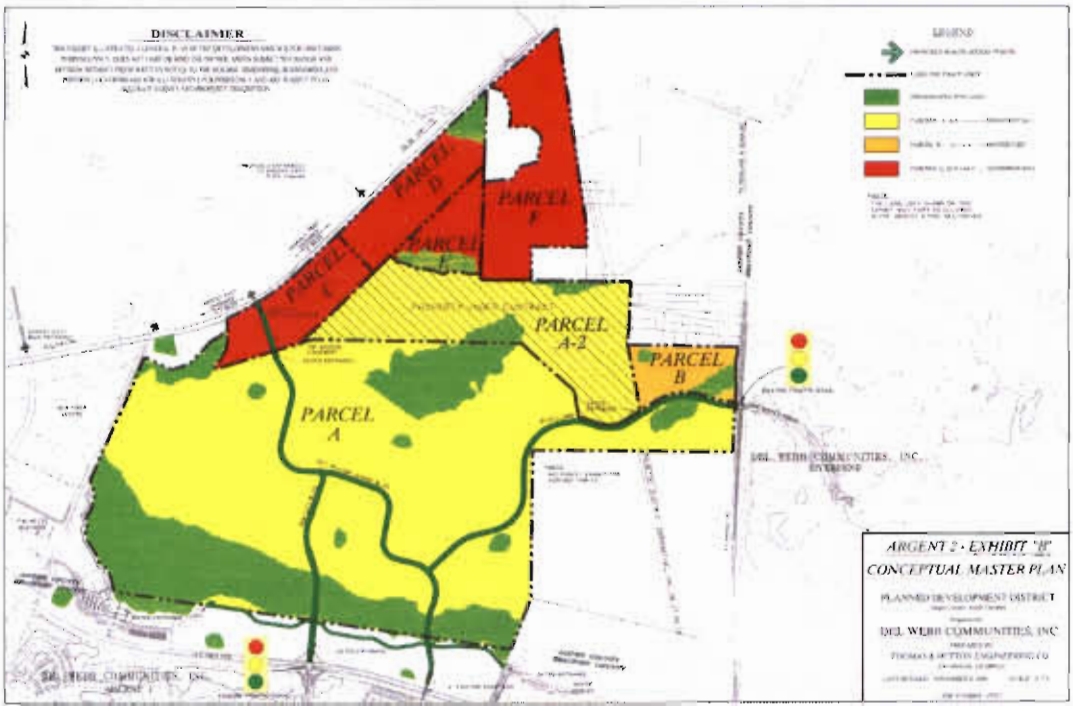
SUN CITY HILTON HEAD
ARGENT 2



PLANNED DEVELOPMENT DISTRICT
AND
CONCEPTUAL MASTER PLAN
JASPER COUNTY, SOUTH CAROLINA

SUBMITTED TO:
THE CITY OF HARDEEVILLE
SOUTH CAROLINA

PREPARED FOR:
DEL WEBB COMMUNITIES, INC.

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.

SUBMITTED NOVEMBER 8, 2006
J-19115
APPROVED BY THE CITY OF HARDEEVILLE JUNE 21, 2007

200700006646 11/13/2007 AT 04:04 PM
OR Volume 0608 Page 0001 - 0465
Filed for Record in JASPER COUNTY
Agreement Fee: $470.00

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER) **(SUN CITY ARGENT 2 TRACT)**

This Development Agreement ("Agreement") is made and entered this 13 day of NOVEMBER 2007, by and among Del Webb Communities, Inc.; Hustad, LLC; Hustad Investment Corporation; Property Resources Corporation; 122nd Street Land Company; and ML Jasper, LLC (hereinafter collectively as "Owners") and the governmental authority of the City of Hardeeville, South Carolina ("City").

WHEREAS, Del Webb Communities, Inc. is the legal owner of certain real property more fully described as Parcel A on the attached Exhibit A (*Parcel Exhibit*), and further described as Parcel A on the attached Exhibit B (*Property Description)*; and,

WHEREAS, Del Webb Communities, Inc. is the equitable owner of Parcel A-2, as depicted on Exhibit A hereto, which is under contract from the legal owners Hustad, LLC, Hustad Investment Corporation, Property Resources Corporation and 122nd Street Land Company, which property is further described as Parcel A-2 in the attached Exhibit B ; and,

WHEREAS, Hustad, LLC, Hustad Investment Corporation, Property Resources Corporation and 122nd Street Land Company are the legal owners of Parcels C, D, and E, as depicted on the attached Exhibit A,, and further described as Parcels C, D, and E in the attached Exhibit B; and,

WHEREAS, Property Resources Corporation is the legal owner of Parcel F, as depicted on the attached Exhibit A , and further described as Parcel F in the attached Exhibit B; and,

WHEREAS, ML Jasper, LLC is the legal owner of Parcel B, as depicted on the attached Exhibit A,, and further described as Parcel B in the attached Exhibit B;

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 city governments, to enter Development Agreements with owners to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and,

WHEREAS, Owners have acquired, or are in the process of acquiring, the Property shown on Exhibit A hereto, generally known as the Sun City Argent 2 Tract, and propose to develop, or cause to be developed, therein a mixture of residential, commercial and conservation uses; and,

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

WHEREAS, the program for development of the Property presents an opportunity for the City to secure quality planning and growth to protect the environment and strengthen and revitalize the tax base; and,

WHEREAS, this Development Agreement is being made and entered between Owners and the City, under the terms of the Act, for the purpose of providing assurances to Owners that it may proceed with its development plan under the terms hereof, as hereinafter defined, consistent with its approved Planned Unit Development (PDD) plan, (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 City, and for the purpose of providing certain funding and funding sources to assist the City in meeting the service and infrastructure needs associated with the development authorized hereunder; and,

WHEREAS, Del Webb Communities, Inc. ("Del Webb") has submitted a development plan which is a continuation of a larger Sun City Hilton Head age restricted community, which encompasses land in adjacent Beaufort County as well as the land in Jasper County; and,

WHEREAS, Del Webb previously entered a Development Agreement with Jasper County, covering the Property and the potential age restricted development and alternate land uses, under which Agreement and development plan certain activities and contributions have previously occurred, justifying certain differences between the treatment of this Property and other nearby properties, as more fully outlined in Article XI hereof; and,

WHEREAS, the above referenced Owners, other than Del Webb, have purchased the portions of the Property as described above, most of which having been included in the original Jasper County Development Agreement, but which properties are not currently expected to be developed as part of Del Webb's age-restricted development;

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 the City and Owners by entering this Agreement, and to encourage well planned development by Owners, the receipt and sufficiency of such consideration being hereby acknowledged, the City and Owners 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; incorporated herein by reference.

"Adjustment Factor" shall mean the percentage of either the Consumer Price Index (CPI) (All Urban Consumers) increase for the applicable year or three percent (3%) per annum simple interest, which ever is greater. All amounts in this Agreement which are subject to the Adjustment Factor are based upon amounts in effect prior to July 1, 2006. The Adjustment Factor effective July 1, 2006 was three percent (3%). Therefore, all fees and values herein affected by the Adjustment Factor shall be 103.0% of the amount stated until June 30, 2007, at which time such fees and values shall be adjusted on the anniversary date of July 1, 2007 be either 3% or the CPI percentage increase, whichever is greater that year. Thereafter, annual adjustments to such amounts shall continue to be adjusted in like manner on July 1 of each year.

"Additional Adjustment Factor" shall mean that from and after the end of the seventh (7^{th}) year of the Term of this Agreement, the Development Fee set forth in Article XI.I for any Development Fees that are payable after the seventh (7^{th}) year of the Term during the remainder of the Term shall be adjusted as of the first day of the eighth (8^{th}) year of the Term to an amount equal to the greater of (a) the Development Fee in effect on the last day of the seventh (7^{th}) year of the Term; or (b) an amount equal to the lesser of (x) one hundred fifty percent (150%) of the amount of the Development Fee in effect on the date of this Agreement, or (y) the Development Fee in effect on the date of this Agreement multiplied by the amount of the Consumer Price Index increase from the date of this Agreement through the first day of the eighth (8^{th}) year of the Term.

"Agreement" shall mean this Development Agreement as amended by the City and Developer in writing from time to time.

"Association" shall mean one (1) or more property owners' associations established to maintain portions of the Property.

"BJWSA" shall mean the Beaufort/Jasper Water and Sewer Authority, its successors or assigns.

"City" shall mean the City of Hardeeville, South Carolina.

"Conceptual Master Plan" shall mean the schematic Conceptual Master Plan last revised June 14, 2007 attached to the Planned Development District Standards.

"County" shall mean Jasper County, South Carolina.

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

"Development" means development, as defined in the Hardeeville MZDO, undertaken by Owner, Developer, or a Subsequent Developer on all or portions of the Property and construction of improvements thereon.

"Development Fees" shall have the meaning set forth in Paragraph Xl.1

"Development Rights" means the right to undertake either residential or non-residential Development in accordance with the Zoning Regulations and this Development Agreement, as measured by Residential Dwelling Units, commercial square footage or acreage.

"DHEC" shall mean the South Carolina Department of Health and Environmental Control.

"Fire Fund" shall mean the segregated interest-bearing account held by the City into which all Fire Development Fees are deposited.

"Library Fund" shall mean the segregated interest-bearing account to be held by the City into which all Library Development Fees are deposited.

"Lot" shall mean an area designated as a separate and distinct parcel of land on a legally recorded subdivision/development plat as filed in the official records of Jasper County, South Carolina.

"Owners" or collectively "Owner" means Del Webb Communities, Inc.; Hustad, LLC; Hustad Investment Corporation; Property Resources Corporation; 122nd Street Land Company; and ML Jasper, LLC, their corporate successors and any assignee, whereby such interest is assigned in writing, unless the context clearly implies a reference to a Single Owner.

"PDD Plan" means the schematic Conceptual Master Plan adopted as part of the Planned Development District Standards approved by the City by adoption of an ordinance on June 21, 2007, a copy of which is attached as an Exhibit to the PDD Standards.

"PDD Ordinance" shall mean the Planned Development District ordinance approved by the City on June 21, 2007, a copy of which is attached as Exhibit C and incorporated into this Agreement.

"PDD Standards" or "Sun City Hilton Head – Argent 2 PDD Standards" means the land development regulations as adopted by the City through the PDD Ordinance, a copy of said regulations being attached as Exhibit C-1 .

"Police Fund" shall mean the segregated interest bearing Escrow Account into which all Development Fees for Police are contributed.

"Property" or **"Sun City Hilton Head Argent 2 PDD"** means that certain tract of land described on Exhibit B, as may be amended with the Agreement of the City and Owners.

"**Residential Dwelling Unit**" shall mean a building or portion of a building arranged or designed to provide living quarters for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

"Roadway Fund" shall mean the segregated interest bearing account into which all Development Fees for Roads are contributed until utilized for public roadway improvements within the Specified Area.

"**School Fund**" shall mean the segregated interest-bearing account to be held by the City into which School Development Fees are deposited.

"SCDOT" means the South Carolina Department of Transportation.

"**Subsequent Developer**" means any and all successors in title or lessees of Owner or Developer who: (a) undertake Development of any portion of the Property; (b) are transferred an interest and/or title to all or a portion of the Property in writing from Owner or Developer, as applicable; and (c) are assigned all or a portion of Development Rights.

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

"Zoning Regulations" or **"Land Development Regulations"** means the development standards for the Property as set forth in: (a) the Sun City Argent 2 Planned Development District Standards adopted for the Property, and all the attachments thereto, including but not being limited to the Conceptual Master Plan, narratives, descriptions, uses, and site development standards therein, a copy of which is attached hereto as Exhibit C-1 and incorporated by reference; (b) this Agreement; and (c) the MZDO dated March 20, 2003 as amended through the date of this Agreement, except as the provisions thereof may be clarified or modified by the terms of the PDD.

Other Definitions. Other capitalized terms within this Development Agreement, if not defined within the section or subsection including the term, shall have the same definitions as set forth in the PDD, or as may be defined in the MZDO, as the context indicates.

III. TERM.

The term of this Agreement shall commence on the date this Agreement is fully executed by the City and Owners and terminate Ten (10) years thereafter. Furthermore, this Agreement may be terminated at the end of the Seventh (7^{th}) year upon written notice from the City to Owners delivered within thirty (30) days prior to the end of such seven (7) year period if the average fair market value of the residences constructed within the Property as of the end of the of the seventh (7^{th}) year from the date of this Agreement does not average $200,000.00 per residential dwelling unit, as adjusted by the Adjustment Factor.

IV. DEVELOPMENT OF THE PROPERTY/ASSIGNMENTS.

A. Development/Procedures. The Property shall be developed in accordance with the Zoning Regulations and this Agreement. All costs charged by or to the City for reviews required by the MZDO shall be paid by the Owners or Developer or other party applying for such review as generally charged throughout the City for plan review. The City shall, throughout the Term, maintain or cause to be maintained, a procedure for the processing of reviews as contemplated by the Zoning Regulations and this Agreement.

B. Right to Assign. Owner, Developer, and/or Subsequent Developers shall have the right to sell, transfer, ground lease, or assign Development Rights associated with the Property in whole or in part to any Person (an "Assignee") upon written notice to the City in accordance with the notification

provisions of Section IV below; provided, however, that the Property subject to the sale, transfer, or assignment of any right or interest under this Agreement shall have been first subdivided in accordance with subdivision plats approved under the Zoning Regulations. Unless released of certain obligations as set forth in Section XIX(H) below, Owner, Developer, or Subsequent Developer, as applicable, shall continue to be obligated under this Agreement with respect to all portions of the Property retained by Owner, Developer or Subsequent Developer. Owner, Developer, and/or Subsequent Developer shall remain obligated unless released in accordance with the provisions of Section IV and Section XIX.

C. Notice of Assignment. Concurrently with a sale, transfer, ground lease, or assignment of the Property, Owner, Developer, or Subsequent Developers, as applicable, shall notify the City, in writing, as and when Development Rights are transferred to any other party. Such information shall include the identity and address of the acquiring party, a proper contact person, the location and number of acres of the Property transferred, and the number of Residential Dwelling Units and/or commercial acreage and square footage of building area, as applicable, subject to the transfer. Subsequent Developers transferring Development Rights to any other party shall be subject to this requirement of notification, and any entity acquiring Development Rights hereunder shall be required to file with the City an acknowledgment of this Agreement and a commitment to be bound by it. Upon the transfer of title to all or a portion of the Property by Owner or Developer, approval by the City as provided herein, and provided the documents required by this Agreement have been properly executed and delivered, Owner or Developer shall no longer be responsible or liable for future Development, fees, and other obligations related to the portion of the Property and the Development Rights conveyed except as otherwise provided in this Agreement.

D. Release from Obligations. If, prior to the assignment the City Council approves the proposed assignment of the obligations and release of the assignor, which approval shall be based upon the financial ability of the proposed assignee to complete the obligations assigned, and which approval will not be unreasonably withheld, the Owner, Developer or subsequent Developer shall be released from those obligations. A form of Partial Assignment of Rights and Obligations for transferring the obligations and rights to be set forth therein and for releasing Owner, Developer, or a Subsequent Developer, as applicable, from all or a portion of the obligations of this Agreement will be provided by the City upon request. If an approval is sought from the City Council, and the City Council fails to respond to such request within forty-five (45) days of the submission of the request the provision of adequate documentation regarding financial means of the assignee for the Council to consider, then the approval shall be deemed granted by the City, and the City Manager must execute a Partial Assignment of Rights and Obligations to evidence such approval. The forty-five (45) day time period shall be tolled if the City

Council should request reasonable additional information regarding the financial abilities of the proposed assignee.

V. CHANGES TO ZONING REGULATIONS.

The Zoning Regulations relating to the Property subject to this Agreement shall not be amended or modified during the Term, without the express written consent of the Owners except in accordance with the procedures and provisions of Section 6-31-80(B) of the Act, which Owners shall have the right to challenge. Owners do, for itself and its successors and assigns, including Developers and notwithstanding the Zoning Regulations, agree to be bound by the following:

A. Water and Sewer Required. The Owners and Developers, and their respective heirs, successors and assigns agree that all Development, with the exception of irrigation, incidental maintenance facilities, golf courses, earthwork and similar amenities which exist from time to time, and facilities existing at the date of this Agreement will be served by potable water and sewer prior to occupancy, except as otherwise provided herein for temporary use, temporary being defined as one year or less. Septic tanks and/or wells may be allowed with the permission of BJWSA where there is a specific finding that such use for specific portions of the Property will comply with the overall environmental standards.

B. Acreage Requirements for Each Submission. No Initial Master Plan for any portion of the Property shall be submitted for processing unless that plan encompasses ten or more acres of high land which acres are not jurisdictional wetlands, with the exception of the platting of road sections.

VI. DEVELOPMENT SCHEDULE.

The Property shall be developed in accordance with the development schedule, attached as Exhibit D, or as may be amended by Owners or Developer(s) in the future to reflect actual market absorption. Pursuant to the Act, the failure of the Owners and any Developer to meet the initial 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 Owners and Developer(s) good faith efforts to attain compliance with the development schedule. These schedules are planning and forecasting tools only, and shall not be

interpreted as mandating the development pace initially forecast or preventing a faster pace if market conditions support a faster pace. 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. Development activity may occur faster or slower than the forecast schedule, as a matter of right, depending upon market conditions. Furthermore, periodic adjustments to the development schedule which may be submitted unilaterally by Owners / Developers in the future shall not be considered a material amendment or breach of the Agreement.

VII. DENSITY.

Mixed use, residential and commercial development on the Del Webb portion of the Property (Parcels A and A-2) shall be the densities and uses as set forth in the Planned Unit Development approval, set forth in (a) and (b) below, and for Parcels B, C, D, E and F as set forth in (c) below:

A. A" and "A2" of the Argent 2 PDD. Parcels "A" and "A2" of the Argent 2 PDD consists of approximately 615.39 acres of upland residential land use as generally depicted on the Conceptual Master Plan. The Conceptual Master Plan may be modified by City Council at Master Plan approval. The "A" and "A2" portion of the Argent 2 PDD are planned to include 2,084 residential units, which is based on a gross unit density of 3.5 units per acre applied to the entire Argent 2 ("A" and "A2") upland area of 615.39 acres. This density is consistent with current densities in the Beaufort County portion of the project. Del Webb shall have the right to have more than 500 multifamily units on Parcels A and A-2, provided at the time of such request for a building permit for multifamily units in excess of 500 multifamily units, the average fair market value of all dwelling units then constructed on the Property is $200,000.00 plus the Annual Adjustment, or more, or provided that the applicant can demonstrate at the time of such request for a building permit for multifamily units in excess of 500 multifamily units that the majority of multifamily units in excess of the initial 500 units being then requested are designed and reasonably expected to be utilized for resort type transient or short term lodging, or for retirement living, and thus have a lesser demand for public services than traditional single family residences.

B. Additional Parcel A and A-2 Units. In addition to the base maximum number of residential units set forth above, up to a maximum of 500 additional residential units shall be allowed on Parcels A and A-2 if Del Webb, or its assigns, can demonstrate through a traffic impact analysis acceptable to City, that traffic generated by such additional density can be adequately handled by existing area traffic infrastructure or infrastructure which the City forecasts to be constructed within a reasonable time, and further, that the City determines that adequate provisions have been made for the handling of

governmental services to serve the additional density, including fire, park, police, school and library services,.

C. Parcels B, C, D, E, and F. The uses for Parcel B shall be Mixed Use as defined under the MZDO, which is part of the Zoning Regulations. As provided in Section I-C of the PDD Plan, the densities for Parcel B shall be as defined under (i) the MZDO which is part of the Zoning Regulations, or (ii) the PDD Plan and the Zoning Regulations. Uses and densities for Parcels C, D, E and F shall be as defined under the PDD and Zoning Regulations for Commercial zoning, provided that up to 25% of the total acreage contained in Parcels C, D, E and F may be developed as defined in Mixed Use zoning under the MZDO, with the specific location of any such mixed use zoning to be determined at the time of Master Plan approval for each Parcel, as further described in the PDD Ordinance.

VIII. RESTRICTED ACCESS

The Owners and/or each Developer shall have the right (but not the obligation) to create restricted access communities within the Property, and Del Webb specifically contemplates such restricted access development for Parcels A and A-2 of the Property.; provided further, the residents of Del Webb shall have access to the adjacent commercial areas, by virtue of the planned access through Parcel C to Highway 141.

IX. EFFECT OF FUTURE LAWS.

Owners 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 as may be modified in the future pursuant to the terms of this Agreement, for the entirety of the Term. Future enactments of, or changes or amendments to the City ordinances, including zoning or development standards ordinances, but not procedures, which conflict with the Zoning Regulations shall not apply to the Property unless the procedures and provisions of Section 6-31-80 (B) of the Act are followed, which Owners shall have the right to challenge. Notwithstanding the above, the Property will be subject to then current fire safety standards and state and/or federal environmental guidelines standards of general application.

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, or any ad valorem

tax of general application throughout the City, found by the City Council to be necessary to protect the health, safety and welfare of the citizens of Hardeeville.

X. INFRASTRUCTURE AND SERVICES

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

A. Private Roads. All roads within the Property shall be constructed by the Owners, Developer or other parties and maintained by such party(ies) and/or Association(s), or dedicated for maintenance to other appropriate entities. Except as provided in this Agreement, the City will not be responsible for the construction of any private roads within the Property, unless the City specifically agrees to do so in the future. The City is under no obligation to accept any private road. The City may consider acceptance of any attendant drainage systems separately from acceptance of any road. The City is under no obligation to accept any drainage system for private roads. The recording of a final plat or plan subdividing a portion of the Property shall not constitute an offer to deed or dedicate any or all streets and rights of ways shown thereon to the City, or any other person or entity, nor as acceptance by the City of the dedication absent an express written agreement to do so.

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. Owners acknowledge that it must comply with all applicable state statues and rules and regulations of the South Carolina Department of Transportation or its successor regarding access and use of such public roads. Future public roads may serve the Property. The City shall not be responsible for construction, improvements or maintenance of the public roads which now or hereafter serve the Property, unless set forth in this Agreement or it otherwise agrees. The Property shall be served by direct access to the existing roads, Highway 141, Highway 170, and Highway 278, and access from Parcel F to Highway 170 over Shinger Avenue, and the proposed roads or offsite road improvements as shown on the PDD Plan. The timing and extent of the proposed and/or required road improvements or construction is as set forth in the PDD, but is subject to modification upon completion of an initial traffic impact assessment for the entire Property (Conceptual Master Plan Traffic Impact Assessment) to identify traffic requirements, and which may be further modified and refined as each Master Plan and required traffic impact analysis for specific areas of the Property are submitted for approval as part of the Master Plan PDD process.

Additional public and/or private roads may be planned/permitted on the Property in the future, as such are identified during the traffic impact assessment processes. The recording of a final plat or plan subdividing a portion of the property shall not constitute an offer to deed or dedicate any or all streets and rights of ways shown thereon to the City, or any other person or entity, nor as an acceptance by the City absent an express written agreement to do so

C. **Potable Water.** Potable water will be supplied to the Property by BJWSA or some other legally constituted public or private provider allowed to operate in the City. The City shall not be responsible for any construction, treatment, maintenance or costs associated with water service to the Property unless the City elects to provide such services with the agreement of the applicable utility authority then providing such service to the Property. Owners will construct or cause to be constructed all related infrastructure improvements within the Property, which will be maintained by it or the service provider as provided in any utility agreement between Owners and the service provider.

D. **Sewage Treatment and Disposal.** Sewage treatment and disposal will be provided by BJWSA or some other legally constituted public or private provider allowed to operate in the City. The City will not be responsible for any treatment, maintenance or costs associated with sewage treatment within the Property, unless the City elects to provide such service with the agreement of the applicable utility authority then providing such service to the Property. Nothing herein shall be construed as precluding the City from providing sewer services to its residents in accordance with applicable provisions of law. Owners will construct or cause to be constructed all related infrastructure improvements within the Property, which will be maintained by it or the provider as provided in any utility agreement between Owners and the service provider.

E. **Use of Effluent.** Owners agree that treated effluent will be disposed of only in such manner as may be approved by DHEC and the BJWSA. The City will use good faith efforts to cooperate with the Owners to support Owners in its obtaining gray water in connection with providing irrigation water for the golf courses, and other landscaped areas within the Property. The Owners or its designee shall have the right to operate an irrigation system to provide irrigation services in connection with all or any portion of the Property, provided such is approved by DHEC or other applicable regulatory authority.

F. **Police Services.** City shall provide police protection services to the Property on the same basis as is provided to other similarly situated residents and businesses in the City with the exception of restricted access communities, which may elect to provide in-house patrol services by security forces and/or constables and elect in writing to forego regular City patrol functions. Owners acknowledges the

concurrent jurisdiction of the City's police department and the sheriff of Jasper County on the Property and shall not interfere or in anyway hinder law enforcement activities of either on the Property regardless of whether such may be a restricted access community.

G. Fire Services. City shall provide fire protection services to the Property on the same basis as is provided to other similarly situated residents and businesses in the City. Owners acknowledge the jurisdiction of the City's fire department on the Property and shall not interfere or in anyway hinder public safety activities on the Property regardless of whether such may be a restricted access community.

Not withstanding the foregoing, fees for fire protection will be charged as if the Owners of the Property was a "non-resident" under the fire protection fee ordinance (Section 8-120 of the City Code of Ordinances) until such time as a site specific development plan is approved for an area of the Property, at which time the non-resident treatment shall be removed as to that area only.

H. Sanitation Services. City shall provide sanitation and trash collection services to the Property on the same basis as is provided to other similarly situated residents and businesses in the City.

I. Recreation Services. City shall not be required to provide recreation services to the age restricted areas of the Property on the same basis as it provides to other similarly situated residents and businesses in the City, as park fees have been reduced in accordance with Section XI (3) and XI (8) hereinbelow..

J. Library Services. Such services are now provided by Jasper County. City shall not be obligated to provide library services to the Property, absent its election to provide such services on a citywide basis. City shall allocate, at its discretion, Library Developer Fees to assist with library services in Southern Jasper County.

K. Emergency Medical Services (EMS). Such services are now provided by Jasper County. City shall not be obligated to provide EMS services to the Property, absent its election to provide such services on a citywide basis.

L. Drainage System. All storm water runoff, treatment and drainage system improvements within the Property will be designed in accordance with the Zoning Regulations and Best Management Practices then current. All storm water runoff, treatment and drainage system improvements for the Property shall be constructed by Owners or the Association. The City will not be responsible for any

construction or maintenance cost associated with the storm water runoff, treatment and drainage system within the Property, unless the system is dedicated to and accepted by the City. The City is under no obligation to accept the system or any part of the system. The recording of a final plat or plan subdividing a portion of the Property shall not constitute an offer to deed or dedicate any or all drainage system shown thereon to the City, or any other person or entity, nor as acceptance by the City of the dedication absent an express written agreement to do so

M. Storm Water Quality. Protection of the quality in nearby waters and wetlands is a primary goal of the City. The Owners 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. Further provisions regarding Storm Water are included within the PDD for this Project.

XI. CONVEYANCES AND CONTRIBUTIONS.

A. Prior Facilities Mitigation. The City and Owners understand and agree that future development of the Property shall result in additional public services being required to be provided by the City and other governmental agencies. The City and Owners acknowledge it is desirable that certain public facilities be located in the vicinity of the Property, and that certain provisions and donations for such public facilities have been previously made by Owners. The Owners agree to participate in mitigating certain initial costs of the City for such services as provided in this Agreement. The City and the Owners further recognize, however, that there are relevant differences between the circumstances of this Development Agreement and the circumstances of other Development Agreements which have been adopted elsewhere by City for other properties in the area. Among those relevant differences, as hereby represented by Del Webb, are the following:

1. Development Agreement With Jasper County.

Del Webb previously entered into a Development Agreement with Jasper County, dated July 26, 1994, as clarified and ratified by recorded document on December 30, 2003, [The City of Hardeeville notes the historical fact of these documents, while offering no opinion as to their validity] which Development Agreement provided for substantial contributions, development rights and flexibility, and which Development Agreement was for a stated term of 20 years on its face. While the continued validity of that Agreement is subject to some dispute, the activities and circumstances outlined below regarding the Property, as represented by Del Webb, are as follows.

2. Government Site Donation And Contribution.

Del Webb donated four acres of land to Jasper County for a governmental facility site on Highway 141, at a location chosen by Jasper County and purchased for donation by Del Webb, specifically for the location of a fire station site, along with any other governmental facility deemed appropriate by Jasper County. Furthermore, under the terms of the Development Agreement, Del Webb donated $300,000.00 for the construction of such facilities. These lands and funds were donated by Del Webb to serve the needs of future development on the Property, and as such, Del Webb believes these lands and funds or improvements remain available to serve the Property, with the cooperation of Jasper County.

3. Nearsite Road And Traffic Improvements.

Del Webb has provided for extensive onsite road networks and related nearsite improvements to the public road network, to facilitate traffic to be generated by the development. A major private road was built by Del Webb for its Beaufort County development, crossing Highway 278 over a bridge built with a combination of Del Webb funds and funds negotiated from the State by Del Webb, to minimize traffic impact on Highway 278 by traffic flowing between the Jasper County and Beaufort County segments of the Sun City development. A major spine road connects the bridge from its north side, across the Property, to reach Highway 170 at the Riverbend entrance. This road, with adjacent pathway (both of which may be realigned at Del Webb expense) serve to distribute traffic and alleviate traffic on Highway 278 and Highway 170 and their intersections. A private road linkage will be provided internally to reach Highway 141, further serving to distribute traffic. Del Webb paid for the Highway 170 traffic light, contributed the land and funds for widening Highway 170 at the Sun City Hilton Head Riverbend ("Riverbend") entrance, and constructed appropriate turn lanes and acceleration and deceleration lanes to accommodate future development traffic at Highway 170. Del Webb has paid for the Highway 278 light at its main entrance and constructed appropriate accessory lanes for the functioning of traffic in and out of the Jasper County and Beaufort County development areas.

Del Webb also substantially limited its curb cuts onto Highways 278 and 170 on a voluntary basis, to facilitate traffic flow on these Highways. Del Webb also facilitated internal linkage from its development into the adjacent Okatie Commercial Center, on both the Beaufort County and Jasper County side of Highway 278, to facilitate commercial trips by its residents without burdening Highway 278 or 170.

Del Webb has spent millions of dollars on these onsite private and nearsite public road improvements to assure optimum traffic flow for its residents and to minimize negative effects on the adjacent public roads and the greater community, both in Beaufort County and Jasper County.

4. Age Restricted And Access Restricted Development.

The Del Webb Sun City development, as it exists in Beaufort County and as it will extend to Jasper County on Parcels A and A-2, as depicted in the PDD, will be a gated and age restricted community. Permanent restrictive covenants will assure the age-restricted status, under Federal law. These facts greatly reduce the public expenditure needs to serve the Property in many ways.

Age restricted communities directly produce no school children to attend public schools, while the properties pay full County and City taxes to support public schools. The result will be a positive cash flow to the Jasper County schools, in the millions of dollars, to assist with the education of other Jasper County residents.

The age restricted and gated nature of the community greatly reduces the need for many other services, such as Police and Fire, as compared to average subdivision development. The adjoining Sun City development in Beaufort County demonstrates these facts. Also demonstrated by the existing Sun City development is the high rate of volunteerism of its residents, helping in local hospitals, public schools, libraries and other services.

5. Active and Passive Recreational And Social Activities Onsite.

The Sun City development model produces a broad array of onsite recreational amenities and open spaces for its residents to enjoy, all but eliminating the need for off-site recreational facilities. The existing Sun City has golf, tennis, bocce, ball fields, indoor pools, outdoor pools, miles of walking trails, fishing lagoons and other facilities to serve its residents. The extended Sun City development in Jasper County will provide additional facilities and continue this commitment to active life style opportunities, on site.

6. Market Value Of Finished Homes More Predictable For Ongoing Community.

The average market value of homes within Sun City is more predictable as to this Property than is the case for most future development plans. In this case, the community is an extension of an existing development where model types and sales prices are well established. Average market price is well in excess of $200,000.00 per unit, exceeding the Hardeeville requirement of $180,000 per unit under other Development Agreements. The fact that the demand for government services will be substantially lower (as explained above), coupled with the fact that per home property tax value will likely be substantially higher, will work to assure a very positive financial effect on the City and its existing residents.

7. Prior Payment Toward Area-Wide Water And Sewer Service Infrastructure.

When Del Webb began its development process in early 1994, water and sewer service was being planned for the area, but did not exist. Beaufort Jasper Water and Sewer Authority (BJWSA) was planning the Cherry Point treatment plant and other improvements, but full funding was not available. Del Webb negotiated a Development Agreement with BJWSA to facilitate the construction of the Cherry Point treatment plant and major lines and pump stations to serve both the Del Webb Beaufort County and Jasper County development areas, and by extension, allow BJWSA to serve the general area of both Counties. Del Webb committed to 6.7 million dollars for construction of these offsite facilities for BJWSA and helped BJWSA obtain other grant money which was directly given to BJWSA because of the Del Webb involvement. Other developers have always, then and now, paid for capacity when needed for development phases. Del Webb committed and bonded the entire upfront charges to build the facilities, which funds could have been lost by Del Webb if development did not proceed and continue. Del Webb's contributions served its own development, but also provided a significant public benefit which would not have occurred without Del Webb's funding and commitments.

8. Prior Negotiation Of Commitment Of Union Camp To Donate University Of South Carolina Site And Expansion Option.

As part of Del Webb's original contract with Union Camp to purchase the entire Sun City site (including the Beaufort and Jasper County portions), Del Webb required that Union Camp commit contractually to the donation of the original University of South Carolina site on Highway 278 and the sale of adjacent option property for expansion of the school at a greatly reduced price. Del Webb worked in other ways to assure the University presence in this location, to serve the future needs of its expected

development, but also to serve the general public of Beaufort and Jasper Counties. Del Webb thus played an important and pivotal role in bringing public, higher education to the immediate area.

9. Reduced Price Sale Of Land To Technical College Of Lowcountry And Rezoning.

At the request of Beaufort County and Jasper County officials, Del Webb worked with the Technical College of the Low Country (TCL) to bring that school to the area, on land sold to TCL by Del Webb at a substantially reduced price as compared to other current offers. Del Webb provided professional assistance and leadership in processing the required zoning changes in Beaufort County to allow the school to move forward. Del Webb has now transferred the 15+ acres of Jasper County land to the school site, completing the transaction, and allowing for future expansion of the TCL facilities as the area grows.

10. Shorter Term Of Agreement.

The term of this Development Agreement, which is limited to ten years, is substantially shorter than the twenty to fifty year terms of recent Development Agreements in southern Jasper County. Because a Development Agreement imposes certain limitations on local government regarding its power to change development standards and adopt appropriate impact fees on new development, the length of the Development Agreement term is an important consideration. Landowners and developers derive a considerable benefit from long-term limitations on governmental fees and controls, for which it is appropriate that governments extract larger fees and donations in return. Conversely, Development Agreements of a shorter term require less commitment by government and thus, less consideration from the landowners.

11. Smaller Property.

The property which is subjected to this Development Agreement is considerably smaller than previous agreements in southern Jasper County. This point is closely associated with the length of term discussed above. A smaller property has less impact on government services and infrastructure, in general, than a large property, and thus the commitment and risks of both the government and the landowners are less.

These points are set forth by Del Webb to distinguish the Sun City Argent 2 Property from other properties located in the vicinity, and justify a departure from the rote application of the "standard" fees and obligations required of other developments in the vicinity which do not share these unique background facts, prior commitments and expenditures, and other related circumstances. Furthermore, the Owners other than Del Webb should benefit from the foregoing points, to the extent reflected herein, because they contributed thereto or reimbursed Del Webb therefore through the purchase prices paid by them, respectively, for the parcels purchased from Del Webb.

B. The following items are hereby agreed upon to be provided by Owners, its successors and assigns, to offset future costs and expenditures created by the development of the Property, and to supplement the substantial commitments and expenditures previously made for public services and infrastructure.

1. Police Service. Police Services are to be provided from off site locations and funds to provide such services and related capital improvements will be generated from future property taxes, other current sources of income, and supplemented by the Development Fees payable hereunder.

All Development Fees for Police as hereafter provided shall be placed in a segregated interest bearing account and such funds ("Police Fund") may be combined with the Development Fees for Fire to be allocated for police/fire services for construction and equipping of police and fire services for the immediate service area, as the City determines in its discretion. Owner consents that any Developer Fees collected for Police purposes may be available for land acquisition, construction and equipment costs, operation costs, and debt service, for Police and Fire purposes.

2. Fire Service. Fire services are to be provided from off site locations and funds to provide such services and related capital improvements will be generated from future property taxes, other current sources of income and supplemented by the Development Fees payable hereunder.

All Development Fees for Fire as hereafter provided shall be placed in a segregated interest bearing account and such funds ("Fire Fund") may be combined with the Development Fees for Police to be allocated for police/fire services for construction and equipping of fire and police services for the immediate service area, as the City determines in its discretion. These fees shall be utilized to construct and equip or improve the Fire facility or combined Fire/Police facility(s) on nearby property, and/or as a

credit enhancement as set forth hereinbelow in connection with obtaining bond financing by the City to construct such site or sites.

Owner consents that any Developer Fees collected for Fire purposes may be available for land acquisition, construction and equipment costs, operation costs, and debt service, for Fire and Police purposes. Owner and City acknowledge that Owner previously donated a 4 acre site to Jasper County for government services and donated funds to Jasper County to construct a Fire Station to service the Property made subject hereto. While full Fire Fees are payable hereunder, the parties agree that if the City is successful in reaching an agreement with Jasper County to obtain ownership of the existing facility donated by Owners, City may give credit to Owners by reducing Fire Fees by up to 50% of the amount provided hereunder.

3. **Park.** Development of the Property will generate a substantially lower demand for park services as an age-restricted, retirement community than traditional development. The high level of amenities and recreational facilities available on-site to residents, within the overall Sun City development, serves to further lower the demand on public park facilities. Park Fees for Parcels A and A-2 shall be reduced to 50% of those set forth in the Table set forth in paragraph XI (8) below. Such Reduced Park Fees for Parcels A and A-2s shall be limited to a total of 2,000 units for which permanent deed restrictions are put in place to prohibit school age children from living in the residences. Park fees apply fully to all other Parcels.

4. **Schools**. School Fees are not applicable ans to Parcels A and A-2, given the age-restricted nature of the Sun City development and the prohibition against school age children as permanent residents. School fees apply fully to all other Parcels. This provision that School Fees do not apply to Parcels A and A-2 shall be limited to a maximum of 2,000 residential units within the Property, for which permanent deed restrictions are put in place to prohibit school age children from living in the residences.

5. No other dedications or conveyances of lands for public facilities shall be required in connection with the development of the Property, except with respect to the dedications and/or conveyances of the properties referred to in Section X, and Section XI.

6. **Employment Costs.** Owner and City agree that certain cost may be incurred early in the development, or predevelopment process, making it difficult for City to provide the necessary funds for employment costs and interim government services prior to actual development and the eventual collection of funds through property taxes and other sources provided hereunder. Owner hereby agrees that a one time Employment Costs Fee shall be paid to City, said fee to be $105.26 per allowed residential

unit hereunder, payable in five equal annual installments beginning 30 days after the execution hereof and at one year intervals thereafter. Each of the five annual payments shall be $43,872.37, for a total of $219,361.84, as to the Del Webb property (Parcels A and A-2). A fee of $105.26 per allowed residential unit shall be paid at the time of Master Plan approval, as to Parcels B, C, D, E and F, for any such units allowed under the Master Plan, and each of the Owners of these Parcels shall likewise have the option of making any payment due hereunder in five equal annual payments to City.

The City agrees to utilize its best efforts to attract and retain qualified personnel to staff the positions funded by this contribution. The City agrees that all submissions for governmental approvals with respect to the Property shall be expeditiously processed, in accordance with MZDO procedures as modified by the PDD for this Property. The City shall maintain personnel qualified to review plans and plats.

7. **Conveyances.** All conveyances and dedications of lands pursuant to this Agreement, if any, shall mean upland gross acres of highlands, net of wetlands.

8. **Development Fees.**

(a). Fee Chart. To assist the City in meeting expenses resulting from ongoing development, upon application for a building permit from the City for any portion of the Property, each Builder shall pay Development Fees for Road, Police, Fire, School, Library and Parks ("Development Fees") which shall be adjusted by the Additional Adjustment Factor (if the Term is extended) on the first day of the 8th year of the Term, as set forth in the table below. The Development Fees set forth below are based upon 2005 figures. The Development Fee amounts (including Exhibit G) were increased by the annual 3% Adjustment Factor effective July 1, 2006 and shall increase henceforth each July 1 by the applicable Adjustment Factor.

(i) As to the Del Webb property (Parcels A and A-2):

DEVELOPMENT FEES	AMOUNT
Commercial and Retail Space	See **Exhibit G** attached hereto and made a part hereof.
Residential Dwelling Units	$1,980 plus the Adjustment Factor per unit – Road $320 plus the Adjustment Factor per unit – Police $320 plus the Adjustment Factor per unit, subject to potential adjustment under B above – Fire $500, plus the Adjustment Factor per unit, for non-age restricted units (see D. above) – School $100 plus the Adjustment Factor per unit – Library $636 plus the Adjustment Factor per unit, for non-age restricted units (See C. above) – Park
Multifamily Dwelling Units	$1,386 plus the Adjustment Factor per unit – Road $112 plus the Adjustment Factor per unit – Police $112 plus the Adjustment Factor per unit – Fire $250, plus the Adjustment Factor per unit, for non-age restricted units (See D. above) – School $70 plus the Adjustment Factor per unit – Library $445 plus the Adjustment Factor per unit, for non-age restricted units (See C. above) – Park

(ii) As to the Parcels B, C, D and E:

DEVELOPMENT FEES	AMOUNT
Commercial and Retail Space	See **Exhibit G** attached hereto and made a part hereof.
Residential Dwelling Units	$1,980 plus the Adjustment Factor per unit – Road $320 plus the Adjustment Factor per unit – Police $320 plus the Adjustment Factor per unit, subject to potential adjustment under B. above – Fire $500 plus the Adjustment Factor per unit – School $100 plus the Adjustment Factor per unit – Library $636 plus the Adjustment Factor per unit – Park
Multifamily Dwelling Units	$1,386 plus the Adjustment Factor per unit – Road $224 plus the Adjustment Factor per unit – Police $112 plus the Adjustment Factor per unit – Fire $250 plus the Adjustment Factor per unit – School $70 plus the Adjustment Factor per unit – Library $445 plus the Adjustment Factor per unit – Park

(iii) As to Parcel F:

DEVELOPMENT FEES	AMOUNT
Commercial and Retail Space	See **Exhibit G** attached hereto and made a part hereof.
Residential Dwelling Units	$1,980 plus the Adjustment Factor per unit – Road $320 plus the Adjustment Factor per unit – Police $320 plus the Adjustment Factor per unit – Fire $500 plus the Adjustment Factor per unit – School $100 plus the Adjustment Factor per unit – Library $636 plus the Adjustment Factor per unit – Park
Multifamily Dwelling Units	$1,386 plus the Adjustment Factor per unit – Road $224 plus the Adjustment Factor per unit – Police $224 plus the Adjustment Factor per unit – Fire $250 plus the Adjustment Factor per unit – School $70 plus the Adjustment Factor per unit – Library $445 plus the Adjustment Factor per unit – Park

(b) Payment of Fees. All Development Fees in this item H. shall be collected at the time of obtaining a building permit and placed in separate interest bearing accounts established for Roads, Police, Fire, Library and Parks, which may be utilized for the purposes set forth in this Agreement.

(c) No other City Impact Fees. Notwithstanding any provision to the contrary contained within this Agreement, the Development Fees are being paid in lieu of any other impact fees, development fees or any other similar fees presently existing or adopted solely by the City at any time hereafter during the term of this Agreement; provided, however, the Owner and/or Developers shall be subject to the payment of any and all present or future permitting fees enacted by the City that are of City-wide application and that relate to processing applications, development permits, building permits, review of plans, or inspections (but no other capital improvement related impact, development or other extractions).

(d) Other Governmental Fees. Except as set forth in this Agreement, nothing herein shall be construed as relieving the Owner, its successors and assigns, from payment of any such fees or charges as may be assessed by entities other than the City, provided however, if an entity other than the City imposes, or is permitted by City to impose, fees or obligations similar in nature to those contemplated by

this Agreement, the Owner shall be entitled to an offset against the Development Fees of this Agreement in the amount of such fees or obligations which are collected. . The provisions of this section shall not preclude the City or another governmental authority from imposing a fee of a nature which is not for improvements under this Agreement (*i.e.,* police, fire, roads, parks, schools, libraries and other obligations contemplated under this Agreement), which are imposed on a consistent basis throughout the area regulated by such governmental authority imposing such obligations. The City or other governing body shall not be precluded by this Agreement from charging fees for delivery of services to citizens or residents (*i.e.,* an EMS response fee or the like), nor from charging fees statutorily authorized in the future (*i.e.,* a real estate transfer fee or the like). The City shall not oppose Owner's, Developer's, or Subsequent Developer's challenge to any developer fee, impact fee or other obligation imposed by other governmental authorities to the extent that such fees or obligations are not specifically permitted to be imposed pursuant to the terms of this Agreement.

(e) Increase in Fees. The Development Fees set forth above are vested for the entire Property and shall not be increased and no other Development Fee or development obligation imposed in connection with the Property, except for the Adjustment Factor and Additional Adjustment Factor as provided in this Agreement.

(f) Assignment of Fees. Any Development Fees paid and/or credits for Development Fees with respect to property conveyed, services performed and/or money paid as provided in this Agreement may be assigned by the Owner and/or Developer owning such credits and all such credits shall remain valid until utilized. The City shall recognize all such written assignments of such rights and shall credit same against any Development Fees which are owned pursuant to this Agreement.

(g) Special Tax District. The City, County or other governmental entity may establish, solely or in conjunction with each other, a Tax Increment Financing District, FILOT, Multi-County Business Park, or any other special tax district or financing vehicle authorized by applicable provisions of the Code of Laws of South Carolina 1976, as amended), which does not impose additional ad valorem taxes or assessments against the Property. The establishment by the City, County or other governmental entity, solely or in conjunction with each other, of a special tax district or other financing vehicle authorized by applicable provisions of the Code of Laws of South Carolina, (1976, as amended), which increases the assessments solely within the Property, shall require the consent of the Owner, Developer, or Subsequent Developer, (as applicable), unless such is otherwise expressly permitted pursuant to the terms of this Agreement. It is acknowledged that at the written election of Owner, Developer, or Subsequent

Developer, as applicable, a Municipal Improvement District may be implemented with the consent of the City for the Property as set forth in this Agreement.

(h) Reimbursement to City. Owner (Del Webb) agrees to pay the costs and expenses of the City's consultants and professionals incurred in negotiating, processing and evaluating this Agreement and the accompanying PDD. City will provide sufficient documentation of these charges. Owner (Del Webb) shall pay such fees within 60 days of the delivery of the invoice(s).

XII. PERMITTING PROCEDURES:

A. Model Homes. The City agrees to allow the Developer the ability to permit and construct model homes without utilities (i.e., "dry models") and to relocate the models as necessary within each subdivision.

B. Phasing Allowed. The City agrees that the Owners and/or any Developer is not required to phase development but shall have the right to do so.

C. Plan Review. The City agrees to review all land use changes, land development applications, and plats in an expeditious manner in accordance with the MZDO as modified by the PDD for this Project. Developer may submit these items for concurrent review with the City and other governmental authorities. City may give final approval to any submission, but will not grant authorization to record plats or begin development construction activities until all permitting agencies have completed their reviews.

D. Signage. Signage for the Project is governed by the provisions of the PDD for this Project.

E. Architectural Review. The City acknowledges that Owner/Developer Del Webb has an internal set of architectural guidelines and employs an architectural review board, which is to be adopted as provided in the PDD. These guidelines and review procedures, and any required to be adopted by the other Owners/Developers by the PDD must meet the minimum guidelines and standards as set forth in the MZDO for architectural standards and review.

F. Bond for Plat Recording. The City agrees to allow plat recording with a bond prior to completion of infrastructure development and to issue building permits and permit sale of lots prior to completion of such bonded infrastructure; in accordance with the MZDO as modified by the PDD for this Property.

G. No Additional Development Obligations. The City agrees that the Property is approved and fully vested for intensity, density, development fees, uses and height, and shall not have any obligations for on or off site transportation or other facilities or improvements other than as specifically provided in this Agreement and its attachments and Exhibits, but must adhere to then current PDD, subdivision plat and development plan procedural guidelines. The City may not impose additional development obligations or regulations in connection with the ownership or development of the Property, except in accordance with the procedures and provisions of § 6-31-80 (B) of the Act, which the Owners shall have the right to challenge.

H. Roadway Drainage Systems. Roadways (public or private) may utilize swale drainage systems and are not required to have raised curb and gutter systems in residential areas of less than one (1) unit to the acre. Roadway cross sections utilizing swale drainage will be designed, constructed and maintained to meet BMP standards (imposed by regulatory agencies) for storm water quality, and provide for pedestrian and non-vehicular pathways and sidewalks to provide interconnectivity. Typical roadway cross sections will be approved by City Council with the Master Plan submission, and roadway cross sections will be submitted for final approval at the time of proposed construction of such roadway based upon engineering and planning standards consistent with the Master Plan submissions.

I. Plan Review Fees. All plan review fees shall be consistent with the fees charged generally in the City.

XIII. DEVELOPER ENTITLEMENTS:

City acknowledges that Developer is vested with the following items:

A. Water and Sewer Capacity. The City agrees to sell or authorize the sale of water and sewer capacity to the Owners, Developers or Subsequent Developers, at the reduced city rates as provided in the City/BJWSA Agreement for Transfer of Assets, plus a Two Hundred Fifty Dollar ($250) administration per unit fee, so long as such reduced rate is available, to be more particularly detailed in such water and sewer agreements as may be entered into by the Owners, Developers and/or Subsequent Developers with BJWSA,. The Owners or Subsequent Developers shall each have the right to assign any of its water and sewer capacity which it has acquired to third parties and collect administration fees in connection therewith in accordance with Section 5.6 of the City/BJSWA Agreement. The administrative fee is payable at the time BJWSA issues its capacity certificate acknowledging payment of its fees.

B. Irrigation. The Owners or its written designee may own and operate an internal irrigation company and system that serves the Property and the City will grant a franchise and such easements over public rights-of-way as may be reasonably required by the Owners (or its designee) to implement such irrigation system. The City agrees to cooperate with the Owners in connection with providing such irrigation water in connection with development of the Property.

C. Public Transportation. The City will, to the extent available, promote public transportation which exists within the City to service the Property.

D. Telecommunications/Utility Easements. The City agrees to grant a non-exclusive franchise for an on-site telecommunications company to Owners on terms consistent with then current franchise agreements. The City acknowledges that the Owners shall not be required to provide easements to any utility companies other than over public streets which may be located within the Property. The City agrees that, upon the request of the Owners, the City will grant easements within public rights-of-way to telecommunication providers which Owners authorizes to provide service within the Property, upon payment of applicable franchise fees to the City. Additionally, the City agrees that it will franchise on terms consistent with then current franchise agreements to such party providing telecommunication services to the Property, a franchise to enable such company to perform such service; provided, however, the City shall have the right to grant other franchises to third party telecommunication companies providing telecommunication services within the City.

E. Drainage Systems. All drainage systems constructed within the Project shall be owned and maintained by one (1) or more Association(s) which may be established for various portions of the Property and the City shall have no responsibility for the construction, operation or maintenance of such systems.

F. Sidewalks/Pathways. Sidewalks shall be provided in the PDD in appropriate locations. The frequency and location of sidewalks shall be established based upon anticipated pedestrian usage within, and between land uses in addition to the proposed traffic loads of adjacent roads. A master sidewalk plan, including design criteria governing sidewalk placement, shall be submitted and approved as part of the Master Plan submittal. Direct connectivity by roads, sidewalks, or non-vehicular pathways through private subdivisions is not required, although encouraged and will be determined at time of Master Plan. Sidewalks are not required on residential streets in age restricted communities.

G. **On-Site Burning.** On-site burning will be permitted within the Property upon obtaining applicable permits.

H. **Roadway Permitting.** The City agrees to cooperate with the Owners and each Developer with county, state and federal roadway permitting in connection with the Development of portions of the Property.

I. **City Services.** City services, including, but not limited to, police, fire, sanitation, recreational parks and other governmental services shall be supplied to the Property in the same manner and to the same extent as provided to other properties within the City, subject to the limitations (if any) of Section X above. Subject to the limitations of Section X above (if any), should the Owners require enhanced services beyond that which is routinely provided within the City, then the City agrees that upon the written request of Owners, it shall negotiate in good faith with the Owners to provide such enhanced services to the Property.

XIV. COMPLIANCE REVIEWS.

As long as Owner, Developer, or Subsequent Developer owns any of the Property, Owner, Developer, or Subsequent Developer, as applicable, or their/its designee, shall meet with the City, or its designee, at least once per year during the Term to review Development completed by Owner, Developer, or Subsequent Developer, in the prior year and the Development anticipated to be commenced or completed by Owner, Developer, or Subsequent Developer, in the ensuing year. Owner, Developer, or Subsequent Developer, or their/its designee, shall 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 or certificates of completion received in the prior year, the number of permits anticipated to be issued in the ensuing year, Development Rights transferred in the prior year, and Development Rights anticipated to be transferred in the ensuing year. Owner, Developer, or Subsequent Developer, or their/its designee, shall be required to compile this information, upon forms approved by the City, within a reasonable time after written request by the City.

XV. DEFAULTS.

The failure of the Owner, Developer, Subsequent Developer or the City to comply with the terms of this Agreement not cured within fifteen (15) days after written notice from the non-defaulting party to

the defaulting party (as such time period may be extended with regard to non-monetary breaches for a reasonable period of time based on the circumstances, provided such defaulting party commences to cure such breach within such fifteen (15) day period and is proceeding diligently and expeditiously to complete such cure) shall constitute a default, entitling the non-defaulting party to pursue such remedies as provided for in Section XVIII; provided however no termination of this Agreement may be declared by the City absent its according the Owner, Developer and any relevant Subsequent Developer the notice, hearing and opportunity to cure in accordance with the Act; and provided any such termination shall be limited to the portion of the Property in default, and provided further that nothing herein shall be deemed or construed to preclude the City 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 Agreement, applicable to that Development. A default of the Owner shall not constitute a default by Developer or Subsequent Developers, and default by Developer or Subsequent Developers shall not constitute a default by the Owner. The parties acknowledge that individual residents and owners of completed buildings within the Project shall not be obligated for the obligations of the Developer or Subsequent Developer set forth in this Agreement. The separate Owners, as identified herein, are responsible as to their separate parcels, as identified herein and in the PDD, and one Owner shall not be responsible for any default by another Owner.

XVI. MODIFICATION OF AGREEMENT.

This Agreement may be modified or amended only by the written agreement of the City and the affected Owner; such written agreement may be by resolution or ordinance at the City's sole discretion. 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.

This Agreement may be modified or amended as to a portion of the Property only by the written agreement of the City and the Owner of said portion of the Property. 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 change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

If an amendment affects less than all the persons and entities comprising the Property Owners, then only the City and those affected persons or entities need to sign such written amendment. Because

this Agreement constitutes the plan for certain planned unit development under the zoning ordinance, minor modifications to a site plan or to development provisions may be made without a public hearing or amendment to applicable ordinances. Any requirement of this Agreement requiring consent or approval of one of the Parties shall not require amendment of this Agreement unless the text expressly requires amendment, and such approval or consent shall be in writing and signed by the affected parties. Wherever said consent or approval is required, the same shall not be unreasonably withheld.

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 City shall be addressed to the City at:

City Administrator
City of Hardeeville, SC
205 East Main Street
Post Office Box 609
Hardeeville, South Carolina 29927

And to the Owners at:

SEE ATTACHED EXHIBIT F

With Copy To:

Law Office of Lewis J. Hammet, PA
Post Office Box 2960
32 Calhoun Street
Bluffton, South Carolina, 29910

XVIII. ENFORCEMENT.

Each Party recognizes that the other Party would suffer irreparable harm from a material breach of this Agreement, and that no adequate remedy at law exists to enforce this Agreement. Consequently, the Parties agree that any Party or their successors and/or assigns who seeks enforcement of the

Agreement is entitled to the remedies as provided in the Act, and is entitled to the remedies of injunction and specific enforcement but not to any other legal or equitable remedies, including, but not limited to damages; provided, however, the Owner, Developer, or Subsequent Developer, as applicable, shall not forfeit its right to seek just compensation for any violation by City of its rights under the United States and South Carolina Constitutions and statutes.

XIX. GENERAL.

A. Subsequent Laws. In the event state or federal laws or regulations are enacted after the execution of this 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 Developer(s) and the City 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 City 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 Owners, Developers and the City each shall have the right to challenge the New Law preventing compliance with the terms of this Agreement. This Agreement shall remain unmodified and in full force and effect in the event that such challenge is successful.

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

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

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

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

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

C. Entire Agreement. This Agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings among the City and the Owners 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.

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

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

F. 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.

G. Assignment. Subject to paragraph H below, Section IV above, and the notification provisions hereof, Owners may assign its rights and responsibilities hereunder to a subsidiary or sister company, or subsequent landowners and Developers.

H. Right to Assign. Owner shall have the right to sell, transfer, ground lease, or assign Development Rights associated with the Property in whole or in part to any Person (an "Assignee") upon written notice to the City in accordance with the notification provisions of Section IV of this Agreement; provided, however, that the sale, transfer, or assignment of any right or interest under this Agreement shall be made only together with the sale, transfer, ground lease, or assignment of all or a portion of the Property subdivided in accordance with subdivision plats approved under the Zoning Regulations. Concurrently with such sale, transfer, ground lease, or assignment, Owner shall (i) notify City in writing of such sale, transfer, or ground lease, and (ii) Owner and Assignee shall provide a written assignment and assumption agreement in a form reasonably acceptable to the City, or provided by the City pursuant

to which the Assignee shall assume and succeed to the rights, duties, and obligations of Owner with respect to the portion of the Property so purchased, acquired, or leased. Owner shall continue to be obligated under this Agreement with respect to all portions of the Property retained by Owner. Owner shall remain obligated with respect to the dedication and installation of all associated infrastructure improvements or other obligations to be provided by Owner under this Agreement, unless (1) a Municipal Improvement District or special assessment district providing for associated infrastructure improvements has been created and funded; or (2) Owner assigns to a Subsequent Developer such obligations upon written notice to the City in accordance with the notification provisions of Section IV of this Agreement and Owner is explicitly released by resolution of the City Council from such obligation, which release shall not be unreasonably withheld.

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

J. **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.

K. **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.

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

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

N. **Effective Date.** The Effective date of this Agreement shall be the date the Agreement is signed by all parties, and if the parties do not sign on the same date, the date on which it is signed by the last party.

XX. STATEMENT OF REQUIRED PROVISIONS

A. **Specific Statements.** The Act requires that a development agreement must 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 ser 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 A attached hereto. The present legal Owners of the Property are Del Webb Communities, Inc.; Hustad, LLC; Hustad Investment Corporation; Property Resources Corporation; 122nd Street Land Company; and ML Jasper, LLC.

2. **Duration of Agreement.** The duration of this Agreement shall be as provided in Article 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 Zoning Regulations, as supplemented by this Agreement. Based on prior experience with the type of Development contemplated by the Zoning Regulations, it is estimated that the average size household of the Property will be 1.8 persons, as to the Del Webb development. Based on maximum density build out, the population density of the Property is anticipated to be no more than 3,751 persons, as to the Del Webb portion, and limited to the densities provided under the Zoning Regulations as to the remaining property.

4. **Required Public Facilities.** The utility services available to the Property are described generally above regarding water service, sewer service, cable and other telecommunication services, gas service, electrical services, telephone service 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.** All requirements relating to land transfers for public facilities are set forth in Sections X and XI above. The Zoning Regulations described above and incorporated herein, contain numerous provisions for the protection of environmentally sensitive areas.

All relevant State and Federal laws will be fully complied with, in addition to the important provisions set forth in this Agreement.

6. **Local Development Permits.** The Development standards for the Property 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 applicable law for any vertical construction, and appropriate permits must be obtained from the State of South Carolina (OCRM) and Army Corps of Engineers, when applicable, prior to any impact upon 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 Owners, its successors and assign, of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions, unless otherwise provided hereunder.

7. **Comprehensive Plan and Development Agreement.** The Development permitted and proposed under the Zoning Regulations and permitted under this Agreement is consistent with the Comprehensive Plan and with current land use regulations of the City, which include a Planned Development District for the Property.

8. **Terms for Public Health, Safety and Welfare.** The City 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 laws.

9. **Historical Structures.** Any cultural, historical structure or sites will be addressed through applicable federal and state regulations the permitting process at the time of development, as required by applicable state regulations.

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

SIGNATURES BEGIN ON FOLLOWING PAGE

WITNESSES:

DEL WEBB COMMUNITIES, INC.

