surrounding the project tract suggest that the region was utilized from the Woodland period through the Post-Contact era. Pre-Contact sites in the region include shell middens and camp sites, located along marsh edges or on ridges with well drained soils. These types of sites represent long term or repeated occupations, or may be locales where seasonal activities took place. The locations of these sites suggest that unrecorded sites may be located on similar terrain throughout the region.

One NRHP listed site is located near the project tract. St. Luke's Church (38BU1131), originally recorded as part of a regional survey of Beaufort County (Low Country Council of Governments 1979), is located on SC Route 170, approximately 1.5 kilometers southwest of the project tract (see Figure 7). This is the oldest extant Episcopal church in Beaufort County (built in 1824), and retains many interesting architectural features (e.g., an original slave gallery). The site is listed on the NRHP for its architectural merit. Development activities in the project tract will not affect St. Luke's Church. Natural vegetation on privately owned lands currently lies between the project tract and St. Luke's Church.

Chapter III. Results and Recommendations

Archaeologists conducted intensive cultural resource survey investigations at the Village of Verdier Tract in August 2002. The entire 52.6 hectare tract was examined along transects spaced at 30 meter intervals. Shovel tests were excavated at 30 meter intervals along each transect to a depth of approximately 60 centimeters below surface (bs). Most of these portions of the tract are planted in pines. Stands of mixed pines and hardwoods are present throughout the eastern section of the tract. Drainage ditches and firebreaks also extend through all portions of the tract. Investigators identified one isolated find (Isolate 1) during the survey. A description of Isolate 1 is presented below. No extant buildings greater than 50 years of age are present on the tract. No historic properties are located on the tract. However, archival documents indicate that three late nineteenth to early twentieth century structures were located in the western periphery of the project tract. The nearest historic property, St. Luke's Church (38BU1131), is located on SC Route 170, approximately 1.5 kilometers southwest of the project tract.

Isolate 1

Investigators identified one isolated find (Isolate 1) during the cultural resources survey of the Village of Verdier Tract. Isolate 1 consists of a single prehistoric sherd dating to an unknown period, recovered from a shovel test in poorly drained soils. Investigators excavated eight shovel tests at15 meter intervals around the surface find to recover additional artifacts; none of these shovel tests produced artifacts. Isolate 1 likely represents a locale where very limited activities occurred. These activities required few materials or occurred so infrequently that few artifacts were deposited at this locale. Due to the low frequency of artifacts at this locale and the lack of cultural features, we recommend Isolate 1 not eligible for the NRHP. Further management consideration of this isolated find is not warranted.

A 1939 plat of the project tract shows three structures located along SC Route 170 on the western edge of the project tract (see Figure 4). No materials related to these structures were located during these investigations. Initially, we speculated that general maintenance and paving of SC Route 170 may have destroyed these structures. The USGS Jasper, SC quadrangle (see Figure 1) indicates that these structures were gone by 1958; however, many other structures in similar settings (as it relates to distance and orientation) along SC Route 170, were still standing. Based on this knowledge, we can only assume that the structures were systematically removed by the owners. If

they were abandoned, and subsequently collapsed, some evidence of architectural materials would remain. The total absence of any artifacts recovered during shovel testing of the project tract, indicates that the buildings were removed not abandoned.

Project Summary

Investigators identified one isolated find (Isolate 1) during the cultural resources survey. We recommend Isolate 1 not eligible for the NRHP. There are no previously recorded NRHP listed or eligible properties on the Village of Verdier Tract that may be affected by proposed development activities within the tract. In addition, we identified no extant buildings or structures greater than 50 years of age on the tract that may be affected by development activities within the tract. Ground disturbing activities in the Village of Verdier Tract will not affect any historic properties. Further management consideration of the Village of Tract with respect to cultural resources is not warranted.

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Appendix A.

Artifact Inventory

Appendix A.

Artifact Inventory

Artifact Catalog

Brockington and Associates, Inc. uses the following proveniencing system. Provenience 1 designates general surface collections. Numbers after the decimal point designate subsequent surface collections, or trenches. Proveniences 2 to 200 designate shovel tests. Controlled surface collections and 50 by 50 cm units are also designated by this provenience range. Proveniences 201 to 400 designate 1 by 1 m units done for testing purposes. Proveniences 401 to 600 designate excavation u (1 by 2 m, 2 by 2 m, or larger). Provenience numbers over 600 designate features. For all provenience numbers except 1, the numbers after the decimal point designate levels. Provenience X.0 is a surface collection at a shovel test or unit. X.1 designates level one, and X.2 designates level two. For example, 401.2 is Excavation Unit 401, level 2. Flotation samples ar designated by a 01 added after the level. For example, 401.201 is the flotation material from Excavation Unit 401, level 2.

Table of Contents

Site Number	Page Number
Isolate	**A - 1**

SITE NUMBER Isolate 1

PROVENIENCE NUMBER: 2 . 1 2 1, Transect 15 Shovel Test 20 0-30cm

Catalog #	*Count*	*Weight (in g)*	*Artifact Description*	*Comments*
1	1	4.30	residual sherd	

Appendix B.

Resume of the Principal Investigator

Ralph Bailey, Jr.

Brockington and Associates, Inc.
1051-F Johnnie Dodds Blvd.
Mt. Pleasant, South Carolina 29464

Education

1997 M.A. The Citadel and The University of Charleston, Charleston, S.C. (History)

1990 B.A. The George Washington University, Washington, D.C. (Anthropology)

Employment

Archaeologist, Brockington and Associates, Inc., 1996 to present

Research Associate, Brockington and Associates, Inc., 1993 to 1995

Archaeological Field Technician, Brockington and Associates, Inc., 1992

Reports And Papers Presented

1993 (with Eric C. Poplin and David C. Jones)
Fort Jackson Military Reservation Historic Preservation Plan- Volume I: Cultural Resources Management Plan. Prepared for the Fort Jackson Directorate of Public Works and the US Army Corps of Engineers- Savannah District, Savannah, Georgia.

1993 (with Eric C. Poplin)
Fort Jackson Military Reservation Historic Preservation Plan- Volume III: Archaeological Site Database. Prepared for the Fort Jackson Directorate of Public Works and the US Army Corps of Engineers- Savannah District, Savannah, Georgia.

1993 (with Eric C. Poplin an Kenneth F. Styer)
Cultural Resources Survey For FY 93 Timber Harvest Areas and Testing of 10 Separate Sites, Fort Jackson, South Carolina. Prepared for the US Army Corps of Engineers- Savannah District, Savannah, Georgia.

1993 (with Eric C. Poplin)
Cultural Resources Reconnaissance of the Hibri Tract, Charleston County, South Carolina. Prepared for the South Carolina Real Estate Development Board, Columbia, South Carolina.

1993 (with Eric C. Poplin and Elsie I. Eubanks)
Cultural Resources Survey of the Hibri Tract, Charleston County, South Carolina. Prepared for the South Carolina Real Estate Development Board, Columbia.

1993 (with Eric C. Poplin and David C. Jones)
An Intensive Cultural Resources Survey of a Lake Marion Transmission Line Right-of-Way, Berkeley and Clarendon Counties, South Carolina. Prepared for Newkirk Environmental Consultants, Inc., Charleston, South Carolina.

1993 (with Eric C. Poplin)
Cultural Resources Reconnaissance of Selected Portions of Sunny Point Farms, Wadmalaw Island, South Carolina. Prepared for Sunny Point Farms, Wadmalaw Island, South Carolina.

1993 (with Eric C. Poplin and Elsie I. Eubanks)
Cultural Resources Survey of the Silverman Tract, Charleston County, South Carolina. Prepared for the Southern National Bank of South Carolina, Charleston.

1994 (with Eric C. Poplin and David C. Jones)
An Intensive Cultural Resources Survey of Two Proposed New Mining Areas, Blue Circle Cement, Inc., Harleyville, Dorchester County, South Carolina. Prepared for Kilpatrick and Cody, Atlanta, Georgia.

1994 (with Eric C. Poplin and Elsie Eubanks)
Cultural Resources Survey and Testing of the Ellis Tract, Charleston County, South Carolina. Prepared for the Ellis Family, Charleston, South Carolina.

1995 (with Eric C. Poplin and Elsie Eubanks)
Cultural Resources Survey and Testing of the Bulls Bay Overlook Tract, Charleston County, South Carolina. Prepared for Reg Tisdale, Indianapolis, Indiana.

1995 *The Use of Plats in Historical Archaeology: The H.A.M. Smith Plat Collection at the South Carolina Historical Society.* Paper presented at the South Carolina Archaeological Society Annual Meeting, Columbia, 1 May.

1995 *Cultural Resources Survey of Selected Improvements of the Columbia Metropolitan Airport, Lexington County, South Carolina.* Prepared for LPA Group, Inc., Columbia.

1995 *Cultural Resources Survey of the Rice Fields South Tract, Georgetown County, South Carolina.* Prepared for Planning/Design Resources, Pawleys Island.

1995 *Cultural Resources Survey of the Proposed 46 Acre Catawba River Park, York County, South Carolina.* Prepared for the City of Rock Hill.

1995 *An Intensive Cultural Resources Survey of the McCurry Tract, Calhoun County, South Carolina.* Prepared for Blue Circle Cement Company, Harleyville, South Carolina.

1995 *An Archaeological Reconnaissance of the Sandpit Road Mine Site, Dorchester County, South Carolina.* Prepared for Banks Construction Company, North Charleston, South Carolina.

1995 *An Archaeological Reconnaissance of the Norman Landing Mine Site, Dorchester County, South Carolina.* Prepared for Truluck Construction Company, Charleston, South Carolina.

1995 *An Archaeological Reconnaissance of the Keiffer Tract, Jasper County, South Carolina.* Prepared for Coastal Concrete, Hilton Head Island, South Carolina.

1995 *An Intensive Archaeological Survey of a 34 Acre and a 7 Acre Portion of the Ponds Plantation Tract, Dorchester County, South Carolina.* Prepared for Ralph B. Simmons, Jr., Anderson.

1995 *Cultural Resources Survey of the Savannah Quarters Tract-Southwest Quadrant, Chatham County, Georgia.* Prepared for Hall Development Company, Myrtle Beach.

1996 *Archaeological Reconnaissance of the Cone Mine Site, Dorchester County, South Carolina.* Prepared for Palmetto Sand Company, Summerville.

1996 *Cultural Resources Overview, Tega Cay Development Tract, York County, South Carolina.* Prepared for Tega Cay Communities, LLC.

1996 (with Eric C. Poplin)
Archaeological Survey of the Proposed East and West Access Shafts for the Bushy Park Water Tunnel, Berkeley County, South Carolina. Prepared for the Commissioners of Public Works, City of Charleston, South Carolina.

1996 (with Tina Rust)
Archaeological Survey of the Proposed Naval Nuclear Power Training Command Facility, Naval Weapons Station- Charleston, Berkeley County, South Carolina. Prepared for Naval Facilities Engineering Command, Southern Division, North Charleston, South Carolina.

1996 *Cultural Resources Survey of the Waddell Road Realignment Corridor, Beaufort County, South Carolina.* Prepared for Andrews Engineering Company, Port Royal.

1996 (with Todd McMakin and Eric C. Poplin)
Historic Resources Survey of 1,700 Acres of US Forest Service Land, Camp Shelby, Mississippi. Prepared for the Mississippi Military Department, Jackson.

1996 *Archaeological Reconnaissance of the Oak Park Tract, Mt. Pleasant, South Carolina.* Prepared for Marc Copeland, Mt. Pleasant.

1996 (with Tina Rust and Eric C. Poplin)
Cultural Resources Survey of a 15 Acre Tract, E.I. DuPont de Nemours' Cooper River Plant, Berkeley County, South Carolina. Prepared for E.I. DuPont de Nemours' and Company, Charleston.

1996 *Archaeological Reconnaissance of the Clubhouse Road Mine Site, Dorchester County, South Carolina.* Prepared for Sabine and Waters, Summerville.

1996 (with Eric C. Poplin)
Archaeological Survey of the McGinnis-Horres Tract, James Island, South Carolina. Prepared for Patrick N. McGinnis and Marietta M. Horres.

1996 (with Tina Rust and Eric C. Poplin)
Archaeological Monitoring of a Proposed Water Line Easement, Fort Johnson (38CH69), Charleston, South Carolina. Prepared for City of Charleston Commissioners of Public Works, Charleston.

1996 (with Bruce Harvey, W.A. McElveen, and Eric C. Poplin)
Archaeological and Architectural Survey for Proposed Improvements to McCrays Mill Road, Sumter, South Carolina. Prepared for LPA Group, Inc., Columbia.

1996 (with Bruce Harvey and Eric C. Poplin)
Cultural Resources Inventory of Proposed Development Areas in the Kaminski Tract, Georgetown and Horry Counties, South Carolina. Prepared for Canal Industries, Incorporated, Conway.

1996 (with Bruce Harvey)
Cultural Resource Reconnaissance for the Extension of Red Bay Road, Sumter, South Carolina. Prepared for LPA Group, Incorporated, Columbia.

1996 *Cultural Resources Overview of the Wescot Tract, Dorchester County, South Carolina.* Prepared for The Westvaco Corporation, Summerville.

1996 Archaeological Reconnaissance, Davis Road Mine Site, Beaufort County, South Carolina. Prepared for Cleland Construction Company, Hilton Head Island, South Carolina.

1997 (with Todd A. McMakin, Tina R. Rust, and Eric C. Poplin)
Archaeological Data Recovery in the SC151 Widening Project, Chesterfield County, South Carolina. Prepared for South Carolina Department of Transportation, Columbia.

1997 (with Eric C. Poplin)
Archaeological Reconnaissance and Assessment, Legend Oaks Plantation and Country Club, Dorchester County, South Carolina. Prepared for Trico Engineering Consultants, Inc., North Charleston.

1997 (with Bruce Harvey)
Cultural Resources Inventory of the I'On Development Tract, Mt. Pleasant, South Carolina. Prepared for The Graham Company, Mt. Pleasant.

1997 (with Tina Rust and Eric C. Poplin)
Cultural Resources Survey of the Proposed Palmetto Parkway Corridor, Charleston and Dorchester Counties, South Carolina. Prepared for the Charleston County Department of Public Works, Charleston.

1997 (with Todd McMakin and Eric C. Poplin)
Cultural Resources Survey of the Godley Tract-Phase I, Chatham County, Georgia. Prepared for the Branigar Organization, Savannah.

1997 *Cultural Resources Reconnaissance of the Palmetto Commerce Park, Charleston County, South Carolina.* Prepared for Palmetto Commerce Park, LLC, Charleston.

1997 *Cultural Resources Reconnaissance of the Whitehall II Tract, Dorchester County, South Carolina.* Prepared for Civil Site Environmental, Inc., Charleston, South Carolina.

1997 Intensive Cultural Resources Survey of the Myrtle Beach National Tract, Horry County, South Carolina. Prepared for Coastal Science Associates, Inc., Columbia, South Carolina.

1997 *Cultural Resources Reconnaissance of the Ingleside Plantation Tract, Charleston County, South Carolina.* Prepared for the Albert Weber Manufacturing Company, Summerville, South Carolina.

1997 *Archaeological Monitoring of Selected Areas of the Octagon House (38LU7), 619 East Main Street, Laurens, South Carolina.* Prepared for Landmark Asset Services, Winston-Salem, North Carolina.

1998 (with Eric C. Poplin)
Archaeological Survey of MGI Industry's Proposed Nitrogen Gas Line, Berkeley County, South Carolina. Prepared for Kenco Associates, Inc., Ashland, Kentucky.

1998 *Archaeological Reconnaissance Survey of the Proposed Dirt Cheap Inc. Borrow Pits, City of Charleston, Berkeley County, South Carolina.* Prepared for Bridge Creek, LLC, Mt. Pleasant, South Carolina.

1998 (with Harry Pecorelli and Todd McMakin)
Archaeological Survey of a Proposed Mine Site at the Ponds Plantation, Dorchester County, South Carolina. Prepared for Palmetto Sand Company, Inc., Ridgeville, South Carolina.

1998 (with Todd McMakin)
Cultural Resources Survey of the Fabian Tract, Charleston County, South Carolina. Prepared for Albert Weber Manufacturing Company, Summerville, South Carolina.

1998 (with Keith Stephenson)
Archaeological Survey of the Carolina Nurseries Property Management Tract, Berkeley County, South Carolina. Prepared for Carolina Nursery, Inc., Charleston.

1998 *Cultural Resources Reconnaissance of Cummings Point, Charleston County, South Carolina. Prepared for Mr. Jack Theimer, San Francisco, California.*

1998 (with Scott Wolf)
Cultural Resources Survey of the Harmony Industrial Park, Georgetown County, South Carolina. Prepared for DDC Engineers, Inc., North Myrtle Beach, South Carolina.

1998 (with E. Poplin, B. Harvey, and T. McMakin)
Phase I Cultural Resources Survey of Selected Areas on the Marine Corps Air Station Beaufort, Beaufort County, South Carolina. Prepared for The United State Marine Corps and the US Army Corps of Engineers-Savannah District.

1998 (with Eric C. Poplin and Bruce Harvey)
Archaeological Data Recovery at 38GE334, Prince George River Tract, Georgetown County, South Carolina. Prepared for the Prince George Development Corporation, Georgetown.

1998 (with Tina Rust and Eric C. Poplin)
Archaeological Data Recovery at 38CH1402 and 38CH1405, Park West Tract, Charleston County, South Carolina. Prepared for Land Tech Charleston, L.L.C., Charleston.

1999 *Cultural Resources Inventory of the Appian Way Tract, Dorchester County, South Carolina.* Prepared for Ford Development, Inc., Dallas, Texas.

1999 *Archaeological Survey of the Whitehall II Tract, Dorchester County, South Carolina.* Prepared for Civil Site Environmental, Inc., Charleston, South Carolina.

1999 (with Eric C. Poplin and Stephen Roberts)
Cultural Resources Survey of Darrell Creek Phase II Tract, Charleston County, South Carolina. Prepared for Ed Goodwin, Charleston, South Carolina.

1999 *Archaeological Testing of 38HR371 and 38HR372, Horry County, South Carolina.* Prepared for Taylor, Mahon, and Associates, Inc., Pawleys Island, South Carolina.

1999 (with Harry Pecorelli, III and Bruce G. Harvey)
Cultural Resources Inventory of Tilly Island, Colleton County, South Carolina. Prepared for Tilly Island, L.L.C., Charleston, South Carolina.

1999 (with Scott Wolf)
Archaeological Reconnaissance and Intensive Survey of Friendfield Plantation on the Sampit River, Georgetown County, South Carolina. Prepared for the National Trust for Historic Preservation, Washington, DC.

1999 *Archaeological Testing of 39 Hagood Avenue, Charleston, South Carolina.* Prepared for The Citadel Alumni Association, Charleston, South Carolina.

1999 *Cultural Resources Reconnaissance and Intensive Survey of Cherokee Plantation, Colleton County, South Carolina.* Prepared for The Carnegie Club, Ltd., England.

1999 *Cultural Resources Survey of Molasses Creek Crossing, Charleston County, South Carolina.* Prepared for George Christodal, Mt. Pleasant, South Carolina.

1999 (with Bruce Harvey)
Intensive Cultural Resources Survey of the New Long Point Road Right of Way from Whipple Road to the SPA Terminal, Charleston County, South Carolina. Prepared for Transystems, Inc. Greenville, South Carolina.

1999 *Archaeological Survey of The Hill at Legend Oaks, Dorchester County, South Carolina.* Prepared for Asset Corporation of the South, L.L.C., Charlotte, North Carolina.

1999 (with David Baluha)
Cultural Resources Reconnaissance of the 23.33 Acre Lowcountry Business Park, Mount Pleasant, South Carolina. Prepared for Seamon, Whiteside and Associates, Inc. Mount Pleasant, South Carolina.

1999 (with Kara Bridgman and Bruce Harvey)
Cultural Resources Inventory of the Briars Creek Tract, Johns Island, Charleston County, South Carolina. Prepared for Koenig Construction Company, Johns Island, South Carolina.

2000 (with Eric Poplin and Bruce Harvey)
National Register of Historic Places Evaluation of 29 Archaeological Sites Charleston Naval Weapons Station, Berkeley and Charleston Counties, South Carolina. Prepared for US Navy, Southern Division, Naval Facilities Engineering Command, North Charleston, South Carolina.

2000 (with Eric Poplin and Stephen Roberts)
Cultural Resources Survey of Darrell Creek Phase II Tract, Charleston, South Carolina. Prepared for Ed Goodwin, Charleston, South Carolina.

2000 (with Pat Hendrix)
Cultural Resources Survey of Rushland Plantation, Johns Island, South Carolina. Prepared for Hoffman, Lester, and Associates, Inc., Charleston, South Carolina.

2000 *Archaeological Reconnaissance Survey of the Proposed Expansion to the Basic Science Building College of Dental Medicine, Medical University of South Carolina, Charleston.* Prepared for The Medical University of South Carolina, Charleston, South Carolina.

2000 (with Kara Bridgman)
Cultural Resources Inventory of the Oyster Point Tract, Mount Pleasant, Charleston County South Carolina. Prepared for Pulte Home Corporation, Duluth, Georgia.

2000 (with Bruce Harvey and Joshua Fletcher)
Intensive Cultural Resources Survey of the New Long Point Road Right *of Way, Charleston, South Carolina.* Prepared for Transystems, Inc., Greenville, South Carolina.

2000 (with Gwendolyn Burns and Pat Hendrix)
Cultural Resources Survey of the Stono River at Limehouse Bridge Tract, Charleston County, South Carolina. Prepared for Ford Development Corporation, Dallas, Texas.

2000 (with Dave S. Baluha and Pat Hendrix)
Cultural Resources Survey of an 8 Hectare Parcel of the Ashley Park Tract, Charleston County, South Carolina. Prepared for Meridian Place, LLC, Charleston.

2000 (with Gwendolyn Burns and Pat Hendrix)
Cultural Resources Survey of the Bolton Bees Ferry Tract, Charleston County, South Carolina. Prepared for Getrag Precision Gear Company, North Charleston, South Carolina.

2000 (with Eric C. Poplin and David S. Baluha)
Intensive Cultural Resources Survey of Selected Portions of the Charleston Naval Weapons Station, Berkeley County, South Carolina. Prepared for the US Navy, Facilities Engineering Command, North Charleston, South Carolina.

2000 (with Eric C. Poplin and Bruce G. Harvey)

National Register of Historic Places Evaluation of 29 Archaeological Sites, Charleston Naval Weapons Station, Berkeley and Charleston Counties, South Carolina. Prepared for the US Navy, Facilities Engineering Command, North Charleston, South Carolina.

2000 (with Joshua N. Fletcher)
Cultural Resources Survey of the Reserve at Lake Keowee, Pickens County, South Carolina. Prepared for The Reserve at Lake Keowee, LLC, Sunset, South Carolina.

2000 *Archaeological Reconnaissance Survey of the Seabreeze Development, City of Charleston, South Carolina.* Prepared for Nelson, Mullins, Riley, and Scarborough, LLP, Charleston.

2000 (with Kara Bridgman)
Cultural Resources Inventory of the Elms at Charleston, Tracts A and B, Charleston County, South Carolina. Prepared for The Herman Group, LLC, Charleston.

2000 (with Dave Baluha and Pat Hendrix)
Cultural Resources Survey of Fenwick Tract D, Johns Island, South Carolina. Prepared for Trico Engineering Consultants, Inc., North Charleston, South Carolina.

2000 (with Pat Hendrix)
Archaeological Survey of 35 Acres in Port Royal, Beaufort County, South Carolina. Prepared for Tony Porter, Beaufort.

2000 Archaeological Testing of Selected Portions of Cedar Grove Plantation (38DR158), Whitehall II Development Tract, Dorchester County, South Carolina. Prepared for Floyd Whitfield.

2000 *Archaeological Reconnaissance Survey of the Proposed Expansion to the Basic Science Building, College of Dental Medicine, Medical University of South Carolina, Charleston.* Prepared for the Medical University of South Carolina, Charleston.

2001 (with Dave Joyner and Pat Hendrix)
Cultural Resources Survey of Roddin's Island, Berkeley County, South Carolina. Prepared for The Daniel Island Company, Charleston, South Carolina.

2001 (with Pat Hendrix)
Cultural Resources Survey and Archaeological Testing of Rushland Plantation, Johns Island, South Carolina. Prepared for IBG Partners, LLC, Washington, DC.

EXHIBIT F

THE VILLAGE AT VERDIER PLANTATION PUD TOPOGRAPHY

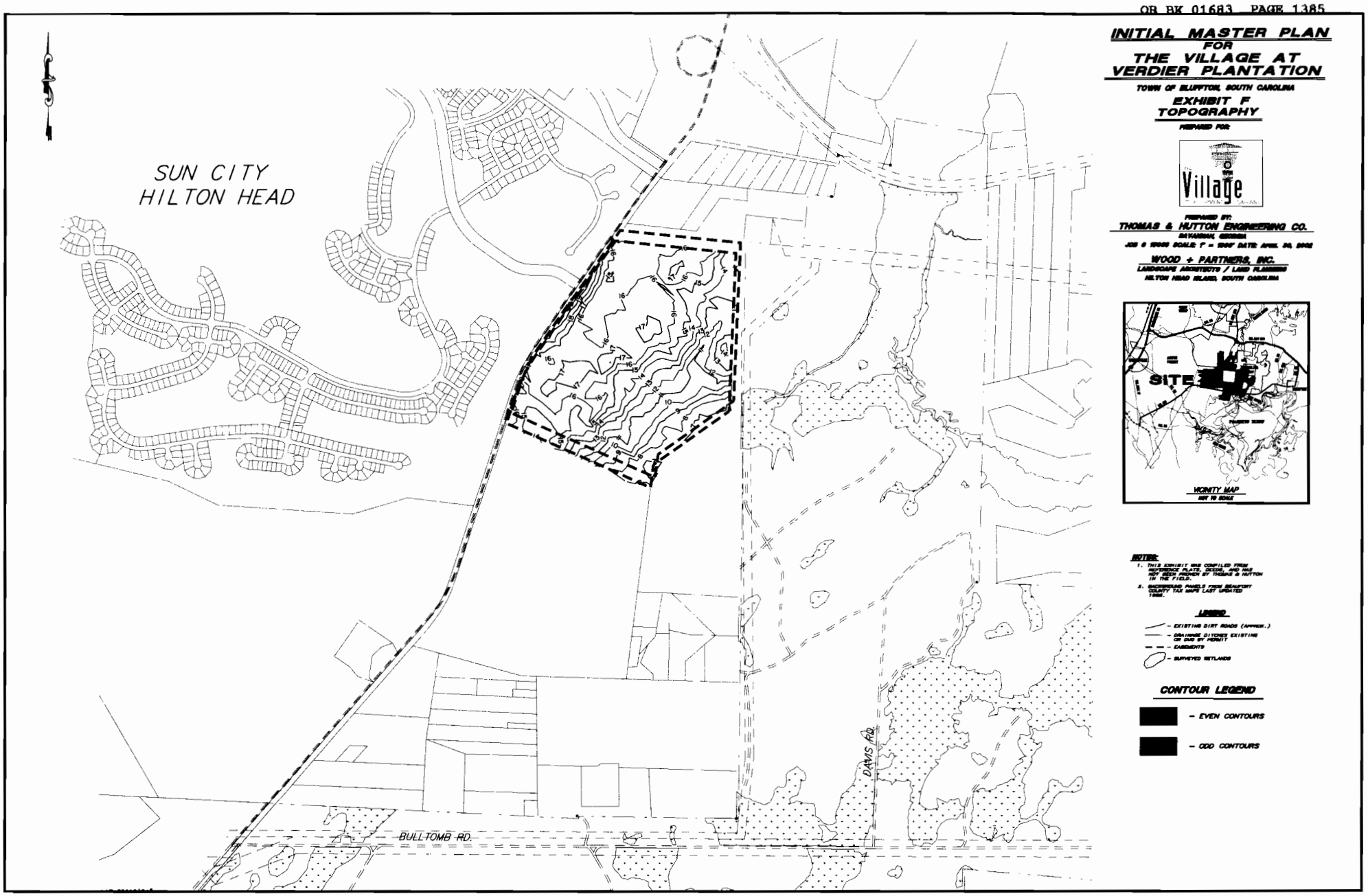

INITIAL MASTER PLAN
FOR
THE VILLAGE AT
VERDIER PLANTATION
TOWN OF BLUFFTON, SOUTH CAROLINA
EXHIBIT F
TOPOGRAPHY
PREPARED FOR:
Village
PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.
WOOD + PARTNERS, INC.
LANDSCAPE ARCHITECTS / LAND PLANNERS
HILTON HEAD ISLAND, SOUTH CAROLINA
SITE
VICINITY MAP
NOT TO SCALE
NOTES:
1. THIS EXHIBIT WAS COMPILED FROM REFERENCE PLATS, DEEDS, AND HAS NOT BEEN PROVEN BY THOMAS & HUTTON IN THE FIELD.
2. BACKGROUND PANELS FROM BEAUFORT COUNTY TAX MAPS LAST UPDATED
LEGEND
- EXISTING DIRT ROADS (APPROX.)
- DRAINAGE DITCHES EXISTING OR DUG BY PERMIT
- EASEMENTS
- SURVEYED WETLANDS
CONTOUR LEGEND
- EVEN CONTOURS
- ODD CONTOURS
SUN CITY
HILTON HEAD
BULLTOMB RD.
DAVIS RD.

EXHIBIT G

THE VILLAGE AT VERDIER PLANTATION FLOOD HAZARD ZONES

INITIAL MASTER PLAN
FOR
THE VILLAGE AT VERDIER PLANTATION

TOWN OF BLUFFTON, SOUTH CAROLINA

EXHIBIT Q
FLOOD HAZARD BOUNDARY

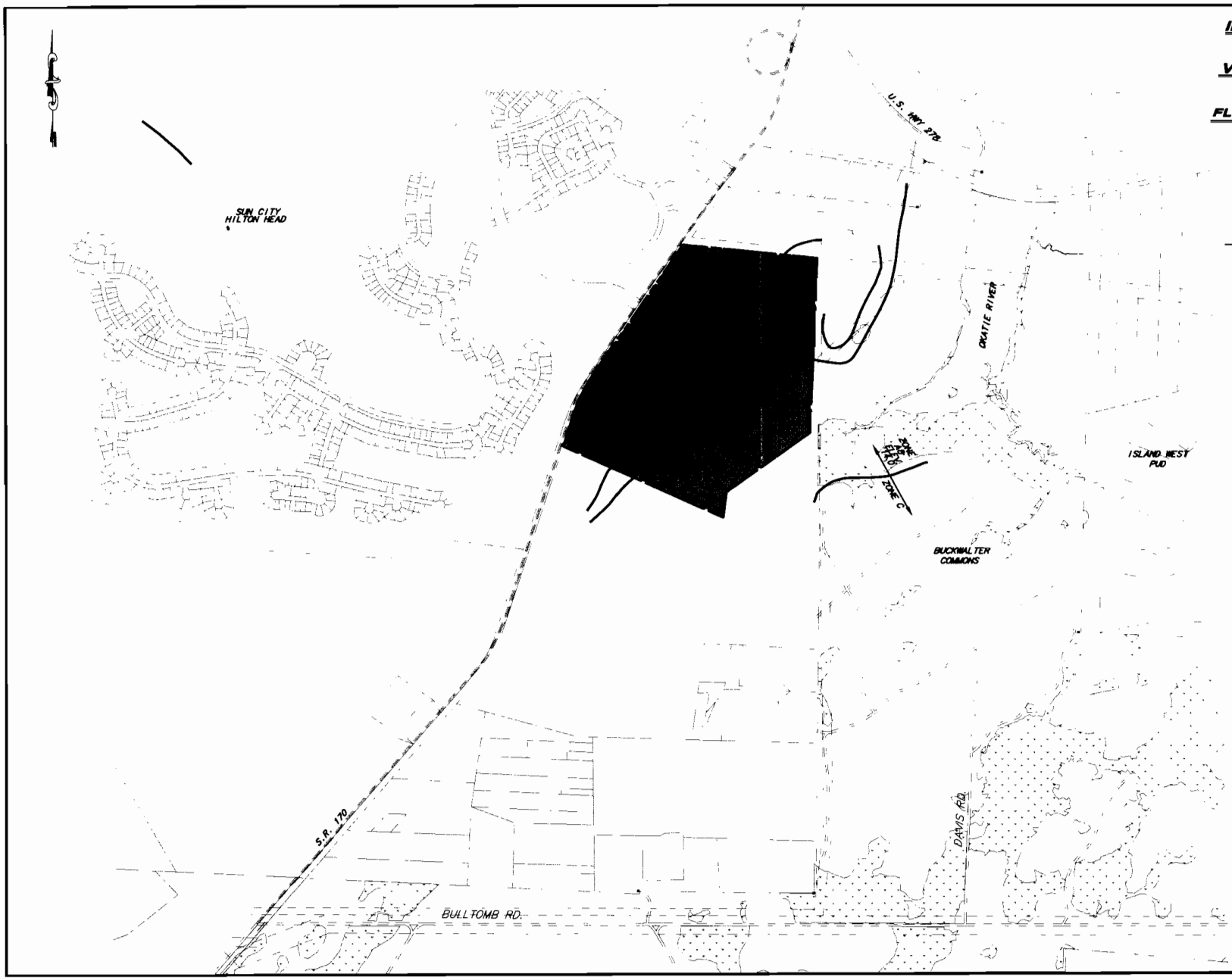
PREPARED FOR:

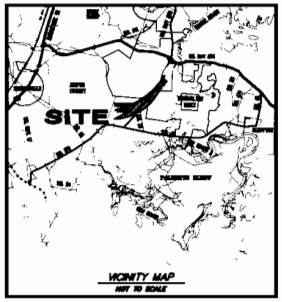
The Village

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.
SAVANNAH, GEORGIA
JOB # 19035 SCALE 1" = 1000' DATE: APRIL 30, 2002

WOOD + PARTNERS, INC.
LANDSCAPE ARCHITECTS / LAND PLANNERS
HILTON HEAD ISLAND, SOUTH CAROLINA





VICINITY MAP
NOT TO SCALE

NOTES:

1. THIS EXHIBIT WAS COMPILED FROM REFERENCE PLATS, DEEDS, AND MAS NOT BEEN PREPARED BY THOMAS & HUTTON IN THE FIELD.
2. BACKGROUND PANELS FROM BEAUFORT COUNTY TAX MAPS LAST UPDATED 1996.

LEGEND

- EXISTING DIRT ROADS (APPROX.)
- DRAINAGE DITCHES EXISTING OR DUG BY PERMIT
- EASEMENTS
- SURVEYED WETLANDS

ZONE COLOR LEGEND

- ZONE AE (ELEV: 14.0)
- ZONE B
- ZONE C

EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
AE	AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED.
B	AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.
C	AREAS OF MINIMAL FLOODING.

EXHIBIT H

THE VILLAGE AT VERDIER PLANTATION WETLANDS

NEWKIRK
ENVIRONMENTAL, INC

July 31, 2002

Mr. Fred Veal
U.S. Army Corps of Engineers
69 A Hagood Avenue
Charleston, South Carolina 29403-5107

Subject: **Non-jurisdictional Isolated Wetlands**
Verdier Plantation
Beaufort County, South Carolina
USACE Project SAC 81-98-0614(J)

Dear Mr. Veal:

Newkirk Environmental, Inc. (NEI), on behalf of Laverne Carter, is requesting a re-verification of the 125.36-acre subject site located east of and adjacent to South Carolina Highway 170 and south of U.S. Highway 278 in Beaufort County, South Carolina.

As per our site visit on May 15, 2002, please find attached exhibits depicting wetland areas "AA", "BB", "E", "EE", and "FF" as isolated and non-jurisdictional. Based on our observations during the site visit as well as a review of the National Wetlands Inventory Map and SCS Soil Survey, it was determined that these five wetland areas are completely isolated and no surface water connection to a jurisdictional wetland system is present. Since the U.S. Army Corps of Engineers is no longer exerting jurisdiction over isolated wetlands, it is our opinion that wetland areas "AA", "BB", "E", "EE", and "FF" are non-jurisdictional isolated wetlands and impacts to these isolated wetlands do not require a permit from the USACE.

NEI greatly appreciates your assistance with this project and if you have any questions or require any additional information to provide us with a re-verification, please do not hesitate to contact us at (912) 354-6494.

Sincerely,

Joel Price
Field Biologist - Savannah Office
NEWKIRK ENVIRONMENTAL, INC.

Enclosure

cc: Mr. Nick Stanley - Thomas and Hutton Engineering Co., Inc.

Charleston, SC Office
192 East Bay Street
Suite 201
Charleston, SC 29401
(803) 722-4958

Savannah, GA Office
340 Eisenhower Drive
Building 200, Suite 201
Savannah, GA 31406
(912) 354-6494
Facsimile: (912) 354-7179

INITIAL MASTER PLAN FOR THE VILLAGE AT VERDIER PLANTATION

TOWN OF BLUFFTON, SOUTH CAROLINA

EXHIBIT H WETLANDS

PREPARED FOR:

Village

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.

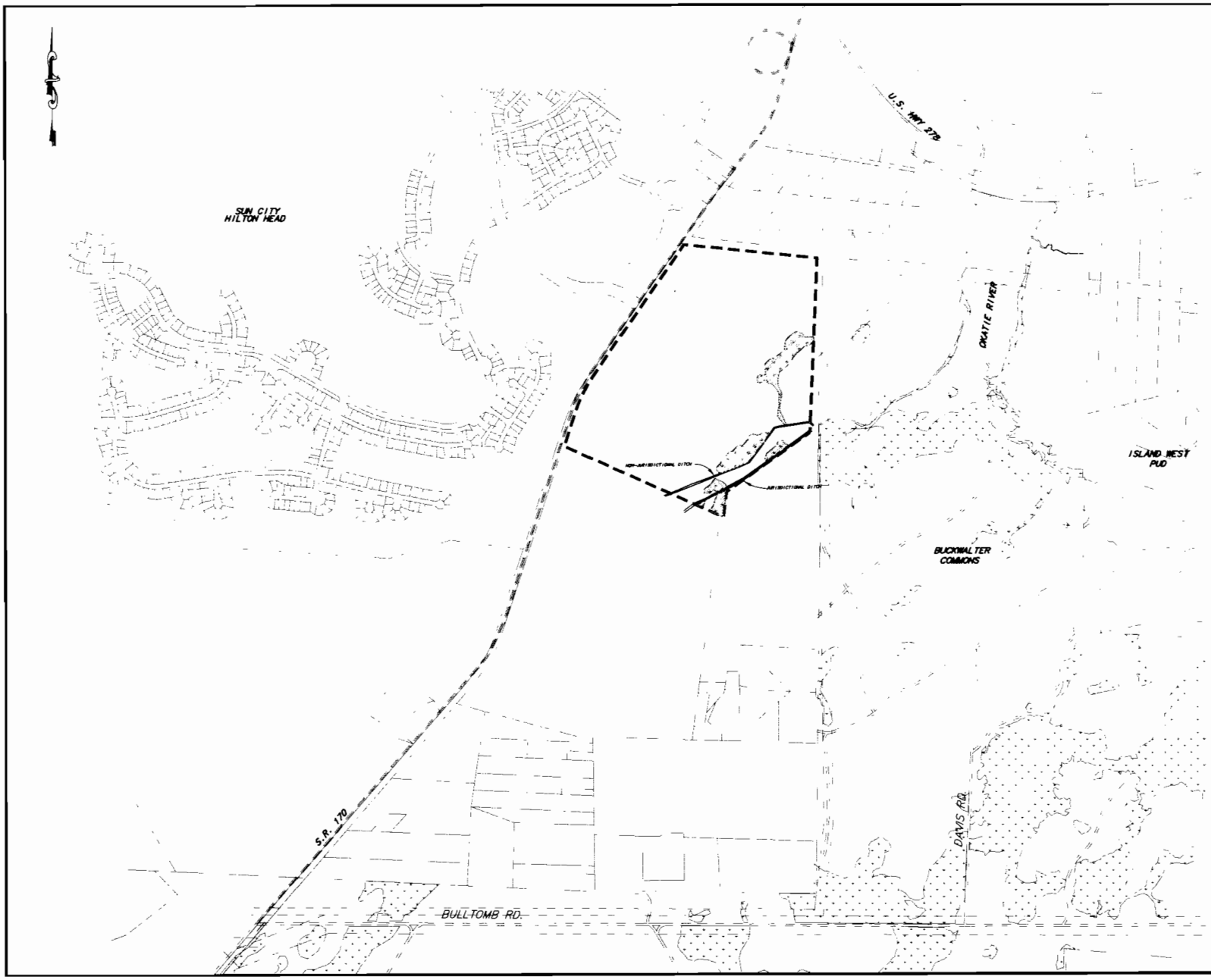
SAVANNAH, GEORGIA

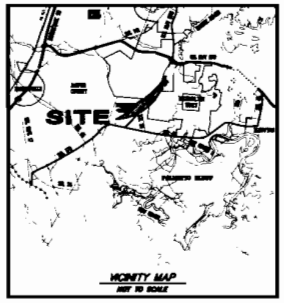
JOB # 10000 SCALE: 1" = 1000' DATE: APRIL 30, 2002

WOOD + PARTNERS, INC.