By: FRANCISCO GARCIA

Its: Vice President

STATE OF SOUTH CAROLINA)

) ACKNOWLEDGMENT

COUNTY OF JASPER)

I HEREBY CERTIFY, that on this 25th day of September, 2007, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared the duly authorized official of DEL WEBB COMMUNITIES, INC., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

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

Notary Public for South Carolina
My Commission Expires: 3/5/2014

WITNESSES:

HUSTAD, LLC

By: _____
Ron Hustad

Its: Member

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF JASPER)

I HEREBY CERTIFY, that on this 12 day of September, 2007, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared Ron Hustad, Member, as the duly authorized official of HUSTAD, LLC, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

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

_____
Notary Public for ~~South Carolina~~ Montana

My Commission Expires: 10/25/2010

KIM C. ELLIOTT
NOTARY PUBLIC for the
State of Montana
Residing at Helena, Montana
My Commission Expires
October 25, 2010

WITNESSES:

HUSTAD INVESTMENT CORPORATION

_____

By:_____
Ruth K. Hustad

_____

Its: President

STATE OF MINNESOTA)
) ACKNOWLEDGMENT
COUNTY OF HENNEPIN)

I HEREBY CERTIFY, that on this ____ day of _____, 2007, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared Ruth K. Hustad, President, as the duly authorized official of HUSTAD INVESTMENT CORPORATION, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

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

_____
Notary Public for Minnesota

My Commission Expires: _____

WITNESSES:

PROPERTY RESOURCES CORPORATION

By: _____

Its: PRESIDENT

STATE OF ~~SOUTH CAROLINA~~ Minnesota)

) ACKNOWLEDGMENT

COUNTY OF ~~JASPER~~ Hennepin)

I HEREBY CERTIFY, that on this 31st day of July, 2007, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared the duly authorized official of PROPERTY RESOURCES CORPORATION, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

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

ROBERTA A. LOHER
Notary Public-Minnesota
My Commission Expires Jan 31, 2010

_____

Notary Public for ~~South Carolina~~ Minnesota

My Commission Expires: 1/31/2010

WITNESSES:

122ND STREET LAND COMPANY

By: _____

Its: PRESIDENT

STATE OF ~~SOUTH CAROLINA~~ Minnesota)

) ACKNOWLEDGMENT

COUNTY OF ~~JASPER~~ Hennepin)

I HEREBY CERTIFY, that on this 31st day of July, 2007, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared the duly authorized official of 122ND STREET LAND COMPANY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

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

ROBERTA A. LOHER
Notary Public-Minnesota
My Commission Expires Jan 31, 2010

Notary Public for ~~South Carolina~~ Minnesota

My Commission Expires: 1/31/2010

WITNESSES:

Nina Grandin

Eleonard Gillon

ML JASPER, LLC

By: _____
W. Tennent Houston

Its: Manager

STATE OF GEORGIA)

) ACKNOWLEDGMENT

COUNTY OF RICHMOND)

I HEREBY CERTIFY, that on this 3rd day of August, 2007, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared the duly authorized official of ML JASPER, LLC, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

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

_____
Notary Public for _____
My Commission Expires:

(AFFIX SEAL)

ELLIOT GRANDIN
NOTARY PUBLIC
MY COMMISSION EXPIRES
APRIL 7, 2010
COLUMBIA COUNTY, GEORGIA

WITNESSES:

HARDEEVILLE, SOUTH CAROLINA

By: _____
Rodney Cannon

Attest: _____ Its: Mayor
Virginia Haas, City Clerk

STATE OF SOUTH CAROLINA.)
) ACKNOWLEDGMENT
COUNTY OF JASPER.)

I HEREBY CERTIFY, that on this ____ day of _____, 2007, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared Rodney Cannon, Mayor, and Virginia Haas, City Clerk, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, as the appropriate officials of the City of Hardeeville, South Carolina, who acknowledged the due execution of the foregoing document.

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

_____
Notary Public for South Carolina

My Commission Expires: March 30, 2014

EXHIBIT A

TO DEVELOPMENT AGREEMENT

PARCEL EXHIBIT

DISCLAIMER

THIS EXHIBIT ILLUSTRATES A GENERAL PLAN OF THE DEVELOPMENT WHICH IS FOR DISCUSSION PURPOSES ONLY, DOES NOT LIMIT OR BIND THE OWNER, AND IS SUBJECT TO CHANGE AND REVISION WITHOUT PRIOR WRITTEN NOTICE TO THE HOLDER. DIMENSIONS, BOUNDARIES AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO AN ACCURATE SURVEY AND PROPERTY DESCRIPTION.

S.C. HWY. 141

TO SC. HWY. 170

UPLANDS 20.978 AC.
WETLANDS 7.324 AC.
TOTAL 28.302 AC.

UPLANDS 44.414 AC.
WETLANDS 6.166 AC.
TOTAL 50.580 AC.

TOTAL - PARCELS C, D & E
HUSTAD INVESTMENT CORPORATION, PROPERTY RESOURCES CORPORATION, AND 122 nd STREET LAND COMPANY
UPLANDS 109.806 AC.
WETLANDS 13.490 AC.
TOTAL 123.296 AC.

D

E

F

PROPERTY RESOURCES CORPORATION
UPLANDS 79.162 AC.
WETLANDS 10.429 AC.
TOTAL 89.591 AC.

JASPER COUNTY
BEAUFORT COUNTY

UPLANDS 44.414 AC.
WETLANDS 0.000 AC.
TOTAL 44.414 AC.

C

UPLANDS 126.018 AC.
WETLANDS 9.388 AC.
TOTAL 135.406 AC.

A-2

B

TO RIDGELAND AND BEAUFORT

ML JASPER, LLC
UPLANDS 23.316 AC.
WETLANDS 5.448 AC.
TOTAL 28.764 AC.

A
UPLANDS 489.372 AC.
WETLANDS 180.290 AC.
TOTAL 669.662 AC.

TOTAL - PARCELS A & A-2
DEL WEBB COMMUNITIES, INC.
UPLANDS 615.390 AC.
WETLANDS 189.678 AC.
TOTAL 805.068 AC.

S.C. HWY. 170

TO HARDEEVILLE AND I-95

U.S. HWY. 278

JASPER COUNTY
BEAUFORT COUNTY

PALMETTO ELECTRIC COOPERATIVE, INC.

TO HILTON HEAD ISLAND

ARGENT 2 - EXHIBIT "A"
PARCEL EXHIBIT
PARCELS A, A-2, B, C, D, E & F

PLANNED DEVELOPMENT DISTRICT
Jasper County, South Carolina

Prepared For:

DEL WEBB COMMUNITIES, INC.

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.
SAVANNAH, GEORGIA

LAST REVISED: JUNE 19. 2007 SCALE: N.T.S.

JOB NUMBER - 19115

N:\ARGENT2\19115\PDD Submitted 06-14-07 for 06-21-07 Council Meeting\DEVELOPMENT AGREEMENT EXHIBIT A - Argent 2 PDD.DWG Dec 6, 2007 - 2:36:23

EXHIBIT B

TO DEVELOPMENT AGREEMENT

PROPERTY DESCRIPTION

EXHIBIT C

TO DEVELOPMENT AGREEMENT

Zoning Regulations

1. The Municipal Zoning and Development Ordinance of the City of Hardeeville, as adopted through the date of this Agreement.
2. The Planned Development District (PDD) Conceptual Master Plan last revised June 14, 2007 and adopted by the City of Hardeeville on June 21, 2007 by Ordinance Number 2007–4-5E, and attached hereto as Exhibit C-1

EXHIBIT D

TO DEVELOPMENT AGREEMENT

DEVELOPMENT SCHEDULE

Development of the Property is expected to occur over the ten (10) year term of the Agreement, with the sequence and timing of development activity to be dictated largely by market conditions. The following estimate of expected activity is hereby included, to be updated by Owners as the development evolves over the term:

	Year(s) of Commencement / Completion	
Type of Development	**2007/2011**	**2012-16**
Commercial	50% of Total Allowed	50% of Total Allowed
Residential, Single Family	70% of Total Allowed Units	30% of Total Allowed Units

As stated in the Development Agreement, Section VI, actual development may occur more rapidly or less rapidly, based on market conditions and final product mix.

EXHIBIT E

TO DEVELOPMENT AGREEMENT

TRAFFIC AND ROADS

SEE PDD Attached as Exhibit C-1

EXHIBIT F

TO DEVELOPMENT AGREEMENT

ADDRESSES FOR NOTICES UNDER ARTICLE XVII

AS TO HUSTED INVESSTMENT CORPORATION:

Husted Investment Corporation
5435 Feltl Road, Suite 100
Minnetonka, MN 55343
Attention: Ruth K. Husted, President
Facsimile: (952) 941-7544

With copy to:
Jay F. Cook
Law Offices of Jay F. Cook, P.L.
1415 Panther Lane, Suite 311
Naples, FL 34109
Facsimile: (239) 591-6742

AS TO PROPERTY RESOURCES CORPORATION and 122nd STREET LAND COMPANY:

c/o Michael J. Seeland
6851 Flying Cloud Drive, Suite A
Eden Prairie, MN 55344
Facsimile : (952) 946-1885

With copy to:
Cary S. Griffin
McNair Law Firm, P.A.
Shelter Cove Park Lane, Suite 400
Hilton Head Island, SC 29928
Facsimile: (843) 686-5991

AS TO HUSTAD, LLC:

c/o Timothy JJ. Bartz, CEO
Anderson ZurMuehlen & Co., P.C.
P.O. Box 1040
Helena, MY 59624-1040
Facsimile: (406) 457-1536

With copy to:
Barry L. Johnson, Attorney at Law
Barry L. Johnson, P.A.
10 Pinckney Colony Rd., Suite 200
Okatie, SC 29909
Facsimile: (843) 815-7122

AS TO ML JASPER, LLC:

c/o Dorrie E. Green
Merry Land Properties
209 Seventh Street
Suite 300
Augusta, GA 30901
Facsimile: (706) 722-0002

With copy to:
James M. Holly, Attorney
Hull, Towill, Norman, Barrett & Salley, P.C.
111 Park Avenue, SW
Aiken, SC 29801
Facsimile: (803) 648-2601

EXHIBIT G
TO DEVELOPMENT AGREEMENT
Commercial Fees

Land Use Type	Offsite Roads	Police	Fire	Park	Library	Schools	TOTAL
General							
Hotel/Motel	$990.00	$320.00	$320.00	$481.00	-	-	$4,771.00
(per room)							
Bed & Breakfast	$742.00	$320.00	$320.00	$481.00	-	-	$1863.00
(per room)							
OFFICE							
General Office (per 1,000 s.f.)	$990.00	$320.00	$320.00	-	-	-	$1,630.00
Medical Office (per 1,000 s.f.)	$1,980.00	$320.00	$320.00	-	-	-	$2,620.00
RETAIL/COMMMERCIAL							
Retail under 100,000 s.f.	$1,237.50	$320.00	$320.00	-	-	-	$1,877.50
(per 1,000 sq. ft.)							
Retail 100,000 to 499,99 s.f.	$1,188.00	$320.00	$320.00	-	-	-	$1,828.00
(per 1,000 sq. ft.)							
Retail over 500,000 s.f.	$1,138.50	$320.00	$320.00	-	-	-	$1,778.50
(per 1,000 sq. ft.)							
Gasoline/Convenience Store	$2,970.00	$320.00	$320.00	-	-	-	$3,610.00
(per pump)							
Day Care Center (each)	$1,732.50	$96.00	$160.00	-	-	-	$1,988.50
Hospital (per bed)	$792.00	$96.00	$160.00	-	-	-	$1,048.00
Nursing Home & Assisted Living	$148.50	$96.00	$160.00	-	-	-	$404.50
(per bed)							
Movie Theatres	$35.00	$4.80	$4.80	-	-	-	$44.60
(per seat)							
Golf Course	$247.50	$80.00	$240.00	-	-	-	$567.50
(per acre)							
INDUSTRIAL							
Warehousing	$396.00	$48.00	$500.00	-	-	-	$944.00
(per 1,000 s.f)							
General Industrial	$495.00	$48.00	$500.00	-	-	-	$1,043.00
(per 1,000 s.f.)							
Trucking Terminal (per 1,000 sq. ft.)	$891.00	$48.00	$500.00	-	-	-	$1,439.00

SUN CITY HILTON HEAD – ARGENT 2

PLANNED DEVELOPMENT DISTRICT
and
CONCEPTUAL MASTER PLAN

Jasper County, South Carolina

Prepared For:

Del Webb Communities, Inc.

Submitted to:
The City of Hardeeville

Originally submitted November 8, 2006
Revised and Resubmitted June 14, 2007

Approved by The City of Hardeeville on June 21, 2007

TABLE OF CONTENTS

SECTION I – INTRODUCTION AND NARRATIVE

A. The Property

B. Planned Development District and Development Agreement Process

C. Conceptual Master Plan

D. Environmental Protection

E. Cultural and Historical Resources

F. Water and Sewer Service

G. Utility Service

H. Roadways and Traffic

I. Tree Preservation and Replacement

J. Parking

K. Stormwater Management

SECTION II - LAND USE DESIGNATION AND DEFINITIONS

A. Introduction and Narrative

B. Allowed Land Uses

C. Allowed Density and Transfer of Density between Planning Areas

D. Definitions of Land Use Terms and Density Terms

SECTION III – MZDO CHANGES EXEMPTIONS

Exhibit A – Argent 2 Tract Vicinity Map

Exhibit B – Argent 2 Conceptual Master Plan

Exhibit C – Argent 2 Tract Boundary Plats and Legal Description

Exhibit D – Argent 2 Tract Freshwater Wetlands Delineation & Verification Letter

Exhibit E -- Argent 2 Tract Topography & FEMA Flood Zones

Exhibit F – BJWSA Intent to Serve Letter

Exhibit G – Palmetto Electric Intent to Serve Letter

Exhibit H – Hargray Telephone Co., Inc. Intent to Serve Letter

Exhibit I – Cultural and Historical Resources Survey

Exhibit J – City of Hardeeville Municipal Zoning and Development Standards Ordinance

Exhibit K – Landscape Standards

Exhibit L – Master Sign Program

ARGENT 2

PLANNED DEVELOPMENT DISTRICT
AND
CONCEPTUAL MASTER PLAN

SECTION I:

INTRODUCTION AND NARRATIVE

The Argent 2 Planned Development District (PDD) is located north of U.S. Highway 278, east of South Carolina Highway 141 and west of South Carolina Highway 170. The Argent 2 PDD boundary includes properties owned by Del Webb Communities, Inc. (Parcel A), under contract by Del Webb Communities, Inc. (Parcel A-2), owned by successors or assigns of Del Webb Communities, Inc. or related entities (Parcels B through F), and other properties as generally shown on Exhibit C. Argent 2 is an extension of the existing Sun City Hilton Head development, located in Beaufort County. The Beaufort County portion of Sun City Hilton Head is nearing build out and is expanding into Jasper County. The expansion of Sun City Hilton Head into Jasper County was planned during the original approvals for Argent 2 in 1993, when a Development Agreement and Use Permit were agreed upon between Jasper County and Del Webb Communities, Inc. The Development Agreement was deemed expired after a period of 10 years by Jasper County and therefore a new Development Agreement, Planned Development District and annexation petition are desired to allow the development to continue.

Through the Intergovernmental Agreement between Jasper County, and the cities of Hardeeville and Ridgeland adopted February 8, 2005, both Jasper County and the City of Hardeeville ("City") have recommended the annexation of Argent 2 into the City of Hardeeville. The owners of Parcels A-F ("Owner(s)") are therefore pursuing a PDD, Development Agreement and annexation petition through the City of Hardeeville.

A. THE PROPERTY

1. The Argent 2 PDD is located in Jasper County and is bounded by South Carolina Highway 170 to the east, Sun City Hilton Head (Beaufort County portion) to the south, New River Center to the west and several individually owned parcels to the north. Exhibit C depicts the boundary of the subject property. The PDD boundary also includes properties not owned by Del Webb. These properties are identified as Parcels B through F on Exhibit C. The property owned by Del Webb is labeled as Parcel A and the property under contract for purchase by Del Webb is labeled as Parcel A-2.

2. The overall PDD boundary consists of approximately 1020.799 acres including approximately 807.802 acres of uplands and approximately 212.997 acres of freshwater wetlands. The property does not have critical area or frontage on salt marsh nor creeks. Exhibit D shows the freshwater wetlands on the site. The wetland

delineation was verified by the U.S. Army Corps of Engineers as evidenced by their letters included with Exhibit D.

3. Exhibit C depicts the Argent 2 boundary. The land surrounding the Argent 2 property is a mix of both existing and developing residential and commercial uses.

4. Exhibit E depicts topographic information for the Argent 2 Tract. Elevations on the site range from 12 feet above mean sea level in the wetland areas to 22 feet above mean sea level in the upland areas. Exhibit E also depicts the FEMA flood zones on the property which range from Zone A near the wetland areas which are areas of 100 year food with no base flood elevations determined and Zone C which are areas of minimal flooding.

B. PLANNED DEVELOPMENT DISTRICT AND DEVELOPMENT AGREEMENT PROCESS

1. The Planned Development District (PDD) was adopted by the City of Hardeeville to permit and encourage the effective, efficient, and economical development of large tracts of land that are in the best interests of the long range development plans of the City. The PDD application will be accompanied by a Development Agreement the intent of which is to protect the rights and entitlements specified in the PDD for the property 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 PDD or in any way hinder, restrict, or prevent the development of the project. The Development Agreement will provide 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. The Development Agreement is being made and entered between Owners and the City, under the terms of the Act, for the purpose of providing assurances to the Owners that it may proceed 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 City of Hardeeville and Jasper County.

2. It is the intention of the Owner (or in concert with other developers or interested parties) to engage in joint planning and financing of public infrastructure for the mutual benefit of the City of Hardeeville and the Owner. The aforementioned are details to be included in the Conceptual Master Plan, Development Agreement or other significant document as mutually agreed to by the City of Hardeeville and the Owner.

C. CONCEPTUAL MASTER PLAN

It is anticipated the Argent 2 Property will be developed over a period of up to 10 years or more, in accordance with the Conceptual Master Plan as set forth in this document and as the same may be supplemented by subsequent master and development plans submitted pursuant to the provisions of this PDD. The Conceptual 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 Conceptual Master Plan, development of the Property is controlled by other provisions of the PDD and further governed by the Development Agreement between the Owner and the City of Hardeeville.

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

The Argent 2 Conceptual Master Plan, prepared by Thomas & Hutton Engineering Co., (refer to Exhibit B) shows a general roadway layout and areas designated for residential, commercial, or mixed uses. These designations are general and may vary as allowed according to the approved land uses for each Parcel. Proposed land uses in the development are detailed under Section 2-Land Use Designation and Definitions.

The Conceptual Master Plan seeks to maintain open space requirements set forth in the Hardeeville MZDO dated March 20, 2003, as amended through the date of the approval of this PDD ("MZDO"). The open space and amenities will be owned and maintained by the Owner, homeowner's association(s), or other legally designated entity. Property deeded to a governmental entity becomes the maintenance responsibility of that entity, or as otherwise outlined in the Development Agreement.

The Conceptual Master Plan and the provisions of this PDD will constitute the zoning for the Property and a waiver from the current Hardeeville codes and regulations where differences occur. The Conceptual Master Plan may introduce land uses that do not exist in current zoning documents.

The provisions of the Development Agreement and the Conceptual Master Plan shall apply to development in the Argent 2 PDD. The respective Owners of Parcels B through F as shown on Exhibit C may opt to be subject to (1) the provisions of the Conceptual Master Plan and the MZDO as provided herein or (2) solely to the MZDO, but this option must be made by the Owner no later than the date of the first development application submitted to the City on the parcel by notifying the City in writing of its decision thereon. The exercise of this option shall not affect the application of the Development Agreement to that parcel. In the event of a conflict, the hierarchy of documents is the 1) Development Agreement; 2) the PDD and Conceptual Master Plan; 3) the Master Sign Program attached as Exhibit L; and 4) the MZDO. In the event of an omission, the

MZDO shall govern. To the extent of ambiguity, the parties shall attempt to review same consistent with the terms of the Development Agreement, this PDD and the MZDO.

D. ENVIRONMENTAL PROTECTION

1. Environmental protection is a priority for the Owners. As part of the development process, Argent 2 development will meet or exceed the stormwater management requirements of Hardeeville, except as modified by the provisions of this PDD, and the then existing requirements of South Carolina Department of Health's Office of Ocean and Coastal Resource Management (OCRM).

2. The Owner will prepare stormwater management plans for each master planned community as it is developed in accordance with a stormwater drainage master plan to be prepared by a professional engineering firm licensed by the State of South Carolina prior to the development of any parcel. The stormwater drainage master plan will address the hydrological characteristics of the entire site, as well as adjacent drainage patterns of relative importance. The plan will address pre-development conditions and post-development stormwater management for flood control and sediment reduction. This plan will also address storm water quality through the use of several types of BMP's (as established by the stormwater standards of the MZDO and then applicable state and federal governmental regulations) to enhance water quality and protect the surrounding freshwater wetlands.

3. Freshwater wetlands on the property are typical of the South Carolina Low Country. Approximately thirty (30) percent of the site consists of freshwater wetlands A copy of the wetlands permit from the US Army Corps of Engineers is included as Exhibit D.

4. Certain on-site wetland impacts resulting from the Argent 2 development are permitted jointly through the U.S. Army Corps of Engineers and the Office of Ocean and Coastal Resource Management, a division of the South Carolina Department of Health and Environmental Control. Mitigation for these wetland impacts were completed in the Beaufort County portion of the development and met or exceeded state or federal standards then in effect.

E. CULTURAL AND HISTORICAL RESOURCES

As part of a comprehensive study of the property, an intensive cultural and historical resources survey was conducted by Brockington & Associates during the original Argent 2 Jasper County approval process for the entire Argent 2 Del Webb Tract. The survey concluded that there were not any sites recommended for inclusion to the National Register of Historic Places. A copy of this document is included as Exhibit I. No

requirements in connection with historical or cultural resources pertaining to the Property, other than as may be required by the State of South Carolina in accordance with applicable law, shall be imposed on the Property.

F. WATER AND SEWER SERVICE

Water and sewer service will be provided to Argent 2 by Beaufort Jasper Water and Sewer Authority (BJWSA) or other governmental utility provider in accordance with BJWSA's agreement of consolidation and transfer with the City of Hardeeville. BJWSA and Del Webb Communities, Inc. have an ongoing relationship and for the past 13 years have communicated and developed master plans for water and sewer services required for Sun City Hilton Head. Planning for the water and sewer systems will continue at the time of Development Agreement and Planned Development District Approval by the City. Discussions with BJWSA indicate a willingness to continue to serve the property. BJWSA operates and maintains water and sewer systems within their service area upon completion by the developer and acceptance by BJWSA..

G. UTILITY SERVICE

1. Argent 2 is in the service territory of Palmetto Electric Cooperative, Inc. for electrical power. The Owner will coordinate with Palmetto Electric regarding planning for Argent 2.

2. Hargray Telephone Co., Inc. or other licensed provider will provide telephone service to Argent 2. The Owner will coordinate with the provider regarding planning for Argent 2.

3. Other Utility services shall be provided by legally established entities at the discretion of the Owner, provided such are in accordance with the franchising ordinances/licensing with the City.

4. Utilities must be underground, except as reasonably necessary for above ground support facilities.

H. ROADWAYS AND TRAFFIC

1. Argent 2 has access on South Carolina Highway 170 to the east (across from the Riverbend community developed by Del Webb) and access from South Carolina Highway 141 through Parcels C, D, E, and/or F to Highway 170 over Schinger Avenue, and to the west and east and U.S. Highway 278 to the south via Sun City Boulevard. Also, there is connection to the U.S. Highway 278 Sun City Hilton Head Overpass via Sgt. William Jasper Boulevard. The Highway 170 signalized entrance (adjacent to the Riverbend development) was previously permitted with

SCDOT and is operational. The Sun City Blvd. and Sgt. William Jasper Blvd. roadways are permitted with Beaufort County and are operational. Establishing safe and reasonable ingress and egress for the property is a priority for the Owner, SCDOT and the City of Hardeeville. These accesses may be full access, defined as access which allows any and all possible vehicular traffic movements into and out of the development, or limited access, defined as access which limits the movement of traffic into and out of a development (i.e. right-in-right-out only).

2. Planning, design and construction of these accesses will be accomplished in a manner consistent with SCDOT standards, traffic impact assessment or PDD standards, whichever are applicable. Typical roadway sections will be submitted for review at the development permit approval stage.

3. Roadway crossings through specific jurisdictional wetlands have been approved by OCRM and the U.S. Army Corps of Engineers.

4. Roadway and transportation elements will be consistent with standards currently used within the Beaufort County portion of the project. Typical roadway sections will be submitted for review prior to final development permit approval and may be based upon geotechnical studies, or other engineering standards reasonably acceptable to the City engineer. Road design may include curb and gutter, or swale sections without curb and gutter. Cul-de-sacs shall be permitted provided each road ending with a cul-de-sac is no more than 1,500 feet measured from the nearest intersecting road to the end of the cul-de-sac. Cul-de-sacs shall have a minimum diameter of 80 feet to provide adequate turn around for emergency vehicles.

5. The Argent 2 PDD may have roads designed with funding as outlined in the Development Agreement. Roads indicated on the Conceptual Master Plan are subject to modification at the time of each Parcel's Development Plan approval based upon specific soil conditions, environmental concerns, physical constraints and design parameters. Roadways within SCDOT Right of Ways and Public roadways will be constructed in accordance with SCDOT standards as agreed at Master Plan Approval through the Traffic Impact Analysis. Private roadways within the Argent 2 PDD will meet or exceed Beaufort County design standards currently used throughout the Beaufort County portion of the Sun City Hilton Head development, unless otherwise agreed at Master Plan approval. Roadway cross sections will be submitted for review at the time of Master Plan approval.

6. The Argent 2 PDD in whole or in part may be developed as private roads with access restricted and/or gated appropriately at Owners discretion. Sidewalks shall be provided in the PDD in appropriate locations. The frequency and location of sidewalks shall be established based upon anticipated pedestrian usage within, and between land uses in addition to the proposed traffic loads of adjacent roads. A master sidewalk plan, including design criteria governing sidewalk placement, shall be submitted and approved as part of the Master Plan submittal. Direct

connectivity by roads, sidewalks, or non-vehicular pathways through private subdivisions is not required, although encouraged and will be determined at time of Master Plan. Sidewalks are not required on residential streets in age restricted communities.

7. Notwithstanding the provisions of subsection 4 hereof, roadway design standards may be modified to reduce environmental impacts and increase tree preservation provided safety concerns are not compromised. In order to protect and preserve significant trees, such design is hereby encouraged.

I. TREE PRESERVATION AND REPLACEMENT

The minimum allowable post development tree coverage for all development shall be 15 trees, two inches dbh (diameter breast height) or larger, per acre within the area of the Master Plan. Preserved wetlands and buffers can not be used to meet the requirement.

In those cases where the minimum allowable tree coverage cannot be met by preservation within the area of the Master Plan, replacement trees shall be planted to meet the 15 tree per acre requirement. Replacement trees must be planted within the boundaries of the area of the Master Plan. Replacement trees may also be provided by identifying existing hardwood trees between 2.5 inches and 7 inches in diameter of the same type being removed that will be preserved. These trees must be identified by a tree survey and may be located within the PDD. Notwithstanding anything to the contrary above, all development must comply at a minimum with the landscaping requirements of Exhibit K.

J. PARKING

The total number of required parking spaces for all land uses allowed herein shall conform to sections 5.8 through 5.10 of the City of Hardeeville MZDO. Modulation of those standards may be allowed provided the applicant furnishes actual documentation that the new standard meets the parking needs of the proposed land use and the City agrees at Master Plan approval.

K. STORMWATER MANAGEMENT

The Argent 2 PDD shall conform to all of the Stormwater Management Provisions of the Hardeeville MZDO, and applicable state and federal requirements. The design storm used for all stormwater design within the PDD shall be a 25 year storm event. Stormwater best management practices will be employed in the development of the PDD to ensure runoff leaving the site does not degrade water quality within the Great Swamp.

SECTION II:

LAND USE DESIGNATION AND DEFINITIONS

A. INTRODUCTION and NARRATIVE

The overall Argent 2 PDD has a total acreage of 1020.799 acres including approximately 807.802 acres of uplands and approximately 212.997 acres of freshwater wetlands as indicated on the Conceptual Master Plan.

B. ALLOWED LAND USES

The following land uses shall be permitted in the Argent 2 PDD. The purpose of this portion of the PDD document is to state which land uses shall be allowed within the Argent 2 PDD, however by allowing these uses this does not obligate the developer to provide the uses or facilities stated herein.

The following land uses and definitions shall be permitted in Parcels A and A-2.

Single-Family Residential
Community Recreation
Maintenance Areas
Model Home/Sales Center
Multi-family Residential
Neighborhood Commercial
Open Space
Silviculture
Recreational Vehicle Parks
Community Center

The following land uses and definitions shall be permitted in Parcel B:

Mixed-Use

The following land uses and definitions shall be permitted in Parcels C through F:

Commercial
Mixed-Use (up to 25% of upland acreage, location to be determined at the time of master plan approval)

Any easement that occurs within the property shall have the same land uses as any of the adjacent land uses. Any restrictions shall be based on the legal definition of the easement.

Design Regulations will be established for each area at the time of Master Plan approval in accordance with Section II.D. herein. Unless otherwise agreed at Master Plan approval or in this PDD, the standard for uses from the MZDO shall apply.

C. ALLOWED DENSITY AND TRANSFER OF DENSITY BETWEEN PLANNING AREAS

1. The Conceptual Master Plan for A and A-2 of the Argent 2 PDD consists of approximately 595.519 acres of upland residential land use as generally depicted on the Conceptual Master Plan. The Conceptual Master Plan may be modified at Master Plan approval. Parcels A and A-2 of the Argent 2 PDD are planned to include 2,084 residential units, which is based on a gross unit density of 3.5 units per acre applied to the entire Argent 2 (Parcel A and A-2) upland area, 595.519 acres. This density is consistent with densities currently achieved in the Beaufort County portion of the project. Additional residential density beyond that allowed above shall be subject to and limited by the provisions of Section VII of the Development Agreement. Densities for Parcel B shall be consistent with the mixed-use zoning as defined in the MZDO. Parcels C through F may convert 25% of the upland acreage (location to be determined at the time of master plan approval) contained in Parcels C through F to mixed-use as defined in the MZDO. Any transfer of mixed use allowance between Parcels C through F must be approved at the time of Master Plan approval, with the consent of any affected Parcel Owners, so long as the total mixed use acreage of Parcels C through F does not exceed 25% of the total combined upland acreage of Parcels C through F.

2. Overall residential density shall include both Attached and Detached Single-Family Residential and Multi-Family Residential. Guesthouses shall not count against residential density. Detached guesthouses, "Mother-in-Law" Apartments, and Garage Apartments (for rent or not) on the same lot with a single family unit will be allowed as one structure per lot and the second structure will not be counted against the density cap but shall be counted as 0.5 units for purposes of Development Fees. Onsite resident managers for commercial unit storage developments, or similar activities, shall not count against residential density.

3. Commercial acreage shall include the commercial uses of Business Park/Light Industrial, Community Center, General Commercial and Neighborhood Commercial and shall have no cap placed on unit density (building square footage/acre), provided compliance with stormwater, parking, buffering, landscaping and other site design requirements of the MZDO and PDD are met. Hotel/Inn/Bed and Breakfast Properties, and assisted living, congregate care, and nursing home facilities shall not have a specified dwelling unit per acre maximum, provided compliance with stormwater, parking, buffering, landscaping and other site design requirements of the MZDO and PDD are met. All commercial development shall be subject to the provisions of the City of Hardeeville MZDO unless specifically exempted by this document.

D. DEFINITIONS OF LAND USE TERMS AND DENSITY TERMS

In the absence of a term definition in this Conceptual Master Plan or in the proposed Argent 2 Tract Development Agreement with the City of Hardeeville, the definitions of the MZDO or outlined in the Development Agreement shall apply in the interpretation of this Conceptual Master Plan. The locations of specific land uses are not described on the Conceptual Master Plan because this is a mixed use development. However, the definitions below shall generally describe the allowed uses within the Argent 2 PDD.

1. Acre

   a. Gross Acre shall mean the entire acreage within the site boundaries.

   b. Net Acre shall mean the acre which remains after deduction of easements for existing utilities, wetland buffers, and onsite wetlands.

2. Business Park/Light Industrial: This designation allows for a multi-use Business Park to meet regional demands for Light Industrial, Office, Commercial Services and Wholesale/Retail Businesses. 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, commercial service businesses, research or experimental laboratories, public building, public utility facility, agricultural farm, horticultural nursery, radio and/or television station and/or transmission tower, commercial trade or vocational school, off street commercial parking or storage area for customer, client, or employee-owned vehicles and call centers.

   b. Build-to-property lines will be allowed to reduce cost of utilities and create a more pedestrian friendly environment as long as fire protection between adjacent and party-walls is strictly adhered to and visual design standards are met. Performance standards for this district will be determined by the Design Regulations described at Section II.D. herein.

   c. Light Industrial uses shall provide a minimum buffer of 50 feet from adjacent residential uses not separated by a road right of way, or wetland of an equal width (including wetland buffer). Fencing requirements of the MZDO, where applicable, shall apply in addition to the increased buffer.

3. Community Center: This designation allows for the development of an internally oriented integral mix of various allowed land uses defined herein to establish a community oriented node.

a. Permitted activities

The following are permitted uses, accessory uses and structures for the Community Center Area:

(1) Single family residential
(2) Multifamily residential
(3) Bed and Breakfast/Guesthouse
(4) Institutional/Civic
(5) Neighborhood commercial
(6) Open space
(7) Community recreation

Build-to-property lines will be allowed to reduce cost of utilities and create a more pedestrian friendly environment as long as fire protection between adjacent and party-walls is strictly adhered to and visual design standards are met.

4. Commercial

The general commercial designation allows for the development of concentrated commercial and office nodes.

a. Permitted Uses:

(1) 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, automobile and boat dealerships, 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/office buildings and/or office for government, business professional or general purposes, unless specifically prohibited under Prohibited Uses below.
(2) Uses allowed in General Commercial District in the City of Hardeeville MZDO, excepting truck terminals.
(3) Omitted
(4) Omitted
(5) Mixed of various uses permitted under this PDD
(6) Assembly and Worship
(7) Colleges and Professional Schools
(8) Schools, Neighborhood (elementary and middle school)
(9) Schools (community high school)
(10) Daycare, commercial
(11) Utilities

(12) Public Services
(13) Government Office
(14) Commercial lodging (hotel and motel)
(15) Commercial Retail
(16) Office
(17) Restaurant (including outdoor seating)
(18) Service Businesses
(19) Dry-cleaning and Laundry Services
(20) Parking Garages
(21) Gas-convenient stores with no Repair Bays or Facilities
(22) Commercial Amusement (indoor)
(23) Christmas Tree Sales
(24) Roadside Stands (on designated areas only)
(25) Commercial Outdoor Sales (related to existing retail)
(26) Public Interest and Special Events (permitted, located, and scheduled ahead of time)
(27) Nightclub and entertainment
(28) Movie Theaters
(29) Grocery
(30) Mini-warehouse facilities will be limited to a maximum height of two stories.
(31) Outdoor go-cart racing facilities subject to the Section 5.19 of the MZDO, Special Nuisances
(32) Business Park / Light Industrial
(33) Neighborhood Commercial

b. Sidewalk displays are permitted directly in front of an establishment, if at least five feet of sidewalk is maintained for adequate and uncluttered pedestrian access.

c. Commercial uses shall provide a minimum buffer of 25 feet from any adjacent residential use not separated by a road right of way.

d. Prohibited Uses:

The following commercial uses are specifically prohibited:

(1) Junkyards or auto salvage yards
(2) Gambling facilities not authorized by law
(3) Sexually-oriented businesses

The provisions of Section 5.19 Special Nuisances from the MZDO as amended by Section III of this PDD shall apply to the entire development.

5. Neighborhood Commercial

This designation allows for the development of multiple neighborhood oriented limited use commercial, residential, civic, institutional and office nodes including villages, community centers, gardens, and neighborhood shopping centers to provide essential services to residents, invitees and guests to the Argent 2 PDD, relieving a degree of traffic and congestion which may surround other large commercial developments in the general area. This land use designation shall be primarily commercial. Residential uses within this designation shall be fully integrated to the commercial uses. Live/work residential units within this land use designation shall be counted as a residential unit for the purposes of density. The commercial component of a live/work residential unit (including first floor commercial below residential and commercial located within the same residential structure or home site) shall count as commercial acreage. A live/work unit does not include a home business that is conducted within a single or multifamily residence. Neighborhood Commercial Development shall count against total commercial square footage.

a. Permitted Uses:

(1) Retail businesses, personal service businesses, shopping centers, restaurants, convenience stores, attached residential units, clustered commercial establishments, offices and civic/institutional uses, unless specifically prohibited under Prohibited Uses below
(2) Single Family Residential
(3) Multifamily Residential
(4) Hotel / Inn / Resort and Condo/Hotel
(5) Medical offices (not including facilities for patient care exceeding 48 hours)
(6) Bed & Breakfast
(7) Live/Work units
(8) Outdoor Entertainment.

Maximum building height shall meet the requirements of the Hardeeville MZDO for group dwellings and multiple family dwellings.

b. Prohibited Uses:

The following commercial uses are specifically prohibited:

(1) Junkyards or auto salvage yards
(2) Gambling facilities not authorized by law
(3) Outdoor Amusement Parks
(4) Outdoor go cart racing facilities
(5) Outdoor roller coasters and other carnival like facilities
(6) Sexually-oriented businesses

(7) Other Special Nuisances under Section 5.19 of the MZDO

The provisions of Section 5.19 Special Nuisances from the MZDO as amended by Section III of this PDD shall apply to the entire development.

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. herein at the time of Master Plan Submittal.

6. Community Recreation:

This designation allows for the recreational complexes and amenities to serve the Argent 2 Tract PDD. Land uses may consist of private and semi-private recreation, indoor and outdoor lighted and unlighted recreation facilities, establishments and services that include active and passive sports and entertainment, (for project or not) and, ancillary facilities such as retail shops and restaurants serving such public recreational facilities. Community Recreation shall not be counted against the overall allowed acreage for commercial uses within the Argent 2 Tract PDD. Permitted uses include:

a. Outdoor Recreational Facilities including but not limited to:

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

7. Dwelling Units

a. The maximum number of residential dwelling units on the Parcel A and A-2 portions of the Property will be 2,084, plus or minus any additional units allowed under the Development Agreement. Densities for Parcel B shall be consistent with the mixed-use zoning as defined in the MZDO at a maximum of 375 dwelling units. Parcels C through F may convert 25% of the upland acreage contained in Parcels C through F to mixed-use as defined in the MZDO at a maximum of 720 dwelling units.

b. For detached single family residential and duplexes (i) the minimum lot width shall be 40 feet with a minimum lot depth of 100 feet, (ii) the average lot size may vary as to specific, individual subdivision plats, but the overall average lot size on the Property shall not be less than 5500 square feet and (iii) the minimum side setbacks shall be 5 feet on each side. Side setbacks can be reduced at the discretion of the City. The primary standard, to be utilized in allowing the variance shall be the maintenance of the City's Insurance Services Organization fire safety rating. As for dwelling units, a minimum front-yard setback of 15 feet shall be imposed on lots with front-loaded garages, a minimum setback of 10 feet from the back lot line and a minimum setback of 5 feet from a pool or deck. These setbacks are consistent with the Beaufort County portion of Sun City Hilton Head.

c. For attached single family residential, townhomes, or condominiums (i) there shall be no minimum lot size or setbacks, and (ii) 6 foot side setbacks shall be required for all non-common lot line sides.

d. Multi-family residential units are allowable 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 16 DU/AC and any project with a three story component is capped at 24 DU/AC. Multifamily residential consists of attached or detached residential including both short term and long term rentals, but excludes Hotel/Inn/Bed and Breakfast and Guesthouse.

e. Mid-rise multi-family residential units shall be defined as those which exist in buildings over three stories with density limited to 40 units per acre. Maximum building height shall meet the requirements of the Hardeeville MZDO for group dwellings and multiple family dwellings. Densities of over 40 units per acre shall be reviewed on a case by case basis and only allowed provided building safety, fire protection and other applicable concerns are addressed to the satisfaction of the City.

f. 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 the Property can be developed at the identified maximum. Lot sizes range from the square footage of the foundation of cottage-type product to larger single family lots.

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

h. Mobile homes are not allowed within Argent 2.

i. Recreational Vehicle Parks are governed by the provisions of Section 21 herein, and shall be considered a multi-family use. Modular or panelized homes shall not be considered mobile homes and will be considered single family homes which are permitted under this PDD.

j. Single-family residential consists of attached and detached residential, including both short and long term rentals. Product mix may include full size lots, attached zero lot line product, townhouses, patio home sites and cottages. Similar width lots may be grouped in individual neighborhoods. Residential improvements shall be limited to a maximum of three (3) stories in height above parking or base

flood elevation, as applicable, not including minor uninhabitable architecture elements above basic roof lines, subject to provisions of the MZDO.

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

8. Maintenance Areas

The maintenance areas will contain the facilities, tools and equipment necessary to maintain the common properties and golf courses within the Argent 2 Tract PDD. These facilities may be congregated on a central site or located in separate convenient sites for different services such as general community maintenance, golf course maintenance, recreation area maintenance or individual property regime maintenance.

Permitted uses include:

a. Vehicle maintenance
b. Storage of vehicles and parts, boats, recreational vehicles and resident storage
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. Construction staging areas

9. Model Home/Sales Center

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

b. From time to time model homes may be constructed and later sold as permanent residences when no longer needed as models.

c. Real estate sales, closings and other similar transactions may be conducted inside model homes / sales centers.

10. Open Space

Total open space for the Argent 2 PDD shall be calculated for the boundary of the PDD and not on a site-specific basis for each phase of the PDD, individual development or project. The Argent 2 PDD shall provide at least 25.00% open space. Of the overall 25% open space, at least 8.33% shall be active open space. Active open space shall be reasonably accessible to the residents. Open space and active open space shall be calculated based upon the total gross acreage. Notwithstanding the foregoing, each master plan submittal for residential subdivision shall contain at least 10% total open space. Open space may be located in restricted access, gated communities and shall consist of the following:

1. Landscaped areas including manicured village greens
2. 50% of lagoons, ponds, impoundments and lakes (detention, retention, or recreational).
3. 50% of freshwater wetlands
4. Wetland buffers
5. Forest, wildlife preserves/corridors, conservation areas and greenbelts
6. Community Garden Plots
7. Recreation areas including swimming pools, tennis courts, playgrounds, ball fields, lawn game fields gardens, etc.
8. Public or private, regulation or par three golf courses including ancillary facilities such as golf learning centers, practice facilities and support facilities.
9. Pedestrian/bicycle trails.
10. Perimeter buffers

There shall be no minimum setbacks applied to the Conceptual Master Plan. Setbacks and buffers shall meet the minimum requirement established herein and except as set forth in this PDD shall apply to the perimeter of the PDD only; provided, however, that any required wetlands setbacks shall apply according to law throughout the PDD.

Perimeter setbacks and buffer standards shall include:

At adjacent property boundaries of Argent 2 setbacks and buffers shall be a minimum of 10 feet except where said boundary is a jurisdictional wetland or recorded conservation easement, then the setbacks and buffers shall be as determined by the state and federal agencies having jurisdiction over the wetlands. Underground utilities and stormwater management facilities (subject to the provisions of section 2.C.16(b) described below) are allowed in the perimeter setback and buffer area. Notwithstanding the foregoing, should any area of the PDD be adjacent to another property without an intervening wetland, buffers shall be increased to fifty (50) feet, and where differing land uses are encountered (i.e., multifamily to residential, light industrial to residential or commercial), fencing

requirements of the MZDO shall apply in addition to the increased buffer. Landscaped berms are allowed in all buffer and setback areas.

11. Signage Control

Signage for the Argent 2 PDD shall be governed by the Master Sign Program attached as Exhibit L, unless otherwise agreed at Master Plan Approval. Signage for Parcels A-F, in addition to being placed within Parcels A-F may be placed off-site, separate from other signage. Signage is allowed at each entrance into the Argent 2 PDD.

12. Silviculture

This designation allows for continuation of managed forestry. Silviculture includes the practice of planting, culture, and harvesting of trees for the purpose of producing wood fiber and timber. Generally accepted methods of forest management are permitted, including wildlife management, construction and use of forest roads, and practices to promote health and growth of trees. Silviculture uses may continue up to the time a subdivision plat is recorded and must be in accordance with standard forestry BMPs. The Owner shall be permitted to plan and grow trees upon the Property which may be used for tree farming for harvesting of such trees for purposes of replanting same in locations which are on or off the Property and may engage in farming operations which are indigenous to the area.

13. Wetlands

This designation allows the following uses within wetlands. Freshwater wetlands on the property shall be those areas over which the applicable governmental agencies claim jurisdiction for freshwater wetlands. The following are permitted uses:

1. Open space and buffers
2. Conservation areas
3. Activities in all wetland 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.
4. Disposal of reclaimed water as permitted by SCDHEC.
5. Storm water management and recreational lakes.
6. Boardwalks, trails, bridges and other permitted structures.
7. Game Management

14. Utilities

This designation allows for utility service to serve the planning tracts of the Argent 2 Tract PDD. The following land uses shall be allowed only after written approval from the Owner/developer and its consultants for location and design. Screening, buffering, and other aesthetic matters must meet or exceed the MZDO requirements, and may be approved at Master Plan approval.

1. Potable water supply and distribution
2. Wastewater collection, treatment and disposal
3. Stormwater collection, treatment and detention
4. Irrigation
5. Communication towers
6. Satellite antennas
7. Cable television facilities
8. Telephone facilities
9. Power transmission and distribution
10. Fiber optic lines
11. Other utility services i.e., Internet access and other telecommunication uses.

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:

1. Arterial streets and primary access roads.
2. Water supply.
3. Wastewater Treatment and Effluent Disposal.
4. Power substations.
5. Central telephone facilities.
6. Stormwater Management Lagoons.
7. Natural Gas Supply

In the case of this Conceptual Master Plan, the community-wide infrastructure may serve more than one Planning Tract. Infrastructure serving the community (on-site and off-site) will be approved as part of the Master Plan approval process. Infrastructure projects must receive a Hardeeville Development Permit prior to construction.

15. Recreational Vehicle Parks

These parks are permitted provided the Owner/Developer and the City agree to the design standards that must be submitted at the time of application Recreational Vehicle Parks shall be buffered a minimum of 20 feet from any adjacent residential land use.

SECTION III:

MZDO CHANGES/EXEMPTIONS

In accordance with Section 4.21.700(E)(5) of the MZDO, the following clarifications or modifications to otherwise applicable standards of the MZDO are hereby made applicable to the Argent 2 Tract PDD by reference to MZDO sections below. It is acknowledged that concerted efforts have been made to identify each provision of the MZDO sought to be waived or modified, and thus to the extent that a specific provision of the MZDO is not listed below but conflicts with the wording and intent of the PDD, that provision shall be deemed to have been included in the listing below. To the extent the provisions of the PDD are not clear, then the provisions of the MZDO dated March 20, 2003, as amended through the date of approval of this PDD, not listed or deemed listed, shall apply.

Section 2.7	Architectural Review – The Property is exempt from the provisions of this section provided the Owner's Architectural Review Standards meet or exceed those of the City of Hardeeville's MZDO and Owner or an entity which is controlled by the Owner, controls the Architectural Review Board (ARB). The City shall not issue a building or development permit unless the plan submitted has been approved in writing or stamped by the Chairman or his designee, of the ARB. Separate ARB's may be established for different Parcels or master planned areas within the overall concept plan.
Section 3.3	Expiration of Permits – This provision is modified to extend the time for work authorized by a permit to begin to one (1) year and to authorize an applicant to request extension of a permit for a period of one (1) year.
Section 4.13.1	General Residential, Other Requirement – (k) is deleted and replaced with the requirement that multi-family uses in the PDD must be separated from single family uses by a six foot fence or by landscaping that achieves 75% opacity within two years. Lot sizes and setbacks are governed by the provisions of the PDD Section II.D.5 and Section II.D.8
Section 4.15	No provisions of R-20, R-14, or R-10 apply. The provisions of TC-1, TC-2 and BI shall not apply to the Argent 2 PDD.
Section 4.21.600	This section is deleted. Setbacks and buffers are governed by the PDD Section II.D.5, and Section II.D.8.
Section 4.21.700(E)	(17) It is hereby acknowledged by City Council that, due to the size of this PDD and the variety of uses contemplated for it, some information required for a typical PDD application is either unavailable or impractical or to provide at this point. The Council specifically acknowledges the

sufficiency of the Argent 2 PDD application as submitted. Additional or omitted information may be provided at the time of Master Plan submittal.

Section 4.21.700(H) (First subparagraph H on page 66). This section is amended as follows: Notwithstanding anything herein to the contrary, the property subject to the Argent 2 PDD, upon receipt of appropriate state and federal approvals, may implement a drainage plan without an overall master plan or development plan being submitted for any particular area.

Section 4.21.1000(W) This section is amended as to provide that trees existing as part of planted pine crop area shall be represented on an exhibit illustrating the area containing the planted pinetree planting pattern with row, tree spacing, and typical size. The information will be field verified to ensure accuracy of the exhibit's 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.

Section 4.21.1000.Y This section shall not apply unless the applicant seeks to pre-sell lots prior to completing the installation of infrastructure.

Section 5.3 Lots. Unless otherwise agreed at Master Plan approval, the provisions of Section 5.3 as amended by this PDD shall apply.

Section 5.6 Temporary Uses. Subsection (a) and (b) are deleted, these provisions being authorized as a matter of right, in accordance with the terms of the Development Agreement.

Section 5.8 Parking Spaces Deviations. Deviations may be approved at Master Plan approval.

Section 5.9 (c) Off-street Loading. This provision is replaced by "Multi-family use requires an additional 0.25 spaces/unit."

Section 5.9 (d) Parking Requirements. Deviations may be approved at Master Plan approval where adequate parking, shared or otherwise, is provided.

Section 5.14 Open Space Standards. This section is amended. Open space is governed by PDD Section II.D.10.

Section 5.15 Site clearing shall be allowed consistent with the approved Master Plan. Specific landscaping standards will be submitted at Master Plan submittal, and shall meet or exceed the landscaping standards attached hereto as Exhibit K, unless otherwise agreed at Master Plan Approval. Specific landscaping plans are to be submitted at Development Approval application.

Section 5.15 Tree Protection, Tree Survey and Replacement of Trees. Trees shall be governed as modified by Section I.I Tree Preservation of the PDD.

Section 5.16 Signs - Replaced by the Master Signage Program attached hereto as Exhibit L.

Section 5.18 Stormwater Management. The rainfall frequency used to calculate stormwater runoff and design stormwater management facilities for watersheds 300 acres and above shall be the 25 year, 24 hour frequency.

Section 6.9 Sidewalks. This provision is replaced by the provisions of the Development Agreement. Sidewalks shall be provided in the PDD in appropriate locations. The frequency and location of sidewalks shall be established based upon anticipated pedestrian usage within, and between land uses in addition to the proposed traffic loads of adjacent roads. A master sidewalk plan, including design criteria governing sidewalk placement, shall be submitted and approved as part of the Master Plan submittal. Sidewalks are not required on residential streets in age restricted communities.

EXHIBIT ITEMS ARE ON FILE WITH:

CITY OF HARDEEVILLE
205 EAST MAIN STREET
HARDEEVILLE, SC 29927

OCTOBER 25, 2007

Del Webb's Sun City Hilton Head

ARGENT 2
VICINITY MAP

PREPARED FOR:

PULTE HOMES

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.

SAVANNAH, GEORGIA

AUGUST 10, 2006

#	PROPERTY NAME
1	OLD CAROLINA
2	WILLOW RUN
3	PARCEL C2 COMMERCIAL
4	BAYYARD PARK
5	PARKSIDE
6	WOODBRIDGE
7	PINECREST
8	ARBORWOOD
9	SANDY POINTE
10	THE WILLOWS
11	RESORT TRACT
12	CRAFTBUILT AT SANDHILL TRACT
13	ROSE DHU CREEK PLANTATION
14	THE FARM AT BUCKWALTER
15	BARTON'S RUN
16	PINE RIDGE
17	SANDER'S TRACT
18	OKATIE CROSSING
19	USCB
20	TCL
21	RESERVE AT SAVANNAH HARBOR
22	SPINEY TRACT
23	WATERFRONT
24	OAK POINTE TOWNHOMES
25	HAMILTON GROVE AT SAVANNAH QUARTERS
26	WOODLAKE TOWNHOMES
27	GODLEY PARCEL 5A

ATLANTIC OCEAN

SCALE IN MILES

DISCLAIMER

ACCURACY STATEMENT AND PROPERTY DESCRIPTION:
THIS MAP IS INTENDED AS A GENERAL PLAN OF THE DEVELOPMENT WHICH IS FOR DISCUSSION PURPOSES ONLY, DOES NOT LIMIT OR BIND THE OWNER, AND IS SUBJECT TO CHANGE AND REVISION WITHOUT PRIOR WRITTEN NOTICE TO THE HOLDER. DIMENSIONS, BOUNDARIES AND ACREAGES SHOWN ARE APPROXIMATE AND ARE FURNISHED FOR DISCUSSION PURPOSES ONLY AND ARE SUBJECT TO ANY ADDITIONAL SURVEY AND FUTURE REVISIONS.

GRAPHIC SCALE

(IN FEET)

1 inch = 500 ft.

N:\ARGENT2\VISIS\PDD Submitted 06-14-07 for 06-21-07 Council Meeting\Argent 2 PDD Exhibit B - revised 6-14-07.DWG Dec 6, 2007 - 2:20:21

DISCLAIMER

THIS EXHIBIT ILLUSTRATES A GENERAL PLAN OF THE DEVELOPMENT WHICH IS FOR DISCUSSION PURPOSES ONLY, DOES NOT LIMIT OR BIND THE OWNER, AND IS SUBJECT TO CHANGE AND REVISION WITHOUT PRIOR WRITTEN NOTICE TO THE HOLDER. DIMENSIONS, BOUNDARIES AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO AN ACCURATE SURVEY AND PROPERTY DESCRIPTION.

LEGEND:

- PROPOSED ROADS/ACCESS POINTS
- LAND USE TRACT LIMIT
- FRESHWATER WETLAND
- PARCELS A, A-2 ---------- (RESIDENTIAL)
- PARCEL B ---------- (MIXED USE)
- PARCELS C, D, E and F ---- (COMMERCIAL)

*NOTE:
THE LAND USES SHOWN ON THIS EXHIBIT MAY VARY AS ALLOWED IN THE ARGENT 2 PDD, SECTION-II.B

PARCEL D
PARCEL F
PARCEL E
PARCEL C
PARCEL A-2
PARCEL A
PARCEL B

TO SC. HWY. 170
PROPOSED ENTRANCES TO ARGENT EAST P.D.D. (typical)
PENISULA TRACT ENTRANCE 1.0 MILES
SHINGER AVE. ENTRANCE
ARGENT EAST ENTRANCE 0.7 MILES
ARGENT 2 HWY 141 ENTRANCE
75' ACCESS EASEMENT
GATED ENTRANCE
PROPERTY UNDER CONTRACT
S.C. HWY 141
NEW RIVER CENTRE
PALMETTO ELECRTIC
JASPER COUNTY
BEAUFORT COUNTY
GATED ENTRANCE
SGT. WILLIAM JASPER BLVD.
SUN CITY BLVD.
BLUES LANE
GATED ENTRANCE
U.S. HWY 278
DEL WEBB COMMUNITIES, INC.
ARGENT I
EXISTING TRAFFIC SIGNAL
GATED ENTRANCE
JASPER COUNTY
BEAUFORT COUNTY
EXISTING OVERPASS
OKATIE CENTER
PALMETTO ELECTRIC COOPERATIVE, INC. DB.37 PG.18
S.C. HIGHWAY 170
TO RIDGELAND & BEAUFORT
JASPER COUNTY
BEAUFORT COUNTY
EXISTING TRAFFIC SIGNAL
TIDE WATCH DRIVE
DEL WEBB COMMUNITIES, INC.
RIVERBEND

*NOTE:
SEE PARCEL EXHIBIT FOR ACREAGE TABLES.

ARGENT 2 - EXHIBIT "B"

CONCEPTUAL MASTER PLAN

PLANNED DEVELOPMENT DISTRICT
Jasper County, South Carolina

Prepared For:

DEL WEBB COMMUNITIES, INC.

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.
SAVANNAH, GEORGIA

SUBMITTED: NOVEMBER 8, 2006
REVISED: JUNE 14, 2007
SCALE: N.T.S.

JOB NUMBER - 19115

DISCLAIMER

THIS EXHIBIT ILLUSTRATES A GENERAL PLAN OF THE DEVELOPMENT WHICH IS FOR DISCUSSION PURPOSES ONLY, DOES NOT LIMIT OR BIND THE OWNER, AND IS SUBJECT TO CHANGE AND REVISION WITHOUT PRIOR WRITTEN NOTICE TO THE HOLDER. DIMENSIONS, BOUNDARIES AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO AN ACCURATE SURVEY AND PROPERTY DESCRIPTION.

N:\ARGENT2\9115\PDD Submitted 06-14-07 for 06-21-07 Council Meeting\Argent 2 PDD Exhibit C - revised 6-19-07.DWG Dec 6, 2007 - 2:31:14

TO SC. HWY. 170

S.C. HWY. 141

UPLANDS 20.978 AC.
WETLANDS 7.324 AC.
TOTAL 28.302 AC.

UPLANDS 44.414 AC.
WETLANDS 6.166 AC.
TOTAL 50.580 AC.

TOTAL - PARCELS C, D & E
HUSTAD INVESTMENT CORPORATION, PROPERTY RESOURCES CORPORATION, AND 122 nd STREET LAND COMPANY

UPLANDS 109.806 AC.
WETLANDS 13.490 AC.
TOTAL 123.296 AC.

D

E

F

PROPERTY RESOURCES CORPORATION

UPLANDS 79.162 AC.
WETLANDS 10.429 AC.
TOTAL 89.591 AC.

JASPER COUNTY
BEAUFORT COUNTY

UPLANDS 44.414 AC.
WETLANDS 0.000 AC.
TOTAL 44.414 AC.

C

UPLANDS 126.018 AC.
WETLANDS 9.388 AC.
TOTAL 135.406 AC.

A-2

B

TO RIDGELAND AND BEAUFORT

ML JASPER, LLC

UPLANDS 23.316 AC.
WETLANDS 5.448 AC.
TOTAL 28.764 AC.

A

UPLANDS 489.372 AC.
WETLANDS 180.290 AC.
TOTAL 669.662 AC.

TOTAL - PARCELS A & A-2
DEL WEBB COMMUNITIES, INC.

UPLANDS 615.390 AC.
WETLANDS 189.678 AC.
TOTAL 805.068 AC.

S.C. HWY. 170

TO HARDEEVILLE AND I-95

U.S. HWY. 278

JASPER COUNTY
BEAUFORT COUNTY

PALMETTO ELECTRIC COOPERATIVE, INC.

TO HILTON HEAD ISLAND

ARGENT 2 - EXHIBIT "C"
PARCEL EXHIBIT
PARCELS A, A-2, B, C, D, E & F

PLANNED DEVELOPMENT DISTRICT
Jasper County, South Carolina

Prepared For:

DEL WEBB COMMUNITIES, INC.

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.
SAVANNAH, GEORGIA

LAST REVISED: JUNE 19. 2007 SCALE: N.T.S.

JOB NUMBER - 19115

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO
ATTENTION OF

March 31, 2004

Regulatory Division

Mr. Stuart Sligh
Sligh Environmental Consultants, Inc.
49 Park of Commerce Way, Suite 203
Savannah, Georgia 31405

Dear Mr. Sligh:

This is in response to your letter dated February 6, 2004, requesting an extension of time to complete the work authorized by Department of the Army permit 93-2X-239 for Del Webb Communities, Inc., for the Sun City Hilton Head project. This work consists of placing fill material in 14.67 acres of wetlands for road crossings with a contingency of 2.53 acres, and impacts to 42.22 acres of isolated wetlands for development of the 5,612.76-acre tract. The total impact to wetlands is 59.92, which is an overall reduction of 0.29 acres from the 60.21 acres permitted for fill in the original permit.

Since no changes in the attendant circumstances surrounding this matter have been identified, and since the requirement that this work proceed essentially in accordance with the approved plans and conditions is clearly understood, the time to complete this work is hereby extended until June 30, 2014.

This letter should be attached to the original permit. All other conditions to which the work is made subject remain in full force and effect.

In that this work appears subject to the jurisdiction of the South Carolina Department of Health and Environmental Control, Water Quality Certification, Standards and Wetlands Program Section and the South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management, it is highly recommended that you contact that agency to ascertain their requirements in this matter.

Respectfully,

for: Alvin B. Lee
Lieutenant Colonel, U.S. Army
District Engineer

Tina B. Hadden
Chief, Regulatory Division

APR-15-2004 04:21P FROM:

Copy furnished:

Mr. Robert Mikell
South Carolina Department of Health
and Environmental Control
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Mr. Quinton Epps, Manager
South Carolina Department of Health
and Environmental Control,
Water Quality Certification,
Standards and Wetlands Program Section
2600 Bull Street
Columbia, South Carolina 29201

EXHIBIT E

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT CORPS OF ENGINEERS
P.O. BOX 919
CHARLESTON, S.C. 29402-0919

REPLY TO
ATTENTION OF

August 23, 1993

Regulatory Branch

Mr. Steve Nichols
Newkirk Environmental Consultants, Inc.
192 East Bay Street, Suite 201
Charleston, South Carolina 29401

Dear Mr. Nichols:

This is in response to your letter dated August 1, 1993, with enclosed revised survey plats prepared by Thomas & Hutton Engineering Co. dated July 27, 1993, and revised August 9, 1993, and entitled "Freshwater Wetland Survey for a Portion of the Argent Tract Beaufort and Jasper Counties, South Carolina."