LANDSCAPE ARCHITECTS / LAND PLANNERS

HILTON HEAD ISLAND, SOUTH CAROLINA





VICINITY MAP
NOT TO SCALE

NOTES:

1. THIS EXHIBIT WAS COMPILED FROM REFERENCE PLATS, DEEDS, AND WAS NOT WORK PERFORMED BY THOMAS & HUTTON IN THE FIELD.
2. BACKGROUND PARCELS FROM BEAUFORT COUNTY TAX MAPS LAST UPDATED 1998.

LEGEND

- EXISTING DIRT ROADS (APPROX.)
- DRAINAGE DITCHES EXISTING OR DUG BY PERMIT
- EASEMENTS
- SURVEYED WETLANDS

WETLAND ACREAGE

UPLAND	± 113.48 AC.
– FRESHWATER WETLAND (NON-JURISDICTIONAL)	± 4.01 AC.
– FRESHWATER WETLAND (JURISDICTIONAL)	± 7.14 AC.
– JURISDICTIONAL DITCH	± 0.73 AC.
TOTAL	± 125.36 AC.

NON-JURISDICTIONAL DITCH

SEE MAP/EXHIBIT FILED IN
PLAT BOOK 90 AT PAGE 174
PURSUANT TO THE SOUTH CAROLINA
LOCAL GOVERNMENT DEVELOPMENT
AGREEMENT ACT § 6-31-10 et seq.

EXHIBIT I

THE VILLAGE AT VERDIER PLANTATION ENDANGERED SPECIES REPORT

Threatened and Endangered Species Survey Report

Verdier Plantation

Beaufort County, South Carolina

Prepared for:

The Village Development Company
13 Eisenhower Drive
Palm Coast, Florida 32164

Prepared by:

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

7 August 2002

Threatened and Endangered Species Survey Report
Verdier Plantation
Beaufort County, South Carolina

1.0 Introduction:

A threatened and endangered species survey was completed on July 10, 2002 on the Verdier Plantation located east of and adjacent to South Carolina Highway 170 and south of U.S. Highway 278 in Beaufort County, South Carolina (Figure 1). The survey was conducted to determine the potential occurrence of animal and plant species listed as threatened or endangered 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:

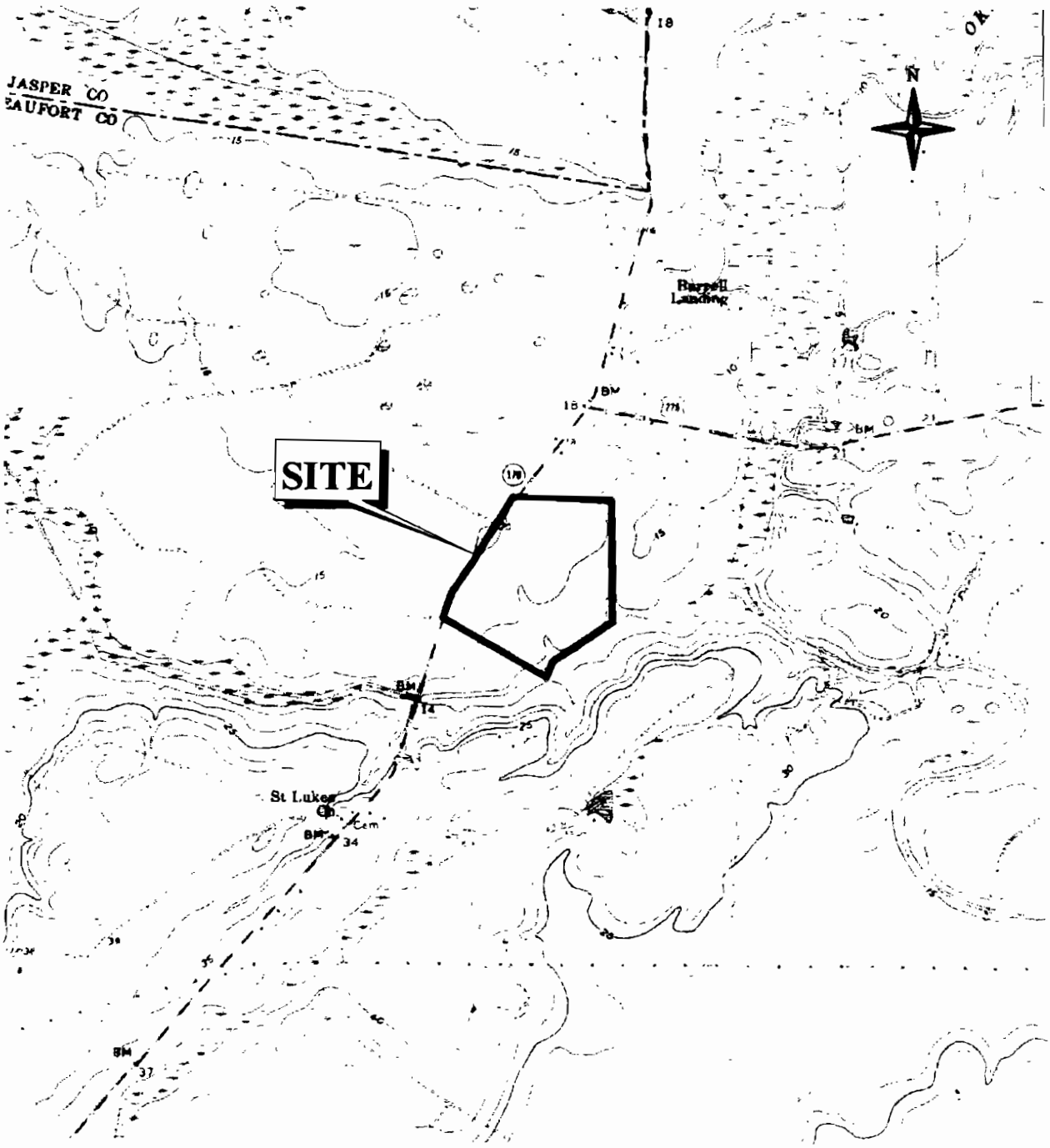
The threatened and endangered species survey consisted of a thorough pedestrian survey of the project site. If the potential habitat for a listed species was found on the site, all plants were identified at least to the genus taxonomic unit level to determine if the listed species was present.

The South Carolina Heritage Trust's "Occurrences of Rare and Endangered Species Map" for the Jasper Quadrangle was referenced to gather existing data regarding the presence or potential occurrence of threatened or endangered species on the subject site. After review of this map, no federally listed species populations have been recorded on the site.

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

Species	Status
Right whale (*Balaena glacialis*)	Endangered
Humpback whale (*Megaptera novaeangliae*)	Endangered
Finback whale (*Balaenoptera physalus*)	Endangered
Sei whale (*Balaenoptera borealis*)	Endangered
Sperm whale (*Physeter catodon*)	Endangered
Eastern indigo snake *(Drymarchon corais couperi)*	Threatened
West Indian manatee (*Trichecus mantus*)	Endangered
Bald eagle (*Haliaeetus leucocephalus*)	Threatened
Piping plover (*Charadris melodus*)	Threatened
Kemp's ridley sea turtle (*Lepidochelys kempi*)	Endangered
Leatherback sea turtle *(Dermochelys coriacea)*	Endangered
Loggerhead sea turtle (*Caretta caretta*)	Threatened
Green sea turtle (*Chelonia mydas*)	Threatened
Shortnose sturgeon (*Acipenser brevirostrum*)	Endangered
Red-cockaded woodpecker (*Picoides borealis*)	Endangered

Figure 1
U.S. Geological Survey
Jasper Quadrangle



NEWKIRK
ENVIRONMENTAL, INC

Verdier Plantation
Beaufort County, South Carolina

Flatwoods salamander *(Ambystoma cingulatum)*	Threatened
Wood stork (*Mycteria americana*)	Endangered
Canby's dropwort (*Oxypolis canbyi*)	Endangered
Pondberry (*Lindera melissifolia*)	Endangered
Chaff-seed (*Schwalbea americana*)	Endangered

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, bottomland hardwood forest wetlands, isolated gumpond depressional wetlands, and mixed pine/hardwood upland. Photographs of the different habitats are presented in Appendix A. The past land use for this site has been short timber rotations on the upland areas and long timber rotations in the wetland habitats.

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-five years or less. The understory species include water oak (*Quercus nigra*), live oak (*Quercus virginiana*), sweetgum *(Liquidambar styraciflua)*, red maple (*Acer rubrum*), persimmon (*Diospyros virginiana*), cherrybark oak (*Quercus pagoda*), sycamore (*Platanus occidentalis*), and horse-sugar (*Symplocos tinctoria*). The shrub species includes wax myrtle *(Myrica cerifera)*, American beautyberry (*Callicarpa americana*), coast pepperbush (*Clethra alnifolia*), winged sumac (*Rhus copallinum*), St. John's wort (*Hypericum spp.*), and gallberry (*Ilex glabra*). The herbaceous species present include bracken fern *(Pteridium aquilinum)*, muscadine *(Vitis rotundifolia)*, cinnamon fern *(Osmunda cinnamomea)*, bahia grass (*Paspalum nudum*), Virginia creeper (*Parthenocissus quinquefolia*), sedges (*Carex spp.*), and blackberry *(Rubus spp.)*. These areas have been managed for short rotation timber production and this habitat has been thinned within the past two years.

Bottomland Hardwood Forest Wetlands:
The site contains portions of a larger bottomland hardwood forest wetland area that extends through the southeast corner of the property. This area is dominated by laurel oak (*Quercus laurifolia*), red maple, willow oak (*Quercus phellos*), water oak (*Quercus nigra*), swamp tupelo (*Nyssa biflora*), swamp chestnut oak (*Quercus michauxii*), sweetgum, sweetbay (*Magnolia virginiana*), and slash pine (*Pinus elliottii*). The shrub species include wax myrtle, buttonbush (*Cephalanthus occidentalis*), and fetter bush (*Lyonia lucida*). Herbaceous species include netted chain fern (*Woodwardia areolata*), cinnamon fern, Virginia chain fern (*Woodwardia virginica*), royal fern (*Osmunda regalis*), poison ivy (*Toxicodendron radicans*), lizard's tail *(Saururus cernuus)*, and dwarf palmetto (*Sabal minor*). The bottomland hardwood forested wetland contains evidence of hydrological impacts associated with historic silvicultural ditches.

Gum Pond Depressional Wetland:
The gum pond habitat type is dominated by swamp tupelo, red maple, sweetgum, persimmon, willow oak, water oak, and slash pine in the overstory. The understory saplings and shrub species include red maple, persimmon, sweetgum, buttonbush, fetter bush, blueberry (*Vaccinium spp.*), coast pepperbush, wax myrtle, St. John's wort, and tupelo. The herbaceous layer is dominated by

Virginia chain fern, netted chain fern, cinnamon fern, royal fern, greenbrier (*Smilax spp.*), giant cane (*Arundinaria gigantea*), and sedges.

Mixed Pine/Hardwood Upland:
The mixed pine/hardwood upland habitat type is dominated by water oak, loblolly pine, sycamore, live oak, willow oak, sweetgum, red maple, American holly (*Ilex opaca*), and magnolia (*Magnolia grandiflora*). The shrub species found on the site include wax myrtle, American beautyberry, blueberry, gallberry, and St. John's wort. Herbaceous species include bracken fern, Virginia creeper, ebony spleen wort (*Asplenium platyneuron*), poison ivy, and greenbrier. Portions of this habitat type have been thinned within the past two years.

4.0 Findings:
The following is a brief discussion of each of the listed species habitat and the potential for the species to occur within Verdier Plantation.

4.1 Endangered Plants Habitat Descriptions:
Chaff-seed:
Chaff-seed's habitat is described as open, moist pine flatwoods, fire maintained savannas, 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, the plants commonly associated with chaff-seed or the specific habitat requirements were not observed on the subject site. Thus, we do not anticipate development of this site will adversely impact any individuals or populations of this plant.

Pondberry:
Pondberry is a small shrub that grows in sandy sinks and pond cypress (*Taxodium ascendens*)/gum pond margins. The Verdier Plantation site includes small depressional wetland areas which are considered marginal habitat for this endangered plant. There are no pond cypress depressional wetlands found within the project area. A thorough pedestrian survey was conducted in each of these isolated wetland areas and no individuals or populations of pondberry were located.

Canby's Dropwort:
Canby's dropwort 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 August through October. The isolated wetland areas present on site supported a closed canopy; therefore, inhibiting the growth of herbaceous species including Canby's dropwort. A thorough pedestrian survey was completed and no plants were located.

4.2 Endangered Animals:

Right, Humpback, Finback, Sei, and Sperm Whales:
These whales are known to inhabit the waters of the Atlantic Ocean including waters off the coast of South Carolina. The site contains no habitat typically associated with or required to support any of these species.

Eastern Indigo Snake:
The eastern indigo snake is found in South Carolina along dry longleaf pine/turkey oak (*Quercus laevis*) sandhill communities. They spend much of their time in underground burrows and feed on rodents, birds, other snakes, and frogs. They often use gopher tortoise burrows as suitable dwellings. Neither the eastern indigo snake nor habitat communities required to support this species was observed within the subject site. Thus no individual or population of the listed species is believed to be present on the site.

West Indian Manatee:
The west indian manatee is a large aquatic mammal whose habitat consists of warm coastal and spring fed waters. During winter months these mammals are primarily confined to the coastal waters of the southern half of Florida and the spring fed rivers of Florida and Georgia. During the summer months as the water temperature rises, the manatees range expands to as far north as Virginia and it is during these months that the manatees may occasionally utilize the estuaries of coastal South Carolina. Neither the manatee nor habitats associated with this species are present on the subject site.

Bald Eagle:
The bald eagle is a riparian species whose general habitat consists of the coasts, rivers and lakes near their nesting sites. Although tree selection and nesting sites vary, these birds typically nest in the tallest tree to allow for an open and clear viewing point and within 0.8-kilometers (0.5-miles) from the water body used for feeding. These birds are opportunistic feeders and will take a variety of prey, both living and dead, fish being the prey of choice. Decline of this threatened species has been attributed to environmental contamination resulting from the wide use of pesticides. This species is present within the coastal areas of South Carolina; however, no active or abandoned bald eagle nest sites are located on site.

Piping Plover:
The piping plover forages and nests on sandy beaches on the Atlantic Coast from South Carolina to the north shore of the Gulf of St. Lawrence, on sandy shores of the Great Lakes, and on alkaline wetlands and prairie river sandbars of the Northern Great Plains. Sparse clumps of grass or herbaceous vegetation are important habitat components. They feed on invertebrates found in the sand including insects, crustaceans, and mollusks. Habitat utilized by the piping plover does not exist on this project site.

Kemp's Ridley, Leatherback, Loggerhead, and Green Sea Turtles:
These large marine turtles inhabit the offshore waters of the Atlantic and Carribean. During nesting periods which fall within the summer months, these species leave the water to nest on sandy beaches and primary dunes. Turtle nests are not uncommon on the barrier islands of South Carolina and have been located in the past. This site does not contain suitable sea turtle habitat.

Shortnose Sturgeon:
This large (up to 43") fish, which is easily recognized by the shovel shaped snout, large fleshy barbels, and ventrally located mouth, is known to inhabit the waters of coastal South Carolina. This species inhabits river mouths, bays and estuaries and depending on the water temperature enters freshwater to spawn during January through May. Acknowledged spawning periods for this area normally occur from February through March. Normal spawning locations are characterized by swift currents over gravel, rubble, or submerged timber/logs. Nursery habitat for this species is normally found downstream of the freshwater/saltwater line and is associated with a sandy bottom. The subject site does not contain habitat required to support this species.

Red-Cockaded Woodpecker:
The red-cockaded woodpecker (RCW) survey on the site 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 RCW requires old growth pine forest habitat for cavity excavation, foraging and nesting. The majority of the upland area is less than twenty-five years old. Neither evidence of the endangered RCW nor the specific pine old growth forest habitat it requires for foraging and nesting was observed during the pedestrian survey. Thus, we do not anticipate populations of the endangered RCW are present on the site.

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 up slope 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, swamp tupelo, or slash pine dominated depressions which dry completely on a cyclic basis. These wetlands are generally shallow and

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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.

relatively small and have a marsh like appearance with sedges growing throughout; wiregrasses, panic grasses and other herbaceous species concentrated in shallow water edges. A relatively open canopy is necessary to maintain a herbaceous component which serves as cover for the flatwoods salamander larvae.

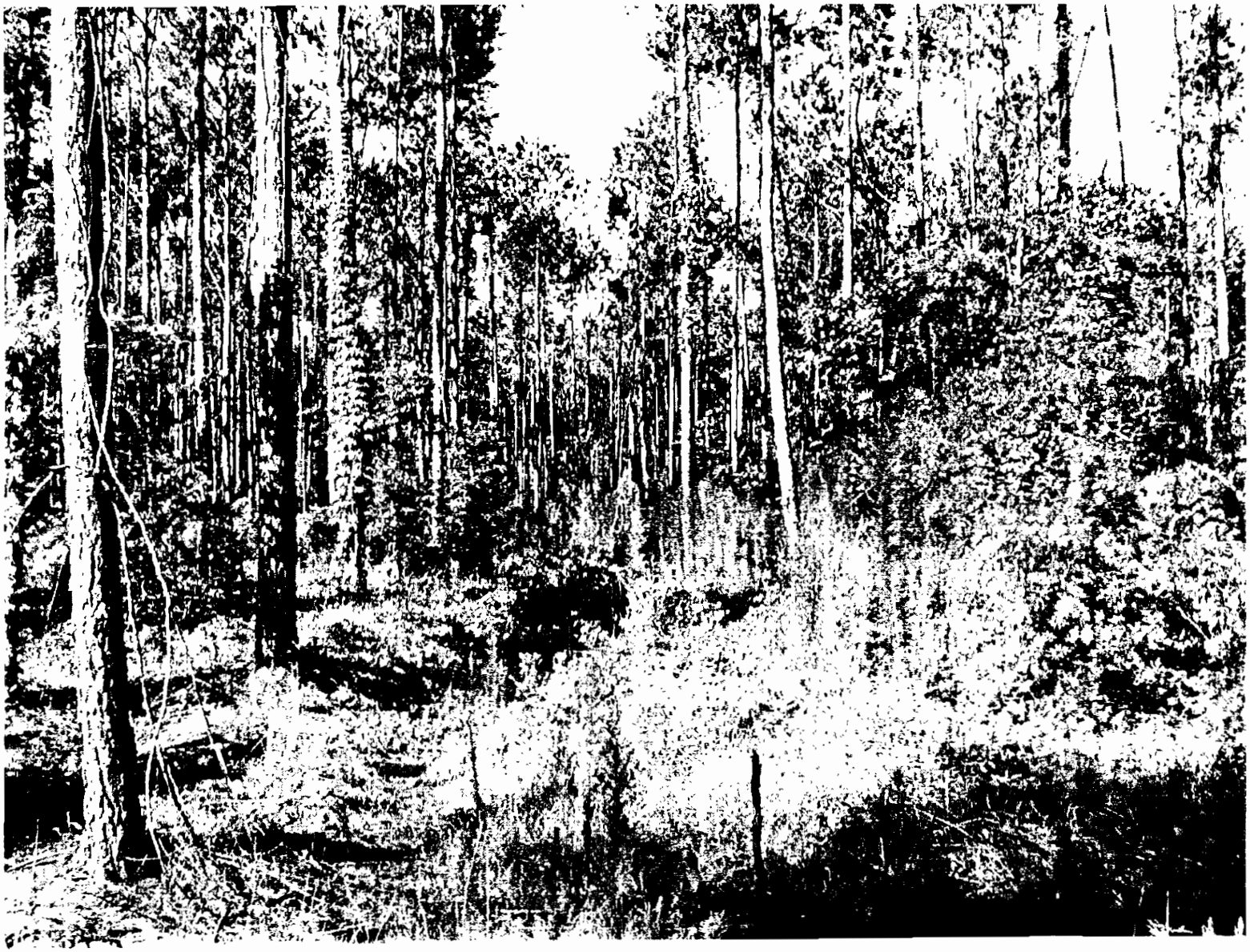
Although the project area contains isolated gum pond depressional wetland areas, these wetland areas support a closed canopy. Therefore, the herbaceous component needed to support the flatwoods salamander is not found in the isolated wetland areas. No evidence of this species or the specific habitat requirements of the flatwoods salamander are located on site.

Wood Stork:
The wood stork was listed endangered by USFWS on February 28, 1984 (Federal Register 49 (4); 7332-7335). Wood storks use freshwater and estuarine wetlands as feeding, nesting, and roosting sites, and annual population fluctuations are closely related to the year-to-year differences in the quality and quantity of suitable habitat. The overall decline in wood stork numbers is attributed to the loss or degradation of essential wetland habitat primarily in southern Florida. No critical nesting habitat or any wood stork rookeries were located within this subject site.

5.0 Conclusion:
Based on the results of our pedestrian survey of the habitats on the subject site, it is our opinion that the critical habitat typically associated with the listed threatened or endangered species for Beaufort County was not observed. No individual or population of any federally listed species was observed during the time of the survey of Verdier Plantation. 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

Site Photographs



Photograph 1 depicts the upland pine plantation habitat type. Note the evidence of timber harvesting activities.

Photograph 2 depicts the upland pine plantation habitat type. Note the abundance of naturally regenerating species following recent timber harvesting activities.

Photograph 3 depicts the gum pond depressional wetland habitat type. Note the lack of shrub and herbaceous species due to the closed canopy this habitat supports.

Photograph 4 depicts the gum pond depressional wetland habitat type. Note the relatively thick mid-story present within this wetland.

Photograph 5 depicts the bottomland hardwood forested wetland habitat type. Note the relatively thin shrub and herbaceous layers present within this portion of the habitat type.

Photograph 6 depicts the bottomland hardwood forested wetland habitat type. Note the ditch present with this portion of this habitat type.

Photograph 7 depicts the mixed pine/hardwood upland habitat type. Note the evidence of recent timber harvesting activities where the majority of the pines were removed.

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
www.bjwsa.org

DEAN MOSS, General Manager

July 11, 2002

Mr. Nicholas D. Stanley, P.E.
Thomas & Hutton Engineering Co.
Post Office Box 2727
Savannah, Georgia 31402

Re: Verdier Plantation

Dear Nick:

I have reviewed the initial master plan for water and wastewater services to the above referenced project and find that BJWSA has sufficient capacity to serve the project with water and wastewater services. No capacity commitment will be issued until the capital contribution fees are paid in full.

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

Sincerely,

Richard Deuel
Senior Engineering Manager

mm

JIM CARLEN
CHAIRMAN

WILLIAM P. HENDRICKS
VICE CHAIRMAN

JOHN R. PHILLIPS
SECRETARY/TREASURER

MICHAEL L. BELL
JAMES P. "PAT" O'NEAL

CHARLENE C. COOLER
JOHN D. ROGERS

THOMAS C. DAVIS, ESQ
CHARLIE H. WHITE

D H E C
PROMOTE PROTECT PROSPER
South Carolina Department of Health and Environmental Control

Low Country District
Environmental Quality Control
104 Parker Drive
Burton, SC 29906
843-846-1030 Fax: 843-846-0604

Serving
Beaufort, Colleton,
Hampton and Jasper Counties

July 9, 2002

Mr. Nicholas D. Stanley, P.E.
Thomas & Hutton Engineering Co.
Post Office Box 2727
Savannah, Georgia 31402-2727

RE: Verdier Plantation Annexation
Town of Bluffton, SC

Dear Mr. Stanley:

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 proposed development is located on 125 acres on Hwy 170 across from the entrance to Sun City Hilton Head.

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.

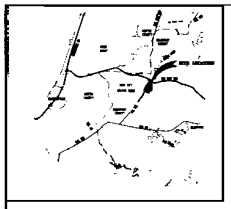
Should have any questions or require any additional information, please feel free to call me at 843-846-1030.

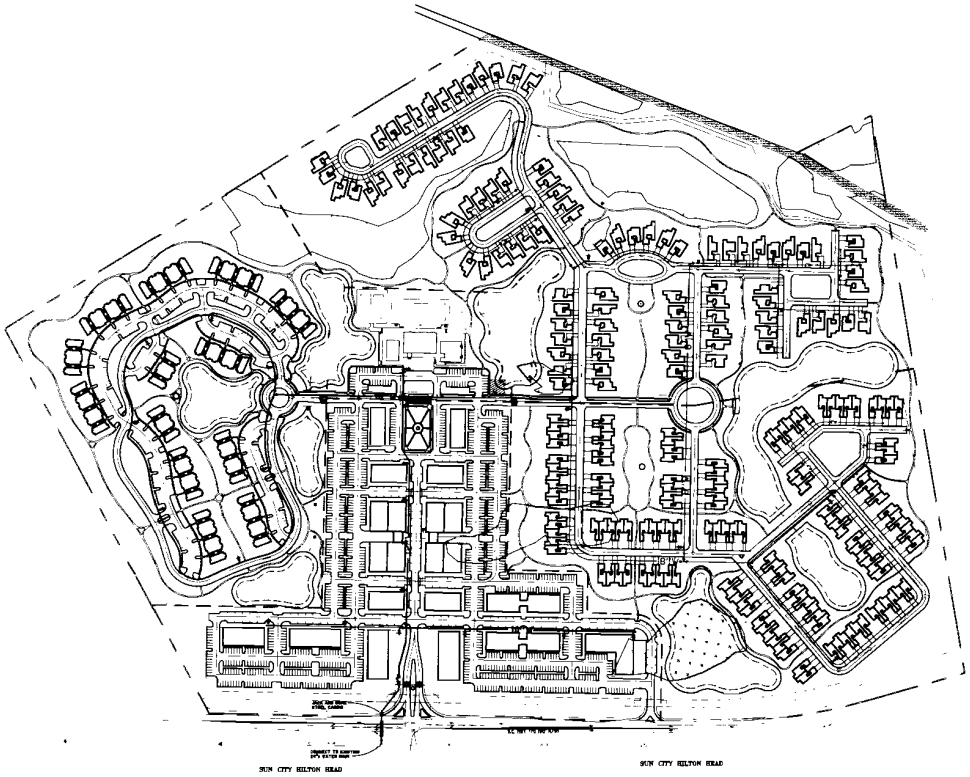
Sincerely,

Penny Cornett

Penny Cornett
District Engineer
Environmental Quality Control
Low Country District EQC

cc: Russell Berry
Dave Payne





Village

PRELIMINARY
WATER DISTRIBUTION
MASTER PLAN

PREPARED FOR:
THE VILLAGE
DEVELOPMENT COMPANY

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO
SAVANNAH, GEORGIA

LAND PLANNING PREPARED BY:
WOOD AND PARTNERS, INC

JUNE 26, 2002
#15036

LEGEND

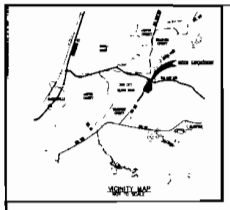
- 4" WATER MAIN
- 8" WATER MAIN
- 10" WATER MAIN
- 12" WATER MAIN
- EXISTING 24" WATER MAIN
- FIRE HYDRANT
- VALVE
- PLUG

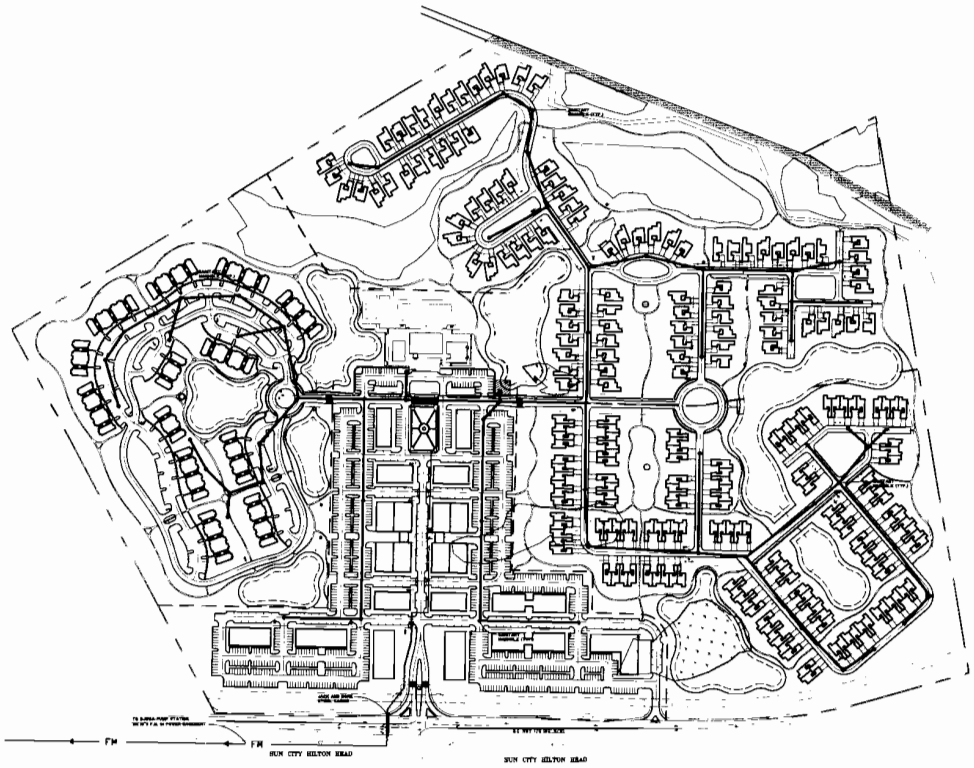
GRAPHIC SCALE

100 0 100 200 400 800

(IN FEET)
1 inch = 200 ft

SEE MAP/EXHIBIT FILED IN
PLAT BOOK 90 AT PAGE 175
PURSUANT TO THE SOUTH CAROLINA
LOCAL GOVERNMENT DEVELOPMENT
AGREEMENT ACT § 6-31-10 et seq.





Village

PRELIMINARY
SANITARY SEWER
MASTER PLAN

PREPARED FOR:
THE VILLAGE
DEVELOPMENT COMPANY

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO
SAVANNAH, GEORGIA

LAND PLANNING PREPARED BY
WOOD AND PARTNERS, INC

JUNE 26, 2002
J-15036

LEGEND.

- 8"ø SANITARY SEWER
- 8"ø FORCE MAIN
- SANITARY MANHOLE
- PUMP STATION SITE

GRAPHIC SCALE

100 0 100 200 400 800

(IN FEET)
1 inch = 200 ft

SEE MAP/EXHIBIT FILED IN
PLAT BOOK 90 AT PAGE 116
PURSUANT TO THE SOUTH CAROLINA
LOCAL GOVERNMENT DEVELOPMENT
AGREEMENT ACT § 6-31-10 et seq.

EXHIBIT K

SERVICE LETTERS FROM PALMETTO ELECTRIC COOPERATIVE, INC.

PALMETTO
ELECTRIC COOPERATIVE INC.

One Cooperative Way Hardeeville, SC 29927-5123 843-208-5551

July 10, 2002

Nicholas D. Stanley, P. E.
Thomas & Hutton Engineering Co.
P. O. Box 2727
50 Park of Commerce Way
Savannah, GA 31402-2727

Re: Verdier Plantation Annexation - Bluffton, SC

Dear Nick:

Palmetto Electric Cooperative, Inc. ("PECI") has ample power available to serve the above-referenced site. Preliminary engineering designs are presently being prepared.

As the project progresses, please provide detailed electrical load requirements so that a detailed redline drawing can be provided. PECI will require an electric utility easement and a residential underground and commercial underground electric agreement prior to expansion of the electric power grid.

Please complete and return the enclosed easement information form so that we may draft an electric utility easement. When the easement has been completed and recorded by the RMC Office, a copy will be forwarded to you for your files.

PECI has a highly successful lighting program, which we would like to discuss with you at your convenience. I have enclosed an "Illuma Knight" lighting brochure for your review.

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. Dan Wood PECI
Mr. Parks Moss, PECI

EXHIBIT L

SERVICE LETTER FROM BLUFFTON TELEPHONE COMPANY AND HARGRY COMMUNCIATIONS

Hargray Communications

July 12, 2002

Nicholas Stanley
Thomas & Hutton Engineering
P.O. Box 2727
Savannah,GA 31402-2727

RE: Verdier Plantation Annexation, Town of Bluffton, SC

Dear Mr. Stanley:

The above-reference property is in the Hargray Telephone Company service area and this is to advise that Hargray has the ability and will be able to accommodate all of the telephone and cable television needs for this project.

Enclosed herewith is a Project Application Form to be completed by the owner/developer of the project and submitted to the Telephone Company along with two (2) sets of site plans/construction drawings. Upon receipt of the site plans/ construction drawings and the completed Project Application Form we will complete a preliminary design of the telephone plant, and designate the proposed location of our facilities on the one (1) set of the site plans/construction drawings. We will thereafter return to you one (1) set of the site plans/construction drawings showing our facilities location along with our Letter of Intent to serve the project, subject to any conditions that may be applicable.

If I can be of further assistance, please do not hesitate to call.

Sincerely,

Tommy W. Brown
Planning & Design Engineering Supervisor

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

Requirement for Letter of Intent to Provide Service

HARGRAY TELEPHONE CO., INC.
BLUFFTON TELEPHONE CO., INC.
HARGRAY CATV CO., INC.

Engineering Services Construction Application

CONTACT INFORMATION

Project Owner Name:	The Village Development Co.	Phone No.:	386-437-8181
Address:	13 Eisenhower Place	City, State, Zip	Palm Coast, FL 32164
Developer Name:	Same as Owner	Phone No.:	Same as Owner
Address:	Same as Owner	City, State, Zip	Same as Owner
Project Manager Name:	William F. McCroy, Jr.	Phone No.:	386-437-8181
Address:	13 Eisenhower Place	City, State, Zip	Palm Coast, FL 32164

PROJECT INFORMATION

Project Name/Location	The Village at Verdier Plantation / Directly across the entrance from Sun City on Hwy 170		
Proposed Start and Finish Dates	January 2003 / January 2005	Lots	±400 residential units
No. of Phases n/a	Units Per Phase n/a	Condominium Units	n/a
Comments:		Commercial Sq. Ft.	±200,000 sf

REQUIREMENTS INFORMATION

APPLICATION REQUIREMENTS

****Engineering note: Check boxes that apply to applicant.**

Hargray & Bluffton Telephone and Hargray CATV must have copies of the following items before we can furnish a "Letter of Intent" and schedule your project.

☐ Two copies of development or site plans indicating property and/or lot lines, proposed buildings, roads, parking, water, sewer and drainage layout.

PROJECT REQUIREMENTS

These must be in place before service can be provided.

☐ * Commercial Buildings-Apartments-Villas
Minimum 4 inch diameter conduit Sch. 40 PVC with pull string buried at 24 to 30 inch depth, from the equipment room or power meter location to a point designated by Hargray at the road right-of-way or property line. **Conduits are required from each building site & multiple conduits may apply.**

☐ * Commercial buildings with multiple "units" may require conduit(s) minimum ¾" from main equipment entry point to termination point inside unit. Plenum type ceilings require conduits or flame retardant Teflon wiring to comply with code.

☐ Hotel or large commercial project requirements would be two (2) 4 inch diameter Sch. 40 PVC underground conduits.

☐ **Equipment rooms to have ¾ inch 4'x8' sheet of plywood mounted on wall to receive telephone equipment.**

☐ **A power ground accessible at equipment room or an insulated #6 from the service panel or power MGN to the backboard.**

☐ Residential wiring requires minimum three pair twisted in loop configuration (industry standard).

☐ **CATV inside wiring will be RG6 foil wrapped 66% braid minimum, home run to each outlet.**

☐ All interior wiring should be pulled to the area immediately adjacent to the plywood backboard or power meter location. A minimum of 5' of slack is required for terminations.

☐ Easements are required.

*** Commercial projects require pre-construction meeting with Telco/CATV Company to review requirements.**

I understand and agree to provide or meet the application and project requirements as stated above and to inform the contractor/builder of these requirements. I understand that if the project design changes or the proposed start date is delayed by nine (9) months or more, that I must submit a new application. All costs incurred by TELCO resulting from any requested change or failure to comply with minimum requirements, shall be borne by the Developer. **Aid in or Aid to Construction may apply to certain projects.**

Applicant/Representative	7/9/02 Date	Engineering Services Representative	Date

Hargray Engineering Services – Hilton Head Island, (843) 686-1195, FAX 686-1247
Bluffton (843) 815-1676, FAX 815-6201 **Hardeeville (843) 784-1470, FAX 784-2666**

EXHIBIT M

TRAFFIC ANALYSIS

TRAFFIC ASSESSMENT

THE VILLAGE AT VERDIER PLANTATION
BLUFFTON, SOUTH CAROLINA

JULY 2002

Prepared for:
Longview Village Development Company
Palm Coast, Florida

Prepared by:
Thomas & Hutton Engineering Co.
935 Houston Northcutt Blvd.
Mt. Pleasant, SC 29464
(843) 849-0200

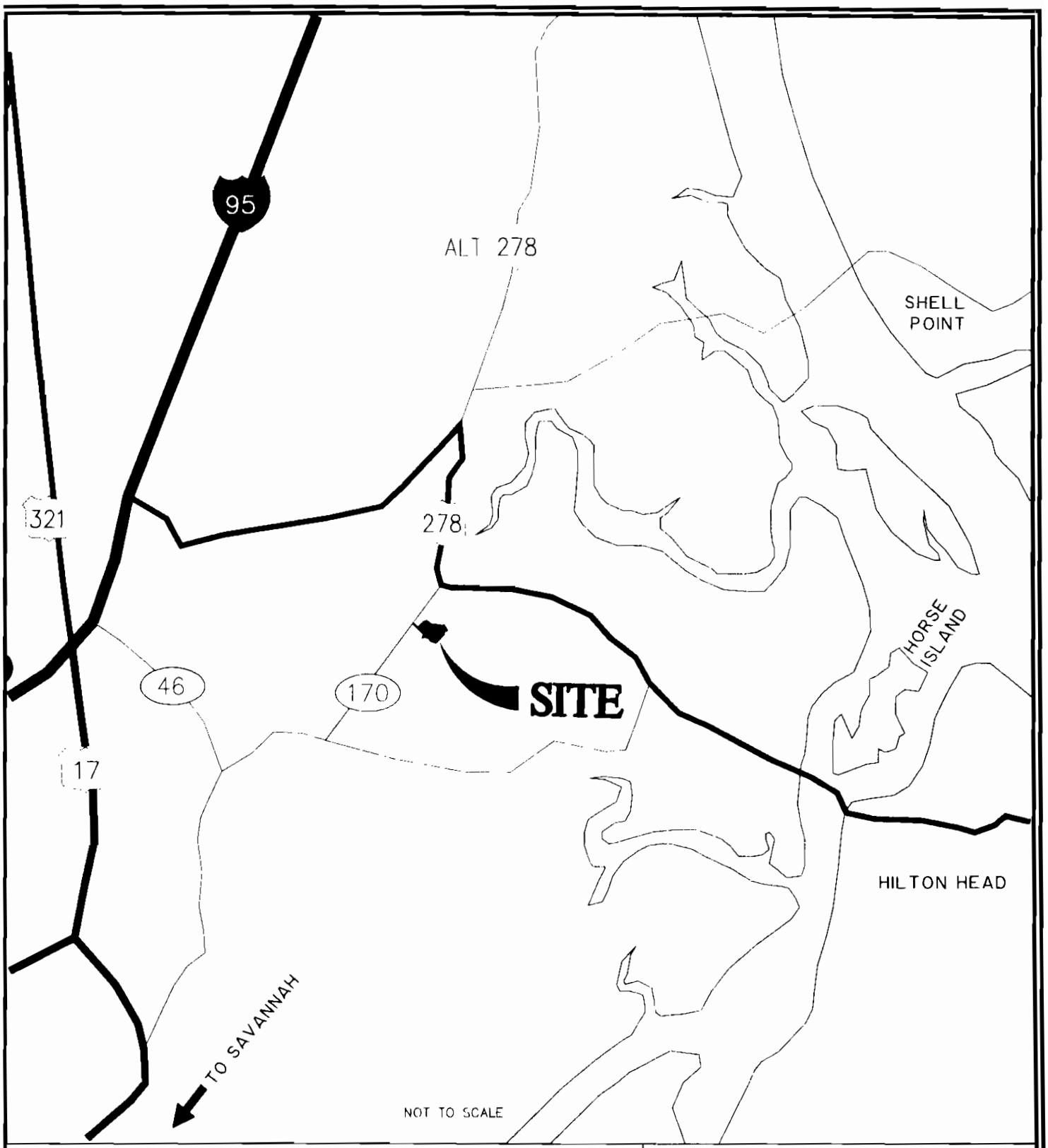
J-14938

The following analyses were conducted to determine traffic impacts and the need for lane improvements at the entrances to the proposed Village at Verdier Plantation. The proposed development will be a multi-use development consisting of 95 "patio" homes, 355 condominiums/townhomes, 140,000 square feet of office space, 60,000 square feet of retail space, and 60 residences above the retail shops.

The development is proposed for an area off of SC 170 west of the Town of Bluffton. Two access points are proposed, both along SC 170. The main entrance will be directly opposite the existing entrance to the Sun City Development. A secondary access will be provided south of the main entrance, but will allow only right-in, right-out traffic. The location of the property is shown in **Figure 1**.

Figure 1

N:\14938\DWG\TRAFFIC\14938T03-Vicmap dwg Jul 12, 2002 12:08 57



THE VILLAGE AT VERDIER PLANTATION
TRAFFIC STUDY

FIGURE I: VICINITY MAP

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD
SUITE 100
MOUNT PLEASANT S.C. 29464 (843)849-0200

TRIP GENERATION

Trips generated by the proposed development were estimated using the standard methodology and equations in the Institute of Transportation Engineers (ITE), Trip Generation, 6th Edition, 1997. For trip generation purposes, all of the condominium/ townhouses/ homes above retail shops were classified as "residential condominium/townhouses". Table 1 shows the trip generation for the site: weekday rates were measured.

Figure 2 on the following page shows the currently proposed layout of the Village at Verdier Plantation. The Village will be a mixed-use development containing residential, retail, and office land uses. An internal capture rate of 10% will be used to account for trips between land uses within the development. The Master Plan incorporates an extensive trail system. Trails travel throughout the property, providing pedestrian access to all sections and separate land uses within the development. Pedestrian trips could eventually make up a significant portion of the total trips contained within the Village.

Table 1. Trip Generation

ITE TRIP GENERATION – VILLAGE AT VERDIER PLANTATION WEEKDAY RATES						
LAND USE CODE	LAND USE	24 HOUR	AM PEAK IN	AM PEAK OUT	PM PEAK IN	PM PEAK OUT
210	95 Single Family Homes	989	19	57	66	37
230	415 Condos/ Townhouses	2183	25	133	133	66
710	140,000 SF of Office Space	1,718	214	29	41	196
814	60,000 SF of Retail Space	2,440	0	0	67*	89*
Total		7330	258	219	307	388
Minus 10% Internal Capture		-733	-26	-22	-31	-39
TOTAL TRIPS TO DEVELOPMENT ACCESS POINTS		**6,597**	**232**	**197**	**276**	**349**

*Includes "pass by" trips – see "Site Generated Trips at Key Intersections" section
Source: Institute of Transportation Engineers, Trip Generation, 6th Edition, 1997

FIGURE 2
DEVELOPMENT MAP

TRIP GENERATION (CONT. - COMPARISONS TO PREVIOUS ZONING)

Earlier planning and zoning efforts intended the project site to be used as a research and development center. Based upon a preliminary planning effort, the research and development center was to consist of 460,000 square feet of general office space and 520,000 square feet of high technology industrial space. Using the ITE procedures, trip generation figures were calculated for a research and development center, and are shown in Table 2.

Table 2. Trip Generation for Research and Development Center

ITE TRIP GENERATION – PREVIOUS LAND USE PLAN WEEKDAY RATES						
LAND USE CODE	LAND USE	24 HOUR	AM PEAK IN	AM PEAK OUT	PM PEAK IN	PM PEAK OUT
710	460,000 SF of Office Space	4283	552	74	101	492
760	520,000 SF Research and Development Center	3978	478	99	78	447
TOTAL TRIPS TO EXTERNAL NETWORK		**8261**	**1030**	**173**	**179**	**939**

As shown, the currently proposed Village at Verdier Plantation would generate less daily traffic than a research center, and much less peak hour traffic. The total number of daily trips generated by the Village vs. the Research Center was estimated at approximately 7,300 and 8,300, respectively (see tables 1 and 2). Because the Village would be a mixed-use community, some degree of internal capture could be assumed, bringing the total number of daily trips added to the surrounding roadways to approximately 6,600.

Office space generally has higher concentrations of traffic (than residential land uses) during the peak hours. The number of peak hour trips is estimated to be almost twice as high for the Research Center than for the Village in the afternoon peak, and almost 3 times as high in the morning peak.

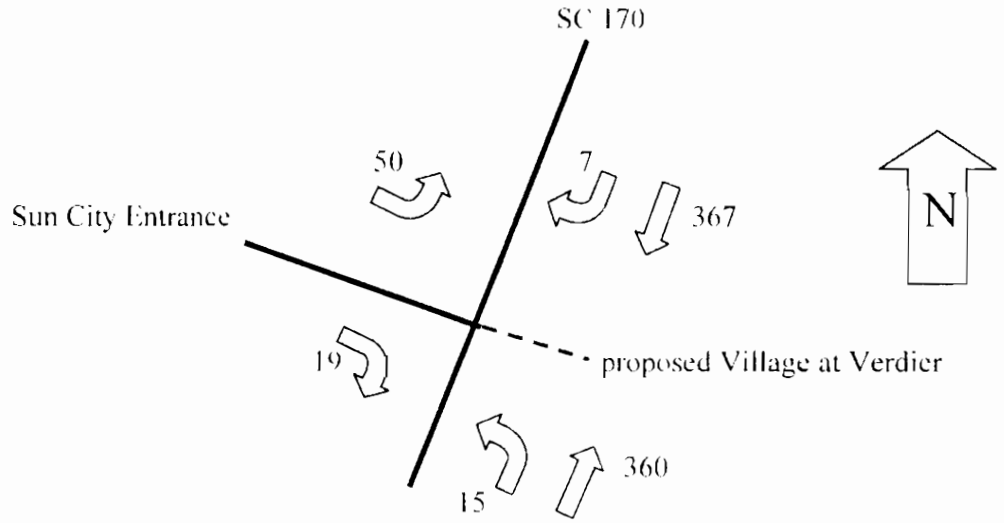
EXISTING CONDITIONS

SC 170 connects US 278 and SC 46. It is a State Route that provides one lane in each direction. Land uses along the roadway are mostly undeveloped with some sporadic residential development. The speed limit varies along SC 170 from 45 mph to 55 mph, but is 45 mph near the project site.

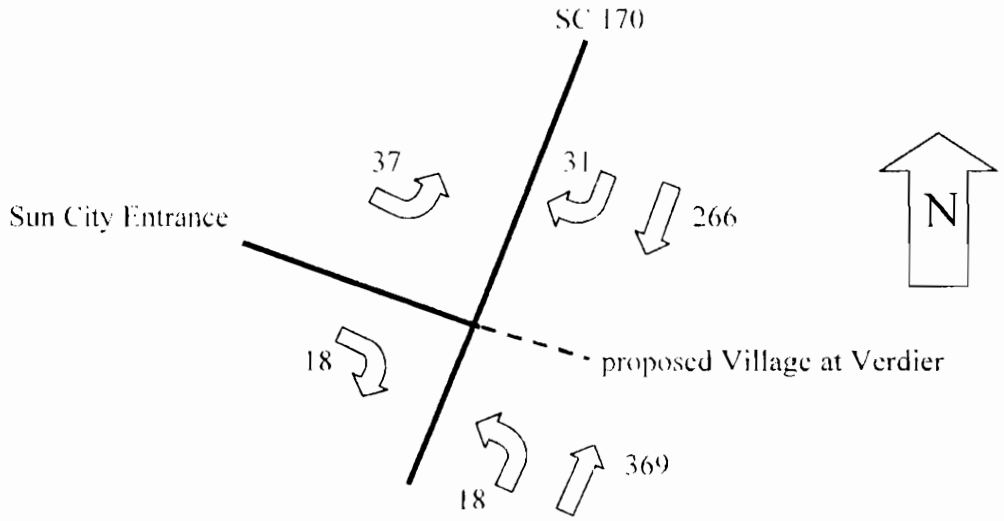
The main access to the Village at Verdier is proposed directly opposite the entrance to the Sun City development. Traffic counts were taken at the existing intersection on July 10, 2002. Existing morning and afternoon peak hour volumes are shown in **Figure 3**.

Figure 3. Existing (2002) AM and PM Peak hour volumes

AM



PM

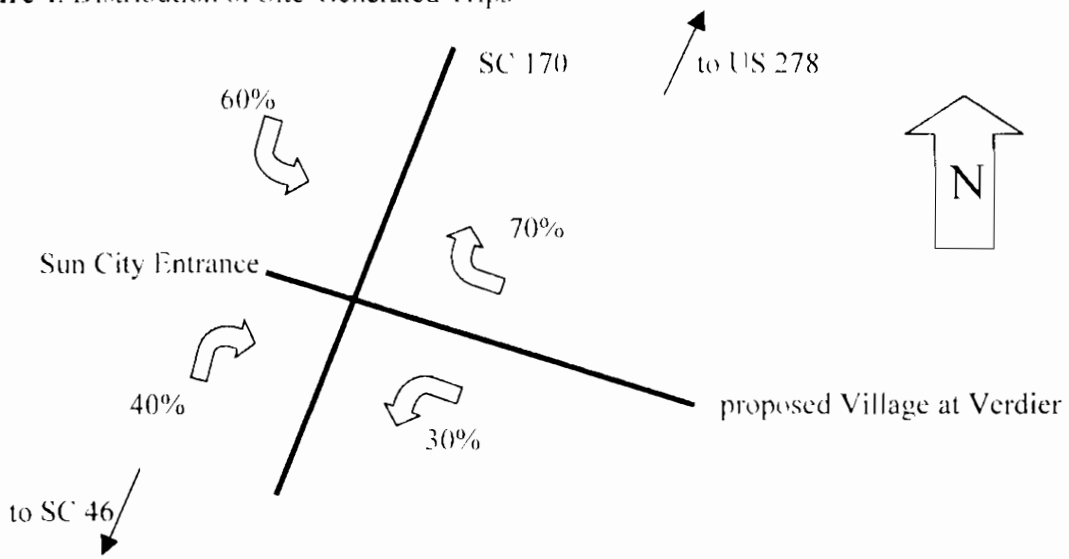


TRIP DISTRIBUTION

Two access points to the development are planned. The main access will be directly opposite the entrance to the Sun City development. It will allow all turning movements. A secondary access will be located south of the main entrance and will allow only right-in, right-out movements.

The 2002 traffic counts were used to determine the directional distribution of the site traffic in this study. The assumed directional distribution percentages are shown on **Figure 4.** As shown, most of the site-generated traffic is assumed to head toward or come from US 278. Inbound and outbound trips are shown separately.

Figure 4. Distribution of Site-Generated Trips



SITE GENERATED TRIPS AT KEY INTERSECTIONS

Since the development includes a significant amount of retail development, it can be assumed that some of the trips to the retail stores could be classified as "pass-by" trips. Pass-by trips are made by vehicles already on the existing roadway and do not add to the "new" traffic generated by the development. Pass-by trips are made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. It will be assumed that 35% of the afternoon peak hour trips (to retail only) can be classified as "pass-by" trips.

As shown in Figure 3, it is assumed that most of the site-generated trips will originate from the north and US 278. The amount of site-generated trips at several key intersections was calculated; pass by trips associated with the retail uses were subtracted from the totals.

SC 170 AND US 278

Trip distribution assumptions indicate that 70% of the outbound trips from the Village at Verdier will travel north toward US 278, 60% of the inbound trips will come from US 278. These assumptions yield an impact at the US 278 intersection of approximately 277 new morning and

374 new afternoon peak hour trips. These total trips include vehicles headed both to and from the Village at Verdier Plantation.

SC 170 AND SC 46

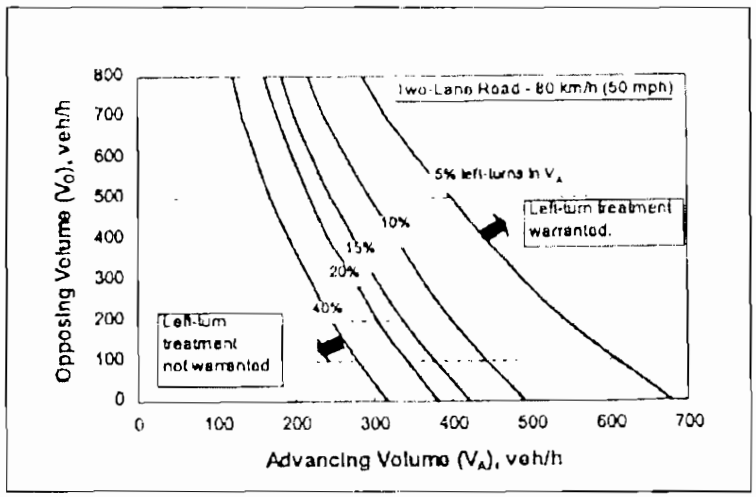
Using the assumptions mentioned above, the total number of site-generated trips at SC 170/ SC 46 intersection would be 152 in the morning peak hour and 195 in the afternoon peak hour.

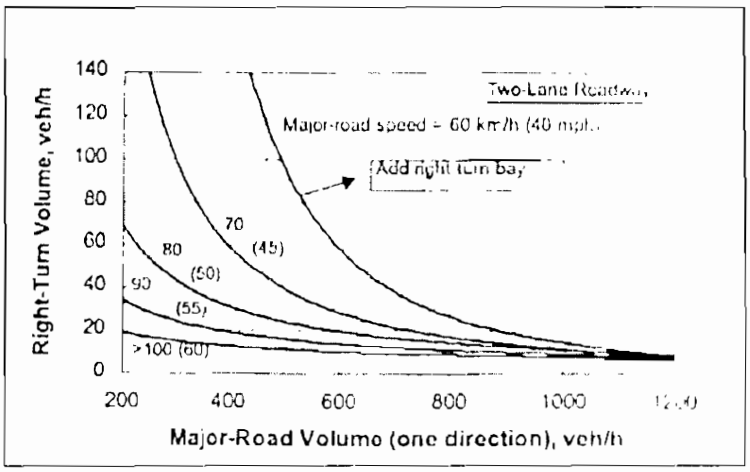
TRAFFIC IMPACTS AND RECOMMENDATIONS

The 2002 traffic volumes along SC 170 are projected into the future using a 2% growth rate. The volumes turning into and out of the Sun City development are expected to remain somewhat constant over the next 5 years. The trips generated by the Village at Verdier Plantation were added to the intersection and are shown in the **Figure 5** on the following page. It was assumed that the secondary access (which allows only right-in, right-out movements) would attract 20% of the trips inbound from the south and outbound toward the north.

Given the projected traffic volumes, the addition of a left turn bay on southbound SC 170 and a right turn bay on northbound SC 170 is justified at the main subdivision entrance. This recommendation is based on figures found in the recent (2001) National Cooperative Highway Research Program (NCHRP) Report 457, "Evaluating Intersection Improvements: An Engineering Study Guide," shown below.

Guidelines for installation of a left turn bay on a two-lane roadway

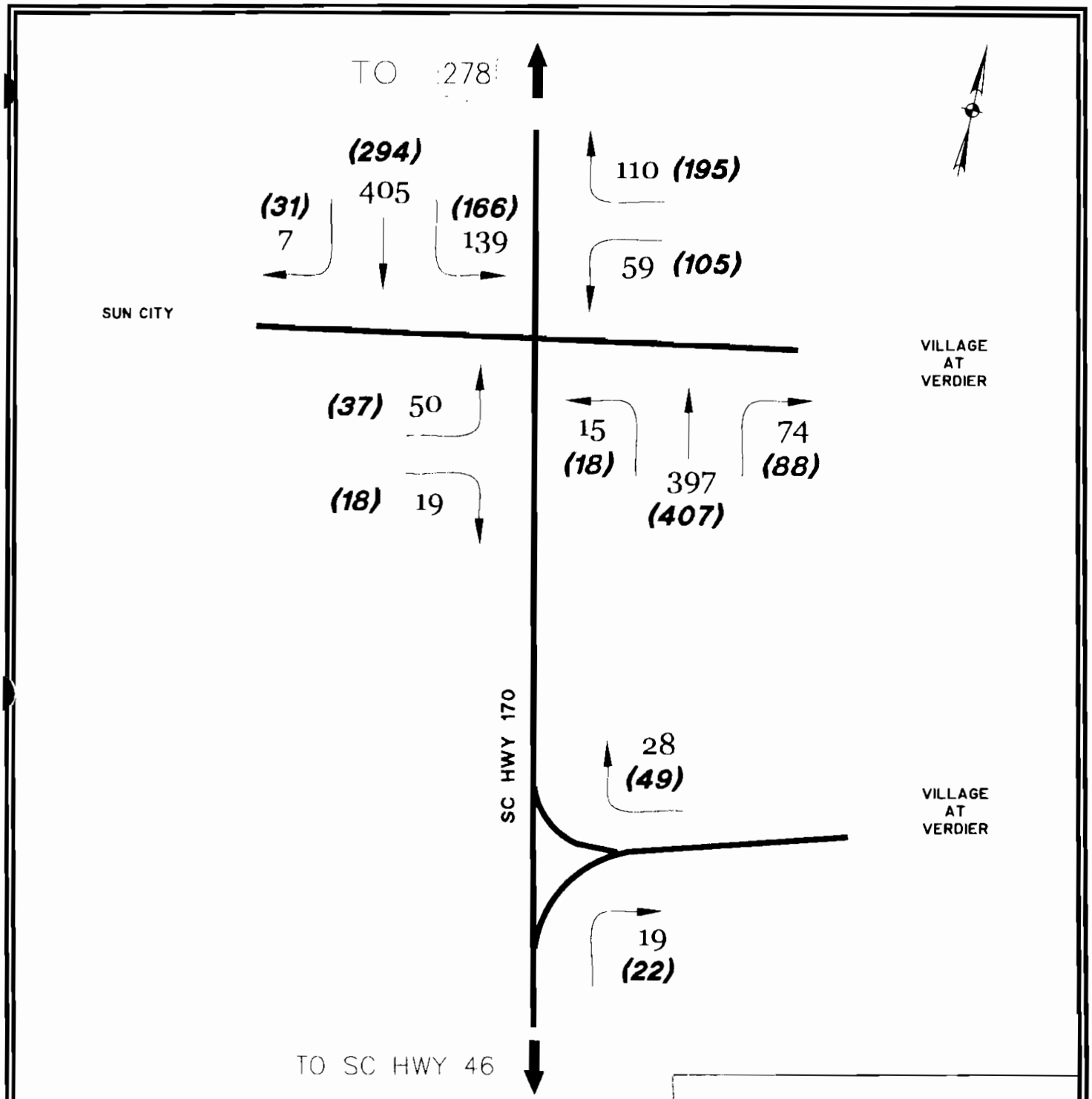




Guidelines for installation of a right turn bay on a two-lane roadway

Figure 5

2007 TRAFFIC VOLUMES



000 AM PEAK HOUR VOLUMES

(000) PM PEAK HOUR VOLUMES

THE VILLAGE AT VERDIER PLANTATION TRAFFIC STUDY

FIGURE 5: 2007 PROJECTED VOLUMES

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD
SUITE 100
MOUNT PLEASANT S.C. 29464 (843)849-0200

As mentioned earlier, the southern entrance is expected to attract approximately 20% of the inbound trips from the south and outbound trips to the north (see projected volumes Figure 5). Only right-in, right-out movements will be permitted; therefore, a left-turn lane on SC 170 is not necessary. Because most of the traffic is assumed to use the main entrance, a separate right turn bay on northbound SC 170 is not necessary at the secondary entrance.

A capacity analysis of the existing and the proposed intersection was completed using the Highway Capacity Software 2000. With the proposed configuration, all approaches to the intersection will function at adequate levels of service in the design year. For unsignalized intersections, an overall level of service is not given; rather, each movement is calculated separately. **All movements along SC 170 operate at LOS A.** A summary of the level of service for the minor movements is shown below.

Movement	Level of Service[1]	
	AM Peak	PM Peak
2002 Conditions (Existing traffic volumes)		
Eastbound Approach (leaving Sun City)	LOS C	LOS B
Westbound approach (leaving the Village at Verdier)	N/A	N/A
2007(with construction of the Village at Verdier Plantation)		
Eastbound Approach (leaving Sun City)	LOS D	LOS D
Westbound approach (leaving the Village at Verdier)	LOS C	LOS C

[1]Capacity analysis worksheets are included in the Appendix.

GENERAL COMMENTS

A free right turn with an acceleration lane for vehicles exiting the Village headed north on SC 170 was not considered. As a State Route, SC 170 must adhere to the SCDOT Access and Roadside Management Standards. These standards state, "An acceleration lane shall not be permitted on a two or three lane roadway." This SCDOT policy is intended to prevent conflicts between merging and through vehicles that could force a through vehicle into on-coming traffic.

SUMMARY OF RECOMMENDATIONS

The main access point to the proposed Village at Verdier Plantation should include a separated right turn lane on SC 170 for northbound traffic and a separated left turn lane for southbound traffic. Turn lanes at the main entrance should be constructed in accordance with the SCDOT Access and Roadside Management Standards. The speed limit in the vicinity of the intersection is 45 mph; the SCDOT guidelines suggest that the length of the turn lanes include 200' of storage and 180' taper.

As planned, the outbound approach to SC 170 will be wide enough to accommodate separate left and right turning movements. A separate right turn lane for vehicles turning on to northbound SC 170 and a combination left/through lane for vehicles headed into Sun City or turning on to southbound SC 170 will be provided.

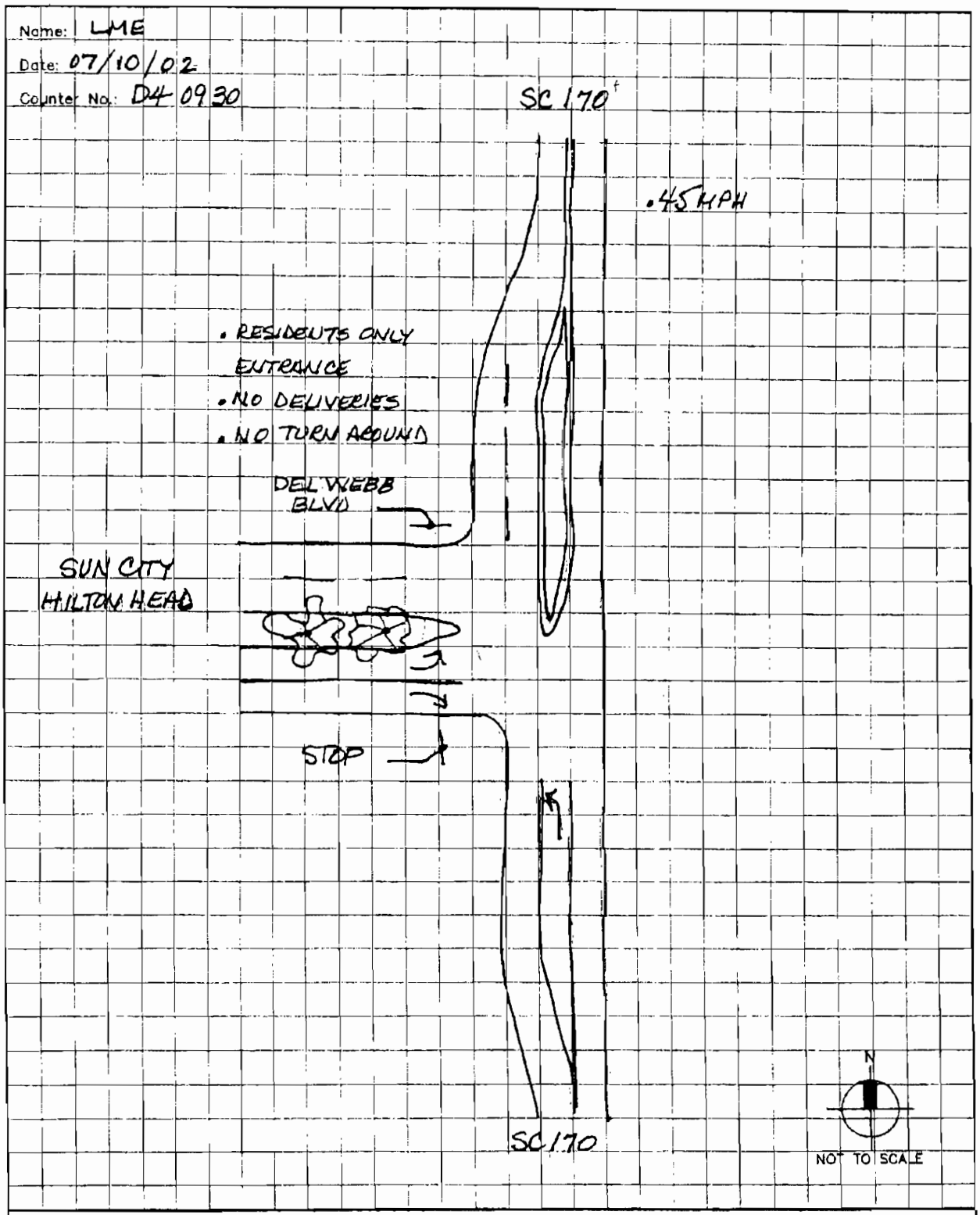
The secondary access will allow only right-in, right-out movements and should not require any additional turn lanes.

Appendix

Name: LME

Date: 07/10/02

Counter No.: D4 0930



Sheet Title: 7-9AM 4-6PM

INTERSECTION CONFIGURATION

Int. No.: 01

GB

GB TRAFFIC DATA, INC

500 Harbison Blvd. No. 802 Columbia, SC 29212
Phone/Fax (803) 407-0773

Street Names: SC 170 & SUN CITY HILTON HEAD ENTRANCE BLUFFTON SC

Job No.: 02599

Traffic Data Collection, Inc.
917 Legends Club Drive Mount Pleasant, S
Ph/Fax 843 216-3304
Atlanta - Charleston

Counter:D4-0930
Counted By: LME
Weather: Mild
Other: T&H

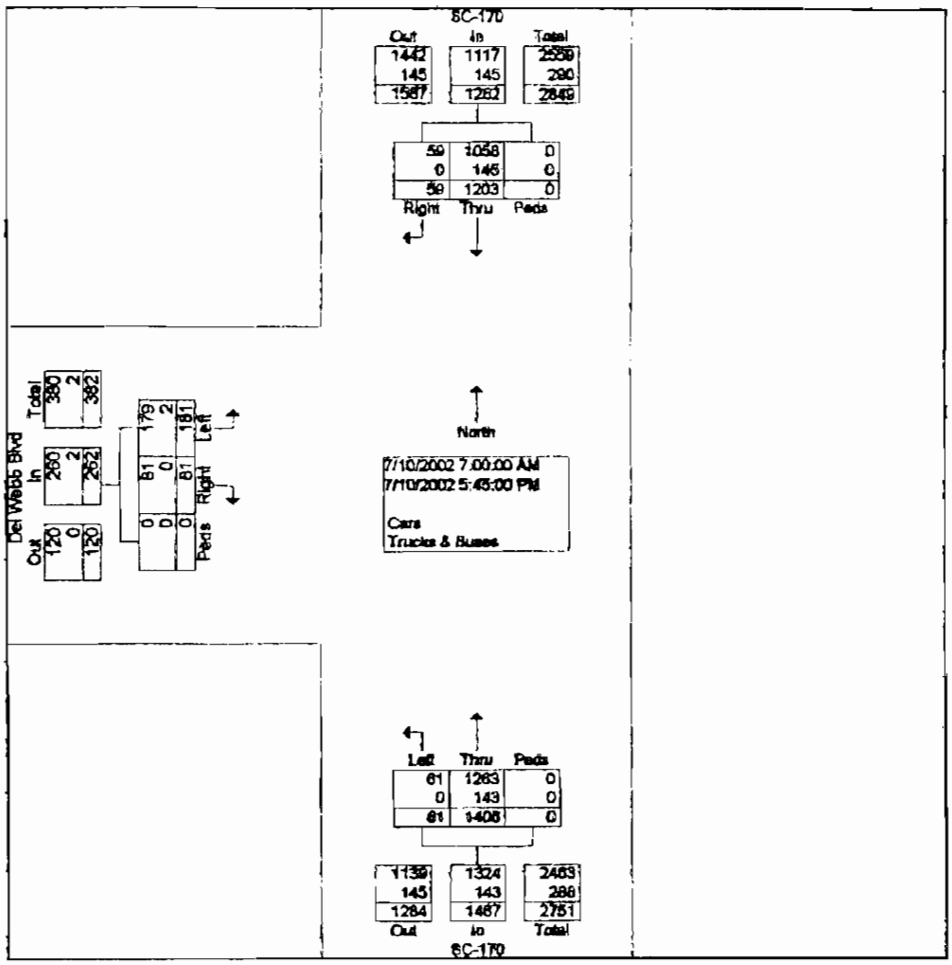
File Name : 02599-01
Site Code : 00002599
Start Date : 07/10/2002
Page No : 1

Groups Printed- Cars - Trucks & Buses

	SC-170 Northbound					SC-170 Southbound					Del Webb Blvd. Eastbound					Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	4	65	0	0	69	0	59	2	0	61	5	0	6	0	11	0	0	0	0	0	141
07:15 AM	4	97	0	0	101	0	99	0	0	99	5	0	4	0	9	0	0	0	0	0	209
07:30 AM	7	88	0	0	95	0	79	3	0	82	13	0	6	0	19	0	0	0	0	0	196
07:45 AM	2	84	0	0	86	0	98	4	0	102	13	0	6	0	19	0	0	0	0	0	207
Total	17	334	0	0	351	0	335	9	0	344	36	0	22	0	58	0	0	0	0	0	753
08:00 AM	2	91	0	0	93	0	91	0	0	91	19	0	3	0	22	0	0	0	0	0	206
08:15 AM	6	97	0	0	103	0	71	3	0	74	17	0	5	0	22	0	0	0	0	0	199
08:30 AM	3	90	0	0	93	0	71	0	0	71	12	0	9	0	21	0	0	0	0	0	185
08:45 AM	3	87	0	0	90	0	52	7	0	59	16	0	11	0	27	0	0	0	0	0	176
Total	14	365	0	0	379	0	285	10	0	295	64	0	28	0	92	0	0	0	0	0	766
Break																					
04:00 PM	3	104	0	0	107	0	103	10	0	113	4	0	8	0	12	0	0	0	0	0	232
04:15 PM	8	99	0	0	107	0	92	14	0	106	5	0	7	0	12	0	0	0	0	0	225
04:30 PM	5	80	0	0	85	0	56	4	0	60	14	0	0	0	14	0	0	0	0	0	159
04:45 PM	2	86	0	0	88	0	15	3	0	18	14	0	3	0	17	0	0	0	0	0	123
Total	18	369	0	0	387	0	266	31	0	297	37	0	18	0	55	0	0	0	0	0	739
05:00 PM	2	78	0	0	80	0	47	0	0	47	10	0	5	0	15	0	0	0	0	0	142
05:15 PM	5	82	0	0	87	0	55	2	0	57	18	0	5	0	23	0	0	0	0	0	167
05:30 PM	2	95	0	0	97	0	141	3	0	144	11	0	2	0	13	0	0	0	0	0	254
05:45 PM	3	83	0	0	86	0	74	4	0	78	5	0	1	0	6	0	0	0	0	0	170
Total	12	338	0	0	350	0	317	9	0	326	44	0	13	0	57	0	0	0	0	0	733
Grand Total	81	1406	0	0	1467	0	1203	59	0	1262	181	0	81	0	262	0	0	0	0	0	2991
Apprch %	4.2	95.8	0.0	0.0		0.0	95.3	4.7	0.0		69.1	0.0	30.9	0.0		0.0	0.0	0.0	0.0		
Total %	2.0	47.0	0.0	0.0	49.0	0.0	40.2	2.0	0.0	42.2	6.1	0.0	2.7	0.0	8.8	0.0	0.0	0.0	0.0	0.0	

Traffic Data Collection, Inc.
917 Legends Club Drive Mount Pleasant, S
Ph/Fax 843 216-3304
Atlanta - Charleston

File Name : 02599-01
Site Code : 00002599
Start Date : 07/10/2002
Page No : 2



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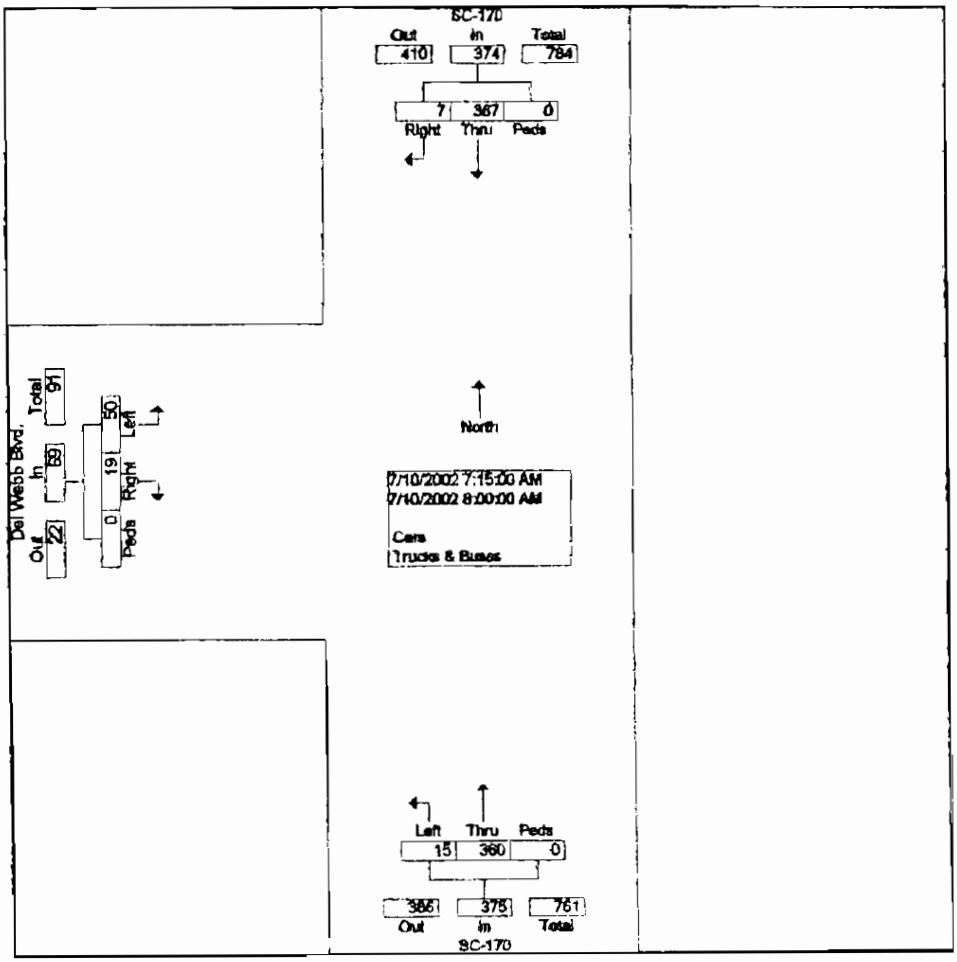
Atlanta - Charleston

File Name : 02599-01
Site Code : 00002599
Start Date : 07/10/2002
Page No : 3

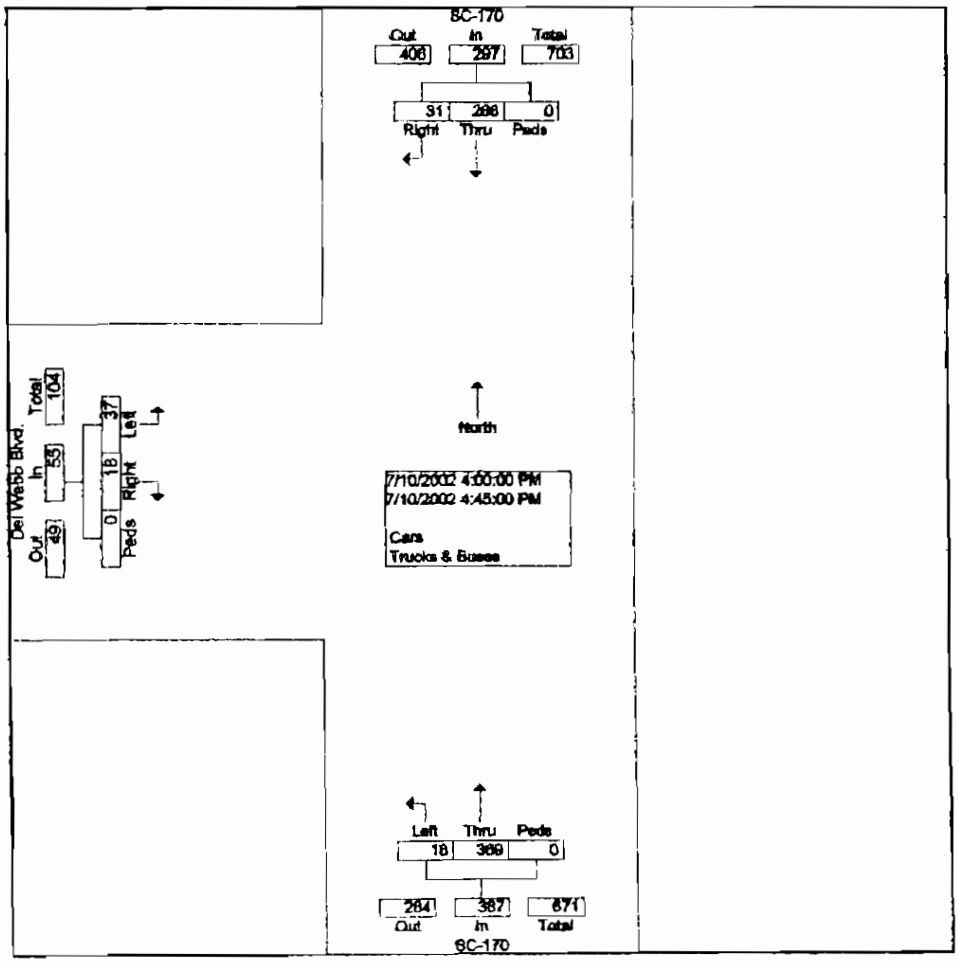
	SC-170 Northbound					SC-170 Southbound					Del Webb Blvd. Eastbound					Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour From 07:00 AM to 12:30 PM - Peak 1 of 1																					
Intersection	07:15 AM																				
Volume	15	360	0	0	375	0	367	7	0	374	50	0	19	0	69	0	0	0	0	0	818
Percent	4.0	96.0	0.0	0.0		0.0	98.1	1.9	0.0		72.5	0.0	27.5	0.0		0.0	0.0	0.0	0.0		
07:15 Volume	4	97	0	0	101	0	99	0	0	99	5	0	4	0	9	0	0	0	0	0	209
Peak Factor																					0.978
High Int.	07:15 AM					07:45 AM					08:00 AM					6:45:00 AM					
Volume	4	97	0	0	101	0	98	4	0	102	19	0	3	0	22						
Peak Factor					0.928					0.917					0.784						



Traffic Data Collection, Inc.
917 Legends Club Drive Mount Pleasant, S
Ph/Fax 843 216-3304
Atlanta - Charleston

File Name : 02599-01
Site Code : 00002599
Start Date : 07/10/2002
Page No : 4

	SC-170 Northbound					SC-170 Southbound					Del Webb Blvd. Eastbound					Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour From 12:45 PM to 05:45 PM - Peak 1 of 1																					
Intersection	04:00 PM																				
Volume	18	369	0	0	387	0	266	31	0	297	37	0	18	0	55	0	0	0	0	0	739
Percent	4.7	95.3	0.0	0.0		0.0	89.6	10.4	0.0		67.3	0.0	32.7	0.0		0.0	0.0	0.0	0.0		
04:00 Volume	3	104	0	0	107	0	103	10	0	113	4	0	8	0	12	0	0	0	0	0	232
Peak Factor																					0.796
High Int.	04:00 PM					04:00 PM					04:45 PM										
Volume	3	104	0	0	107	0	103	10	0	113	14	0	3	0	17						
Peak Factor					0.904					0.857					0.809						



TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*Jeff Ingham*	Intersection	*Main entrance*
Agency/Co	*Thomas & Hutton*	Jurisdiction	*Bluffton*
Date Performed	*7/15/2002*	Analysis Year	*2002*
Analysis Time Period	*AM peak*		

Project Description *Village at Verdier Plantation*

East/West Street: *Dell Webb/Village entrance*	North/South Street: *SC 170*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*15*	*360*	*0*	*0*	*367*	*7*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*15*	*378*	*0*	*0*	*386*	*7*
Percent Heavy Vehicles	*2*	*--*	*--*	*0*	*--*	*--*
Median Type	*Undivided*					
RT Channelized			*0*			*0*
Lanes	*1*	*1*	*0*	*0*	*1*	*1*
Configuration	*L*	*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*0*	*50*	*0*	*19*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*0*	*0*	*52*	*0*	*20*
Percent Heavy Vehicles	*0*	*0*	*0*	*2*	*0*	*2*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*1*	*0*	*1*
Configuration				*L*		*R*

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*					*L*		*R*
v (vph)	*15*					*52*		*20*
C (m) (vph)	*1166*					*352*		*662*
v/c	*0.01*					*0.15*		*0.03*
95% queue length	*0.04*					*0.51*		*0.09*
Control Delay	*8.1*					*17.0*		*10.6*
LOS	*A*					*C*		*B*
Approach Delay	*--*	*--*				*15.2*		
Approach LOS	*--*	*--*				*C*		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*Jeff Ingham*	Intersection	*Main entrance*
Agency/Co	*Thomas & Hutton*	Jurisdiction	*Bluffton*
Date Performed	*7/15/2002*	Analysis Year	*2002*
Analysis Time Period	*PM peak*		

Project Description *Village at Verdier Plantation*

East/West Street: *Dell Webb/Village entrance*	North/South Street: *SC 170*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	18	369	0	0	266	31
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	18	388	0	0	280	32
Percent Heavy Vehicles	2	–	–	0	–	–
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	0	0	0	37	0	18
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	38	0	18
Percent Heavy Vehicles	0	0	0	2	0	2
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	18					38		18
C (m) (vph)	1248					397		759
v/c	0.01					0.10		0.02
95% queue length	0.04					0.32		0.07
Control Delay	7.9					15.0+		9.9
LOS	A					C		A
Approach Delay	--	–				13.4		
Approach LOS	--	–				B		

>

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*Jeff Ingham*	Intersection	*Main entrance*
Agency/Co	*Thomas & Hutton*	Jurisdiction	*Bluffton*
Date Performed	*7/15/2002*	Analysis Year	*2007*
Analysis Time Period	*PM peak*		
Project Description	*Village at Verdier Plantation*		
East/West Street:	*Dell Webb/Village entrance*	North/South Street:	*SC 170*
Intersection Orientation:	*North-South*	Study Period (hrs):	*0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	18	407	88	166	294	31
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	18	428	92	174	309	32
Percent Heavy Vehicles	1	–	–	1	–	–
Median Type	Two Way Left Turn Lane					
RT Channelized			0			0
Lanes	1	1	1	1	1	1
Configuration	L	T	R	L	T	R
Upstream Signal		0			0	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	105	0	195	37	0	18
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	110	0	205	38	0	18
Percent Heavy Vehicles	1	0	1	1	0	1
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			1
Lanes	1	0	1	1	0	1
Configuration	L		R	L		R

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L	L		R	L		R
v (vph)	18	174	110		205	38		18
c (m) (vph)	1224	1051	259		629	124		733
v/c	0.01	0.17	0.42		0.33	0.31		0.02
95% queue length	0.04	0.59	2.00		1.41	1.19		0.08
Control Delay	8.0	9.1	28.8		13.5	46.4		10.0+
LOS	A	A	D		B	E		B
Approach Delay	–	–	18.8			34.7		
Approach LOS	–	–	C			D		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*Jeff Ingham*	Intersection	*Main entrance*
Agency/Co.	*Thomas & Hutton*	Jurisdiction	*Bluffton*
Date Performed	*7/15/2002*	Analysis Year	*2007*
Analysis Time Period	*AM peak*		
Project Description	*Village at Verdier Plantation*		
East/West Street:	*Dell Webb/Village entrance*	North/South Street:	*SC 170*
Intersection Orientation:	*North-South*	Study Period (hrs):	*0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	15	397	74	139	405	7
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	15	417	77	146	426	7
Percent Heavy Vehicles	1	--	--	1	--	--
Median Type	Two Way Left Turn Lane					
RT Channelized			0			0
Lanes	1	1	1	1	1	1
Configuration	L	T	R	L	T	R
Upstream Signal		0			0	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	59	0	110	50	0	19
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	62	0	115	52	0	20
Percent Heavy Vehicles	1	0	1	1	0	1
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			1
Lanes	1	0	1	1	0	1
Configuration	L		R	L		R

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L	L		R	L		R
v (vph)	15	146	62		115	52		20
C (m) (vph)	1132	1075	255		638	192		631
v/c	0.01	0.14	0.24		0.18	0.27		0.03
95% queue length	0.04	0.47	0.93		0.65	1.05		0.10
Control Delay	8.2	8.9	23.6		11.9	30.6		10.9
LOS	A	A	C		B	D		B
Approach Delay	--	--	16.0			25.1		
Approach LOS	--	--	C			D		

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EXHIBIT N

PRELIMINARY DEVELOPMENT APPROVAL
BLUFFTON TOWNSHIP FIRE DISTRICT

Fax: (843) 757-7305

(843) 757-2800

BLUFFTON TOWNSHIP FIRE DISTRICT

P.O. BOX 970
BLUFFTON, SOUTH CAROLINA 29910

PRELIMINARY DEVELOPMENT APPROVAL

Project Name: The Village at Verdier Plantation

Address: Okatie Highway, directly across from the entrance to Sun City Hilton Head

Closest street(s) intersection and/or landmark: Okatie Highway and Fording Island Road

Fire protection is available and adequate (X), or is not available ( ) to serve the above location. The closest Fire Station is approximately 1 mile(s) from the site and response time is approximately 1 minute(s).