These plats depicts a wetland boundary as established by your firm. You have requested that this office verify the accuracy of this wetland mapping as a true representation of wetlands within the regulatory authority of this office. The property in question is owned by Union Camp and is a 5250.6 acre tract located at the intersection of highways 170 and 278 adjacent to the New River in Beaufort and Jasper Counties, South Carolina, and contains 1,578.5 acres of wetlands.

Based on an on-site inspection and aerial photo review, it has been determined that the wetland boundary is an accurate representation of wetlands within our regulatory authority.

In future correspondence concerning this matter, please refer to N/R SAC-81-93-1052. You may still need State or local assent. Prior to performing any work, you should contact the South Carolina Coastal Council. A copy of this letter is being forwarded to the addressees listed for their information.

Please be advised that this determination is valid for three years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional wetland delineation must be conducted.

If you have any questions regarding this matter, please contact me at (803) 724-4330.

Respectfully,

Fred Veal

for Jake Duncan
Project Manager

Enclosure

Copy Furnished:

S. C. Coastal Council
4130 Faber Place, Suite 300
Charleston, South Carolina 29405

S. C. Water Resources Commission
c/o South Carolina Sea Grant Consortium
287 Meeting Street
Charleston, South Carolina 29401

U. S. Environmental Protection Agency
Region IV, Wetlands Regulatory Unit
345 Courtland Street
Atlanta, Georgia 30365

Del Webb's
Sun City Hilton Head

EXHIBIT "E" – TOPOGRAPHY AND FEMA FLOOD ZONES ARGENT 2

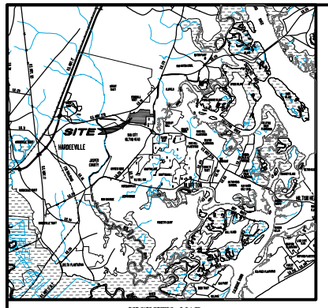
PREPARED FOR:

PULTE HOMES

PREPARED BY:

THOMAS & HUTTON ENGINEERING CO.
SAVANNAH, GEORGIA

AUGUST 10, 2006



VICINITY MAP

TO SC. HWY. 170
APPROXIMATE LOCATION OF FLOOD HAZARD LINE
JASPER COUNTY
BEAUFORT COUNTY
TO RIDGELAND & BEAUFORT
S.C. HWY 141
NEW RIVER AUTOMALL
WAL-MART
NEW RIVER CENTER
PALMETTO ELECTRIC
UNIVERSITY OF SOUTH CAROLINA, BEAUFORT
TCL
U.S. HWY 278
RIVERBEND
S.C. HIGHWAY 170
OKATIE CROSSING
ENMARK
FAIRFIELD INN
TO HILTON HEAD ISLAND
ZONE A
ZONE C

DISCLAIMER

ACCURATE SURVEY AND PROPERTY DESCRIPTION:
THIS MAP ILLUSTRATES A GENERAL PLAN OF THE DEVELOPMENT WHICH IS FOR DISCUSSION PURPOSES ONLY, DOES NOT LIMIT OR BIND THE OWNER, AND IS SUBJECT TO CHANGE AND REVISION WITHOUT PRIOR WRITTEN NOTICE TO THE HOLDER. DIMENSIONS, BOUNDARIES AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO AN ACCURATE SURVEY AND PROPERTY DESCRIPTION.

GRAPHIC SCALE

500 0 250 500 1000 2000

(IN FEET)
1 inch = 500 ft.

BEAUFORT - JASPER
WATER & SEWER
AUTHORITY

6 SNAKE ROAD, OKATIE, SC 29909-3937
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

August 29, 2006

Mr. Jeff Cundiff
Thomas & Hutton Engineering Co.
P.O. Box 2727
Savannah, GA 31402

Re: Del Webb Argent II

Dear Jeff:

This letter is in response to your request of 8/25/06 for water and sewer availability for the development of Argent II located within the Del Webb Community. Please be advised that BJWSA has water and sewer infrastructure available for the proposed project.

To obtain approval from BJWSA, you must submit plans, specifications and loading calculations. Once your development's capacity needs are determined and the design package is approved, this office will provide you with a capacity fee quote. Water and sewer capacity will be committed to the project once associated fees are paid or otherwise secured. Once all fees are paid, the SC DHEC Construction Permit is issued, and the pre-construction conference is held, construction can begin.

Should you have any questions, please do not hesitate to contact me at 843-987-9251.

Sincerely,

Sharon Gibson
Project Coordinator

MARK C. SNYDER, CHAIRMAN
MICHAEL L. BELL, VICE CHAIRMAN
DAVID M. TAUB, SECRETARY/TREASURER
JIM CARLEN
JOHN R. PHILIPS
BRANDY GRAY
JOHN D. ROGERS
JAMES P. "PAT" O'NEAL
CHARLIE H. WHITE

PALMETTO
ELECTRIC COOPERATIVE INC.

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

August 25, 2006

Mr. Jeff Cundiff
Thomas & Hutton Engineering Co.
P. O. Box 2727
Savannah, GA 31402-2727

Re: Sun City – Argent II

Dear Jeff:

Palmetto Electric Cooperative, Inc. ("PECI") has ample power available to serve the above-referenced site.

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 at (843) 208-5508.

Sincerely,

PALMETTO ELECTRIC COOPERATIVE, INC.

Bob Bishop

Bob Bishop
Manager, Engineering Services

RB:sdr

c: Mr. Bob Casavant, PECI
Mr. Parks Moss, PECI

HARGRAY

August 25, 2006

Jeff Cundiff
Thomas & Hutton Engineering Co
P.O. Box 2727
Savannah, GA 31402-2727

Dear Mr. Cundiff:

SUBJ: Letter of Intent to Provide Service for: **Argent 2 Sun City**

Hargray Engineering Services has reviewed the master plan for the above referencod project. Hargray Communications has the ability and intent to serve the above referenced project. Forward to our office a digital copy of the plan that has been approved by the county/town for use with Microstation or AutoCAD. Our office will then include owner/developer conduit requirements on the approved plan and return to your office.

By accepting this letter of intent to serve, you also accept responsibility to forward the requirements and Project Application Form to the owner/developer. The Project Application Form identifies the minimum requirements to be met as follows:

- Commercial buildings – apartments – villas: Minimum 4 inch diameter conduit Schedule 40 (gray electrical) 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 and 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 Schedule 40 PVC underground conduits.
- Equipment rooms to have ¾ inch 4'x8' sheet of plywood mounted on wall to receive telephone equipment.
- A dedicated 110-volt, 20 amp circuit with a four way outlet to power external equipment for the site. For Commercial Application.
- A power ground accessible at equipment room or an insulated #6 from the service panel or power MGN to the backboard.
- Residential wiring requires CAT5 wiring (4 or 6 Pair) twisted wire for Telephone and Data. Industry Standard.
- 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.
- CATV inside wiring will be RG6 foil wrapped 66% braid minimum, home run to each outlet.
- A 120 AC 15 A dedicated power outlet is to be located in the service yard to supply AC power to the ONU. Power to the ONU will be provided through a Pull Out Disconnected Switch, manufactured by Square D Company, or equivalent. The Horsepower Rating for the disconnect switch is 240VAC max, 60A, not fusible.

CATV Requirements
Hargray CATV services, requires you to install one 4" Schedule 40 (gray electrical) PVC pipe to a point designated to the road right of way or property line. The "service facilities" are required to be in separate pipes to ensure quality transmission and reception for both facilities.

Any Commercial or Subdivision areas installing pipe as required should extend the pipe 5' (feet) beyond any placed or planned curbed or sidewalk edge for facility access, away from the roadside.

Should there be any changes or additions to the original master plan, this letter will only cover the areas that are shown on the original master plan. All changes or additions would require another Letter of Intent to supply service. All costs incurred by the Telephone/CATV Company resulting from any requested change or failure to comply with minimum requirements shall be borne by the Developer. **Commercial projects require pre-construction meeting with Telco/CATV Company to review requirements.** I am available to discuss these requirements in more detail at your convenience.

Aid in or Aid to Construction may apply to certain projects.

Easements are required prior to installing facilities to your site. (entire)

Sincerely,

Franklin Denmark
Developer Relations Manager
843-883-1682
Hargray Engineering (843) 815-1876

AN INTENSIVE CULTURAL RESOURCES SURVEY OF THE ARGENT TRACT, BEAUFORT AND JASPER COUNTIES, SOUTH CAROLINA

Prepared for:

Del Webb Corporation
Phoenix, Arizona

Prepared by:

Elsie I. Eubanks
Field Director

and

Eric C. Poplin, Ph.D.
Principal Investigator

BROCKINGTON AND ASSOCIATES, INC.
ATLANTA, GA CHARLESTON, SC

July 1993

ABSTRACT

Archaeologists from Brockington and Associates, Inc. conducted an intensive cultural resources survey 1-22 June 1993 of the approximately 5,000 acre Argent Tract in west central Beaufort County and east central Jasper County near the intersection of US 278 and SC 170. The survey was required to comply with existing state and Federal regulations concerning the management of cultural resources in the coastal zone of South Carolina.

Twelve sites and ten isolated finds were recorded during the field investigations. Resources contained both prehistoric and historic cultural material. Five sites (38BU1319, 38BU1322, 38BU1323, 38JA202, and 38JA204) contain prehistoric components only. Sites 38BU1315, 38BU1316, 38BU1317, 38BU1318, and 38BU1321, and 38JA203 exhibit prehistoric and historic components. Site 38BU1320 contained only historic cultural material. Historic components represent primarily late nineteenth/early twentieth century occupations. Prehistoric components range from Late Archaic through Mississippian.

Three other cultural resources also were encountered. A standing structure is present near 38BU1320 that probably was constructed during the early twentieth century. The structure lacks any outstanding features or attributes that would permits its nomination to the NRHP. A deep, dry ditch, identified on plats from the 1930s and 1940s as the Old English Canal, passes through the northeastern corner of the project tract. The precise age and function of this ditch is unknown. No historic references to this feature were obtained during the background research of the tract. This feature appears to offer little information that can be employed to interpret the historic use of the project tract beyond that recovered to date. Therefore, this feature is recommended not eligible for the NRHP. Also, the roadbed of a former Seaboard Air Line Railway line passes through the western portion of the project tract. This rail spur presumably collected agricultural and silvacultural products from various tracts between Beaufort and the Savannah River. Evidence of these stops, timber marshalling facilities, or other features related to the operations of the rail line were not encountered. Thus, this feature can provide little information to the interpretation of the historic use of the region beyond that recovered to date. Therefore, it is recommended not eligible for the NRHP.

Sites 38BU1316, 38BU1317, 38BU1318, 38BU1321, and 38BU1322 are recommended as potentially eligible for the National Register of Historic Places. These sites should be avoided by ground disturbing activities that may affect them adversely. Sites 38BU1315, 38BU1319, 38BU1320, 38BU1323, 38JA202, 38JA203, 38JA204 and Isolates 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 are recommended as not eligible for the National Register. Any ground disturbing activities at these sites should be allowed to proceed without further management considerations.

TABLE OF CONTENTS

Page

ABSTRACT ii

LIST OF FIGURES v

LIST OF TABLES viii

CHAPTER I INTRODUCTION 1

CHAPTER II ENVIRONMENTAL AND CULTURAL SETTING 4
- Environmental Setting 4
  - Regional Overview 4
  - Description of the Project Tract 5
  - Holocene Changes in the Environment 9
- Cultural Setting 9
  - Prehistoric Background 9
  - Historic Background 14
  - Historic Overview of the Project Area 27

CHAPTER III METHODS OF INVESTIGATION 40
- Archival Research 40
- Field Techniques 40
- Laboratory Analysis 52
- Determining NRHP Eligibility 55

CHAPTER IV RESULTS OF THE FIELD INVESTIGATIONS 58
- Archaeological Resources Encountered 58
  - Site 38BU1315 58
  - Site 38BU1316 63
  - Site 38BU1317 67
  - Site 38BU1318 71
  - Site 38BU1319 75
  - Site 38BU1320 78
  - Site 38BU1321 81
  - Site 38BU1322 85
  - Site 38BU1323 89
  - Site 38JA202 92

Site 38JA203 96
Site 38JA204 99
Isolated Finds 102
Other Cultural Resources 104
Standing Structure 105
Abandoned Railroad 105
Old English Canal 107
Unnamed Canal 108
Tenant House 109

CHAPTER V RECOMMENDATIONS 110
NRHP Potentially Eligible Sites 110

REFERENCES CITED 113

APPENDIX AARTIFACT INVENTORY 122

APPENDIX B RESUMES OF KEY PERSONNEL 145

LIST OF FIGURES

		Page
Figure 1.	The Location of the Argent Tract (USGS Jasper quadrangle).	2
Figure 2.	Compartments in the Project Tract.	6
Figure 3.	Photograph Showing Wooded Portion of Project Tract.	7
Figure 4.	Photograph Showing Clear Cut Portion of Project Tract.	8
Figure 5.	Map showing the Proprietary Counties of South Carolina in 1682 (taken from Records of the Secretary of the Province of South Carolina 1692-1721).	15
Figure 6.	Map showing the boundaries of the South Carolina Circuit Court Districts in 1769 (taken from Records of the Secretary of the Province of South Carolina 1692-1721).	16
Figure 7.	A Portion of DeBrahm's 1757 Map of the Coastal South Carolina and Georgia.	20
Figure 8.	A Portion of Mills' Atlas, Beaufort District (1825) Showing the Project Area.	21
Figure 9.	A Portion of Poe's (1865) Map of the Region Including the Project Tract.	23
Figure 10.	A Portion of a Plat Drawn for C.A. Verdier Showing a Settlement.	31
Figure 11.	1939 Plat of a 1,000 Acre Tract Showing a "Canal".	33
Figure 12.	A 1943 Plat of Summerland Plantation Tract Showing Tenant House and Canal.	36
Figure 13.	A 1942 Plat of the Northwestern Portion of the Project Tract Showing Railway Lines and Vincent Station.	38
Figure 14.	High Probability Areas, Clear Cuts, and Wetlands in Compartment 1.	41

Figure 15. High Probability Areas, Clear Cuts, and Wetlands in Compartment 2. 42

Figure 16. High Probability Areas, Clear Cuts, and Wetlands in Compartment 3. 43

Figure 17. High Probability Areas, Clear Cuts, and Wetlands in Compartment 4. 44

Figure 18. High Probability Areas, Clear Cuts, and Weltands in Compartment 5. 45

Figure 19. High Probability Areas, Clear Cuts, and Wetlands in Compartment 6a. 46

Figure 20. High Probability Areas, Clear Cuts, and Wetlands in Compartment 6b. 47

Figure 21. High Probability Areas, Clear Cuts, and Wetlands in Compartment 7. 48

Figure 22. High Probability Areas, Clear Cuts, and Wetlands in Compartment 8. 49

Figure 23. High Probability Areas, Clear Cuts, and Wetlands in Compartment 9. 50

Figure 24. The Location of Sites and Isolates in the Project Tract. 59

Figure 25. Plan View of Site 38BU1315. 61

Figure 26. Plan View of Site 38BU1316. 65

Figure 27. Plan View of Site 38BU1317. 69

Figure 28. Plan View of Site 38BU1318. 73

Figure 29. Plan View of Site 38BU1319. 77

Figure 30. Plan View of Site 38BU1320. 79

Figure 31. Plan View of Site 381321. 83

Figure 32. Plan View of Site 38BU1322. 87

Figure 33. Plan View of Site 38BU1323. 90

Figure 34. Plan View of Site 38JA202. 94

Figure 35. Plan View of Site 38JA203. 97

Figure 36. Plan View of Site 38JA204. 100

Figure 37. View of Standing Structure in Compartment 6 of the Argent Tract. 106

LIST OF TABLES

		Page
Table 1.	South Carolina Sea Level Curve Data.	10
Table 2.	Population Statistics for Beaufort County (includes present-day Jasper).	24
Table 3.	Land Tenure in Beaufort County in 1890 and 1900 (includes present-day Jasper).	26
Table 4.	References Employed for Artifact Identification and Analyses.	53
Table 5.	Research Realms as NRHP Eligibility Guides.	57
Table 6.	Research Realms as NRHP Eligibility Indicators- 38BU1315.	62
Table 7.	Research Realms as NRHP Eligibility Indicators- 38BU1316.	66
Table 8.	Research Realms as NRHP Eligibility Indicators- 38BU1317.	70
Table 9.	Research Realms as NRHP Eligibility Indicators- 38BU1318.	74
Table 10.	Research Realms as NRHP Eligibility Indicators- 38BU1319.	76
Table 11.	Research Realms as NRHP Eligibility Indicators- 38BU1317.	80
Table 12.	Research Realms as NRHP Eligibility Indicators- 38BU1321.	84
Table 13.	Research Realms as NRHP Eligibility Indicators- 38BU1323.	88
Table 14.	Research Realms as NRHP Eligibility Indicators- 38BU1323.	91
Table 15.	Research Realms as NRHP Eligibility Indicators- 38JA202.	95
Table 16.	Research Realms as NRHP Eligibility Indicators- 38JA203.	98
Table 17.	Research Realms as NRHP Eligibility Indicators- 38JA204.	101
Table 18.	Isolated Finds Identified in the Argent Tract.	102
Table 19.	Cultural Resources Encountered in the Argent Tract.	111

CHAPTER I

INTRODUCTION

Archaeologists from Brockington and Associates, Inc. conducted an intensive cultural resources survey 1-22 June 1993 of the approximately 5,000 acre Argent Tract in west central Beaufort County and east central Jasper County near the intersection of US 278 and SC 170. Figure 1 displays the project tract. The survey was required to comply with existing state and Federal regulations concerning the management of cultural resources in the coastal zone of South Carolina.

Twelve archaeological sites, twelve isolated finds, one structure and two landscape features were recorded during the field investigations. The sites contained both prehistoric and historic cultural material. Five sites (38BU1319, 38BU1322, 38BU1323, 38JA202, and 38JA204) contain prehistoric components only. Sites 38BU1315, 38BU1316, 38BU1317, 38BU1318, 38BU1321, and 38JA203, exhibit prehistoric and historic components. Site 38BU1320 contained only historic cultural material. Historic components represent primarily late nineteenth/early twentieth century occupations. Prehistoric components range from Late Archaic through Mississippian.

Three other cultural resources also were encountered. A standing structure is present near 38BU1320 that probably was constructed during the early twentieth century. The structure lacks any outstanding features or attributes that would permits its nomination to the NRHP. A deep, dry ditch, identified on plats from the 1930s and 1940s as the Old English Canal, passes through the northeastern corner of the project tract. The precise age and function of this ditch is unknown. No historic references to this feature were obtained during the background research of the tract. This feature appears to offer little information that can be employed to interpret the historic use of the project tract beyond that recovered to date. Therefore, this feature is recommended not eligible for the NRHP. Also, the roadbed of a former Seaboard Air Line Railway line passes through the western portion of the project tract. This rail spur presumably collected agricultural and silvacultural products from various tracts between Beaufort and the Savannah River. Evidence of these stops, timber marshalling facilities, or other features related to the operations of the rail line were not encountered. Thus, this feature can provide little information to the interpretation of the historic use of the region beyond that recovered to date. Therefore, it is recommended not eligible for the NRHP.

Sites 38BU1316, 38BU1317, 38BU1318, 38BU1321, and 38BU1322 are recommended potentially eligible for the National Register of Historic Places. These sites should be avoided by ground disturbing activities that may affect them adversely until a definitive evaluation has been conducted. Sites 38BU1315, 38BU1319, 38BU1320, 38BU1323, 38JA202, 38JA203, 38JA204, Isolates 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, the structure,

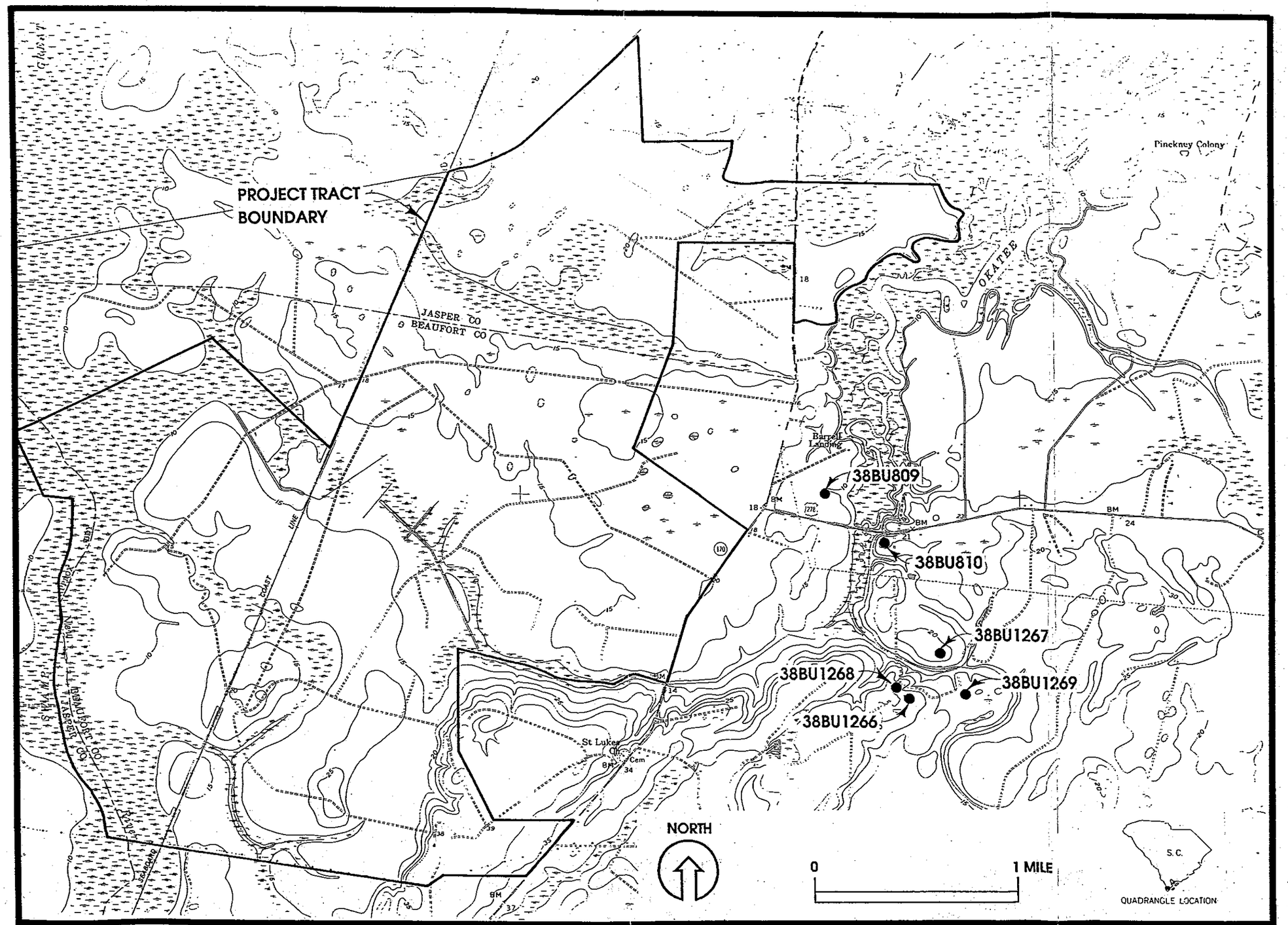


Figure 1. The Location of the Argent Tract (USGS Jasper quadrangle).

DO WE NEED TO SHOW THESE SITES?

and the landscape features are recommended not eligible for the National Register. Any ground disturbing activities at these sites should be allowed to proceed without further management considerations.

Chapter II provides a summary of the environmental and cultural setting of the project tract. Overviews of the prehistoric and historic cultural background of the project tract conclude Chapter II. Chapter III details methods used in the archival research, field techniques, and laboratory analyses. The chapter concludes with the methods of assessment of sites encountered. Descriptions of the cultural resources encountered on the Argent Tract are presented in Chapter IV. Chapter V outlines management recommendations for the tract and the sites encountered. Artifact inventories for the materials recovered from each site are included in Appendix A. Appendix B contains the resumes of the Project Principals.

CHAPTER II

ENVIRONMENTAL AND CULTURAL SETTING

ENVIRONMENTAL SETTING

REGIONAL OVERVIEW

Stuck (1980) provides climatic data for Beaufort and Jasper Counties. Those data are summarized here. Beaufort and Jasper Counties lie in the southernmost portion of South Carolina, and have the mildest climate in the state. The climate is subtropical, with long hot summers followed by short mild winters. Precipitation is abundant and is well distributed throughout the year. The abundant supply of moist, warm, relatively unstable air produces frequent scattered showers and thunderstorms.

Average annual rainfall in Beaufort County is approximately 49 inches (1.2 meters). The low monthly average occurs in November (1.6 inches/4 cm), and the high monthly average occurs in July (7.4 inches/19 cm). The average annual temperature is 65.6° F. January is the coldest month with an average of 49.9° 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 tend to occur in November.

Jasper County is characterized by flat lowlands and low ridges with slopes of less than two percent. Elevations range from 0 to 100 ft (30 m) above mean sea level [amsl]. Much of the area is extremely wet, especially near the many streams and rivers that drain the region. With the exception of the Savannah River that forms the western boundary of Jasper County and South Carolina, these streams rise on the Coastal Plain; most also possess narrow watersheds. Average yearly rainfall in the county is approximately 1.2 m (4 ft). Temperatures are mild in winter and warm in summer, ranging between 50° and 80° F throughout the year. The county frequently enjoys 280-290 frost-free days per year (Stuck 1980).

The tropical storm season tends to run from July through October. Hurricanes are somewhat rare for the area, but tropical storms with winds up to 50 miles per hour occur on an 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. Many tornados reported are actually waterspouts which do not come ashore.

DESCRIPTION OF THE PROJECT TRACT

The Argent Tract occupies approximately 5,000 acres in west central Beaufort County and east central Jasper County near the intersection of US 278 and SC 170 (Figure 1). For the most part, SC 170 forms the eastern boundary of the tract. The right-of-way for the extension of US 278 to I-95 extends through the center of the Argent Tract. SC 141 forms most of the northern boundary of the tract. The western boundary is formed by the Jasper County line in the headwaters of the New River (called Great Swamp). The southern boundary of the tract coincides with a large transmission line. A small portion of the tract extends to the east side of SC 170, between the highway and the marshes of the Okatee River.

The project tract is divided into nine compartments to facilitate planning of proposed development activities. Figure 2 displays the project tract with its internal compartments. An estimated 1/3 of the entire tract (1,650 acres) is delineated wetlands. The remaining 3,350 acres are uplands. The upland areas contain approximately 1,679 acres of planted pines,79 acres of mature mixed pine/hardwood forest (all in Compartment 5), and 1,177 acres of clear cut timberlands. Figure 3 displays a view of a wooded portion of the project tract; Figure 4 displays a clear cut area.

Silvaculture has been practiced throughout the project tract since the land was acquired by the Union - Camp Corporation in the 1950s. Prior to that, it apparently was used as pasturage for commercial cattle production (Steve Brown [Union - Camp Forester], personal communication, July 1993). Timber planting in the tract has involved three processes. Initially, areas were prepared (bedded) for planting. Previously wooded areas were mechanically chopped and/or raked with implements behind bulldozers to break and remove stumps from former trees. Then, the area was disked (with 32" harrow blades) and plowed to create beds. Seedlings were then inserted into the raised furrows. Chemical treatments to the young trees were conducted by air (for fertilizers) and from tractor (for pesticides). After 25-30 years, the timber can be harvested. Clear cutting with mechanical removal (using skidders and trucks) has been employed throughout the harvested areas. Once cleared, areas were subjected to the initial bedding preparations outlined above.

As noted above, most of the project tract is covered in mature, planted pine forest. These areas posses little or no ground surface visibility due to pine leaf litter. The mature mixed forest area in Compartment 5 posses little or no ground surface visibility as well. Most of the remainder of the tract consists of clear cut areas. Some have been prepared and planted; others await one or more of the activities outlined. Most of these areas possess excellent ground surface visibility (75-100 per cent exposed).

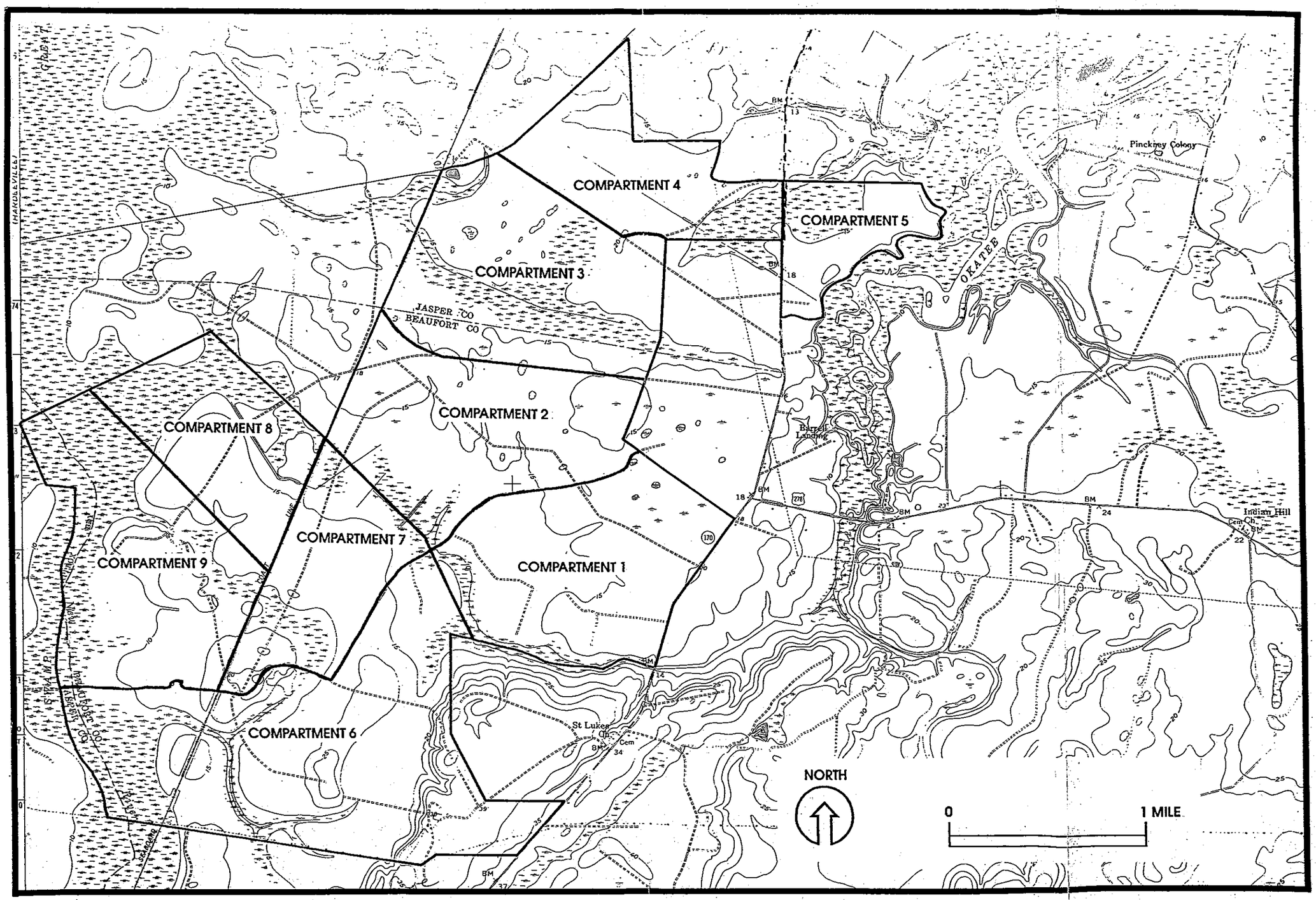


Figure 2. Compartments in the Project Tract.

Figure 3. Photograph Showing Wooded Portion of Project Tract.

Figure 4. Photograph Showing Clear Cut Portion of Project Tract.

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 (Whitehead 1965, 1973; Watts 1980; Gardner 1974). Upper Coastal Plain forests of the Late Pleistocene (as reflected in the Whites Pond record) were dominated by oak, hickory, beech, and ironwood (Watts 1980:192). This deciduous forest occurred in a cooler, moister climate than exists in the region today (Braun 1950; Barry 1980).

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 300 ft below modern mean sea level (Colquhoun and Brooks 1986; Howard et al. 1980; Brooks et al. 1989). By 7,000 years BP, sea level had risen dramatically to within 20 ft (6.5 m) of present levels.

As drier and still 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 1980:194). The Early Holocene was also a period of extinction for many of the large Pleistocene mammals.

On a regional level, vegetation and climate have remained effectively static since the Early Holocene. Table 2 presents the sea level curve proposed by Brooks et al. (1989); the dates in the table reflect high or low stands which occurred within an overall rise in sea level.

CULTURAL SETTING

PREHISTORIC BACKGROUND

The prehistory of coastal South Carolina has received much attention from archaeologists, and the present interpretations of the prehistoric and protohistoric era are presented in this section. Readers are directed to Anderson (1977) and Trinkley (1987) for reviews of previous research on the Coastal Plain and Beaufort County, respectively. The following discussion is divided into periods which represent distinct cultural adaptations; environmental changes in each period are also delineated.

Paleoindian Period (10,000-8,000 B.C.)

The earliest documented human presence in the Coastal Plain of South Carolina occurred in the Paleoindian Period. This cultural period corresponds with the terminal

Table 1. South Carolina Sea Level Curve Data.

DATE	SEA LEVEL	CONDITION
5,000 B.C.	6.5 meters	In continuing rise
3,000 B.C.	4.5 meters	Significant low stand
2,800 B.C.	1.5 meters	High stand
2,500 B.C.	3.5 meters	Low stand
2,200 B.C.	1.0 meters	High stand
1,900 B.C.	3.2 meters	Low stand
1,700 B.C.	0.8 meters	Significant high stand
1,400 B.C.	4.0 meters	Significant low stand
1,000 B.C.	1.0 meters	High stand
800 B.C.	1.9 meters	Low stand
600 B.C.	0.7 meters	High stand
300 B.C.	0.4 meters	Low stand
A.D. 300	0.4 meters	High stand
A.D. 550	0.6 meters	Low stand
A.D. 1000	0.4 meters	High stand
A.D. 1400	1.2 meters	Low stand
A.D. 1989	0.0 meters	In continuing rise

Data interpolated from Brooks et al. 1989. Sea Level is in meters below present high marsh surface.

Pleistocene, when the climate was generally much colder than today, and when sea level was over 200 ft below present levels. Although the project tract was in the Coastal Plain during the Paleoindian Period, the distance to the ocean was certainly much greater than at present. Another notable feature of the terminal Pleistocene was the presence of large mammalian species (i.e., megafauna).

The pattern of human adaptation for this period has been reconstructed from data from other areas of the country and from distributional data on the diagnostic fluted projectile points within the Southeast. Very few Paleoindian sites have been excavated in the Southeast (cf. Claggett and Cable 1982; Brockington 1971), and only recently have South Carolina sites received attention. However, the data from surface finds of Paleoindian points seems to indicate that cultures of this period were focused along major river drainages, especially in terrace locations (Michie 1977; Goodyear 1979; Anderson and Logan 1981:13). If the pattern from other areas of the country holds true in South Carolina, then the adaptation was one of broad range, high mobility, hunting and gathering with a possible focus on megafauna exploitation (Gardner 1974; Goodyear et al. 1989).

Paleoindian points have been recovered in Beaufort County (Waring 1961; Michie 1977), but no intact sites have been documented. Minimal Paleoindian use of the project tract may have occurred, since populations were probably centered more on the coast (farther east at that time) and major river drainages such as the Savannah. The project area also lacks the cryptocrystalline raw material favored by the Paleoindian knappers (Goodyear 1979).

Early Archaic Period (8,000-6,000 B.C.)

The Early Archaic corresponds to the adaptation of native groups to Holocene conditions. The environment in coastal South Carolina during this period was still colder and moister than at present, and an oak-hickory forest was establishing itself on the Coastal Plain (Whitehead 1965, 1973; Watts 1970, 1980). The megafauna of the Pleistocene had disappeared, and a more typical woodland flora and fauna were established. The Early Archaic adaptation in the South Carolina lower Coastal Plain is not clear, as Anderson and Logan (1981:13) report:

> At the present, very little is known about Early Archaic site distribution, although there is some suggestion that sites tend to occur along river terraces, with a decrease in occurrence away from this zone.

Early Archaic finds in the lower Coastal Plain are most typically corner- or side-notched projectile points, which have been determined to be Early Archaic through excavation of sites in other areas of the Southeast (Coe 1964; Claggett and Cable 1982). Early Archaic sites generally are small, indicating a high degree of mobility. Trinkley (1987:17) reports that "Archaic period assemblages are rare in the Sea Island region."

Anderson and Hanson (1988) have proposed a model of seasonal movement in the Early Archaic. By this model, the sea islands and adjacent coast would have seen only limited use in the early Spring.

Middle and Late Archaic Periods (6,000-2,000 B.C.)

The trends initiated in the Early Archaic, i.e., increased population and adaptation to local environments, continued through the Middle Archaic and Late Archaic. Climatically, the study area was still warming, and an oak-hickory forest dominated the coast until circa 2000 B.C., when pines became more prevalent (Watts 1970, 1980). Stemmed projectile points and ground stone artifacts characterize this period, and sites increased in size and density through the period.

Blanton and Sassaman (1989) and Sassaman et al. (1990) have argued that the Middle Archaic was a time of "settling in." Groups became more localized, and more adapted to their local environments. The large ranges seen in the Early Archaic became increasingly restricted.

Early Woodland Period (2,000 B.C. - A.D. 200)

By the end of the Late Archaic Period, two developments had occurred which changed the lifeways of the South Carolina Coastal Plain. First, the sea level had risen to within one meter of present levels, and the extensive estuaries now present were in place (Colquhoun et al. 1981). These estuaries were a reliable source of shellfish, and the Early Woodland Period saw the first emphasis on shellfish exploitation. It was also during the incipient Early Woodland (of Ceramic Late Archaic Period) that the first pottery appeared on the South Carolina coast. In Beaufort County, the earliest pottery was the fiber tempered Stalling series, although it was quickly joined by the sand tempered (or untempered) Thom's Creek series.

The most conspicuous sites of this period are the shell rings, which are relatively frequent along the tidal marsh between northeastern Florida and the Georgetown area of South Carolina. These rings are usually round or oval rings of shell and other artifacts, with a relatively sterile area in the center. Many of these rings are currently in tidal marsh waters, and they have been interpreted as actual habitation loci adjacent to or within productive shellfish beds. These sites attest to a high degree of sedentism, at least on a seasonal basis. Both Thom's Creek and Stallings shell rings have been documented on the South Carolina coast (Trinkley 1985, 1989, 1990).

Coastal Stallings and Thom's Creek sites without shell have only recently been examined. The Fish Haul site (38BU805) contained separate Thom's Creek and Stallings components with very little shell present. Trinkley (1986) viewed the Stallings phase

remains at Fish Haul as evidence of repeated late fall-early winter visits to exploit shellfish, fish, and hickory nuts.

Following the Stallings and Thom's Creek manifestations in the study region, Refuge and Deptford pottery dominated the Early Woodland assemblage. The Refuge series is poorly understood; its sand tempered pottery (with incising, simple stamping, punctating, or dentate stamping) has been recovered from few intensively studied sites (Waring 1968; Waring and Holder 1968; Lepionka et al. 1983; DePratter 1979). Excavations at the Minim Island site (Georgetown County, SC) suggest that both Thom's Creek and Refuge pottery were being produced at 1400 BC (Espenshade and Brockington 1989), but the established regional chronology has Refuge following the Thom's Creek manifestation.

The Refuge phase is generally considered transitional to the succeeding Deptford lifeways. The Deptford assemblage is dominated by check stamped decoration. The general lack of cord marking or fabric impression decorations helps distinguish the Early Woodland Deptford.

Site 38JA61 (Second Refuge Site) in Jasper County is identified with the Ceramic Late Archaic and Early Woodland Periods (Lepionka et al. 1983). Similar sites are common throughout the adjacent coastal areas of Georgia as well (DePratter 1979).

The subsistence and settlement pattern of the later Early Woodland Period suggests population expansion, and the movement of groups into areas minimally used in earlier periods. The Early and Middle Woodland sites are the most common on the South Carolina coast; these sites generally consist of shell middens near tidal marshes, and ceramic and lithic scatters in a variety of other environmental zones. It appears that group organization during this period was based on the semi-permanent occupation of shell midden sites, with the short-term use of interior Coastal Strand sites (Milanich 1971).

Middle and Late Woodland Periods (A.D. 200-1000)

The typological manifestations of the Middle and Late Woodland Periods on the South Carolina coast are somewhat unclear. The check stamped tradition of the Early Woodland Deptford series continues through most of the Middle Woodland, and check stamping reappears late in the Late Woodland Period. Cord marked and fabric impressed ceramics appear in the Middle and Late Woodland Periods, generally on grog or clay tempered pastes. There is no single decorative mode which can be associated with this period, and recent research has only begun to sort out the confusion (DePratter 1979; Trinkley 1983; Anderson et al. 1982; Blanton et al. 1986; Kennedy and Espenshade 1991). Shell midden sites continue to be common in this period, although the overall site frequency appears to be lower than for the Early Woodland.

The most common Middle and Late Woodland ceramic series in Beaufort County are Wilmington (coarse grog tempering with cord marking prevalent) and St. Catherines (smaller grog tempering with cord marking and net impressing); in general, the Middle and Late Woodland periods are not well represented (Trinkley 1987). Recent excavations in the Hilton Head area (Kennedy and Espenshade 1991; Trinkley 1991) suggest that the Deptford technological tradition continued well into the Wilmington period.

Mississippian Period (A.D. 1000-1650)

The Mississippian Period was marked in many parts of the Southeast by a heavy reliance on maize agriculture, by a highly stratified society with elaborate public architecture, and by the production of shell tempered pottery. None of these traits, however, were widespread on the South Carolina coast (Ferguson 1971, 1975). Instead, it appears that settlement and subsistence remained very similar to the Late Woodland pattern, although some platform mounds did appear in the area. The ceramics of this period, in chronological order, included: Savannah Fine Cord Marked, Check Stamped, Complicated Stamped, and Burnished; Irene Complicated Stamped, Incised, and Burnished Plain; and Altamaha Red Filmed, Incised, and Line Block types (Howard et al. 1980; DePratter 1979; Anderson 1989, 1990). Mound centers (e.g., Irene Site: Caldwell and McCann 1941), large shell middens (e.g., 38BU63: Trinkley 1987), and single household loci (e.g., Braley 1982) are known for the Mississippian Period in the Beaufort County region.

HISTORIC BACKGROUND

This brief discussion of the historic background of Beaufort and Jasper Counties provides a background for the development of any historic archaeological sites identified during this survey. The county boundaries changed several times throughout the years. In the seventeenth century Carolina consisted of four coastal counties: Craven, Berkeley, Colleton, and Granville. The study area was not within a county in 1682, but was probably

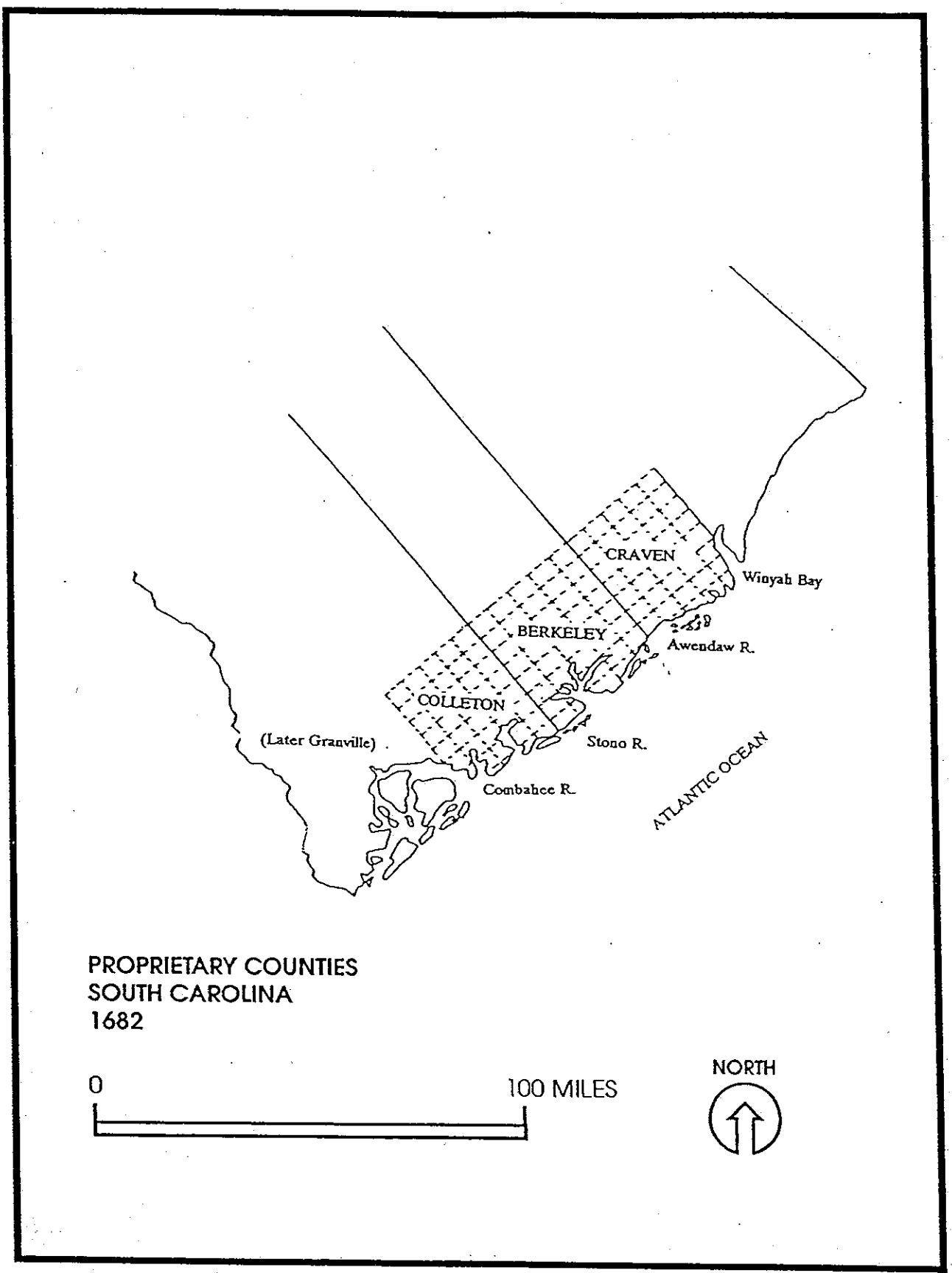


Figure 5. Map showing the Proprietary Counties of South Carolina in 1682 (taken from Records of the Secretary of the Province of South Carolina 1692-1721).

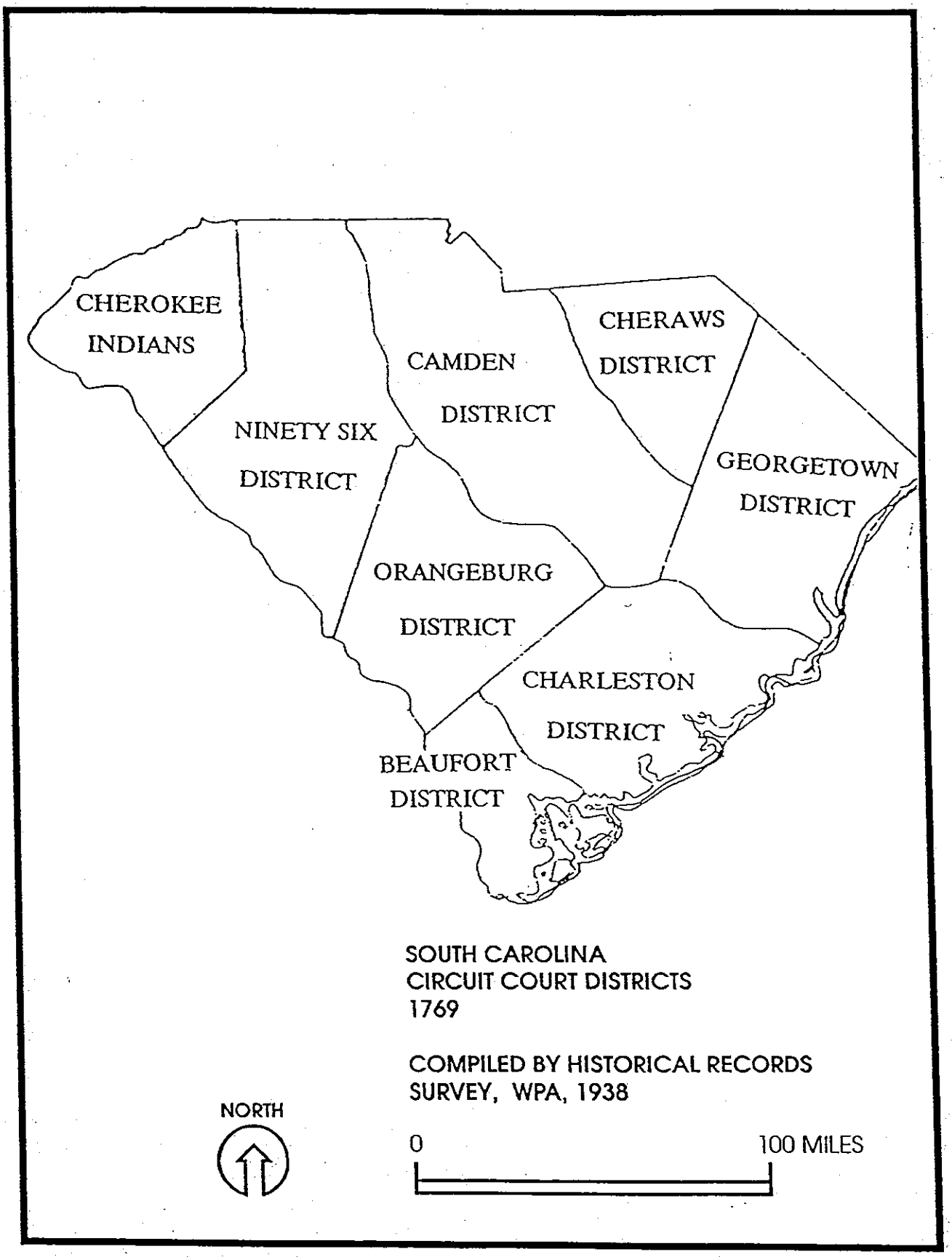


Figure 6. Map showing the boundaries of the South Carolina Circuit Court Districts in 1769 (taken from Records of the Secretary of the Province of South Carolina 1692-1721).

administered first from Colleton County and then from Granville (Figure 5). There were no county seats and all official records were kept in Charleston. The four counties (Craven, Berkeley, Colleton, and Granville) were divided into circuit court districts in 1769. The study area was then within the Beaufort District (Figure 6), and court was held in the town of Beaufort (Revill 1944). Jasper County was created from Beaufort County in 1912. The following overview of the history of Beaufort and Jasper Counties is taken primarily from Kennedy et al. (1991).

Protohistoric and Colonial Periods

Spanish exploration of the South Carolina coast began as early as 1514 (Rowland 1978:1), and in 1520 a landing party went ashore in the Port Royal vicinity (now Beaufort County) at a spot they named Santa Elena (Rowland 1978:1; Hoffman 1983:64). From that time on, the Port Royal area was of great interest to both the Spaniards and the French. The Spanish attempted to establish the settlement of San Miguel de Gualdape in 1526, but were unsuccessful. The location of this settlement is not known, although it is thought to have been north of Port Royal Sound in the vicinity of Winyah Bay (Quattlebaum 1955). The French, under Jean Ribaut, attempted to establish a settlement on the South Carolina coast in 1526. This settlement, in the Port Royal Sound area, was called Charlesfort, and was also unsuccessful.

A successful Spanish settlement was finally established on Parris Island at Port Royal Sound in 1566. Local Indians were less than friendly, but in spite of numerous attacks and several burnings, the town was not abandoned until 1587 (Rowland 1978:25-57; Lyon 1984). The Spanish maintained their interest in Santa Elena through a series of missions on the sea islands from St. Augustine into Georgia (Covington 1978:8-9), and Spanish friars were at "St. Ellens" when William Hilton visited in 1663 (Hilton 1664:2). During its twenty year existence, this settlement served as the base for the first serious explorations into the interior of the state.

Spain's claim to the region was disregarded by Charles II of England; in 1662 he granted Carolina to the Lords Proprietors. The next year William Hilton was hired by a group of planters on Barbados to explore the acquisition. He spent over a month in the waters of both Port Royal and St. Ellens, 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, where they founded Charles Towne in 1670 (Holmgren 1959:39). One of the first orders of business for the settlers was initiating trade with the Indians as a way of ensuring both economic and physical survival (Covington 1978:9).

In 1684, Lord Cardross of Scotland led a group of dissenters to Port Royal Island and established Stuart's Town. Traders in Charles Towne were convinced the Scots were stealing their customers and withheld material support. Afraid of the Spanish and forced

to survive on their own, the Scots' solution was to forge ties with the Yemassee Indians. The Yemassee, who were unhappy with the Spanish missionaries in coastal Georgia, began fleeing to Stuart's Town, where they were settled in a defensive perimeter of villages on neighboring islands. Lord Cardross then recruited and armed a raiding party to attack a mission on St. Catherines Island. The raid was a success, but the Spanish retaliation a year later destroyed Stuart's Town (Covington 1978:8-11).

A series of large land grants beginning in 1698 signalled a renewed interest in settling Port Royal (Holmgren 1959:42). When Beaufort was chartered in 1711, the Yemassee had ten villages in what are now Beaufort and Jasper Counties. Angered by mistreatment from traders, the Indians attacked in 1715 but did not succeed in dislodging the English (Covington 1978:12). The Yemassee War (1715-1716) was a coordinated attack by the Yemassee and Creek Indians against the English in South Carolina. At the time, the war was blamed on Spanish influence from Florida, but a more likely cause was the Indian traders' practice of seizing Indian women and children as slaves to meet Indian debts. No Spanish forces were actually involved in the conflict, but Spanish Florida became a refuge for the defeated Yemassees. After the war, the General Assembly opened Indian lands to settlement. But the end of the war was not the end of Indian attacks and the settlers had to be vigilant for many years.

Gallay (1986:12) believes that the traders' desire for the fertile mainland, described as the best part of the province, led them to provoke the Indians into attacking, thus forcing the government to take action against the Indians. After the war, the English could not get any other Indian group to settle in the so-called buffer zone between Carolina and Florida. This left Carolina open to invasion from the Spanish in Florida. Port Royal's available money was used for defense rather than development, and the area's economy stagnated.

Beaufort County is a part of the Low Country, which lies along the Atlantic Coast between the Edisto and Pee Dee Rivers. In the eighteenth century the Low Country had its economic and political center in Charleston. After Port Royal was permanently settled by English colonists, the residents worked to make their town as important as Charleston, but unfortunately for them, the Charleston area planters and merchants dominated the General Assembly and were unwilling to allot tax money to develop and defend Port Royal (Gallay 1986:6-7).

In the late 1730s, the Spanish in Florida offered freedom to all slaves who escaped from the English and came to St. Augustine. Georgia, which had no slaves at that time, was not affected, but the South Carolinians were worried. Fifty slaves escaped from St. Helena's Parish, and the Stono Rebellion was supposedly connected with the Spanish. England and Spain were soon at war, and the study area was too close to St. Augustine for comfort (Gallay 1986). A bill was passed in 1756 giving freedom to any slave (negro or Indian) who escaped from the Spanish and returned to South Carolina (Easterby 1958:82-83). The Spanish were defeated in 1742, but England began a war with France in 1744, again threatening South Carolina. St. Helena's Parish petitioned the colonial government in

Charleston for assistance, but they were told to apply to the Crown. A drought and a smallpox epidemic added to their troubles and prices for rice fell 70 per cent in five years. The result was an economic depression which only ended with the development of indigo agriculture several years later (Gallay 1986).

The economy of Beaufort County during the period from 1680 to the mid-1700s continued to be supported by the fur and deerskin trade, and by lumber and wood products. The importance of rice agriculture grew steadily from the early 1700s to the time of the Civil War. Rice was complemented by the introduction of indigo as a cash crop in the mid-1700s; indigo agriculture disappeared after the Revolution began, with the removal of the English bounty and English markets. Cotton became important after the Revolution, particularly the long staple variety on the sea islands and other coastal areas. Rice and cotton agriculture, in a slave-based plantation system, dominated the region until the Civil War. By 1757, several large land grants had been recorded near the project tract. DeBrahm's map of South Carolina and Georgia (1757) indicates the closest of these grants (Figure 7).

Early Statehood and the Antebellum Period

The colonies declared their independence from Britain in 1776, following several years of increasing tension due in large part to what the colonists considered to be unfair taxation and trade restrictions imposed on them by the British Parliament. The Royal Navy attacked Fort Sullivan near Charleston in 1776. They failed to take the fort, but they captured Savannah in late December 1778 and were successful in taking Charleston in May 1780. The British held Charleston until December 1782, at which time the last of the troops left to join others in New York before they all returned to Britain.

South Carolinians were divided during the war. The people of the Low Country were predominately, but not completely, rebels, while most of the loyalists resided in the interior of the state and in Charleston. After the United States won independence, many of the loyalists left South Carolina, going to Britain, the Bahamas, or Jamaica, or moving further west in America. Some of these loyalists later returned to the state. In many cases their confiscated property was returned and their punishment for assisting the British was reduced to paying a fine (Lambert 1987).

The first census of the United States was taken in 1790. The population of the Beaufort District was 18,753, of which 14,236 (75.9 per cent) were slaves. There were 4,364 whites (23.3 per cent), and 153 other free persons (0.8 per cent) in the district (U.S. Census 1790). The project area displayed little evidence of development or use by 1825, although St. Lukes was established by this time. Figure 8 displays a portion of the Beaufort District of Mills' Atlas (1825).

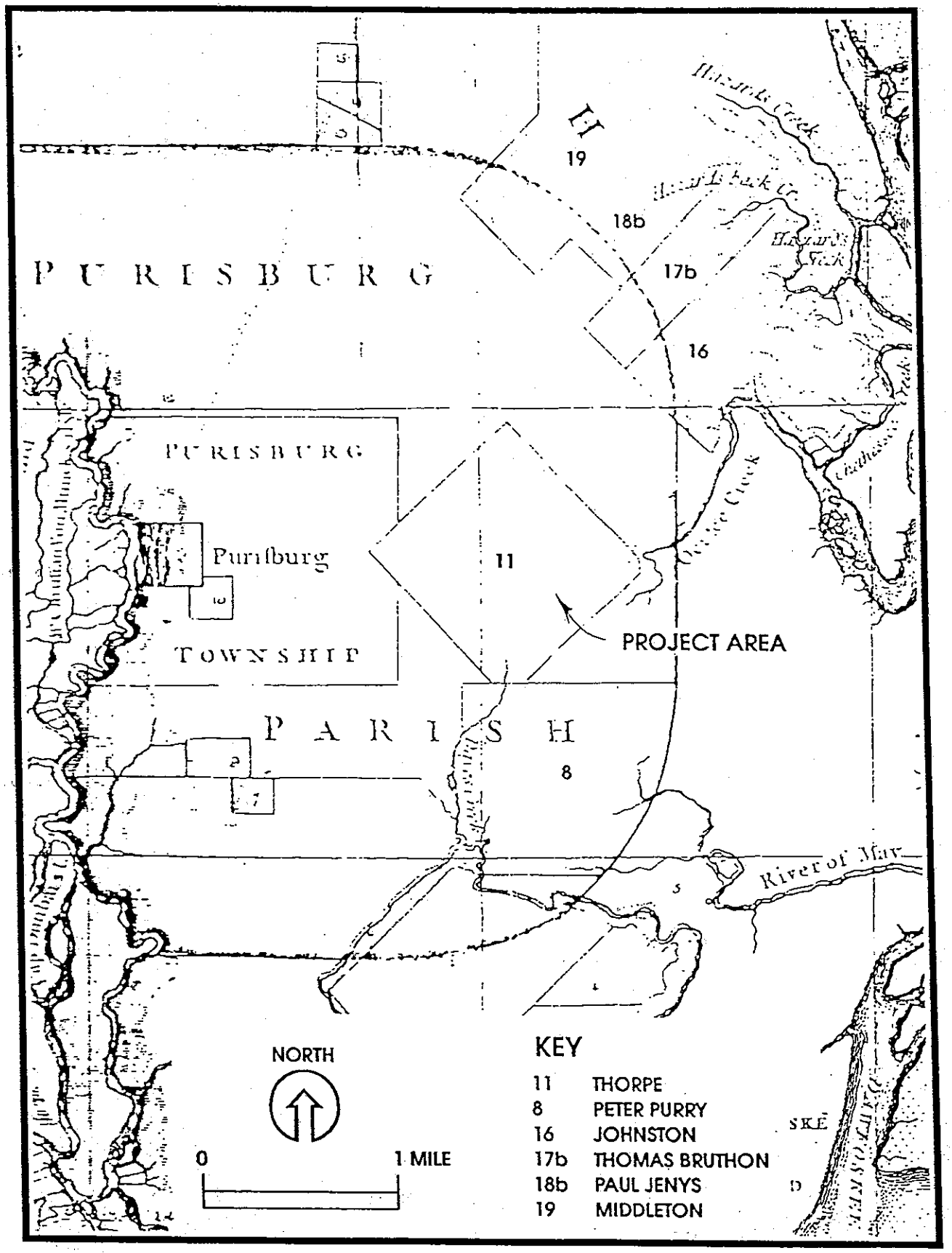


Figure 7. A Portion of DeBrahm's 1757 Map of the Coastal South Carolina and Georgia.

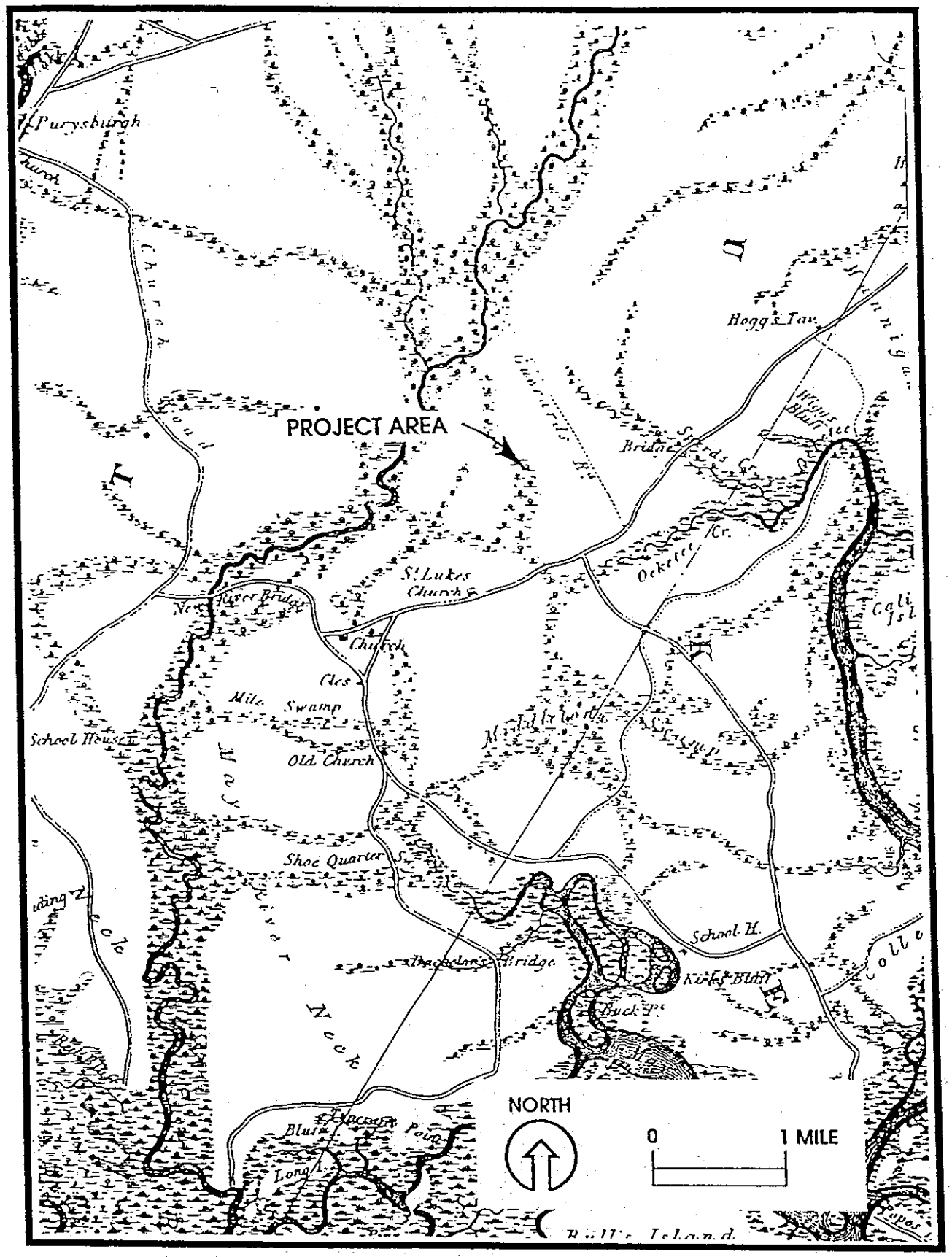


Figure 8. A Portion of Mills' Atlas, Beaufort District (1825) Showing the Project Area.

The Civil War

The harbor of Port Royal was attacked by a Union fleet on 7 November 1861. Five hours later the two Confederate forts guarding the entrance, Fort Walker on Hilton Head and Fort Beauregard on St. Phillips, lowered their flags. Sea island plantation owners fled to the mainland, leaving behind a black populace convinced they would soon be free (Rose 1964:11-12). Union troops landed on Hilton Head uncertain of the rebel retreat. Scouting parties soon discovered evidence of a hasty and ill-planned evacuation (Eldridge 1893:67). One account of the confederate retreat from Fort Walker reports:

> In this extremity, it was determined to abandon the fort. Back of this work there was an open space of a mile, over which the defeated troops ran in panic, subject every moment to the fire of the fleet. They found shelter in the woods, through which they made their way across the peninsula to the mainland. The ground over which they fled was covered with their muskets and knapsacks (Guernsey and Alden 1866:181).

The war was a time of great hardship for residents of the South. Food and supplies were scarce and prices were extremely high for whatever was available. The Union soldiers stationed on Hilton Head received reports that flour was selling for $32 a barrel in Savannah and was "wormy at that." The New South (15 Aug. 1863) reported the following "Rebel" prices in Atlanta:

Printing paper $3 per pound	Chickens $3 per pair
Flour $5 per 100 pounds	Bacon $1.50 per pound
Beef $1 per pound	Butter $1.75 per pound
Eggs $1 per dozen	Cabbage $1 each
Potatoes $12 per bushel	Calico $3 per yard
Shoes $40 per pair	Boots $70 per pair

While the war was being fought, the United States was confiscating property in occupied territory for unpaid taxes. It was hoped by many that this would allow the freed slaves to purchase small tracts at auction and encourage them toward economic independence through farming (Rose 1964). The project area apparently saw little or no action during this period. Poe's (1865) map of Confederate fortifications in the region indicates no developments in the project tract.

Postbellum Adaptation

The Civil War brought an end to the slave/plantation system in South Carolina. The relatively abrupt disintegration of the antebellum economic system resulted in a period of freed black migration, reshuffling of land ownership, a variety of freed black labor systems, and an era of redefinition of the socio-economic relationships between the freed blacks and

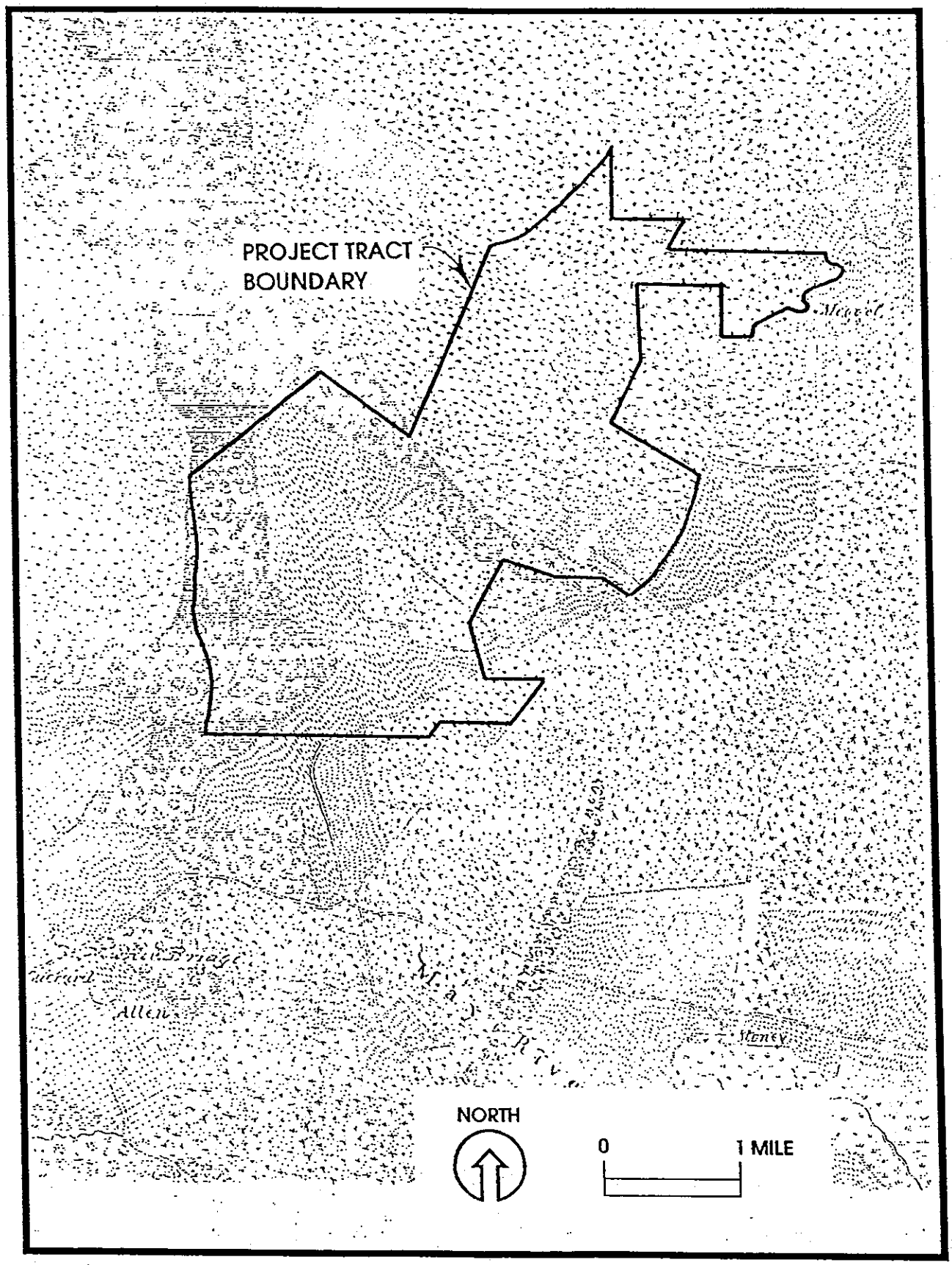


Figure 9. A Portion of Poe's (1865) Map of the Region Including the Project Tract.

the white land owners.

In depth consideration and discussion of the agricultural and economic evolution in South Carolina from the end of the Civil War until the beginning of the twentieth century and its archaeological implications can be found in Brockington et al. (1985), Orser and Holland (1984), and Trinkley (1983). A brief overview of the socio-economic conditions believed to be in existence in Beaufort County at the end of the nineteenth century and the beginning of the twentieth century shall be outlined. At that time, Beaufort County included present-day Jasper County.

Census data (1850, 1860, 1870, 1880, 1900, and 1910) details the population for Beaufort County (Table 2). By 1870, the population of Beaufort County consisted of 29,050 black freedmen (84.55 per cent) and 5,309 whites (15.4 per cent). The dominant black population of Beaufort County continued through to the beginning of the early twentieth century; by 1910 over 75 per cent of the Beaufort County population consisted of blacks.

Table 2. Population Statistics for Beaufort County (includes present-day Jasper).

	Aggregate	White		Free Black		Slave	
	(count)	n	%	n	%	n	%
1850	38805	5947	15.3	579	1.4	32279	83.1
1860	40053	6714	16.7	809	2.0	32530	81.2
1870	34395	5309	15.4	29050	84.4	-	-
1880	30176	2442	8.0	27732	91.9	-	-
1890	34119	2695	7.8	31421	92.0	-	-
1900	35495	3394	9.4	32137	90.5	-	-
1910	30355	3063	13.0	26376	86.8	-	-

U.S. Census 1854, 1864, 1872, 1883, 1895, 1901, 1913.

Land Ownership Patterns and Ethnicity

By the end of the nineteenth century, a small farmer in Beaufort County could either own and crop his own land, enter into a rent contract with a large land owner, or squat on unused and unattended property. Farm tenancy emerged as a dominant form of agricultural land management toward the end of the nineteenth century in South Carolina, and presented itself in two basic forms (Brockington et al. 1985; Orser and Holland 1984; and Trinkley 1983):

> Sharecropping was a system whereby the landowner provided all that the renter might need to tend and cultivate the land (i.e., draft animals, farming implements and tools, seed, and fertilizer). A variety of methods of payment by the renter could be arranged. However, usually an agreed portion of the crop (i.e., a share), would be surrendered to the landowner. Sharecropping was appropriate when tenants could not afford the capital outlay necessary to purchase seed, animals, and tools.
>
> Cash renting on the other hand, generally represented arrangements where an agreed sum of money was paid to the landowner by the tenant farmer. In these instances, the farmer was more independent and further removed from the landowner, and would provide his own animals, feed, seed, and equipment. This system generally allowed small farmers to accrue larger sums of money, and according to Brockington et al. (1985), was the preferred arrangement for tenant farmers, as it was regarded as a profitable operation which would help the tenants to eventually acquire their own property. Cash renting was desirable to the land-lord because it removed him from the uncertainties of market prices; removed the capital burden of supplying seed, fertilizer, and equipment; and assured a steady cash income.

The tenancy tenure system had become such a dominant land management force by the end of the nineteenth century that the 1890 census, for the first time, detailed the many forms of tenancy. Table 3 summarizes the census data of 1890, and 1900. The average farm size in Beaufort County in 1890, was 42 acres; it slightly increased to 48.2 acres by 1900. Hence, at the end of the nineteenth century, the average farm size was relatively small, and relatively close to the Freedmen's Bureau ideal of "40 acres and a mule." Census data also provide insight to the numbers and varieties of crops and products cultivated and sold by the largely rural population of Beaufort County in 1880, and 1890. Cattle and swine were the preferred livestock, and an annual crop of corn and cotton provided needed income.

Table 3 also details the census data for 1890, and 1900, regarding the ethnicity of landowners. By 1900, the vast majority of the freedman population of Beaufort County (approximately 60 per cent) owned and operated their own farms. The same proportion of whites in Beaufort County (approximately 60 per cent) similarly operated and owned their

Table 3. Land Tenure in Beaufort County in 1890 and 1900 (includes present-day Jasper).

	1890		1900	
FARMS				
Total	3762		5476	
Average Size	42 acres		48.2 acres	
AGGREGATE	n	%	n	%
Owned	2710	71.6O	3332	67.65
Fixed Cash Rent	1028	27.8O	1582	32.12
Sharecropping	44	1.16	11	0.22
Total	3782	100.00	4925	99.99
Farms worked by blacks	*		5241	95.71
Farms worked by whites	*		235	4.29
BLACK			n	%
Owners	*		3189	60.85
Part Owners	*		517	9.86
Owners/Tenants	*		1	0.02
Managers	*		8	0.15
Cash Rent	*		1517	28.94
Sharecropping	*		9	0.17
Total			5241	99.99
WHITE				
Owners	*		143	60.85
Part Owners	*		15	6.38
Owners/Tenants	*		2	0.85
Managers	*		8	3.40
Cash Rent	*		65	27.66
Sharecropping	*		2	0.85
Total			235	99.99

*Data not available in census.
U.S. Census 1895, 1902.

own farms. These data illustrate the desire of the blacks throughout the years following the Civil War to own land, thereby confirming and consolidating their freedom.

The census data also illustrate that the preferred tenancy system in Beaufort County was cash renting. By 1900, only eleven farms in all of Beaufort County operated under sharecropping contracts. Further, the figures do not imply that either black or white families were more or less prone to entering cash renting contracts. Cash renting is opted for by 28.9 per cent of black families and 27.6 per cent of white families. Such data imply that the goals of black and white families residing in Beaufort County at the end of the nineteenth century were similar (i.e., to own their own farms, or to work toward that end). The relative proportions of black and white families owning land suggests that the social climate at the time did not prevent or hinder either race from achieving this goal.

The above data encapsulate the agricultural and economic conditions in Beaufort County, and of its residents at the end of the nineteenth century. What it does not provide, however, is a picture of the dynamic processes which were in operation prior to 1880; the changes in land ownership patterns after the Civil War, until 1880. Sharecropping was almost extinct in Beaufort County by 1880; however, it may have played a more important role in the dynamics of the land ownership patterns prior to 1880.

The twentieth century saw a weakening of the traditional ways due to a number of factors including: rapid demise of cotton profitability; increased temptation of cash labor opportunities in other areas of the state; soil depletion; and increased profitability of land sales to outside investors.

HISTORIC OVERVIEW OF THE PROJECT AREA

The official record of the land ownership of the Argent Tract is incomplete. Deeds for land in what are now Beaufort and Jasper Counties were recorded in the Charleston County Courthouse before 1785. Beaufort County was created in 1785 (and included present-day Jasper), 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. Jasper County was created in 1912.

The Argent Tract is currently owned by Union Camp Corporation (previously known as Union Bag - Camp Paper Corporation). Most of the tract was purchased from Argent Lumber Company in 1958. Argent acquired its land in several tracts, during the twentieth century. Other nineteenth century owners of the land were the Sanders family and the Okeetee Club. The following narrative describes most of the transactions involving the tract from the original grant in 1726 through 1975.

The Lords Proprietors of the colony of Carolina granted Isaac Lowndes a 12,000 acre barony in 1726 which included what is now the Argent Tract. Lowndes sold the entire

12,000 acres to Robert Thorpe sometime after that. Thorpe died intestate, about 1749, and his land was sold to satisfy the estate's debts. John Guerard bought 9,336 of the 12,000 acres; the deed was recorded in 1762 (Charleston County Deed Book [CCDB] YY:472). A later deed indicates that the next owner of the 9,336 acre tract was William Guerard (Beaufort County Deed Book [BCDB] 2:118), but no deed to him for the property could be found. He was probably a descendant of John Guerard. William Guerard died in 1847. A list of landowners of the tract prior to 1850, with references, is presented below.

Date	Landowner	Reference
1726	Isaac Lowndes (12,000 ac)	CCDB YY:472
?	Robert Thorpe (12,000 ac)	CCDB YY:472
1762	John Guerard (9336 ac)	CCDB YY:472
?	William Guerard	BCDB 2:118
1847	heirs of William Guerard	BCDB 2:118
1847	Dr. A. G. Verdier & W. C. Howard (8186 ac)	BCDB 2:118
1847	Dr. A. G. Verdier estate (Bull Hill)	BCDB 35:31

Dr. A. G. Verdier and William C. Howard purchased 8,186 acres from William Guerard's estate in 1847; part of this land was within the current project tract. 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. The acreage of Bull Hill is not known, but it was at least 4,252 acres. Bull Hill was eventually divided into several tracts of land. A list of owners of each tract, beginning with Dr. A. G. Verdier, is provided. This is followed by a brief discussion of the conveyances. The Verdier tracts are discussed first, then the tracts from the Sanders family, the Okeetee Club, and the Seaboard Coast Line Railway.

1,428 Acre Tract

Date	Landowner	Reference
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

This tract was located in the south central and southeast part of the project tract. 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 an share of the 3,500 acre Bull Hill Plantation (BCDB 2:120; 33:760). 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 the tract in 1943 (BCDB 59:721), and sold it along with several other tracts to Union Bag - Camp Paper Corp. in 1958 (BCDB 95:6).

Most of the tracts discussed below, which originate with the Alexander Verdier estate, also include F. H. Verdier, James G. Verdier, and Julia M. Vincent. The other Verdier heirs also had undivided interests in them. Subsequent owners differ for most of the tracts.

1,252 Acre Tract

Date	Landowner	Reference
1847	Dr. A. G. Verdier	BCDB 35:31
1867	F. H. Verdier, Julia M. Vincent, & James G. Verdier	BCDB 2:120
?	F. H. Verdier	F. H. Verdier Estate
1916	Susan Alston, et al.	F. H. Verdier Estate
1916	James G. Verdier (1252 ac)	BCDB 35:45
1926	J. A. Coleman	BCDB 44:641
1928	J. A. Coleman, Jr.	JCDB 13:491
1942	Argent Lumber Co.	BCDB 54:447
1958	Union Bag - Camp Paper Corp.	BCDB 95:6

This tract was also owned by the Verdier heirs. James G. Verdier eventually became the sole owner of the land. He sold it to J. A. Coleman, Jr. in 1926, at which time it was described as being 1,252.3 acres of Bull Hill (BCDB 44:641).

J. A. Coleman, Sr. had died intestate in 1928, and his son, J. A. Coleman, Jr., purchased the rights of all the other heirs to his real estate (Jasper County Deed Book [JCDB] 13:491). Argent Lumber Company bought 5,168 acres of land from J. A. Coleman, Jr. in 1942. The land was located in both Beaufort and Jasper Counties (BCDB 54:447; JCDB 13:493), and included the 1,252 acre tract, the 200 acre Knoll Tract, and a 68 acre tract, previously described as 67 acres. That conveyance includes the western part of the project tract, between the Great Swamp and the Seaboard Air Line Railway. The plat of the property shows a road, a ditch, and two old fields within the project tract; no structures are shown (Jasper County Plat Book [JCPB] 3:99). Argent sold all three tracts to Union Bag - Camp Paper Corporation in 1958 (BCDB 95:6).

200 Acre Knoll Tract

Date	Landowner	Reference
?	Sarah A. Cooler (200 ac)	BCDB 24:793
1904	W. Solomon Wall	BCDB 24:793
?	Edward Sanders	BCDB 33:323
1923	J. A. Coleman, Sr. & C. A. Varcene	BCDB 42:406
1928	J. A. Coleman, Jr.	JCDB 13:491
1942	Argent Lumber Co.	BCDB 54:447
1958	Union Bag - Camp Paper Corp.	BCDB 95:6

Sarah Cooler is the first owner of record of this tract. She sold it to W. Solomon Wall in 1904 (BCDB 24:793) and he sold it to Edward Sanders (BCDB 33:323). J. A. Coleman and C. A. Varcene purchased the tract (BCDB 42:406) in 1923, and it became part of J. A. Coleman, Jr's 5,168 acres sold to Argent in 1942.

Edward Sanders and his heirs also owned property in the northeastern part of the project tract. That land is discussed below as the Sanders Tract.

67 Acre Tract

Date	Landowner	Reference
?	J. S. Halford estate	Beaufort Co. Judgment Roll 1797
1921	J. S. Halford, et al.	Judgment Roll 1797
1921	C. A. Verdier	BCDB 37:593
1930	Susan Alston, et al.	C. A. Verdier Estate
1938	J. A. Coleman, Jr.	BCDB 54:118
1942	Argent Lumber Co.	BCDB 54:447
1958	Union Bag - Camp Paper Corp.	BCDB 95:6

This small tract was owned by J. S. Halford before 1920; previous deeds were not found. C. A. Verdier bought the tract from the Halford heirs when the land was sold after Halford's death (BCDB 37:593). A plat of the land drawn for C. A. Verdier shows a settlement with a big house and four small houses near a spring (Beaufort County Plat Book [BCPB] 6:16). Figure 10 displays a portion of this plat. Susan Alston and the other Verdier heirs got shares of the tract from C. A. Verdier's estate, which they subsequently sold to J. A. Coleman, Jr. (BCDB 54:118). It was part of J. A. Coleman, Jr.'s 5,168 acres sold to Argent in 1942.

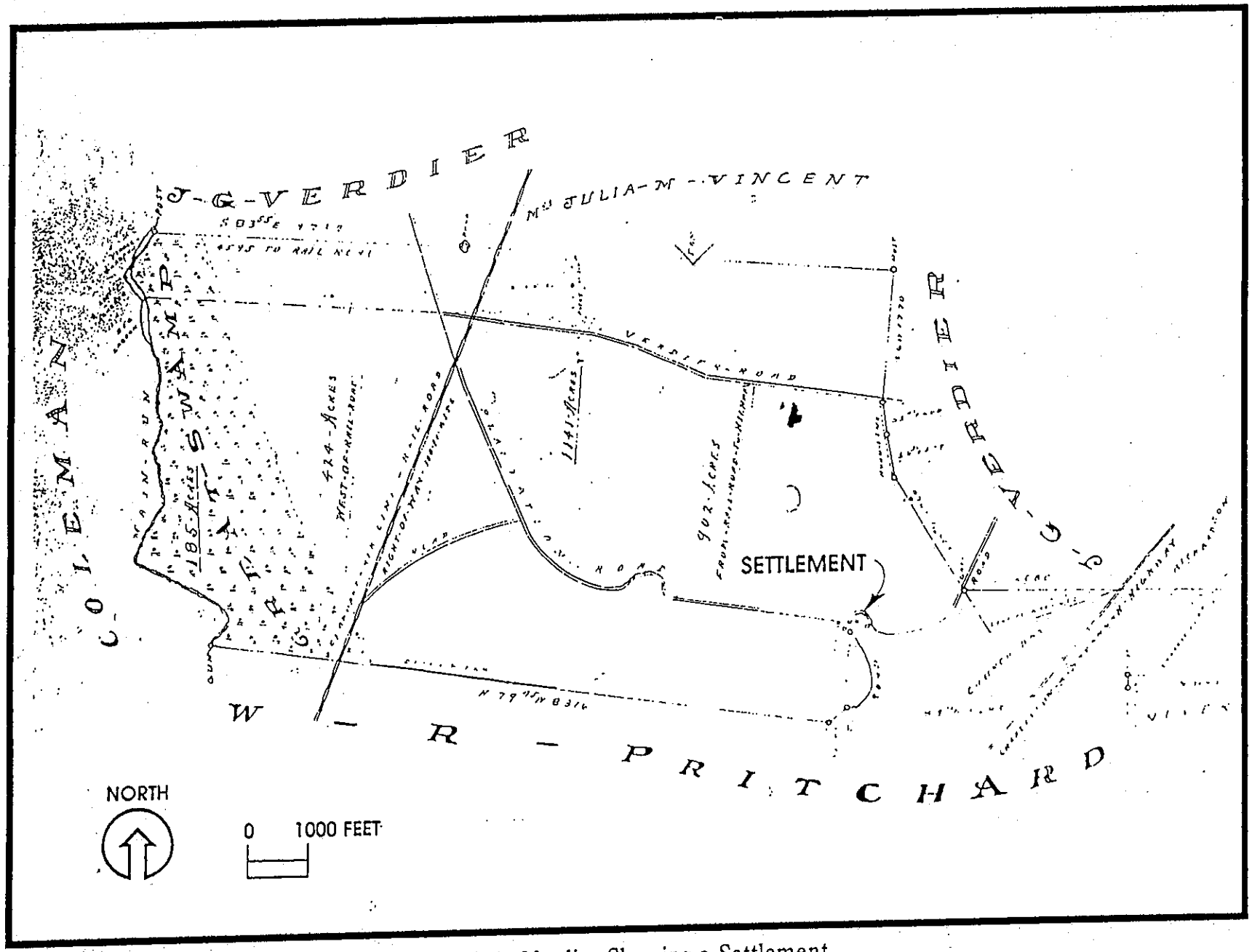


Figure 10. A Portion of a Plat Drawn for C.A. Verdier Showing a Settlement.

1,000 Acre Tract.

Date	Landowner	Reference
1847	Dr. A. G. Verdier	BCDB 35:31
?	F. H. Verdier & James G. Verdier	A. G. Verdier Estate
?	F. H. Verdier	F. H. Verdier Estate
1916	Susan Alston, et al.	F. H. Verdier Estate
1916	Julia M. Vincent (1930 ac)	BCDB 35:31
1929	Emma S. Hutson (1930 ac)	BCDB 47:591
1931	Estate of C. M. McTeer (1930 ac)	BCDB 52:274
1937	S. W. M. Haile (1000 ac)	BCDB 54:69
1943	Argent Lumber Company	BCDB 61:284
1958	Union Bag - Camp Paper Corp.	BCDB 95:6

This tract, along with an adjacent 778 acre tract is located in the east central part of the project tract. Julia M. Vincent bought 1,930 acres of Bull Hill in 1916 from the Verdier family (BCDB 35:31). When she sold it to Emma S. Hutson in 1929 it was described as the Maxwell Tract of Bull Hill (BCDB 47:591). Hutson sold the entire tract to the estate of C. M. McTeer in 1931 (BCDB 52:274). The McTeer estate then sold 1,000 acres of the tract to S. W. M. Haile in 1937 (BCDB 54:69), and 930 acres to Rosa D. Hutson (see discussion of 778 Acre Tract, below). A 1939 plat of the 1,000 acre tract (Figure 11), located just south of the Beaufort/Jasper County line, does not show any structures (BCPB 4:53). This plat does show a "canal" along the southern boundary of the tract; this canal corresponds to a wetland along the southern edge of Compartment 1. Note as well that Vincent Station is not indicated on this plat near the intersection of Vincent Road and the Seaboard Air Line Railway. Argent Lumber Company purchased the tract from Haile in 1943 (BCDB 61:184) and sold it to Union Bag - Camp Paper Corporation in 1958 (BCDB 95:6).

778 Acre Tract

Date	Landowner	Reference
1847	Dr. A. G. Verdier estate	BCDB 35:31
?	F. H. Verdier & James G. Verdier	A. G. Verdier Estate
?	F. H. Verdier	F. H. Verdier Estate
1916	Susan Alston, et al.	F. H. Verdier Estate
1916	Julia M. Vincent (1930 ac)	BCDB 35:31
1929	Emma S. Hutson (1930 ac)	BCDB 47:591
1931	Estate of C. M. McTeer (1930 ac)	BCDB 52:274
1937	Rosa D. Hutson (930 ac)	BCDB 54:78
1938	S. W. M. Haile (778 ac)	BCDB 54:184
1943	Argent Lumber Company	BCDB 61:284
1958	Union Bag - Camp Paper Corp.	BCDB 95:6

Rosa D. Hutson purchased 930 acres from the McTeer estate, and sold 778 acres to S. W. M. Haile in 1938 (BCDB 54:184). He combined it with the 1,000 Acre Tract discussed above; the 1,778 acres were subsequently sold to Argent Lumber Company and then to Union Bag - Camp Paper Corporation.

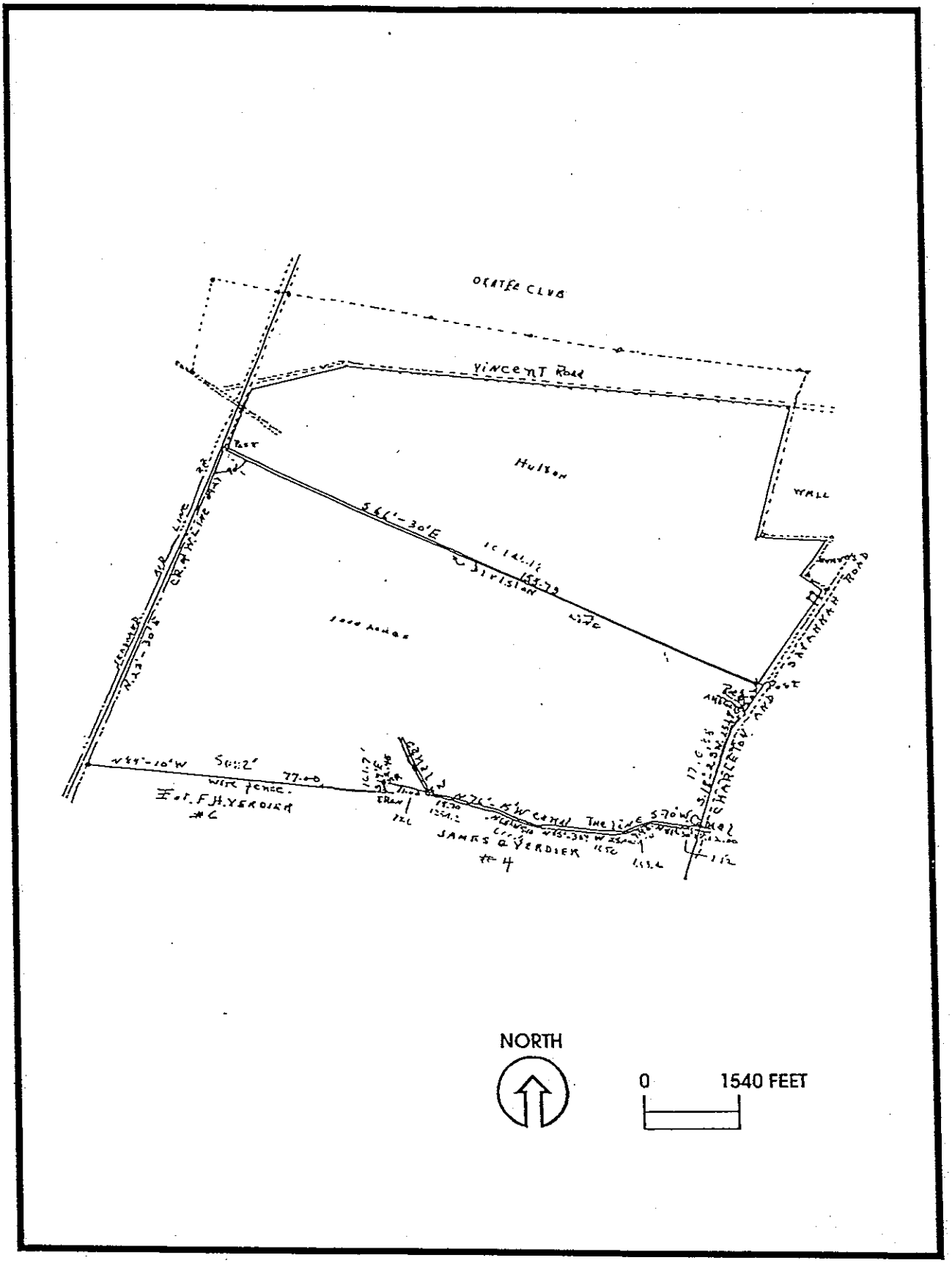


Figure 11. 1939 Plat of a 1,000 Acre Tract Showing a "Canal".

160 Acre Tract

Date	Landowner	Reference
1847	Dr. A. G. Verdier estate	BCDB 35:31
?	F. H. Verdier & James G. Verdier	A. G. Verdier Estate
?	F. H. Verdier	F. H. Verdier Estate
1916	Susan Alston, et al.	F. H. Verdier Estate
1916	Julia M. Vincent (1930 ac)	BCDB 35:31
1929	Emma S. Hutson (1930 ac)	BCDB 47:591
1931	Estate of C. M. McTeer (1930 ac)	BCDB 52:274
1937	Rosa D. Hutson (930 ac)	BCDB 54:78
1943	John M. Harmon & son (160 ac)	BCDB 59:671
1943	G. A. Woodward (160 ac)	BCDB 60:18
1953	R. B. Pamplin (160 ac)	BCDB 75:230
1958	Union Bag - Camp Paper Corp. (183 ac [prev. 160 ac] of Bull Hill)	BCDB 90:23

This tract is another part of the 930 acres Rosa D. Hutson purchased in 1937. John M. Harmon and his son bought 160 acres from Hutson in 1943 (BCDB 59:671) and sold it to G. A. Woodward the same year (BCDB 60:18). R. B. Pamplin purchased it from Woodward in 1953 (BCDB 75:230) and sold it to Union Bag - Camp Paper Corporation in 1958. It was resurveyed at that time and was found to actually be 183 acres (BCDB 90:23).

Sanders Tract

Date	Landowner	Reference
?	Wilson Ferebee (5000 ac)	BCDB 10:123
?	Edward W. Sanders (5000 ac)	BCDB 10:123
1867	Burrill Sanders (5000 ac)	BCDB 2:126
1873	Jane A. Sanders (5000 ac)	BCDB 10:123
1874	Robbins, Bodington & Co. (5150 ac)	BCDB 10:124
?	Edward Faux Bodington	BCDB 8:239
1874	Jane Sanders (350 ac)	BCDB 8:239
1888	Julia E. Sanders (20 ac)	BCDB 15:574
1921	Jessie M. Sanders (20 ac)	BCDB 38:777
1939	Edward K. Sanders (20 ac)	BCDB 56:713
?	Sanders et al. (partition of 350 ac)	Judgment Roll 2732
1921	Edward Sanders (343 ac)	BCDB 37:510
1936	Jessie M., Robert W., & Edward K. Sanders (343 ac)	Estate of Edward Sanders
1942	Robert W. Sanders & Edward K. Sanders (343 ac)	Estate of Jessie M. Sanders

?	Estates of Jessie M. & Edward Sanders	BCDB 64:642
1946	Edward K. Sanders (209 ac)	BCDB 64:642
1947	Argent Lumber Company (225 ac from Edward K. Sanders)	BCDB 60:416
1958	Union Bag - Camp Paper Corp.	BCDB 95:6

Wilson Ferebee is the earliest known owner of record of this tract; he may have purchased it from John or William Guerard. It was known as the Guerard Tract in 1867, and consisted of 5,000 acres (BCDB 2:126). Ferebee willed the tract to Edward Sanders.

Edward W. Sanders conveyed the 5,000 acre tract to Burrill Sanders in 1867 (BCDB 10:123). Burrill Sanders was declared a bankrupt in 1871, and the tract was purchased by Jane A. Sanders at a public sale (BCDB 10:123). Her relationship to Burrill Sanders is not known. Jane A. Sanders sold the land to Robbins, Bodington & Company in 1874. It had been resurveyed, and proved to actually contain 5,150 acres. It was still known as the Guerard Tract at that time. Robbins, Bodington and Company was owned by Edward Faux Bodington, Richard Robbins, and John Powers, all of whom lived in England (BCDB 10:124). Jane A. Sanders sold 20 acres to Julia E. Sanders in 1888 (BCDB 15:574).

Jane A. Sanders bought back 350 acres of the tract from Edward Faux Bodington in 1874 (BCDB 8:239). That 350 acres was partitioned sometime before 1922, apparently after her death. Edward Sanders bought 343 acres of that land in 1921 (BCDB 37:510). That same year, Jessie M. Sanders bought the 20 acres from Julia E. Sanders (BCDB 38:777). In 1936, after the death of Edward Sanders, the tract was owned by Jessie, Robert W., and Edward K. Sanders. After the death of Jessie M. Sanders, Robert and Edward K. Sanders were the owners. By 1946, Edward K. Sanders was the sole owner. He sold the tract (225 acres) to Argent Lumber Company in 1947 (BCDB 60:416). It was included in a conveyance from Argent to Union Bag - Camp Paper in 1958 (BCDB 95:6).

The Sanders family owned the land, located in the northeastern part of the project tract, for many years. A plat of their holdings "Summerland Plantation" was drawn in 1943 (BCPB 6:15). This plat shows a tenant house on the project tract; all other structures shown on the plat are outside the survey tract boundaries. Figure 12 shows the location of the tenant house. Note also the presence of "Ye Old English Canal" just north of the tenant house in Compartment 5 and extending into Compartment 4. This canal is visible on modern aerial photographs of the project tract and was encountered in the field. When Edward K. Sanders conveyed part of that land to Argent Lumber Company in 1947 a plat was drawn to accompany that deed; the tenant house is shown on the plat (BCPB 6:69). The tract shown on that plat consists of all of the property of the survey tract which is east of US 278/SC 170; it measured 225.17 acres.

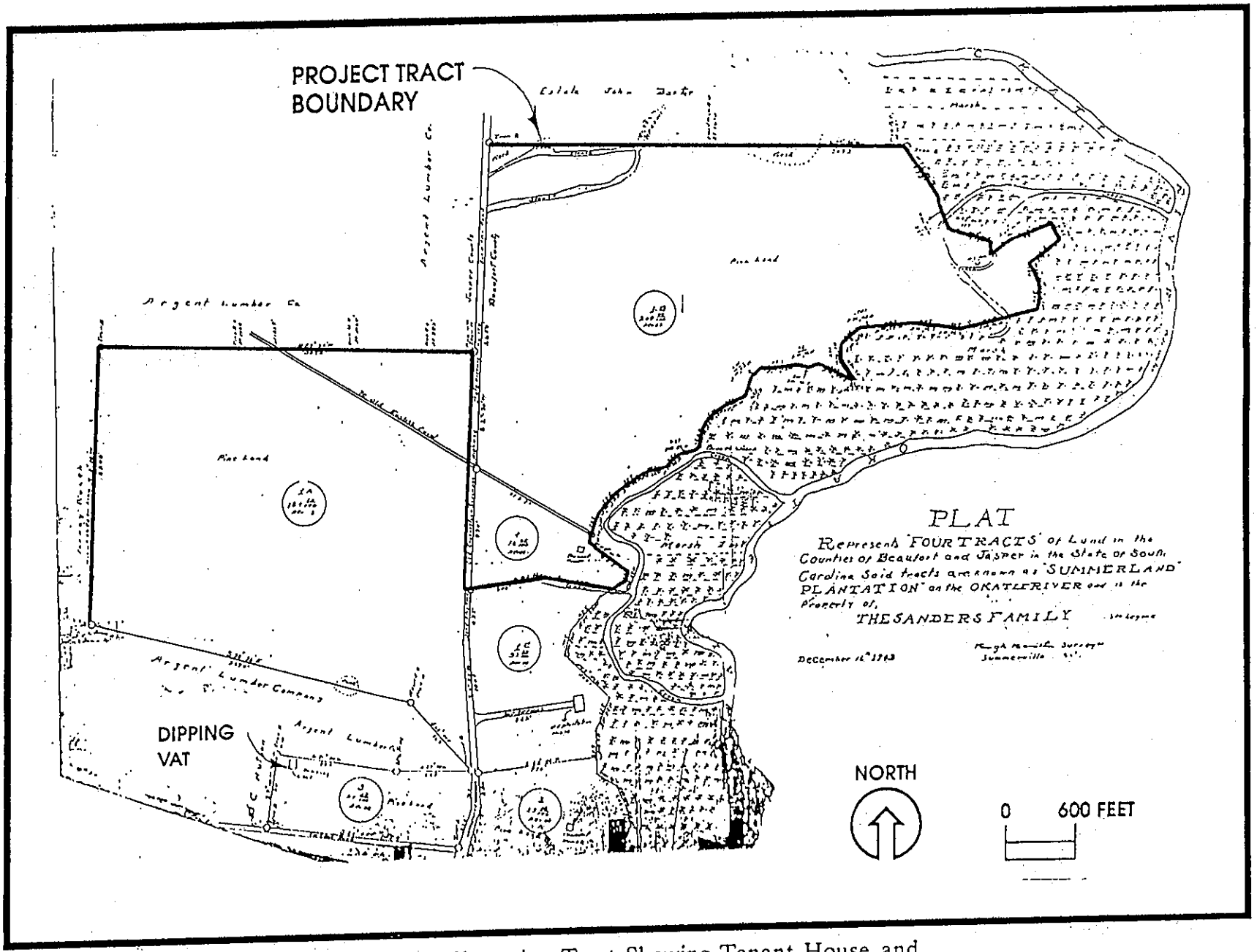


Figure 12. A 1943 Plat of Summerland Plantation Tract Showing Tenant House and Canal.

Okeetee Club Tract

Date	Landowner	Reference
?	John K. Garnett	BCDB 19:478
1894	Okeetee Club (53,160 ac)	BCDB 19:478
1923	Argent Lumber Company (13,102 ac)	JCDB 6:160
1958	Union Bag - Camp Paper Corp.	JCDB 41:52; BCDB 95:6

John K. Garnett is the earliest owner of record of this tract found during research for this project. Garnett sold 53,160 acres of land in Beaufort County (which included Jasper County in 1894) to the Okeetee Club (BCDB 19:478). The Okeetee Club sold 13,102 acres, entirely within Jasper County, to Argent Lumber Company in 1923 (JCDB 6:160). A plat of the property (JCPB 6:14) shows that the southeastern part of this property included the north central part of the project tract. This land was included in Union Bag - Camp Paper Corporation's purchase of 37,766.12 acres of land from Argent in 1958 (JCDB 41:52; BCDB 95:6).

Abandoned Railroad right-of-way

Date	Landowner	Reference
1894	Okeetee Club (from Garnett)	BCDB 19:478
1915	Seaboard Air Line Railway Co.	JCDB 1:27
1915	W. R. Bonsal (from Verdier fam.)	BCDB 32:539; 35:386
1917	Seaboard Air Line Railway Co.	BCDB 35:395
1923	Seaboard Air Line Railway Co.	BCDB 42:157
1967	Seaboard Coast Line Railroad Co.	Merger
1980	Union Camp Corp.	BCDB 303:116; JCDB 81:1687

Most of the land included in the Seaboard Air Line Railway Co. right-of-way came from Verdier's Bull Hill Plantation. W. R. Bonsal owned that part of the project tract in 1915. The railroad purchased part of a right-of-way in 1917 and another section in 1923 (BCDB 35:395; 41:157). The remainder was owned by John K. Garnett, who sold 53,160 acres in Hampton and Beaufort Counties to the Okeetee Club in 1894. The railroad bought a right-of-way through it in 1915. Union Camp Corporation purchased the abandoned right-of-way in 1980. It consisted of 52.5 acres in Jasper County and 22.12 acres in Beaufort County (JCDB 81:1687; BCDB 303:116). The railroad appears to have been built between 1915 and 1923. The earliest plat identified for the project tract showing the railroad right-of-way in place was prepared in 1921 (Figure 10). The function of this railroad is unknown. It extended southward from an eastern spur to Beaufort of the Charleston-Savannah rail line (owned by the Atlantic Coastline Railroad) to the Savannah River. Presumably, it served various plantations and timber companies in the area. A 1942 plat of the northwestern portion of the tract (BCTPB 6:9) shows both of these lines plus "Vincent Station" in the northwest corner of Compartment 2 (Figure 13). Note that this station is not shown on a 1939 plat of this portion of the project tract (Figure 11). This "station" probably represented a stop where produce could be loaded onto the train for transport to

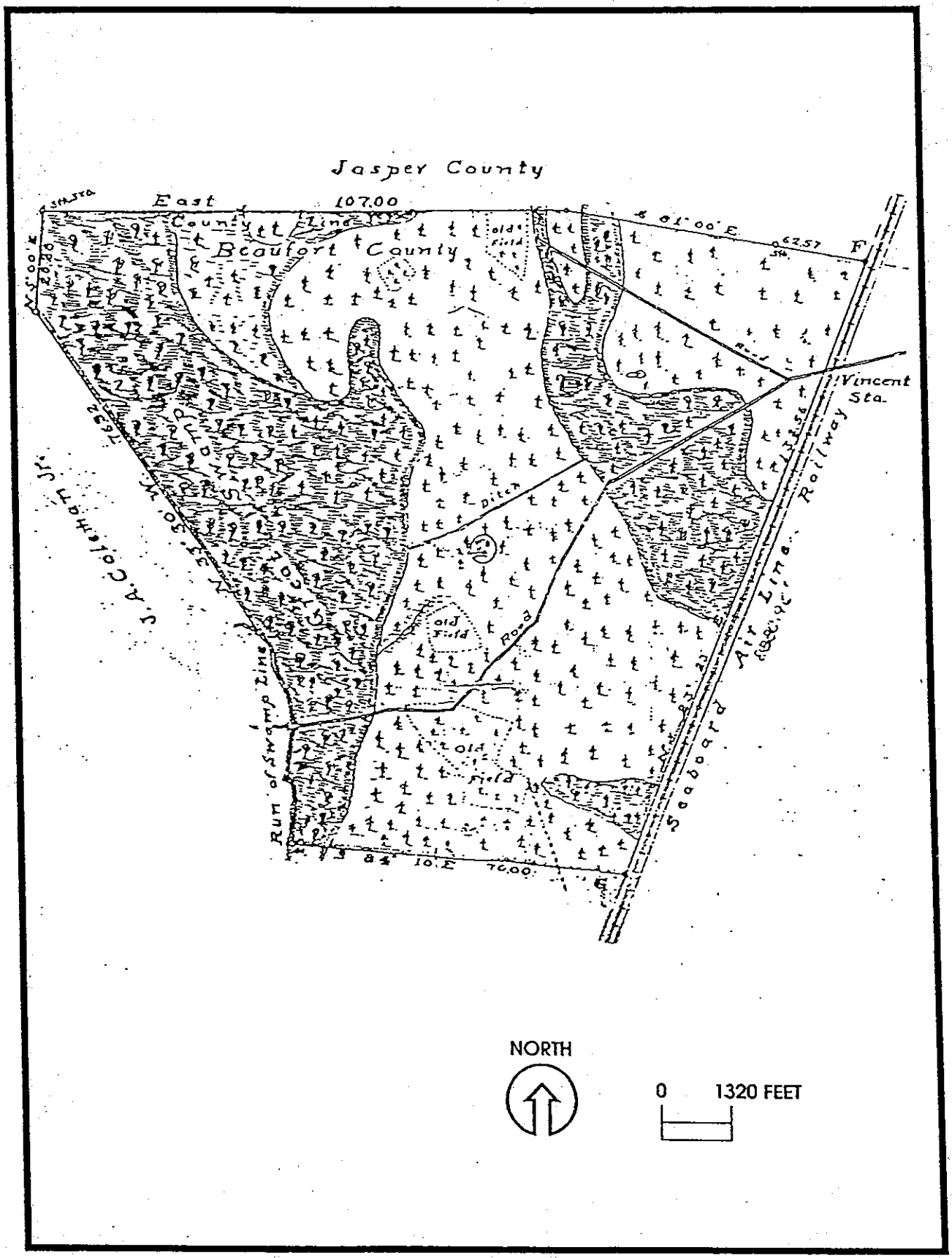


Figure 13. A 1942 Plat of the Northwestern Portion of the Project Tract Showing Railway Lines and Vincent Station.

market. This produce probably represented cattle from the project tract since the Argent Lumber Company Lands acquired by Union - Camp in the 1950s was in pasturage at that time (Steve Brown - Union Camp Forester, personal communication, July 1993. This land use may have been going on for some time prior to the 1950s. The 1943 plat of "Summerland Plantation" (Figure 12) shows "dipping vats" on Argent Lumber Company property in an outparcel of the present Argent project tract.

PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS

Seven archaeological sites have been previously identified in the vicinity of the Argent Tract (Figure 1). The Archaeological Re-Survey of the U.S. 17/278 Connector, Jasper and Beaufort Counties, by the Department of Highways and Public Transportation located two sites (38BU809 and 38BU810). Four sites were located during the Archaeological Survey and Testing at the Graves Tract Beaufort County, South Carolina, by Brockington and Associates (38BU1266, 38BU1267, 38BU1268, and 38BU1269). Site 38BU1131 was recorded as part of a regional survey of Beaufort County, South Carolina (Low Country Council of Governments 1979). A brief description of each site follows.

38BU809 is an early Twentieth Century trash dump that is still in use today. The site was recommended as not eligible for the NRHP.

38BU810 is a prehistoric Early Woodland shell midden and an early twentieth century house site. The site was recommended as not eligible for the NRHP.

38BU1266 is a historic and prehistoric scatter. The primary artifact assemblage represents a late nineteenth-early twentieth century occupation. The site was recommended as not eligible for the NRHP.

38BU1267 is a light scatter of prehistoric artifacts. It may have been a temporary habitation site during the Woodland period. It is was recommended as not eligible for the NRHP.

38BU1268 is a light prehistoric ceramic and lithic scatter, and a dense mid-eighteenth century historic scatter. The site was recommended as eligible for the NRHP.

38BU1269 is a small historic artifact and prehistoric ceramic scatter. It was recommended as not eligible for the NRHP.

38BU1131 is a historic building, St Lukes Church. It is listed as eligible for the NRHP.

CHAPTER III

METHODS OF INVESTIGATIONS

ARCHIVAL RESEARCH

Information concerning past land use and land ownership was collected for the project tract prior to the commencement of field work. This research involved the review of deed records in the Beaufort, Jasper, and Charleston County Register of Mesne Conveyance, similar records at South Carolina Department of Archives and History, and historic maps at the South Carolina Department of Archives and History, the University of South Carolina's South Caroliniana Library, and the South Carolina Historical Society. The results of this research formed the basis for the identification of potential historic site locations within the tract.

Information concerning the distribution of known archaeological sites near the project tract was collected from the site files of the South Carolina Institute of Archaeology and Anthropology (SCIAA). These data were employed to assist in the definition of where prehistoric sites were likely to exist in the project tract. In addition, reports of previous cultural resource management projects and archaeological research projects in the region were reviewed.

FIELD TECHNIQUES

The 5,000 acre Argent tract was divided into nine compartments (numbered 1-9) to facilitate the organization of proposed development activities. The tract was further divided into high and low probability areas. High probability areas were defined as areas within 150 -200 m of a water source with a relief of 5-10 ft over the water source. Figures 14-23 show each compartment with high and low probability areas, clear cut and wooded areas, and delineated wetlands.

Field investigations in the Argent Tract effectively occurred in three phases. Initially, all clear cut areas were examined. The wooded areas were examined after the completion of the survey of the clear cuts. Once all of these areas had been examined, all positive surface finds and shovel tests were further tested. Specific approaches to survey during each of these phases is outlined below.

All clear cut areas were examined through the pedestrian traverse of transects spaced at 30 m intervals. Transects were generally oriented north/south or east/west. In some areas, transects were oriented perpendicular to particular natural or cultural features that

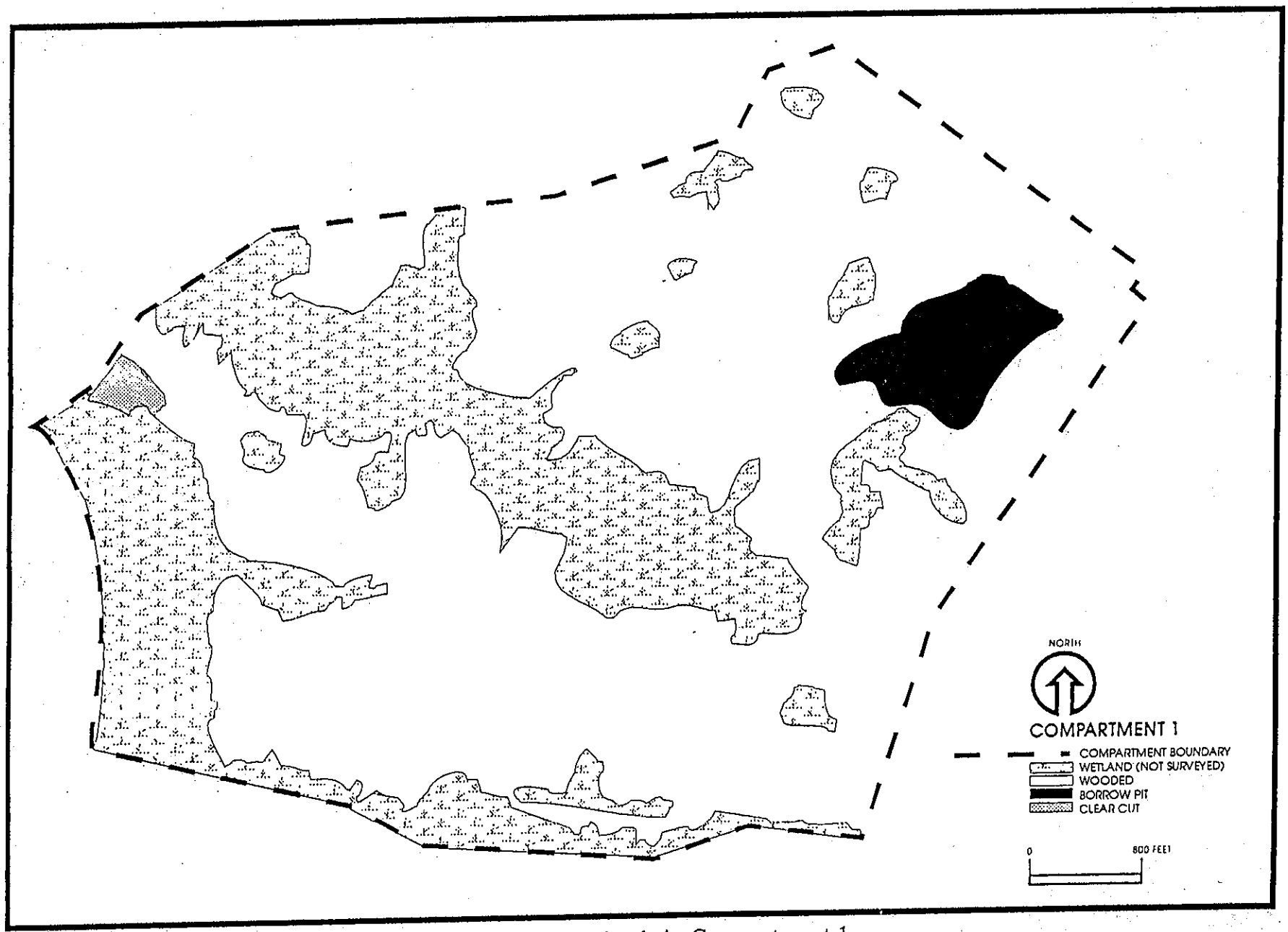


Figure 14. High Probability Areas, Clear Cuts, and Wetlands in Compartment 1.

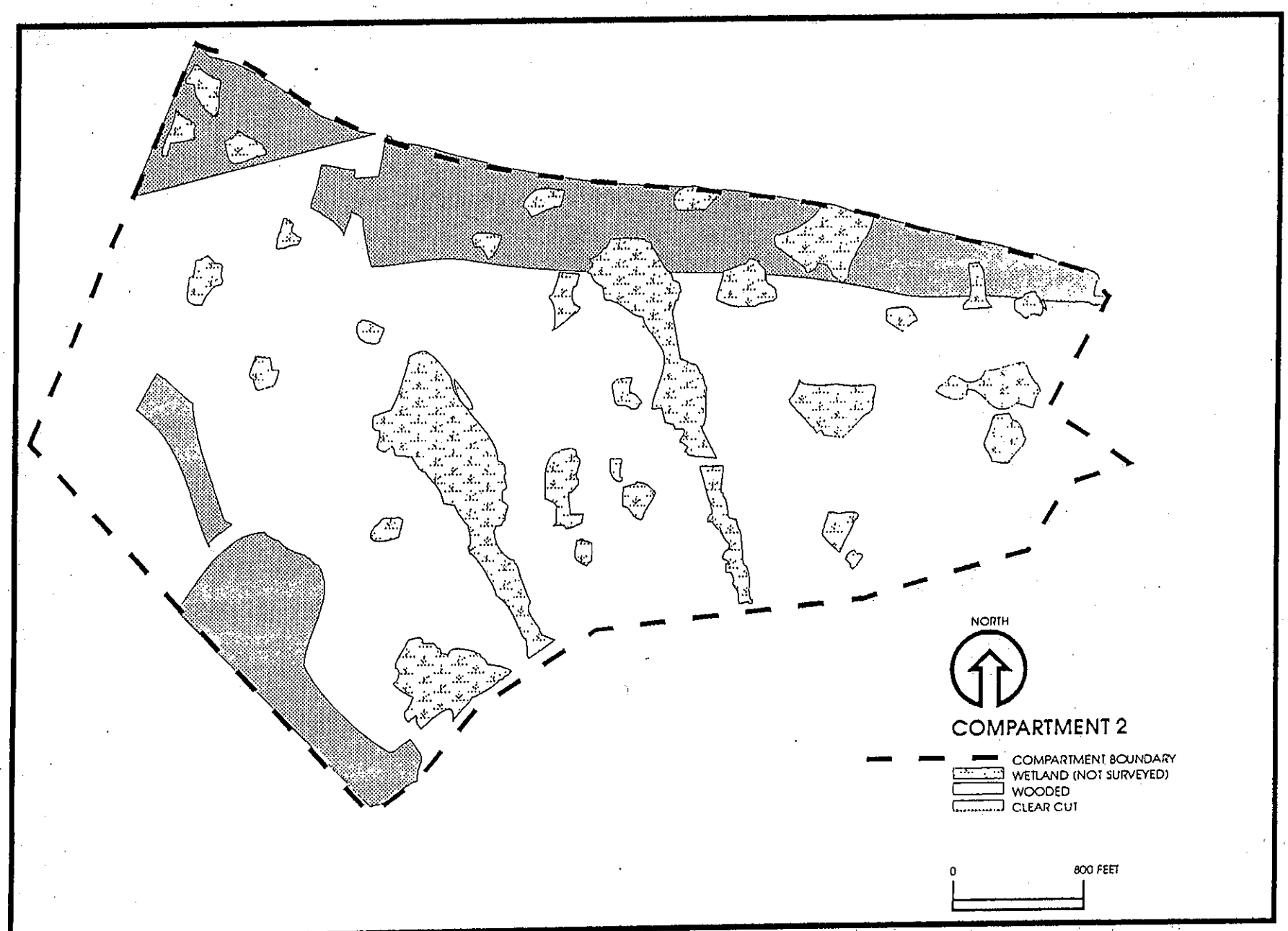


Figure 15. High Probability Areas, Clear Cuts, and Wetlands in Compartment 2.