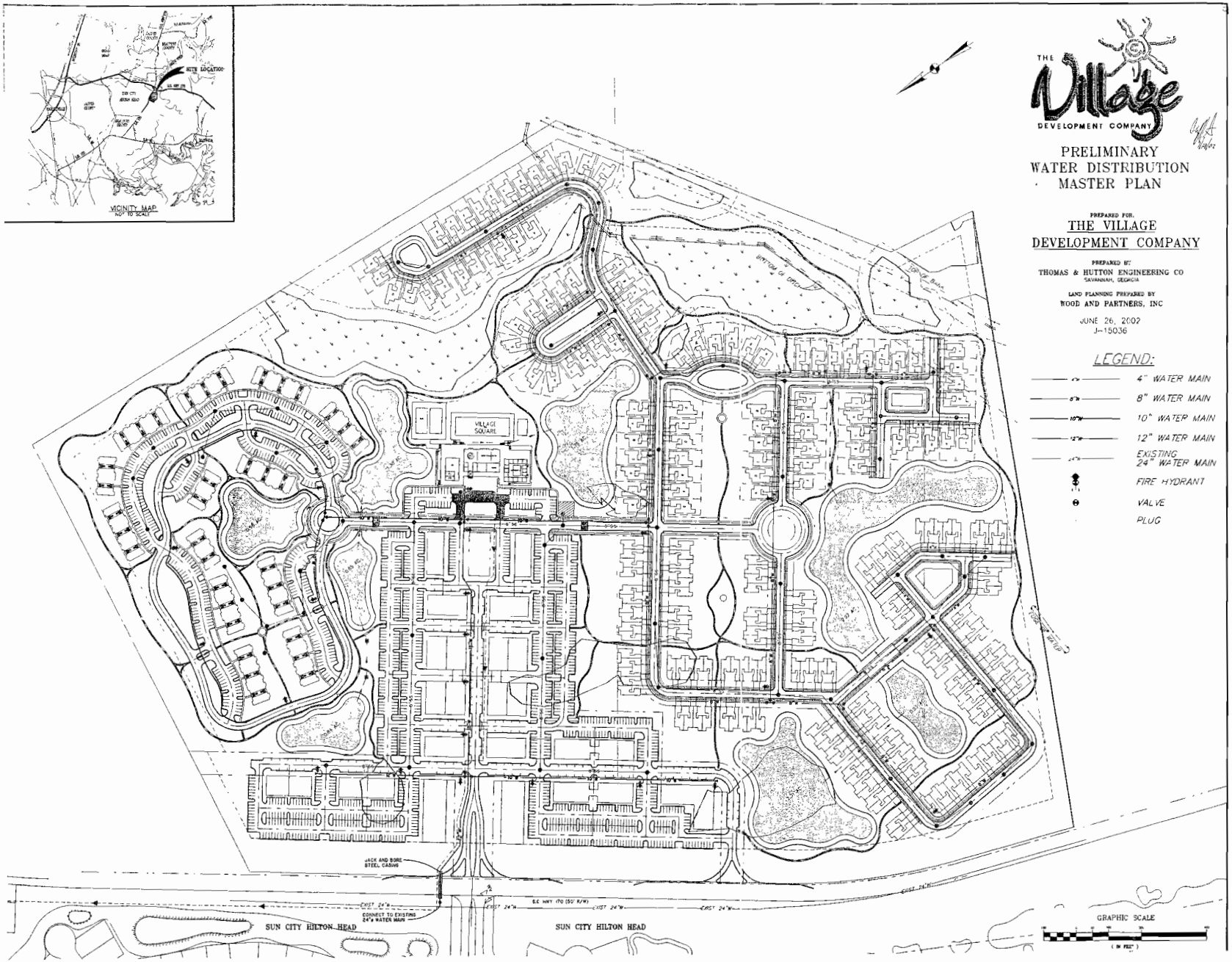
THIS IS FOR PRELIMINARY APPROVAL ONLY, NO DEVELOPMENT OR CONSTRUCTION AT THIS TIME. PLANS SHALL BE SUBMITTED TO THIS OFFICE FOR FINAL APPROVAL.

July 19, 2002
(Date)

(Official's Signature)

Clay M. Graves / Fire Marshall
(Official's Name/Title Print or Type)

Bluffton Township / Beaufort County
(City or County Name)


VICINITY MAP
NOT TO SCALE
SITE LOCATION
THE Village
DEVELOPMENT COMPANY
PRELIMINARY
WATER DISTRIBUTION
MASTER PLAN
PREPARED FOR:
THE VILLAGE
DEVELOPMENT COMPANY
PREPARED BY:
THOMAS & HUTTON ENGINEERING CO
SAVANNAH, GEORGIA
LAND PLANNING PREPARED BY
WOOD AND PARTNERS, INC
JUNE 26, 2002
J-15036
LEGEND:
4" WATER MAIN
8" WATER MAIN
10" WATER MAIN
12" WATER MAIN
EXISTING 24" WATER MAIN
FIRE HYDRANT
VALVE
PLUG
VILLAGE SQUARE
JACK AND BORE STEEL CASING
CONNECT TO EXISTING 24"ø WATER MAIN
SUN CITY HILTON HEAD
SUN CITY HILTON HEAD
GRAPHIC SCALE
(IN FEET)

SEE MAP/EXHIBIT FILED IN
PLAT BOOK 90 AT PAGE 177
PURSUANT TO THE SOUTH CAROLINA
LOCAL GOVERNMENT DEVELOPMENT
AGREEMENT ACT § 6-31-10 et seq.

EXHIBIT O

PRELIMINARY DEVELOPMENT APPROVAL SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

D H E C

PROMOTE PROTECT PROSPER

Office of Ocean and Coastal Resource Management
104 Parker Drive
Beaufort, South Carolina 29906
(843) 846-9400
Fax (843) 846-9810

Christopher L. Brooks, Deputy Commissioner

July 15, 2002

Mr. Nick Stanley
Thomas & Hutton Engineering
PO Box 2727
Savannah, GA 31402-2727

Re: Verdier Plantation
Conceptual Master Plan
Beaufort County

Dear Mr. Stanley:

The staff of SCDHEC-OCRM has reviewed the draft preliminary master plan for the above referenced project and it does meet our initial planning requirements. However, OCRM will require that a wetland master plan and a final stormwater master plan be submitted for the entire project prior to certification of the first phase of development.

The certification staff at OCRM does not object to the Town of Bluffton proceeding with conceptual master plan review for this project; however, before any individual planning for development or before any construction may occur, the office of OCRM will require that a land disturbance permit (per S.C. Stormwater Management and Sediment Reduction Act) be obtained.

All development shall be consistent with the S.C. Stormwater Management and Sediment Reduction Act and the S.C. Coastal Zone Management Program. Because of the proposed amount of disturbance within the project, the stormwater management regulations require the engineer to design the basins and provide calculations to meet a removal efficiency of 80 percent for suspended solids or 0.5 ML/L peak settleable concentration, which ever is less. **Since the project may discharge stormwater into the Okatie River which is ORW, additional modeling may be required.** A specific sequence of construction operations must also be approved by this office prior to certification. The disposition of any archeological and/or historic areas on the site shall be addressed prior to the issuance of any land disturbance permits.

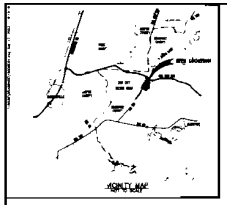
If you have any questions or comments regarding this review, please do not hesitate to contact our office.

Sincerely,

Billy Webster
Engineer Associate III

cc: Mr. Stephen Snyder
Mr. Joseph Fersner, PE

BW/mastsw/bw



Village

PRELIMINARY
DRAINAGE
MASTER PLAN

PREPARED FOR:
THE VILLAGE
DEVELOPMENT COMPANY

PREPARED BY:
THOMAS & SUTTON ENGINEERING CO
SAVANNAH, GEORGIA

LAND PLANNING PREPARED BY
WOOD AND PARTNERS, INC

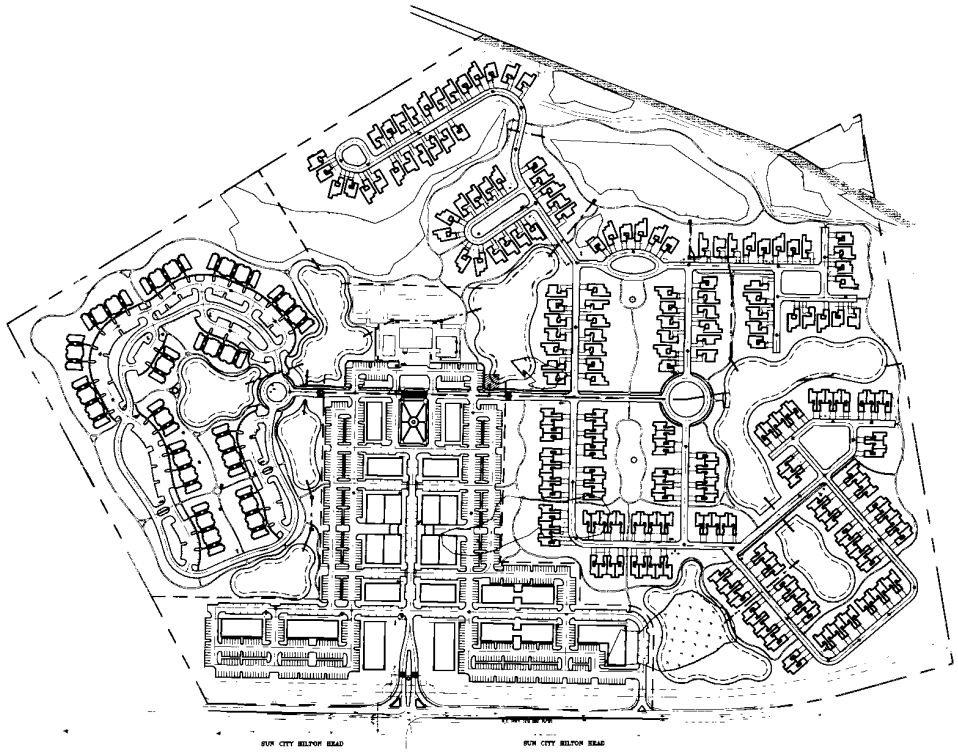
JUNE 26, 2002
J-15038

LEGEND

STORM DRAIN

DRAINAGE STRUCTURE

NOTE: FINAL OUTFALL LOCATION TO BE DETERMINED ON CE STORMWATER MODEL IS COMPLETED



GRAPHIC SCALE

30 0 60 120 240 480 960

(IN FEET)
1 inch = 200 ft

SEE MAP/EXHIBIT FILED IN
PLAT BOOK 90 AT PAGE 178
PURSUANT TO THE SOUTH CAROLINA
LOCAL GOVERNMENT DEVELOPMENT
AGREEMENT ACT § 6-31-10 et seq.

EXHIBIT P

PRELIMINARY DEVELOPMENT APPROVAL
BEAUFORT COUNTY SCHOOL DISTRICT

Altman Architectural Group

37 Professional Village Circle
Beaufort, SC 29907
(843) 986-0031 Business
(843) 986-1079 Fax
AAG CONSTRUCTION SERVICES, INC.

July 18, 2002

Nicholas D. Stanley P.E.
Thomas & Hutton Engineering Co.
50 Park of Commerce Way
PO Box 2727
Savannah, Georgia 31402-2727

Re: The Village at Verdier Plantation

Dear Mr. Stanley,

The Beaufort County School District is in receipt of your initial master plan for the above referenced project.

Our only comment at this time is that the proposed development will have an obvious impact on the student populations in the area, which will emphasize the need for continued long term planning of additional facilities in the future.

Sincerely,

Donald J. Altman, AIA
Building Program Manager
Beaufort County School District

Cc: Herman Gaither
Jim Grimsley
2002.1

EXHIBIT Q

PRELIMINARY DEVELOPMENT APPROVAL
BEAUFORT COUNTY EMS

COUNTY COUNCIL OF BEAUFORT COUNTY
EMERGENCY MEDICAL SERVICES
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228
Phone: (843) 525-4027/4040 FAX: (843) 525-4032

August 1, 2002

Mr. Nicholas D. Stanley, P.E.
Thomas & Hutton Engineering Co.
50 Park of Commerce Way
Post Office Box 2727
Savannah, GA 31402-2727

Dear Mr. Stanley:

This letter is to verify ambulance service for the proposed Verdier Plantation located on Highway 170 in Bluffton. Beaufort County EMS provides primary ambulance service for all areas of Beaufort County with the exception of the Town of Hilton Head Island. Our service is an Advanced Life Support Service staffed by state certified Paramedics.

When considering the size of roadways and cul-de-sacs please keep in mind that our service uses modular type ambulances that are close to twenty feet long. We need adequate space to accommodate these vehicles in order for us to have access to the residences.

If I can provide any further assistance please do not hesitate to call me at 843-525-4006.

Sincerely,

Rusty Hollingsworth

Rusty Hollingsworth, REMT-P
Deputy Director

The Village at Verdier Plantation
Bluffton, SC

BOOTH

Village

OR BK 01683 PAGE 1459

Garden Style Condominiums

BOOTH

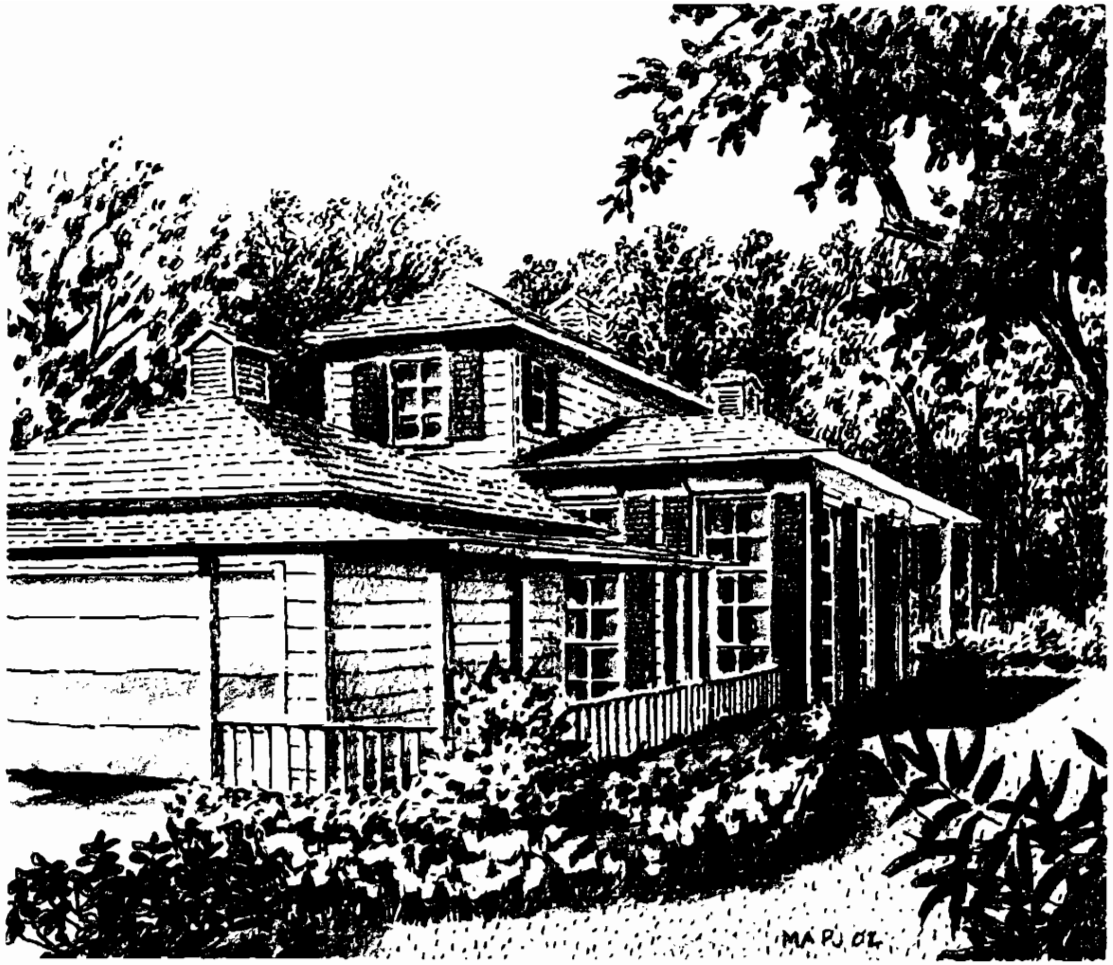
Village

Town Homes

BOOTH

Village

OR BK 01683 PAGE 1461



Patio Homes

Village

BOOTH

Exhibit S

Architectural Guidelines and Restrictive Covenants

VILLAGE AT VERDIER PLANTATION
DECLARATION OF
RESTRICTIVE COVENANTS AND EASEMENTS

WHEREAS, LONGVIEW VILLAGE DEVELOPMENT COMPANY, a Kansas corporation (hereinafter known as Company), is the sole owner of certain lands in Beaufort County, South Carolina, as more particularly described on attached Exhibit "A" (hereinafter known as the Parcel). The Company or its subsidiary, desires to develop as a special residential community with specific dwelling unit types; and

WHEREAS, the Company, acquired the Parcel in question by Agreement with the Owner thereof and subsequent delivery of Warranty Deed, as recorded in Official Records Book , Page of the Public Records of Beaufort County, South Carolina, attached hereto as Exhibit B; and

WHEREAS, the Company desires to provide for the preservation and maintenance of the values and amenities established on the Parcel through the creation of a Declaration of Restrictive Covenants and Easements with respect to the Parcel; and

WHEREAS, to this end, Company desires to subject the real property described above, to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of said real property and each owner of portions thereof; and

WHEREAS, it is desirable for the efficient preservation of the values and amenities in the development, to create an entity to which should be delegated and assigned the powers of maintaining and administering the improvements constructed on the Parcel and administering and enforcing the covenants, restrictions and easements and collecting and disbursing the assessments and charges hereinafter created; and,

WHEREAS, the Village at Verdier Plantation Condominium Association, Inc. is being organized under the Not-for-Profit Corporation Laws of the State of South Carolina for the purpose of exercising the aforesaid functions, as more fully set forth herein and in the Articles of Incorporation and By-Laws attached hereto as Exhibits C and D;

NOW, THEREFORE, the Company as sole owner of Parcel, for itself, its successors and assigns, does hereby declare that all the Parcel described above, or any portion thereof, shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, reservations and liens hereinafter set forth.

DRAFT

ARTICLE I
Definitions

The following words and phrases when used in this Declaration of Restrictive Covenants and Easements (unless the context shall prohibit) shall have the following; meanings:

"Approved Builder" shall refer to any one of a maximum of four (4) contractors approved by the Company to construct dwelling units in the Village at Verdier Plantation.

"Amenities" shall refer to all common elements of the Village at Verdier Plantation subdivision constructed by or at the direction of the Company and intended for the use and enjoyment of the Owners and to be owned and maintained as set forth in this Declaration. Amenities shall include, but shall not be limited to, all streets and roadways, sidewalks, recreational facilities, community facilities and waterfront features.

"Architectural Review Committee" or "Committee" shall mean a committee appointed by the Company pursuant to Article XI, Section 3, herein.

"Association" shall mean the Village at Verdier Plantation Condominium Association, Inc., a South Carolina corporation not for profit, as incorporated by Articles of Incorporation, a copy being attached hereto and made a part hereof as Exhibit C, together with By-Laws attached hereto as Exhibit D.

"Board", or "Board of Directors" shall mean the Board of Directors of the Association.

"Declaration" or "Declaration of Covenants and Restrictions" shall mean this Declaration of Restrictive Covenants and Easements for the Village.

"Developer" or "Company" means LongView Village Development Company, its designee, successors and assigns.

"Dwelling Unit" means a living unit of the Village constructed to be used as a single family residence.

"Institutional Mortgagee" shall mean a bank, savings and loan association, insurance company or union pension fund authorized to do business in the United States of America, an agency of the U.S. government, or real estate or mortgage investment trust, or a lender generally recognized in the community as an institutional type lender.

"Member" shall mean and refer to all those Persons who are entitled to membership in the "Association".

"Model Home" refers to a single family residence which has obtained a certificate of occupancy and is intended to be used as a display for potential buyers.

"Owner" means the Person who is the record owner (other than the Company) and who has acquired fee-simple title to any Residential Unit.

"Parcel" means the real property described on attached Exhibit "A".

"Person" shall mean any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

"Plat" refers to the amended subdivision map recorded at Map Book ___ Pages ____ of the Public Records of Beaufort County, South Carolina and which includes the real property described in this Declaration and any subsequent amendments.

"Surface Water or Stormwater Management System" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges

"Village at Verdier Plantation" means the Residence Sites and Dwelling Units located within Parcel and subject to the terms of this Declaration.

"Village Square" means that part of the Village wherein the Clubhouse, Spa, Pool and the Business Center shall be located. Aside from the Business Center the facilities comprising the square will be the property of the Association. As Association property such facilities shall be held available and accessible to Association Members for their common usage and enjoyment.

ARTICLE II
Property Subject to this Declaration

Section 1. The Properties.

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration, is all that certain plot, piece, or section of land situate, lying in the City of Verdier Plantation, County of Beaufort and State of South Carolina, as more particularly described on attached Exhibit "A" (the "Parcel"). The Parcel shall be designated as Village at Verdier Plantation, Phase I, and shall be managed by the Village at Verdier Plantation Condominium Association, Inc., a non-profit South Carolina corporation organized pursuant to Articles of Incorporation and By-Laws attached hereto as Exhibits C and D, respectively.

ARTICLE III
Membership and Voting Rights in the Association

Section 1. Membership.

Every Owner shall be a member of the Association. Membership shall be appurtenant to and inseparable from ownership of a Unit. Transfer of Unit ownership either voluntarily or by operation of law shall terminate membership in the Association, and said membership shall thereupon be vested in the transferee.

Where any one Unit is owned by more than one Person, the composite title holder shall be and constitute one Member of the Association. Any Person, owning more than one Unit shall be as many memberships as the number of Units owned.

Section 2. Voting Rights.

Members of the Association shall have the voting rights provided for in the Articles of Incorporation and Bylaws attached as Exhibit C and D.

ARTICLE IV
Grant and Reservation of Easements

Section 1. Easement for Maintenance by Association.

The Company hereby grants to the Association, its employees, subcontractors, agent and designees, a non-exclusive, perpetual easement over, through, across and under the Amenities to permit such maintenance and repair or replacement, as necessary, as provided in this Declaration.

Section 2. Easement for Sprinkler System.

The Company hereby reserves to itself and grants to the Association, its employees, subcontractors, agents and designees, a non-exclusive, perpetual easement over, through, across and under the Amenities for the installation, maintenance, operation, repair and replacement of sprinkler system lines and sprinkler heads, which lines and heads are hereby deemed to be the property of the Association; provided, however, no lines shall be located under a Unit. Should a sprinkler line(s) or sprinkler head(s) be required to be maintained, repaired or replaced as a result of the negligence by an Owner, his family, servants, guests or invitees, the applicable Owner shall be responsible for the costs thereof, and the Association shall have the right to levy an assessment against the Owner of said Unit for same, which assessment shall have the same force and effect as all other assessments provided for herein.

Section 3. Reservation of Easements by Company.

A. Sales. Company reserves the right to continue to use the Parcel, and any sales offices, model homes, signs and parking spaces approved by the City of Bluffton on the Parcel for so long as Company deems such maintenance to be in the best interests of the Company.

B. Location of Amenities, Operation and Usage Easement and Special Events. The Village Square will be adjacent to the Parcel will be owned and operated by a wholly owned management subsidiary of the Company. The Village Square will be part of the facilities of the Village at Verdier Plantation and available for use to the residents of the Village on the terms set, from time to time, by the Company. All persons, including all Owners, are hereby advised that no representations or warranties have been or are made by the Company or any other Person with regard to the continuing ownership, method of operation, or layout of the Village Square. Each Owner further understands and agrees that ownership of a Unit does not confer any ownership interest in or right to use of the Village Square. Each Owner understands and agrees that his or her Dwelling Unit are adjacent to or near the Village Square and that the Village Square will be used, from time to time for special events and holiday celebrations. An express easement, license, and right to conduct such activity is hereby reserved to the Company, it's affiliates, and their assigns. Each Owner acknowledges that the location of his or her Dwelling Unit within the Parcel may result in nuisances or hazards to persons and property on the Parcel as a result of normal Village Square operations or as a result of special events. Each Owner covenants for itself, its heirs successors, successors in title, and assigns that it shall assume all risks associated with such location including, but not limited to, the risk of property damage or personal injury incidental to such Village Square activities and shall indemnify and hold harmless the Association, the Company and it's affiliates from any liability, claims, or expenses, including attorney"s fees, arising from such property damage or personal injury.

C. Amendment. This section may not be amended without the prior written consent of the Company.

ARTICLE V
Maintenance

Section 1. Association.

A. The Association, through action of its Board of Directors, shall provide maintenance to the exterior for the Dwelling Unit as follows: paint or stain the exterior walls of each Dwelling Unit and repair, replace and care for roof surfaces of each Dwelling Unit and the exterior facing of any chimney. The Association shall maintain any gutters, downspouts, trellises, doors, fences, hardware, glass or screens on the exterior surface of any Dwelling Unit, which shall not include the maintenance of any heating or air conditioning equipment outside a Dwelling Unit.

B. In addition to the exterior maintenance of Dwelling Units referred to above, the Association shall be obligated to maintain in good repair and replace as necessary, landscaping, trees, shrubs, grass, sprinkler systems and other exterior landscape improvements situated outside each Dwelling Unit, as originally installed by Company.

C. The Association shall not maintain plantings within any patio, atrium, lanai, enclosure or deck area of a Dwelling Unit, which will specifically be the responsibility of the Owner. The Association shall be responsible for watering the grassed area and landscaping of the Amenities, excluding grass or landscaping not maintained by the Association. The time and frequency of watering shall be determined by the Association. The cost of maintenance and repair of the sprinkling system and the cost of water used by the system shall be an expense funded by the Association assessment against all Owners.

D. The Association shall not maintain any other portion of the Dwelling Unit or improvements thereon.

E. The Association shall maintain all roads and streets within the Village at Verdier Plantation subdivision, which shall remain privately held by the Association subject to an easement for ingress and egress in favor of the Owners, their guests and invitees and for the City of Bluffton for emergency purposes.

Section 2. Dwelling Unit Owner.

The Dwelling Unit Owner is responsible to maintain and repair everything within the inside wall of the Dwelling Unit and any other improvements, except for items which the Association is required to maintain, as specifically provided in Section 1 above. The Owner shall maintain, repair and replace, if necessary, the water and sanitary sewer lateral pipes servicing Owner's Dwelling Unit, which laterals extend from the applicable water and sewer main to the Dwelling Unit. The Owner shall maintain, repair and replace the air-conditioning and heating system and appurtenances thereto including all portions of any chimney and fireplace not maintained by the Association, located within the Unit. The Owner shall maintain, repair and replace all screening on the interior of the Dwelling Unit and shall maintain, repair and replace any equipment or additional improvements constructed or placed within the Dwelling Unit or any deck or porch originally constructed by the Company including, but not limited to any hot tub, pool, jacuzzi, barbecue, decorative landscaping, deck or patio and any structure such as a fence or screen porch enclosing such improvements. This requirement for maintenance by an Owner shall not be construed as an approval for the construction of such improvements on any Residence Site (except as such improvements were originally constructed by the Company) or a representation by the Company, the Association or the Architectural Review Committee that any such improvement will be permitted for any Residence Site in the Parcel.

Section 3. Assessments.

All work performed by the Association and all expenses hereunder shall be paid for by the Association through assessments imposed by the Board of Directors in accordance with Article VI. Such assessments shall be against all Residence Sites equitably.

Section 4. Disrepair of Dwelling Units and Residence Sites.

In the event the Owner of any Residence Site in the Parcel shall fail to perform the required maintenance of his Residence Site in a manner reasonably satisfactory to the Board of Directors of the Association or any committee established by such Board, except for such areas as the Association is required to maintain, upon direction of the Board of Directors, the Association shall have the right, through its agents and employees, to enter upon said Residence Site to maintain and restore the improvements erected on such Residence Site. The cost of any maintenance supplied by the Association pursuant to this Section shall be added to and become part of the assessment to which such Residence Site is subject.

Section 5. Access at Reasonable Hours.

For the purpose of performing the maintenance required by this Article, the Association, through its duly authorized agents and employees, shall have the right without notice to enter upon any Owner's Residence Site at reasonable hours on any day except Sunday and holidays.

Section 6. Negligence of Owner.

Should any portion of a Dwelling Unit or Residence Site which the Association is required to maintain pursuant to this Article require maintenance, repair or replacement as a result of the negligence of the Owner, his family, lessee, guests, servants or invitees, the applicable Owner shall be responsible for the cost thereof and the Association shall have the right to levy an assessment against the Owner of said Residence Site for same, which assessment shall have the same force and effect as all other assessments.

Section 7. Management.

The Association through the action of its Board of Directors, shall have the right to employ a manager or management firm which employment may either be on the basis of an employee of the Association or as an independent contractor.

Section 8. Maintenance Resulting from Location of Amenities.

Located within and adjacent to the Parcel and the Dwelling Units are various Amenities. Accordingly, from time to time Dwelling Units or other improvements on the Residence Sites may be damaged as a result of the ordinary usage of such Amenities. Any such damage shall be treated

as a normal maintenance item under this Article and shall promptly be repaired by either the Association or the Owner of the Dwelling Unit as their maintenance responsibilities are set out in this Article. The Company shall have no obligation to participate in the cost of any such maintenance or repair beyond the Company's normal participation in payment of assessments to the Association, for the maintenance set forth in this Article.

Section 9. Association Maintenance of Surface Water or Stormwater Management System

A. The Association shall be responsible for the maintenance, operation and repair of the surface water or stormwater management system. Maintenance of the surface water or stormwater management system(s) shall mean the exercise of practices which allow the systems to provide drainage, water storage, conveyance or other surface water or stormwater management capabilities as permitted by the City of Bluffton and Beaufort County. Any repair or reconstruction of the surface water or stormwater management system shall be as permitted or, if modified, as approved in writing by the City of Bluffton and Beaufort County.

B. Assessments shall also be used for the maintenance and repair of the surface water or stormwater management systems including but not limited to work within retention areas, drainage structures and drainage easements.

C. The Association shall have a perpetual non-exclusive easement over all areas of the surface water or stormwater management system for access to operate, maintain or repair the system. By this easement, the Association shall have the right to enter upon any portion of any Residence Site which is a part of the surface water or stormwater management system, at a reasonable time and in a reasonable manner, to operate, maintain or repair the surface water or stormwater management system as required by the City of Bluffton and Beaufort County permits. Additionally, the Association shall have a perpetual non-exclusive easement for drainage over the entire surface water or stormwater management system. No person shall alter the drainage flow of the surface water or stormwater management system, including buffer areas or swales, without the prior written approval of the City of Bluffton and Beaufort County.

D. Any amendment to the Covenants and Restrictions which alter any provision relating to the surface water or stormwater management system, beyond maintenance in its original condition, including the water management portions of the common areas, must have the prior written approval of the City of Bluffton and Beaufort County.

E. The City of Bluffton and Beaufort County shall have the right to enforce, by a proceeding at law or in equity, the provisions contained in the Covenants and Restrictions which relate to the maintenance, operation and repair of the surface water or stormwater management system.

ARTICLE VI
Covenant for Maintenance Assessment

Section 1. Creation of the Lien and Personal Obligation of the Assessments.

Each Owner shall be deemed to covenant and agree to pay to the Association annual assessments or charges for the maintenance of the Residence Sites as provided in this Declaration, including such reasonable reserves as the Association may deem necessary, special assessments as provided in this Article, and assessments for maintenance as provided herein. Such assessments shall be fixed, established and collected from time to time as set forth in this Article. Assessments levied by the Association, together which such interest and costs of collection as hereinafter provided, shall, upon the recordation of a Claim of Lien, be a charge on the land and shall be a continuing lien upon the Residence Site against which each such assessment is made. Each such assessment, together with interest and costs of collection, shall also be the personal obligation of the Owner of such Residence Site at the time when the assessment became due. All annual and special assessments shall be against all Residence Sites subject to its jurisdiction, equitably. No Owner may waive or otherwise escape liability for the assessments by non-use, abandonment or any maintenance performed by an Owner that is otherwise the responsibility of the Association.

Section 2. Purpose of Assessments.

The assessments levied by the Association shall be used exclusively for the purpose of promoting the health, safety and welfare of the Owners in The Village at Verdier Plantation and, in particular, for the improvement and maintenance of the Residence Sites and Rights of Way situated upon the Parcel, including without limitation, the repair, replacement, maintenance, additions, and the cost of labor, equipment, materials, utilities, insurance, services, management and supervision.

Section 3. Budget and Commencement of Payment.

A. The Association's Board of Directors shall, from time to time, but at least annually, fix and determine a budget representing the sum or sums necessary and adequate for the continued operation of the Association. The Board shall determine the total amount required, including the operational items such as insurance, repairs, replacements, reserves, maintenance and other operating expenses, as well as charges to cover any deficits from prior years and reserves approved by the Board. The total annual assessments and any supplemental assessments shall be shared by all Residence Sites based upon the formula and terms and provisions set forth herein and in the Articles of Incorporation and Bylaws.

B. Each Residence Site shall commence paying its share of the Association assessments commencing with the day title of the Residence Site is conveyed by deed from the Company to the first grantee thereof; provided, however, a conveyance by the Company to a successor who assumes all the duties on responsibilities of Company or to a related or affiliated entity shall not be deemed a conveyance to the first grantee.

Section 4. Guarantee of Assessments.

The Company guarantees that for a period of one year commencing with the date of the conveyance by the Company of the first Residence Site within the Parcel, excluding those conveyances by the Company to an entity who assumes all of Declarant's duties and responsibilities or to an entity related to or affiliated with the Company, the assessments of the Association shall be in the amount as specified in the initial estimated operating budget of the Association. During the period of said guarantee, the Company shall pay the amount of expenses of the Association incurred during that period and not produced by the assessments at the guaranteed level receivable from other Owners, as provided herein, and during said period, the Company shall not be required to pay any specific sum for its share of the expenses of the Association as to any Residence Sites owned by it. Provided, however, the Company shall pay the deficit during said period. The Company's guarantee is not intended to include, and does not include and shall never be deemed to include, expenses or fees called for or occasioned by an action or decision of the Board of Directors when Owners, other than the Company, elect a majority of the Board of Directors, where such expenses or fees are inconsistent with expenses or fees preceding that time. In such event, the Company, at its option, may pay the sums required, to be paid by it; or, the Company, at its option, may cancel said guarantee. In such case, it shall pay the assessments of the Association as to the Dwelling Units owned by it.

The Company hereby reserves the right, to be exercised in its sole discretion, to extend from time to time the termination date of the above guarantee for such period of time as the Company determines. Should Company elect to extend the time period of the guarantee, Company shall notify the Board of Directors of the Association of its election prior to the termination date of the original guarantee term or an extended guarantee term, and such notice shall set forth the new termination date of Company guarantee. The Company reserves the right, in its sole discretion, to require the Board of Directors of the Association to increase the amount of the assessments due from Owners other than the Company for each extension by an amount not to exceed fifteen (15%) percent of the guaranteed amount of assessment for the preceding period. Provided, however, in no event may the Company require the Board of Directors to increase the assessment due from Owners other than the Company by more than fifteen (15%) percent for each year of extension of the guarantee. The Board of Directors of the Association agree to comply with the requirements of the Company, as provided herein, and increase the assessments payable from Owners other than the Company during any extension of the guarantee. Should the Board of Directors of the Association fail to increase such assessments, as may be required by the Company hereunder, the Company shall have the unconditional right to cancel its guarantee, as contained herein; or, Company shall have the right to specifically enforce its rights as provided herein.