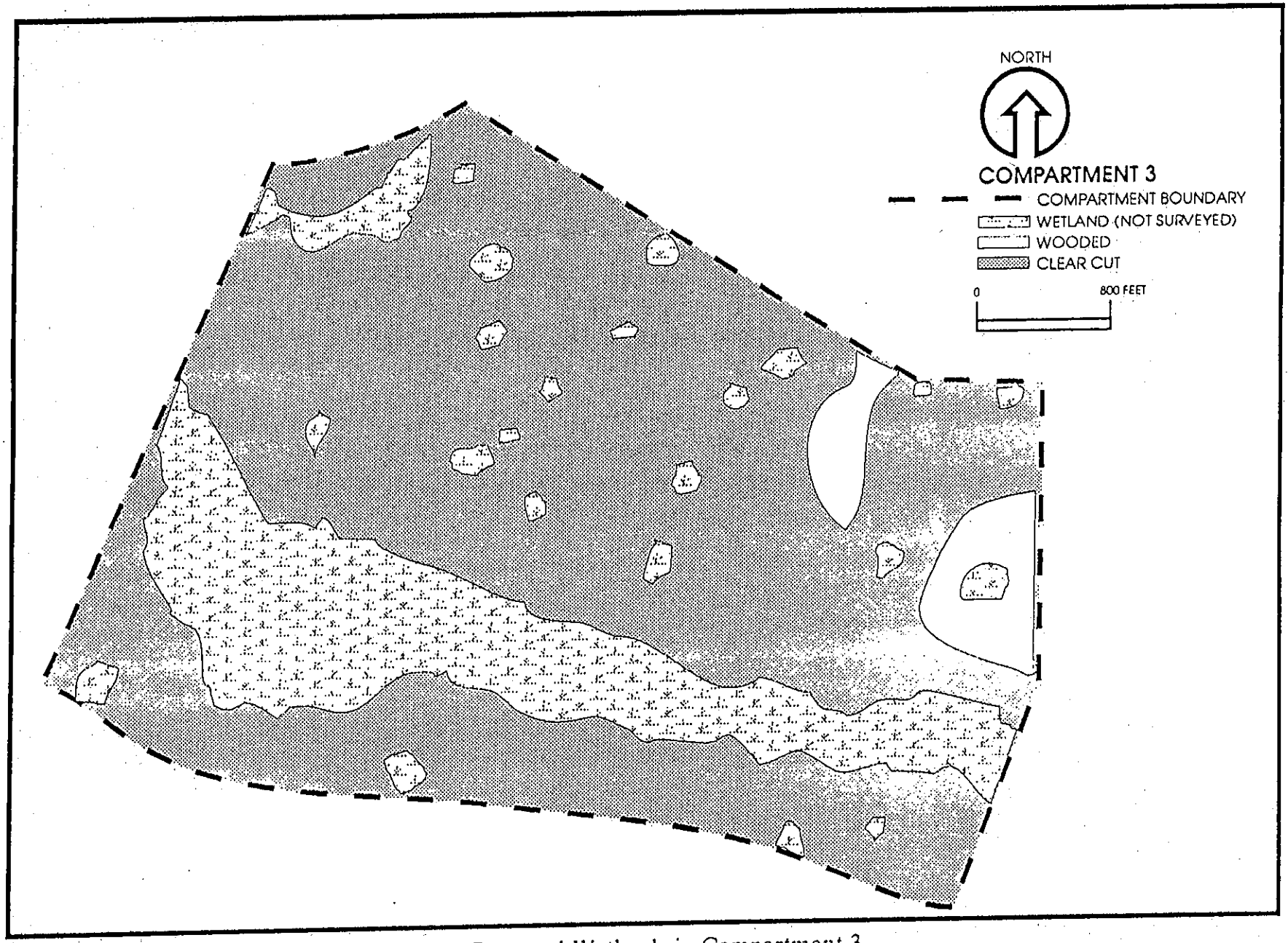


Figure 16. High Probability Areas, Clear Cuts, and Wetlands in Compartment 3.

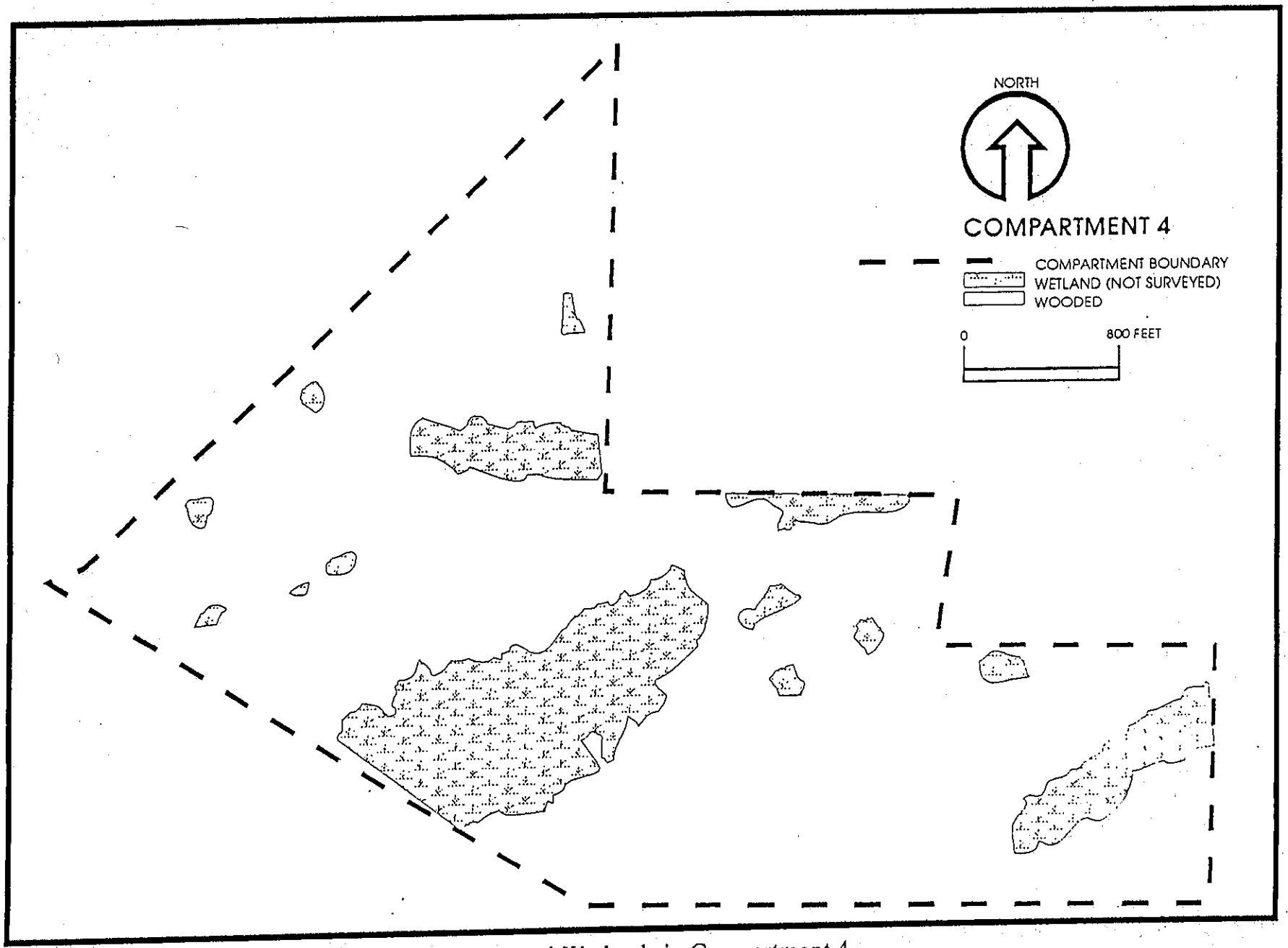


Figure 17. High Probability Areas, Clear Cuts, and Wetlands in Compartment 4.

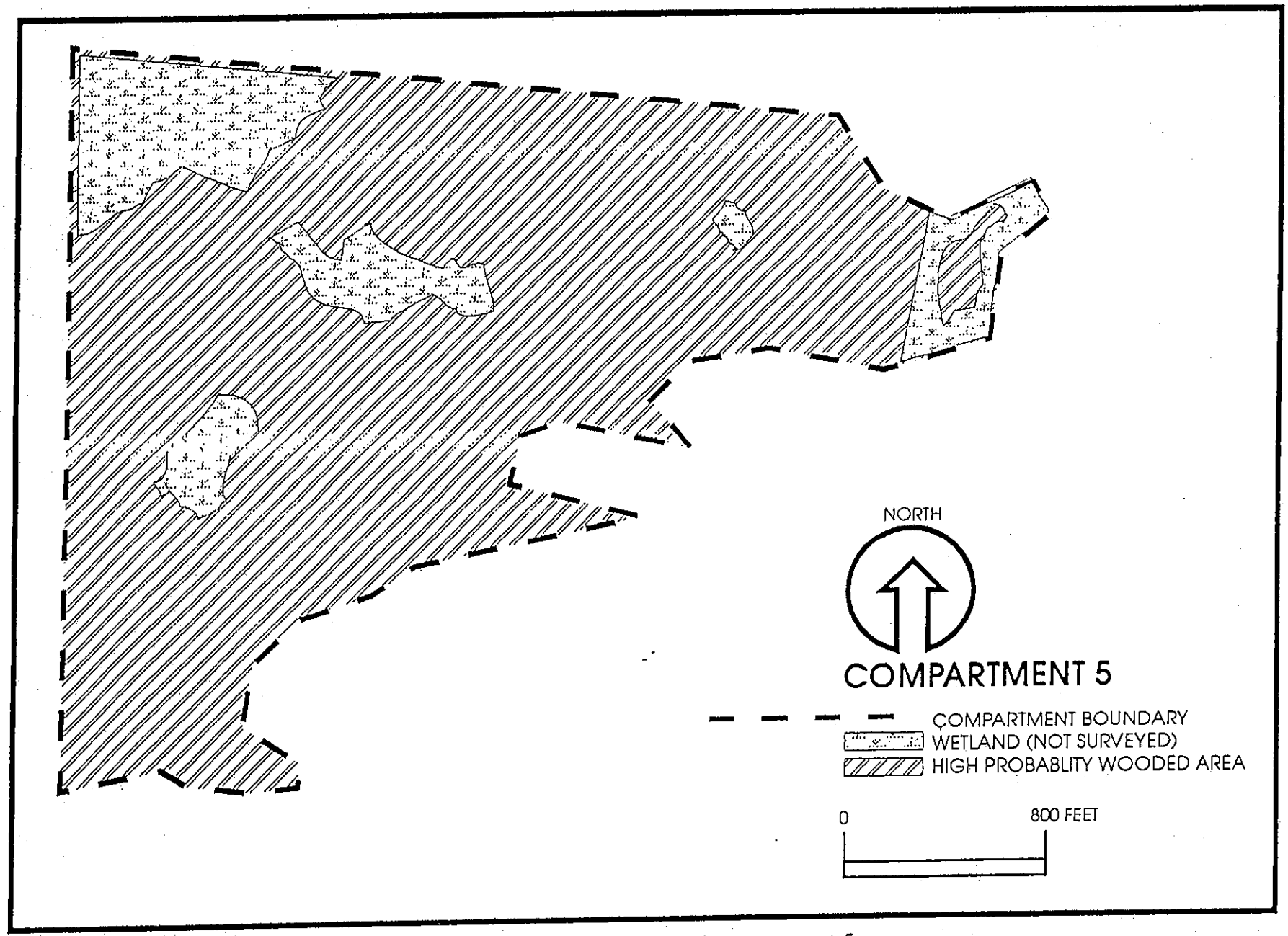


Figure 18. High Probability Areas, Clear Cuts, and Weltands in Compartment 5.

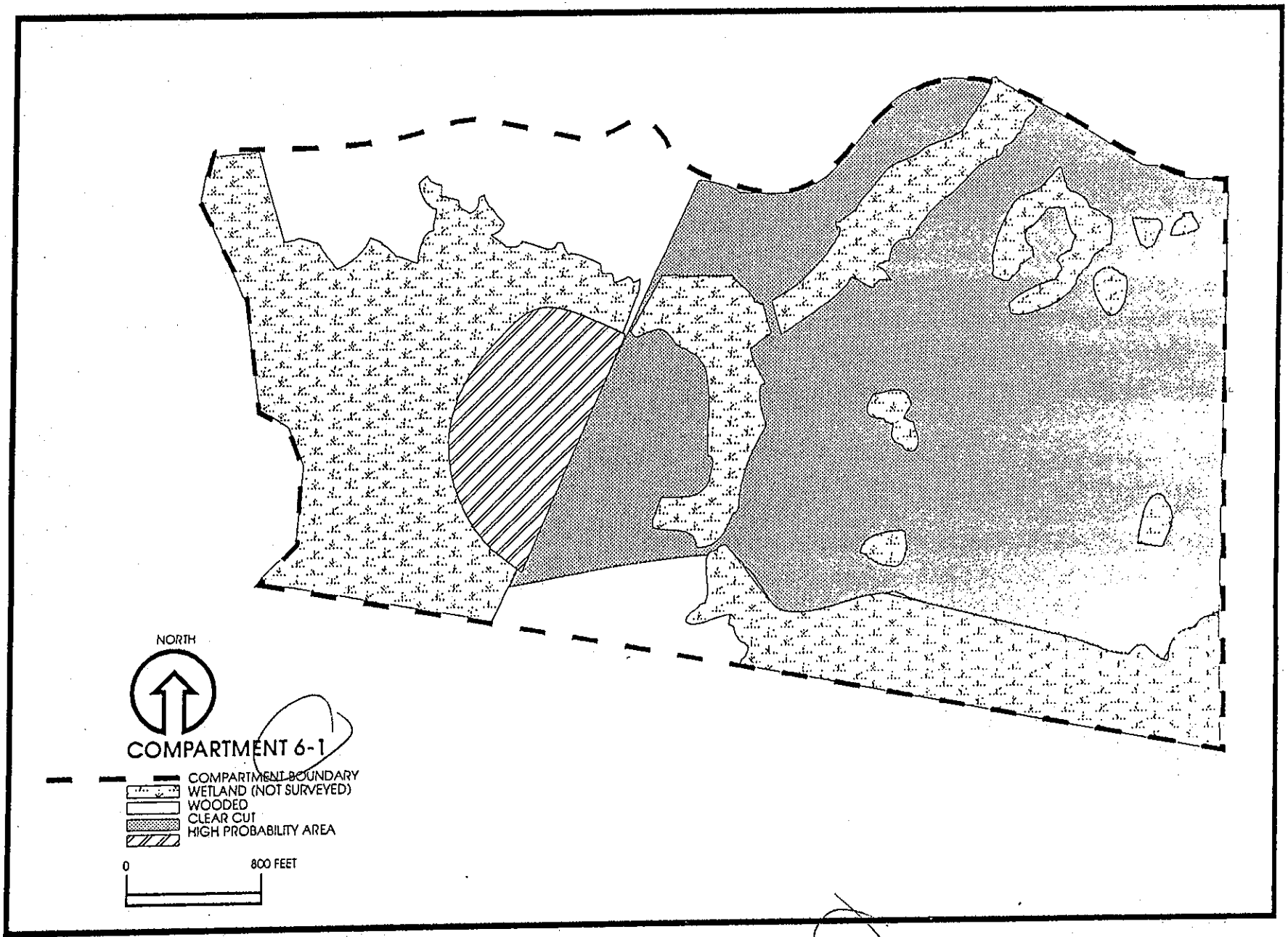


Figure 19. High Probability Areas, Clear Cuts, and Wetlands in Compartment 6a.

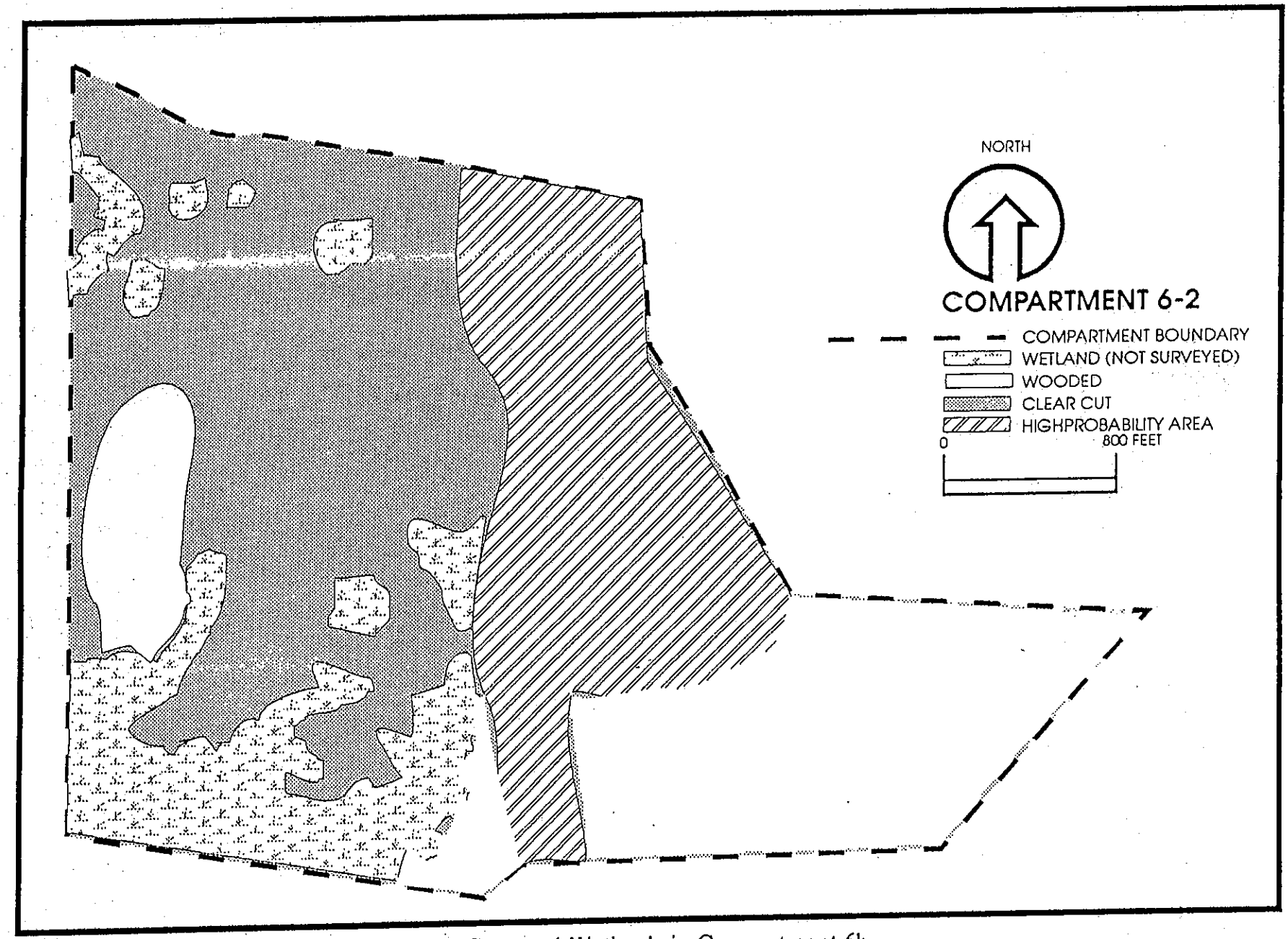


Figure 20. High Probability Areas, Clear Cuts, and Wetlands in Compartment 6b.

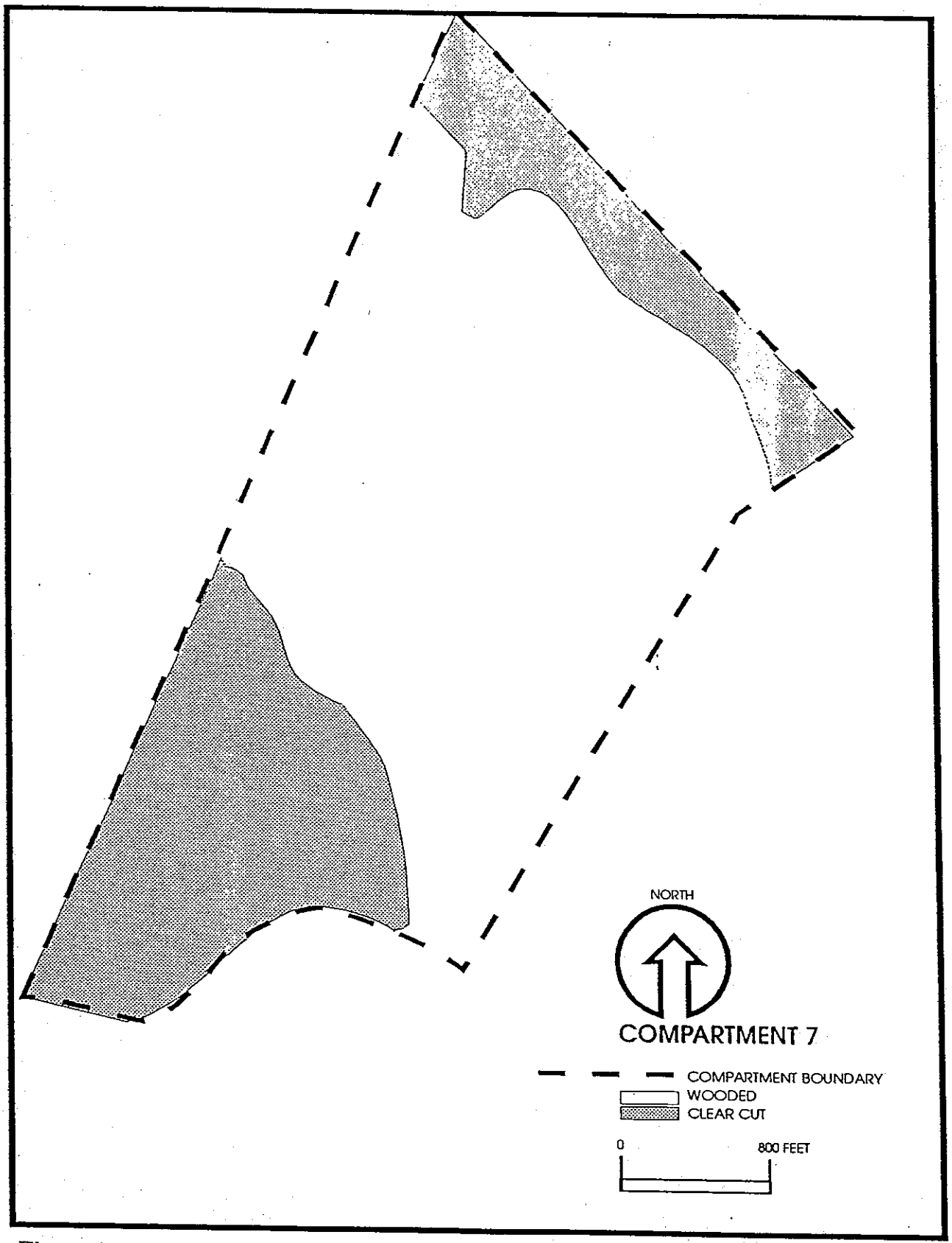


Figure 21. High Probability Areas, Clear Cuts, and Wetlands in Compartment 7.

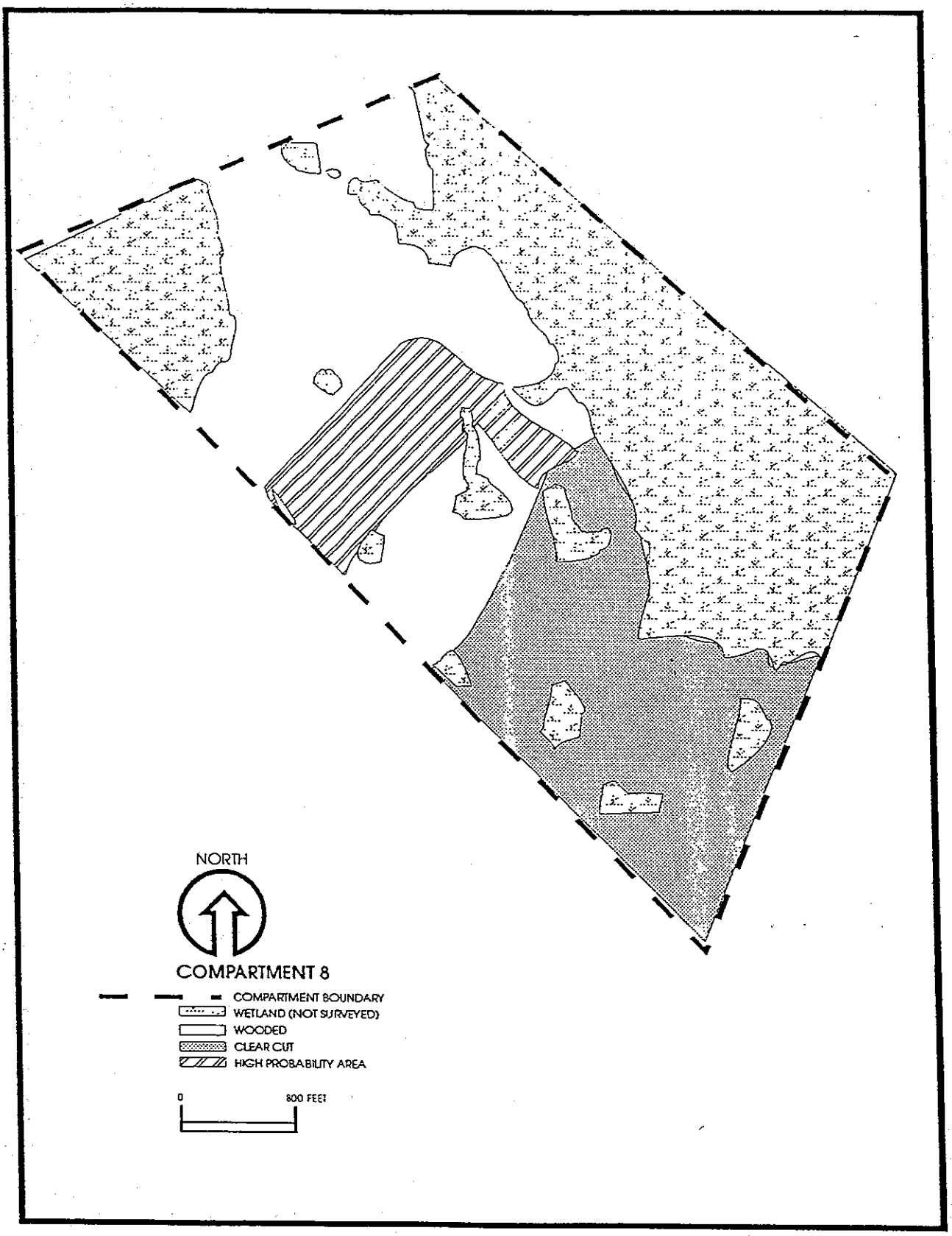


Figure 22. High Probability Areas, Clear Cuts, and Wetlands in Compartment 8.

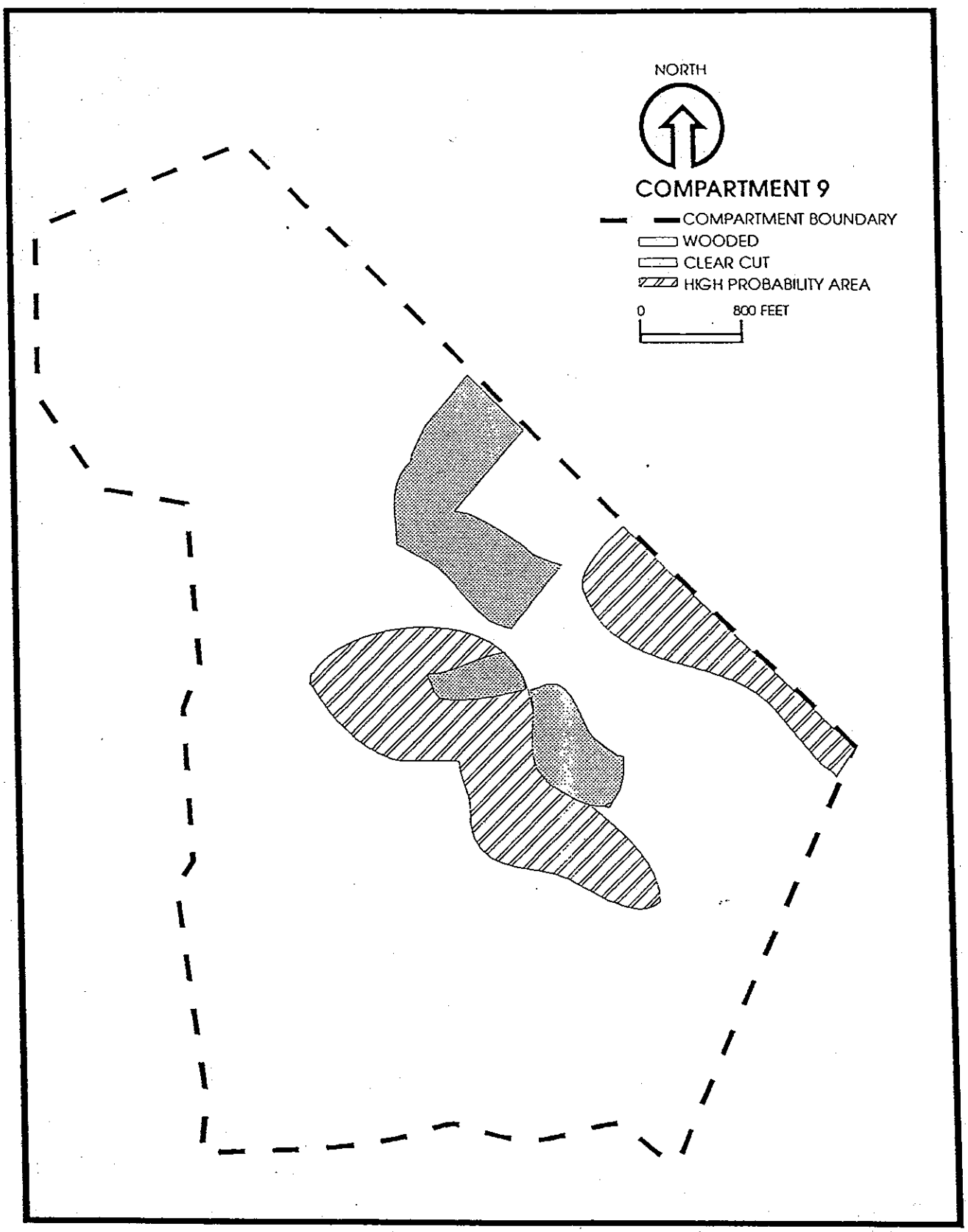


Figure 23. High Probability Areas, Clear Cuts, and Wetlands in Compartment 9.

formed a boundary to the sample quadrat, or followed existing plowed furrows. All surface exposures along these transects were inspected for cultural artifacts. Particular soil types or settings that contained artifacts were noted for specific attention if similar areas were encountered in the wooded portions of the tract.

Wooded high probability areas were also examined through the pedestrian traverse of transects spaced at 30 m intervals. All transects were numbered sequentially within each area. Transects were oriented using the same method as those in the clear cut areas. Small (30 cm by 30 cm) shovel tests were excavated at 30 m intervals along each transect.

The remainder of the tract, containing wooded low probability areas, was examined through the pedestrian traverse of transects spaced at 30 m intervals. Transects were oriented and numbered in the same manner as described above. All surface exposures along these transects were inspected for cultural artifacts. Small (30 cm by 30 cm) shovel tests were excavated at a minimum of 150 m intervals along each transect. In addition, shovel tests were excavated in areas that appeared similar to settings that produced artifacts in the clear cut portions of the project tract. These areas consisted of light colored sandy soils adjacent to small interior wetlands or bays. These areas were easily identified in the wooded areas due to the presence of deciduous understories within the planted pine forests. Transects were oriented east/west or north/south and numbered sequentially as initiated.

All fill excavated from the shovel tests was sifted through 6.35 mm mesh hardware cloth. Information concerning the nature of the fill and cultural deposits within each test were recorded. Artifacts recovered were labeled according to project number, quadrat number, transect number, and shovel test number as appropriate. All positive shovel tests (those yielding cultural materials) were marked with surveyor's flagging tape.

Positive shovel tests or surface finds of cultural material were considered to indicate possible archaeological site locations. All positive locations were examined more intensively through the excavation of additional small shovel tests at 15 m intervals in cardinal directions from the original shovel test unit/surface find. Locales that contained two or more artifacts from the same general time period at or near the point of original deposition were defined as archaeological sites. The intensive investigations allowed each site to be determined eligible, not eligible, or potentially eligible for the NRHP.

Once identified, each locality of cultural materials was numbered in a consecutive manner to permit the efficient recording of recovered artifacts and other information relevant to that particular locale. The locations of sites/localities were plotted on U.S.G.S. 7.5 minute quadrangles of the project area in the field during survey. Sketch maps were prepared for each locale of cultural materials encountered. Each site/locality was photographed in black and white. SCIAA site forms were completed for all locales defined as archaeological sites and submitted to the SCIAA for the assignment of permanent site numbers.

LABORATORY ANALYSIS

All remains recovered during the survey were cleaned and stored as appropriate for their medium of manufacture. Internal site proveniences were assigned for each location within a site where cultural remains are recovered (e.g., shovel test, surface scatter, etc.). All remains within each provenience were classified using references provided in Table 4. Each class or type of remains within each provenience was assigned a separate catalog number within that provenience. Each catalog "unit" was placed in a separate plastic storage container and labeled as to site, provenience, and catalog number. All of the separate containers associated with each provenience were placed in an appropriately labeled larger plastic container; each provenience container was placed in a single large plastic storage container and appropriately labeled for permanent curation. All remains will be shipped to the SCIAA, or a facility approved by the SHPO for permanent curation upon the review and acceptance of the Final Report.

Table 4. References Employed for Artifact Identification and Analyses.

MATERIAL CLASS	SOURCE(S)
HISTORIC ARTIFACTS	
Bottles	Askey (1981) Baldwin (1973) Colcleaser (1965) Fike (1987) Huggins (1971) Jones and Sullivan (1985) McKearin and McKearin (1948) McKearin and Wilson (1978) Munsey (1970) Parks and Pasvantis (1978) Spillman (1982, 1983) Switzer (1974) Toulouse (1972) Wilson (1981)
Ceramics	Barker and Halfpenny (1990) Brown (1982) Burrison (1983) Carlson (1983) Copeland (1982) Cushion (1972) Deagan (1987) DeBolt (1988) Gates and Ormerod (1982) Godden (1964) Goggin (1968) Ketchum (1983) Kovel and Kovel (1953, 1986) Kybalova (1989) Lister and Lister (1982) Miller (1980) Noel Hume (1970) Price (1979) Sempill (1947) South (1977) Wetherbee (1985) Worthy (1982)
Colonoware	Anthony (1986) Garrow and Wheaton (1989) Ferguson (1985, 1989, 1992) Poplin and Scardaville (1991)
Tobacco Pipes	Davey (1983) Sudbury (1986)

Table 4.Continued.

MATERIAL CLASS	SOURCE(S)
PREHISTORIC ARTIFACTS	
Ceramics	Anderson et al. (1982) Blanton et al. (1986) Coe (1964) Espenshade and Brockington (1989) South (1976) Trinkley (1980, 1981a, 1981b, 1981c, 1989, 1990) Williams & Shapiro (1990)
Lithic Debitage	Poplin (1990)
Projectile Points	Anderson et al. (1982) Cambron and Hulse (1975) Coe (1964) Justice (1987) MacCord and Hranicky (1979) Powell (1990)

NOTE: Sources represent the typologies most commonly applied.

DETERMINING NRHP ELIGIBILITY

All cultural resources encountered in the Argent Tract were assessed as to their significance based on the criteria of the National Register of Historic Places [NRHP] as per 36 CFR 60.4). In order for a cultural resource to be defined as significant (i.e., eligible for nomination to the NRHP), it must meet one of the following criteria:

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

B. *The resource is associated with the lives of persons significant in the past.*

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

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

There have never been, nor will there ever be, a set of attributes which represent eligible or ineligible sites. Instead, through the years, sites have been evaluated for their "potential to contribute," their "significance'" or (most recently) their ability to add to our "theoretical and substantive knowledge." Regardless of the exact terminology or citation, there is a consensus among cultural resource managers that each site must be individually evaluated relative to similar site types of the region, and with full awareness of the research needs of the region.

There has been much discussion on the applicability of various approaches in determining research potential (Butler 1987). At Brockington and Associates, the attributes first defined by Glassow (1977) are applied, but not in the manner proscribed by Glassow. The overall management scheme proposed by Glassow is not seen as tenable, and is furthermore best applied to broad, regional survey. However, the attributes defined by Glassow (clarity, integrity, artifact frequency, and artifact density) are useful in linking a site's condition to its ability to address regionally relevant research questions. Clarity refers to the ability or inability to relate specific strata or features to a specific component. Research questions of intrasite settlement, subsistence, refuse disposal, and patterns of material culture require that an assemblage and its features can be isolated. Integrity refers to both the degree of organic preservation and the degree of disturbance. Issues of zooarchaeology and ethnobotany cannot be meaningfully addressed if organic integrity is poor, and assemblage-based analyses are weakened if stratigraphic integrity is poor. Artifact

frequency and diversity both determine the feasibility of various material culture studies. For example, a collection of 20 small Native American sherds is not well suited for a detailed ceramic technology study.

The challenge of properly determining eligibility is to link the site attributes to its potential to contribute to meaningful and relevant research. Given a well documented site (i.e., its clarity, integrity, artifact frequency, and artifact density are clearly delineated), and given a regional research context, it is relatively straightforward to determine a sites potential to make a meaningful contribution. Butler's (1987) approach to demonstrating eligibility or ineligibility is most readily pursued when a state or regional management context/plan has been developed. Unfortunately, South Carolina has not completed their state archaeological contexts. Archaeological contexts have been created for the Woodland Period (Trinkley 1990) and the Paleoindian and Early Archaic Periods (Anderson et al. 1992). These contexts are augmented by syntheses that have been prepared for the Department of Energy's Savannah River Site (Sassaman et al. 1990) and the Francis Marion National Forest (Anderson and Logan 1981). By examining the various syntheses and contexts for the region, a series of research realms was developed to assist in linking site attributes to the ability to contribute to meaningful regional research.

Each discovered site was evaluated for its potential to address the research realms presented in Table 5. A site will not have to hold the potential to address all or most of the research realms to be recommended eligible. The use of the research realm table is best suited to demonstrating ineligibility; arguments for eligibility will require more extensive discussions demonstrating exactly how the potential of the site can be operationalized.

It is emphasized that a site's potential must be evaluated relative to other sites of similar temporal and functional identity; it is not reasonable to compare a small scatter of Paleoindian lithic tools and debitage with an artifact rich Middle Archaic workshop for their potential to address questions of lithic technology. Likewise, a Mississippian isolated farmstead will have lower artifact frequency and density than a Mississippian village, yet both may be eligible for the NRHP, and cross-functional comparisons should not be made during the recommendation process.

Lastly, a site must be evaluated for its potential to contribute beyond the level of the already completed research. While almost all sites have some potential to contribute to our knowledge of prehistoric, Contact Period, or historic settlement and land use, such potential is often fully achieved at the survey or testing level, and further research would add little meaningful information.

Table 5. Research Realms as NRHP Eligibility Guides.

Research Realms - Native American Sites	Research Realms - Historic Sites
Plant diet	Plant diet
Faunal diet	Faunal diet
Faunal/Floral seasonality	Husbandry/subsistence/economy
Intrasite settlement	Intrasite settlement
Structure form and proxemics	Structure form and proxemics
Activity areas	Activity areas
Burial ritual	Burial ritual
Osteological characterization	Osteological characterization
Ethnic relationships	Ethnic relationships
General health	General health
Osteological diet study	Osteological diet study
Use of Euro-american goods*	Ceramic assemblage
	Vessel form analysis
Ceramic technology	Class, Status, and Ethnic Indicators
Intrasite stylistic variation	Assemblage variation/site function
Vessel form analysis	Feature analysis/site function
Lithic reduction patterns	Extraction technology (mineral/timber/ clay)
Lithic raw material patterns	Production technology (pottery/brick/gold/ lumber/leather)
Culture history sequence	Water-powered processing technology
Ceramic typology/chronology	Worker's lifeways
Culture history direct dating	
Extraction/processing: steatite/clay/lithics	Military defenses
	Military strategy
Assemblage variation/site function	Conflict reconstruction
Feature analysis/site function	Military lifeways
Site use intensity through time	Site occupants determinable
Native American group determinable*	

*Historic Period Indians only

CHAPTER IV

RESULTS OF THE FIELD INVESTIGATIONS

Twelve archaeological sites, twelve isolated finds, one structure, and two landscape features were located during the investigations at the Argent Tract. Five of these sites are recommended as potentially eligible for the NRHP. These included 38BU1316, 38BU1317, 38BU1318, 38BU1321, and 38BU1322. The remaining seven sites and twelve isolates are recommended as not eligible for the NRHP. A detailed description of all resources is presented below. Figure 23 displays the locations of all cultural resources in the Argent Tract.

ARCHAEOLOGICAL RESOURCES ENCOUNTERED

Site 38BU1315

Cultural Affiliation - Late Archaic/19th Century
Area - Compartment 7
Soil Type - Cape Fear
Elevation - 15 ft amsl
Nearest Water Source - Okatee River
Site Dimensions - 60 m N/S by 10 m E/W
Present Vegetation - Pine/Coniferous forest with light groundcover
NRHP Recommendations - Not Eligible

Site 38BU1315 is located in a harvested pine field in the southwestern portion of the project tract (Figure 23). The site is bordered on the west by a dirt road, and on the north and east by a freshwater marsh. To the south of the site lies an unharvested pine forest. The site measures approximately 60 m north-south by 10 m east-west. Figure 24 displays a plan view of 38BU1315. Three surface finds included a chert projectile point fragment, a Gary projectile point, and a ginger beer bottle sherd.

All three artifacts were recovered during the surface inspection. Twelve subsequent shovel tests failed to produce artifacts. Shovel tests excavated at the site revealed a mottled blend of 10YR5/3 brown sand and 2.5YR5/2 grayish brown sandy loam approximately 30 cm thick. Extensive damage occurred in the area as a result of the pine harvesting. Furrows 0.5 m feet deep were created as a result of the planting and harvesting of pine. Any cultural deposits that may have been present at 38BU1315 appear to have been destroyed by the harvesting and planting activities.

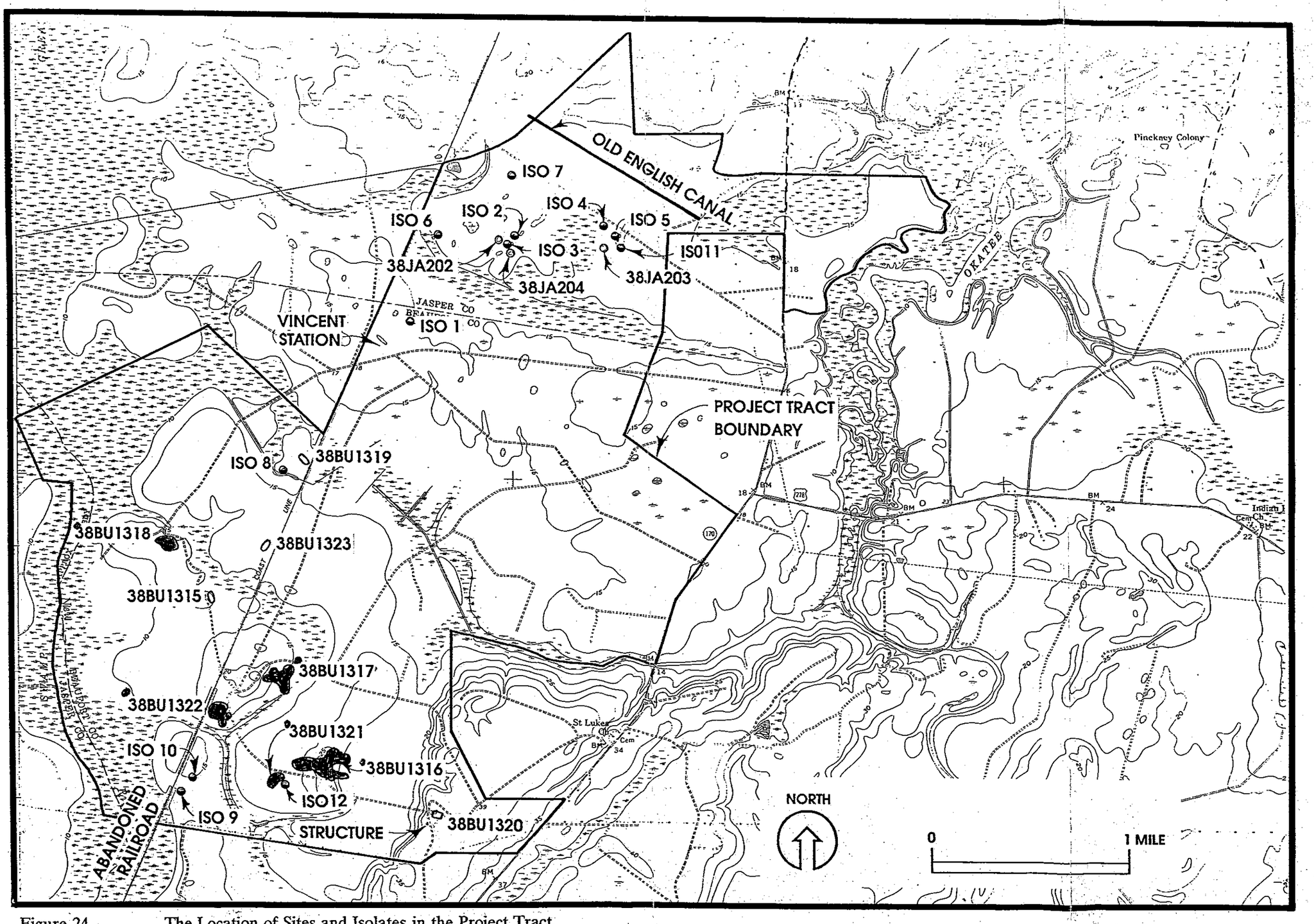


Figure 24. The Location of Sites and Isolates in the Project Tract.

Given the disturbance to the site area and low artifact density and diversity, 38BU1315 is unlikely to yield adequate information to address any of the research realms outlined in Table 6. The research potential of Site 38BU1315 has been fully achieved at the survey level. Site 38BU1315 is recommended not eligible for the NRHP. No further management consideration is recommended.

38BU1315

COUNT	DESCRIPTION
1	Coastal plain chert point fragment
1	Gary projectile point
1	Ginger beer bottle sherd
3	TOTAL

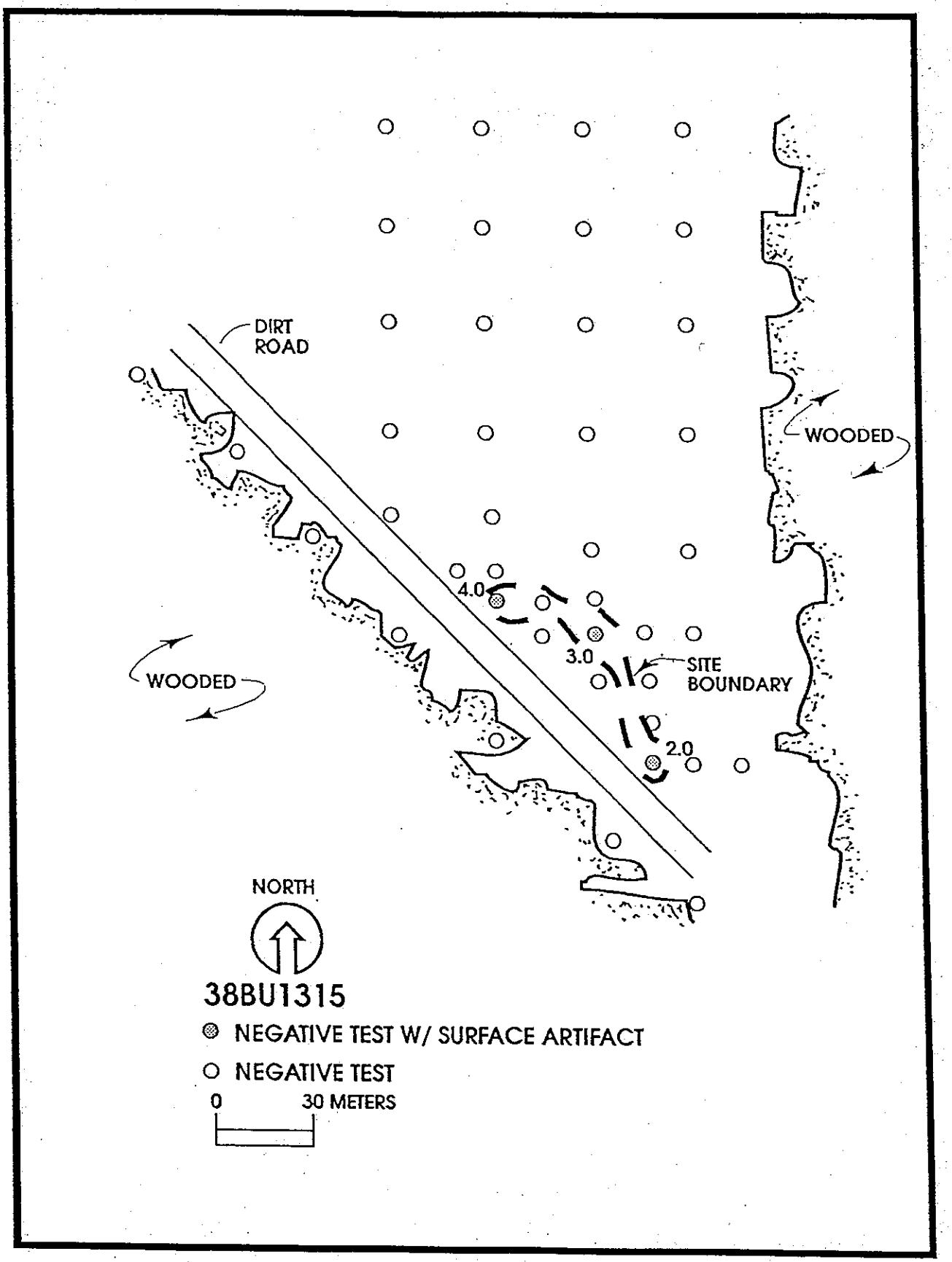


Figure 25. Plan View of Site 38BU1315.

Table 6. Research Realms as NRHP Eligibility Indicators- 38BU1315.

Native American Sites		Historic Sites	
Plant diet	Poor preservation	Plant diet	Poor preservation
Faunal diet	Poor preservation	Faunal diet	Poor preservation
Faunal/Floral seasonality	Poor preservation	Husbandry/subsistence/economy	Poor preservation
Intrasite settlement	Moderate artifact sample	Intrasite settlement	Contexts disturbed
Structure form and proxemics	No features observed	Structure form and proxemics	No features
Activity areas	Moderate artifact sample	Activity areas	Contexts mixed
Burial ritual	None present	Burial ritual	None present
Osteological characterization	None present	Osteological characterization	None present
Ethnic relationships	None present	Ethnic relationships	None present
General health	None present	General health	None present
Osteological diet study	None present	Osteological diet study	None present
Use of Euro-american goods*	None present	Ceramic assemblage	Limited sherd sample
Ceramic technology	Moderate sherd sample	Vessel form analysis	Limited sherd size
Intrasite stylistic variation	Moderate sherd sample	Class, Status, and Ethnic Indicators	Low artifact diversity
Vessel form analysis	Limited sherd size	Assemblage variation/site function	Low artifact diversity
		Feature analysis/site function	No features
Extraction/processing	Limited artifact sample	Extraction technology	Not applicable
Lithic reduction patterns	Moderate artifact frequencies	Production technology	Not applicable
Lithic raw material patterns	Moderate artifact frequencies	Water-powered processing technology	Not applicable
		Worker's lifeways	Low artifact diversity
Culture history sequence	Components mixed	Military defenses	Not applicable
Ceramic typology/chronology	Moderate sherd sample	Military strategy	Not applicable
Culture history direct dating	No datable remains	Conflict reconstruction	Not applicable
Assemblage variation/site function	Diverse artifact assemblage	Military lifeways	Not applicable
Feature analysis/site function	No features observed		
Site use intensity through time	Diverse artifact assemblage	Site occupants determinable	No
Native group determinable*	Not applicable		

*Historic Period Indians only

Site 38BU1316

Cultural Affiliation - Middle/Late Woodland, Mississippian, Historic 19th Century
Area - Compartment 6
Soil Type - Bonneau
Elevation - 25 ft amsl
Nearest Water Source - New River
Site Dimensions - 150 m N/S by 210 m E/W
Present Vegetation - Planted pine forest with light groundcover
NRHP Recommendations - Potentially Eligible

Site 38BU1316 is located in the south central portion of the project tract (Figure 23). The site measures approximately 150 m north-south by 210 m east-west. Figure 25 shows a plan view of 38BU1316. The northern portion of the site is situated in a wooded area. The eastern portion of the site lies in a clear cut (pine harvested) area.

Artifacts (n=140) were recovered from 43 positive shovel tests and the surface of the site. Shovel tests consistently revealed approximately 15 cm of 10YR7/3 very pale brown sand overlying a 10YR6/4 light yellowish brown sand subsoil. Site 38BU1316 represents a multi-component prehistoric and historic site. However, the historic component is far more dense than the prehistoric component. Artifacts recovered from the site are listed below and in Appendix A.

Prehistoric artifacts recovered from 38BU1316 included a Savannah check stamped sherd and three McClellanville fabric impressed sherd. These sherds suggest prehistoric occupations during the Middle/Late Woodland and Mississippian Periods. This assemblage lacks the density or diversity to address any of the research realms outlined in Table 7.

Historic artifacts (n=136) were recovered from the surface scatters and the positive shovel tests. The historic remains date from the early to mid- nineteenth century, presumably related to a domestic occupation. Kitchen and architectural class remains were recovered. Among the kitchen class artifacts recovered are stoneware, dark olive bottle glass, pipe stems, colonoware, pearlware, whiteware, and porcelain. Architectural class artifacts include nails, brick, and flat glass. The relatively high frequency of artifacts and their overall diversity suggest that a number of research realms outlined in Table 7 can be addressed at 38BU1316.

The plowing activities and planting of pine in the area may have disturbed portion of the artifact bearing deposits at 38BU1316. Disturbance at 38BU1316 appears limited to the upper horizon (plowzone). Thus, features in the subsoil may be present. These deposits and features could provide information concerning the spatial organization of the site, its function, and its use history. Further testing is required to determine whether such features are present.

Thus, the diversity and density of artifacts and the potential for intact cultural deposits suggest that 38BU1316 may yield information adequate to address research realms outlined in Table 7. Therefore, 38BU1316 is recommended as potentially eligible for the NRHP. Site 38BU1316 should be preserved in place until an appropriate evaluation has been conducted.

38BU1316

COUNT	WEIGHT	DESCRIPTION
1		clear flat glass
1		hinge
2		unidentified nail fragment
1		unidentified square nail fragment
0	12.60	brick fragment
0	1.00	oyster shell
1		plain body sherd, fine sand temper
1		Savannah check stamped sherd
3		McClellanville fabric impressed sherd
1		eroded body sherd
40		residual sherd
1		undecorated porcelain
2		undecorated pearlware
3		grey salt glazed stoneware
62		colonoware
3		dark olive green bottle glass
10		olive green bottle glass
2		green bottle glass
1		clear bottle glass
1		mold-made olive green bottle glass
3		miscellaneous metal
1		kaolin pipe stem fragment
140	13.60	TOTAL

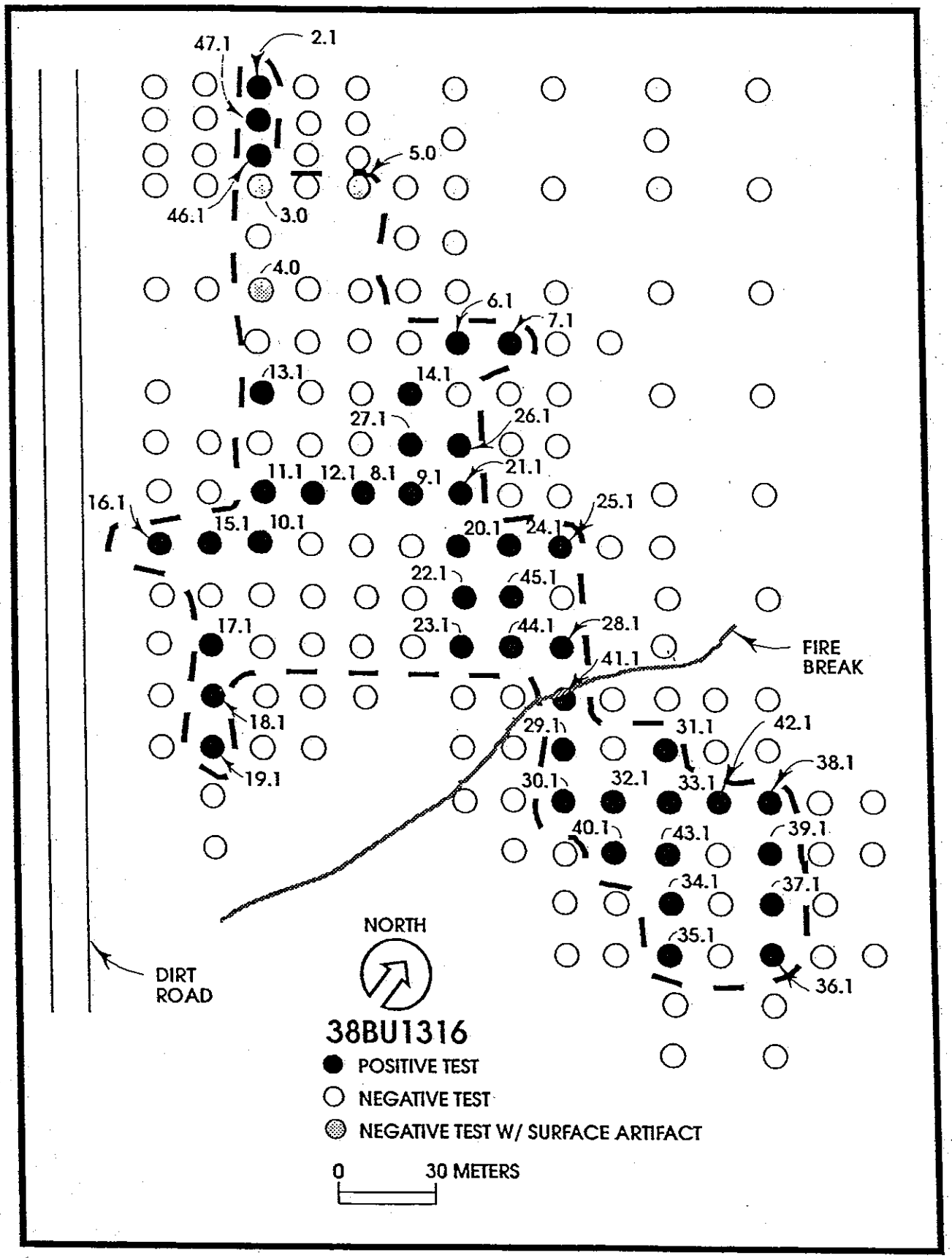


Figure 26. Plan View of Site 38BU1316.

Table 7. Research Realms as NRHP Eligibility Indicators- 38BU1316.

Native American Sites		Historic Sites	
Plant diet	Poor preservation	Plant diet	Poor preservation
Faunal diet	Poor preservation	Faunal diet	Poor preservation
Faunal/Floral seasonality	Poor preservation	Husbandry/subsistence/economy	Poor preservation
Intrasite settlement	Moderate artifact sample	Intrasite settlement	Features may be disturbed
Structure form and proxemics	No features observed	Structure form and proxemics	Features may be disturbed
Activity areas	Moderate artifact sample	Activity areas	Contexts mixed
Burial ritual	None present	Burial ritual	None present
Osteological characterization	None present	Osteological characterization	None present
Ethnic relationships	None present	Ethnic relationships	None present
General health	None present	General health	None present
Osteological diet study	None present	Osteological diet study	None present
Use of Euro-american goods*	None present	Ceramic assemblage	Moderate
Ceramic technology	Moderate artifact diversity	Vessel form analysis	Limited sherd size
Intrasite stylistic variation	Moderate sherd sample	Class, Status, and Ethnic Indicators	Moderate artifact diversity
Vessel form analysis	Limited sherd size	Assemblage variation/site function	Moderate artifact diversity
		Feature analysis/site function	Features may be present
Extraction/processing	Limited artifact sample	Extraction technology	Not applicable
Lithic reduction patterns	Moderate artifact frequencies	Production technology	Not applicable
Lithic raw material patterns	Moderate artifact frequencies	Water-powered processing technology	Not applicable
		Worker's lifeways	Low artifact diversity
Culture history sequence	Components mixed	Military defenses	Not applicable
Ceramic typology/chronology	Moderate sherd sample	Military strategy	Not applicable
Culture history direct dating	No datable remains	Conflict reconstruction	Not applicable
Assemblage variation/site function	Diverse artifact assemblage	Military lifeways	Not applicable
Feature analysis/site function	No features observed		
Site use intensity through time	Diverse artifact assemblage	Site occupants determinable	No
Native group determinable*	Not applicable		

*Historic Period Indians only

Site 38BU1317

Cultural Affiliation - Late Archaic to Historic
Area - Compartment 6
Soil Type - Wahee
Elevation - 15 ft amsl
Nearest Water Source - New River
Site Dimensions - 270 m N/S by 150 m E/W
Present Vegetation - Harvested pine forest
NRHP Recommendations - Potentially Eligible

Site 38BU1317 is located in the central portion of the project tract (Figure 23). The site measures approximately 270 m north-south by 150 m east-west. Figure 26 shows a plan view of 38BU1317. Artifacts (n=151) were recovered from the surface of this site and in three positive shovel tests and 19 surface scatters. Shovel tests consistently revealed approximately 7 cm of 10YR4/3 brown sandy loam overlying approximately 13 cm of 10YR6/2 pale brown sand. A 10YR6/4 light yellowish sand subsoil was encountered at approximately 20 cm below surface. This suggests that disturbances from timber planting and harvesting are limited to the upper 20 cm of soil at 38BU1317.

Ten historic artifacts were recovered. These included Eight Colonoware sherds, one whiteware sherd and an olive green bottle glass sherd. The historic assemblage lacks the density or diversity to address any of the research realms outlined in Table 8. It is not possible to determine the relationship of the historic artifacts to former activity areas or facilities within the site.