Section 5. Due Dates; Duties of the Board of Directors.

All assessments shall be payable monthly in advance or on such other basis as is ordered by the Board of Directors. The Board of Directors of the Association shall fix the date of commencement and the amount of the assessment against each Dwelling Unit and shall prepare a roster of the Dwelling Units and assessments applicable, which shall be kept in the office of the Association and shall be open to inspection by any Member. Upon the written-request of a Member or his mortgagee, the Board shall promptly furnish such Member or his mortgagee with a written statement of the unpaid charges due from such Member.

Section 6. Effect of Non-Payment of Assessment; Personal Obligation of the Member; Liens; Remedies of the Association.

If an assessment is not paid on the date when due, then at the option of the Board, such assessment, together with the balance of the annual assessment established by the Board, shall become delinquent and shall, together with such interest thereon, late charges and the cost of collection thereof, including reasonable attorneys' fees and court costs, thereupon become a continuing lien on the Member's Dwelling Unit which shall bind such property in the hands of the Member, his heirs, devisees, personal representatives and assigns. Such lien shall be prior to all other liens except: (a) tax or assessment liens of any governmental authority on the Dwelling Unit, including, but not limited to, taxes or assessments of any state, county and school district taxing agency; and (b) all sums unpaid on any bona fide first mortgage of record encumbering the Dwelling Unit. The personal obligation of the Member who was the Owner of the Dwelling Unit when the assessment fell due, to pay such assessment, however, shall remain his personal obligation for the statutory period and shall not pass to his successors in title unless expressly assumed by them.

If the assessment is not paid within ten (10) days after the due date, the assessment shall bear interest from the date of delinquency at the maximum permissible interest rate provided under the laws of the State of South Carolina. A late charge of up to $25.00 may be assessed by the Board and the Association, through its Board, may bring an action at law against the Member or former Member personally obligated to pay the same or it may bring an action to foreclose the lien against the Dwelling Unit. There shall be added to the amount of such assessment the costs of preparing and filing the complaint in such action, and in the event a judgment is obtained, such judgment shall include interest on the assessment as above provided and reasonable attorneys' fees to be fixed by the court, together with the cost of the action and the aforesaid late charge.

Section 7. Selling, Leasing and Gifts of Dwelling Units, Etc.

A. No Member shall convey, mortgage, pledge, hypothecate, sell or lease his Dwelling Unit unless and until all unpaid assessments assessed against such Dwelling Unit shall have been paid as directed by the Board of Directors; such unpaid assessments, however, may be paid out of the proceeds from the sale of the Dwelling Unit or by the purchaser of such Dwelling Unit. Any sale or lease of the Dwelling Unit in violation of this section shall be voidable at the election of the Board of Directors.

B. Upon the written request of a Member or his mortgagee, the Board or its designee shall furnish a written statement of the unpaid charges due from such Member which shall be conclusive evidence of the payment of amounts assessed prior to the date of the statement but unlisted thereon. A reasonable charge may be made by the Board for issuance of such statements.

C. The provisions of this section shall not apply to the acquisition of a Dwelling Unit by a mortgagee who shall acquire title to such by foreclosure or by deed in lieu of foreclosure. In such event the unpaid assessments against the Dwelling Unit which were assessed and became due prior to the acquisition of title by such mortgagee shall be deemed waived by the Association and shall be charged to all other members of the Association as an Association expense. Such provisions shall, however, apply to any assessments which are assessed and become due after the acquisition of title by the mortgagee and to any purchaser from such mortgagee.

D. Whenever the term Dwelling Unit is referred to in this section, it shall include the Member's interest in the Association and the Member's interest in any property acquired by the Association. Any Member may convey or transfer his Dwelling Unit by gift during his lifetime or devise the same by will or pass the same by intestacy.

E. The provisions of this section shall not apply to Company. This section may not be amended without the prior written consent of Company.

Section 8. Subordination of Lien.

The lien for assessments provided for in this Article shall be superior to all other liens, except tax liens, mortgage liens in favor of Institutional Mortgagees or persons or entities deemed to be Institutional Mortgagees by the provisions of this Declaration, and mortgage liens in favor of mortgagees under mortgages now existing or hereafter granted by the Company, as mortgagor.

Section 9. Special Assessments.

Funds necessary for emergencies or non-reoccurring expenses may be levied by such Association as special assessments, upon approval of a majority of the Board of Directors of such Association and also, for such funds exceeding the sum of Ten Thousand Dollars ($10,000), upon approval by a majority favorable vote of the Members of such Association voting at a meeting or by proxy as may be provided in the By-Laws of such Association.

Section 10. Certificate of Assessment.

The Association shall upon demand at any time furnish to any Owner liable for an assessment a certificate in writing signed by an officer of the Association, setting forth whether such assessment has been paid as to any particular Dwelling Unit. Such certificate shall be conclusive evidence of payment of any assessment to the Association therein stated to have been paid.

ARTICLE VII
Insurance and Casualty Losses

Section 1. Association Insurance.

To the extent obtainable, the Board of Directors shall be required to obtain the following insurance:

A. Workmen's compensation insurance, if required by law; and,

B. Directors' and Officers' liability insurance; and

C. Other property and liability insurance it may deem proper to protect the Association, its Members and property.

Section 2. Dwelling Units.

A. Owner's Insurance Coverage. Each Owner shall be required to obtain and maintain adequate insurance of his Dwelling Unit which shall insure the property for its full replacement value, with no deductions for depreciation, against loss by fire, storm or other hazards or casualty. Such insurance shall name the Association as an additional insured and shall be sufficient to cover the full replacement value, or to cover necessary repair or reconstruction work. Such insurance shall be written in the manner acceptable to the Board of Directors of the Association and shall contain a clause which provides ten (10) days prior written notice to the Board of Directors of the Association before the policy can be cancelled. Each Owner shall be required to supply the Board of Directors with evidence of insurance coverage on his home which complies with the provisions of this Section. Each Owner shall also be responsible for the purchasing of liability insurance for accidents occurring on his or her Dwelling Unit.

B. Association Approval. The insurance referred to in subsection 1 of this Section shall be written in a manner acceptable to the Association. The Association shall carry out the functions set forth hereafter.

C. Insurance Trustee. Each policy shall contain a loss payment provisions which provides that the proceeds of any loss shall be payable to the Association who shall hold such funds in trust to insure that repairs are made as hereinafter set forth. Each policy shall also contain a clause that it is non-cancelable without ten (10) days prior written notice to the Association. Each Owner shall be required to supply the Association with evidence of insurance coverage on his Dwelling Unit which complies with the provisions of this Section.

D. Action by Board. If the insurance provided under this Section has not otherwise been adequately obtained by each Owner, as determined by the Board of the Directors of the Association, then the Board of Directors of the Association may obtain such insurance coverage. The purpose of such insurance will be to protect, preserve and provide for the continued maintenance and support of separately owned Dwelling Units. Insurance obtained by the Board of Directors of the Association shall be written in the name of the Association, as Trustee, for the benefit of the applicable Owner.

E. Payment of Premiums. Premiums for insurance obtained by the Board of Directors for the benefit of an individual Owner, as provided hereinabove, shall not be a part of the Association's Assessments or common expenses, but shall be an individual assessment (special assessment) payable in accordance with the provisions of Article VI of this Declaration.

F. Repair or Replacement of Damaged or Destroyed Property. Each, Owner shall, with the concurrence of the Owner's Mortgagee, if any, and the Board of Directors of the Association, be required to reconstruct or repair any Dwelling Unit or portion thereof destroyed by fire, storm or other casualty. Insurance proceeds issued for such repair shall be in the name of the Association, as Trustee. The insurance proceeds shall be deposited in a bank or other financial institution, subject to withdrawal only by the signatures) of an agent(s) duly authorized try Board of Directors of the Association. If no repair or rebuilding has been contracted for or otherwise substantially started by the Owner within thirty (30) days after the Association receives the insurance proceeds, the Board of Directors of the Association is hereby irrevocably authorized by such Owner to initiate the repair or rebuilding of the damaged or destroyed portions of the structure and/or exterior of the Dwelling Unit. Repairs shall be done in a good and workmanlike manner in conformance with the original plans and specifications used for construction of other Dwelling Units by the Company. The Board of Directors of the Association may advertise for sealed bids from any licensed contractors and may then negotiate with said contractors. The contract or contractors selected to perform the work shall provide full performance and payment bonds for such repair or rebuilding, unless such requirement is waived by the Board of Directors of the Association. In the event the insurance proceeds are insufficient to fully pay the costs of repairing and/or rebuilding the damaged or destroyed portions in a good and workmanlike manner, the Board of Directors of the Association shall levy a special assessment against the Owner in whatever amount is required to make up the deficiency. If the insurance proceeds exceed the cost of repairing and/or rebuilding, such excess shall be paid over to

the respective Owner and/or the Owner's mortgagee in such portions as shall be independently determined by those parties.

G. Administrative Fee. Should the Association obtain the insurance coverage on a Dwelling Unit pursuant to this Article, then the Association may charge and the applicable Owner shall be responsible for, as a special assessment against the Dwelling Unit, an administration fee of $100.00. Said fee is in addition to the charge for the premium, for which owner is also responsible.

H. Association and Directors Liability. The Association, its Directors or Officers, shall not be liable to any Person should it fail for any reason whatsoever to obtain insurance coverage on a Dwelling Unit.

ARTICLE VIII
The Association

Section 1. Powers.

The Association shall have all statutory and common law powers of a South Carolina non-profit corporation, all powers provided in its Articles of Incorporation and By-Laws, and all powers granted in this Declaration.

ARTICLE IX
Building and Use Covenants

Section 1. Land Use.

The use of a Dwelling Unit by a Member or other occupant shall be subject to the rules, regulations and provisions of this Declaration, the Articles and By-Laws and the Rules and Regulations of the Board of Directors. No Dwelling Unit shall be used except for residential purposes by a single family and their guests and invitees.

Section 2. Building Type.

A. "Building Type". No building shall be erected, altered, placed or permitted to remain on any portion of the Parcel other than as stipulated in the Planned Unit Development and of the type and style originally constructed by the Company. All Dwelling Units shall be constructed by an Approved Builder according to the Company's specifications. Construction shall not commence until the Owner has received written approval to proceed from the Architectural Review Committee. Construction of a Dwelling Unit must commence within twelve (12) months of acquisition of a Residence Site by the Owner. No Residence Site shall remain vacant for more than twelve (12) months unless owned by the Company of an Approved Builder. All Dwelling Unit exteriors shall be completed within six (6) months from commencement of construction or issuance of a building permit, whichever comes first.

Section 3. Architectural Control.

A. Except as to the Dwelling Units and other improvements originally constructed by the Company, no Dwelling Unit, wall, fence, decking, paving, awnings, or other structure or improvement of any nature shall be erected, placed, modified, altered or permitted to remain on any portion of the Amenities until the construction plans and specifications and a plan showing the kind, shape, materials, colors and location of the structure, exterior elevations, and landscaping, as may be required by both the Architectural Review Committee and the Association, have been approved in writing by the Architectural Review Committee and the Association. Each Dwelling Unit, wall, fence, or other structure or improvement of any nature, together with the landscaping, shall be erected, placed or altered only in accordance with the plans and specifications and plot plan used by the Company for the original construction of such Dwelling Unit or other structure. Refusal of approval of plans, specifications and plot plan, or any of them, may be based on any ground, including purely aesthetic grounds, which, in the sole discretion of said Architectural Review Committee, seems sufficient. Any change in the exterior appearance of any Dwelling Unit, wall, fence, or other structure or improvements, and any change in the appearance of the landscaping, shall be deemed an alteration requiring approval. The Architectural Review Committee shall have the power to promulgate such rules and regulations as it deems necessary to carry out the provisions and intent of this paragraph.

B. The Architectural Review Committee shall review the proposed submission as to the type and quality of materials, harmony of the exterior design, location of the structure with existing Dwelling Units, the Amenities, or other structures, location of the structure with respect to topography, trees, vegetation and the finished grade elevation and floor slab, exterior color(s) of any structure and any other relevant considerations. Upon completion of the proposed improvements, an "as-built" survey showing the finished floor and grade elevation and location of improvements shall be filed with the Association and with the Architectural Review Committee.

C. The Architectural Review Committee shall be composed of not less than three (3) nor more than seven (7) persons. The members of the Committee shall be appointed by the Company, its designees, successors or assigns. The membership, rules of procedure and duties of the Committee shall be prescribed by and, from time to time, changed or modified by the Company. If and when the Company deems the circumstances appropriate, the Company, in its sole discretion, may assign to the Association or any other body, all or part of the rights, duties, and functions o the Architectural Review Committee as set forth in this Declaration. From and after the date of any such assignment, the Company shall be relieved of any further duties or obligations concerning the Committee, and the Association or other body shall assume the duties and perform the functions as set forth herein.

D. If the Architectural Review Committee shall disapprove, in whole or in part, any submission required herein, the Committee shall notify the person, firm or entity making the submission of the reasons for such disapproval. If the Architectural Review Committee fails or

refuses to approve or disapprove a submission containing all the requirements as set forth herein within forty-five (45) days after submission is received by the Committee. it shall then be presumed that the submission has been approved by the Architectural Review Committee.

Section 4. Change in Dwelling Units.

A. Association nor any Owner shall make or permit any structural modification or alteration of any Dwelling Unit except with the prior written consent of the Architectural Review Committee (herein identified), or its successor; the Association, acting by and through its Board of Directors; and all institutional mortgagees holding a mortgage on the Dwelling Unit. Consent may be withheld if, in the sole discretion of the party requested to give the same, it appears that such structural modification or alteration would affect or in any manner endanger other Dwelling Units.

B. No Dwelling Unit shall be demolished or removed without the prior written consent of all Owners of any attached Dwelling Unit to which such Dwelling Unit was connected at the time of its construction and of all institutional mortgagees holding a mortgage on any attached Dwelling Unit, and also the prior written consent of Company or its successor.

Section 5. Regulations.

Regulations promulgated by the Board of Directors, or any committee established by the Board of Directors, or any committee established by the Board concerning the use of the Properties shall be observed by the Members and their family, invitees, guests and tenants; provided, however, that copy regulations are furnished to each Member prior to the time the said regulations become effective.

Section 6. Damage to Dwelling Units.

In the event a Dwelling Unit is damaged, through Act of God or other casualty, the Owner shall promptly cause the Dwelling Unit to be repaired and rebuilt substantially in accordance with the original architectural plans and specifications. The Association shell have the right to enforce such repair or rebuilding of the Dwelling Unit to comply with this responsibility in accordance with Article VIII hereinabove. To accomplish the requirements of this Section, each Owner shall insure each Dwelling Unit at the highest insurable value, including, but not limited to, full replacement value of the premises, as set forth in Article V.

Section 7. Temporary and Accessory Structures.

No accessory Dwelling Unit or structure of a temporary character, or trailer, tent, mobile home, boat or recreational vehicle shall be permitted on any portion of the Amenities at any time or used on any portion of the Amenities, at anytime, either temporarily or permanently, except as permitted by both the Association and the Architectural Review Committee. No gas container of any type shall be placed on or about the outside of any Dwelling Unit in the Parcel, unless the gas

container is installed underground. In the alternative, the gas container may be placed above ground if enclosed on all sides by a decorative wall or other screening approved by the Architectural Review Committee.

Section 8. Signs.

No sign, advertisement or poster of any kind shall be erected or displayed to the public view on Parcel without the prior written approval of the Architectural Review Committee and the Association as to size, color, content, material, height and location. This paragraph shall not apply to Company.

Section 9. Pets, Livestock and Poultry.

No animals, livestock, or poultry of any kind or size shall be raised, bred or kept on any portion of the Parcel, except that dogs, cats, or other normal household pets may be kept as authorized by the Board of Directors of the Association. However, the number of said pets shall not exceed two (2) for any Residence Site, provided that they are not kept, bred or maintained for any commercial purpose and provided that they do not become a nuisance or annoyance to any neighbor. No dogs or other pets shall be permitted to be at large or off of a leash within the Parcel. No dog runs, ties or outdoor kennels shall be permitted.

Section 10. Nuisances.

No noxious or offensive activity shall be carried on within any Dwelling Unit, nor shall anything be done therein which is or may become an annoyance or nuisance to the neighborhood.

Section 11. Antenna.

With the prior written approval of the Association television, electronic or other type antenna or satellite dish may be erected on the Parcel or attached to the exterior of any Dwelling Unit thereon. No radio, electronic or other type of antenna rising higher than Thirty-six inches (36") above the peak of a residence's roof may be erected upon any Dwelling unit.

Section 12. Exterior Appearances and Landscaping.

The paint, coating, stain, and other exterior finishing colors on all Dwelling Units may be maintained as originally installed, without prior approval of the Architectural Review Committee. Prior approval by the Architectural Review Committee shall be necessary before any such exterior finish or color is changed. Furthermore, prior approval shall be required if the Association or any Owner wishes to paint, varnish, stain or make any application to exterior trellises or wood treatment other than as originally finished by. the Company. The landscaping, including, without limitation, the trees, shrubs, lawns, flower beds, walkways, and ground elevations, shall be maintained as originally installed by the Company, unless the prior approval for any substantial change is obtained

from the Association and the Architectural Review Committee. Neither aluminum foil, paper, nor anything which the Architectural Review Committee deems objectionable, may be placed on windows or glass doors. No owner may place any furniture, equipment or objects of any kind or construct any structures, slabs or porches beyond the limits of any Dwelling Unit (including any deck, patio or porch) as originally constructed by Company or place any objects such as bicycles, toys, barbecues, etc., on any rear patio unless concealed from the view of the road frontage and other Dwelling Units, except, however, customary outdoor furniture. All Dwelling Units shall be kept in a clean and sanitary manner and no rubbish, refuse or garbage shall be allowed to accumulate or any fire hazard allowed to exist.

Section 13. Existing Trees.

Neither the Association nor an Owner or other person, without the prior written consent of the Architectural Review Committee, shall remove any live tree with a trunk of four (4) inches or more in diameter (as measured one (1) foot from ground level) from any portion of the Parcel. If said trees are removed without said prior consent, the Owner or the Association, as appropriate, may be required by the Committee to replace same with trees of comparable size.

Section 14. Grades and Elevations.

In order to preserve and maintain proper drainage, no changes in grades or elevations of any portion of the Parcel (including the swale areas) shall be made without the prior written approval of the Association and the Architectural Review Committee. Final, floor elevations and all other applicable grades must be shown on the site plan and approved by both the Committee and the Association prior to construction.

Section 15. Wells.

In order to minimize the removal of ground and surface water in any appreciable quantities and avoid unnecessary saltwater intrusion or diminution or material alteration of the aquifer, the construction and/or use of individual wells for any purpose on the Parcel is prohibited.

Section 16. Fertilizers.

In order to reduce the dissolution of nitrogen into the ground and surface waters in amounts injurious to the environment, only fertilizers which are capable of releasing nutrients at a controlled rate, such as organic fertilizer, are permissible.

Section 17. Commercial Vehicles, Trucks, Trailers, Campers and Boats.

No trucks or commercial vehicles, campers, mobile homes, motor-homes, boats, house trailers, boat trailers, or trailers of any other description shall be permitted to be parked or to be stored overnight at any place except in a completely closed garage on any Residence Site or Right-of-

Way. This prohibition shall not apply during the periods of approved construction on a Residence Site, neither shall this prohibition apply to temporary parking of trucks and commercial vehicles, such as for pick-up, delivery and other commercial services. Non-commercial vans which do not display any type of advertising, sign, logo or similar device and which are used for personal purposes shall not be prohibited.

Section 18. Sales and Rentals.

No Dwelling Unit may be sold, rented, or sublet without express written notice to the Board. This provision is for the purpose of making certain that subsequent owners and renters understand the rights and obligations of Members or occupants of Dwelling Units. In addition to the notice requirement, the Board may require the use of a registration form to be completed by prospective purchasers--chasers or renters. No Dwelling Unit may be rented, leased or sublet. for a period of less than thirty (30) days. All enforcement procedures applicable to the Declaration of Restrictive Covenants and Easements shall be equally applicable to enforcement of this section.

Section 19. Walls/Fences.

No fence, wall, gate, hedge, or other structure shall be erected or maintained on any amenities, except as originally installed by the Company unless approved in writing by both the Association and the Architectural Review Committee as provided herein.

Section 20. Garbage and Trash Disposal.

No garbage, refuse, trash or rubbish shall be deposited on any portion of the Amenities except in closed sanitary containers which must be kept completely obscured from view except that such containers may be placed at the edge of the front yard by the right-of-way no sooner than 5:00 p.m. on the day prior to scheduled trash collection, so long as any empty containers are removed from view by 5:00 p.m. on the day of collection.

Section 21. Outdoor Drying and Laundry.

No clothing, laundry or wash shall be aired or dried on any portion of the Amenities or in an area viewable to any other Dwelling Unit, or roadway. No garments, rugs, etc., shall be hung from windows or doorways of a Dwelling Unit, and no clothes lines or similar type structure shall be permitted within the Amenities.

Section 22. Jacuzzis, Swimming Pools and Screen Enclosures.

In-ground pools, jacuzzis, hot tubs and substantially similar structures may be permitted in the porch, patio or deck area as originally constructed by the Company so long as such installation is approved in writing by the Association and Architectural Committee. No other patio, deck, screen

enclosure or porch shall be permitted which extends beyond the Dwelling Unit as originally constructed by the Company, without the prior written approval of the Association and Architectural Committee. No above ground swimming pools shall be permitted.

Section 23. Lawful Conduct.

No immoral, improper, offensive or unlawful use shall be made of any Dwelling Unit. All valid laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction shall be strictly observed.

Section 24. Risks.

No Owner shall permit or suffer anything to be done or kept in his Dwelling Unit which will increase the rate of insurance as to other Owners or to the Association.

Section 25. Garages and Parking.

All units shall be constructed or reconstructed with an enclosed garage with the dimensions equivalent to the dimensions for the garage originally constructed by the Company. No vehicle permitted to be parked on the Parcel shall be parked overnight, except on a paved portion of the Amenities or within an enclosed garage. The Association shall have the right to adopt written rules and regulations concerning parking pursuant to Section 5 of this Article.

Section 26. Basketball Boards.

Basketball backboards whether attached to the Dwelling Unit or free-standing, shall be erected only after approval by the Committee and the Association.

Section 27. Flagpoles.

All flagpole structures and their locations must be approved by the Committee and the Association prior to construction and/or installation of same.

Section 28. Decorative Items.

The use of any decorative items, including but not limited to statues, gates, rocks, planters, bird baths, fountains, plant hangers,, and other ornamental accessories whether free standing or attached to any portion of the exterior of a Dwelling Unit must be submitted to the Association and the Architectural Review Committee for review and written approval prior to use, installation or construction.

Section 29. Mailboxes.

All mailboxes shall be installed and maintained by the Association.

Section 30. Lighting.

All exterior lighting, including, but not limited to, walkway, driveway, accent courtyard or amenities, must be approved by the Association and the Architectural Review Committee prior to construction or installation.

Section 31. Businesses.

No trade, business, professional office or any other type of commercial activity shall be conducted on any portion of the Parcel or in any Dwelling Unit, except as provided by applicable zoning regulation of the City of Bluffton; however, notwithstanding this restriction, the Company and its assigns shall not be prohibited from operating sales models and/or a sales office on any portion of Parcel.

Section 32. Violations.

In the event of a violation of these covenants and restrictions, or of any rule properly promulgated by the Board of Directors of the Association, the Association may, as an additional remedy, provide written notice of: the violation to the Owner of record, and if said violation shall continue for a period of seven (7) days from the receipt of the written notice, the Owner may be assessed an amount up to $5.00 per day, per violation. This assessment shall be considered in the same manner as hereinbefore provided for regular assessments and those sections providing for the recording of the assessment lien, enforcement anal collection shall also apply.

Section 33. Company Rights.

Notwithstanding any other provision in this Declaration, the Company is irrevocably empowered to sell, lease or rent Dwelling Units on any terms to any purchasers or lessees for as long as it owns any Unit Site. This section is intended to provide the Company with the broadest authority and power to transact and implement its business, and such activities shall be free and clear of any restrictions contained in this Declaration which would impede such activities. The Company shall have the right to transact any business necessary to consummate sales of said Dwelling Units. The Company may utilize single family residences as display homes and may, upon approval from the City of Bluffton, maintain a separate sales office.

ARTICLE X
Additional Powers Reserved to Developer

Section 1. Company Related Documents.

So long as Company *shall own* any any portion of the real property described in this Declaration, no amendment shall be made to the Declaration, to any Supplemental Declaration, to the Articles of Incorporation of the Association, to the Association By-Laws, Rules, Regulations, Resolutions or any other similar Association document, nor shall any such Company related amendments or documents be executed, adopted or promulgated by the Association or the Board of Directors unless such amendment or document shall be specifically approved in writing by Company in advance of such execution, adoption, promulgation and recording.

Section 2. Definitions.

For the purpose of giving examples of the type of Amendments contemplated by Section 1 of this Article, but not as a limitation or exclusive list of all such possible amendments, an amendment or document which does any of the following shall be considered to be a Company related amendment:

A. Discriminates or tends to discriminate against Company as an Owner or otherwise;

B. Directly or indirectly by its provisions or in practical application relates to Company in a manner different from the manner in which it relates to other Owners;

C. Modifies the definitions *provided for* by Article I of this Declaration in a manner which alters Company's rights or status;

D. Modifies or repeals any provision of Article II of this Declaration;

E. Alters the character and rights of membership as provided for by Article III of this Declaration or affects or modifies in any member whatsoever the rights of Company as a member of the Association;

F. Alters any previously recorded or written agreement with any public or quasi-public agencies, utility company, political subdivision, public. authorities or other similar agencies or bodies, respecting zoning suspension, streets, roads, drives, easements or facilities;

G. Denies the right of Company to record a Supplemental Declaration with respect to portions of the Properties or adding properties subject to this Declaration or otherwise making provisions in accordance with the powers granted to Company in this Declaration;

H. Modifies the basis or manner of Association assessments as applicable to Company or any Residence Sites owned by Company as provided for by Articles VI and VII;

I. Modifies the provisions of Article XI (architectural control) as applicable to Company or any Residence Sites owned by Company;

J. Alters the provisions of any Supplemental Declaration; or

K. Denies the right to the Company, its contractors and subcontractor's, to maintain temporary construction trailers, sheds or other Dwelling Units upon the Parcel; or

L. Alters or repeals any of Company's rights or any provision applicable to Company's rights as set forth in any provision of this Declaration or of any Supplemental Declaration or other Document applicable to Company.

The decision to approve or failure to approve any Company related document or Amendment by Company in accordance with Section 1 of this Article shall be in the sole and absolute discretion of Company and the Company shall not be liable to the Association, its Members or any party as a result of granting or refusing to grant such approval.

Section 3. Company Lands.

So long as Company continues to construct any facilities on the Parcel, no action may be taken by the Board or the Association applicable to the Company or any of the Residence Sites or other land owned by Company unless such action shall be approved in writing by Company unless the need therefor shall be waived by the Company in writing.

Section 4. Annexation.

The Company may, in its sole discretion and judgment, subject additional phases of real property to the terms of this Declaration as future phases of the Village at Verdier Plantation by recording an annexation amendment in public records of Beaufort County, South Carolina. Notice of said annexation amendment stating the number of Dwelling Units and a description of common property added, the number of votes allocated to the Company, and the total number of votes in the Association after said annexation, shall be delivered to all owners.

Section 4. Dwelling Unit Design and Use of Village Name.

The Company expressly reserves the right to construct other dwelling units of identical or similar design to the Dwelling Units it will construct on the Parcel, regardless of the location of the other dwelling units in relation to the Parcel. The Company further reserves the right to make use of the name "Village" or similar or derivative names in any manner the Company sees fit, including, but not limited to, the use of such name(s) in connection with other real estate development projects

it may undertake, regardless of the location of any such Project or use of the name(s) in relation to the Village project located on the Parcel.

ARTICLE XI

General Provisions

Section 1. Beneficiaries of Easements, Rights and Privileges.

The easements, licenses, rights and privileges established, created and granted by this Declaration shall be for the benefit of and restricted solely to, the Association, the Company and its subsidiaries and assigns, and the owners of Residence Sites on the Parcel; and any Owner may also grant the benefit of such easement, license, right or privilege to his tenants and guests and their immediate families for the duration of their tenancies, or visits, subject, to the Rules and Regulations of the Board of Directors, but the same is not intended nor shall it be construed as creating any rights in or for the, benefit of the general public.

Section 2. Duration.

The covenants and restrictions of this Declaration shall run with and bind the Parcel and shall inure to the benefit of and be enforceable bay the Company, the Association, or the Owner of any land subject to this Declaration, and their respective legal representatives, heirs, successors and assigns, for a term of ninety-nine (99) years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years each, unless an instrument signed by the then Owners of two-thirds of the Residence Sites and all institutional mortgagees of Residence Sites has been recorded, agreeing to change said covenants and restrictions in whole or in part. Provided, however, that no such agreement to change shall be effective unless made and recorded one (1) year in advance of the effective date of such change, and unless written notice of the proposed agreement is sent to every Owner at least ninety (90) days in advance of any action taken.

Section 3. Notice.

Any notice required to be sent to any Member or Owner under the provisions of this Declaration shall be deemed to have been properly sent when personally delivered or mailed, postpaid, to the last known address of the person who appears as Member or Owner on the records of the Association at the time of such mailing.

Section 4. Enforcement.

Enforcement of these covenants and restrictions shall be by the Company, the Association or any Owner by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages,

and against the land to enforce any lien created by these covenants; and failure by the Company, the Association, any Owner or other party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. These covenants may also be enforced by the Architectural Review Committee. The prevailing party in any proceeding at law or in equity provided for in this Section shall be entitled to recover in said suit the cost of the action, including reasonable attorneys' fees to be fixed by the Court, including attorneys' fees in connection with appeal of any such action.

Section 5. Disposition of Assets Upon Dissolution of Association.

Upon dissolution of the Association, its assets shall be dedicated to an appropriate public agency or utility to be devoted to purposes as nearly as practicable the same as those to which they were required to be devoted by the Association. In the event such dedication is refused acceptance, which refusal in the case of Beaufort County shall be by formal resolution of the Board of County Commissioners, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to purposes as nearly as practicable the same as those to which they were required to be devoted by the Association. No such disposition of the Association property shall be effective to divest or diminish any right or title to any Member vested in him under the licenses,, covenants and easements of this Declaration, or under any subsequently recorded covenants and ,deeds applicable to the Parcel, unless made in accordance with the provisions of this Declaration or said covenants and deeds.

Section 6. Severability.

Invalidation of any one of these covenants or restrictions by judgment or court order or otherwise shall in no way affect any other provisions which shall remain in full force and effect.

Section 7. Amendment.

Excepting supplemental Declarations and in addition to any other manner herein provided for the amendment of this Declaration, the covenants, restrictions, easements, charges, and liens of this agreement may be amended-, changed, added to, derogated, or deleted at any time and from time to time, upon the execution and recordation of an instrument executed by: (1) Company, for so long as it holds title to any Residence Site affected by this Declaration and said amendment by the Company shall not require the consent of any mortgagee, Owners of Residence Sites nor of the Association, either now or in the future; or, alternatively, (2a) the Company and Owners holding not less than two-thirds vote of the membership in the Association or by an instrument signed by the President and Secretary of the Association attesting that such instrument was approved by Members entitled to vote two-thirds of the votes of the Association at a meeting of the Members called for such purpose; and (2b) by all institutional mortgagees of Residence Sites affected by this Declaration. Any amendment must be properly recorded in the Public Records of Beaufort County, South Carolina, to be effective.

Section 8. Administration.

The administration of the Association shall be in accordance with the provisions of this Declaration and the Articles of Incorporation and By-Laws which are made a part of this Declaration and attached hereto as Exhibits "C" and "D" respectively.

Section 9. Gender.

Wherever in this Declaration the context so requires, the singular number shall include the plural, and the converse; and the use of one gender shall be deemed to include the other gender.

Section 10. Conflict.

In case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control. In case of any conflict between the Articles and this Declaration, this Declaration shall control.

Section 11. Community Benefit Program and Assessment.

In addition to the Assessments provided for herein, Company, on behalf of itself, its subsidiaries and assigns, does hereby reserve the right to create a Community Benefit Program and to assess a monthly fee of approximately Ten ($10.00) Dollars (subject to adjustment in relation to costs) for each Residence Site or dwelling unit constructed within the Village at Verdier Plantation, including the Residence Sites in the Parcel. The Program shall be within the Company's sole discretion. The funds collected may be used on behalf of all residents of the Village at Verdier Plantation community and may be used to cover the costs (1) for the maintenance, expansion, or creation of facilities (such as recreational parks` or tennis courts), improvements (such as utility, drainage, rights-of-way, lakes, greenways), Amenities, or programs or services of a community nature, (2) to further the environmental and aesthetic principles of the Village at Verdier Plantation, (3) to defray the costs for capital expenditures made by the Company for any facility, improvement or amenity and (4) of maintaining utility lines where no Dwelling Units have been constructed or connections made to said lines.

This fee shall constitute a lien against the assessed Residence Sites and if unpaid, shall be subject to the same interest and remedies of those provided in Article VII herein.

Section 12. Effective Date.

This Declaration shall become effective upon its recordation in the Official Records of Beaufort County, South Carolina.

IN WITNESS WHEREOF, LONGVIEW VILLAGE DEVELOPMENT COMPANY, INC., has hereunto caused this document to be signed by its proper officers this ____day of _____, 2001.

Signed in the presence of:

Executed by:

_____
Witness

_____
Authorized Agent

_____
(Name Printed or Typed)

_____
(Name Printed or Typed)

_____
_____

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by William F. McCroy, Jr. who is personally known to me or has produced _____ as identification.

NOTARY PUBLIC:

Sign:
Print:_____
State of South Carolina At Large

(Seal)

My Commission Expires:
Title/Rank:_____
Commission Number:_____

ATTACHMENT 1

DEVELOPMENT STANDARDS FOR THE VILLAGE DEVELOPMENT COMPANY'S LAND ANNEXED INTO TOWN OF BLUFFTON

(See separate document)

ATTACHMENT 1

DEVELOPMENT STANDARDS FOR THE VILLAGE DEVELOPMENT COMPANY'S LAND ANNEXED INTO TOWN OF BLUFFTON

ATTACHMENT 1

DEVELOPMENT STANDARDS FOR THE VILLAGE DEVELOPMENT COMPANY'S LAND 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	Modification to Town of Bluffton Ordinances
7	Town of Bluffton Ordinances

Introduction

INTRODUCTION

Attachment 1 provides the development standards for the Village at Verdier Plantation PUD. Copies of three (7) different ordinances are included (Development Standards Ordinance 90/3, Town of Bluffton 5.8 Planned Unit Development Ordinance, Town of Bluffton Ordinances (5 different ordinances)) 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 Village at Verdier Plantation PUD.

Development Standards Ordinance 90/3 Modifications

Development Standards Ordinance 90/3 Modifications

DEVELOPMENT STANDARDS ORDINANCE 90/3 MODIFICATIONS

The following text shall apply to development within the Village at Verdier Plantation 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 Initial Master Plans shall apply to the development of the Village at Verdier Plantation as defined in the Initial Master Plan. In the event of a conflict the hierarchy of documents is the Development Agreement, the Initial Master Plan, Section 5.8 PUD Ordinance Modifications, Section 5.8 PUD Ordinance, Town of Bluffton Ordinances as modified herein, DSO Modifications, and DSO 90/3.

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.

The following Town of Bluffton Development Standards Ordinances and Districts shall apply with modifications:

Section 4.1 Development Standards Ordinance/Street, Sidewalk, Pathway, and Bikeway Regulations as modified herein.

Section 5.0 Development Standrards Ordinance/ Subdivision Regulations as modified herein

Section 5.10 Village Commercial District as modified in the Development Agreement

Section 5.15 Highway Corridor Overlay District as modified herein

Section 5.17 Telecommunication Towers as modified herein

Section 5.19 Signs

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 Initial Master Plan. In order to prevent confusion and duplication, defined districts do not apply to the Village at Verdier Plantation PUD, with the exception of these listed below:

NCD- Neighborhood Commercial District
GCD- General Commercial District
HCOD- Highway 170 Corridor Overlay District

OCD – Office Commercial District

Article IV- Requirements by District

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

NCD- Neighborhood Commercial District
GCD- General Commercial District
HCOD- Highway 170 Corridor Overlay District
OCD – Office Commercial 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 170/U.S. Highway 170 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:

Verdier Plantation PUD may have have two (2) access points on S. C. Highway 170 as described on the Initial 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 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:

Verdier Plantation PUD may have up to two (2) access points on SC Highway 170 as described on the Initial 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 Town of Bluffton Signage Ordinance.

4.24.1.A.3- This item shall be deleted.

4.24.2.2.B- Foundation Buffers should be revised as follows: In order to enhance the traditional "Beaufort, Savannah, or Charleston style" main street look, building foundations are exempt from landscaped buffers where sidewalks (minimum 6' width) occur immediately adjacent to the foundation.

4.24.2.2.E.1.a-A minimum five (5') foot wide landscaped median shall be installed alongside (perpendicular to) parking spaces on the interior portion of a parking lot at every other parking bay.

4.24.2.2.E.1.b-A minimum nine (9') by twenty (20') foot landscaped peninsula shall be installed parallel to the parking spaces every ten (10) or fewer spaces and at the end of the parking aisle in order to separate the last space from any adjacent roadways.

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	2.0 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	Four (4) parking spaces per one thousand square

Establishments Not Listed Elsewhere, Which Deal With Customers on the Premises	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. Tree replacement shall be completed with similar species that require mitigation

5.2.7.9 – Master Plans

Delete (B) – Application for development permit.

5.2.9 Site Design and Density Standards

(A) Setbacks

Refer to Standards of the Initial 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 Town 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 Initial Master Plan, DSO Modifications, DSO 90/3, Section 5.8 PUD Ordinance Modifications, Section 5.8 PUD Ordinance, Town of Bluffton Ordinances as modified herein.

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 Initial Master Plan, DSO Modifications, DSO 90/3, Section 5.8 PUD Ordinance Modifications, Section 5.8 PUD Ordinance, Town of Bluffton Ordinances as modified herein.

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 –All building height dimensions are measured from average perimeter finished grade or base flood elevation to the eave of the roof.

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.

Development Standards Ordinance 90/3

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. If, 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.

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. T 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 tl 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, c 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 c 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 PUI 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 lan 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 PUD 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 a 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 bu 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') squar. 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 finisl 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 Agricultu 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 6168, 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, unles 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 heign 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 un 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 existing 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.

Section 4.16.5 **Permit Application Requirements**

(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 creation establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of the airports in the County and the public investment therein and protecting the lives and 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 the security of land surrounding airports.

(2) Airports Included. Airports included and applicable to this section are the U.S. Marine Corps Air Station (MCAS), the Beaufort County Airport (Lady's Island), and the Hilton Head Airport.

(3) Airports Environs: Accident Potential (APZs) and Noise Zones. Airport 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**

BEAUFORT COUNTY AIRPORT

(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.

HILTON HEAD AIRPORT

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 oı 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 (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 use 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; providec 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, thos 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 be

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 relocation 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 to 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

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 have 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 Conservation 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 dry 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 not be permitted unless such activity is either specifically included as, or clearly incidental and 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

(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. T 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 tl 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, c 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 c 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 PUI 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 lan 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 PUD 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 a 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 bu 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') squar. 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 finisl 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 Agricultu 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 6168, 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, unles 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 heign 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 un 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 existing 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.

Section 4.16.5 **Permit Application Requirements**

(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 creation establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of the airports in the County and the public investment therein and protecting the lives and 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 the security of land surrounding airports.

(2) Airports Included. Airports included and applicable to this section are the U.S. Marine Corps Air Station (MCAS), the Beaufort County Airport (Lady's Island), and the Hilton Head Airport.

(3) Airports Environs: Accident Potential (APZs) and Noise Zones. Airport 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**

BEAUFORT COUNTY AIRPORT

(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.

HILTON HEAD AIRPORT

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 oı 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 (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 use 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; providec 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, thos 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 be

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 relocation 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 to 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

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 have 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 Conservation 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 dry 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 not be permitted unless such activity is either specifically included as, or clearly incidental and 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 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 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 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 total

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.

<u>Section 4.23.2.3</u> <u>Penalties for Removing Trees in the Site Development Area</u>

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 or 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 b fifteen (15') feet.

3. - The Corridor Review Board shall have discretion to adjust the front, side an 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 parcel shall be a distance of one hundred fifty (150') feet. Newly created parcels are subject to the on 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 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 one hundred (100) linear feet (or portion thereof) of frontage on the highway, a minimum of six (6) broad-leaved over story trees, seven (7) under story 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 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	*Sabal* palmetto
(under 19' in height)	
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 lighting 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, the 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), © 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, noı 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 feet (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 this section to provide ample flexibility in the layout of streets, proposed street systems will be reviewed as to their design, safety, and convenience of 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 development 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) Minimum Specifications and Design Parameters for Unpaved Roads

(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) <u>Open Space Standards</u>

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 a 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, carniv 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) Storm Sewer Design

(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) Culvert Design

(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.

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 theii 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 ι 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.

<u>Environmental Impact Assessment</u>

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 permitt. 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 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 . 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~~ prelim 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) days 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.

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.

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

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

Modifications to Town of Bluffton 5.8 Planned Unit Development Ordinance

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 Initial Master Plan describes the buffers and requirements.

Delete: Items 1 – 7.

5.8.7 Application and the Initial Master Plan

(E) The Initial Master Plan shall contain:

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 the Initial Master Plan."

5.8.11 (B) Add to the end of the sentence:

…"unless modified by a Development Agreement and the Initial Master Plan."

Town of Bluffton
5.8 Planned Unit Development Ordinance

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.

Modifications to
Town of Bluffton Ordinances

Modifications to the Town of Bluffton's

- Development Standards Ordinance/Street, Sidewalk, Pathway and Bikeway Regulations
- Village Commercial District
- Development Standard Ordinance/Subdivision Regulations
- Highway Corridor Overlay District
- Telecommunication Towers
- Signs

Article IV, Section 4.5, Street, Sidewalk, Pathway and Bikeway Standards

Any references to the Town of Bluffton Development Standards Ordinance not related to this section and in conflict with the Development Agreement, the PUD document, and the Initial Master Plan shall not apply.

Section 4.5.2 General Street Design Standards

4.5.2.E Replace the first sentence with the following:
Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing street with the exception of the The Village at Verdier Plantation entrance road.

Article V, Street and Pathway Standards

Any references to the Town of Bluffton Development Standards Ordinance not related to this section and in conflict with the PUD document shall not apply.

The developer will own and maintain all common property therefore, street right-of-ways will not exist. Any reference to right-of-way in Article IV and Article V shall be deleted.

Sec. 4.5.8 Access to Streets

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

Verdier Plantation PUD may have up to two (2) access points on SC Highway 170 as described on the Initial Master Plan. The exact location of the access points will be determined at the time of Development Approval and subject to issuance of an encroachment permit from the S. C. Department of Transportation.

Sec. 4.5.13. Sidewalks, Pathways and Bikeways

The owner/developer agrees to provide a ten (10') foot easement within the HCOD buffer paralleling SC Highway 170 for the Town's multi-modal transportation systems.

Section 4.5.14 Pathway, Sidewalk, Pedestrian System and Bikeway Standards

4.5.14.A Pathways: This section shall be revised as follows:
Pathways within buffers shall be allowed to have a minimum width of 4 feet.

4.5.14.C.4: The first sentence of this section shall be revised as follows:
All public sidewalks or pedestrian systems within the boundaries of the PUD shall be constructed at the expense of the owner of the real estate along which the system is constructed.

4.5.14.C.5.b Local residential streets – section to be deleted

4.5.14.C.5.c Mult-Family residential streets – section to be deleted

4.5.14.C.6 add the following item
(d) where alternative paths are provided in a PUD to link the various areas.

D. Bicycle Facilities- Section to be deleted

Article V, Subdivision Regulations

5.1.4 Major Subdivision Submission Requirements

5.1.4.C Subdivision Plat

5.1.4.C.2 The following items shall be deleted from the list of items to be shown on a subdivision plat:
streets, utility transmission lines, storm sewers, ditches and culverts, water bodies, sanitary sewers, water mains, bridges, buildings, bulkheads and bulkhead fines, fuel storage tanks, zoning classifications of abutting properties.

5.1.4.C.4 This section shall be revised to read as follows:
Names of the owners of the contiguous parcels.

5.1.4.C.11 This section shall be deleted

5.1.4.C.14 This section shall be revised to read as follows:
Surveyed delineation as appropriate of any wetland areas within the subdivision.

5.1.4.C.15.a This section shall be deleted

5.1.4.C.15.c This section shall be revised to read as follows:
Vicinity map at a scale of not less than one (1") equal two thousand (2000') feet showing the location of the proposed site and the relationship to the surrounding areas.

5.1.4.C.15.f This section shall be deleted

5.1.4.C.16 This section shall be revised to read as follows:
Proposed Lot Layout

5.1.4.C.18 This section shall be deleted

5.1.4.C.19 This section shall be deleted

5.1.4.C.20 This section shall be deleted

5.1.4.C.22 This section shall be deleted

5.1.4.C.23 This section shall be deleted

5.1.4.C.24 This section shall be deleted

5.1.4.C.25 This section shall be deleted

5.1.4.C.26 This section shall be deleted

5.1.4.C.27 This section shall be deleted

5.1.4.C.28 This section shall be deleted

5.5 Open Space Standards

Sec. 5.5.1. General Open Space Standards

5.5.1.A The second sentence shall be revised as follows:
Areas qualifying as open space include, but are not limited to, natural undisturbed areas, landscaped areas, lagoon, ponds and lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas, ancillary recreational amenities such as swimming pools, tennis courts and golf courses and areas defined as Open Space in the PUD document under Section 2.D.11.

Sec 5.5.2 Common Open Space Standards

5.5.2.C This section shall be revised as follows:
Lands included as common open space may include historic sites or lands planned for active recreational uses such as golf courses, tennis courts, areas for other court games, pedestrian, bike and equestrian trails, plaza areas for crowd congregating, playfields, picnic areas, horse stables, passive recreation areas and areas defined as Open Space in the PUD document under Section 2.D.11.

Section 5.10 Village Commercial District

5.10.3.A.1 The ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious shall apply to the PUD as a whole. The development is condominiumized, therefore lot lines do not exist.

5.10.3.A.2 The maximum building shall be defined as described in Section 2.E of the PUD.

5.10.3.A.3 This section shall be deleted.

5.10.3.A.4 This section shall be deleted.

5.10.3.B This section shall be deleted.

5.10.3.C.1 The maximum densities shall be as described on the Initial Master Plan.

5.10.3.C.2 This section shall be deleted.

5.10.3.C.3 This section shall be deleted.

5.10.4.O The following shall be added to the list of permitted uses:

1. Hotel/Inn
2. Motion picture studio and/or video commercial preparation
3. Commercial Recreation Facility
4. Temporary Office / Sales Trailer
5. Drive-Thru, Drive-In, and/or Drive-up Restaurants
6. Research and Development uses

Section 5.15 Highway Corridor Overlay District (HCOD)

5.15.1

Replace:
The Highway Corridor is defined as five hundred (500) feet in depth beginning at the highway right-of-way line or the rear of the property line fronting the designated highway, whichever is less

Add:
The Highway Corridor Overlay District is defined as the rear of the front row of commercial buildings and shall not apply to residential development.

5.15.4 General Requirements

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

Verdier Plantation PUD may have up to two (2) access points on SC Highway 170 as described on the Initial Master Plan. The exact location of the access points will be determined at the time of Development Approval and subject to issuance of an encroachment permit from the S. C. Department of Transportation.

5.15.4.C This item shall be deleted.

5.15.4.D Revised the definition of Highway Corridor to be as defined in Section 5.15.1

5.15.4.E Exempted shall be revised to include temporary sales trailer.

5.15.5

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

Verdier Plantation PUD may have up to two (2) access points on SC Highway 170 as described on the Initial Master Plan. The exact location of the access points will be determined at the time of Development Approval and subject to issuance of an encroachment permit from the S. C. Department of Transportation.

5.15.6

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

Verdier Plantation PUD may have up to two (2) access points on SC Highway 170 as described on the Initial Master Plan. The exact location of the access points will be determined at the time of Development Approval and subject to issuance of an encroachment permit from the S. C. Department of Transportation.

5.15.7

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

Verdier Plantation PUD may have up to two (2) access points on SC Highway 170 as described on the Initial Master Plan. The exact location of the access points will be determined at the time of Development Approval and subject to issuance of an encroachment permit from the S. C. Department of Transportation.

5.15.8.D.2 Foundation Buffers should be revised as follows: In order to enhance the traditional "Beaufort, Savannah, or Charleston style" main street look, building foundations are exempt from landscaped buffers where sidewalks occur immediately adjacent to the foundation.

5.15.9.A Any reference to the Planning Commission having Architectural Review shall be removed from this paragraph

5.15.9.B Any reference to the Planning Commission having Architectural Review shall be removed from this paragraph

5.15.9.C.4 This item shall be deleted

5.15.9.C.5 The following sentence shall be deleted:
Only exteriors of structures are subject to review.

Town of Bluffton Ordinances

The Town of Bluffton's

- Development Standards Ordinance/Street, Sidewalk, Pathway and Bikeway Regulations
- Village Commercial District
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ORDINANCE NO. _____

ORDINANCE FOR THE AMENDMENT OF
THE DEVELOPMENT STANDARDS ORDINANCE/
STREET, SIDEWALK, PATHWAY AND BIKEWAY REGULATIONS

TOWN OF BLUFFTON, SOUTH CAROLINA

WHEREAS, the Town of Bluffton, South Carolina, is experiencing substantial growth and development; and,

WHEREAS, to better facilitate and control the growth and development being experienced by the Town of Bluffton, the Town believes it appropriate to amend its Development Standards Ordinance to provide for further street, sidewalk, pathway and bikeway standards; and

WHEREAS, the Town believes that the same will better insure the health, safety and welfare of its citizens; and,

NOW, in accordance with the foregoing, the Town amends its Development Standards Ordinance as follows:

The Town of Bluffton, South Carolina Development Standards Ordinance is amended to include and incorporate as Article IV, Section 4.5, Street, Sidewalk, Pathway and Bikeway Standards as follows:

Section 4.1 Applicability

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 Six, Section 6.2. The Standards prescribed in this Section shall apply to all Site Design and Development hereafter undertaken within the jurisdiction.

All proposed development in the Town of Bluffton that meets the requirements for street, sidewalk, pathway and bikeway standards shall comply with the provisions of this Article in order to receive approval of any development permit. The design and performance standards of this Article are generally applicable to all development in the Town. In the review of any proposed development, on a site-specific basis, some of the design and performance standards may be deemed inapplicable as determined by the Community Development Director, Planning Commission or Town Council.

Section 4.2 Purpose and Intent.

The purpose of this Article is to establish design and performance standards for all development in the Town. The standards promote good site design and planning that produces development that is functional, an asset to the community and in keeping with the general nature of the Town. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. Due to ever-accumulating knowledge about site design, the design and performance standards will be monitored and reviewed on an on-going basis as to their reasonability and effectiveness in promoting these purposes. Developers are urged to present information which may document a more applicable standard. Such information may be used to update this Article. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

Section 4.3 Addressing and Lot Numbering.

Proposed street names and numbering will be obtained through Beaufort County Office of Emergency Management. Every property and/or development shall have legible addresses posted on the property visible from the street with a minimum three (3") inch high letters in a color that

contrasts the structure. Within subdivisions, blocks shall be numbered, and the lots within each block shall be numbered consecutively and in a logical manner to allow easy emergency access.

Section 4.4 Public Access.

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.

B. 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 access 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

C. Development involving the sale of lots, tracts, or units for which the provisions for public access 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:

(1) Disclosure Statement: "It has been determined by the Town of Bluffton 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."

(2) For development not involving the sale of lots or units which cannot meet the provisions of subpart (a) (1) of this section, the Development Review Board 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 of scheduled project review.

D. The Community Development Director 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 4.5 Street, Sidewalk, Pathway and Bikeway Standards.

4.5.1 Layout of Circulation System

A. While it is the intent of this section to provide ample flexibility in the layout of streets, and most design standards are not specifically required herein, proposed street systems will be reviewed as to its design, safety and convenience of 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 development practices. Emphasis should be placed on safety at curves and intersections.

B. The layout of the circulation system shall be designed to provide access and to accommodate vehicular traffic and pedestrians safely and efficiently with a minimum impact on adjacent properties. The layout shall also provide an aesthetically pleasing design.

C. The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade and drainage, as well as aesthetic factors such as the visual impact of the street pattern and the highlighting of special site features.

D. Streets shall be designed according to a hierarchy of functions, with through traffic separated from residential access streets. Pathways may also be provided; they may be designed to be independent of the road system, but they may be required along roads in areas of high intensity of land use, provided there is some physical separation from the edge of street pavement, such as curbs or green strips.

E. Upon determination that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision design, the Town Administrator will notify the adjacent property owner by registered mail of his findings and recommend that he 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.

Section 4.5.2 General Street Design Standards

All streets shall incorporate, as applicable, the following:

A. The arrangement of streets shall conform to the circulation requirements of the Comprehensive Plan or Official Map.

B. For streets not shown on the Comprehensive Plan or Official Map, the arrangement shall provide for the extension of existing streets, where appropriate.

C. The road system shall be designed to permit the safe, efficient and orderly movement of traffic, and should generally follow the guidelines of the latest edition of the Highway Capacity Manual.

D. The road system for residential subdivisions shall be designed to serve the needs of the neighborhood and be designed to serve the needs of the neighborhood.

E. Proposed street which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing street. Proposed street names shall and numbering will be obtained through the Beaufort County Office of Emergency Management.

F. Where a subdivision abuts or contains an existing or proposed major thoroughfare as designated on the official major thoroughfare map, the Town may require (except in planned residential, resort or commercial developments where a central access road has been provided or is included in the master plan for such area) minor access or frontage streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

G. Cross Access - Street access to adjoining property may be required by the Community Development Director, Planning Commission or Town Council during the development review process. Street stubs to adjoining areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs in excess of two hundred fifty (250) feet shall be provided with a temporary cul-de-sac turnaround. This temporary cul-de-sac shall meet the

requirements as specified in Section 4.5.6. The developer of the adjoining area shall pay the cost of restoring the street to its original design cross section and extending the street.

H. The Community Development Director may require marginal access, frontage streets or other such treatment as may be necessary for adequate protection of residential properties where a subdivision abuts or contains an existing or proposed arterial, collector or other major road. This requirement shall not apply in developments (such as a PUD) where a central access road has been provided.

I. No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting or structure or object capable of obstructing driver vision will be allowed at intersections.

J. While finished paving of private street is encouraged, private streets may be constructed without finished paving; provided, however, that all private streets shall have shoulders, side slopes and ditches prepared in conformance with the latest edition of the SCDOT *Access and Roadside Management Standards*.

K. All costs involved in bringing road widths and/or rights-of-way to public street standards shall be borne by either the developer, a property owners' association, or affected property owners through the creation of a special -tax district.

L. All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the SCDOT *Access and Roadside Management Standards*.

M. All streets shall meet the standards set forth above, whether publicly owned and/or maintained or privately owned and/or maintained.

Sec. 4.5.3. Street Hierarchy.

A. Streets shall be classified in a street hierarchy system with design tailored to function.

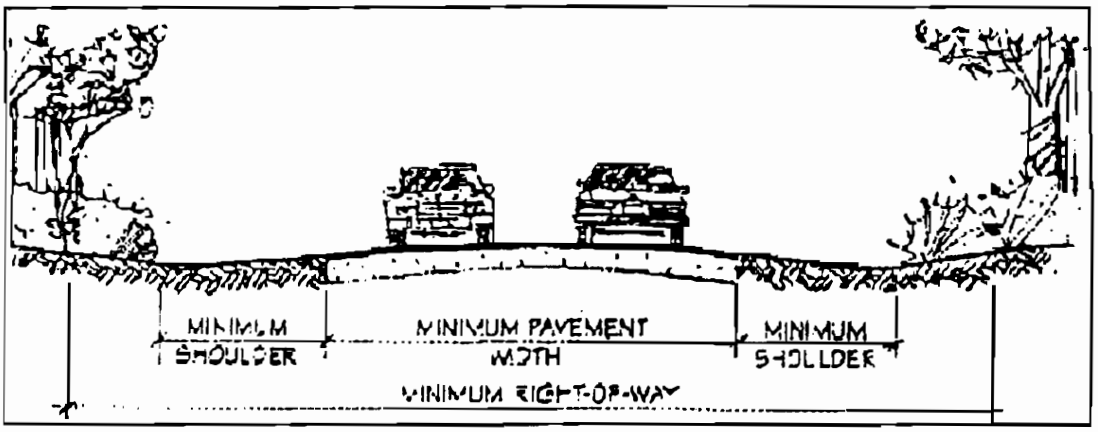
B. The street hierarchy shall be defined by road function and average daily traffic (ADT). Each street shall be classified and designed to meet or exceed the minimum standards for one of the street types defined above.

Sec. 4.5.4 Design Standards by Street Type.

A. Street Standards. The following standards shall apply to all streets.

ARTICLE V. STREET AND PATHWAY STANDARDS

Street Type	Maximum ADT	Minimum Pavement Width	Minimum Shoulder Width	Minimum Right-of-Way
Lane	50	20 ft	4 ft	30 ft
Cul-de-sac	250	20 ft	4 ft	40 ft
	500	20 ft	8 ft	50 ft
Local Access	2,000	22 ft	8 ft	50 ft
Subcollector	4,000	24 ft	8 ft	60 ft
Collector	6,000	24 ft	10 ft	70 ft
Minor Arterial	25,000	24 ft	10 ft	70 ft
Major Arterial	50,000	24 ft	12 ft	120 ft



A. **Street Standards**

B. Dead-End Streets. No dead-end streets shall be permitted except those classified as a lane or cul-de-sac above.

C. **Estimate of Average Daily Trips (ADT).** If it is not possible to determine the maximum average daily trips to be served by a street at the time of street design due to uncertainty about the type or intensity of use to be served, then the applicant shall estimate the probable uses and intensities and probable ADT. If the Community Development Director determines that such estimates are unrealistic, he shall state why and require more realistic estimates.

Sec. 4.5.5. Right-of-Way.

Right-of-way shall be measured from property line to property line and shall be sufficiently wide to contain the encompassing street elements of street pavement, shoulders, curbing, sidewalks and median (if provided). In addition to a street, It may only contain utilities (including drainage), signs allowed by this ordinance, and where applicable, pathways. The street elements required vary depending on intensity of development and street order. Minimum rights-of-way shall be provided as shown in Sec. 4.5.4.

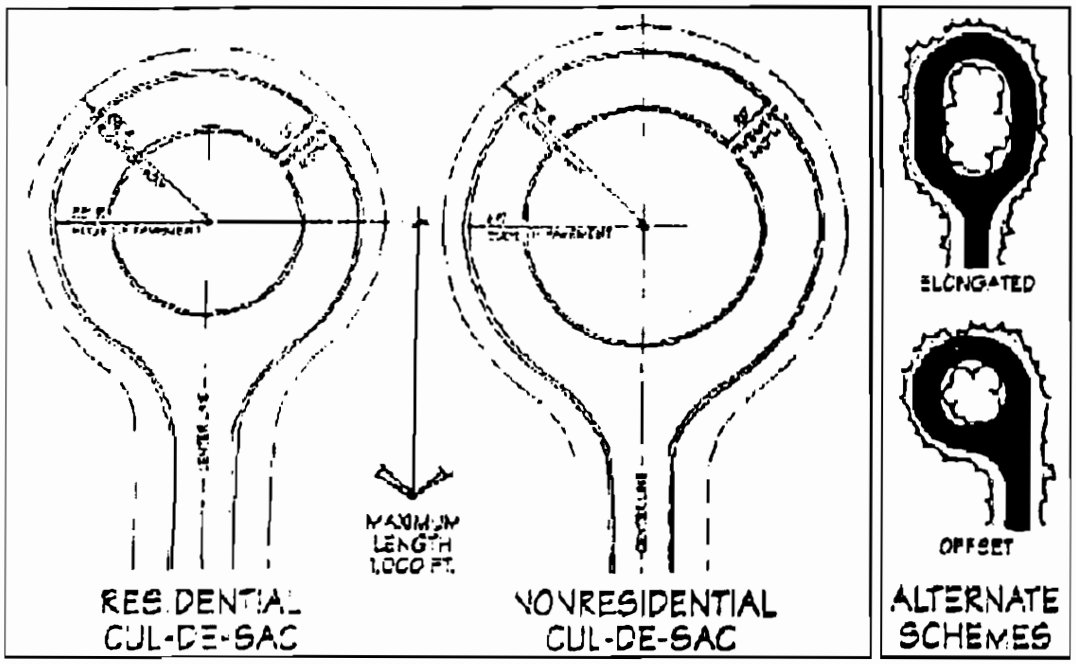
Sec. 4.5.6. Cul-de-Sacs.

A. Residential cul-de-sacs shall have a minimum right-of-way radius of 65 feet and a minimum outside edge-of-pavement radius of 55 feet.

B. Nonresidential cul-de-sacs shall have a minimum right-of-way radius of 75 feet and a minimum outside edge-of-pavement radius of 65 feet.

C. A cul-de-sac shall have a minimum width of 20 feet of unobstructed pavement.

D. The maximum length of a cul-de-sac shall be 1,000 feet.



Cul-de-sac Design Requirements

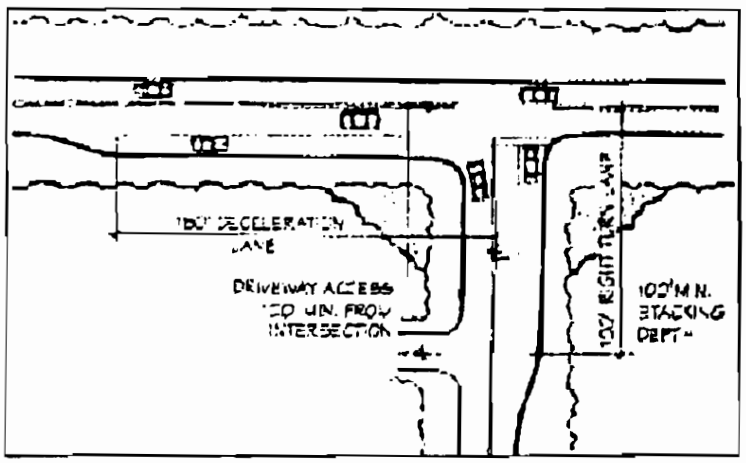
Sec. 4.5.7 Street Intersections.

A. Minimum Intersection Angle. Street intersections shall be as nearly at right angles as practical and in no case shall be less than 75 degrees.

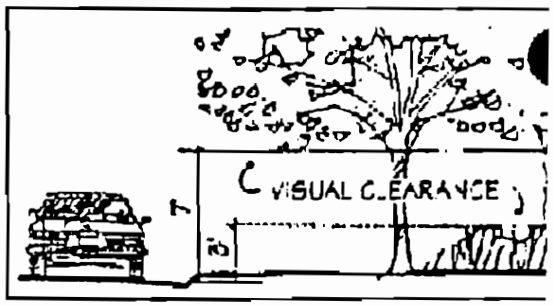
B. Minimum Centerline Offset of Adjacent Intersections. New intersections along one side of an existing street shall coincide with and, if practical, be directly opposite any existing intersections on the opposite side of each street. For all streets, the use of "T" intersections in subdivisions is encouraged. To avoid corner cutting when inadequate offsets exist between adjacent intersections, offsets shall be at least 125 feet between center lines of intersecting streets.

C. Grade. Intersections shall be designed with a relatively flat grade wherever practical. Maximum grade within and intersections shall be 5 percent but within collectors and lower order streets shall be 3 percent.

A. Sight Triangles.



Deceleration Lane



Sight Ti

1. Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or "connecting" points located on each of the right-of-way lines of the intersecting street.

2. No structure or plantings (at mature growth) that exceed 3 feet in height above the street grade shall be permitted within the sight triangle. Exceptions are permitted for trees if the lower canopy of the trees allow a clear line of sight between 3 feet and 7 feet above the street

grade and the trunks of such trees are sufficiently spaced or are so located as to be unlikely to substantially interrupt the line of sight.

3. A public right-of-entry shall be reserved for the purpose of removing any object, material or otherwise, that obstructs the clear sight. The distances shown below between the connecting points and the intersection of the right-of-way lines shall be required.

4. Sight triangles shall have the dimensions shown in the following table.

Minimum Sight Distance (in feet)	**Lane, Cul-de-sac, Local Access Street**	Subcol-lector	**Collector**	**Minor Arterial**	Arterial
Lane, Cul-de-sac, Local Access Street	25/25	25/35	30/40	30/45	35/50
Subcollector	35/25	35/35	40/40	40/45	45/50
Collector	40/30	40/40	40/40	45/45	50/50
Minor Arterial	45/30	45/40	45/45	45/45	50/50
Arterial	50/35	50/45	50/50	50/50	50/50

E. Curbing. Curbing shall be required at the radials of intersections involving two streets of subcollector or higher order, unless the Community Development Director waives this requirement.

F. Deceleration Lane and Right Turn Lane. Whenever an arterial or collector road intersects an arterial, the road having the right-of-way shall have a deceleration lane of at least 150 feet, and the yielding road shall have a right-turn lane designed to allow stacking at least 100 feet in length. In any

case where neither road is obviously dominant, due to equal order hierarchy, signalization or other similar factor, then both roads shall provide deceleration or right-turn lanes, as appropriate, of at least 150 feet.

G. Stacking Depth. New development on major arterials shall provide a drive aisle of not less than 100 feet from the arterial, measured from edge-of-pavement to edge-of-pavement (including deceleration lanes), so as to provide adequate stacking room for vehicles entering the development. Such drive aisles shall be free of any functions that may impede vehicle travel.

Sec. 4.5.8. Access to Streets.

A. A minimum distance of one thousand five hundred (1,500') feet shall be maintained between all access points along the Bluffton Highway Corridor Overlay District (HCOD) [see Section 1.15, Zoning Ordinance] 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 Planning Commission 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:

1. Access may be granted to a parcel of record existing at the time of adoption of the HCOD provided that the property owner demonstrates that (s)he has made significant but unsuccessful efforts to establish alternative access, including, but not limited to, the following methods: joint access with adjoining properties, access from adjacent roads and the establishment of frontage roads.

2. Where the South Carolina Department of Transportation has established nodes along the right-of-way of the US Highway 278 Extension as access points, access points

spaced less than one thousand five hundred (1,500) feet apart may be used provided they are spaced at least one thousand two hundred (1200) feet apart.

B. All Other Streets. Along the same side of all other streets no street, driveway or other vehicle access point shall enter at a point nearer than 100 feet from the centerline of an existing or final approved street, driveway or other access point to the centerline of the proposed access.

C. Median Cuts. New median cuts on major arterials shall be at least 1000 feet from existing or approved median cuts and shall have left-turn deceleration lanes in each direction at the median cut.

D. Frontage Required. All multifamily and nonresidential development shall have frontage on and access directly onto a street meeting the standards of Sec. 4.5.5.

E. Waiver. For a lot of record which would be rendered unusable by the strict application of this section or by demonstration that the access point is otherwise optimally located so as to provide acceptable turning radii, and minimize adverse impact, including turning movements and visual impact of "strip development" resulting from the less than minimum separation of access points from the roadway, relief may be requested in the form of a request for a waiver from the Community Development Director or Planning Commission, as appropriate during the development review process.

Sec. 4.5.9. Street Lighting.

Lighting, if provided, shall comply with the standards recommended in the IES Lighting Handbook (1981 or as revised), published by the Illuminating Society of North America, or other standards approved by the Community Development Director. All such lighting shall be hooded or directed, to the extent practical, to shield the light source from direct view from adjacent properties and streets.

Development within the Bluffton Highway Corridor Overlay District (HCOD) shall also meet the lighting standards in Section 5.15.11, Highway Corridor Overlay District Lighting, in the Bluffton Zoning Ordinance.

Sec. 4.5.10. Traffic Signs and Street Name Signs.

A. Traffic signs shall be provided at the developer's expense, and their design and placement shall be as required by State of South Carolina's standards and criteria or those of the Town of Bluffton.

B. Street name signs (on private internal streets) shall be provided at the developer's expense. At least 2 street name signs shall be placed at each four-way street intersection and one at each "T" intersection. Signs shall be reflective or installed under light standards and should be consistent, of a style appropriate to the Town, of a uniform size and color, and erected on street posts of the same height set in concrete as established by the Town Engineer.

C. Private Street Sign Design. Deviation from the strict standards will be allowable when approved by the Community Development Director in consideration of neighborhood character or special signage. The Town shall consider private street sign design.

Sec. 4.5.11. Reserved.

Sec. 4.5.12. Reserved.

Sec. 4.5.11. Street Furniture.

Street furniture, which consists of the man-made elements of a streetscape generally associated with amenities for pedestrians, shall be placed where needed and not interfere with safe use of the sidewalk or roadway.

Sec. 4.5.12 . Street Design and Construction Standards.

Subject to Town Engineer's approval the following standards shall apply:

A. Shoulders, Side Slopes and Ditches.

1. All streets offered for public dedication shall have shoulders or curbs, side slopes and ditches, or alternative storm drainage systems, prepared in conformance with the latest edition of the Standard Specifications for Highway Construction, South Carolina Department of Transportation.

2. Shoulders shall be properly compacted and backfilled to safe edge. Stabilized turf shoulders are not required but are recommended where proper irrigation is available. If curbs are used, shoulders may not be required.

B. **Paving Streets for Public Dedication.** All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the Standard Specifications for Highway Construction, South Carolina Department of Transportation.

C. Paving Private Streets. Private streets may be constructed without finished paving provided that the finished surface and drainage system are approved by the Town Engineer.

Sec. 4.5.13. Sidewalks, Pathways and Bikeways.

All new Planned Unit Development, major subdivision or Highway Corridor Overlay District (HCOD) development must construct its portion of the Town's multi-modal transportation systems unless an alternative system is approved by the Planning Commission. If a waiver to these provisions is granted by the Town, the owner/developer shall be required to contribute in lieu of construction an amount equal to the cost of construction of the required sidewalk or bikeway for the Town to use in constructing or completing pedestrian/bikeway systems.

Pathways and Bikeways may be required at the Community Development Director's discretion, depending on the probable volume of use and in consideration of the site's location in relation to other populated areas or its location with respect to an overall pathway and bikeway plan

adopted by the Planning Commission. The following standards or substitutions, as well as the standards in Section 4.5.14, approved by the Town Engineer or Community Development Director, shall be followed:

A. Definitions.

BICYCLE—Every vehicle propelled solely by human power upon which any person may ride. having two tandem wheels, except scooters and similar devices. The term "bicycle" for this publication also includes three-and four-wheeled human-powered vehicles, but not tricycles for children.

BICYCLE FACILITIES—A general term denoting improvements and pro-visions made by public agencies to accommodate or encourage bicycling, including parking and storage facilities, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE or BIKE LANE—A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH or BIKE PATH—See PATHWAY.

BICYCLE ROUTE SYSTEM—A system of bikeways designated by the jurisdiction having authority with appropriate directional and informational route markers, with or without specific bicycle route numbers. Bike routes should establish a continuous routing, but may be a combination of any and all types of bikeways.

BIKEWAY—A generic term for any road, street, path or way which in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

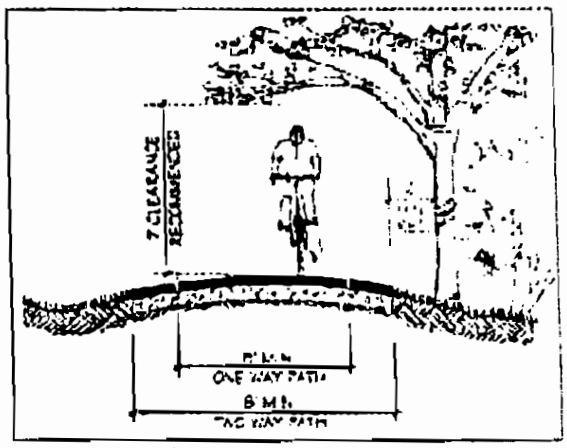
SHARED ROADWAY—A roadway which is open to both bicycle and motor vehicle travel. This may be an existing roadway, street with wide curb lanes, or road with paved shoulders.

PATHWAY —A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the high-way right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers and other non-motorized users.

Section 4.5.14 Pathway, Sidewalk, Pedestrian System and Bikeway Standards. Bicycle and pedestrian ways shall include sidewalks, bikeways and pedestrian paths. Except as provided below, bicycle and pedestrian ways may meander between the curb and right-of-way line where necessary to preserve topographical or natural features or to provide visual interest, provided a grassed or landscaped area at least three (3') feet wide is retained to separate the pathway from the adjacent curb.

A. Pathways. Dimensions and construction specifications of bicycle paths shall be determined by the number and type of users and the location and purpose of the bicycle path. A minimum 8-foot paved width shall be provided for 2-way bicycle traffic and a 5-foot width for 1-way traffic.

1. Choice of surface materials, including bituminous mixes, concrete, gravel, soil cement, stabilized earth, and wood planking, shall depend on use and users of the



Pathway Standards

path, as approved by the Town Engineer.

2. Gradients of bike paths should generally not exceed a grade of 5 percent, except for short distances.

B. Pathway Designation. Any bikeway and/or pathway shall be restricted as part of the site's common open space when on a residential site. On a nonresidential property, a permanent easement shall be reserved and maintenance assigned to a specific entity. The improvements, in either case, may also be offered for public dedication.

C. Sidewalks. Sidewalks are normally to be constructed adjacent to the street right-of-way line with a minimum separation between the sidewalk and the roadway of five (5) feet, unless a minimum separation between the sidewalk and the roadway of five (5) feet, unless a reduced width or different location is approved by the Community Development Director or Planning Commission. Where this separation is not possible within the right-of-way, every effort will be made to locate the sidewalk on an easement on private property or otherwise achieve the desired separation. If it is not possible to maintain the minimum separation, sidewalks may be constructed adjacent to a vertical curb. Other items which conflict with the sidewalk location such as utility structures shall be relocated at the developer's expense.

1. Sidewalks may abut the curb where the available right-of-way is constrained, when approved as part of a Special District plan, or where necessary to maintain continuity with previously constructed sidewalks on adjacent properties.

2. Sidewalks may be required in areas not specifically noted, where necessary to continue a walk on an existing street, to link areas or to provide access to pedestrian generators located in close proximity.

3. Commercial sidewalks shall be a minimum of five (5) feet in width and residential sidewalks shall be a minimum of five (5) in width. All sidewalks shall be a minimum of four (4) inches in thickness except where crossing driveways in which case the minimum thickness shall be six (6) inches and will have six-inch by six-inch#10 W.W.F. (or equivalent) reinforcement.

4. All public sidewalks or pedestrian systems within the town shall be constructed at the expense of the owner of the real estate along which such system is constructed. The owners or real estate within the town shall construct at their own expense, good and substantial walkways along abutting rights-of-way and easements dedicated specifically for pedestrian walkways, which shall always be the width prescribed by the town. Upon failure so to do, the town shall notify them of such neglect, and that if the failure is not corrected by the abutting property owner within thirty (30) days of receipt of written notice from the town, then the town shall have the work done by the town at the expense of the owner of the property, which expense shall constitutes a lien on the lot and be enforced in the same manner as a mechanic's lien. The notice shall be in writing and specify the kind of pedestrian system to be built.

5. Requirements for sidewalks when required for new Planned Unit Development, major subdivision or Highway Corridor Overlay District (HCOD) development are:

   a. Arterial or local commercial streets - along the frontage of all properties abutting these streets;

   b. Local residential streets – a connecting system of sidewalks on both side of each such street;

c. Multi-family residential streets – a connecting system of sidewalks on both sides of each such street and a sidewalk running from each building in the development to the street.

6. Sidewalks placed on both sides of the street shall not be required where one or more of the following conditions exists, unless a lot has frontage on a road or roads classified as a collector, arterial, or local commercial street or on a road which provides direct access to a public school, park or other comparable public facility that is located within one (1) mile of the lot, to wit:

(a) in subdivisions or developments where the minimum lot size is 1.5 acres (65,340 square feet). In such subdivision or development, a pedestrian pathway system is still required.

(b) in subdivisions or developments which are physically isolated by water, marsh, saltwater wetlands, or freshwater wetlands from other subdivisions or developments.

(c) in affordable housing projects where an alternate pedestrian pathway system is approved by the Planning Commission based on public access and inner connecting.

D. Bicycle Facilities:

1. A bikeway providing for travel in two (2) directions shall be provided if feasible along US Highway 278, US Highway 170, SC Highway 46, Burnt Church Road, Buckwalter Parkway, and Bluffton Parkway, subject to review and approval of the South Carolina Department of Transportation and the Town of Bluffton.

2. Bicycle Facilities may also be required if a Bicycle Route System is addressed within an adopted plan, such as the comprehensive plan, zoning ordinance, transportation plan, development standards ordinance, and design guidelines.

3. Bicycle lanes shall be constructed of the same materials and specifications as the adjacent street.

4. Bicycle-safe drainage grates shall be used in the construction of streets with bicycle lanes.

5. Bicycle facilities shall be designed to meet the standards of the current version of the American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities.

This Ordinance was read and passed at first reading on _____, 2001.

_____
Henry "Hank" Johnston, Mayor
Town of Bluffton, South Carolina

_____
Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on _____, 2001.

_____
Henry "Hank" Johnston, Mayor
Town of Bluffton, South Carolina

_____
Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on _____, 2001.

_____
Henry "Hank" Johnston, Mayor

Town of Bluffton, South Carolina

Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

ORDINANCE NO _____

AN ORDINANCE FOR THE AMENDMENT OF THE TOWN OF BLUFFTON'S DEVELOPMENT STANDARDS ORDINANCE/SUBDIVISION REGULATIONS

WHEREAS, the Town of Bluffton, South Carolina, is experiencing substantial grown that development; and,

WHEREAS, to better facilitate and control the growth and development being experienced by the Town of Bluffton, the Town believes it appropriate to amend its Development Standards Ordinance to provide subdivision regulations; and,

WHEREAS, the Town believes that the same will better insure the health, safety and welfare of its citizens; and,

NOW, in accordance with the foregoing, the Town amends its Development Standard Ordinance as follows:

The Town of Bluffton, South Carolina, Development Standard Ordinance is amended to include and incorporate, as ARTICLE V, Subdivision Regulations, as follows:

ARTICLE V

SUBDIVISION REGULATIONS

Section 5.0. General.

Sec.5.0.1. Applicability. All proposed development in the Town of Bluffton that meets the definition of a subdivision shall comply with the provisions of this Article in order to receive approval of the subdivision plat as a prerequisite to the recording of the approved subdivision plat. The design and performance standards of this Chapter are generally applicable to all development in the Town. In the review of any proposed development, on a site-specific basis, some of the design

and performance standards may be deemed inapplicable as determined by the Community Development Director.

Sec. 5.0.2. Purpose and Intent . The purpose of this Article is to establish design and performance standards for all development in the Town. The standards promote good site design and planning that produces development that is functional, an asset to the community and in keeping with the general nature of the Town. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. Due to ever-accumulating knowledge about site design, the design and performance standards will be monitored and reviewed on an on-going basis as to their reasonability and effectiveness in promoting these purposes. Developers are urged to present information which may document a more applicable standard. Such information may be used to update this Chapter. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

Section 5.1. Subdivision Review

Sec. 5.1.1. Applicability. All proposed development as a subdivision this Title shall comply with the provisions of this Article in order to receive approval of the subdivision plat as a prerequisite to the recording of the approved subdivision plat.

Sec. 5.1.2. Authority. The Planning Commission may delegate to the Community Development Director review and approval authority for all minor subdivisions. The Planning Commission may review, make recommendations on all major subdivisions and delegate ultimate approval authority of major subdivisions to the Town Council.

Sec. 5.1.3. Definition of Major and Minor Subdivision. A minor subdivision is a division of land into 5 or fewer residential lots. All other divisions shall be considered major subdivisions.

Sec. 5.1.4 Major Subdivision Submission Requirements. All applications for subdivision approval shall include the following:

A. Application Form and Fee. An application form as published by the Community Development Department including the names and addresses of the owner(s) of record and the applicant, if different from the owner; other information as stated on the application and appropriate subdivision review fee.

B. Subdivision Plan. The subdivision site plan shall constitute the totality of the land the subdivider proposes to record and develop. When a subdivision is being developed in phases, the final subdivision plan shall constitute only that portion which the subdivider proposed to develop and record, with a sketch of the entire subdivision included (also see Subdivision Plan requirements below). Eight (8) black line prints of a subdivision site plan in standard sheet of twenty-four (24) by thirty-six (36) inches and at a scale of 1'=50' or other scale acceptable to the Community Development Department. Plans must be certified and prepared by and/or under the direct supervision of a professional engineer qualified by training and experience in the specific technical filed involved and registered or licensed to practice that profession in the State of South Carolina.

C. **Subdivision Plat.** Eight (8) black line prints of a subdivision plat in standard sheet size of twenty-four (24") by thirty-six (36") inches and at a scale of 1"=100' or other scale acceptable to the Community Development Department. Plans must be prepared by a registered surveyor, showing:

1. Date (including any revision dates), proposed subdivision name; and location of the subdivision, name of owner, north arrow, graphic scale and reference meridian.