A diverse prehistoric artifact assemblage was recovered from 38BU1317. These artifacts (n=141) represent five separate episodes of occupation. These include Ceramic Late Archaic (Stallings ceramics and Savannah River projectile points), Middle Woodland (Deptford check stamped, cord marked, and simple stamped ceramics), Late Woodland (Mcclellanville cord marked and Santee Simple stamped ceramics), Mississippian (Savannah check stamped and burnished ceramics and Madison projectile point, and protohistoric? (Savannah burnished and glass bead). The frequency of lithic artifacts at the site also suggests that a variety of activities occurred at the site requiring the manufacture and/or maintenance of lithic tools.

The presence of a possible protohistoric component is particularly interesting at 38BU1317. Many of the burnished plain ceramic and Colonoware sherds are quite similar. These ceramics may represent a Native American occupation from circa 1700. Comparisons to artifacts collected from known Yemassee Indian sites to the northeast and north of the project tract display few similarities. Yemassee assemblages usually possess crude complicated stamped wares, red filmed wares, and a variety of other decorative motifs. Lead shot and gun flints also occur in minor frequencies with glass beads being the most

common historic artifact (Chester DePratter, personal communication, July 1993). The presence of a glass bead with fine sand tempered burnished ceramics suggests a possible protohistoric Native American occupation, although probably not one related to the Yemassee Indians. Additional samples of these ceramics with more detailed ceramic analyses will be necessary to determine the actual association of these artifacts.

The presence of possible protohistoric ceramics and a glass bead suggests that this site may possess a contact period occupation. Information related to early European and Native American contact at 38BU1317 may help to characterize and describe the protohistoric period in the region. Further analysis of the fine sand-tempered burnished ceramics and additional samples will be necessary to address more fully research realms such as use of Euro-american goods and site use intensity through time (Table 8).

The frequency and diversity of the remaining prehistoric artifacts recovered from 38BU1317 and the shallow nature of disturbance at the site suggest that this site may yield information adequate to address prehistoric research realms outlined in Table 8. Site 38BU1317 is recommended as potentially eligible for the NRHP. Site 38BU1317 should be preserved in place until an appropriate evaluation can be conducted.

38BU1317

COUNT	WEIGHT	DESCRIPTION
0	6.40	brick fragment
1		blue glass tubular bead
3		Stallings plain sherd
4		Savannah burnished sherd
16		Savannah check stamped sherd
5		McClellanville cord marked sherd
30		Deptford cord marked sherd
3		Santee linear simple stamped sherd
2		Deptford linear simple stamped sherd
2		unidentified body sherd
20		eroded body sherd
3		plain sherd
2		Deptford check stamped sherd
17		residual sherd
6		chert tertiary core reduction flake
7		chert tertiary bifacial reduction flake
8		chert thinning flake
1		chert biface fragment
1		chert projectile point fragment
1		Madison chert projectile point
2		Savannah River chert projectile point
1		chert flake fragment
4		eroded body sherd
2		residual sherds
1		undecorated whiteware
8		colonoware
1		dark olive green bottle glass
151	6.40	TOTAL

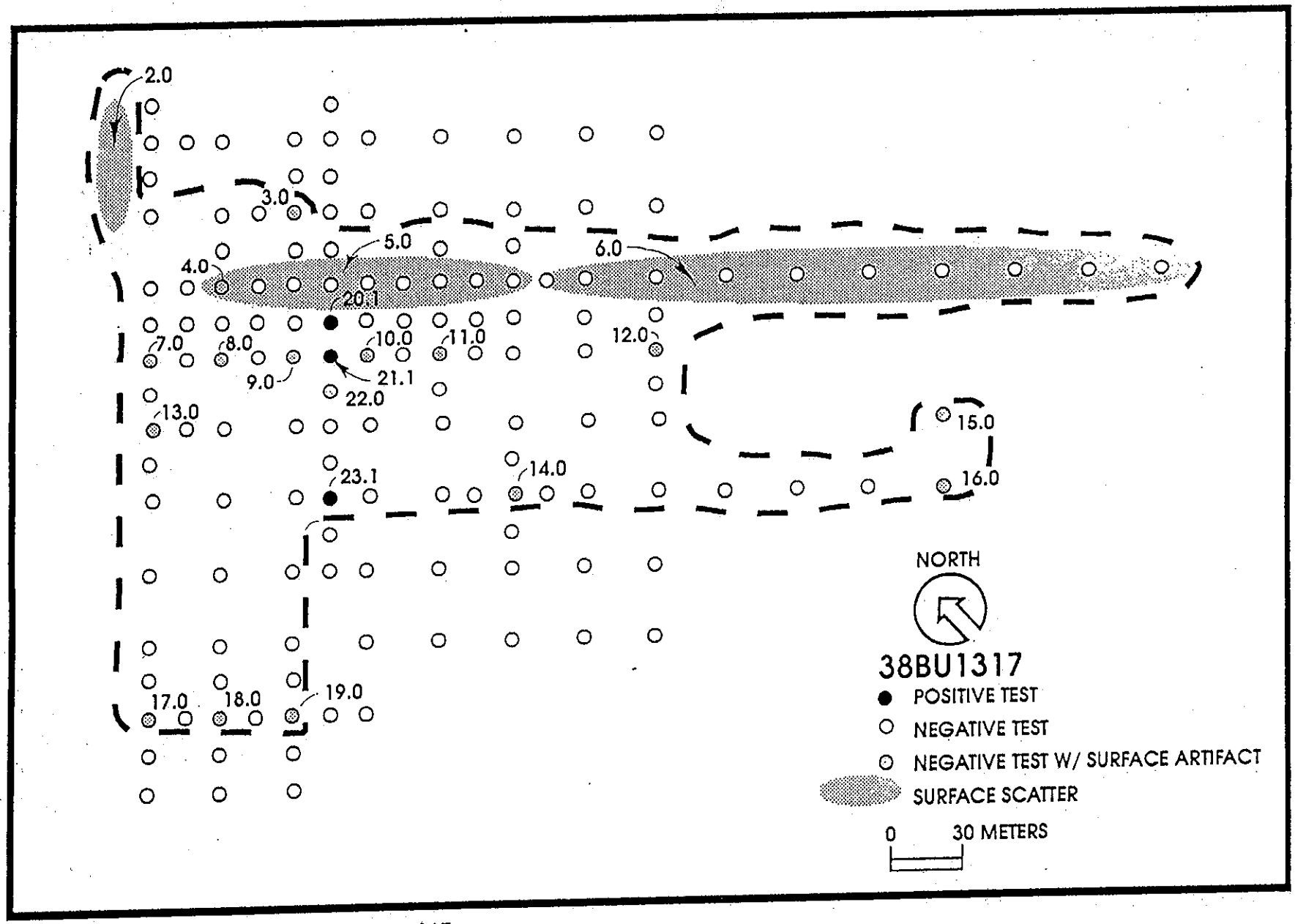


Figure 27. Plan View of Site 38BU1317.

Table 8. Research Realms as NRHP Eligibility Indicators- 38BU1317.

Native American Sites		Historic Sites	
Plant diet	Poor preservation	Plant diet	Poor preservation
Faunal diet	Poor preservation	Faunal diet	Poor preservation
Faunal/Floral seasonality	Poor preservation	Husbandry/subsistence/economy	Poor preservation
Intrasite settlement	Moderate artifact sample	Intrasite settlement	Features may be present
Structure form and proxemics	No features observed	Structure form and proxemics	Features may be present
Activity areas	Moderate artifact sample	Activity areas	Features may be present
Burial ritual	None present	Burial ritual	None present
Osteological characterization	None present	Osteological characterization	None present
Ethnic relationships	None present	Ethnic relationships	None present
General health	None present	General health	None present
Osteological diet study	None present	Osteological diet study	None present
Use of Euro-american goods*	None present	Ceramic assemblage	Moderate sherd sample
Ceramic technology	Moderate sherd sample	Vessel form analysis	Moderate sherd size
Intrasite stylistic variation	Moderate sherd sample	Class, Status, and Ethnic Indicators	Moderate artifact diversity
Vessel form analysis	Limited sherd size	Assemblage variation/site function	Moderate artifact diversity
		Feature analysis/site function	Features may be present
Extraction/processing	Limited artifact sample	Extraction technology	Not applicable
Lithic reduction patterns	Moderate artifact frequencies	Production technology	Not applicable
Lithic raw material patterns	Moderate artifact frequencies	Water-powered processing technology	Not applicable
		Worker's lifeways	Low artifact diversity
Culture history sequence	Components mixed	Military defenses	Not applicable
Ceramic typology/chronology	Moderate sherd sample	Military strategy	Not applicable
Culture history direct dating	No datable remains	Conflict reconstruction	Not applicable
Assemblage variation/site function	Diverse artifact assemblage	Military lifeways	Not applicable
Feature analysis/site function	No features observed		
Site use intensity through time	Diverse artifact assemblage	Site occupants determinable	No
Native group determinable*	Not applicable		

*Historic Period Indians only

Site 38BU1318

Cultural Affiliation - Middle Woodland/19th century
Area - Compartment 9
Soil Type -Wahee
Elevation - 15 ft amsl
Nearest Water Source - New River
Site Dimensions - 60 m N/S by 90 m E/W
Present Vegetation - Mixed pine/hardwood forest
NRHP Recommendations - Potentially Eligible

Site 38BU1318 is located in a clear cut (harvested pine) area. The site is located in the southwestern portion of the tract (Figure 23). The site is represented by a dense concentration of historic artifacts, and a light scatter of prehistoric artifacts. Site 38BU1318 measures approximately 60 m north-south by 90 m east-west. Figure 27 shows a plan view of 38BU1318.

Shovel tests at the site revealed approximately 15 cm of 10YR7/3 very pale brown sand overlying a 10YR6/4 light yellowish brown sand subsoil. Site 38BU1318 represents a multi-component prehistoric and historic site. However, the historic component is far more dense than the prehistoric component. Artifacts recovered from the site are listed below and in Appendix A.

Prehistoric artifacts recovered from 38BU1318 included two Stallings plain sherds (Late Archaic), two Deptford check stamped sherds (Middle Woodland), and ten chert flakes. The prehistoric component of this assemblage lacks the density or diversity to address any of the research realms outlined in Table 9.

Historic artifacts were recovered from the surface scatters and three positive shovel tests. The historic remains date from the late eighteenth to early nineteenth century, presumably related to a domestic occupation. Kitchen and architectural class (brick) remains were recovered. Among the kitchen class artifacts recovered are Creamware, British Brown and salt-glazed stoneware, dark olive bottle glass, pipe stems and bowls, colonoware, pearlware, and Chinese porcelain. The relatively high frequency of artifacts and their overall diversity suggest that a number of research realms outlined in Table 9 can be addressed at 38BU1318.

The plowing activities and planting of pine in the area may have disturbed portions of the artifact bearing deposits at 38BU1318. However, the upper horizon, (plowzone) is shallow and features may exist beneath this soil horizon. If present, these deposits and features could provide information concerning the spatial organization of the site, its function, and its use history. Further testing is required to determine whether such features are present.

The diversity and density of artifacts as well as a possible intact cultural deposit suggest that Site 38BU1318 may possess information adequate to address the historical research realms in Table 9. Therefore, 38BU1318 is recommended potentially eligible for the NRHP. Site 38BU1318 should be preserved in place until an appropriate evaluation has been conducted.

38BU1318

COUNT	WEIGHT	DESCRIPTION
0	99.00	brick fragment
1		roofing slate
1		plain sherd
2		Stallings plain sherd
1		Savannah check stamped sherd
1		Deptford check stamped sherd
1		eroded body sherd
6		residual sherd
2		chert tertiary core reduction flake
2		chert tertiary bifacial reduction flake
3		chert thinning flake
2		chert shatter
1		chert core
1		blue hand painted porcelain
1		undecorated creamware
10		undecorated pearlware
1		blue shell edged pearlware
1		green shell edged pearlware
1		lead glazed earthenware
3		British brown
5		brown salt glazed stoneware
1		clear salt glazed stoneware
110		colonoware
2		burned ceramic
7		dark olive green bottle glass
1		olive green bottle glass
2		mold-made olive green bottle glass
1		iron kettle fragment
5		kaolin pipe bowl fragment
4		kaolin pipe stem fragment
179	99.00	TOTAL

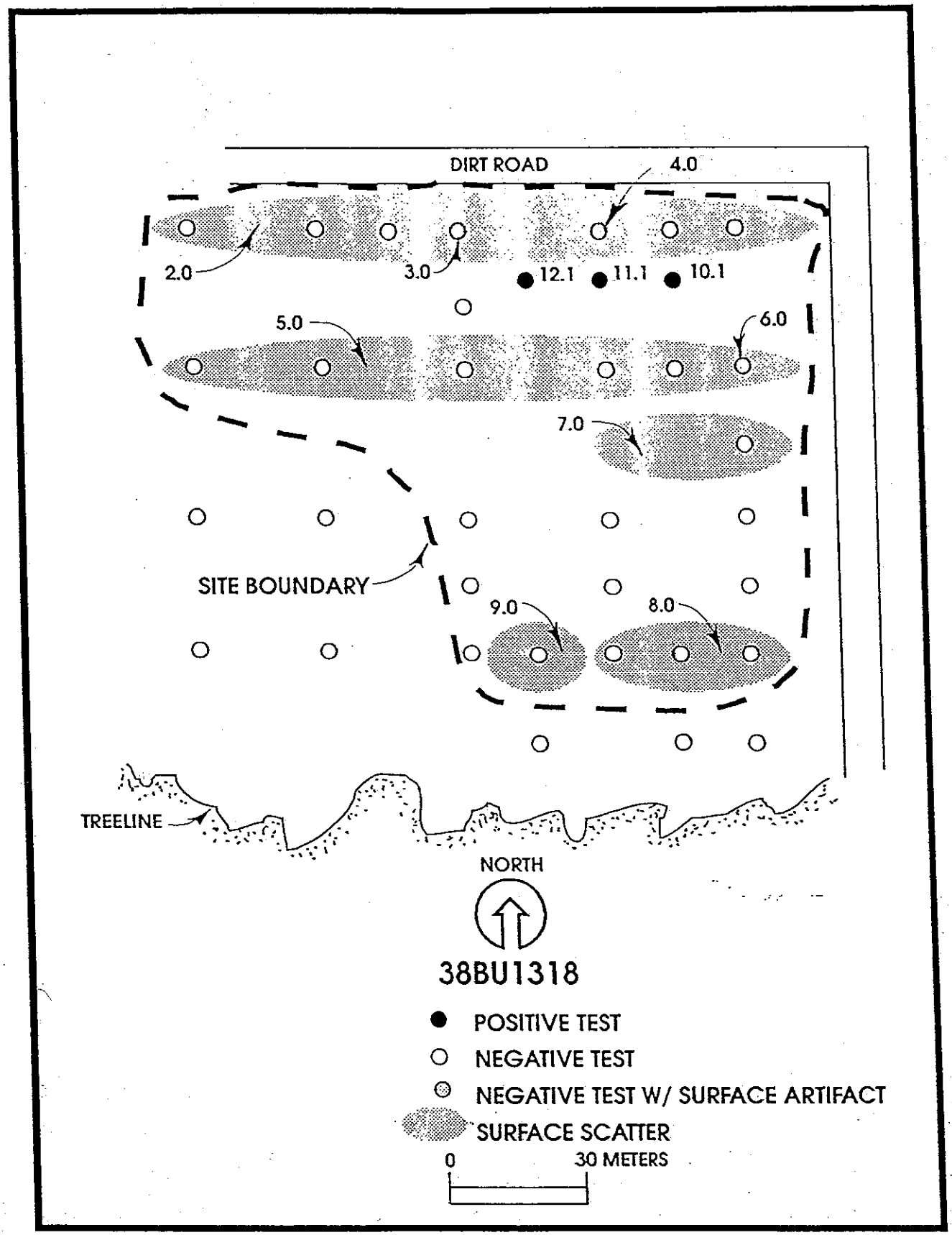


Figure 28. Plan View of Site 38BU1318.

Table 9. Research Realms as NRHP Eligibility Indicators- 38BU1318.

Native American Sites		Historic Sites	
Plant diet	Poor preservation	Plant diet	Poor preservation
Faunal diet	Poor preservation	Faunal diet	Poor preservation
Faunal/Floral seasonality	Poor preservation	Husbandry/subsistence/economy	Poor preservation
Intrasite settlement	Moderate artifact sample	Intrasite settlement	Contexts disturbed
Structure form and proxemics	No features observed	Structure form and proxemics	No features
Activity areas	Moderate artifact sample	Activity areas	Contexts mixed
Burial ritual	None present	Burial ritual	None present
Osteological characterization	None present	Osteological characterization	None present
Ethnic relationships	None present	Ethnic relationships	None present
General health	None present	General health	None present
Osteological diet study	None present	Osteological diet study	None present
Use of Euro-american goods*	None present	Ceramic assemblage	Limited sherd sample
Ceramic technology	Moderate sherd sample	Vessel form analysis	Limited sherd size
Intrasite stylistic variation	Moderate sherd sample	Class, Status, and Ethnic Indicators	Low artifact diversity
Vessel form analysis	Limited sherd size	Assemblage variation/site function	Low artifact diversity
		Feature analysis/site function	No features
Extraction/processing	Limited artifact sample	Extraction technology	Not applicable
Lithic reduction patterns	Moderate artifact frequencies	Production technology	Not applicable
Lithic raw material patterns	Moderate artifact frequencies	Water-powered processing technology	Not applicable
		Worker's lifeways	Low artifact diversity
Culture history sequence	Components mixed	Military defenses	Not applicable
Ceramic typology/chronology	Moderate sherd sample	Military strategy	Not applicable
Culture history direct dating	No datable remains	Conflict reconstruction	Not applicable
Assemblage variation/site function	Diverse artifact assemblage	Military lifeways	Not applicable
Feature analysis/site function	No features observed		
Site use intensity through time	Diverse artifact assemblage	Site occupants determinable	No
Native group determinable*	Not applicable		

*Historic Period Indians only

Site 38BU1319

Cultural Affiliation - Middle Woodland
Area - Compartment 8
Soil Type - Blanden
Elevation - 15 ft amsl
Nearest Water Source - Okatee River
Site Dimensions - 60 m N/S by 30 m E/W
Present Vegetation - Harvested pine forest
NRHP Recommendations - Not Eligible

Site 38BU1319 is located in the westcentral portion of the project tract (Figure 23). The site represents a prehistoric occupation, and measures approximately 60 m north-south by 30 m east-west. Figure 28 shows a plan view of 38BU1319.

Site 38BU1319 is represented by a prehistoric surface scatter. Deptford check stamped sherds (Middle Woodland) and unidentified eroded/residual sherds were collected on the surface. Visibility was excellent and the surface collection was complete. Thirty-one shovel tests excavated at 10 m intervals were negative.

Shovel tests excavated at the site revealed a mottled blend of 10YR5/3 brown sand and 2.5YR5/2 grayish brown sandy loam approximately 30 cm thick. There was no evidence of a buried intact soil horizon. Extensive damage occurred in the area as a result of the pine harvesting. Deep furrows, extending to 0.75 m below the surface, were created as a result of the planting and harvesting of the pine.

The soil disturbing activities (pine tree harvesting) appear to have disturbed the site severely. This disturbance plus the low density and diversity of artifacts prevent 38BU1319 from addressing any of the research realms in Table 10. The research potential of Site 38BU1319 has been fully achieved at the survey level. Site 38BU1319 is recommended as not eligible for the NRHP. No further management consideration is recommended.

38BU1319

COUNT	WEIGHT	DESCRIPTION
5		plain sherd
1		Deptford check stamped sherd
1		scraped body sherd, coarse sand temper
4		eroded body sherd
2		residual sherd
2		chert tertiary core reduction flake
1		chert flake fragment
1		translucent quartz flake fragment
17		TOTAL

Table 10. Research Realms as NRHP Eligibility Indicators- 38BU1319.

Research Realms - Historic Sites	
Plant diet	Poor preservation
Faunal diet	Poor preservation
Husbandry/subsistence/economy	Poor preservation
Intrasite settlement	Features may be present
Structure form and proxemics	Features may be present
Activity areas	Features may be present
Burial ritual	None present
Osteological characterization	None present
Ethnic relationships	None present
General health	None present
Osteological diet study	None present
Ceramic assemblage	Moderate sherd sample
Vessel form analysis	Limited sherd size
Class, Status, and Ethnic Indicators	Moderate artifact diversity
Assemblage variation/site function	Moderate artifact diversity
Feature analysis/site function	No features
Extraction technology	Not applicable
Production technology	Not applicable
Water-powered processing technology	Not applicable
Worker's lifeways	Moderate artifact diversity
Military defenses	Not applicable
Military strategy	Not applicable
Conflict reconstruction	Not applicable
Military lifeways	Not applicable
Site occupants determinable	No

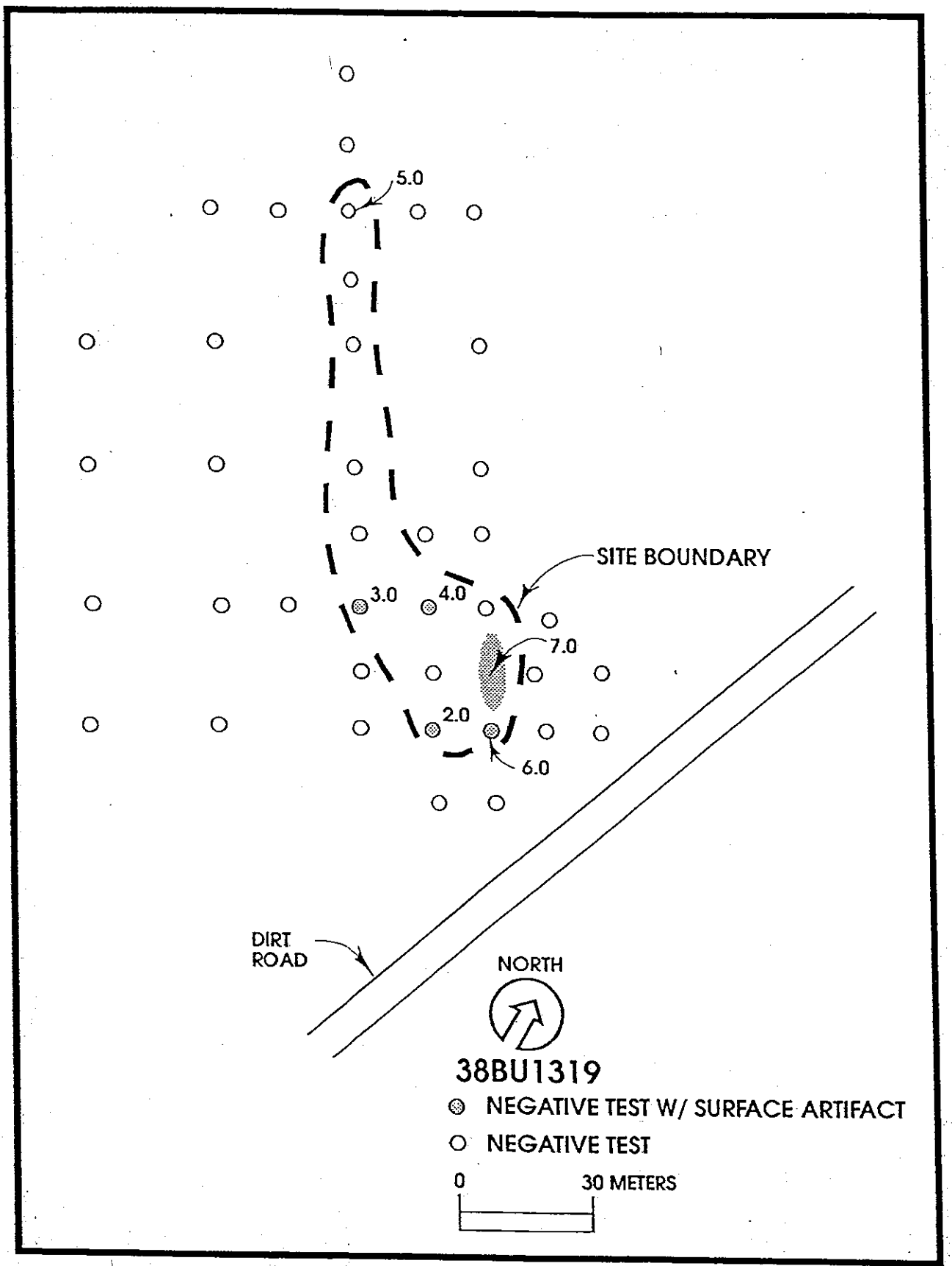


Figure 29. Plan View of Site 38BU1319.

Site 38BU1320

Cultural Affiliation - 19th/20th century
Area - Compartment 6
Soil Type - Seabrook
Elevation - 35 ft amsl
Nearest Water Source - Okatee River
Site Dimensions - 30 m N/S by 30 m E/W
Present Vegetation - Old field
NRHP Recommendations - Not Eligible

Site 38BU1320 is located in the southeastern portion of the project tract (Figure 23). The site is situated in a overgrown field. Site 38BU1320 consists of a historic scatter and measures approximately 30 m north-south by 30 m east-west. Figure 29 displays a plan view of 38BU1320.

Six sherds were recovered from five of 19 shovel tests excavated in and around the site. Shovel tests consistently revealed approximately 15 cm of 10YR4/3 brown sandy loam overlying a 10YR5/6 yellowish brown sand. Artifacts recovered included one whiteware sherd, one ironstone sherd, two stoneware sherds, one colonoware sherd, and one residual sherd. A small amount of brick fragments (6.7 g) and mortar (<1 g) were also recovered. The recovered artifacts suggest a domestic residential occupation. However, the lack of structural remains (e.g. nails, glass) and the small amount of brick may indicate that the site represents a secondary refuse disposal associated with a nearby habitation rather than the location of a former house site. No features were located during the shovel testing.

The low frequency of artifacts suggests that limited activities occurred at this site. Site 38BU1320 does not appear likely to yield information adequate to address any of the research realms in Table 11. The research potential of 38BU1320 has been fully achieved at the survey level. Site 38BU1320 is recommended not eligible for the NRHP. No further management consideration is recommended.

38BU1320

COUNT	WEIGHT	DESCRIPTION
0	6.70	brick fragment
0	1.00	mortar
1		residual sherd
2		alkaline glazed stoneware
1		undecorated whiteware
1		undecorated ironstone
1		colonoware
6	**7.70**	**TOTAL**

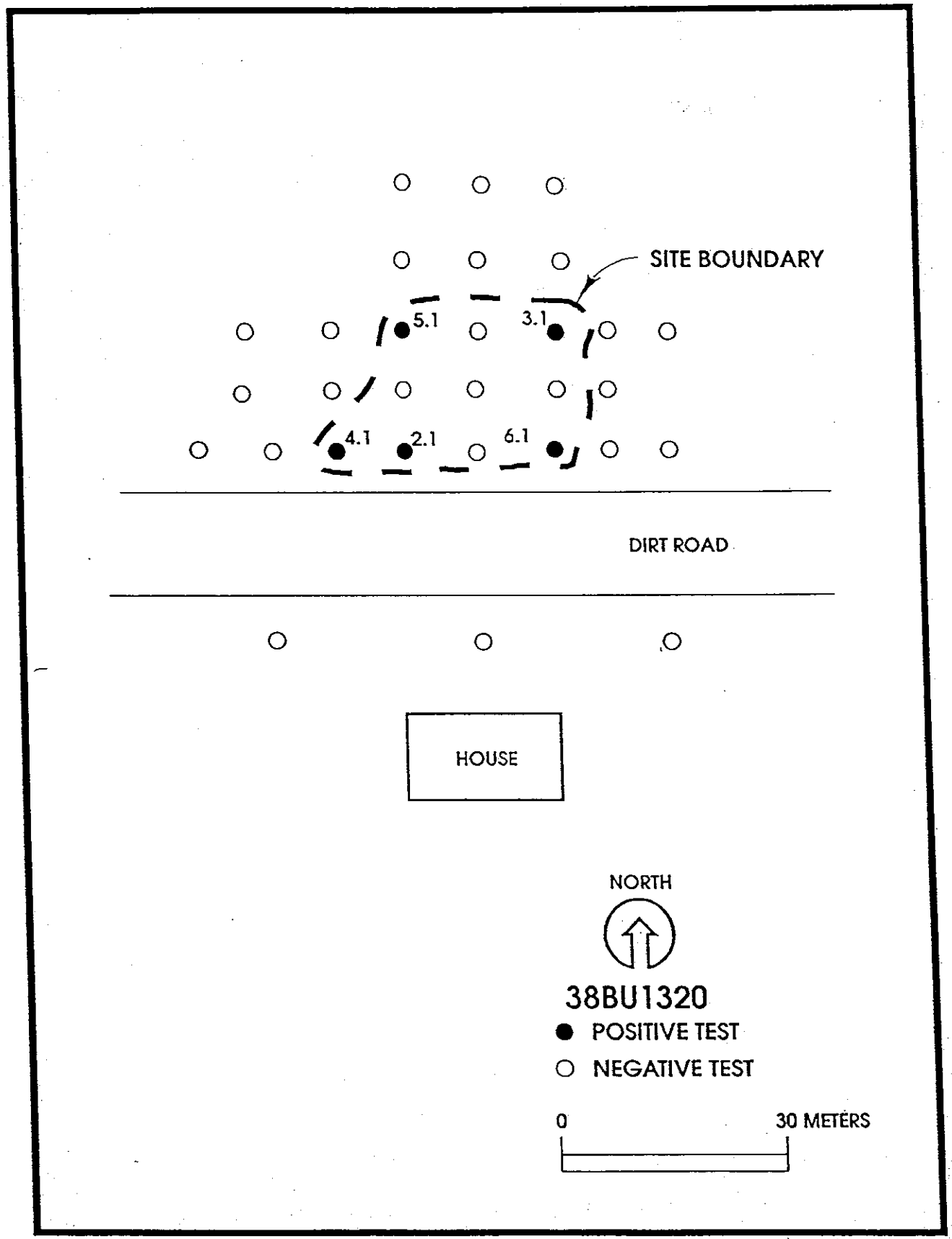


Figure 30. Plan View of Site 38BU1320.

Table 11. Research Realms as NRHP Eligibility Indicators 38BU1317.

Research Realms - Historic Sites	
Plant diet	Poor preservation
Faunal diet	Poor preservation
Husbandry/subsistence/economy	Poor preservation
Intrasite settlement	Features may be present
Structure form and proxemics	Features may be present
Activity areas	Features may be present
Burial ritual	None present
Osteological characterization	None present
Ethnic relationships	None present
General health	None present
Osteological diet study	None present
Ceramic assemblage	Moderate sherd sample
Vessel form analysis	Limited sherd size
Class, Status, and Ethnic Indicators	Moderate artifact diversity
Assemblage variation/site function	Moderate artifact diversity
Feature analysis/site function	Features may be present
Extraction technology	Not applicable
Production technology	Not applicable
Water-powered processing technology	Not applicable
Worker's lifeways	Low artifact diversity
Military defenses	Not applicable
Military strategy	Not applicable
Conflict reconstruction	Not applicable
Military lifeways	Not applicable
Site occupants determinable	No

Site 38BU1321

Cultural Affiliation - Late Archaic, Early/Middle Woodland, and 19th Century Historic
Area - Compartment 6
Soil Type - Wahee
Elevation - 17 ft amsl
Nearest Water Source - New River
Site Dimensions - 60 m N/S by 60 m E/W
Present Vegetation - Harvested pine forest
NRHP Recommendations - Potentially Eligible

Site 38BU1321 is located in the southern portion of the project tract (Figure 23). The site contains both prehistoric and historic artifacts. Site 38BU1321 measures approximately 60 m north-south by 60 m east-west. The site is located in a clear cut (pine harvested) field bordered on the north and west by dirt roads. The site lies to the southwest of 38BU1316. Figure 30 shows a plan view of 38BU1321.

Fourteen artifacts were recovered in three surface scatters. Surface visibility was about 50 per cent obscured by recent overgrowth. Shovel tests consistently revealed approximately 15 cm of 10YR7/3 very pale brown sand overlying a 10YR6/4 light yellowish brown sand subsoil. Site 38BU1316 represents a multi-component prehistoric and historic site. Artifacts recovered from the site are listed below and in Appendix A.

Prehistoric artifacts recovered from 38BU1321 included a Stallings plain body sherd, a core reduction chert flake, a Deptford check stamped sherd and six unidentified residual sherds. These artifacts suggest Ceramic Late Archaic and Early/Middle Woodland occupations. This assemblage lacks the density or diversity to address any of the research realms outlined in Table 13.

Historic artifacts recovered include a pearlware sherd, five colonoware sherds, and two pipe stems. The historic remains date from the early nineteenth century, presumably related to a domestic occupation.

Although the historic artifact density and frequency is low, the site's close proximity to 38BU1316 (domestic occupation and possible structure) and Isolate # 12 (pearlware) suggest that it may be associated with the occupation of the nearby site. If 38BU1321 and 38BU1316 represent a single occupation, they may be able to address a number of research realms outlined in Table 13 such as intrasite settlement, activity areas, and feature analysis/site function.

The plowing activities and planting of pine in the area may have disturbed portions of the artifact bearing deposits at 38BU1321. However, the relatively shallow nature of the disturbance suggests that intact deposits and features may exist at the site. These deposits

and features could provide information concerning the spatial organization of the site, its function, and its use history. Further testing is required to determine whether such features are present.

The close proximity to 38BU1316, as well as possible intact cultural deposits suggest that 38BU1321 may yield information adequate to address research realms outlined in Table 12. Therefore, 38BU1321 is recommended potentially eligible for the NRHP. Site 38BU1321 should be preserved in place until an appropriate evaluation has been conducted.

38BU1321

COUNT	WEIGHT	DESCRIPTION
1		Stallings plain sherd
1		Deptford check stamped sherd
5		residual sherd
1		chert tertiary core reduction flake
1		undecorated pearlware
5		colonoware
2		kaolin pipe stem fragment
16		**TOTAL**

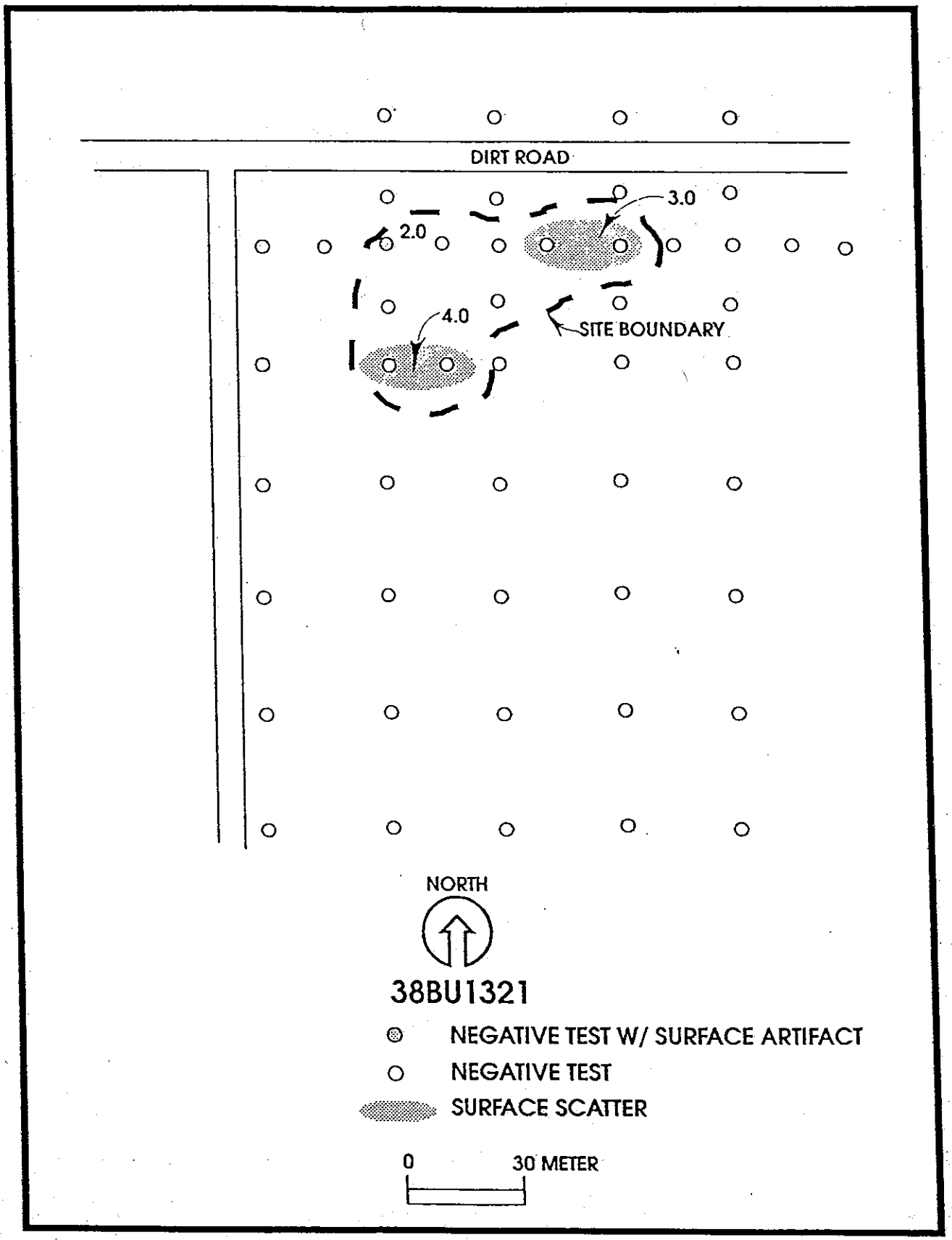


Figure 31. Plan View of Site 381321.

Table 12. Research Realms as NRHP Eligibility Indicators- 38BU1321.

Research Realms - Historic Sites	
Plant diet	Poor preservation
Faunal diet	Poor preservation
Husbandry/subsistence/economy	Poor preservation
Intrasite settlement	Contexts disturbed
Structure form and proxemics	No features
Activity areas	Contexts mixed
Burial ritual	None present
Osteological characterization	None present
Ethnic relationships	None present
General health	None present
Osteological diet study	None present
Ceramic assemblage	Limited sherd sample
Vessel form analysis	Limited sherd size
Class, Status, and Ethnic Indicators	Low artifact diversity
Assemblage variation/site function	Low artifact diversity
Feature analysis/site function	No features
Extraction technology	Not applicable
Production technology	Not applicable
Water-powered processing technology	Not applicable
Worker's lifeways	Low artifact diversity
Military defenses	Not applicable
Military strategy	Not applicable
Conflict reconstruction	Not applicable
Military lifeways	Not applicable
Site occupants determinable	No

Site 38BU1322

Cultural Affiliation - Late Archaic to Middle Mississippian
Area - Compartment 6
Soil Type - Wahee
Elevation - 15 ft amsl
Nearest Water Source - New River
Site Dimensions - 120 m N/S by 140 m E/W
Present Vegetation - Harvested pine forest
NRHP Recommendations - Potentially Eligible

Site 38BU1322 is located in the southwestern portion of the project tract (Figure 23). The site is situated in a clear cut (pine harvested) field. It occupies an area approximately 120 m north-south by 140 m east-west. Figure 31 shows a plan view of 38BU1322.

Shovel tests consistently revealed approximately 9 cm of 10YR4/3 brown sandy loam overlying approximately 13 cm of 10YR6/2 pale brown sand. An intact 10YR6/4 light yellowish sand subsoil was encountered at approximately 20-22 cm below surface.

The site represents a dense scatter of prehistoric artifacts. Artifacts (n=194) were recovered from 19 surface finds and eight positive shovel tests. Additional shovel tests at 10 meter intervals in cardinal directions from the positive tests were all negative. The diverse artifact assemblage was composed of Stallings plain (Late Archaic), Thom's Creek reed punctate (Early Woodland), Deptford cord marked (Middle/Late Woodland) and McClellanville cord marked (Late Woodland), Santee simple stamped,(Late Woodland/Middle Mississippian), Savannah check stamped sherds (Middle Mississippian) and Mississippian plain (Early-Late Mississippian). Artifacts recovered from the site are listed below and in Appendix A.

The artifact assemblage suggests at least six prehistoric episodes of occupation occurred at 38BU1322. However, the majority of sherds appear to be Savannah check stamped related to a Middle/Late Mississippian occupation. Information related to the activities that occurred may help to describe and characterize Mississippian settlement patterns in the region. Information related to the manufacture of Ceramics during this period also may help to elucidate the technological attributes of ceramics associated with later Mississippian and protohistoric occupations in the region.

The plowing and planting of pine in the area may have disturbed portions of the artifact bearing deposits at 38BU1322. However, disturbance appears to be shallow. Intact deposits and features may exist at the site. These deposits and features could provide information concerning the spatial organization of the site, its function, and its use history. Further testing is required to determine whether such features are present.

The diversity and density of artifacts, as well as a possible intact cultural deposits, suggest that Site 38BU1322 may yield information adequate to address research realms outlined in Table 13. Therefore, 38BU1322 is recommended potentially eligible for the NRHP. Site 38BU1322 should be preserved in place until an appropriate evaluation has been conducted.

38BU1322

COUNT	WEIGHT	DESCRIPTION
35		plain sherd
5		Savannah burnished sherd
22		Savannah check stamped sherd
26		Deptford check stamped sherd
7		Savannah cord marked sherd
7		McClellanville cord marked sherd
7		Deptford cord marked sherd
7		Wilmington cord marked sherd
1		McClellanville fabric impressed sherd
1		Thom's Creek incised sherd
5		Santee linear simple stamped sherd
2		Deptford linear simple stamped sherd
2		Thom's Creek reed punctate sherd
1		reed punctate sherd, unidentified type
1		Stallings reed punctate sherd
2		scraped sherd
1		unidentified sherd
25		eroded body sherd
17		residual sherd
1		chert secondary flake
4		chert tertiary core reduction flake
6		chert tertiary bifacial reduction flake
3		chert shatter
1		chert core
1		Thelma chert projectile point
5		chert flake fragment
1		large spike
194		TOTAL

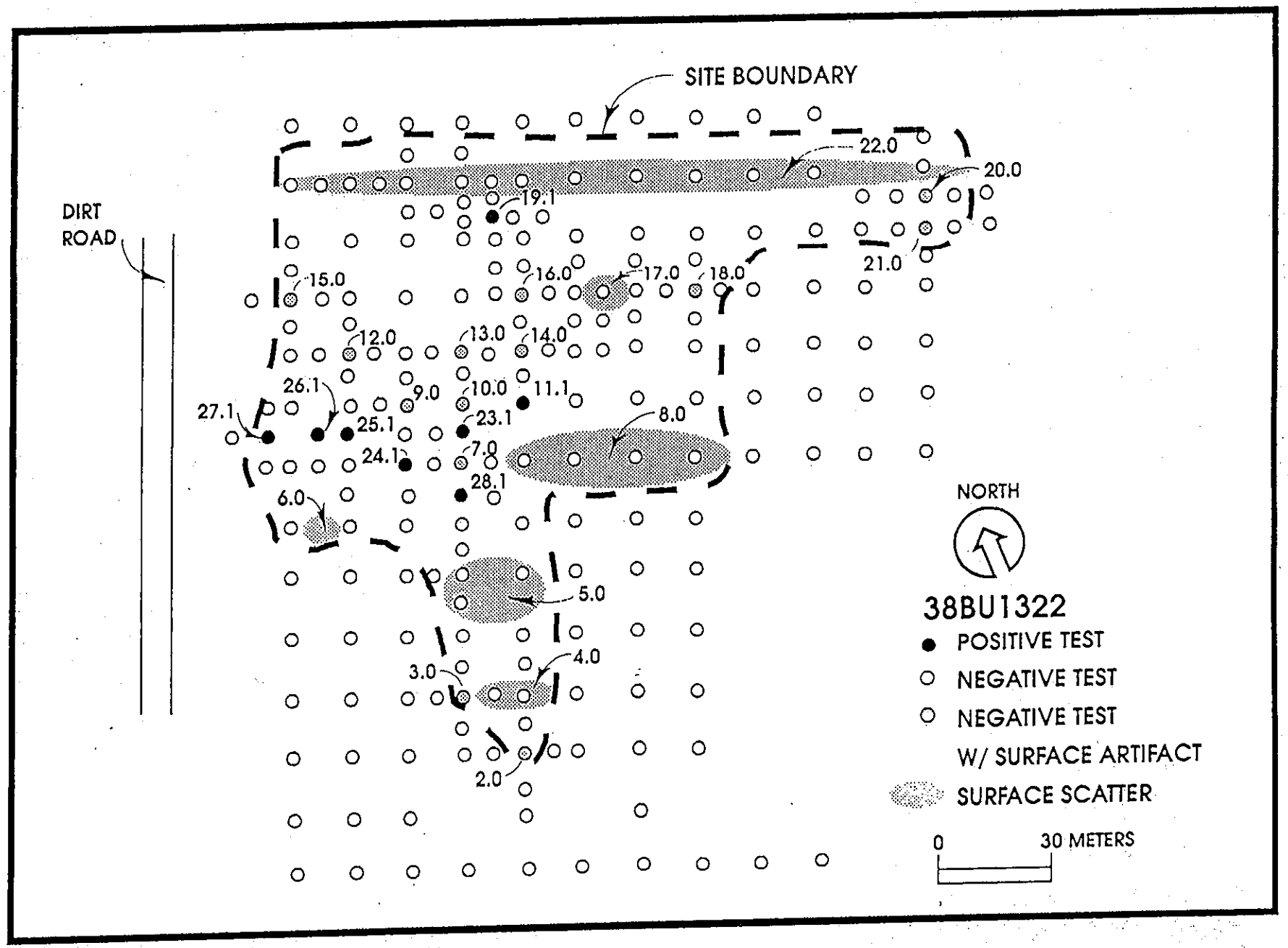


Figure 32. Plan View of Site 38BU1322.

Table 13. Research Realms as NRHP Eligibility Indicators- 38BU1323.

Research Realms - Native American Sites	
Plant diet	No remains recovered
Faunal diet	No remains recovered
Faunal/Floral seasonality	No material available
Intrasite settlement	Limited artifacts/no features observed
Structure form and proxemics	No features
Activity areas	Limited artifacts
Burial ritual	None present
Osteological characterization	None present
Ethnic relationships	None present
General health	None present
Osteological diet study	None present
Use of Euro-american goods*	Limited sherd sample
Ceramic technology	Moderate sherd sample
Intrasite stylistic variation	Moderate sherd sample
Vessel form analysis	Moderate sherd sample
Lithic reduction patterns	Moderate artifacts
Lithic raw material patterns	Moderate artifacts
Culture history sequence	Components mixed
Ceramic typology/chronology	Limited sherd sample
Culture history direct dating	No datable remains
Extraction/processing: steatite/clay/lithics	Limited artifact sample
Assemblage variation/site function	All data recovered
Feature analysis/site function	No features
Site use intensity through time	Limited data remaining
Native American group determinable*	Not applicable

*Historic Period Indians only

Site 38BU1323

Cultural Affiliation - Middle/Late Woodland
Area - Compartment 8
Soil Type - Bladen
Elevation - 10 ft amsl
Nearest Water Source - Okatee River
Site Dimensions - 30 m N/S by 40 m E/W
Present Vegetation - Harvested pine forest
NRHP Recommendations - Not Eligible

Site 38BU1323 is located in the western portion of the project tract (Figure 23). The site is situated in a clear cut (pine harvested) field. It is bordered to the south by a power line and to the east by a dirt road. 38BU1323 measures approximately 30 m north-south by 40 m east-west. Figure 32 shows a plan view of 38BU1323.

The site is represented by a small surface scatter of 16 prehistoric artifacts located in five surface finds. Twenty shovel tests were excavated in the site area; all shovel tests were negative. Visibility was excellent, and the surface collection was complete. Deptford simple and check stamped (Middle Woodland), and McClellanville fabric impressed (Late Woodland) sherds were recovered. Artifacts recovered from the site are listed below and in Appendix A. These artifacts represent a brief use of the site during the Middle/Late Woodland (Deptford III, McClellanville phase) Period. The low frequency of artifacts suggests that limited activities occurred at the site during these occupations. Presumably, these activities related to the acquisition of resources in and around 38BU1323.

The low artifact frequency observed at 38BU1323 suggests that this site is unlikely to yield information adequate to address any of the research realms outlined in Table 16. Site 38BU1323 is recommended not eligible for the NRHP. No further management consideration is recommended.

38BU1323

COUNT	WEIGHT	DESCRIPTION
5		plain sherd
1		Deptford check stamped sherd
2		McClellanville fabric impressed sherd
3		Deptford linear simple stamped sherd
3		eroded sherd
1		residual sherd
1		colonoware
16		TOTAL

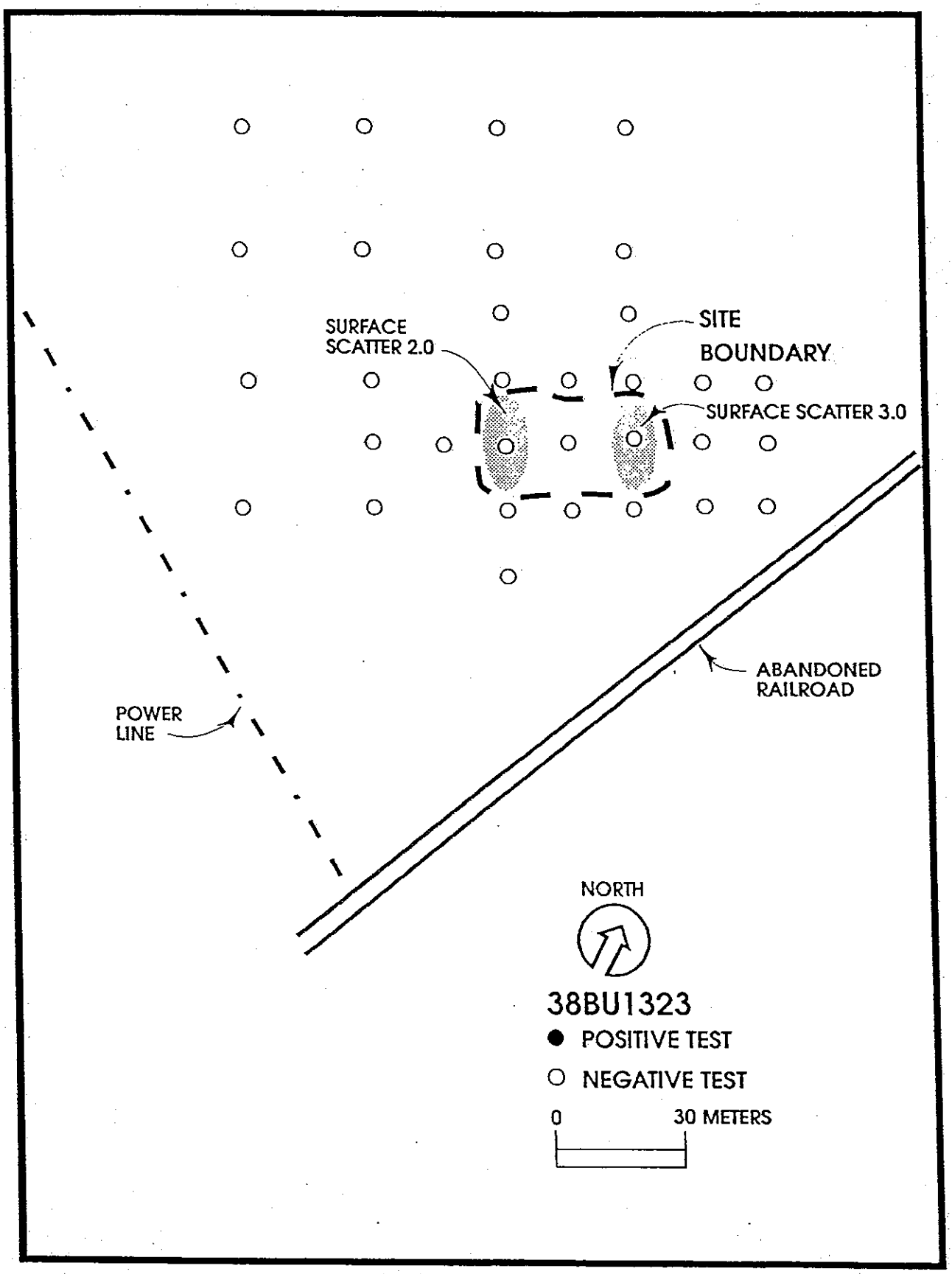


Figure 33. Plan View of Site 38BU1323.

Table 14. Research Realms as NRHP Eligibility Indicators- 38BU1323.

Research Realms - Native American Sites	
Plant diet	No remains recovered
Faunal diet	No remains recovered
Faunal/Floral seasonality	No material available
Intrasite settlement	Limited artifacts/no features
Structure form and proxemics	No features
Activity areas	Limited artifacts
Burial ritual	None present
Osteological characterization	None present
Ethnic relationships	None present
General health	None present
Osteological diet study	None present
Use of Euro-american goods*	None present
Ceramic technology	Limited sherd sample
Intrasite stylistic variation	Limited sherd sample
Vessel form analysis	Limited sherd sample
Lithic reduction patterns	Limited artifacts
Lithic raw material patterns	Limited artifacts
Culture history sequence	Components mixed
Ceramic typology/chronology	Limited sherd sample
Culture history direct dating	No datable remains
Extraction/processing: steatite/clay/lithics	Limited artifact sample
Assemblage variation/site function	All data recovered
Feature analysis/site function	No features
Site use intensity through time	Limited data remaining
Native American group determinable*	Not applicable

*Historic Period Indians only

Site 38JA202

Cultural Affiliation - Late Archaic, Middle Woodland, and Middle Mississippian
Area - Compartment 3
Soil Type - Bladen
Elevation - 15 ft amsl
Nearest Water Source - Okatee River
Site Dimensions - 10 m by 10 m
Present Vegetation - Mixed pine/hardwood forest
NRHP Recommendations - Not Eligible

Site 38JA202 is located in the northern portion of the project tract in Jasper County (Figure 23). The site is situated in a clear cut (pine harvested) area adjacent to a small interior wetland or bay. Site 38JA202 consisted of 27 artifacts recovered in an area approximately 10 m by 10. Visibility was excellent, and the surface collection was complete. Fifteen shovel tests were dug in and around the surface scatter; all were negative. Figure 33 shows a plan view of 38JA202.

Shovel tests excavated at the site revealed a mottled blend of 10YR5/3 brown sand and 2.5YR5/2 grayish brown sandy loam approximately 30 cm thick. Extensive damage occurred in the area as a result of the pine harvesting. Furrows 0.75 m deep were created as a result of the planting and harvesting of pine. The site appears to have been disturbed as a result of the harvesting and planting activities.

Artifacts recovered suggest that four components are present at the site. These include Stallings plain (Late Archaic), Deptford check and simple stamped (Middle Woodland), Santee simple stamped (Late Woodland), Savannah check stamped (Middle Mississippian). The sparsity of the artifacts associated with each component suggests that only limited activities occurred at 38JA202. These activities probably related to the acquisition of a single resource or a single set of resources near the site.

The low artifact frequency at Site 38JA202 plus the site disturbance suggests that it is unlikely to yield information adequate to address any of the research realms outlined in Table 15. The research potential of Site 38JA202 has been fully achieved at the survey level. Site 38JA202 is recommended not eligible for the NRHP. No further management consideration is recommended.

38JA202

COUNT	WEIGHT	DESCRIPTION
6		plain sherd
1		Stallings plain sherd
3		Deptford check stamped sherd
1		Santee linear simple stamped sherd
1		Deptford linear simple stamped sherd
1		scraped sherd
5		eroded sherd
1		Savannah check stamped sherd
8		residual sherd
27		**TOTAL**

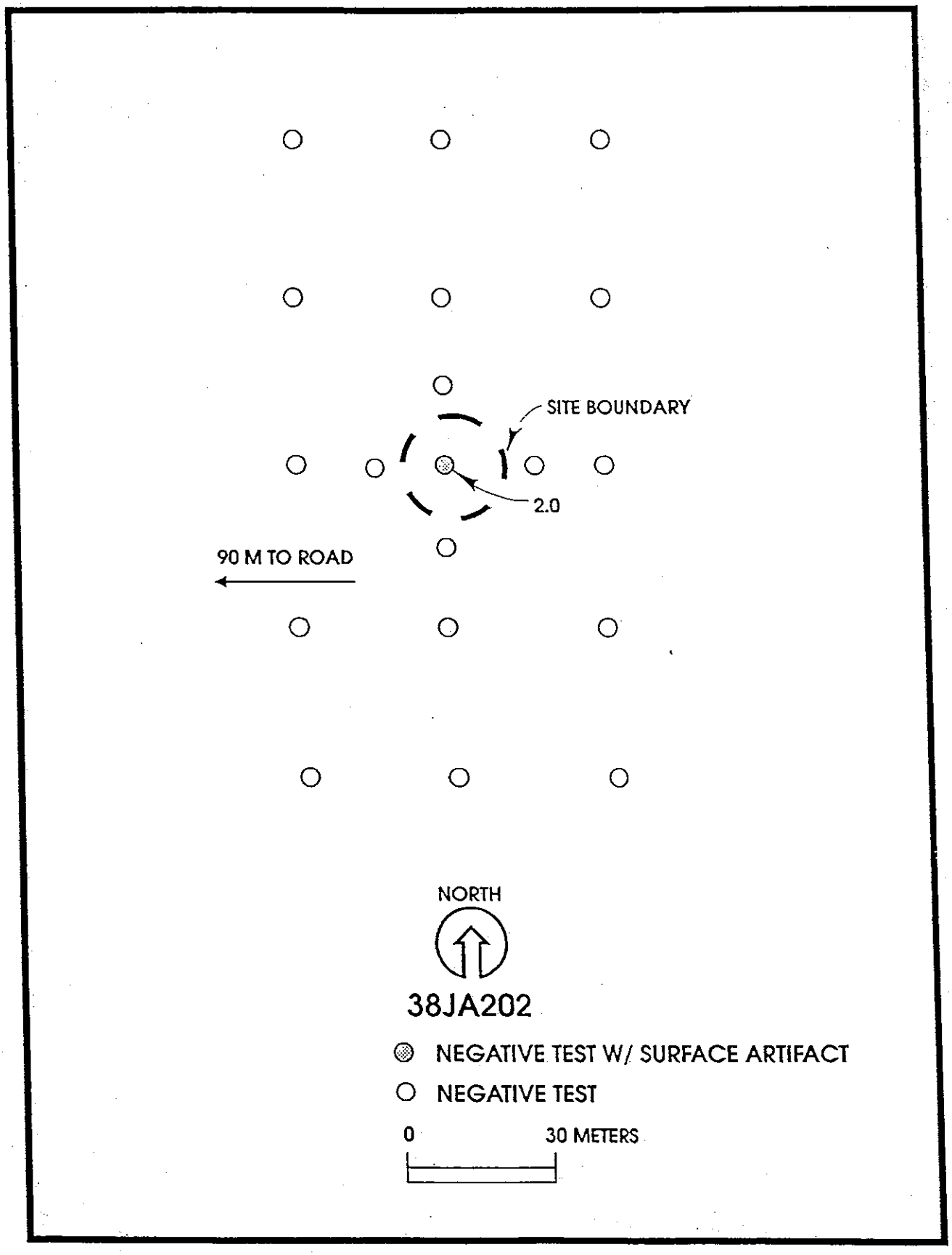


Figure 34. Plan View of Site 38JA202.

Table 15. Research Realms as NRHP Eligibility Indicators- 38JA202.

Research Realms - Native American Sites	
Plant diet	No remains recovered
Faunal diet	No remains recovered
Faunal/Floral seasonality	No materials available
Intrasite settlement	May be definable
Structure form and proxemics	No features
Activity areas	May be definable
Burial ritual	None present
Osteological characterization	None present
Ethnic relationships	None present
General health	None present
Osteological diet study	None present
Use of Euro-american goods*	Not applicable
Ceramic technology	Limited sherd sample
Intrasite stylistic variation	Limited sherd sample
Vessel form analysis	Limited sherd size
Lithic reduction patterns	Few artifacts recovered
Lithic raw material patterns	Few artifacts recovered
Culture history sequence	Not determined
Ceramic typology/chronology	multi-component
Culture history direct dating	No datable remains
Extraction/processing: steatite/clay/lithics	Limited artifact sample
Assemblage variation/site function	May be definable
Feature analysis/site function	No features
Site use intensity through time	Not determined
Native American group determinable*	Not applicable

*Historic Period Indians only

Site 38JA203

Cultural Affiliation - Undetermined prehistoric
Area - Compartment 3
Soil Type - Bladen-Ponded
Elevation - 15 ft amsl
Nearest Water Source - Okatee River
Site Dimensions - NA (One positive shovel test)
Present Vegetation - Mixed pine/hardwood forest
NRHP Recommendations - Not Eligible

Site 38JA203 is located in the northern portion of the project tract in Jasper County (Figure 23). The site is situated in a clear cut (pine harvested) area adjacent to an interior wetland. Site 38JA203 included four artifacts recovered in two surface finds. Visibility was excellent, and the surface collection was complete. Seventeen shovel tests were dug in and around the surface scatters, all were negative. Figure 34 shows a plan view of 38JA203.

Shovel tests excavated at the site revealed a mottled blend of 10YR 5/3 brown sand and 2.5YR5/2 grayish brown sandy loam approximately 30 cm thick. Extensive damage occurred in the area as a result of the pine harvesting. In some areas furrows .75 m deep were created as a result of the planting and harvesting of pine. The site appears to have been disturbed as a result of the harvesting and planting activities.

One chert flake, one plain fine sand tempered sherd (Provenience 5.0) and two unidentified prehistoric sherds (Provenience 6.0) were recovered. The low frequency of artifacts suggests that limited activities occurred at the site during this occupation. Presumably, these activities related to the acquisition of resources in and around 38JA203.

The sparsity of the artifacts and disturbed nature of 38JA203 suggest that it is unlikely to yield information adequate to address any of the research realms outlined in Table 16. The research potential of Site 38JA202 has been fully achieved at the survey level. Site 38JA202 is recommended not eligible for the NRHP. No further management consideration is recommended.

38JA203

COUNT	WEIGHT	DESCRIPTION
1		plain sherd
1		scraped sherd
1		eroded sherd
1		chert flake fragment
4		TOTAL

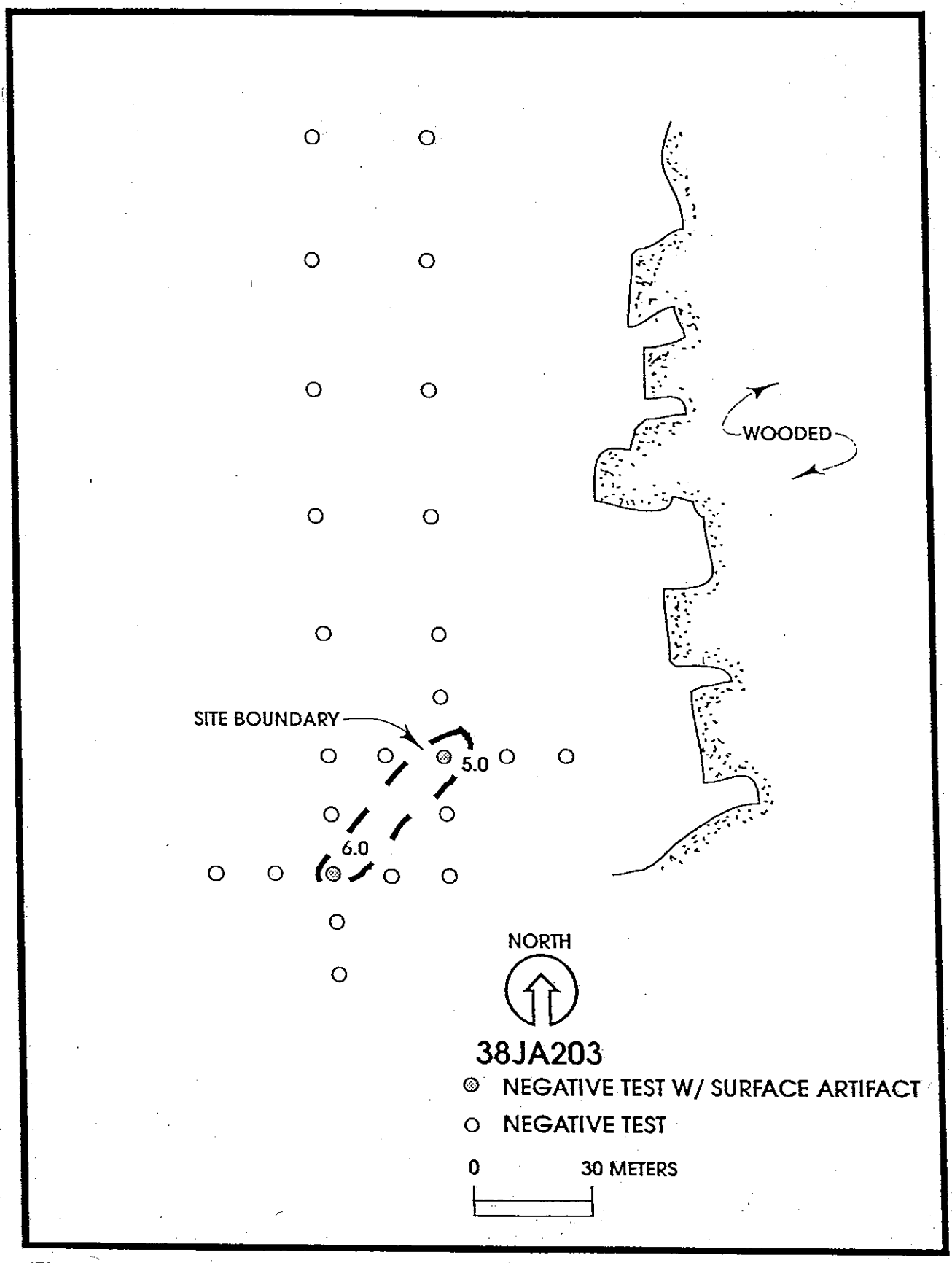


Figure 35. Plan View of Site 38JA203.

Table 16. Research Realms as NRHP Eligibility Indicators- 38JA203.

Research Realms - Native American Sites	
Plant diet	No remains recovered
Faunal diet	No remains recovered
Faunal/Floral seasonality	No material available
Intrasite settlement	Limited artifacts/no features
Structure form and proxemics	No features
Activity areas	Limited artifacts
Burial ritual	None present
Osteological characterization	None present
Ethnic relationships	None present
General health	None present
Osteological diet study	None present
Use of Euro-american goods*	None present
Ceramic technology	Limited sherd sample
Intrasite stylistic variation	Limited sherd sample
Vessel form analysis	Limited sherd sample
Lithic reduction patterns	Limited artifacts
Lithic raw material patterns	Limited artifacts
Culture history sequence	Components mixed
Ceramic typology/chronology	Limited sherd sample
Culture history direct dating	No datable remains
Extraction/processing: steatite/clay/lithics	Limited artifact sample
Assemblage variation/site function	All data recovered
Feature analysis/site function	No features
Site use intensity through time	Limited data remaining
Native American group determinable*	Not applicable

*Historic Period Indians only

Site 38JA204

Cultural Affiliation - Mississippian
Area - Compartment 3
Soil Type - Bladen
Elevation - 15 ft amsl
Nearest Water Source - Okatee River
Site Dimensions - 10 m by 10 m
Present Vegetation - Mixed pine/hardwood forest
NRHP Recommendations - Not Eligible

Site 38JA204 is located in the northern portion of the project tract in Jasper County (Figure 23). The site is situated in a clear cut (pine harvested) area. Site 38JA204 consisted of three artifacts recovered from an area approximately 10 m by 10. Visibility was excellent, and the surface collection was complete. Thirteen shovel tests were dug in and around the surface scatter; all were negative. Figure 35 shows a plan view of 38JA204.

Shovel tests excavated at the site revealed a mottled blend of 10YR 5/3 brown sand and 2.5 YR 5/2 grayish brown sandy loam approximately 30 cm thick. Extensive damage occurred in the area as a result of the pine harvesting. Deep furrows were created as a result of the planting and harvesting of pine. The site appears to have been disturbed as a result of the harvesting and planting activities.

Artifacts recovered include one plain coarse sand tempered sherd, and two Savannah check stamped body sherds. The sparsity of the artifacts suggests that limited activities occurred at 38JA204 during a Mississippian occupation.

The low artifact frequency at Site 38JA204 plus the site disturbance suggests that it is unlikely to yield information adequate to address any of the research realms outlined in Table 17. The research potential of Site 38JA204 has been fully achieved at the survey level. Site 38JA204 is recommended not eligible for the NRHP. No further management consideration is recommended.

38JA204

COUNT	WEIGHT	DESCRIPTION
1		plain sherd
2		Savannah check stamped sherd
3		TOTAL

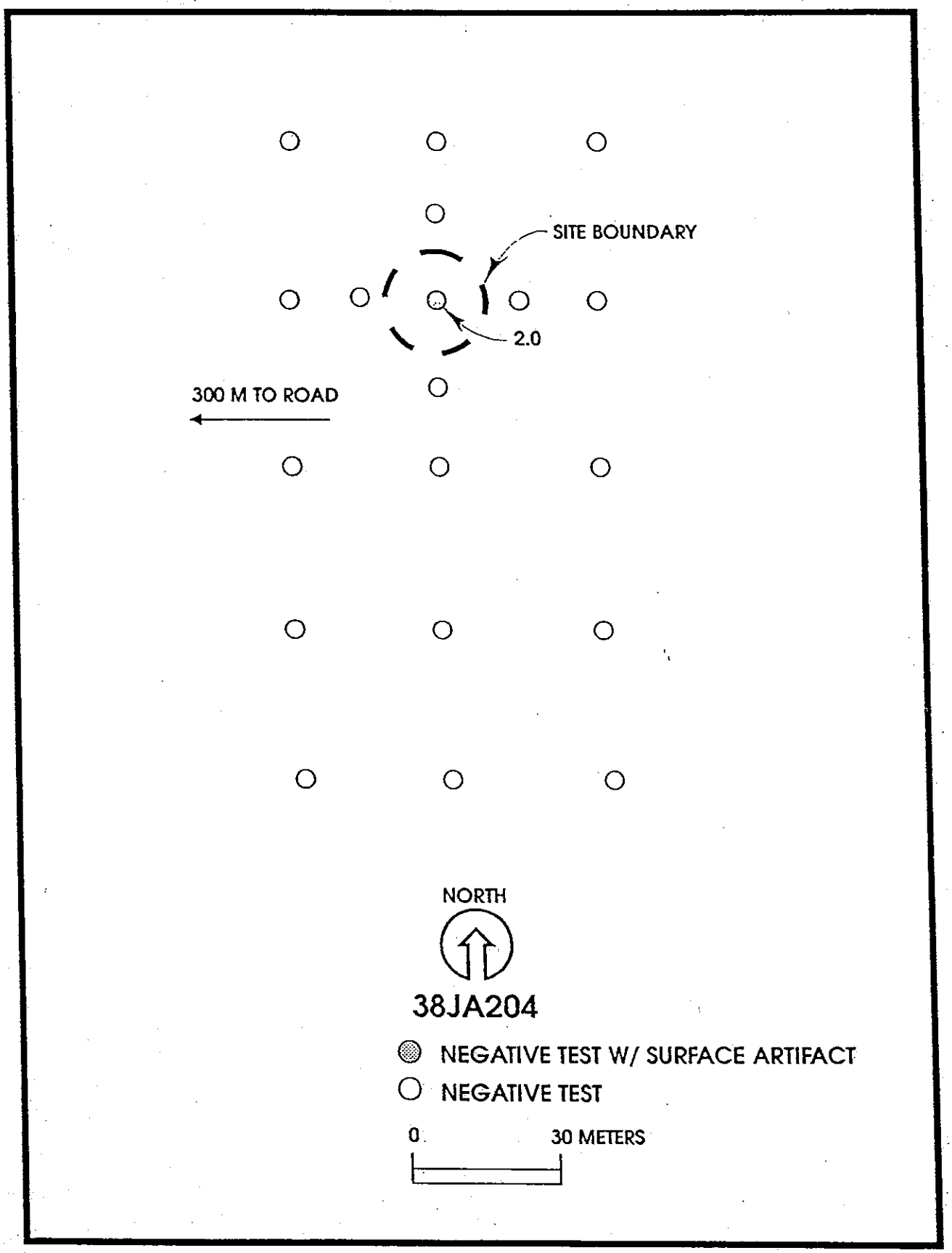


Figure 36. Plan View of Site 38JA204.

Table 17. Research Realms as NRHP Eligibility Indicators- 38JA204.

Research Realms - Historic Sites	
Plant diet	Poor preservation
Faunal diet	Poor preservation
Husbandry/subsistence/economy	Poor preservation
Intrasite settlement	Features may be present
Structure form and proxemics	Features may be present
Activity areas	Features may be present
Burial ritual	None present
Osteological characterization	None present
Ethnic relationships	None present
General health	None present
Osteological diet study	None present
Ceramic assemblage	Moderate sherd sample
Vessel form analysis	Limited sherd size
Class, Status, and Ethnic Indicators	Moderate artifact diversity
Assemblage variation/site function	Moderate artifact diversity
Feature analysis/site function	No features
Extraction technology	Not applicable
Production technology	Not applicable
Water-powered processing technology	Not applicable
Worker's lifeways	Moderate artifact diversity
Military defenses	Not applicable
Military strategy	Not applicable
Conflict reconstruction	Not applicable
Military lifeways	Not applicable
Site occupants determinable	No

ISOLATED FINDS

Table 18. Isolated Finds Identified in the Argent Tract.

Isolate Number	Compartment	Cultural Affiliation
Isolate 1	Two	Unknown prehistoric
Isolate 2	Three	Unknown prehistoric
Isolate 3	Three	Unknown prehistoric
Isolate 4	Three	19th/20th century
Isolate 5	Three	Unknown prehistoric
Isolate 6	Three	Historic
Isolate 7	Three	Unknown prehistoric
Isolate 8	Eight	Historic
Isolate 9	Six	Unknown prehistoric
Isolate 10	Six	19th century
Isolate 11	Three	Unknown prehistoric
Isolate 12	Six	19th century

Twelve isolate artifact occurrences were identified during the survey. These isolates were located throughout the project tract (Figure 23). The locations and cultural associations are summarized in Table 18. None of the isolates can provide any additional information concerning the prehistoric or historic use of the project tract. Therefore, all isolates are recommended not eligible for the NRHP and require no further management consideration.

Isolate 1 is located in the north western portion of the project tract (Figure 23). The Isolate consists of two unidentified fine sand tempered plain body sherds recovered from Transect 3 in Compartment 2. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 1 were all negative. Isolate 1 is recommended not eligible for the NRHP.

Isolate 2 is located in the northern portion of the project tract (Figure 23). The isolate consists of one eroded body sherd and one incised body sherd recovered from Compartment 3, Transect 23, Shovel Test 11. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 2 failed to produce any additional cultural material. Isolate 2 is recommended not eligible for the NRHP.

Isolate 3 is located in the northern portion of the project tract (Figure 23). The isolate consists of one chert biface fragment located in Compartment 3, Transect 12, Shovel Test 18. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 3 failed to produce any additional cultural material. Isolate 3 is recommended not eligible for the NRHP.

Isolate 4 is located in the northern portion of the project tract at Compartment 3, Transect 2, Shovel Test 7 (Figure 23). Isolate 4 is represented by a surface scatter containing six light blue panel bottle glass sherds, three amethyst bottle glass sherds with molded decoration, and one undecorated ironstone sherd. Eight shovel tests excavated in and around the scatter were all negative. The recovery of all of the artifacts from the surface scatter prompted the definition of the artifacts at this locale as an isolate rather than a site. It was impossible to determine whether the artifacts were near their point of original deposition (i.e., within a "site"), or whether they had been redeposited at their present locale. Isolate 4 is recommended not eligible for the NRHP.

Isolate 5 is located in the northern portion of the project tract in Compartment 3, Transect 24, Shovel Test 5 (Figure 23). Isolate 5 consists of one eroded sand tempered body sherd. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 5 failed to produce any additional cultural material. Isolate 5 is recommended not eligible for the NRHP.

Isolate 6 is located in the northwestern portion of the project tract in Compartment 3, Transect 23, Shovel Test 10 (Figure 23). The isolate consists of one large square spike. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 6 failed to produce any additional cultural material. Isolate 6 is recommended not eligible for the NRHP.

Isolate 7 is located in the northern portion of the project tract (Figure 23). The Isolate consists of one chert flake fragment recovered from Transect 4, Shovel Test 8 in Compartment 3. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 7 failed to produce any additional cultural materials. Isolate 7 is recommended not eligible for the NRHP.

Isolate 8 is located in the northern portion of the project tract (Figure 23). The Isolate consists of one salt glazed stoneware sherd recovered from Transect 1, Shovel Test 1 in Compartment 8. Eight additional shovel tests at 10 m intervals in cardinal directions

from Isolate 8 failed to produce any additional cultural materials. Isolate 8 is recommended not eligible for the NRHP.

Isolate 9 is located in the northern portion of the project tract (Figure 23). The Isolate consists of one eroded body sherd, and two check stamped body sherds recovered from Transect 2, Shovel Test 3 and 4 in Compartment 6. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 7 failed to produce any additional cultural materials. Isolate 9 is recommended not eligible for the NRHP.

Isolate 10 is located in the southwestern portion of the project tract at Compartment 6, Transect 5, Shovel Test 2 (Figure 23). Isolate 10 is represented by a surface scatter consisting of 13 residual sherds, one pearlware sherd, and five small chert flake fragments. Ten shovel tests excavated in and around the scatter were all negative. The recovery of all of the artifacts from the surface scatter and the poor condition of the residual sherds prompted the definition of the artifacts at this locale as an isolate rather than a site. It was impossible to determine whether the artifacts were near their point of original deposition (i.e., within a "site") or whether they had been redeposited at their present locale. Isolate 10 is recommended not eligible for the NRHP.

Isolate 11 is located in the northern portion of the project tract (Figure 23). The Isolate consists of small tertiary core reduction flakes and metavolcanic shatter recovered from Compartment 3, Transect 4, Shovel Test 9. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 11 failed to produce any additional cultural materials. Isolate 11 is recommended not eligible for the NRHP.

Isolate 12 is located in the southern portion of the project tract (Figure 23). The Isolate consists of one pearlware sherd recovered from Transect 5, in Compartment 6. Eight additional shovel tests at 10 m intervals in cardinal directions from Isolate 12 failed to produce any additional cultural materials. Isolate 12 is recommended not eligible for the NRHP.

OTHER CULTURAL RESOURCES

The intensive cultural resources survey of the Argent Tract resulted in the identification of three other cultural resources in addition to the archaeological sites and isolates discussed above. These resources included one standing structure and two landscape features. Two potential cultural resources also were identified on plats of the project tract. These included another canal and a tenant house. Each of these resources is described in more detail below. None of the encountered resources is recommended eligible for the NRHP. Thus, proposed development activities in or near these resources will result in no adverse effects to any significant historic features or information. Further management consideration of these resources is not recommended.

STANDING STRUCTURE

A single historic structure was located within the project tract in Compartment 6 (Figure 23). This structure lies opposite archaeological site 38BU1320. It currently serves as a hunting lodge. Surrounding outbuildings include a small frame structure (bunkhouse?), open storage sheds, and dog kennels. All of the outbuildings appear to be of recent construction.

The structure is a gable ell house supported by a brick pier foundation. It possesses a weatherboard, a V-crimp sheet metal roof, and 6/6 windows. Porches extend from at least two side of the structure. Construction style and techniques suggest that it was built circa 1900. It probably represents one of the buildings indicated in a settlement on a 1921 of this portion of the project tract (Figure 10). Figure 36 displays a view of this structure.

The structure is in a poor state of repair. It displays no outstanding attributes or qualities that characterize rural structures in the region. It is not associated with any known significant historic person. The structure cannot meet any of the criteria of eligibility for the NRHP. Therefore, it is recommended not eligible for the NRHP. Further management consideration of the structure is not recommended.

An SHPO Statewide Standing Structure form has been prepared and submitted for this structure. Upon review of the form, a permanent structure number will be assigned.

ABANDONED RAILROAD

The roadbed of an abandoned Seaboard Air Line Railway line extends through the western portion of the project tract (Figure 23). This railroad apparently was built in the 1920s, with right-of-way acquisitions occurring between 1917 and 1923. The earliest indication of the railroad is a 1921 plat of a portion of the project tract (Figure 10). The railway remained in existence until the 1950s. The track, supporting ties, and associated facilities apparently were salvaged when the right-of-way was abandoned (prior to 1967).

This railroad apparently served agricultural and timber producers in the southern portions of Beaufort and Jasper Counties. The line originates on the east-west spur for the Charleston-Savannah line (owned by the Atlantic Coast Line Railway in the 1920s) that extends from Yemassee to Beaufort. The line through the Argent Tract initiates on the Yemassee-Beaufort line Sheldon and Seabrook, immediately north of the Whale Branch River.

A number of small stations apparently were associated with this railroad. Jasper Station was located to the north of the project tract. Vincent Station apparently was located within the project tract, near the southwestern corner of Compartment 3. Archaeological evidence of this station was not recovered during the survey. Hazardous materials

SHPO REPRESENTATIVE

Figure 37. View of Standing Structure in Compartment 6 of the Argent Tract.

investigators did identify concrete piers suggestive of footings for a building and a section of iron water pipe in dense undergrowth adjacent to the railroad right-of-way near this locale. These features probably represent the remains of "Vincent Station." This station probably possessed a loading platform for produce (cotton, cattle, etc.) with the train stopping whenever the nearby farmers or loggers had collected sufficient produce to warrant stopping or transport had been ordered by the producers.

Other facilities that may have been associated with the railroad were not identified during the survey. No evidence of narrow gauge trams to support timber harvesting, marshalling yards, logging camps, loading docks, or other facilities were identified in the surveyed lands adjacent to the railroad bed. Interviews with Union-Camp personnel also failed to identify any possible facilities associated with the railroad except for a single tramway. A former narrow gauge railroad extended north and west from abandoned railroad outside the project tract, to the north of Compartment 8. The former tram apparently extended from the railroad into the Great Swamp (headwaters of the New River). This corridor was reworked and a ~~graveled~~ road built on top of it by Union-Camp during the last 10 years.

Thus, the abandoned railroad bed through the project tract possesses almost no associated features or facilities that reflect the role of this former transportation corridor. Thus, while it can be associated with a process that is significant in the economic development of the region, it possesses few attributes that illustrate or highlight this association. Further, the construction of this railroad appears to have altered land use or land use intensity to any great degree. That is, the lands surrounding the railroad were used as farm land, pasture land, and timber lands prior to the 1920s. Following its construction, land use continued in the same fashion. There is no indication that small villages or settlements or large railway related facilities sprang up along the railroad as often happened along rail lines constructed during the nineteenth century.

Thus, the railroad offers little opportunity to reflect the economic development of the region. Further, it is not associated with any historic person, nor does it possess any unique or outstanding construction techniques or qualities that reflect the period of its construction. Thus, it is unlikely that this feature can contribute further information to the understanding of the historic development of the region than has been recovered to date. Therefore, the abandoned railroad bed and the associated station area is recommended not eligible for the NRHP. Further management consideration of this feature is not recommended.

OLD ENGLISH CANAL

Two plats of the project tract identified "Ye Old English Canal" or Englishman's Canal" extending through the northern portion of the tract in Compartments 4 and 5 (Figure 23). This canal apparently intersected with Okatee Creek near the southeast corner

of Compartment 5, immediately north of a "tenant house" (Figure 12). This canal remains as a dry ditch that is approximately 7-10 ft/2-3 m deep and 5-6 ft/2 m wide. Fill from this ditch was piled to either side of the excavation preventing the use of animals or men to draw vessels along the length of the 'canal" when it was flooded. A small ditch joins the eastern end of "canal" in Compartment 5, after paralleling the bank of Okatee Creek for approximately 200 ft/60 m. This ditch is approximately 3 ft/1 m wide and approximately 3-5/1-1.5 m deep. Dirt was piled to either side of this excavation as well.

The exact age of this canal is not known. It appears on plats form the early twentieth century. However, no indication of a canal or ditch is shown in this area on Poe's 1865 map of the region (Figure 9). This suggests that it may have been excavated in the late nineteenth or early twentieth century.

The exact function of the "canal" also is unknown. As noted above, the placement of the fill from the excavation would have precluded vessels being drawn along the ditch if it were filled with water. The very narrow width would have prevented poling of vessels as well. No mention of this feature was encountered in any of the deed records encountered during the chain-of-title research summarized in Chapter II. Today, the "canal" is dry; it does not possess any vegetation or soil characteristics to permit its delineation as a wetland. This suggests that the ditch may have never contained water, although the USGS Jasper quadrangle of 1958 shows a portion of the "canal" as a drainage (see Figure 23). Possibly, this "canal" also served to drain the northern portions of the project tract, effectively lowering the water table and permitting the use of formerly saturated lands for agriculture. Alternatively, it may have served as a property line, although no deed or plat records indicate this use. It may have served as a "drive lane" for cattle or livestock between two remote pasturages. However, the narrow width of the ditch would have limited movement to single file and created the opportunity for constant delays should any one animal decide to stop or reverse directions.

The precise function and age of this feature is not known. It does not appear to be associated with any significant historic person or event in the region. It does not possess any significant engineering features that distinguish it from other drainage ditches in the region. It appears unlikely that this "canal" can contribute further information to the interpretation of the historic use of the region than has been recovered to date. Therefore, it is recommended not eligible for the NRHP. Further management consideration of this feature is not recommended.

UNNAMED CANAL

An unnamed canal was displayed on a plat of the central portion of the project tract (Figure 11). This canal formed the property line between the landholding displayed in the plat and adjacent properties. A large drainage is present in this portion of the project tract today, forming the southern boundary of Compartment 1 with an outparcel of the Argent

Tract (Figure 23). This canal was not visited during the survey; it lies in a large wetland and will not be affected by any proposed development activities. This "canal" was not shown or identified on any earlier maps of the project tract or region. It most likely represents a ditch or channel excavated in an existing drainage to lower the water table in the adjacent portions of the tract. This feature possesses no outstanding attributes or qualities that can characterize drainage facilities in the region. Thus, this feature possesses no additional information that can contribute to the interpretation of the historic use of the region. Therefore, it is recommended not eligible for the NRHP. Further management consideration of this feature is not recommended.

TENANT HOUSE

A tenant house was shown on a 1922 plat of the former Sanders Tract (Figure 12) in the southeast corner of Compartment 5. Intensive survey of this area failed to identify any archaeological or architectural evidence of this former structure. It appears to have been completely destroyed by subsequent use of this portion of the project tract. Further consideration of potential resource is not recommended.

CHAPTER V

RECOMMENDATIONS

The intensive cultural resources survey of the Argent Tract resulted in the identification of 12 archaeological sites, 12 isolated artifact occurrences, one structure, and two landscape features. Five archaeological sites are recommended potentially eligible for the NRHP. The remaining seven sites, 12 isolates, and three other resources are recommended not eligible for the NRHP; these resources require no further management consideration. Table 19 summarizes the resources encountered and their recommendations. Proposed development activities within the tract should be allowed to proceed as planned beyond the five sites recommended potentially eligible for the NRHP. Specific recommendations for each of the NRHP potentially eligible sites follows.

NRHP POTENTIALLY ELIGIBLE SITES

Site 38BU1316 is a multicomponent (Early/Middle Woodland, Historic 19th Century) site. The historic component of 38BU1316 is recommended potentially eligible for the NRHP. Soil disturbance appears to be shallow at 38BU1316, thus, features in the subsoil may be present. If so, information related to the use of the site during the nineteenth century may contribute to the understanding of subsistence, intrasite settlement, class, status, and ethnic indicators through archaeological data. Therefore, 38BU1316 is recommended potentially eligible for the NRHP. The site should be preserved in place until an appropriate evaluation has been conducted. This evaluation should involve archival research and the controlled excavation of a minimum of 12 m^2 of the site surface.

Site 38BU1317 is a multicomponent (Late Archaic to Historic 19th Century) site. The prehistoric component of 38BU1317 is recommended potentially eligible for the NRHP. The artifact assemblage suggests that this site may represent a contact period occupation. Soil disturbance appears to be minimal at 38BU1317; thus, features in subsoil may be present. If so, information related to early European and Native American contact at 38BU1317 may help to characterize and describe the protohistoric period. Therefore, 38BU1317 is recommended potentially eligible for the NRHP. The site should be preserved in place until an appropriate evaluation has been conducted. This evaluation should involve the controlled excavation of a minimum of 12 m^2 of the site surface.

Site 38BU1318 is a multicomponent (Middle Woodland/19th Century) site. The historic component of 38BU1318 is recommended potentially eligible for the NRHP. Soil disturbance appears to be shallow at 38BU1318; thus, features in the subsoil may be present. If so, information related to the use of the site during the nineteenth century may contribute to the understanding of subsistence, intrasite settlement, class, status, and ethnic

Table 19. Cultural Resources Encountered in the Argent Tract.

Site	NRHP Eligibility Status	Recommendations
38BU1316	Potentially Eligible	Preserve in place/further testing required
38BU1317	Potentially Eligible	Preserve in place/further testing required
38BU1318	Potentially Eligible	Preserve in place/further testing required
38BU1321	Potentially Eligible	Preserve in place/further testing required
38BU1322	Potentially Eligible	Preserve in place/further testing required
38BU1315	Not Eligible	No further work required
38BU1319	Not Eligible	No further work required
38BU1320	Not Eligible	No further work required
38BU1323	Not Eligible	No further work required
38JA202	Not Eligible	No further work required
38JA203	Not Eligible	No further work required
38JA204	Not Eligible	No further work required
Abandoned Railroad	Not Eligible	No further work required
Olde English Canal	Not Eligible	No further work required
Standing Structure	Not Eligible	No further work required

indicators through archaeological data. Therefore, 38BU1318 is recommended potentially eligible for the NRHP. The site should be preserved in place until an appropriate evaluation has been conducted. This evaluation should involve the controlled excavation of a minimum of 10 m^2 of the site surface.

Site 38BU1321 is a multicomponent (Late Archaic, Early/Middle Woodland, Historic 19th Century) site. The historic component of 38BU1321 is recommended potentially eligible for the NRHP. Site 38BU1321 is located adjacent to 38BU1316 and dates to the same time period as 38BU1316. Thus, 38BU1316 and 38BU1321 and may be part of a nineteenth century historic residential complex. Soil disturbance appears to be shallow at 38BU1321, thus, features in the subsoil may be present. If so, information related to the use of the site during the nineteenth century may contribute to the understanding of subsistence, intrasite settlement, class, status, and ethnic indicators through archaeological data. Therefore, 38BU1321 is recommended potentially eligible for the NRHP. The site should be preserved in place until an appropriate evaluation has been conducted. This evaluation should involve archival research, and the controlled excavation of a minimum of 4 m^2 of the site surface.

Site 38BU1322 is a Late Archaic to Middle Mississippian site. The artifact assemblage represents at least six prehistoric episodes of occupation. The majority of sherds appear to represent a Mississippian occupation. Soil disturbance appears to be shallow at 38BU1322, thus, features in subsoil may be present. If so, information related to the use of the site may help to describe and characterize Mississippian settlement patterns in the region. Therefore, 38BU1322 is recommended potentially eligible for the NRHP. The site should be preserved in place until an appropriate evaluation has been conducted. This evaluation should involve the controlled excavation of a minimum of 14 m^2 of the site surface.

REFERENCES CITED

Anderson, David G.

1977 A History of Prehistoric Archaeological Investigations in the Coastal Plain of South Carolina. South Carolina Antiquities 9(2):1-32.

1989 The Mississippian in South Carolina. In Studies in South Carolina Archaeology: Essays in Honor of Robert L. Stephenson, edited by Albert C. Goodyear, III and Glen T. Hanson, pages 101-132. South Carolina Institute of Archaeology and Anthropology, Anthropological Studies 9, Columbia.

1990 Political Change in Chiefdom Societies: Cycling in the Late Prehistoric Southeastern United States. Unpublished Ph.D. Dissertation, Department of Anthropology, University of Michigan.

Anderson, David G. and Glen T. Hanson

1988 Early Archaic Settlement in the Southeastern United States: A Case Study from the Savannah River Basin. American Antiquity 53:262-286.

Anderson, David G., and Patricia A. Logan

1981 Francis Marion National Forest Cultural Resources Overview. United States Forest Service, Columbia, South Carolina.

Anderson, David G., Charles E. Cantley, and A. Lee Novick

1982 The Mattassee Lake Sites: Archaeological Investigations along the Lower Santee River in the Coastal Plain of South Carolina. U.S. Department of the Interior, National Park Service, Southeast Regional Office, Atlanta.

Anderson, David G., Kenneth E. Sassaman and Christopher Judge

1992 Paleoindian and Early Archaic Period Research in the Lower Southeast: A South Carolina Perspective. Council of South Carolina Professional Archaeologist and the South Carolina Institute of Archaeology and Anthropology, Columbia, South Carolina.

Barry, John M.

1980 Natural Vegetation of South Carolina. University of South Carolina Press, Columbia.

Beaufort County Records

Deed Books and Plat Books. Beaufort County Courthouse, Beaufort, South Carolina.

Blanton, Dennis B. and Kenneth E. Sassaman
1989 Pattern and Process in the Middle Archaic Period of South Carolina. In Studies in South Carolina Archaeology, edited by Albert C. Goodyear III and Glen T. Hanson, pp. 53-72. The University of South Carolina Institute of Archaeology and Anthropology Anthropological Studies 9. Columbia.

Blanton, Dennis B, Christopher T. Espenshade, and Paul E. Brockington, Jr.
1986 An Archaeological Study of 38SU83: A Yadkin Phase Site in the Upper Coastal Plain of South Carolina. Garrow & Associates, Inc., Atlanta.

Braley, Chad O.
1982 Archaeological Survey, testing and Evaluation of the Pinckney Island National Wildlife Refuge, Beaufort County, South Carolina. Report prepared for the National Park Service, Atlanta, by Southeastern Wildlife services, Inc., Athens, Georgia.

Braun, E. Lucy
1950 Deciduous Forests of Eastern North America. Hafner, New York.

Brockington, Paul E., Jr.
1971 A Preliminary Investigation of an Early Knapping site in Southeast Georgia. Notebook 3(2):23-46.

Brockington, Paul E., Jr. and Rick R. Richardson
1991 Archaeological Survey and Testing of the Graves Tract, Beaufort County, South Carolina. Prepared for Bass Golf, Inc.

Brockington, Paul E., Jr., Michael Scardaville, Patrick H. Garrow, David Singer, Linda France, and Cheryl Holt
1985 Rural Settlement in the Charleston Bay Area: Eighteenth and Nineteenth Century Sites in the Mark Clark Expressway Corridor. Garrow and Associates, Inc., Atlanta.

Brooks, M. J., P. A. Stone, D. J. Colquhoun and J. G. Brown
1989 Sea Level Change, Estuarine Development and Temporal Variability in Woodland Period Subsistence-Settlement Patterning on the Lower Coastal Plain of South Carolina. In Studies in South Carolina Archaeology, edited by Albert C. Goodyear III and Glen T. Hanson, pp. 91-100. The University of South Carolina Institute of Archaeology and Anthropology Anthropological Studies 9. Columbia.

Butler, William B.
1987 Significance and other frustrations in the CRM Process. American Antiquity 52:820-829.

Caldwell, Joseph and Catherine McCann
1941 The Irene Mound Site (with a section on physical anthropology by Frederick S. Hulse). Athens, Georgia.

Charleston County Records
Deed Books. Charleston County Courthouse, Charleston, South Carolina.

Claggett, Stephen R. and John S. Cable, compilers
1982 The Haw River Sites: Archaeological Investigations at Two Stratified Sites in the North Carolina Piedmont. Commonwealth Associates, Inc., Jackson, Mississippi.

Coe, Joffre L.
1964 Formative Cultures of the Carolina Piedmont. Transactions of the American Philosophical Society 54(5).

Colquhoun, Donald R. and Mark J. Brooks
1986 New Evidence for Eustatic Components in Late Holocene Sea Levels. Geoarchaeology 3:275-291.

Colquhoun, Donald R., Mark J. Brooks, James L. Michie, William B. Abbott, Frank W. Stapor, Walter H. Newman, and Richard R. Pardi
1981 Location of archeological sites with respect to sea level in the Southeastern United States. In Striae, Florilegiem Florinis Dedicatum 14, edited by L. K. Kenigsson and K. Paabo, pp. 144-150.

Covington, James W.
1978 Stuart's Town. The Yemassee Indians and Spanish Florida. The Florida Anthropologist 21:8-13.

DePratter, Chester B.
1979 Shellmound Archaic on the Georgia Coast. South Carolina Antiquities 11:1-69.

Easterby, J. H. (editor)
1958 The Colonial Records of South Carolina: The Journal of the Commons House of Assembly September 10, 1746 - June 13, 1747. South Carolina Archives Department, Columbia.

Eldridge, Daniel
1893 The Third New Hampshire and All About It. E. B. Stillings, Boston.

Espenshade, Christopher T., and Paul E. Brockington, Jr. (compilers)
1989 An Archaeological Study of the Minim Island Site: Early Woodland Dynamics in Coastal South Carolina. Prepared for the U.S. Army Corps of Engineers, Charleston District. Charleston, South Carolina.

Ferguson, Leland
1971 South Appalachian Mississippian. Ph.D. Dissertation, Department of Anthropology, University of North Carolina, Chapel Hill.

1975 Mississippian Artifacts and Geography. Paper presented at the 1975 meeting of the Southern Anthropology Society, Clearwater Beach, Florida.

Gallay, Alan
1986 Jonathan Bryan and the Formation of a Planter Elite in South Carolina and Georgia, 1730-1780. University Microfilms International, Ann Arbor.

Gardner, William H.
1974 The Flint Run Paleo Indian Complex: A Preliminary Report 1971 through 1973 Seasons. Catholic University of America, Archaeology Laboratory, Occasional Paper No. 1. Washington, D.C.

Glassow, Michael A.
1977 Issues in Evaluating the significance of Archaeological Resources, American Antiquity 42:413-420.

Goodyear, Albert C.
1979 A Hypothesis for the Use of Cryptocrystalline Raw Materials Among Paleo-Indian Groups of North America. The University of South Carolina Institute of Archaeology and Anthropology Research Manuscript Series 156. Columbia.

Goodyear, Albert C., III, James L. Michie and Tommy Charles
1989 The Earliest South Carolinians. In Studies in South Carolina Archaeology, edited by Albert C. Goodyear III and Glen T. Hanson, pp. 19-52. The University of South Carolina Institute of Archaeology and Anthropology Anthropological Studies 9. Columbia.

Guernsey, Alfred H., and Henry M. Alden
1866 Harper's Pictorial History of the Civil War. The Fairfax Press, new York. Reprinted by Harper and Brothers, New York.

Hilton, William
1664 A Relation of a Discovery Lately Made on the Coast of Florida. Reprint by Hilton Head Publishing, Hilton Head Island, South Carolina.

Hoffman, Paul E.
1983 Legend, Religious Idealism, and Colonies: The Point of Santa Elena in History, 1552-1556. The South Carolina Historical Magazine 84:59-71.

Holmgren, Virginia C.
1959 Hilton Head: A Sea Island Chronicle. Hilton Head Island Publishing, Hilton Head Island, South Carolina.

Howard, James D., Chester B. DePratter, and Robert W. Frey
1980 Excursions in Southeastern Geology: The Archaeology-Geology of the Georgia Coast. Geological Society of America, Guidebook No. 20.

Jasper County Records
Deed Books and Plat Books. Jasper County Courthouse, Ridgeland, South Carolina.

Kennedy, Linda, and Christopher T. Espenshade
1991 Data Recovery Investigations of four Wilmington Phase Sites (38BU132, 38BU372, 38BU1236, and 38BU1241), Beaufort County, South Carolina: A Study in Middle Woodland Subsistence Strategies. Brockington and Associates, Inc., Atlanta.

Kennedy, Linda, Christopher T. Espenshade, and Ramona Grunden
1991 Archaeological Investigations of Two Turn-of-the-Century Farmsteads (38BU966 and 38BU967) Hilton Head Island, South Carolina. Brockington and Associates, Inc., Atlanta.

Lambert, Robert Stansbury
1987 South Carolina Loyalists in the American Revolution. University of South Carolina Press, Columbia.

Lepionka, Larry, Donald Colquhoun, Rochelle Marrinan, David McCollum, Mark Brooks, John Foss, William Abbott, and Ramona Grunden
1983 The Second Refuge Site: Location 22 (38JA61), Savannah National Wildlife Refuge, Jasper County, South Carolina. The University of South Carolina at Beaufort, Beaufort, South Carolina.

Lowcountry Council of Governments
1979 Historic Resources of the Lowcountry: A Regional Survey of Beaufort County, S.C., Colleton County, S.C., Hampton County, S.C., Jasper County, S.C.

Lyon, Eugene
1984 Santa Elena: A Brief History of the colony, 1566-1587. South Carolina Institute of Archaeology and Anthropology Research Manuscript Series No. 193, Columbia.

Michie, James L.
1977 Late Pleistocene Human Occupation of South Carolina. Senior Honors Thesis, Department of Anthropology, University of South Carolina.

Milanich, Jerald T.
1971 The Deptford Phase: An Archaeological Reconstruction. University Microfilms, Ann Arbor.

New South
1863 15 Aug edition. Port Royal, South Carolina. On file at Emory University Library Special Collections, Atlanta.

Orser, Charles E., and Claudia C. Holland
1984 Let Us Praise Famous Men, Accurately: Toward a More Complete Understanding of Postbellum Southern Agricultural Practices. Southeastern Archaeology 3(2):111-120.

Quattlebaum, Paul
1955 The Land Called Chicora, the Carolinas under Spanish Rule with French Intrusions, 1520-1670. The University of Florida Press, Gainesville.

Roberts, Wayne D.
1986 Archaeological Re-Survey of the U.S. 17/278 Connector, Jasper and Beaufort Counties, F.A. No. RS-2703(5). South Carolina Department of Highways and Public Transportation, Columbia.

Rose, Willie Lee
1964 Rehearsal for Reconstruction: The Port Royal Experiment. Oxford University Press, London.

Revill, Janie (compiler)
1944 South Carolina Counties, Districts, Parishes and Townships. Janie Revill, Columbia, South Carolina.

Rowland, Lawrence S.
1978 Eighteenth Century Beaufort: a Study of South Carolina's Southern Parishes to 1800. Unpublished Ph.D. dissertation, Department of History, University of South Carolina, Columbia.

Sassaman, Kenneth E., Mark J. Brooks, Glen T. Hanson and David G. Anderson
1990 Native American Prehistory of the Middle Savannah River Valley. Savannah River Research Papers 1. Occasional Papers of the Savannah River Archaeological Research Program, South Carolina Institute of Archaeology and Anthropology, University of South Carolina.

Stuck, W. M.
1980 Soil Survey of Beaufort and Jasper Counties, South Carolina. U.S. Department of Agriculture, Soil Conservation Service, Washington, D.C.

Trinkley, Michael
1983 Ceramics of the Central South Carolina Coast. South Carolina Antiquities 12:1-35.

1985 The Form and Function of South Carolina's Early Woodland Shell Rings. In Structure and Process in Southeastern Archaeology, edited by Roy S. Dickens, Jr., and H. Trawick Ward. pp.102-118. University of Alabama Press, University, Alabama.

1986 Indian and Freedmen Occupation at the Fish Haul Site (38BU805), Beaufort County, South Carolina. Chicora Foundation Research Series No. 7. Chicora Foundation, Inc., Columbia.

1987 Archaeological Survey of Hilton Head Island, Beaufort County, South Carolina. Chicora Foundation Research Series No. 9. Chicora foundation, Inc., Columbia.

1989 An Archaeological Overview of the South Carolina Woodland period: It's the Same Old Riddle. In Studies in South Carolina Archaeology, edited by Albert C. Goodyear III and Glen T. Hanson, pp. 73-90. The University of South Carolina Institute of Archaeology and Anthropology Anthropological Studies 9. Columbia.

1990 An Archaeological Context for the South Carolina Woodland period. Chicora Foundation Research Series 22, Chicora Foundation, Inc., Columbia, South Carolina.

1991 Further Investigations of Prehistoric and Historic Lifeways on Callawassie and Spring Islands, Beaufort County, South Carolina. Chicora Foundation Research Series No. 23. Chicora Foundation, Inc., Columbia.

Waring, Antonio J., Jr.
1961 Fluted Points on he South Carolina Coast. American Antiquity 26:550-552.

1968 The Bilbo Site, Chatham County, Georgia. In The Collected Papers: The Collected Works of Antonio J. Waring, Jr.. Edited by Stephen Williams, pp. 152-197. Papers of the Peabody Museum of Archaeology and Ethnology, Harvard University, 58.

Waring, Antonio J., Jr. and Preston Holder

1968 A Prehistoric Ceremonial Complex in the Southeastern United States. In The Waring Papers, edited by Stephen Williams, pp. 9-30. Papers of the Peabody Museum of American Archaeology and Ethnology. Cambridge.

Watts, W. A.
1970 The Full Glacial Vegetation of Northern Georgia. Ecology 51(1).

1980 Late Quaternary Vegetation History at White Pond on the Inner Coastal Plain of South Carolina. Quaternary Research 10.

Whitehead, Donald R.
1965 Palynology and Pleistocene Phytogeography of Unglaciated Eastern North America. In The Quaternary of the United States, edited by H. E. Wright, Jr. and D. G. Frey. Princeton University Press.

1973 Late Wisconsin Vegetational Changes in Unglaciated Eastern North America. Quaternary Research 3:621-631.

U.S. Census
1790 Beaufort District, South Carolina. Census manuscript schedule, National Archives, Washington, D.C.

1854 Statistical View of the United States...A Compendium of the Seventh Census. United States Senate, Beverley Tucker, Washington, D.C.

1864 Population of the United States in 1860. Department of the Interior, Government Printing Office, Washington, D.C.

1872 The Statistics of the Population of the United States. Department of the Interior, Government Printing Office, Washington, D.C.

1883 Statistics of the Population of the United States at the Tenth Census (June 1, 1880). Department of the Interior, Government Printing Office, Washington, D.C.

1895 Report on Population of the United States at the Eleventh Census: 1890). Department of the Interior, Government Printing Office, Washington, D.C.

1895 Report on the Statistics of Agriculture in The United States at the Eleventh Census: 1890. Department of the Interior, Government Printing Office, Washington, D.C.

1901 Census Reports: Population, 1900. Volume 1, Part I. Department of the Interior, Government Printing Office, Washington, D.C.

1902 Census Reports Volume V: Twelfth Census of the United States Taken in the Year 1900: Agriculture. Department of the Interior, United States Census Office, Washington, D. C.

1913 Thirteenth Census of the United States: Population, 1910. Government Printing Office, Washington, D.C.

APPENDIX A

ARTIFACT INVENTORY

THE FIRST COLUMN GIVES THE PROVENIENCE:CATALOG NUMBER. THE SECOND COLUMN GIVES THE COUNT. THE THIRD COLUMN GIVES THE WEIGHT IN GRAMS, WHEN APPLICABLE. RESIDUAL SHERDS ARE PREHISTORIC CERAMIC SHERDS THAT ARE LESS THAN ONE INCH IN DIAMETER AND CANNOT BE PRECISELY IDENTIFIED AS TO SURFACE TREATMENT.

SITE NUMBER : 38BU1315

Provenience # 2.0			Description: Transect 2 and 3, Surface
2.0:1	1		Coastal plain chert point fragment

Provenience # 3.0			Description: Transect 3 and 2, Surface
3.0:1	1		Coastal plain chert Gary point

Provenience # 4.0			Description: Transect 3, Surface
4.0:1	1		Ginger beer bottle fragment

SITE NUMBER : 38BU1316

Provenience # 2.1			Description: Transect 2, Shovel test 1
2.1:1	1		Colonoware
2.1:2		1.0	Oyster shell

Provenience # 3.0			Description: Transect 2, Shovel test 2, surface
3.0:1	3		Residual sherd
3.0:2	9		Colonoware

Provenience # 4.0			Description: Transect 2, Shovel test 3, surface
4.0:1	3		Gray bodied stoneware
4.0:2	1		Dark olive green bottle glass fragment

Provenience # 5.0			Description: Transect 3, Shovel test 2, Surface
5.0:1	1		Undecorated pearlware

Provenience # 6.1		Description: Close interval shovel test 2
6.1:1	1	Dark olive green bottle base fragment with domed kick up.

Provenience # 7.1		Description: 30 meters North, 10 meters E of close interval shovel test 2
7.1:1	3	Colonoware
7.1:2	1	Residual sherd

Provenience # 8.1		Description: Close interval shovel test 3
8.1:1	3	Colonoware

Provenience # 9.1		Description: Close interval shovel test E of shovel test 7
9.1:1	1	Residual sherd
9.1:2	5	Colonoware

Provenience # 10.1		Description: Shovel test 5
10.1:1	1	Dark olive green bottle glass fragments
10.1:2	1	Colonoware

Provenience # 11.1		Description: Shovel test 6
11.1:1	13	Residual sherds
11.1:2	12	Colonoware
11.1:3	1	Fabric impressed medium sand tempered body sherd, McClellanville
11.1:4	1	Plain fine sand tempered body sherd
11.1:5	1	Undecorated pearlware

Provenience # 12.1		Description: Shovel test 7, Close interval testing
12.1:1	3	Colonoware
12.1:2	12	Residual sherds
12.1:3	1	Unidentifiable metal
12.1:4	1	Unidentifiable square nail
12.1:5	1	Green bottle glass fragments
12.1:6	1	Clear bottle glass fragment

Provenience # 13.1		Description: Shovel test 10, Close interval shovel testing
13.1:1	2	Colonoware

Provenience # 14.1		Description: Shovel test 11, Close interval shovel testing
14.1:1	2	Colonoware

Provenience # 15.1		Description: Shovel test 15, Close interval shovel testing
15.1:1	1	Colonoware

Provenience # 16.1		Description: Shovel test 16, Close interval shovel testing
16.1:1	1	Colonoware

Provenience # 17.1		Description: Shovel test 17, Close interval shovel testing
17.1:1	1	Colonoware

Provenience # 18.1		Description: Shovel test 17, Close interval shovel testing
18.1:1	1	Unidentifiable metal fragment

Provenience # 19.1		Description: Shovel test 19, Close interval shovel testing
19.1:1	1	Check stamped fine sand tempered body sherd, Savannah

Provenience # 20.1		Description: Shovel test 20, Close interval shovel testing
20.1:1	1	Eroded medium sand tempered body sherd

Provenience # 21.1		Description: Shovel test 22, Close interval shovel testing
21.1:1	1	Colonoware
21.1:2	1	Olive green bottle glass

Provenience # 22.1		Description: Shovel test 23, Close interval shovel testing
22.1:1	1	Green bottle glass

Provenience # 23.1		Description: Shovel test 25, Close interval shovel testing
23.1:1	1	Colonoware

Provenience # 24.1		Description: Shovel test 26, Close interval shovel testing
24.1:1	1	Unidentifiable square nail

Provenience # 25.1		Description: Shovel test 27, Close interval shovel testing
25.1:1	3	Residual sherds

Provenience # 26.1		Description: Shovel test 28, Close interval shovel testing
26.1:1	2	Colonoware

Provenience # 27.1		Description: Shovel test 29, Close interval shovel testing
27.1:1	2	Colonoware

Provenience # 28.1		Description: Shovel test 30, Close interval shovel testing
28.1:1	1	Unidentifiable metal fragment

Provenience # 29.1		Description: Shovel test 31, Close interval shovel testing
29.1:1	1	Residual sherd

Provenience # 30.1		Description: Shovel test 32, Close interval shovel testing
30.1:1	1	Hinge fragment

Provenience # 31.1		Description: Shovel test 33, Close interval shovel testing
31.1:1	1	Colonoware

Provenience # 32.1		Description: Shovel test 34, Close interval shovel testing
32.1:1	1	Undecorated porcelain

Provenience # 33.1			Description: Shovel test 35, Close interval shovel testing
33.1:1	5		Olive green bottle glass
33.1:2	3		Colonoware

Provenience # 34.1			Description: Shovel test 36, Close interval shovel testing
34.1:1	2		Colonoware

Provenience # 35.1			Description: Shovel test 37, Close interval shovel testing
35.1:1	1		Colonoware

Provenience # 36.1			Description: Shovel test 38, Close interval shovel testing
36.1:1	1		Unidentifiable nail

Provenience # 37.1			Description: Shovel test 39, Close interval shovel testing
37.1:1	2		Colonoware

Provenience # 38.1			Description: Shovel test 40, Close interval shovel testing
38.1:1	1		Residual sherd

Provenience # 39.1			Description: Shovel test 41, Close interval shovel testing
39.1:1	1		Olive green bottle glass
39.1:2	4		Residual sherds

Provenience # 40.1			Description: Shovel test 42, Close interval shovel testing
40.1:1	1		Clear flat glass
40.1:2		4.9	Unglazed brick

Provenience # 41.1			Description: Shovel test 43, Close interval shovel testing
41.1:1	1		Dark olive green bottle neck glass fragments
41.1:2	3		Dark olive green bottle glass
41.1:3			not used
41.1:4	1		kaolin pipe stem, 5/64th

Provenience # 42.1		Description: Shovel test 44, Close interval shovel testing
42.1:1	7.7	brick fragment

Provenience # 43.1		Description: Shovel test 45, Close interval shovel testing
43.1:1	1	residual sherd

Provenience # 44.1		Description: Shovel test 46, Close interval shovel testing
44.1:1	2	fabric impressed body sherd, medium sand temper, McClellanville

Provenience # 45.1		Description: Shovel test 47, Close interval shovel testing
45.1:0		not used

Provenience # 46.1		Description: Transect 2, shovel test 2, close interval testing
46.1:1	2	Colonoware

Provenience # 47.1		Description: Transect 2, 10 meters from base
47.1:1	1	Colonoware

SITE NUMBER : 38BU1317

Provenience # 2.0		Description: Transect 1, surface
2.0:1	1	Undecorated whiteware
2.0:2	1	Dark olive green bottle glass fragments
2.0:3	2	Residual sherds
2.0:4	1	Plain fiber tempered body sherd, Stallings
2.0:5	4	Chert tertiary bifacial reduction flake fragment
2.0:6	1	Chert flake fragment
2.0:7	2	Chert tertiary core reduction flake
2.0:8		Not utilized

Provenience # 3.0		Description: Transect 2, shovel test 3, surface
3.0:1	1	Chert tertiary bifacial reduction flake

Provenience # 4.0		Description: Transect 3, shovel test 2, surface
4.0:1	4	Check stamped fine sand tempered body sherd, Savannah
4.0:2	1	Simple stamped over-stamped medium sand tempered body sherd, Santee
4.0:3	1	Simple stamped over-stamped medium, sand tempered rim sherd, Santee
4.0:4	2	Plain medium sand tempered rim sherd with brown paste
4.0:5	1	Eroded fine sand tempered body sherd with brown paste
4.0:6	1	Blue glass tubular facetted bead

Provenience # 5.0		Description: Transect 3 Shovel test 2-6, Surface
5.0:1	9	Cord marked coarse sand tempered body sherd, Deptford
5.0:2	8	check stamped medium sand tempered body sherd, Savannah
5.0:3	8	Eroded medium sand tempered body sherd
5.0:4	2	Burnished fine sand tempered body sherds, Savannah
5.0:5	1	Burnished fine sand tempered rim sherd, Savannah
5.0:6	6	Residual sherd
5.0:7	1	Chert biface
5.0:8	1	Chert tertiary core reduction flake

Provenience # 6.0		Description: Transect 3 Shovel test 2-15, Surface
6.0:1	9	Cord marked coarse sand tempered body sherd, Deptford
6.0:2	11	Cord marked very coarse sand tempered body sherd, Deptford
6.0:3	4	Cord marked Medium sand tempered body sherd, McClellanville
6.0:4	4	Eroded coarse sand tempered body sherd with brown paste
6.0:5	1	Cord marked coarse sand tempered rim sherd, Deptford
6.0:6	8	Residual sherd
6.0:7	1	Chert tertiary bifacial reduction flake

Provenience # 7.0		Description: Transect 4 Shovel test 1, Surface
7.0:1	1	Residual sherd
7.0:2	1	Check stamped coarse sand tempered rim sherd, Deptford

Provenience # 8.0		Description: Transect 4 Shovel test 2, Surface
8.0:1	1	Unidentifiable decoration fine sand tempered body sherd
8.0:2	1	Chert projectile point fragment

Provenience # 9.0		Description: Transect 4 Shovel test 3, Surface
9.0:1	2	Residual sherds

Provenience # 10.0			Description: Transect 4 Shovel test 4, Surface
10.0:1	6		Cord marked over-stamped fine sand tempered body sherd, McClellanville
10.0:2	1		Cord marked-over stamped fine sand tempered rim sherd, McClellanville
10.0:3	4		Eroded fine sand tempered body sherd with brown paste
10.0:4	1		Burnished fine sand tempered body sherd, Savannah
10.0:5		6.4	Brick
10.0:6	1		Chert tertiary core reduction flake
10.0:7	1		Chert Madison projectile point

Provenience # 11.0		Description: Transect 4 Shovel test 5, Surface
11.0:1	1	Check stamped medium sand tempered body sherd, Deptford
11.0:2	1	Chert tertiary core reduction flake
11.0:3	1	Chert tertiary bifacial reduction flake

Provenience # 12.0		Description: Transect 4 Shovel test 8, Surface
12.0:1	1	Eroded fine sand tempered body sherd

Provenience # 13.0		Description: Transect 5 Shovel test 1, Surface
13.0:1	1	Check stamped medium sand tempered body sherd
13.0:2	1	Eroded fine sand tempered body sherd

Provenience # 14.0		Description: Transect 6 Shovel test 6, Surface
14.0:1	1	Check stamped coarse sand tempered rim sherd, Deptford
14.0:2	4	Eroded medium sand tempered body sherd

Provenience # 15.0		Description: Transect 6 Shovel test 12, Surface
15.0:1	2	Plain fiber tempered body sherds, Stallings

Provenience # 16.0		Description: Transect 6 Shovel test 14, Surface
16.0:1	1	Simple stamped coarse sand tempered body sherd, Deptford

Provenience # 17.0		Description: Transect 9 Shovel test 1, Surface
17.0:1	8	Colonoware

Provenience # 18.0		Description: Transect 9 Shovel test 2, Surface
18.0:1	1	Simple stamped coarse sand tempered rim sherd, Deptford
18.0:2	1	Plain coarse sand tempered rim sherd
18.0:3	1	Eroded body sherd
18.0:4	1	Chert thinning flake

Provenience # 19.0		Description: Transect 9 Shovel test, Surface
19.0:1	1	Chert tertiary core reduction flake
19.0:2	1	Chert thinning flake

Provenience # 20.1		Description: Center point close interval shovel testing
20.1:1	1	Check stamped medium sand tempered rim sherd, Savannah

Provenience # 21.1		Description: Close interval shovel testing
21.1:1	1	Oemler check stamped fine sand tempered body sherd
21.1:1	2	Chert savannah river - cut down

Provenience # 22.0		Description: Close interval shovel testing, Axis b, Surface
22.0:1	1	Simple stamped, over stamped medium sand tempered body sherd

Provenience # 23.1		Description: Close interval shovel testing, Axis b, Shovel test 6
23.1:1	1	Unidentifiable decoration coarse sand tempered body sherd

SITE NUMBER : 38BU1318

Provenience # 1.0		Description: Surface
1.0:1	1	British brown stoneware
1.0:2	7	Colonoware - Including vessel base
1.0:3	2	Undecorated pearlware
1.0:4	2	Dark olive green pontil bottle base fragment
1.0:5	1	Plain fiber tempered body sherd, Stallings

Provenience # 2.0			Description: Transect 1, Surface
2.0:1		9.5	Unglazed brick
2.0:2	1		Colonoware
2.0:3	3		kaolin pipe bowl fragments
2.0:4	3		Chert thinning flake
2.0:5	1		Residual sherd
2.0:6		Not utilized	
2.0:7	1		Chert shatter

Provenience # 3.0		Description: Transect 1, Surface - 60 m east of west end
3.0:1	4	Colonoware
3.0:2	1	Eroded coarse sand tempered body sherd
3.0:3	2	Chert tertiary core reduction flakes
3.0:4	1	Plain fiber tempered body sherd, Stallings

Provenience # 4.0		Description: Transect 1, Shovel test 2, Surface
4.0:1	3	Brown salt glazed stoneware
4.0:2	1	Brown lead glazed earthenware
4.0:3	16	Colonoware
4.0:4	3	Residual sherd
4.0:5	1	Plain fine sand tempered body sherd

Provenience # 5.0			Description: Transect 2, Surface
5.0:1	3		Colonoware
5.0:2		40.1	Unglazed brick
5.0:3	1		Burnt ceramic

Provenience # 6.0			Description: Transect 2, Shovel test 1, Surface
6.0:1	1		Blue shell edged pearlware
6.0:2	1		Undecorated creamware
6.0:3	1		British brown stoneware
6.0:4	2		Brown glazed stoneware
6.0:5	1		Roofing slate
6.0:6	1		Kaolin pipe stem 6/64th
6.0:7	1		Olive green bottle glass
6.0:8	1		Iron kettle fragment
6.0:9	2		Residual sherd
6.0:10		47.4	Unglazed brick
6.0:11	40		Colonoware

Provenience #	7.0		Description: Between transects 2 & 3, Surface
7.0:1	5		Undecorated pearlware
7.0:2	1		Blue hand painted porcelain
7.0:3	1		Chert bifacial reduction tertiary flake
7.0:4	1		Burnt ceramic
7.0:5	5		Dark olive green bottle glass fragments
7.0:6	1		Check stamped medium sand tempered body sherd, Savannah
7.0:7	18		Colonoware

Provenience #	8.0		Description: Transect 4, Between shovel test 1 & 2, Surface
8.0:1	1		Chert core fragment
8.0:2	3		Kaolin pipe stem 5/64
8.0:3	1		British brown stoneware
8.0:4	1		Undecorated pearlware
8.0:5	1		Dark olive green bottle glass
8.0:6	8		Colonoware
8.0:7		1.0	Unglazed brick

Provenience #	9.0		Description: Transect 4, Between shovel test 3 & 2, Surface
9.0:1	1		Kaolin pipe stem 6/64th
9.0:2	1		Dark olive green bottle glass
9.0:3	2		Undecorated pearlware
9.0:4	1		Green shell edged pearlware
9.0:5		1.0	Unglazed brick
9.0:6			Not utilized
9.0:7			Not utilized
9.0:8	1		Check stamped medium sand tempered body sherd
9.0:9	10		Colonoware
9.0:10	1		Clear salt glazed stoneware
9.0:11	1		Chert shatter
9.0:12	1		Chert tertiary bifacial reduction flake

Provenience #	10.1	Description: Close interval shovel test 1
10.1:1	1	Colonoware
10.1:2	1	Kaolin pipe bowl fragment

Provenience #	11.1	Description: Close interval shovel test 30 m east of end of transect 1
11.1:1	1	Colonoware

Provenience # 12.1		Description: Close interval shovel test 45 m east of west end of transect 1
12.1:1	1	Colonoware

SITE NUMBER : 38BU1319

Provenience # 2.0		Description: Transect 3, Shovel test 1 & 2, Surface
2.0:1	1	Check stamped medium sand tempered, Deptford
2.0:2	1	Plain grit tempered body sherd
2.0:3	1	Scraped coarse sand tempered body sherd
2.0:4	3	Plain fine sand tempered body sherd
2.0:5	1	Plain fine sand tempered rim sherd
2.0:6	2	Eroded fine sand tempered body sherd
2.0:7	2	Eroded medium sand tempered body sherd
2.0:8	2	Residual sherds
2.0:9	2	Chert tertiary core reduction flake
2.0:10	1	Chert flake fragment

Provenience # 3.0		Description: Transect 4, Surface
3.0:1	1	Translucent quartz flake fragment

SITE NUMBER : 38BU1320

Provenience # 2.1		Description: Transect 2, Shovel test 1
2.1:1	1	Undecorated whiteware

Provenience # 3.1		Description: 30 meters north east of transect 1
3.1:1	6.7	Unglazed brick fragment
3.1:2	1.0	Mortar

Provenience # 4.1		Description: Transect 2, Shovel test 1
4.1:1	1	Residual sherd
4.1:2	1	Undecorated ironstone

Provenience #		Description:
5.1		Transect 2, Shovel test 1
5.1:1	2	alkaline glazed stoneware

Provenience #		Description:
6.1		Transect 2, Shovel test 1
6.1:1	1	Colonoware

SITE NUMBER : 38BU1321

Provenience #		Description:
2.0		Transect 1, Shovel test 2, surface
2.0:1	1	Check stamped medium sand tempered body sherd, Deptford

Provenience #		Description:
3.0		Transect 1, Surface 150 m from dirt road
3.0:1	1	Undecorated pearlware
3.0:2	1	Residual sherd
3.0:3	1	Plain fiber tempered body sherd
3.0:4	1	Chert tertiary core reduction flake

Provenience #		Description:
4.0		Transect 2, Surface
4.0:1	5	Colonoware
4.0:2	2	Kaolin pipe stem 5/64th
4.0:3	4	Residual sherds

SITE NUMBER : 38BU1322

Provenience #		Description:
2.0		Transect 3, Shovel test 5, Surface
2.0:1	8	Check stamped medium sand tempered body sherd, Deptford
2.0:2	3	Check stamped medium sand tempered rim sherd, Deptford
2.0:3	2	Cord marked medium sand tempered body sherd, Deptford/McClellanville
2.0:4	1	Simple stamped medium sand tempered body sherd, Santee
2.0:5	5	Plain coarse sand tempered body sherd
2.0:6	5	Plain medium sand tempered body sherd .