2. A legal description of the property and current boundary survey prepared and sealed by a registered licensed land surveyor and certified to the Town of Bluffton and showing the following:

   Town limit lines (if any), property lines, right-of-way easements, ~~streets~~, ~~utility transmission lines~~, storm sewers, ditches ~~and culverts, water bodies, sanitary sewers, water mains, bridges, buildings, bulkheads and bulkhead lines, and fuel storage tanks~~. Names and locations of adjoining developments and streets, names of abutting property owners, ~~zoning classifications of abutting properties.~~ Tract boundaries and total acreage in tract.

3. The proposed name of the subdivision;

4. 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;~~

5. Location and description of all primary control points and monuments used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers and similar data shall be referred;

6. Existing and proposed tract boundary lines, right-of-way lines, proposed street names, easements and other rights-of-way, all lot lines and other site lines with accurate dimensions, bearing or deflecting angles or radii, arcs and central angles of all curves;

7. The proposed use of lots shall be noted and the purpose of any easement or land reserved or dedicated to public or utility use shall be designated.

8. Each block shall be numbered, and the lots within each block shall be numbered consecutively.

9. Notation of specific reference plats, if applicable.

10. Computed acreage of each lot created by the subdivision.

~~11. Minimum building setback or buffer lines as required by the Development Standards Ordinance or Zoning Ordinance.~~

12. Certification by a South Carolina professional land surveyor as to the accuracy of the details of the plat, with seal and signature affixed.

13. Notation of the one-hundred-year storm flood elevation MSL and Flood Disclosure Statement (if in FEMA Zone A or V).

14. Surveyed delineation as appropriate of any wetland area within ~~or contiguous to~~ the subdivision.

15. 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 at a scale of not less than one (1") inch equal two thousand (2000') feet showing the location of the proposed site, relationship to

surrounding areas ~~within five hundred (500) feet and including surrounding streets and thoroughfares with access roads referenced to the intersection of the nearest state primary or secondary paved road, existing zoning on the site and surrounding areas, existing land uses on the site and surrounding areas;~~

d. 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;

e. 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;

~~f. Soil Survey based on most recent Soil Survey of Beaufort and Jasper County, USDA~~

16. Proposed lot layout, street design and street right-of-way widths.

17. Proposed street names;

~~18. Proposed drainage system layouts;~~

~~19. Proposed water system layout, except where individual wells are proposed;~~

~~20. Proposed sewer system layout, except where individual septic tanks are proposed;~~

21. Proposed open space areas;

~~22. Where applicable, surveyed line delineating the extent of any special district boundary on the development property;~~

~~23. Topographic survey including flood prone delineations. The most recent USGA topographic survey and USGA flood-prone mapping may be utilized;~~

~~24. Tree survey (see Section 4.14);~~ → SEE BEAUFORT COUNTY 90/3 TREE ORDINANCE

~~25. Other affected agencies preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority;~~

26. Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity).

27. The Town may require submission of additional 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.

28. A narrative addressing:

a. Proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas and other proposed amenities and improvements.

b. Proposed phasing and time schedule if development is to be done in phases.

c. In a beach development district, a plan to preserve sand dunes and shore vegetation.

D. Certification of Owner's Consent. Certification that the owner of the land has given consent to the proposed subdivision.

E. Certification of Title Source. Certification signed by the surveyor setting forth the source of title of the owners of the land subdivided or a copy of the deed by which the property was conveyed to the owner.

F. Open Space and Public Dedication Narrative. A detailed narrative explaining how the subdivision will meet the open space and public dedication requirements, as applicable, of Section 5.5. The narrative shall include:

1. Description of the form of organization proposed to own and maintain the open space in conformance with the requirements for Property Owners Associations or the equivalent.

2. Identification of how the open space and facilities relate to existing and proposed open space areas, bikeways and recreational facilities in Bluffton, envisioned in the Comprehensive Plan, or more detailed plans adopted by the Town Council, such as Planned Unit Developments.

G. Subdivision in Phases. Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.

Sec. 5.1.5. Minor Subdivision Submission Requirements. A minor subdivision plat shall be submitted with each of the items set forth in Sec. 5.1.4, major subdivisions, with the exception of the following:

1. Open Space standards in Section 5.5. Development of individual lots in minor subdivisions shall comply with the Open Space Standards in the Town of Bluffton Zoning Ordinance, or Development Standards Ordinance (DSO), whichever is greater.
2. Sidewalk and pathway standards in Section 4.5, Development Standards Ordinance unless the property is a new Planned Unit Development or within the Highway Corridor Overlay District.

Sec. 5.1.6. Maximum Review Period for Plat or Plan.

A. Once an application for review of a subdivision plat or other land development plan is considered complete, failure to act within 60 days shall constitute approval of the plat or plan, as set forth in Section 6-29-1150 of the Code of Laws of South Carolina.

B. A letter of approval or authorization to proceed shall be sent by the Community Development Director to the within this 6O-day period. If the plat or plan is not approved, a written statement detailing the deficiencies shall be sent to the applicant.

C. The 60-day time period may be extended by mutual agreement between the Town and the applicant.

Sec. 5.1.7. Review and Action by Town. If a proposed subdivision is determined by the Town in conformance with all applicable provisions of this Title and is approved by the Town, the Community Development Director shall so advise the applicant in writing. A determination by the

Town that all applicable provisions have not been satisfied shall result in disapproval of the subdivision and notice of such disapproval shall be given to the applicant in writing.

Sec. 5.1.8 Appeals.

1. Minor Subdivisions. Appeals of administrative decisions on minor subdivisions made by the Community Development Director shall be made to the Board of Zoning Appeals within 30 of the date the appealing party has received actual notice from the Community Development Director in accordance with the procedures in Article VIII, Appeals and Procedures. Bluffton Zoning Ordinance.

2. Major Subdivisions. Appeals of Town Council decisions on major subdivisions Community Development Director shall be made to the South Carolina Circuit Court.

Sec. 5.1.9. Expiration of Approval. A subdivision approval shall expire unless a certificate of compliance is obtained within two years of the approval, or unless recorded at the Beaufort County Register of Mesne Conveyances.

Section 5.2. Certificate of Compliance .

Sec. 5.2.1. Applicability. The regulations set forth in this Article shall apply to any development which has previously obtained a subdivision or development plan approval pursuant to the provisions of this Title or a prior development permit.

Sec. 5.2.2. Certificate of Compliance Required. The development, or approved phase thereto, may not be occupied or used until a Certificate of Compliance has been obtained from the Town of Bluffton. Approved phase for purposes of this Article shall be an approved phase through the subdivision or development plan approval process, or a phase thereof approved by the Community Development Director prior to a request for an inspection for a Certificate of

Compliance. In order for a phase to receive a Certificate of Compliance. that approved phase must be able to function alone with all required infrastructure including but not limited to access drives, parking, drainage facilities, utilities, and required landscaping/tree planting. Sec. 5.2.3. Determination of Compliance.

A. Upon completion of all development work and simultaneous with the applicant's request to the Town for a final site inspection, the applicant shall submit the applicable documents to the Community Development Department for review and approval.

B. Following the review of the materials submitted above, the Community Development Director shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this Title, requirements of subdivision approval, development plan approval or permit and any other applicable approval.

C. Upon determination of compliance, the Town shall complete a Certificate of Compliance and forward it to the applicant.

Sec. 5.2.4. Temporary Certificate of Compliance.

A. At the discretion of the Town, a Temporary Certificate of Compliance may be issued for a period to be determined by the Town, up to a maximum of 6 months, for a subdivision, site or structure.

B. No Temporary Certificate of Compliance shall be issued for a development, or approved phase thereof, unless:

1. Development is substantially complete and the site is in a safe, accessible and useable condition.

2. Development surety has been provided to the Town.

Section 5.3. Subdivision Standards.

Sec.5.3.1. Purpose and Intent. The purpose of subdivision layout is to create a functional and attractive development with infrastructure and lots appropriately sized and located to minimize adverse impacts. The intent of this Section is to provide clear requirements and guidelines for subdivision design for both major and minor subdivisions.

Section 5.3.2. General Requirements.

A. Layout of the development shall be based on complete site analysis. Streets and lots shall be designed and situated to minimize alteration of natural and historic site features to be preserved.

B. The subdivision layout shall consider the practicality and economic feasibility of development of individual lots including the environmental characteristics, size of the site and the requirements of this ordinance.

C. Unique and fragile elements including, but not limited to wetlands, significant stands of trees and individual trees of significant size, shall be preserved where practical, with development reserved for environmentally stable areas.

D. Open space and recreational areas shall be planned in accordance with Section 5.5.

E. Street, sidewalk and pathways shall be planned in accordance with Article IV, Section 4.5.

F. To the extent practical, the proposed development shall be coordinated with all existing and officially approved plans for the surrounding community.

G. Lots shall be situated so that stormwater may be easily directed away from buildings in subsequent site-specific development. Lots shall be configured so that buildings and general flood sensitive site facilities can be located out of drainage ways.

H. All subdivisions shall be served by central water and sewer service unless the Town and the utility service provided agree that service is not feasible.

Sec. 5.3.3. Layout of Lots and Blocks.

A. Subdivisions may be laid out in conventional, cluster, or a combination of block/lot designs.

B. The lot configuration and shape shall provide satisfactory sites for buildings, and be property related to topography, natural elements, access, drainage and utilities and conform to all requirements of this ordinance.

C. Lots shall be as nearly rectangular in shape as practical, given consideration of environmental features. Side lot lines shall be perpendicular to straight streets and radial to curved streets and cul-de-sac turnarounds as practical. The dimensions of corner lots shall permit the required building setbacks from streets and site triangles. Lots shall not be designed with irregular shapes for the purpose of access or to obtain street frontage.

D. The number of lots within a block shall be as appropriate for the location and the type of development contemplated as practical. Visual monotony created by excessive blocks of lots that are not interrupted by intersections, open space, buffers and/or features shall be avoided.

E. Pathways are encouraged throughout the subdivision. Pathways may be required by the Community Development Director to provide circulation or access to schools, playgrounds, shopping, or other community facilities. Interconnection with other pathways is also desirable.

Sec. 5.3.4. Street Access.

A. All major subdivisions shall have direct access to a public street.

B. Minor subdivisions shall be permitted to provide alternative access in accordance with Section 4.4(b) and (c).

Sec. 5.3.5. Miscellaneous Standards.

A. Applicability. Subdivisions shall comply with all applicable design and performance standards of this ordinance. Setback and buffer standards shall apply to the perimeter of all subdivisions. Setback and buffer areas may be within individual lots if shown on the plat to be recorded. Any question of applicability shall be determined by the Community Development Director.

B. Monuments and Markers. At all lot corners there shall be placed a concrete marker, installed per standard surveying techniques. Horizontal control monuments shall be placed in the pavement of subdivision streets so that no lot is more than 2,000 feet from a control monument. The control monument shall be placed in a manner satisfactory to the Town Engineer. As an alternate to the above requirement, control monuments may be placed in open space areas, park areas, and the like, and may be of the type commonly used in the area and installed according to the common

practice, as approved by Town Engineer. The overall survey control system may be one established by the Planning Commission.

C. Subdivision Name. Every subdivision shall be given a name by which it shall be legally known. Such a name shall not be the same or in any way so similar to any name appearing on any recorded plat in Beaufort County as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section of the subdivision by the same developer or his successors in title. Every subdivision's name shall have legible lettering of the same size and type. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision.

D. Addressing and Lot Numbering. Each block shall be numbered, and the lots within each block shall be numbered consecutively and in a logical manner to allow easy emergency access. Proposed street names and numbering will be obtained through Beaufort County Office of Emergency Management. Every subdivision shall be given a name by which it shall be legally known. Such a name shall not be the same or in any way so similar to any name appearing on any recorded plat in Beaufort County as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section of the subdivision by the same developer or his successors in title. Every subdivision's name shall have legible lettering of the same size and type. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision.

Addresses. Address shall be indicated in parentheses on each lot on one (1) separate, 11" by 17" reduced copy of the final plat submitted to the Community Development Department. Addresses will be obtained by the Beaufort County Office of Emergency Management.

E. Lot Size with Septic System. Subdivisions creating lots where the Town and utility provider agree that public sanitary sewer is unavailable shall demonstrate that all lots are sized to accommodate septic systems. Clearance of said systems from property lines is mandatory, and septic easements shall be recorded with the subdivision plat. SCDHEC review of the subdivision shall be required.

Sec. 5.3.6. Issuance of Certificate of Occupancy. A Certificate of Occupancy shall not be issued by the Town's Community Development Department until either a Certificate of Compliance has been issued by the Town for the site or phase thereof in which the building is located.

Section 5.4. Development Sureties

Sec. 5.4.1. Applicability.

A. Development sureties as set forth herein shall be required for:

1. Any development for which a Temporary Certificate of Compliance is being issued pursuant to Sec. 5.2.4.

2. Any development involving the division of land or buildings into single or multiple-o'M1ership lot or units where the actual sale of such lots or units may commence prior to the fulfillment of all requirements of this Title and all conditions of approvals.

B. Development surety shall not be required for any development involving the division of land or buildings into single or multiple-ownership lots or units where sale of such lots or units will not occur prior to the completion of all development work required by this Title and all applicable approvals. Any related plat or plan shall be stamped "for construction only, no recording authorized".

Sec. 5.4.2 Types of Surety.

A. The following types of development sureties may be accepted by the Town:

1. Cash; or
2. A bank certified check payable to "Town of Bluffton"; or
3. An irrevocable letter of credit naming the Town of Bluffton as beneficiary; or
4. A performance bond by a surety firm, approved by the Town Attorney, naming the Town of Bluffton as beneficiary.

B. A letter of credit or performance bond shall be approved by the Town Attorney for content, format and conditions. The approved original shall be held in the Town's safe.

Section 5.4.3. Acceptance of Surety. Prior to the Town's acceptance of any such development surety, the applicant shall submit to the Community Development Director a copy of a contract signed by both the developer and licensed contractor or an itemized and certified cost estimate prepared by a licensed contractor, registered engineer, registered architect or registered landscape architect, or any combination thereof, which will cover the costs for completion of all required improvements.

Sec. 5.4.4 Amount of Surety.

A. The amount of any such development surety shall be the aggregate amount of the contract or cost estimate approved by the Town that equals at least 125% of the improvement costs, plus a 15 percent contingency fee and an additional 10 percent administrative fee. This aggregate amount shall be considered to be the face amount/value of the development surety for determining the appropriate amount of the nonrefundable filing fee.

B. The contingency fee is required to ensure completion of work which may have been underestimated or unanticipated. The administrative fee is required to cover any potential cost incurred by the Town in administering completion of any unfinished portion of the work and may include, but shall not be limited to, staff time and expenses and/or possible professional consultant fees.

Sec. 5.4.5 Release of Surety.

A. Subsequent to final on-site inspection and issuance of a Final Certificate of Compliance by the Community Development Department that all secured work has been completed, the surety or any remaining balance thereof shall be released. In the case of a cash or certified check surety , any interest earned during the time of deposit of such surety in a Town account shall be included in the total amount due at the time of final release.

B. A release of an appropriate portion of a development surety which has been accepted by the Town in the form of cash or certified check (hereinafter a "drawdown") or amendment of the face value of any letter of credit or performance bond (hereinafter

a "markdown") that has previously been accepted by the Town may be permitted provided that:

1. Prior to a request for a drawdown or markdown, the applicant shall submit to the Community Development Director the contractor's itemized list of work completed and work remaining as secured by the surety which has been certified by the project engineer or owner; and
2. The Community Development Department has inspected the work site and has verified in writing that, to the best of his knowledge, all such respective work has been completed; and
3. The requested drawdown or markdown shall be at least 20 percent of the original face value of the approved surety, but not less than $10,000.00; and
4. No more than one such drawdown or markdown shall be approved during any 30 day period, except for the request for a final drawdown or markdown.
5. In all cases where a drawdown or markdown is requested. the contingency fee and the administrative fee shall remain intact until the work secured by the development surety is verified by the Administrator to have been completely finished and a final drawdown or markdown has been requested.

Sec. 5.4.6 Time Limits on Surety. Time limits on development sureties shall be as follows:

A. The maximum length of time for which a development surety may be held by the Town shall be 12 months, except as provided for below. Any development surety submitted as a letter of credit or performance bond shall state on its face that, subsequent to the date of expiration, the Town as beneficiary shall have 30 days from

the date of expiration to make demand upon the issuing bank or agency for the honoring of such surety if the respective work has not been fully completed.

B. Any development surety submitted as a letter of credit or performance bond shall also state that written notice of the imminent expiration of such surety shall be given to the Town by the surety issuer or developer not less than 30 days prior to the date of expiration.

Sec. 5.4.7. Failure to Complete Work. If all secured development work has not been completed as of the stated date for such completion, the Town shall contract to complete the remaining work following normal Town bidding procedures; and

A. In the case of a cash or certified check surety, take possession of the full amount or remaining balance of such surety; or

B. In the case of a letter of credit or performance bond surety, make demand upon the issuer of such surety for immediate payment to the Town of the full or amended face value of such surety.

Section 5.5. Open Space Standards

Sec. 5.5.1. General Open Space Standards.

A. All development shall include open space areas as part of the site development plan. Open space as required herein shall generally mean all areas not utilized for buildings, roads and parking, loading areas or accessory structures. Areas qualifying as open space include, but are not limited to, natural undisturbed areas, landscaped areas, lagoon, ponds and lakes, natural freshwater wetlands, dedicated wildlife

preserves, buffer areas and ancillary recreational amenities such as swimming pools, tennis courts and golf courses.

B. Open space for a given development shall be a minimum of thirty-five (35%) percent.

3. Minor subdivisions (less than 5 lots) shall be exempt from the provisions of this Section; however, development of individual lots in minor subdivisions shall comply with the Open Space Standards in the Town of Bluffton Zoning Ordinance, or Development Standards Ordinance (DSO), whichever is greater. In addition, expansion of a minor subdivision onto adjacent parcels such that the total number of lots in the subdivision is greater than 5 shall require the provision of open space calculated based upon the entire subdivision. Evidence of expansion of a subdivision shall include, but not be limited to, contiguous ownership of the tracts to be developed, or extension of existing streets to serve additional area.

Sec. 5.5.2. Common Open Space Standards.

A. Common Open Space **Required.** In major residential subdivisions, a percentage of the required general open space shall be specifically restricted to use as common open space through deed restrictions, covenants, public dedication or other method acceptable to the Community Development Director. The percentage of required general open space needed to satisfy this standard is in accordance with the area regulations for the base district the site lies.

B. **Requirement.** Common open space shall be a minimum of 25 percent of total open space required by the area regulations of the base district the development lies within

but not less than 15 percent of gross acreage, whichever is greater and shall be legally described and depicted on the subdivision plat to be recorded.

C. **Depiction.** The common open space shall be depicted on any plat of the development submitted for approval to record. In rental apartment developments or other residential developments not requiring subdivision of land and subsequent recording of a plat, no recording of a plat depicting common open space shall be required, but the restricted area shall be identified on the approved development plan. The restricted area shall be referred to in this section as "common open space."

D. **Types of Land Included.** Lands included as common open space may include historic sites or lands planned for active recreational uses such as golf courses, tennis courts, areas for other court games, pedestrian, bike and equestrian trails, plaza areas for crowd congregating, playfields, picnic areas, horse stables or passive recreation areas. Ag uses in PUD

E. Environmental Land Included. Common open space may also include areas subject to environmental restrictions such as wetlands, beaches, and dunes, which shall be planned for limited use and access and appropriate protection, in accordance with other sections of this ordinance pertaining to each environmentally sensitive feature. However, these areas shall not be more than 50 percent of the total required common open space.

F. **Accessibility Required.** Required common open space shall be reasonably accessible from all parts of the development, especially by pathways. Wherever feasible, the common open space shall connect into existing town park, recreation or

conservation lands, historic sites, or lands proposed for park, recreation or conservation in the Comprehensive Plan, or lands in adjacent developments that are set aside, or proposed to be set aside, for common open space.

Sec. 5.5.3. Common Recreational Open Space.

A. Common Recreational Space Required.

1. In major residential subdivisions, at least 25 percent of the common restricted or dedicated open space required above shall be reserved for common recreational uses for the development such as those described in Sec. 5.5.2 above. The purpose shall be to insure a reasonable level of accessible recreational facilities for the residents of the development, thereby minimizing the need for expenditure of public funds to provide such recreational facilities.

2. At the time of submission of an application for a development plan approval, the applicant shall specify the location of the common recreational open space and the type of recreational uses and facilities to be located therein.

B. Alternatives. As an alternative to meeting the common recreational open space requirements set forth above and based on documented hardship with no other options available, the applicant may, at the Planning Commission's discretion, either contribute recreational, conservation or open space land, or provide a payment in lieu of such contribution, as set forth below. Any contribution or payment in lieu thereof is due prior to recording the plat.

1. **Contribution of Recreational Land.** The applicant may contribute comparable land as an expansion to existing or proposed common recreational open space area for a planned unit development, homeowners association or similar neighborhood entity of which residents of the development will be a part. Such common recreational open space area shall be reasonably accessible, in the opinion of the Community Development Director, and funded in a manner adequate to maintain it.

2. Contribution of Conservation or Open Space Land.

   a. The applicant may contribute land that has been designated CPD, Conservation Preservation District, to the Town or such entity as the Community Development Director may approve.

   b. Such contributed land shall be at least equal in size to that which would otherwise be designated common recreational open space for the residential development, or one-half acre, whichever is greater in size.

   c. The Community Development Director shall determine whether the land to be conveyed is appropriate for use as common recreational open space for the public or residents of the residential development. Among the factors to be considered by the Community Development Director in making such determination shall be the accessibility of the land to be conveyed, and whether the size and physical characteristics are appropriate.

3. Reduction of Common Open Space. When a contribution of other land occurs or a payment is made, the amount of common open space required may be reduced by the developer in an amount equal to that which would otherwise have been required for common recreational open space.

Sec. 5.5.4 Ownership and Maintenance.

A. Maintenance. Common open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Common open-space areas shall be owned permanently, preserved and maintained by any of the following mechanisms or combinations thereof:

1. Dedication of common open space to an appropriate public agency, if there is a public agency willing to accept the dedication.
2. Common ownership of the open space by a Property Owner's or Homeowner's Association or a similar entity approved by the Community Development Director which assumes full responsibility for its maintenance.
3. Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the common open-space land and provide for the maintenance responsibility.

B. Organization Responsible. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of

any of its common open space without first offering to dedicate the same to the Town or an appropriate public agency.

1. If the organization established to own and maintain common open space, or any successor organization, shall fail to maintain the common open space in reasonable order and condition and in accordance with reasonable health, safety and welfare standards, the Town may serve written notice upon such organization or upon the residents and owners setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition.

2. Said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof. If such deficiencies are not corrected within such time, the Town shall serve written notice of a hearing on the matter, and shall state the date and place of a hearing thereon which shall be held within 15 days of that notice.

3. At such hearing, the Town may modify the terms of the original notice as to the deficiencies and may give a reasonable extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within the 30 days, or any extension thereof, the Town, in order to preserve the taxable values of the properties and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain the same for a period of one year.

4. The entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners.

5. Before the expiration of the year, the Town shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization and to the owners of the development, to be held by the Town.

6. At said hearing such organization and the owners of the development shall show cause why such maintenance by the Town shall not, at the election of the Town, continue for the succeeding year.

7. If the Town shall determine such organization is not ready and able to maintain the common open space in a reasonable condition, the Town may, in its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

8. The decision of the Town in any such case shall constitute a final administrative decision, subject to judicial review.

C. **Costs May Be Assessed.** The cost of such maintenance and any administrative costs by the Town shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and, if not paid, shall become a tax lien on the properties. The assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to

such assessments or charges regardless of when the mortgage or mortgages were created or when such assessments or changes accrued. The Town, at the time of entering upon the common open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Mesne Conveyances upon the properties within the development affected by such lien.

This Ordinance was read and passed at first reading on _____, 2001.

_____
Henry "Hank" Johnston, Mayor
Town of Bluffton, South Carolina

_____
Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on _____, 2001.

_____
Henry "Hank" Johnston, Mayor
Town of Bluffton, South Carolina

_____
Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on _____, 2001.

_____
Henry "Hank" Johnston, Mayor

Town of Bluffton, South Carolina

Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

Section 5.10 Village Commercial District [VCD]

5.10.1. The purpose of this District is 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, promote the location of a mixture of housing types and prices, and stores/offices/workplaces in close proximity to each other to provide a balanced mix of activities, foster a pedestrian-oriented community center, reduce traffic and parking congestion, avoid the development of strip highway commercial development, discourage large regional businesses and other land uses which might compromise the historic commercial character of the District, and accommodate essential public utilities and public safety services.

5.10.2. The Planning Commission for the Town of Bluffton shall administer the Village Commercial zoning and corridor standards. The Planning Commission shall review the design of all structures (except those excepted), including habitable structures, walls, fences, light fixtures, and accessories and appurtenant structures and the design of all signs within the Town of Bluffton except those that are located within the Historic Preservation Overlay District. All issues related to the design of structures and signage within the District defined by the Historic Preservation Overlay District Ordinance shall be submitted first to the Town of Bluffton Community Development Department.

5.10.3. Standards for the Village Commercial (VC) District

A. General Requirements:

1. Lot Coverage: Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; a minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation.

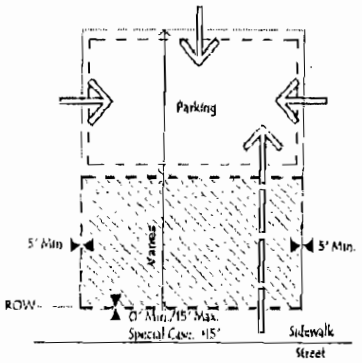
2. Maximum building height: Thirty-five (35) feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles, water towers, or

other structures not intended for human occupancy, with the exception of transmission or observation towers.

3. Minimum lot width at the building line: Forty (40) feet.

4. Building Placement:

   a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from zero (0) feet to fifteen (15) feet behind street right-of-way. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.



   b. Minimum rear and side yard setbacks: Five (5) feet from lot line.

   c. Accessory building setbacks: A minimum of five (5) feet from any property.

   d. Parking shall be located primarily to the rear of the building; side yard parking shall occupy no more than thirty-five (35) percent of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

   e. Hedges, garden walls, or living fences may be built on property lines or as the continuation of building walls. A garden wall, living fence, or hedge (min. three (3) feet in height) may be installed along any street frontage adjacent to parking areas.

   f. Parking areas on and access to adjacent lots shall be connected wherever practical.

   g. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on

adjacent sites and shall be screened from view by an opaque screen.

h. Building facades at street frontage lines shall be pedestrian-oriented and pedestrian-scale.

B. Commercial or Institutional Uses:

1. Maximum Floor-Area Ratio: 0.25. To harmonize with the traditional scale of commercial buildings in the Old Town, new commercial buildings shall not contain more than ten thousand (10,000) square feet of gross floor area.

2. Minimum Lot Area: Seven thousand five hundred (7,500) square feet.

3. Parking areas on and access to adjacent lots shall be connected wherever practical for commercial or institutional uses.

4. All loading berths shall be located at the rear of the building.

5. All principal businesses must operate in a permanent structure. No principal business may operate in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building or structure.

C. Residential Uses:

1. Maximum Permitted Use Density: Three (3) dwelling units per acre.

2. Minimum Permitted Use Lot Area: 14, 250 square feet.

3. See *Section 5.26, Density Bonuses to further Public Objectives.*

5.10.4. Permitted Uses for the Village Commercial (VC) District:

A. Single-family dwelling.

B. Manufactured home dwelling, only if the proposed manufactured home replaces and existing

manufactured/mobile home on the subject property. The manufactured home dwelling shall be under skirted around its base with an appropriate material sufficient to provide a visual screen for the underpinnings of the manufactured home. Further, the manufactured home shall be in accordance with the *Town of Bluffton Preservation Manual (Section 5.5, Manufactured & Mobile Home Elements).*

C. Dwelling units located above commercial activities or combination of residential structure within the classification provided that all dwelling units have a separate access.

D. Bluffton Historic Small House Series.

E. Two (2) and three (3) family dwellings.

F. Accessory dwelling unit/dependency unit.

G. Church, other place of worship, institutional, or civic use.

H. Family Day Care Home *(See Article X, Definitions)* as a home occupation in an occupied residence where child day care is regularly provided for no more than six (6) children as a Home Occupation.

I. Group Day Care Home *(See Article X, Definitions)* as a home occupation in an occupied residence, where child day care is regularly provided for seven (7) to twelve (12) children, with conditions, including:

1. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;

2. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;

3. No Group Day Care Home shall be conducted in any detached accessory building;

4. Written agreement to allow outdoor play only between the hours of 8AM and 6PM if adjacent to other residences;

5. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;

6. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard; and

7. The Group Day Care Home shall be subject to all applicable Town business licenses and other business taxes.

J. Child Care Center *(See Article X, Definitions)* with conditions, including:

1. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;

2. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;

3. No Child Care Center shall be conducted in any detached accessory building;

4. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;

5. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard; and

6. The Child Care Center shall be subject to all applicable Town business license and other business taxes.

K. Service businesses involving the rendering of a personal service or the repair and servicing of small equipment specifically including:

1. Appliance, radio, or television repair shop;

2. Art studios, galleries, museums, and libraries;

3. Bank, savings and loan association, and branches provided a traffic impact analysis is submitted that addresses traffic impacts, and traffic circulation is designed so as to provide safe ingress and egress;

4. Barber shop, beauty shop, nail salons, or combination thereof;

5. Bed and breakfast inns, guest house;

6. Bicycle repair and sales shop;

7. Community center;

8. Design studio;

9. Dressmaker, seamstress, and tailor;

10. Duplicating centers including letter and photostat services;

11. Educational institutions of a business, professional, or scientific nature;

12. Health studios and spas;

13. Indoor theaters;

14. Insurance agency;

15. Jewelry and watch repair shop;

16. Locksmith or gunsmith;

17. Medical, dental, chiropractic office, laboratory, and/or clinic, not including veterinary;

18. Office for governmental, professional business, or general purposes;

19. Photographic studio and supply shops;

20. Public or private schools;

21. Public utility business office;

22. Radio and television stations;

23. Real estate agency;

24. School offering instruction in art, music, dancing, drama, or other similar activity;

25. Shoe repair shop;

26. Secretarial and/or telephone answering service; and

27. Travel and ticket agencies.

L. Retail businesses specifically including:

1. Art shops and galleries;

2. Art supply store;

3. Bakeries provided that goods baked on the premises are sold on the premises at retail only;

4. Book, magazine, and newspaper shops;

5. Candy store;

6. Clothing store;

7. Drug store or pharmacy;

8. Florist shop;

9. Fruit, nut, food, and/or vegetable store;

10. Furniture stores;

11. Gift, curio, or antique shop;

12. Hardware store;

13. Hobby and/or toy shop;

14. Ice cream shop;

15. Leather goods and luggage shops;

16. Marine and fishing supply shops;

17. Millinery or hat shops;

18. Music store, video store, and/or record shop;

19. Office supply and equipment store;

20. Paint store;

21. Photographic or camera supply store;

22. Plant or landscaping materials store;

23. Restaurants (except those that include drive-in, drive-up window service, or curb service), supper clubs, delicatessens, tea rooms, coffee shops, and cafes, provided that:

    a. Sound or noise shall be in compliance with *Town of Bluffton Noise Ordinance;*

    b. Noise mitigation measures are installed for outdoor live entertainment (i.e., equipment designed to mitigate sound impacts, speakers directed away from adjoining or nearby residential properties, landscaping buffers, walls, or fences); and

c. All lights or lighting arrangements used for the purpose of advertising or night operations are directed away from adjoining or nearby residential properties;

24. Shoe store;

25. Sporting goods store;

26. Television, radio, sales, and service;

27. Towel and linen shops;

28. Video/small appliance rental and sales;

29. Variety and sundry shops; and

30. Wearing apparel shops.

M. Any combination of permitted uses, provided all applicable standards are met for each use.

N. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.10.5. Uses Permitted by Special Exception in the Village Commercial District:

A. Auto accessory retail store provided there is no storage of wrecked automobiles, scrapped, or salvaged auto parts on the premises, and the store does not include any auto repair or installation facilities.

B. Contractor's office provided there is no storage of equipment, or materials on the premises, and construction vehicle parking is adequately buffered.

C. Grocery store.

D. Meat, fish, and/or poultry shop providing that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such

use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises.

E. Package liquor store.

F. Pet shops, provided all animals are housed within the principal buildings so that no sound is perceptible beyond the premises.

G. Self-service Laundromat or dry cleaning store.

H. Veterinary or pet care clinic/hospital, provided the Board finds that:

1. The clinic or hospital will provide animals no larger than a dog with treatment or medical care on premises and overnight lodging;

2. Structures or equipment will not be located within one hundred (100) feet of any residential zoning district or existing residence;

3. Animals will be contained within the principal building. No animals will be housed or exercised in outside kennels or runs;

4. Buildings in which animals are kept or exercised will be designed and constructed utilizing appropriate soundproofing and ventilation to prevent objectionable sound or odor from being emitted;

5. All activities are in compliance with the *Town of Bluffton Noise Ordinance*; and

6. All dead animals and refuse will be disposed of in accordance with Town, Beaufort County, and other governmental agency regulations; nevertheless, no cremation of animals will occur on the property.

I. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.10.6. Uses Not Permitted in the Village Commercial District:

A. Any convenience or other high volume commercial business.

B. Motels and hotels.

C. Any business involving junk, salvage operations, and/or the open storage of junk and salvage materials.

D. Automobile, and other vehicle repair shops.

E. Any business that constitutes a nuisance.

F. Drive-in and drive-thru facilities, except for banks and financial institutions.

5.10.7. Architectural Design: Properties within the Historic Preservation Overlay District (HPOD) must be reviewed and receive a Certificate of Appropriateness from the Bluffton Historic Preservation Commission (HPC), certifying that the request is designed in accordance with the *Town of Bluffton Preservation Manual* (see *Section 5.16*).

5.10.8. Landscaping and Buffers in the Village Commercial District

A. Bufferyards: The purpose of the bufferyard is to overcome nuisances between adjacent land uses, and promote compatibility. The unique feature of the bufferyard is that it is flexible. It may vary in density based on:

1. What is proposed;

2. What is existing on the adjacent property;

3. View from streets; and

4. The type of bufferyard selected.

B. The Planning Commission and/or Historic Preservation Commission shall approve the width and design of bufferyards, taken into account adjacent land uses and the view from the highway corridor. The width of the street frontage and

highway buffer within the Village Commercial (VC) District is permitted to be a minimum ten (10) foot bufferyard.

C. Village Commercial landscaped buffers along street frontages shall be designed using a variety of elements listed below. Refer to trees and plant materials listed in *Section 5.15.8, Highway Corridor Overlay District*, as well as:

1. Hedges;
2. Street trees at various heights and canopies along roadways;
3. Potted plants;
4. Gardens;
5. Hanging baskets;
6. Ponds;
7. Ivy on buildings;
8. Confederate Jasmine;
9. Benches, grass, and ground cover;
10. Thicket of Bamboo;
11. Window boxes; and
12. Fountains.

5.10.9. Lighting: Refer *to Section 5.15.11, Lighting, Highway Corridor Overlay District*.

5.10.10. Screening requirements for exterior storage areas:

A. Screening shall be exclusive of driveways and sight lines used for safe automobile ingress and egress.

B. Fences and walls that are used shall be of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional

planting material shall be provided so that no more than two-thirds (□) of the surface area of the fence or wall is visible from the street within three (3) years of erection of the structure. Twenty-five (25) percent of this plant material may be deciduous.

C. Any berms installed shall have a minimum height of one and one half (1½) feet and a minimum crown width of two (2) feet and a side slope of no greater than 2:1, and berms shall be planted and covered with vegetation.

D. All shrubs installed to satisfy the requirements of this Section shall be locally adapted species expected to reach a minimum height of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches when planted. Vegetation planted on berms may have a reduced minimum mature height provided that the combined height of the berm and the plantings shall be a minimum height of thirty (30) inches in height after three (3) years. Twenty-five (25) percent of all shrubs may be deciduous.

E. 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 five (5) feet from the property line of any residential use or residential zoning district.

Section 5.15 Highway Corridor Overlay District [HCOD]

5.15.1 The purpose of the Highway Corridor Overlay District (HCOD) is to provide for the safe and efficient use of these highways; to minimize congestion and the number of traffic conflict points; to enhance the quality of development; to protect and enhance the area's unique aesthetic character and natural environment; to reduce unnecessary visual distractions; and to encourage the design of architecture, signage, and lighting which is harmonious with the natural and man-made assets of the Low Country. The Highway Corridor is defined as five hundred (500) feet in depth beginning at the highway right-of-way line or to the rear of the property line fronting the designated highway, whichever is less. The HCOD shall apply to US Highway 278, South Carolina Highway 170, Buckwalter Parkway, Bluffton Parkway, South Carolina Highway 46, and Burnt Church Road except where those roads are within or immediately adjacent to the Historic Preservation Overlay District (HPOD). For those roads within or immediately adjacent to the HPOD, the terms of the HCOD relative to temporary construction trailers, lighting, and landscaping shall remain applicable. Please refer to *Section 5.10, Village Commercial District*, for all other highway corridor standards within the HPOD.

5.15.2 The Planning Commission for the Town of Bluffton shall administer the Highway Corridor Overlay District until such time as a separate board is established for the same. The Planning Commission shall review the design of all structures (except those excepted), including habitable structures, walls, fences, light fixtures and accessories, appurtenant structures, and the design of all signs within the Town of Bluffton except those that are located within the Historic Preservation Overlay District. All issues related to the design of structures and signage within the District defined by the *Historic Preservation Overlay District Ordinance* shall be submitted first to the Town of Bluffton Community Development Department.

5.15.3 Boundaries of the HCOD

A. The boundaries of the HCOD are to be depicted on a map or series of maps entitled, *"Official Zoning Map, Town of Bluffton"* that together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

B. Where uncertainty exists as to the boundaries of a District as shown on the *Official Zoning Map*, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of right-of-way lines of streets, highways, utility, or other easements shall be construed to follow such lines;

2. Boundaries indicated as approximately following plotted lot or tract property lines shall be construed as following such lines; and

3. Boundaries indicated, as approximately following the incorporated areas or Town limit lines, military reservation boundaries, special service area, or tax district area lines, as amended from time to time, shall be construed to follow such lines.

5.15.4 General Requirements:

A. Land uses permitted within the HCOD shall be as prescribed by the zoning districts underlying the HCOD.

B. All development, including signage, as defined in this Ordinance shall be subject to the provisions of the HCOD, with the following exceptions, which shall be in addition to, rather than in place of, the requirements for the underlying zoning district:

1. 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) 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;

2. 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 (1,500) foot distance requirement between access points; and

3. Mobile home parks, which shall be subject to their standard setback from the property line where an existing twenty-five (25) foot landscaped buffer is already established, under the provisions of this distance requirement between access points.

C. If a parcel extends beyond the boundaries of the HCOD, then development at any location within the entire parcel shall be subject to review.

D. The Planning Commission will review development within the five hundred (500) foot corridor. The Community Development Director will waive review of development that, in its determination, will not be visible from the highway.

E. Manufactured or mobile homes are not permitted for use on property within the HCOD with the exception of exempted uses in *Section 5.15.4.B* 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 the HCOD. *(See Article X, Definitions for performance standards).* Mobile or manufactured homes are not permitted for use as commercial structures within the HCOD, other than for a temporary construction facility.

5.15.5 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 Planning Commission 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 the HCOD provided that the property owner demonstrates that (s)he has made significant but unsuccessful efforts to establish alternative access, including, but not limited to, the following methods: joint access with adjoining properties, access from adjacent roads and the establishment of frontage roads; and

B. Where the South Carolina Department of Transportation has established nodes along the right-of-way of the US 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.

5.15.6 The following standards shall apply to property within the HCOD:

A. 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.

B. The minimum side yard setbacks from the property line shall be fifteen (15) feet.

C. The Planning Commission shall have discretion to adjust the front, side, and rear setbacks in the case of jurisdictional wetlands or to preserve existing specimen trees.

D. 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.

5.15.7 In addition to the existing standards of the *Town of Bluffton Zoning Ordinances* regarding subdivisions, the following requirements pertain to the HCOD:

A. Newly created subdivisions are subject to the one thousand five hundred (1,500) foot distance requirement between access points from the highway;

B. 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, and others);

C. Newly created parcels must have sufficient depth to allow for the required twenty-five (25) foot highway buffer and setback required herein;

D. A permanent twenty-five (25) foot highway buffer, as required in the HCOD, shall be provided for in all new residential subdivisions; and

E. If existing platted commercial subdivisions contain dedicated open space, such open space may be used to meet the landscaping requirements for the highway buffer.

5.15.8 Landscaping and Buffers

A. General Requirements

1. For the purposes of this Ordinance, "landscaped area" shall include all pervious areas containing existing or installed vegetation and water features. The use of existing vegetation and plant species native to the Low Country region is encouraged in the landscaped areas.

2. The Planning Department shall review plant selections and landscaping designs only to ensure conformance with the specific requirements of this Section. 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. All landscaping required by this Section and shown on the approved application shall be maintained in good condition by the property owner. Plant material that has died or is in an unacceptable condition shall be replaced within four (4) weeks of notification from Town staff of the problem. If the plants are not replaced within that time period, the plants shall be replaced by the Town and the property owner billed for the expense.

B. Highway Buffers

1. 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:

   a. Vehicular access drives placed approximately perpendicular to the right-of-way;

   b. Foot and bicycle paths; *

   c. Walls and fences less than six (6) feet in height;

   d. Landscaping sculpture, lighting fixtures, trellises, and arbors;

   e. Bus shelters;

   f. Signage;

   g. 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, an equivalent amount of buffer may be required beyond the twenty-five (25) feet if the character of the buffer is greatly disturbed. To the extent possible, such service lines should be consolidated with vehicular access routes;

   h. Electrical, telephone, gas, water supply, 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 Town; and

   i. 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 Planning Commission may relax these standards as reasonably necessary to be consistent with the *Town of Bluffton Zoning Ordinances.*

2. No tree six (6) inches in diameter at four (4) feet diameter breast height (dbh) of larger may be removed from the highway buffer except for access drives, sight triangles, and diseased trees, as approved by the Planning Commission. Where groupings of native shrubs are present, their preservation with minimal disturbance is strongly encouraged.

C. Landscaping: The purpose of the landscaping requirements 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. The following list contains overstory and understory trees that are found in the Low Country region and are recommended for use in meeting the landscaping requirements of the HCOD:

a. Broad-Leaved Overstory Trees

1. American Beech	*Fagus grandifolia*
2. American Elm	*Ulmus americana*
3. American Sycamore	*Platanus occidentalis*
4. Ashleaf Maple	*Acer negundo*
5. Black Oak	*Quercus velutina*
6. Black Gum	*Nyssa sylvatica*
7. Eastern Cottonwood	*Populus deltoides*
8. Honeylocust	*Gleditsia tricanthos*
9. Laurel Oak	*Quercus laurifolia*
10. Live Oak	*Quercus virginiana*
11. Pecan	*Carya illinoensis*

12. Palmetto (>20 feet)	*Sabal palmetto*
13. Pignut Hickory	*Carya glabra*
14. Pumpkin Ash	*Fraxinus profunda*
15. Shumard Oak	*Quercus shumardii*
16. Southern Magnolia	*Magnolia grandiflora*
17. Southern Red Oak	*Quercus falcata*
18. Swamp Chestnut Oak	*Quercus michauxii*
19. Sweet Gum	*Liquidamber styraciflua*
20. Water Tupelo	*Nyssa aquatica*
21. White Oak	*Quercus alba*
22. Willow Oak	*Quercus phellos*

b. Cone-Bearing Overstory Trees

1. Bald Cypress	*Taxodium distichum*
2. Loblolly Pine	*Pinus taeda*
3. Long Leaf Pine	*Pinus palustris*
4. Pond Cypress	*Taxodium distichum var. nutans*
5. Pond Pine	*Pinus serotina*
6. Slash Pine	*Pinus elliottii*
7. Short Leaf Pine	*Pinus echinata*
8. Spruce Pine	*Pinus glabra*

c. Understory Trees

1. Allegheny Chinkapin	*Castanea pumila*
2. American Holly	*Ilex opaca*
3. American Plum	*Prunus americana*
4. Bigleaf Snowbell	*Styrax grandifolia*
5. Bitternut Hickory	*Carya cordiformis*
6. Black Cherry	*Prunus serotina*
7. Black Willow	*Salix nigra*
8. Blackjack Oak	*Quercus marilandica*
9. Bluejack Oak	*Quercus incana*
10. Buckthorn Bumelia	*Bumelia lycioides*
11. Cabbage Palmetto(<19 ft)	*Sabal palmetto*
12. Carolina Ash	*Fraxinus caroliniana*
13. Carolina Basswood	*Tilia caroliniana*
14. Carolina Buckthorn	*Rhammus caroliniana*
15. Carolina Laurelcherry	*Prunus caroliniana*
16. Carolina Silverbell	*Halesia carolina*
17. Chicksaw Plum	*Prunus angustifolia*
18. Coastal Plain Willow	*Salix caroliniana*

19. Common Elderberry	*Sambucus canadenis*
20. Common Hoptree	*Ptela trifoliata*
21. Common Persimmon	*Diospyros virginiana*
22. Common Sweetleaf	*Symplocus tinctoria*
23. Crepe Myrtle	*Lagerstroemia indica*
24. Dahoon Holly	*Ilex cassine*
25. Devilwood	*Osmanthus americanus*
26. Eastern Coralbean	*Erythrina herbacea*
27. Eastern Hornbeam	*Ostrya virginiana*
28. Eastern Redbud	*Cercis canadensis*
29. Eastern Red Cedar	*Juniperus virginiana*
30. Flatwoods Plum	*Prunus unbellata*
31. Florida Basswood	*Tilia floridana*
32. Florida Maple	*Acer barbatum*
33. Flowering Dogwood	*Cornus florida*
34. Fringetree	*Chionanthus virginicus*
35. Green Ash	*Fraxinus pennsylvanica*
36. Hercules Club	*Zanthoxylum clava-herculis*
37. Ironwood	*Carpinus caroliniana*
38. Littlechip Hawthorn	*Crataegus spathulata*
39. Loblolly Bay	*Gordonia lasianthus*
40. Mockernut Hickory	*Carya tomentosa*
41. Myrtle Oak	*Quercus myrtifolia*
42. Overcup Oak	*Quercus lyrata*
43. Parsley Hawthorn	*Crataegus marshallii*
44. Pawpaw	*Asimina triloba*
45. Planer Tree	*Planera aquatica*
46. Possumhaw Holly	*Ilex decidua*
47. Post Oak	*Quercus stellata*
48. Red Buckeye	*Aesculus pavia*
49. Red Maple	*Acer rubrum*
50. Red Mulberry	*Morus rubra*
51. Redbay	*Persea borbonia*
52. River Birch	*Betula nigra*
53. Sand Hickory	*Carya pallida*
54. Sassafras	*sassafrass albidum*
55. Sourwood	*Oxydendrum arboreum*
56. Southern Bayberry	*Myrica cerifera*
57. Southern Crab Apple	*Malus angustifolia*
58. Southern Red Cedar	*Juniperis silicicola*
59. Sparkleberry	*Vaccinium arboreum*
60. Sugarberry	*Celtis laevigata*
61. Swamp Cottonwood	*Populus heterophylla*

62. Sweetbay	*Magnolia virginiana*
63. Tough Bumelia	*Bumelia tenax*
64. Turkey Oak	*Quercus laevis*
65. Water Hickory	*Carya aquatica*
66. Water Oak	*Quercus nigra*
67. Waterlocust	*Gleditsia aquatica*
68. Wax Myrtle	*Myrica cerifera*
69. Windmill Palm	*Trachycarpus fortunei*
70. Witch Hazel	*Hamamelis virginiana*
71. Yaupon Holly	*Ilex vomitoria*

2. For every one hundred (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).

3. 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.

4. 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 Community Development Director.

5. 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.

6. Installed overstory trees used to meet this requirement shall be at least two and one half (2½) 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 (2½) feet tall when planted.

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 Planning Commission. This provision shall not apply to those commercial uses exempted for the outside display of merchandise, except for any commercial parking areas that 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 the lowest branches except as required within sight triangles at intersections or to provide adequate light for understory plantings.

9. 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.

D. Other Buffer and Landscaping Standards

1. Perimeter Buffer: 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.

2. Foundation Buffer: A landscaped buffer at least eight (8) feet wide shall be maintained between any structure, 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, 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.

3. Walls and Fences: 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.

4. Frontage roads shall be located behind the front buffer.

5. Parking lots shall include landscaped medians and landscaped peninsulas as follows:

   a. 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 height at installation and reasonably projected to grow at least two (2) feet in height within three (3) years; and

   b. 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 (2½) caliper inches at dbh and a minimum height of ten (10) feet.

5.15.9 Architectural Design

A. 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.

B. The Planning Commission shall review elements of design, including form, mass, scale, proportion, height, texture, color, architectural style, individual architectural elements, orientation, or specific location upon the site. If the Planning Commission disapproves a design, the Planning Commission must establish significant justification for such denial in accordance with the intent of this Section. The Planning Commission may require adjustments to the design and site location of proposed structures, and reasonable conditions may be attached to an approval.

C. General Principles.

1. Architectural styles should be reflective of, or at least compatible with, architectural styles that exemplify the unique character of the Low Country region and conform to general standards of architectural quality.

2. Multi-unit developments shall utilize a consistent or at least stylistically compatible palette of scale, forms, colors, materials, and textures.

3. Accessory structures should be architecturally compatible with primary structures.

4. The maximum building height is thirty-five (35) feet. Unoccupied architectural features, such as cupolas and steeples, shall be reviewed on a case-by-case basis and will require approval by the Bluffton Fire Marshal prior to Planning Commission review.

5. Appropriate Exterior materials and Architectural Elements: Only the exteriors of structures are subject to review. The following are some materials and elements that are considered compatible and appropriate for primary and accessory structures. Other materials and elements consistent with the General Principles outlined above will also be considered by the Planning Commission:

   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, and the use of pitched roofs (four (4) and twelve (12) pitch or greater), roof overhangs, covered porches, canopies, awnings, trellises, gazebos, and open wood fences;

c. The use of pitched roofs, roof overhangs, covered porches, canopies, awnings, trellises, gazebos, and open wood fences are encouraged; and

d. Colors considered to be compatible with the Low Country or coastal vernacular palette are earth tones (i.e., greens, tans, light browns and terra cotta), grays, pale primary and secondary colors (with less then fifty (50) percent color value), white and cream tones, and oxblood red.

6. Any accent color (i.e., black, dark blue, grays, 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 Planning Commission 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.

D. Inappropriate Exterior Materials and Architectural Elements: The following materials and elements are considered incompatible and inappropriate for primary and accessory structures:

1. Plywood, cinderblock, unfinished poured concrete, unlaced concrete block, and plastic or metal not closely resembling painted wood clapboard;

2. Partial (less than three (3) sides) mansard roofs, flat roofs without a pediment, and long unarticulated roofs;

3. Long, unarticulated, or blank facades;

4. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance;

5. Unscreened chain link or woven metal fences;

6. Use of reflective materials as the main building material or texture; and

7. Use of highly reflective glass.

E. 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.

5.15.10 Signs, repealed. See *Section 5.19, Signs, Town of Bluffton Zoning Ordinance.*

5.15.11 Lighting

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 the *Town of Bluffton Zoning 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. 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 (1) site or Planned Unit Development. No colors other than white or off-white (i.e., light yellow tones) may be used for any lighting 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 does not cross the property line of the site. The minimum mounting height for a pole shall be twelve (12) feet; and

4. Illumination Levels: All site lighting shall be designed so that the level of illumination as measured in foot-candles (*fc*) at any one (1) point meets the following standards. Minimum and maximum levels are measured at any one (1) point.

   a. 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 that 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 (2) in the back of the same building, which would lower the average of the intended area for lighting; and

   b. Illuminations levels are as follows:

Location or Type of Lighting	Minimum Level Foot-candles (*fc*)	Average Level Foot-candles (*fc*)	Maximum Level Foot-candles (*fc*)
Canopy Area Lighting	2.0	12.0	20.0

Commercial Parking Lots	0.2	1.5	10.0
Residential Parking Lots	0.2	1.0	8.0
Walkways and Streets	0.2	1.0	10.0
Landscape/Decorative	0.0	0.5	5.0

F. Canopy Area Lighting: All development that incorporates a canopy area over fuel sales, automated bank machines, or similar installations shall be required to providing lighting for the canopy area meeting the standards in the Illumination Table above. For the purposes of this Section, the canopy area shall be defined as that area immediately below the canopy. Remaining areas shall be lighted according the applicable standard in Illumination Table above.

G. Lighting Plan: A site Lighting Plan shall be submitted at one (1) inch equals twenty (20) feet scale minimum and shall include at a minimum:

1. Location and mounting information for each light;

2. Illumination calculations showing light levels in foot-candles 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;

3. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture; and number of lumens after using eighty-five (85) percent depreciation for both metal halide and high pressure sodium of initial output;

4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values; and

5. 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).

5.15.12 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 (i.e., 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. Any existing commercial or industrial use presently not conforming to the site design standards, general standards, landscaping, lighting, and sign standards of this Section shall be brought into compliance if the use is changed, expanded, or altered. Land use 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 constructs, at the discretion of the Planning Commission.

Section 5.19 Signs

5.19.1 The purpose of these sign regulations are to: encourage the effective use of signs as a means of communication in the Town of Bluffton; to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This Sign Ordinance is adopted under the zoning authority of the Town in furtherance of the more general purposes set forth in the *Town of Bluffton Zoning Ordinance*.

5.19.2 A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance.

A. The effect of this Ordinance as more specifically set forth herin, is:

1. To established a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;

2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;

3. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;

4. To prohibit all signs not expressly permitted in this Ordinance; and

5. To provide for the enforcement of the provisions of this Ordinance.

B. Legal Signs

1. Any permitted sign, which complies with the provisions of this Section, and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall require a new permit pursuant to this Section, unless the proposed alteration is specifically exempt in *Section 5.19.6*.

2. Any legal sign which does not comply with the provisions of this Section solely due to the enactment of an amendment shall, upon the effective date of such amendment, become a non-conforming sign and subject to the provisions if *Section 5.19.19*.

5.19.3 Words and phrases used in this Ordinance shall have the meetings set fourth in this Section. Words and phrases not defined in this Section but defined in the *Town of Bluffton Zoning Ordinance* shall be given the meanings set forth in such Ordinance. Principles for computing sign area and sign height are contained in *Section 5.19.4*. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance

A. Definition of Terms

1. Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

2. Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National flags, State or municipal flags, or the official flag of any institution or business shall not be considered banners.

3. Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.

4. Building Marker: Any sign indicating the name of a building, date, and incidental information about

its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

5. Building Sign: Any sign attached to any part of the building, as contrasted to a freestanding test.

6. Canopy Sign: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

7. Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

8. Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

9. Director: The Community Development Director of the Town or his or her designee.

10. Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

11. Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

12. Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the

zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar detectives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

13. Lot: Any piece, parcel of land, or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

14. Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designated and constructed to provide protection from the weather.

15. Non-conforming Sign: Any sign that does not conform to the requirements of this Ordinance.

16. Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designated to move in the wind.

17. Person: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

18. Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

19. Principal Building: The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have

multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

20. Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

21. Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the *Town of Bluffton Zoning Ordinance*.

22. Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

23. Roof Sign, Integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6).

24. Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

25. Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

26. Street: A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives,

highways, lanes, places, roads, terraces, trails, or other thoroughfares.

27. Street Frontage: The distance for which a lot line of a zone lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

28. Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

29. Temporary Sign: Any sign that is used only temporarily and is not permanently mounted.

30. Wall Sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

31. Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

32. Zone Lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

5.19.4 The following principles shall control the computation of sign area and height area:

A. Computation of Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation,

emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall other wise meets the *Town of Bluffton Zoning Ordinance* regulations and is clearly incidental to the display itself;

B. Computation of Area of Multi-faced Signs: The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces; and

C. Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the following;

1. Existing grade prior to construction; or

2. The newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

5.19.5 The following signs are prohibited:

A. Off-premise signs (see *Section 5.5.19.12, PUD, Off-premise Signs*) except special event signs (see *Section 5.19.8, Temporary Signs*);

B. Sandwich board and pedestal signs, unless within the Bluffton Historic Preservation District (HPOD) or Highway Corridor

Overlay District (HCOD) and approved by either the Historic Preservation Commission or Planning Commission as appropriate;

C. A sign which contains any flashing or animated lights, gives the appearance of animation or movement, or contains a message board which utilizes individual bulbs or electronic means to produce the message, excluding time and temperature signs;

D. Any sign that projects above the peak of a roof, or above the top of an awning or canopy on which it is erected;

E. Any sign which exhibits statements, words, or pictures of an obscene or pornographic nature;

F. Internally illuminated signs, neon signs, or signs which contain a visible light source;

G. Vehicle signs;

H. Any sign which emits a sound, odor, or visible matter;

I. Any sign which obstructs free ingress/egress from a required door, window, fire escape, or other required exit way;

J. Any sign and or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign;

K. Signs using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might reasonably mislead, confuse, or distract a vehicle driver;

L. Except as otherwise provided, no sign whether temporary or permanent, except by a public agency or with the approval of the Town and upon issuance of an Encroachment Permit, is permitted within any street right-of-way;

M. Signs painted on, or attached to trees, rocks, or other natural features, telephone, or utility poles;

N. No sign of any kind shall be erected or displayed in any salt marsh areas or on any land subject to periodic inundation by tidal salt water;

O. Abandoned or dilapidated signs;

P. Portable signs, except as provided for in *Section 5.19.8;*

Q. Attention-getting devices, including searchlights, spinners, streamers, balloons and similar devices, fluttering signs, e.g., pennants, banners, ribbons, balloons, and other aerial devices; and

R. Signs in residential districts advertising commercial uses, except institutional signs, and signs advertising non-conforming uses.

5.19.6 The following signs are exempt from the regulations of this Ordinance, provided they are not located within the public right-of-way without and encroachment agreement:

A. Real estate signs (subject to *Section 5.19.8*);

B. Individual political signs (subject to *Section 5.19.8*);

C. Nameplates of four (4) square feet or less;

D. Residence signs or street address numbers, not exceeding four (4) square feet in size;

E. Signs located on property within those portions of PUD Districts where vehicular access by the general public is restricted by a security gate staffed twenty-four (24) hours each day by a security guard and where such signs are not visible from any public street, beach, or navigable waterway;

F. Signs directing and guiding traffic and parking on private property which do not exceed one and one-half (1½) square feet in area and bear no advertising matter;

G. Projecting signs displaying the name of the business and having an area of two (2) square feet or less when located under a pedestrian canopy;

H. Buses, taxicabs, and similar common carrier vehicles which are licensed or certified by a public body or agency;

I. Signs used for bona fide navigational aids;

J. Construction signs;

K. Official notices posted by any court, public agency, or officer;

L. Historic Plaques;

M. Traffic, directional, warning, or informational signs authorized by any public agency;

N. Flags and insignia of the United States or the State of South Carolina which are five (5) feet by eight (8) feet or smaller, with a maximum flagpole height of thirty (30) feet when displayed in connection with a commercial use. Government buildings are exempt from the size and height limitations. Official flags limited to three (3) per establishment; and

O. Official notices issued by any court, public agency, or public office, including signs erected on behalf of, or pursuant to, the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

5.19.7 Provisions Applicable to All Signs:

A. Setbacks from right-of-way: All freestanding signs shall be set back:

1. Bluffton Historic Overlay District, including South Carolina Highway 46: At least five (5) feet from the public right-of-way, unless conditions exist so as to make this impractical within the Bluffton Historic Preservation Overlay District, this setback may be reduced by the Historic Preservation Commission provided such reduction does not create a hazard to motorists or pedestrians and that no portion of the sign is located in the right-of-way.

2. U. S. Highway 278, South Carolina Highway 46, Buckwalter Parkway, Bluffton Parkway (East-West

Connector), South Carolina Highway 170 and Burnt Church Road: At least ten (10) from the public right-of-way.

3. Signs shall not be located within the vision clearance triangle at street intersections. The vision clearance triangle shall be determined by measuring back fifteen (15) feet from the intersecting rights-of-way and connecting the two (2) points.

B. Sign Illumination: The brightness of an illuminated sign shall not exceed thirty (30) foot candles at any one (1) point on the sign face. Illumination shall be by an externally located steady stationary light source, shielded and directed solely at the sign. Light sources to illuminate signs shall neither be visible from any street right-of-way nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties. Spot-lighting of signs shall be restricted to not more than one (1) shielded light fixtures per side for sign faces up to forty (40) square feet. Signs shall not have light-reflecting backgrounds but may use light reflective lettering. Colored lamps are not permitted.

5.19.8 Temporary Signs:

A. The following signs shall require the issuance of a Temporary Sign Permit by the Zoning Administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed.

1. Temporary and seasonal produce stands. The total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed ten (10) feet in height; and

2. Temporary signs announcing a civic, philanthropic, educational, or religious event. Such signs shall not exceed thirty-two (32) square feet per sign face or eight (8) feet in height. Such signs shall not be erected more than fourteen (14) days prior to the event and shall remove within five (5) days after the event.

B. Real estate or project signs shall be allowed without a permit provided the following restrictions for the type of sign used are met:

1. For single-family residential lots or units, one (1) real estate sign, not exceeding five (5) square feet in sign area per face and ten (10) square feet in total sign area, and if freestanding, not exceeding four (4) feet in height, shall be permitted. Property with two (2) or more street frontages shall be permitted one (1) additional sign per frontage. If a framed metal freestanding sign is not used, then a single post sign may be used, not to exceed eight (8) feet in height and six (6) square feet in total sign area;

2. For single-family subdivisions, multi-family, commercial, and industrial developments, one (1) real estate or project sign not exceeding forty-eight (48) square feet in sign area per face and ninety-six (96) square feet in total sign area, and if freestanding, not exceeding eight (8) feet in height, shall be permitted. Property with two (2) or more street frontages shall be permitted one (1) additional sign per frontage;

3. Project signs shall not be erected prior to issuance of a building permit and shall be removed prior to issuance of the final Certificate of Occupancy; and

4. Real estate signs shall be removed within thirty (30) days of the rent, sale, or lease of a property.

C. Political signs shall be allowed without a permit provided the following restrictions for the type of sign used are met:

1. Such signs shall not be located on public property or in public rights-of-way. Signs must be confined wholly to placement on private property, with permission of the property owner;

2. Signs shall not be erected earlier than sixty (60) days prior to the election or referendum to which they apply;

3. Signs shall be removed within five (5) days after the election or referendum to which they apply. Signs for candidates in a runoff election may be maintained until the final election to which the signs apply; and

4. Signs shall not exceed six (6) square feet per sign face, and shall not exceed a height of four (4) feet.

5.19.9 Freestanding Signs:

A. The area and quantity of any freestanding sign for which a permit is required should conform to the following requirements. Planned Unit Developments (PUD), which because of their composition may qualify for more than one (1) category, may apply the appropriate category to the various individual portions of the Planned Unit Development. The total number of signs for any individual development may not exceed the total number allowed as noted below:

Type of Development	Quantity of Signs Allowed	Maximum Area per Sign	Maximum Faces per Sign	Maximum Area per Face
Residential 500+ Units	One (1) per Entrance	240 SF	4 Faces	120 SF
Residential Up to 300 Units	One (1) per Entrance	80 SF	4 Faces	40 SF
Non-residential 100,000+ SF	Four (4) Signs Maximum	480 SF	4 Faces	120 SF
Non-residential 40,000 to 100,000 SF	Three (3) Signs Maximum	320 SF	4 Faces	80 SF
Non-residential 2,500 to 40,000 SF	Two (2) Signs Maximum	160 SF	4 Faces	40 SF
Non-residential Up to 2,5000 SF	One (1) Sign Allowed	40 SF	2 Faces	40 SF

1. A residential development approved for more than five hundred (500) dwelling units shall be allowed one (1) freestanding sign per entrance. Each sign shall have no more than two hundred forty (240) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed one hundred twenty (120) square feet.

2. A residential development approved for five hundred (500) dwelling units or less, but more than three hundred (300) dwelling units, shall be allowed one (1)

freestanding sign per entrance. Each sign shall have no more than one hundred sixty (160) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed eighty (80) square feet.

3. A residential development approved for three hundred (300) dwelling units or less shall be allowed one (1) freestanding sign per entrance. Each sign shall have no more than eighty (80) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed forty (40) square feet.

4. A commercial, institutional, or industrial development approved for more than one hundred thousand (100,000) square feet of gross floor area shall be allowed no more than four (4) freestanding signs. Each sign shall have no more than a total of four hundred eighty (480) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed one hundred twenty (120) square feet.

5. A commercial, institutional, or industrial development approved for one hundred thousand (100,000) square feet or less, but more than forty thousand (40,000) square feet of gross floor area shall be allowed no more than three (3) freestanding signs. Each sign shall have no more than a total of three hundred twenty (320) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed eighty (80) square feet.

6. Commercial, institutional, or industrial development approved for forty thousand (40,000) square feet or less, but more than two thousand five hundred (2,500) square feet of gross floor area shall be allowed no more than two (2) freestanding signs. Each sign shall have no more than one hundred sixty (160) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed forty (40) square feet.

7. A commercial, institutional, or industrial development approved for two thousand five hundred

(2,500) square feet or less of gross floor area shall be allowed one (1) freestanding sign. Said sign shall have no more than forty (40) square feet of sign face divided between not more than two (2) sign faces containing copy. If an Applicant in this category shall waive the right to have a freestanding sign, the Applicant shall be permitted to exceed the size limitations of *Section 5.19.10* by fifty (50) percent.

B. The maximum height of any freestanding sign above the average grade elevation of the nearest public way or within a twenty (20) foot radius of the sign shall not exceed the following:

1. Eight (8) feet where the sign face does not exceed forty (40) square feet;

2. Ten (10) feet where the sign face does not exceed sixty (60) square feet; and

3. Twelve (12) feet where the sign face exceeds sixty (60) square feet.

C. The bottom edge of the sign shall not exceed four (4) feet in height from the lowest grade elevation at the base of the sign.

D. The maximum width of any freestanding sign shall not exceed the following:

1. Fifteen (15) feet where the sign face does not exceed forty (40) square feet;

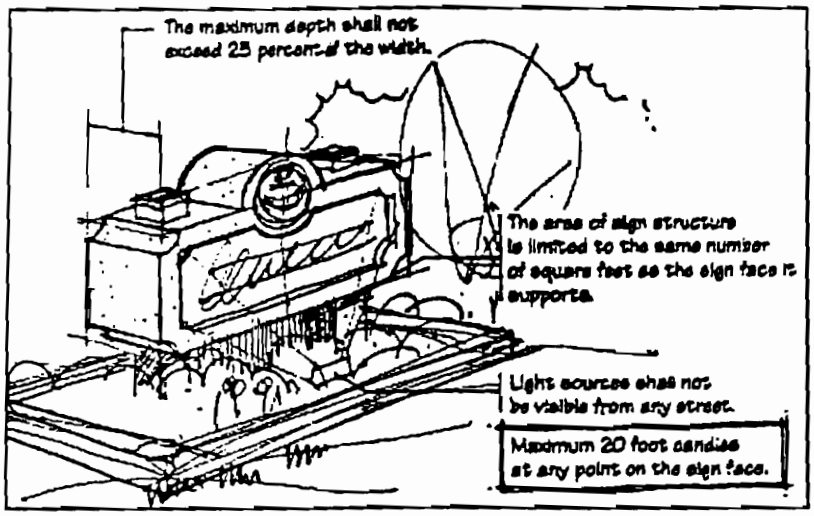
2. Twenty (20) feet where the sign face does not exceed sixty (60) square feet; and

3. Twenty-five (25) feet where the sign face exceeds sixty (60) square feet.

E. The maximum depth of any freestanding sign shall not exceed twenty-five (25) percent of the width.

F. The area of a sign structure for any freestanding sign is limited to the same number of square feet as the sign face that it supports.

G. All freestanding signs fronting on a street right-of-way shall be required to meet the setback standards in *Section 5.19.7*.



Freestanding Signs

H. Freestanding signs shall be separated by a distance of no less than two hundred (200) foot intervals along each street frontage of the premises. In the event that a street frontage of less than two hundred (200) feet exists for any premises, only one (1) sign shall be permitted along that frontage, notwithstanding that a greater number of signs may appear to be permitted by this Section.

I. In lieu of a freestanding sign, a development may use signs on entrance structures such as fences or walls. The number of sign faces is limited to two (2) per entrance, on either side of the entrance, and confined to the entrance area. The distance between sign faces shall not exceed one hundred (100) feet. Such signs are subject to the size limitations of this Section.

5.19.10 Wall Signs:

A. The total area of wall signs shall not occupy more than ten (10) percent of the area of the wall upon which they are placed with the maximum size of any one (1) sign limited to forty (40) square feet.

B. No more than two (2) signs may be placed on any one (1) façade of any one (1) building except that shopping

centers shall be permitted two (2) signs per tenant space, per tenant façade, provided only one (1) such tenant sign per tenant façade is visible from any street right-of-way. Such tenant signs shall only be permitted in lieu of building signs.

C. Wall signs must be contained within any single wall panel, window, door, or other architectural component upon which they are placed.

D. Tenant façade signs must be located on the façade of the tenant space being identified.

5.19.11 Automotive Service Station/Convenience Market Signs: The following sign standards apply to automotive service station and convenience markets:

A. Freestanding and Wall Signs: One (1) freestanding sign and one (1) wall sign shall be permitted. Such signs shall meet total height and area requirements as set forth in *Section 5.19.9, Freestanding Signs*, and *Section 5.19.10, Wall Signs*.

B. Gasoline Pump Signs: Signs on gasoline pumps must be an integral part of the pump structure.

C. Product or Service Advertising

1. No more than four (4) product/service advertisements shall be allowed.

2. Signs must be grouped on one (1) sign structure per street frontage.

3. Individual product/service advertisements shall not exceed four (4) square feet in size.

4. None of the allowable signs on the same structure shall be duplicates.

5. Fuel Price Signs: One (1) double-face sign per street frontage, not to exceed twelve (12) square feet total area.

6. Rack or Cabinet Signs: Includes those signs, which are an integral part of a rack or cabinet, such as display of oil, wiper blades, etc.

7. Attention-getting Advertising Media: Banners, streamers, whirligigs, flashing, intermittent electrical or iridescent devices, and similar attention-getting advertising media are prohibited.

8. Signs Located on Buffer Wall: No sign for an automotive service station shall be placed, painted, or otherwise erected on any buffer wall.

9. Signs Interfering with Site Distance: No sign or sign structure shall be positioned in such a manner that it interferes with any recognized vehicular sign, distance needs, or requirements.

5.19.12 Planned Unit Development: Off-premise Directional Signs

A. Planned Unit Developments may erect freestanding off-premise directional signs on property within the boundaries of the Planned Unit Development for the purpose of directing vehicular traffic to destinations within the development.

B. Off-premise directional signs which are viewed from any public street shall meet the following requirements:

1. Copy shall be limited to the mane of the development and qualified facilities, the direction vehicles must turn, and the distance to the turn. Graphics shall be limited to a logo and directional arrow;

2. Such signs must be located within one (1) mile of the intersection where vehicles must turn to reach the development. No more than two (2) signs shall be placed in any one (1) direction from such intersection with no more than three (3) signs for any one (1) development; and

3. Total area of all signs for any one (1) development shall not exceed two hundred (200) square feet of sign face with no single sign face greater than eighty (80) square feet. Sign

height, width, depth, and structure shall meet the requirements of *Section 5.19.9* and *Section 5.19.10.*

C. Off-premise directional signs which are viewed from private streets internal to the development shall meet the following requirements:

1. Such signs shall be limited to twenty (20) square feet of sign face;

2. Such signs must be located within two hundred (200) feet of an intersection with no more than one (1) sign viewed from any one (1) direction; and

3. Copy for such signs shall list only destinations with directional arrows.

5.19.13 Planned Unit Development: Off-premise Identification Signs: A Planned Unit Development (PUD) whose primary entrance (right-of-way or easement) is located on a public street but is not within the boundary of the PUD, shall be allowed one (1) off-premise identification sign. The sign shall be located within the right-of-way or easement for the entrance road and shall be solely for identifying the entrance to the PUD. Such sign shall be subject to the standards of *Section 5.19.9.*

5.19.14 Directory Signs: If visible from any street right-of-way the number, location, and area of directory signs shall be within the limits established by *Section 5.19.9* and *Section 5.19.10.*

5.19.15 Submission Requirements: The following information shall be submitted with an application for a Sign Permit:

A. An application form as published by the Director and appropriate fee. Eight (8) copies of the complete application form and all attachments outlined in *Sections 5.19.15.B, 5.19.15.C,* and *5.19.15.D* are required when the Sign Permit goes before either the Historic Preservation Commission or Planning Commission;

B. Three (3) scaled drawings of the proposed sign showing front and side elevations, materials to be used, and colors to be used;

C. For freestanding signs, a survey showing property lines, proposed sign location, a Landscaping and Lighting Plan, or a written statement stating there will be none, and any existing site improvements; and

D. For wall signs, a scaled drawing showing the entire wall or tenant space façade, the proposed sign location, and any existing wall signs.

5.19.16 Action by Director

A. Minor Signs: The Director may approve any sign that meets the following criteria:

1. The proposed sign is not located within the Historic Preservation Overlay District, Highway Corridor Overlay District, or in a Planned Unit Development where the Planning Commission has requested review; and

2. The proposed sign meets all the requirements of *Section 5.19.*

B. All other signs shall be considered major signs and shall require approval from the appropriate review board prior to issuance of a permit by the Director.

C. The Director may approve, approve with conditions, or deny a permit for a proposed sign.

5.19.17 Approval by a Review Board

A. The appropriate review board (Planning Commission or Historic Preservation Commission) must first approve any sign or sign alteration that does not meet the criteria for approval by the Director as a minor sign before a permit is issued.

B. The review board may disapprove the sign or sign alteration for aesthetic or placement reasons even if the sign complies with all the requirements of this Section.

5.19.18 Sign Maintenance: If the Community Development Director or designee determines any sign to be unsafe, unsightly, insecure, a

menace to the public, or constructed, erected, or maintained in violation of the provisions of these regulations, notice shall be given to the property owner and the business proprietor. If the violation is not corrected within fifteen (15) days after such written notice, such sign may be removed by the Town of Bluffton. The Community Development Director may cause any sign which is an immediate peril to persons or property to be removed summarily and without any advance notice thereof to said Applicant and at the expense of said owner. Any permit issued under this Section, shall by, and upon receipt and acceptance of the owner, authorize removal, under the aforementioned conditions above, at the expense of the permitted.

5.19.19 Expiration of Permit: A Sign Permit shall expire after ninety (90) days from the date of its issuance unless the sign, and all items required by the permit, have been completed in compliance with the permit.

5.19.20 Non-conforming Signs

A. Non-conforming signs may continue in operation and maintenance, provided that non-conforming signs shall not be:

1. Changed to or replaced with another non-conforming sign. However, this provision shall not prohibit a change in copy or graphics on the sign face of the sign;

2. Structurally altered so as to extend their useful life;

3. Expanded;

4. Relocated, except in compliance with this Section; and

5. Reestablished after damage or destruction of more than fifty (50) percent of the replacement value of the same type sign at the time of such damage or destruction.

B. With the exception of *Section 5.19.20.A.5*, this Section shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure, or normal maintenance operations performed on a sign or sign structure.

C. Signs made non-conforming due to condemnation. When a sign is located on property which is condemned for right-of-way acquisition, one (1) of the following standards shall apply:

1. A sign which is not located in, and does not overhang the new right-of-way, may remain in place, subject to *Section 5.19.20.A*

2. When a sign located on a state or federal aid highway must be relocated off the new right-of-way, it shall, at a minimum, comply with state standards for such relocation; and

3. When a sign located on a town street must be relocated off the new right-of-way, it shall comply, as near as possible, with the setbacks for such sign established in this Section.

5.19.21 Signage in the Historic Preservation Overlay District: The HPOD Ordinance describes the types of signs allowed in the District (both sub-districts), their placement, location, size, materials, and maintenance. Types of permitted temporary signs are also described. Flexibility is allowed with regard to style, color, and lettering.

A. Permitted Signs: The following table presents those signs, which are permitted in the HPOD, including their size and placement. Free standing signs within the Bluffton Historic Preservation Overlay District, including South Carolina Highway 46, shall be located at least five (5) feet from the public right-of-way, unless conditions exist so as to make this impractical within the Bluffton Historic Preservation Overlay District, this setback may be reduced by the Historic Preservation Commission provided such reduction does not create a hazard to motorists or pedestrians and that no portion of the sign is located in the right-of-way.

TYPE	PLACEMENT	SIZE
Projection Sign – a "tavern sign" hanging from brackets and set at a ninety (90) degree angle from the surface of the building.	No closer than eighteen (18) inches to a vertical plane at the street curb line. May not extend more than four (4) feet from building surface. Minimum of eight (8) feet between sidewalk and sign bottom. Bracket mounting height: Multi-story buildings, a maximum of the sill of a second floor window; single story buildings, bottom of	Not to exceed one and one half (1½) feet by two and one half (2½) feet.

	sign is level with the top of door.	
Window Sign.	Shall be located within eighteen (18) inches of the top or bottom of the frame of display window where centerline of sign is five (5) foot, six (6) inches of sidewalk.	Not to exceed twenty-five (25) percent total display window. Average height of lettering not to exceed six (6) inches.
Freestanding on-premise signs except those in the Highway Corridor Overlay District (HCOD).	Not to exceed five (5) feet in height.	Not to exceed five (5) square feet per side.
Freestanding on-premise signs within the Highway Corridor Overlay District along South Carolina Highway 46.	Not to exceed eight (8) feet in height.	Not to exceed twenty-five (25) square feet.
Wall Sign(s).	No more than two (2) signs may be placed on any one (1) façade of any one (1) building except that shopping centers shall be permitted two (2) signs per tenant space, per tenant façade, provided only one (1) such tenant sign, per tenant façade, is visible from any street right-of-way. Such tenant signs shall only be permitted in lieu of building signs. Tenant façade signs must be located on the façade of the tenant space being identified.	The total area of wall signs shall not occupy more than ten (10) percent of the area of the wall upon which they are placed with the maximum size of any one (1) sign dependant upon Historic Preservation Commission approval.
Awning Signs.	Signage allowed on valence only.	Lettering not to exceed nine (9) inches in height. Minimum of one half (½) inch between letters and top and bottom of valence.
Signs placed on easels.	Permitted within property boundaries and only during business hours.	Not to exceed twenty (20) percent display area. Not to exceed five (5) feet in height. Message is not to exceed four (4) feet from sidewalk.
Sandwich boards or pedestal signs.	Permitted within property boundaries and only during business hours, unless prior approval is given by the Town Manager. Shall be placed to limit encroachment. Shall not cover more than fifty (50) percent of the sidewalk. Shall not impede normal traffic flow or the passage of handicapped persons.	Not to exceed five (5) feet in height. Not to exceed eight (8) square feet in size.
Flags and insignia of the United States or State of South Carolina Government buildings are exempt from the size and height limitations.	Five (5) feet from street right-of-way. Official flags limited to three (3) per establishment.	Five (5) feet by eight (8) feet or smaller, maximum flagpole height of thirty (30) feet when displayed in connection with a commercial use.
Decorative Flags.	One (1) decorative flag per establishment.	Decorative flags not to exceed fifteen (15) square feet.

Street banners advertising public events.	May be placed a maximum of twenty-one (21) days prior to an event. Must be removed within five (5) working days of the event's conclusion.	Not to exceed three (3) feet in depth.
Temporary signs bringing attention to a new business.	Limited to fifteen (15) working days from opening and must be removed at the close of business of the fifteenth (15th) day.	Not to exceed five (5) feet in height. Minimum of twelve (12) feet of street right-of-way.

B. Non-permitted Signs: The following signs are not permitted in the HPOD:

1. Signs painted onto or directly attached to the side of a building;

2. Neon signs;

3. Signs with flashing lights, internally lit signs, backlit signs, or halo signs;

4. Signs painted on or attached to trees, fence posts, rocks, or other natural features, telephone or utility poles, or painted on the roof of buildings visible from any public thoroughfare;

5. Portable signs (signs that are not permanently affixed to a building, structure, or the ground, or which is attached to a mobile vehicle;

6. Streamers or flags;

7. Inflatable signs;

8. Abandoned or dilapidated signs (as determined by the Community Development Director);

9. Small temporary sign for more than fourteen (14) days, with the exception of real estate and political campaign signs; and

10. Other signs prohibited throughout the Town as identified in the *Town of Bluffton Sign Ordinance.*

C. Traditionally, the signs in an historic district are painted wood, either flat or carved, hung from, or mounted on wrought

iron brackets. The Ordinance states, "*Special consideration will be given to projects that embody the spirit of the Town of Bluffton and its eclectic nature*". The following conditions shall apply to signs in the HPOD:

1. Should be mounted with the least damage to historic materials;

2. Should be placed to complement the building and not obscure architectural detail;

3. Should be appropriate to the façade and not predate the structure; and

4. Should be in proportion with the building or structure.

D. Violations: Signs determined to be not in compliance must be removed. Failure to remove will result in a per-day fine in compliance with the *Town of Bluffton Municipal Codes*.