Provenience # 3.0		Description: Transect 4, Shovel test 4, Surface
3.0:1	1	Iron spike

Provenience # 4.0		Description: Transect 4, Between shovel tests 4 & 5, Surface
4.0:1	3	Check stamped medium sand tempered body sherd, Deptford
4.0:2	4	Eroded coarse sand tempered body sherd
4.0:3	1	Cord marked fine sand tempered body sherd, Savannah
4.0:4	2	Cord marked grog tempered body sherd, Wilmington
4.0:5	1	Cord marked medium sand tempered body sherd, Savannah-McClellanville
4.0:6	2	Check stamped coarse sand tempered body sherd, Deptford
4.0:7	2	Linear simple stamped coarse sand tempered body sherd, Deptford
4.0:8	1	Plain medium sand tempered body sherd
4.0:9	2	Plain fine sand tempered body sherd
4.0:10	5	Residual sherds

Provenience # 5.0		Description: Transect 6, Shovel test 4, Surface
5.0:1	1	Check stamped medium sand tempered body sherd, Deptford

Provenience # 6.0		Description: Transect 7, Between shovel tests 1 & 2, Surface
6.0:1	1	Chert tertiary bifacial reduction flake

Provenience # 7.0		Description: Transect 8, Shovel test 8, Surface
7.0:1	1	plain fine sand tempered rim sherd
7.0:2	3	plain fine sand tempered body sherd

Provenience # 8.0		Description: Transect 8, Between shovel test 5 & 8, Surface
8.0:1	5	Check stamped fine sand tempered body sherd, Savannah
8.0:2	1	Plain medium sand tempered body sherd
8.0:3	1	Burnished fine sand tempered body, Savannah
8.0:4	2	Chert tertiary bifacial reduction flakes
8.0:5	1	Chert flake fragment
8.0:6	1	Chert projectile point -Thelma
8.0:7	1	Check stamped fine sand tempered rim sherd, Savannah
8.0:8	4	Residual sherds

Provenience # 9.0		Description: Transect 9, Shovel test 3, Surface
9.0:1	2	Residual sherds
9.0:2	1	Check stamped coarse sand tempered rim sherd, Deptford

Provenience # 10.0		Description: Transect 9, Shovel test 4, Surface
10.0:1	1	Check stamped fine sand tempered body sherd, Deptford
10.0:2	2	Eroded fine sand tempered rim sherd

Provenience # 11.0		Description: Transect 9, Shovel test 5, Surface
11.0:1	1	Check stamped fine sand tempered body sherd, Savannah
11.0:2	2	Eroded fine sand tempered body sherd

Provenience # 12.0		Description: Transect 9, Shovel test 5, Surface
12.0:1	1	Eroded medium sand tempered rim sherd
12.0:2	1	Chert tertiary core reduction flake

Provenience # 13.0		Description: Transect 10, Shovel test 4, Surface
13.0:1	1	Oemler like check stamp fine sand tempered body sherd, Deptford/Savannah
13.0:2	1	Reed punctate coarse sand tempered body sherd
13.0:3	3	Check stamped fine sand tempered body sherd, Savannah
13.0:4	1	Cord marked fine sand tempered body sherd
13.0:5	1	Cord marked coarse sand tempered body sherd
13.0:6	1	Fabric impressed medium sand tempered body sherd, McClellanville
13.0:7	3	Eroded fine sand tempered body sherds
13.0:8	1	Residual sherds
13.0:9	1	Chert shatter

Provenience # 14.0		Description: Transect 10, Shovel test 5, Surface
14.0:1	1	Check stamped fine sand tempered rim sherd, Savannah
14.0:2	2	Check stamped medium sand temper body sherd, Deptford
14.0:3	1	Reed punctate medium sand tempered body sherd, Thom's Creek
14.0:4	1	Eroded coarse sand tempered body sherd

Provenience # 15.0		Description: Transect 11, Shovel test 1, Surface
15.0:1	1	Check stamped fine sand tempered body sherd, Savannah

Provenience # 16.0		Description: Transect 11, Shovel test 5, Surface
16.0:1	1	Oemler like check stamp fine sand tempered body sherd, Deptford/Savannah
16.0:2	1	Check stamp fine sand tempered body sherd, Savannah

Provenience # 17.0		Description: Transect 11, Between shovel test 6 & 7, Surface
17.0:1	2	Cord marked fine sand tempered body sherd, Savannah
17.0:2	1	Cord marked coarse sand tempered body sherd, Deptford
17.0:3	1	Check stamped fine sand tempered body sherd, Savannah
17.0:4	1	Check stamped medium sand tempered body sherd, Deptford
17.0:5	1	Plain fine sand tempered body sherd
17.0:6	1	Burnished fine sand tempered body sherd, Savannah

Provenience # 18.0		Description: Transect 11, Shovel test 8, Surface
18.0:1	1	Cord marked medium sand tempered body sherd, Savannah
18.0:2	1	Check stamped fine sand tempered body sherd, Savannah
18.0:3	1	Plain fine sand tempered body sherd
18.0:4	1	Reed punctate fiber tempered body sherd, Stallings

Provenience # 19.1		Description: Transect 12, Shovel test 4, Surface
19.1:1	1	Check stamped medium sand tempered body sherd, Savannah

Provenience # 20.1		Description: Transect 12, Shovel test 4, Surface
20.1:1	1	Unidentifiable decoration coarse sand tempered body sherd, Deptford
20.1:1	1	Check stamped fine sand tempered body sherd, Savannah
20.1:3	1	Check stamped medium sand tempered body sherd, Deptford
20.1:4	1	Residual sherd
20.1:5	1	Chert core fragment
20.1:6	1	Chert tertiary core reduction flake

Provenience # 21.0		Description: Transect 12, Shovel test 14, Surface
21.0:1	2	Chert flake fragments
21.0:2	2	Chert shatter
21.0:3	1	Chert tertiary bifacial reduction flake
21.0:4	2	Chert tertiary core reduction flake
21.0:5	1	Chert secondary core reduction flake
21.0:6	4	Residual sherds
21.0:7	4	Plain medium sand tempered body sherds
21.0:8	3	Plain coarse sand tempered body sherds
21.0:9	2	check stamped body sherd, fine sand temper, Savannah
21.0:11	1	Check stamped medium sand tempered body sherd, Deptford
21.0:10	3	Check stamped medium sand tempered body sherd, Deptford
21.0:12	5	Cord marked grog tempered body sherd , Wilmington
21.0:13	2	Cord marked fine sand tempered body sherd, McClellanville
21.0:14	2	Cord marked coarse sand tempered body sherd, Deptford
21.0:15	1	Reed punctate fine sand tempered body sherd, Thom's Creek
21.0:16	1	Eroded fine sand tempered body sherd
21.0:17	4	Eroded medium sand tempered body sherd
21.0:18	2	Eroded coarse sand tempered body sherd
21.0:19	1	Cord marked fine sand tempered rim sherd, Savannah

Provenience # 22.0		Description: Transect 13, Surface
22.0:1	2	Chert tertiary bifacial core reduction flake
22.0:2	1	Chert flake fragment
22.0:3	3	Plain fine sand tempered body sherd
22.0:4	4	Plain medium sand tempered body sherd
22.0:5	3	Eroded coarse sand tempered body sherds
22.0:6	2	Linear simple stamped medium sand tempered body sherd, Santee
22.0:7	1	Linear simple stamped medium sand tempered rim sherd, Santee
22.0:8	1	Check stamped fine sand tempered body sherd, Savannah
22.0:9	1	Scraped medium sand tempered body sherd
22.0:10	1	Incised medium sand tempered sherd, Thom's Creek
22.0:11	2	Cord marked medium sand tempered body sherd, Deptford
22.0:12	1	Cord marked fine sand tempered body sherd, Savannah

Provenience # 23.1		Description: Transect 13, Surface
23.1:1	2	Eroded medium sand tempered body sherd

Provenience # 24.1		Description: Transect 13, Surface
24.1:1	1	Scraped medium sand tempered body sherd

Provenience # 25.1		Description: Shovel test 15, Close interval shovel testing
25.1:1	1	Cord marked medium sand tempered body sherd, McClellanville

Provenience # 26.1		Description: Shovel test 16, Close interval shovel testing
26.1:1	1	Cord marked coarse sand tempered body sherd, McClellanville

Provenience # 27.1		Description: Shovel test 17, Close interval shovel testing
27.1:1	1	Chert flake fragment

Provenience # 28.1		Description: Shovel test 18, Close interval shovel testing
28.1:1	1	Plain medium sand tempered rim sherd
28.1:2	1	Linear simple stamped, over-stamped medium sand tempered
28.1:3	1	Cord marked over stamped medium sand tempered body sherd

SITE NUMBER : 38BU1323

Provenience # 2.0		Description: Transect 13, Shovel test 1, Surface
2.0:1	1	Colonoware

Provenience # 3.0		Description: Transect 13, Shovel test 2, Surface
3.0:1	2	Fabric impressed medium sand tempered body sherd, McClellanville

Provenience # 4.0		Description: Transect 13, 15 m from Shovel test 2, Surface
4.0:1	3	Simple stamped very coarse sand tempered body sherd, Deptford
4.0:2	2	Eroded coarse sand tempered body sherd

Provenience # 5.0		Description: Transect 13, Shovel test 7, Surface
5.0:1	1	Check stamped medium sand tempered body sherd, Deptford

Provenience # 6.0		Description: Transect 14, Shovel test 1, Surface
6.0:1	4	Plain medium sand tempered body sherd
6.0:2	1	Plain coarse sand tempered body sherd

Provenience # 7.0		Description: Transect 14, Surface between shovel tests 4 & 5
7.0:1	1	Residual sherd
7.0:2	1	Eroded coarse sand tempered body sherd

SITE NUMBER : 38JA202

Provenience # 2.0		Description: Transect 24, Shovel test 6, surface
2.0:1	8	Residual sherds
2.0:2	3	Check stamped medium sand tempered body sherd, Deptford
2.0:3	1	Check stamped fine sand tempered rim sherd, Savannah
2.0:4	1	Simple stamped coarse sand tempered body sherd, Deptford
2.0:5	1	Simple stamped fine sand tempered body sherd, Santee
2.0:6	5	Eroded medium sand tempered body sherd
2.0:7	1	Plain fiber tempered body sherd, Stallings
2.0:8	1	Scraped fine sand tempered body sherd
2.0:9	6	Plain fine - medium sand tempered body sherd

SITE NUMBER : 38JA203

Provenience # 2.0		Description: Transect 11, Shovel test 7, Surface
2.0:1	1	Chert flake fragment
2.0:2	1	Plain fine sand tempered body sherd

Provenience # 3.0		Description: Transect 12, surface
3.0:1	1	scraped body sherd, coarse sand temper
3.0:2	1	eroded body sherd, medium sand temper

SITE NUMBER : 38JA204

Provenience #	2.0	Description: Transect 21, Shovel test 18, Surface
2.0:1	1	Plain coarse sand tempered body sherd
2.0:2	2	Check stamped fine sand tempered body sherd, Savannah

SITE NUMBER : Isolate 1

Provenience #	2.0	Description: Transect 3, 10 m from road
2.0:1	2	Plain fine sand tempered body sherd

SITE NUMBER : Isolate 2

Provenience #	2.0	Description: Transect 23, Shovel test 11
2.0:1	1	Eroded medium sand tempered body sherd
2.0:2	1	Incised fine sand tempered body sherd

SITE NUMBER : Isolate 3

Provenience #	2.0	Description: Transect 12, Shovel test 18
2.0:1	1	Chert biface fragment

SITE NUMBER : Isolate 4

Provenience #	2.0	Description: Transect 2, Shovel test 7
2.0:1	6	Light blue panel bottle fragment
2.0:2	3	Amethyst bottle glass with molded decoration
2.0:3	1	Undecorated ironstone

Provenience #	3.0	Description: Surface between shovel test 2 & 3
3.0:1	1	Undecorated whiteware

SITE NUMBER : Isolate 5

Provenience #	2.0	Description: Transect 24, Shovel test 5
2.0:1	1	Eroded fine-medium sand tempered body sherd

SITE NUMBER : Isolate 6

Provenience #	2.0	Description: Transect 23, Shovel test 10
2.0:1	1	Large square spike

SITE NUMBER : Isolate 7

Provenience #	2.0	Description: Transect 4, Shovel test 8
2.0:1	1	Chert flake fragment

SITE NUMBER : Isolate 8

Provenience #	2.0	Description: Transect 1, surface
2.0:1	1	Clear salt glazed stoneware

SITE NUMBER : Isolate 9

Provenience #	2.0	Description: Transect 2, surface between shovel tests 3 & 4
2.0:1	2	Check stamped fine sand tempered body sherd, Savannah
2.0:2	1	Eroded fine sand tempered body sherd

SITE NUMBER : Isolate 10

Provenience #	2.0	Description: Transect 5, Shovel test 2
2.0:1	9	Colonoware
2.0:2	4	Residual sherds
2.0:3	1	Blue transfer printed pearlware
2.0:4	5	Chert flake fragments

SITE NUMBER : Isolate 11

Provenience #	2.0	Description: Transect 4, Shovel test 9, surface
2.0:1	1	Metavolcanic tertiary core reduction flake
2.0:2	2	Metavolcanic shatter
2.0:3	3	Chert tertiary core reduction flake
2.0:4	1	Chert potlid

SITE NUMBER : Isolate 12

Provenience #	2.0	Description: Transect 5, Surface
2.0:1	1	Undecorated pearlware

APPENDIX B

RESUMES OF KEY PERSONNEL

ERIC C. POPLIN

Brockington and Associates, Inc.
1051 Johnnie Dodds Blvd, Suite F
Mt. Pleasant, South Carolina 29464
(803) 881-3128

EDUCATION

Ph.D. *Archaeology*, Department of Archaeology, University of Calgary, Calgary, Alberta, 1986.

B.A. *Anthropology*, Department of Anthropology and Political Science, Catawba College, Salisbury, North Carolina, 1977.

PROFESSIONAL EXPERIENCE

1988-Present
Senior Archaeologist and Vice President, Brockington and Associates, Inc., Atlanta, Georgia.

Principal Investigator

- Archaeological Data Recovery at 38BU513, Dataw Island, Beaufort County, SC
- Archaeological Data Recovery at 38BU515, Dataw Island, Beaufort County, SC
- Archaeological Data Recovery at the Sams' Plantation Complex, Dataw Island, Beaufort County, SC
- Archaeological Data Recovery at the Stony Creek Battery Site (38BU1289), Beaufort County, SC
- Archaeological Reconnaissance of a Road Right-of-way off Palmetto Bay Road, Hilton Head Island, Beaufort County, SC
- Archaeological Survey of the Summertree Development Tract, Hilton Head Island, Beaufort County, SC
- Archaeological and Historical Overview of Daniel Island, Berkeley County, SC
- Cultural Resources Survey of Daniel Island, Berkeley County, SC
- Archaeological Survey of two borrow pits on the Jack Primus Development Tract, Berkeley County, SC
- Archaeological Survey of three mine sites, French Quarter Creek Development Tract, Berkeley County, SC
- Archaeological Survey of the Andell Tract, Seabrook Island, Charleston County, SC
- Archaeological Data Recovery at 38CH1199/1200, Charleston County, SC
- Cultural Resource Assessment of potential dredge spoil disposal sites around Charleston Harbor, SC
- Archaeological Testing of the Belle Hall Tract, Charleston County, SC
- Archaeological Survey of a Road Right-of-way, Centre Pointe Development Tract, Charleston County, SC
- Archaeological Survey of the Coastal Commercial Center Tract, Charleston County, SC
- Archaeological Survey of the Gift Plantation Development Tract II, Charleston County, SC
- Archaeological Survey of the Jeremy Cay Development Tract, Charleston County, SC
- Archaeological Survey of an 11 acre tract on Long Island, Charleston County, SC
- Archaeological Survey of the Martschink Tract, James Island, Charleston County, SC
- Archaeological Survey of the Wando Plantation Development Tract, Charleston County, SC
- Archaeological Survey of the Mary's Island Plantation Tract, Colleton County, SC

Archaeological Assessment and Survey of portions of the Archdale Development Tract, Dorchester County, SC
Archaeological Survey of the Bacon's Bridge Development Tract, Dorchester County, SC
Archaeological Survey of the Westvaco Development Tract, Dorchester County, SC
Archaeological Survey of portions of the Whitehall Development Tract, Dorchester County, SC
Archaeological Survey of portions of the Windsor Hill Development Tract, Dorchester County, SC
Archaeological Survey of the Myrtle Beach Farms Development Tract, Horry County, SC
Archaeological and Architectural Survey of the Proposed Waccamaw Waterfront Area, Conway, SC
Archaeological Survey of the Wildwing Plantation Development Tract, Horry County, SC
Archaeological Survey of SCE&G's Cope to Canadys and Cope to Orangeburg Transmission Lines in Bamberg, Colleton, and Orangeburg Counties, SC
Archaeological Survey of SCE&G's Cope to Canady Transmission Line Realignment Corridor, Bamberg County, SC
Archaeological Survey of SCE&G' Ash Disposal Site, Berkeley County, SC
Archaeological Survey of Palmetto Electric Cooperative's Ridgleand Tract, Jasper County, SC
Archaeological Survey of Palmetto Electric Cooperative's Limehouse Substation Tract, Jasper County, SC
Archaeological Literature Review/Architectural Survey of US 78 Improvements, Aiken to Elko, SC
Archaeological Literature Review/Architectural Survey of US 78 Improvements, Elko to Bamburg, SC
Archaeological Literature Review/Architectural Survey of the North Rhett Avenue Improvements, Charleston County, SC
Cultural Resources Reconnaissance Survey, US 521 Improvements, Georgetown to Manning, SC
Archaeological Survey of the SC 101 Improvements Corridor, Spartanburg County, SC
Archaeological Exhumation of the former Confederate Naval Cemetery, City of Charleston, SC
Assessment of Litchfield Plantation slave cemetery, Georgetown County, SC
Preparation of Historic Preservation Plan for Fort Jackson, Richland County, SC
Cultural Resources Survey of Selected Timber Harvest Areas (FY-93), Fort Jackson, SC
Cultural Resources Survey of Selected Timber Harvest Areas (FY-91-I); Fort Jackson, SC
Archaeological Survey of selected firebreaks, Fort Jackson, Richland County, SC
Archaeological Data Recovery at 38CH644 (Buck Hall Site), Francis Marion National Forest, Charleston County, SC
Testing of Six Sites in the Witherbee District, Francis Marion National Forest, Berkeley County, SC
Archaeological Survey of 990 acres of the Witherbee District, Francis Marion National Forest, Berkeley County, SC
Testing of Five Sites in the Wambaw and Witherbee Districts, Francis Marion National Forest, Berkeley and Charleston Counties, SC
Testing of Five Sites in the Wambaw District, Francis Marion National Forest, Charleston County, SC
Archaeological Survey of the Pigeon Island Development Tract, Chatham County, GA
Cultural Resources Survey of Selected Timber Harvesting Areas (FY-90), Fort Benning, GA and AL
Cultural Resources Survey of the proposed A-10 Munitions Storage Area, Pope Air Force Base, Cumberland County, NC
Cultural Resources Survey of Selected Construction Projects at Fort Bragg and Pope Air Force Base, Cumberland County, NC
Archaeological Overview/Survey of the US 70 By-Pass at Clayton, Johnston County, NC
Archaeological Sample Survey of the US 421 Improvements, Yadkin County, NC
Archaeological Survey of the US 29A/70A, Guilford County, NC
Archaeological Survey of the Proposed Albemarle Connector, Stanly County, NC
Historical and Archaeological Survey for the W. Kerr Scott Reservoir near Wilkesboro, NC
Archaeological Survey of the Mackeys Ferry Development Tract, Washington County, NC
Historical and Archaeological Survey for the Philpott Lake Project, Roanoke River Basin, Virginia

Principal Investigator/Field Director

Survey and Testing (7 sites) on the Thunderbird Tract, Beaufort County, SC
Archaeological Survey of Palmetto Dunes Resort Leamington- Parcel 1 and Longview Island Tracts, Hilton Head island, Beaufort County, SC
Cultural Resources Reconnaissance Survey, US Highway 17 Improvements, Gardens Corner to Jacksonboro, SC
Cultural Resources Reconnaissance of Santee-Cooper's Jones Tract, Berkeley County, SC
Archaeological Data Recovery at Long Point Plantation (38CH321), Charleston County, SC
Archaeological Survey of Two Proposed Borrow Pits, James Island, SC
Archaeological Survey of Selected Portions of the Stony Landing Development Tract, Berkeley County, SC
Archaeological Survey of the Gift Plantation Development Tract 1, Johns Island, SC
Archaeological Survey of the St. Francis Hospital Essex Farms Tract, Charleston County, SC
Archaeological Survey of Headquarters Island Development Tract, Johns Island, Chalresotn County, SC
Archaeological Survey of Sam Edwards Road Borrow Pit, Mount Pleasant, Charleston County, SC
Archaeological Survey of selected portions of the Plantation at Stono Ferry, Charleston County, SC
Archaeological Survey of the Aronov Development Tract, Mount Pleasant, Charleston County, SC
Archaeological Monitoring of swale excavation through 38CH834, Belle Hall Development Tract, Charleston County, SC
Archaeological Assessment of Damage to NRHP Eligible Site 38CH1078, Brickyard Development Tract, Charleston County, SC
Archaeological Data Recovery at 38CH1078, Brickyard Development Tract, Charleston County, SC
Archaeological Data Recovery at 38CH1075, Brickyard Development Tract, Charleston County, SC
Archaeological Survey of the East Cooper Wastewater Treatment Plant, Charleston County, SC
Archaeological Survey of the Jenkins Point Development Tract, Seabrook Island, Charleston County, SC
Archaeological Reconnaissance of a portion of the Archdale Development Tract, Dorchester County, SC
Survey of Delta Plantation Development Tract, Jasper County, SC
Survey of the Riverview Apartments Development Tract, Richland County, SC
Archaeological Survey of the Proposed Batch Plant and Haul Road, Boardman Dam, Fort Gordon, Richmond County, GA
Data Recovery at three sites (Late Archaic, Early Woodland, Mississippian) in proposed Dog River Reservoir, Douglas County, GA
Survey of the proposed Plant Daniel Coal Barge Facility, Jackson County, Ms

Field Director

Archaeological Survey of the Chestnut Hill Plantation Development Tract, Richland County, SC
Archaeological Resurvey and Evaluation of Six Sites, Rhetts Bluff Development Tract, Kiawah Island, SC
Archaeological Data Recovery at Midway Plantation slave/tenant village (38GE363), Georgetown County, SC
Archaeological Data Recovery at True Blue Plantation (38GE372), Georgetown County, SC
Archaeological Data Recovery at three sites (2 Early Woodland shell middens and one 19th century plantation) on Palmetto Fort Tract, Charleston County, SC
Testing of six sites, Heritage Plantation, Georgetown County, SC
Testing of four sites on Palmetto Fort Tract, Charleston County, SC
Archaeological Site Testing at Spanish Point Development Tract, Hilton Head, SC
Archaeological Survey of proposed recreation area, Middle Chattahoochee Hydroelectric Project, Muscogee County, GA
Archaeological Survey and Testing (3 sites) in the proposed Dog River Reservoir, Douglas County, GA

1986-1988

Archaeologist, R. Christopher Goodwin & Associates, Inc., New Orleans, Louisiana.

Sample Survey of Bayou Cocodrie and Tributaries Project, St. Landry Parish, LA
Survey and Testing to locate Fort du Mississippi, Plaquemines Parish, LA
Survey of the Larose-Golden Meadow Hurricane Protection Levee, LaFourche Parish, LA (Project Manager)
Assessment of the Faulkner Lake Revetment Project, East Baton Rouge Parish, LA
Reconnaissance, Survey and Testing (7 sites) at Fort Benning, Chattahoochee and Muscogee Counties, GA (Co-Principal Investigator)
Survey of the East Atchafalaya Basin Protection Levee Item E-44, Iberville Parish, LA (Project Manager)
Survey of North Fort Polk Family Housing Area, Fort Polk, Vernon Parish, LA (Co-Principal Investigator)
Survey of the Caernarvon Diversion Site, Plaquemines Parish, LA (Project Manager/Field Director)
Archaeological Plan for the City of New Orleans, Orleans Parish, LA (Project Manager)
Monitoring of Montegut to Independence Streets Floodwall, Orleans Parish, LA (Project Manager)
Assessment of the Bisland Battlefield (16SMY166), St. Mary's Parish, LA (Project Manager)
Survey of a portion of the Bonnet Carre Spillway, St. Charles Parish, LA (Project Manager)
Survey of the proposed Mechanized Infantry Training Area, Fort Benning, Chattahoochee County, GA (Project Manager/Field Director)
Survey of selected timber harvesting areas, Fort Benning, Chattahoochee and Muscogee Counties, GA and Russell County, AL (Project Manager/Field Director)

1980-1986

Teaching and Research Assistant, Department of Archaeology and Strathcona Archaeological Field School, University of Calgary, Alberta.

1981

Field Assistant, Lifeways of Canada, Ltd., Calgary, Alberta.

Data Recovery at two tipi ring sites near Calgary, AB
Testing of a buried Pelican Lake site near Red Deer, AB
Data Recovery at a buried stratified camp site near Calgary, AB
Survey of selected portions of Quintette Coal Lease, northeast British Columbia

1979, 1980, 1983

Field Assistant, Gilbert/Commonwealth and Associates, Inc., Jackson, Michigan.

Data Recovery at three prehistoric sites in the Cooper River Rediversion Project, Berkeley County, SC
Survey of selected potions of the Harry S Truman Reservoir, MO and KS
Testing of selected historic and prehistoric sites on a proposed Santee-Cooper steam generating plant site, Florence County, SC

1977-1979

Research Assistant Archaeologist, Institute of Archaeology and Anthropology, University of South Carolina, Columbia.

Testing of selected sites in the Cooper River Rediversion Project, Berkeley County, SC
Survey and Testing (82 sites) in the Richard B. Russell Dam and Lake Project, Elbert and Hart Counties, GA and Abbeville and Anderson Counties, SC

Survey of six proposed bridge relocations, Elbert County, GA
Survey of selected portions of the Mt. Holly Plantation, Berkeley County, SC
Survey of selected portions of the Crowfield Development Tract, Berkeley County, SC
Survey of the AMOCO Tract, Berkeley County, SC
Testing of Edenwood Site (38LX135), Lexington County, SC
Survey of proposed navigation channel cut-offs along the lower Savannah River, GA and SC
Testing of West Pasture (38CH123 - historic site) and Bass Pond (38CH124 - prehistoric shell midden), Kiawah Island, Charleston County, SC

1977

Assistant Director, Catawba College Archaeological Field School, Salisbury, North Carolina.

Activities included excavations at Archaic-Woodland Period site in Montgomery County, NC and survey of selected portions of the Uwharrie National Forest (Montgomery and Randolph Counties, NC).

1977

Field Assistant, Archaeological Reconnaissance and Survey of Selected Portions of the Mimbres River Valley.

Activities included relocation of known Mimbres Period sites and the controlled collection of lithic artifacts from selected sites (data collected for Charles M. Baker Ph.D. dissertation in Department of Anthropology at the University of Georgia).

1975-1977

Field Assistant, Various Cultural Resource Management Projects, Catawba College, Salisbury, North Carolina.

Survey of 5500 acres of the Uwharrie National Forest, Montgomery and Randolph Counties, NC (Field Director)
Survey of Southern Railroad Linwood Yard, Davidson County, NC
Survey of proposed reservoir near Ramseur, Randolph County, NC
Survey of proposed sewer treatment plant near Cornelius, Mecklenburg County, NC
Survey of selected portions of Morrow Mountain State Park, Stanly County, NC (Field Director)

REPORTS, PUBLICATIONS, AND PAPERS PRESENTED

1978 (with John C. Norris and Claudia B. Wolfe)
Archaeological Reconnaissance of the Mt. Holly Plantation. University of South Carolina, Institute of Archaeology and Anthropology Research Manuscript Series 33. Columbia.

1978 (with John C. Norris and Claudia B. Wolfe)
Historical Perspectives on the Mt. Holly Plantation. Paper presented at the Annual Conference of the Archaeological Society of South Carolina, Columbia.

1979 (with James M. O'Hara)
Preliminary Analysis of the Hafted Bifaces Collected during the Richard B. Russell Archaeological Project. In The Report of the Intensive Survey of the Richard B. Russell Dam and Lake Project, Savannah River, Georgia and South Carolina, by Richard L. Taylor and Marion F. Smith, Jr., University of South Carolina, Institute of Archaeology and Anthropology Research Manuscript Series 142. Columbia.

1979 (with John Norris, Claudia Wolfe, and Paul Brockington)
Archaeological Reconnaissance of Six Proposed Bridge Relocations in Elbert County, Georgia. University of South Carolina, Institute of Archaeology and Anthropology Research Manuscript Series 143. Columbia.

1979 Use Wear Patterns on Historic Period Glass Sherds-- Function or Fortuity? Paper presented at the Annual Conference of the Archaeological Society of South Carolina, Columbia.

1982 (with Brian O.K. Reeves)
The Final Report, Stage II, Heritage Resource Impact Assessment, Quintette Coal Project. Manuscript on file, Heritage Conservation Branch, Victoria, British Columbia.

1982 (with Peter D. Francis, editors)
Directions in Archaeology: A Question of Goals. Proceedings of the 14th Annual Conference of the Archaeological Association of the University of Calgary, Calgary, Alberta.

1982 (with Stephen M. Malone and James W. Helmer)
Stratified Sampling and Surface Assessment of Archaeological Sites of the North Saskatchewan River Valley. Paper presented at the 40th Annual Plains Conference, Calgary, Alberta.

1984 (with James W. Helmer and Stephen M. Malone)
Final Report of the 1983 University of Calgary Archaeological Field School at the Strathcona Site (FjPi-29): Permit 83-26-C. Research report on file, Archaeological Survey of Alberta, Edmonton.

1984 (with James W. Helmer and Stephen M. Malone)
Quantitative and Graphic Analysis of Artifact Distributions: A Trial Approach to the Study of Horizontal and Vertical Distributions in Non-Stratified Sites. Paper presented at the 17th Annual Meeting of the Canadian Archaeological Association, Victoria, British Columbia.

1984 The Use of Expedient Technologies for Intra-Site and Inter-Site Comparisons in Historical Archaeology. Paper presented at the 17th Annual Conference of the Canadian Archaeological Association, Victoria, British Columbia.

1985 (with James W. Helmer and Stephen M. Malone)
Final Report of the 1984 University of Calgary Archaeological Field School at the Strathcona Site (FjPi-29): Permit 84-28. Research report on file, Archaeological Survey of Alberta, Edmonton.

1985 (with James W. Helmer and Stephen M. Malone)
Quantitative and Graphic Analysis of Artifact Distributions: A Trial Approach to the Study of Horizontal and Vertical Distributions in Non-Stratified Sites. In Contributions to Plains Prehistory, edited by David V. Burley, pp. 155-179. Alberta Culture Historical Resources Division, Archaeological Survey of Alberta Occasional Paper 26. Edmonton.

1986 (with James W. Helmer and T. G. Arnold)
Final Report of the 1981-1985 University of Calgary Archaeological Field School at the Strathcona Site (FjPi-29). Research report on file, Archaeological Survey of Alberta, Edmonton.

1986 Expedient Technology in European North America: Implications of an Alternate use of Glass by Historic Period Occupations. Ph.D. dissertation, Department of Archaeology, University of Calgary, Alberta, Canada.

1986 (with R.C. Goodwin, K.G. Kelly and D.L. Bascle)
A Cultural Resources Survey of the Western Sections of the Larose to Golden Meadow Hurricane Protection Project (COELMN/PD 86-?). Report submitted to the U.S. Army Corps of Engineers, New Orleans District.

1987 (with D.L. Bascle, Jill-Karen Yakubik and Ana Chandler)
Cultural Resources Sample Survey of the Bayou Cocodrie and Tributaries Project, St. Landry, Evangeline, and Avoyelles Parishes, Louisiana (COELMN/PD 86-16). Report submitted to the U.S. Army Corps of Engineers, New Orleans District.

1987 (with R.Christopher Goodwin)
Cultural Resources Assessment of the Faulkner Lake Revetment, East Baton Rouge Parish, Louisiana (COELMN/PD 87-01). Report submitted to the U.S. Army Corps of Engineers, New Orleans District.

1987 (with K. Manning, P.C. Armstrong and R.C. Goodwin)
Cultural Resources Survey of the East Atchafalaya Basin Protection Levee Item E-44, Iberville Parish, Louisiana (COELMN/PD 87-0?). Report submitted to the U.S. Army Corps of Engineers, New Orleans District.

1987 (with Kathy Manning)
Cultural Resources survey of the North Fort Polk Family Housing Area, Fort Polk, Vernon Parish, Louisiana (CX5000-7-0017). Report submitted to the National Park Service, Southeast Regional Office, Atlanta, Georgia.

1987 Cultural Resources Survey of a 40-acre Borrow Pit near Slidell, St. Tammany Parish, Louisiana. Prepared for C.H. Fenstermaker & Associates, Inc., New Orleans, Louisiana.

1987 Level II Archaeological Survey, Big Woods Development Area, Environmental Educational Center- Phase I, Barataria Unit, Jean Lafitte National Historical Park, Jefferson Parish, Louisiana. Report submitted to the National Park Service, Southwest Regional Office, Santa Fe, New Mexico.

1987 Cultural Resources Review of the Fort Benning Master Plan- Phase II. Report submitted to Gulf South Research Corporation and the U.S. Army Corps of Engineers, Savannah District.

1987 (with Paul Armstrong, David Moore, and R. Christopher Goodwin)
New Orleans is Looking Forward to its Past- Archaeological Plan for Selected Portions of the City of New Orleans. Submitted to the Division of Archaeology, Office of Cultural Development, Louisiana Department of Culture, Recreation and Tourism, Baton Rouge.

1988 (with Lawrence Hewitt and R. Christopher Goodwin)
The Battle of Fort Bisland: Historical Research and Development of an Archaeological Research Design (COELMN/PD 88-03). Report submitted to the U.S. Army Corps of Engineers, New Orleans District.

1988 (with Paul C. Armstrong)
Cultural Resources Investigations-Phase II, Bonnet Carre Spillway, St. Charles Parish, Louisiana (COELMN/PD 88-04). Report submitted to the U.S. Army Corps of Engineers, New Orleans District.

1988 (with R. Christopher Goodwin)
Cultural Resource Sample Survey, Mechanized Infantry Training Area, Fort Benning, Georgia. Report submitted to Gulf South Research Institute and the U.S. Army Corps of Engineers, Savannah District.

1988 (with R. Christopher Goodwin)
Cultural Resource Survey of Selected Timber Harvesting Areas, Fort Benning, Georgia and Alabama. Report submitted to Gulf South Research Institute and the U.S. Army Corps of Engineers, Savannah District.

1988 Archaeological Testing of Six Selected Sites, Heritage Plantation, Georgetown County, South Carolina. Prepared for Heritage Plantation, Ltd., Pawleys Island, South Carolina.

1988 (with Ruthanne Mitchell and Carol J. Poplin)
Archaeological Survey and Site Testing in the Proposed Dog River Reservoir, Douglas County, Georgia. Prepared for the Douglasville-Douglas County Water and Sewer Authority, Douglasville, Georgia.

1988 (with Carol J. Poplin)
Documentation, Middle Chattahoochee Hydroelectric Generating Project, Muscogee County, Georgia. Prepared for Georgia Power Company, Atlanta, Georgia.

1988 (with Christopher T. Espenshade)
Archaeological Survey and Testing, Palmetto Fort Tract, Charleston County, South Carolina. Prepared for the Palmetto Fort Development Corporation, Mount Pleasant, South Carolina.

1988 (with Paul E. Brockington Jr.)
Midway: Archaeological Profile of a Nineteenth Century Rice Plantation on Waccamaw Neck. Prepared for Heritage Plantation, Ltd., Pawleys Island, South Carolina.

1988 (with Marian D. Roberts and Carol J. Poplin)
Archaeological Survey of the Proposed Plant Daniel Coal Barge Unloading Facility, Jackson County, Mississippi. Prepared for Mississippi Power Company, Gulfport, Mississippi.

1988 Archaeological Investigations on Heritage Plantation: Interpretations of Rice Agricultural Societies on Waccamaw Neck, South Carolina. Paper Presented at the Southeastern Archaeological Conference, New Orleans, Louisiana.

1989 True Blue Plantation: Archaeological Data Recovery at a Waccamaw Neck Rice Plantation. Prepared for Heritage Plantation, Ltd., Pawleys Island, South Carolina.

1989 (with Stephen H. Savage and Paul E. Brockington Jr.)
Archaeological Survey and Testing at the Thunderbird Tract, Beaufort County, South Carolina. Prepared for Wetland and Environmental Consultants, Inc., Beaufort, South Carolina.

1989 Archaeological Resurvey and Evaluation of Six Sites, Rhetts Bluff Development Tract, Kiawah Island, South Carolina. Prepared for Kiawah Resort Associates, Inc., Charleston, South Carolina.

1989 Cultural Resources Reconnaissance Survey, US Highway 17 Improvements, Gardens Corner to Jacksonboro, South Carolina. Prepared for Wilbur Smith Associates, Inc., Columbia, South Carolina.

1989 Archaeological Survey of the Jenkins Point Development Tract, Seabrook Island, Charleston County, South Carolina. Prepared for the Jenkins Point Development Corporation, Charleston, South Carolina.

1990 (with Linda Allan and Marian D. Roberts)
Archaeological Survey of the Delta Plantation Development Tract, Jasper County, South Carolina. Prepared for the Delta Plantation Development Corporation, Hardeeville, South Carolina.

1990 (with Marian D. Roberts)
Cultural Resources Reconnaissance Survey, US Highway 521 Improvements, Georgetown to Manning, South Carolina. Prepared for De Leuw-Cather of Virginia, Inc., Falls Church, Virginia.

1990 Recent Investigations on Waccamaw Neck Rice Plantations. Paper presented at the Annual Meeting of the Archaeological Society of South Carolina, Columbia.

1990 Prehistoric Settlement in the Dog River Valley: Archaeological Data Recovery at 9DO34, 9DO39, and 9DO45. Prepared for the Douglasville-Douglas County Water and Sewer Authority, Douglasville, Georgia.

1990 Archaeological Survey of the Headquarters Island Development Tract, Johns Island, Charleston County, South Carolina. Prepared for Edge and Associates, Inc., Charleston, South Carolina.

1990 Archaeological Survey of a Proposed Borrow Pit near Mount Pleasant, Charleston County, South Carolina. Prepared for the Georgia-Carolina Development Company, Mount Pleasant, South Carolina.

1990 Archaeological Survey of Two Proposed Borrow Pits, James Island, South Carolina. Prepared for Felder Truck Lines, North Charleston, South Carolina.

1990 (with Ashley Chapman)
Archaeological Survey of Selected Portions of the Stony Landing Development Tract, Berkeley County, South Carolina. Prepared for John R. Cumbie, Moncks Corner, South Carolina.

1990 Archaeological Survey of the Proposed East Cooper Wastewater Treatment Plant, Mount Pleasant, South Carolina. Prepared for Jordan, Jones and Goulding, Inc., Charleston, South Carolina.

1990 Archaeological Survey of the Riverview Apartments Development Tract, Richland County, South Carolina. Prepared for Sterling Development Company, Inc., Dallas, Texas.

1990 Archaeological Survey of Three Mine Sites, French Quarter Creek Development Tract, Berkeley County, South Carolina. Prepared for French Quarter Creek Investors, Inc., Mount Pleasant, South Carolina.

1990 Archaeological Reconnaissance of a 23 Acre Tract in the Archdale Subdivision, Dorchester County, South Carolina. Prepared for Tamsberg Properties, Inc., Charleston, South Carolina.

1990 (with Paul E. Brockington, Christopher T. Espenshade and James B. Legg)
Archaeological Survey, Spanish Pointe Development, Hilton Head Island, Beaufort County, South Carolina. Prepared by Brockington and Associates, Inc., Norcross, Georgia.

1990 (with Marion D. Roberts, Christopher T. Espenshade and Eric C. Poplin)
Investigations of a Slave Row at Spanish Wells Plantation: Archaeological Data Recovery at 38BU869, Spanish Pointe, Hilton Head Island, South Carolina. Prepared for Spanish Pointe Development Company.

1991 An Overview of Plantation Archaeology in the Low Country of South Carolina and Georgia. Paper presented at the 24th Annual meeting of the Society for Historical and underwater Archaeology, Richmond, Virginia.

1991 (with David C. Jones)
Archaeological Survey and Testing of the Bon Secour-St. Francis Hospital Xavier Hospital Essex Farms Tract, Charleston County, South Carolina. Prepared for Bon Secour-St. Francis Xavier Hospital, Charleston, South Carolina.

1991 (with Michael C. Scardaville)
Archaeological Data Recovery at Long Point Plantation (38CH321), Mark Clark Expressway (I-526), Charleston County, South Carolina. Prepared for the South Carolina Department of Highways and Public Transportation, Columbia.

1991 (with Linda K. Allan and Marian D. Roberts)
Archaeological Survey of a Portion of the Plantation at Stono Ferry, Charleston County, South Carolina. Prepared for Stono Ventures, Inc., Charleston, South Carolina.

1991 Archaeological Survey of the Gift Plantation Development Tract #1, Johns Island, Charleston County, South Carolina. Prepared for Lesley Construction, Inc., Easley, South Carolina.

1991 (with David C. Jones)
Cultural Resources Survey For Construction Projects on Fort Bragg Military Reservation and Pope Air Force Base. Prepared for the US Army Corps of Engineers- Savannah District. Savannah, Georgia.

1991 (with Joel D. Gunn, Marian D. Roberts, Barbara Lucas, and Carol J. Poplin)
Historical and Archaeological Survey and Historic Properties Management Plan for W. Kerr Scott Reservoir, Wilkes County, North Carolina. Prepared for the US Army Corps of Engineers- Wilmington District, Wilmington, North Carolina.

1991 Archaeological Survey and Testing, Boardman Dam Haul Road and Batch Plant Area, Fort Gordon, Richmond County, Georgia. Prepared for the US Army Corps of Engineers- Savannah District. Savannah, Georgia.

1991 (with David C. Jones)
Archaeological Survey of a Proposed Electrical Substation near Hardeeville, Jasper County, South Carolina. Prepared for Palmetto Electric Cooperative, Hilton Head, South Carolina.

1991 (with Carl Steen)
An Archaeological Survey of the Undeveloped Portions of Wild Wing Plantation, Horry County, South Carolina. Prepared for Suwaso Corporation, Decatur, Georgia.

1991 (with David C. Jones)
Archaeological Survey and Testing in a 23 Acre Tract in the Archdale Subdivision, Dorchester County, South Carolina. Prepared for Tamsberg Properties, Inc., Charleston, South Carolina.

1991 Archaeological Survey of the Aronov Development Tract, Mount Pleasant, Charleston County, South Carolina. Prepared for Aronov Realty Company, Inc., Montgomery, Alabama.

1991 Archaeological Survey of a Road Right-of-Way in the Centre Pointe Tract, Charleston County, South Carolina. Prepared for Balcor Development Company, Skokie, Illinois.

1991 (with David C. Jones and Ashley A. Chapman)
Archaeological Survey of the Andell Tract, Seabrook Island, Charleston County, South Carolina. Prepared for East Seabrook Limited Partnership, Charleston, South Carolina.

1991 Archaeological Reconnaissance of the Five Acre Waterhouse Tract, Beaufort County, South Carolina. Prepared for Waterhouse Company II, Beaufort, South Carolina.

1991 (with David C. Jones)
Archaeological Survey of the Mackeys Ferry Landing Tract, Washington County, North Carolina. Prepared for Southfork Timberlands, Inc., Plymouth, North Carolina.

1992 Variations in Structure: A Comparison of Absentee and Principal Residence Rice Plantations in the Low Country of South Carolina. Paper presented at the 25th Annual Meeting of the Society for Historical and Underwater Archaeology, Kingston, Jamaica.

1992 (with Marian D. Roberts and Rick Richardson)
Cultural Resources Survey of Selected (FY-91-I) Timber Harvesting Areas, Fort Jackson, South Carolina. Prepared for the US Army Corps of Engineers- Savannah District. Savannah, Georgia.

1992 (with David C. Jones)
Cultural Resource Site Evaluation of Five Sites on the Wambaw Ranger District, Francis Marion National Forest, South Carolina. Prepared for the US Department of Agriculture- Forest Service, Columbia, South Carolina.

1992 (with David C. Jones)
Archaeological and Historical Survey and Historic Properties Management Plan for Philpott lake Project, Roanoke River Basin, Virginia. Prepared for the US Army Corps of Engineers- Wilmington District, Wilmington, North Carolina.

1992 (with Joel D. Gunn, Christopher T. Espenshade and David C. Jones)
Intensive Sample Survey and Data Recovery at Marine Corps Base Camp Lejeune, Onslow County, North Carolina. Prepared for the US Army Corps of Engineers- Wilmington District, Wilmington, North Carolina.

1992 (with David C. Jones)
An Archaeological Survey of the Myrtle Beach Farms Tract, Horry County, South Carolina. Prepared for Burroughs and Chapin Company, Inc., Myrtle Beach, South Carolina.

1992 (with David C. Jones)
Archaeological Survey of the 30 Acre Westvaco Shopping Center Tract, Dorchester County, South Carolina. Prepared for Trico Engineering, Inc., Summerville, South Carolina.

1992 (with David C. Jones)
Archaeological Survey of the 30 Acre Coastal Commercial Center Tract, Charleston County, South Carolina. Prepared for Trico Engineering, Inc., Summerville, South Carolina.

1992 (with David C. Jones)
Archaeological Survey of the Jeremy Cay Tract, Edisto Island, Charleston County, South Carolina. Prepared for The Savage Company, Columbia, South Carolina.

1992 (with David C. Jones and Ashley A. Chapman)
An Archaeological Reconnaissance of a Portion of Palmetto Bay Road, Hilton Head Island, South Carolina. Prepared for Thomas and Hutton Engineering, Inc., Savannah, Georgia.

1992 (with David C. Jones and Christopher T. Espenshade)
Archaeological Investigations at the Buck Hall Site (38CH644), Francis Marion National Forest, South Carolina. Prepared for the US Department of Agriculture- Forest Service. Columbia, South Carolina.

1992 (with C. Scott Butler)
Background and Archival Research for US 78 Improvements, Aiken to Elko, South Carolina. Prepared for Burton, Adams, Kemp and King, Inc., Raleigh, North Carolina.

1992 (with Marian D. Roberts)
Fort Jackson Military Reservation Historic Plan- Cultural Overview. Prepared for the US Army Corps of Engineers- Savannah District, Savannah, Georgia.

1992 (with Marian D. Roberts)
Historical and Archaeological Overview of Daniel Island, Berkeley County, South Carolina. Prepared for the Harry F. Guggenheim Foundation and Olympia and York, Inc., New York, New York.

1992 (with Natalie Adams and Carol J. Poplin)
Archaeological Survey of the Gift Plantation Tract 2 Development Area, Johns Island, Charleston County, South Carolina. Prepared for Lesley Construction Company, Inc., Easley, South Carolina.

1992 Archaeological Re-evaluation of 38CH1078, Brickyard Plantation, Charleston County, South Carolina. Prepared for Brickyard Development Corporation, Mount Pleasant, South Carolina.

1992 Archaeological Survey of the Chestnut Hill Plantation Development Tract, Richland County, South Carolina. Prepared for Edens and Avant, Inc., Columbia, South Carolina.

1992 Cultural Resources Reconnaissance, South Carolina Public Service Authority's Jones Tract, Moncks Corner, South Carolina. Prepared for Newkirk Environmental Consultants, Inc., Charleston, South Carolina.

1992 (with Carol J. Poplin)
Archaeological Survey of the Bacons Bridge Development Tract, Dorchester County, South Carolina. Prepared for Trico Engineering and Survey, Inc., Summerville, South Carolina.

1992 (with Linda Kennedy and David C. Jones)
A Cultural Resource Survey of Two Proposed 230 KV Transmission Lines from Cope to Canadys and from Cope to Orangeburg, South Carolina. Prepared for South Carolina Electric and Gas Company, Columbia, South Carolina.

1992 A Cultural Resources Reconnaissance of Possible Dredge Spoil Disposal Sites, Charleston Harbor, South Carolina. Prepared for the South Carolina Coastal Council and the US Army Corps of Engineers- Charleston District, Charleston, South Carolina.

1992 (with Elsie I. Eubanks)
Archaeological Survey of a Proposed Palmetto Electric Cooperative Office Complex near Ridgeland, Jasper County, South Carolina. Prepared for Palmetto Electric Cooperative, Hilton Head Island, South Carolina.

1992 (with Jeffrey W. Gardner)
Wappoo Plantation (38CH1199/1200(: Data Recovery at an Eighteenth Century Stono River Plantation in Charleston County, South Carolina. Prepared for the US Department of Agriculture- Agricultural Research Service, Athens, Georgia.

1993 (with Elsie I. Eubanks, Susan Maguire and C. Scott Butler)
Archaeological Literature Review and Intensive Architectural Survey, North Rhett Avenue Improvements Corridor, North Charleston, South Carolina. Prepared for BAKK, Inc., Raleigh, North Carolina and the South Carolina Department of highways and Public Transportation, Columbia.

1993 (with Kenneth T. Styer)
An Intensive Cultural Resource Survey of Selected Firebreaks at Fort Jackson, Richland County, South Carolina. Prepared for the US Department of Agriculture- Forest Service, Moncks Corner, South Carolina.

1993 (with Elsie I. Eubanks)
A Cultural Resource Survey of the Proposed Realignmnet of the 230 KV Transmission Line from Cope to Canadys, South Carolina. Prepared for South Carolina Electric and Gas Company, Columbia, South Carolina.

1993 Intensive Archaeological Survey of Leamington- Parcel 1, Palmetto Dunes resort, and Longview Island, Hilton Head Island, Beaufort County, South Carolina. Prepared for Newkirk Environmental Consultants, Inc., Charleston, South Carolina.

ELSIE IRENE EUBANKS

Brockington and Associates, Inc.
1051-F Johnnie Dodds Boulevard
Mount Pleasant, South Carolina 29464

EDUCATION:

1990 College of William and Mary, Williamsburg, Virginia. M.A. candidate with specialization in Historical Archaeology. Thesis submitted 1992.

1988 State University of New York, New Paltz, New York. B.A. in Anthropology, Cum laude. Outstanding Senior Award, Dean's list 1987 and 1988.

EMPLOYMENT EXPERIENCE:

November 1992-present
Archaeologist, Brockington and Associates, Inc., Mount Pleasant, SC.
Duties include collection of background information, directing of fieldwork, artifact analyses, and report preparation. Projects undertaken to date:

Archaeological Survey of SC 101 Widening, Spartanburg County, SC.
Archaeological Data Recovery at 38BU515, Dataw Island, Beaufort County, SC.

March-June 1992
Internship, New York City Landmarks Commission, New York, New York.
Duties included: preparation of artifacts for the "On Common Ground" exhibit at City Hall Park, NY.

July 1988-August 1989, July 1990-January 1992
Archaeologist, EnviroPlan Associates, Inc., Poughkeepsie, New York.
Duties included: cultural resource investigations, field work, artifact analysis, and report writing. The following is a partial list of cultural resource projects undertaken:

7-8/90 Stage I historical survey, and field work, field director, Town of Greenburgh, Westchester County, NY.

11-12/90 Stage IA historical survey, field director, Pawling Corporation, Town of Dover, Dutchess County, NY.

1-2/90 Stage I historical survey and field work, field director, U.S. Postal Service, Orange County, Florida, NY.

2-4/90 Stage IB Cultural Resource Survey, lab work, artifact analysis for Consumer Square, Town of Big Flats, Chemung County, NY. Prepared for the Benderson Development Company, Buffalo, NY.

5-6/90 Stage I Cultural Resource Survey, field director and artifact analysis for Dogwood Knolls Cluster Development, Town of East Fishkill, Dutchess County, NY. Prepared for Dogwood Associates.

7-10/90 Stage I Cultural Resource Survey, historical survey, field director, artifact analysis, and writing of final report, Redwing Recreational Area, Manchester Bridge, NY. Prepared for Redwing Properties, Inc., Stormville, NY.

10-12/90 Stage II Cultural Resource survey, field work, consisting of both historic & prehistoric sites, Brandt's Farm Subdivision, East Fishkill, NY, field director, Prepared for William Novak, Poughkeepsie, NY.

1-6/91 Stage 1B and II Cultural Resource survey, field assistant, historic & prehistoric sites, artifact analysis, writing sections of final report, Town of Somers, Westchester County, NY, for DEC permit application, field director. Prepared for Eagle River at Primrose, Somers, NY.

7-10/91 Stage II Cultural Resource Survey, artifact analysis, and report writing for Mid-Hudson Medical Center, Village of Fishkill, Dutchess County, NY. Prepared for Mid-Hudson Medical Group, Fishkill, NY.

10-12/91 Stage II Survey, field assistant, artifact analysis, and report writing for Fishkill Ambulatory Surgery Center, Village of Fishkill and Town of Fishkill. Prepared for Mid-Hudson Medical Group and Riverside Diversified, Inc., Fishkill, NY.

12/91 Stage I and II Cultural Resource survey, historical research and field assistant for the Bradford Companies Route 376 Property, Dutchess County New York. Prepared for Bradford Companies, Dallas, TX.

1/92 Stage IA historical investigation, for City-Town Water agreement, Dutchess County, Poughkeepsie, NY. Prepared for the Town of Poughkeepsie, NY.

May 1989-July 1990
Virginia Commonwealth University, Archaeological Resource Center, Richmond, VA.
Duties included: crew member and artifact analysis for the following projects:

Field assistant: Jordan's Point, a Settlement on the James River dated 1607-1625. Excavations under the direction of Dr. Dan Mouer, Hopewell, VA.

Field assistant: The Confederate Navy base located in the James River Harbor, Richmond, VA. Excavations under direction of Dr. Dan Mouer.

August 1989-June 1990
Research Assistant, College of William and Mary, Department of Anthropology, Williamsburg, VA.
Under direction of Dr. Norman Barka. Duties included research, cataloguing, and computer entry of artifacts from St Eustasia, Dutch Netherlands.

June 1988-August 1989
Archaeologist/researcher, EnviroPlan Associates, Inc., Poughkeepsie, NY.
Assisted with researching and writing Cultural Resource Management reports and Environmental Impact Statements. Field work included excavations and shovel testing of prehistoric and historic sites. The following is a partial list of cultural resource projects undertaken:

Stage I Historical Survey for Deuel Hollow, Town of Dover, Dutchess County, NY.

Stage II Cultural Resource survey, historical survey and field work, 18th century freed slave village located in the Town of Harrison, Westchester County, NY. Prepared for the Rubenstein Development Corporation, NY.

Stage I and II Cultural Resource survey, historical survey and field work for St. Simeon Development, Poughkeepsie, NY.

Stage 1A historical survey of the Gail Borden Milk Factory, Counties of Orange and Ulster, New York. Prepared for the Alfalfa Fields Development Company, NY.

1987-1988
State University of New York at New Paltz.
Anthropology Tutor for the Learning Center at State University of New York. Tutor for students in anthropology and archaeology classes.

July-August 1987
Summer Field School, State University of New York at New Paltz. Under direction of Dr. Leonard Eisenburg.

Assisted in the excavation, surveying, photographing, recording progress of excavation, washing, sorting and cataloguing artifacts, and writing of final report on Paleoindian site.

REPORTS PREPARED

1990
Archaeological Site/Literature Search Report, City of Poughkeepsie Water Treatment Facility, Poughkeepsie, New York. Prepared for Town of Poughkeepsie, New York.

1991
Stage II Cultural Resource Survey, Redwing Recreational Area, Manchester Bridge, New York. Prepared for Redwing Properties, Inc., Stormville, New York.

1991
Stage IB and II Cultural Resource Survey, Town of Somers, Westchester County, New York. Prepared for Eagle River at Primrose, Somers, New York.

1991 (with Neil Wilson)
Stage I Cultural Resource Investigation Report, United States Postal Service Facility, Village of Florida, Orange County, New York. Prepared for the US Postal Service, New York Facilities Service Office, Hoboken, New Jersey.

1991
Archaeological Site File/Literature Search, Pawling Corporation Tract, Town of Dover, Dutchess County, New York. Prepared for the Pawling Corporation, Dover, New York.

1991
Stage II Cultural Resource Survey, Mid-Hudson Medical Center, Village of Fishkill, Dutchess County, New York. Prepared for the Mid-Hudson Medical Group and Riverside Diversified, Inc., Fishkill New York.

1992
Occupational and Health Hazards Associated with Eighteenth Century Ceramics. Master's Thesis, submitted to the Department of Anthropology, College of William and Mary, Williamsburg, Virginia.

1992
Cultural Resources Survey for SC 101 Improvements, Spartanburg County, South Carolina. Prepared for Wilbur Smith Associates, Inc., and the South Carolina Department of Highways and Public Transportation, Columbia.

1992 (with Eric C. Poplin)
Archaeological Survey of a Proposed Palmetto Electric Cooperative Office Complex near Ridgeland, Jasper County, South Carolina. Prepared for Palmetto Electric Cooperative, Hilton head Island, South Carolina.

1993 (with Eric C. Poplin)
A Cultural Resource Survey of the Proposed Realignmnet of the 230 KV Transmission Line from Cope to Canadys, South Carolina. Prepared for South Carolina Electric and Gas Company, Columbia, South Carolina.

1993 (with Eric C. Poplin, Susan Maguire and C. Scott Butler)
Archaeological Literature Review and Intensive Architectural Survey, North Rhett Avenue Improvements Corridor, North Charleston, South Carolina. Prepared for BAKK, Inc., Raleigh, North Carolina and the South Carolina Department of highways and Public Transportation, Columbia.

CHRISTOPHER SCOTT BUTLER

Brockington and Associates, Inc.
5980 Unity Drive, Suite A
Norcross, Georgia 30071
404 662-5807

EDUCATION

Master of Historic Preservation, University of Georgia, Athens, 1991

Bachelor of Science, Archaeological Sciences, University of Georgia, Athens, 1988

PROFESSIONAL ORGANIZATIONS

National Trust for Historic Preservation
Society of Architectural Historians, Southeastern Chapter
Association for Preservation Technology
Georgia Archaeological Society

PROFESSIONAL EXPERIENCE

August 1990 - Present
Architectural Historian/Archaeologist,
Brockington and Associates, Inc., Atlanta, Georgia.

May 1990 - August 1990
Consultant to the Communities of Martin and Avalon, Georgia.

April 1990 - August 1990
Graduate Assistant, Blue Ridge Parkway and Outer Banks Architectural Survey Project, North Carolina, University of Georgia/National Park Service.

January 1990 - April 1990
Survey Coordinator, Cultural Resource Analysis Survey of Covington, Georgia, University of Georgia.

May 1989 - October 1989
Preservation Consultant, Cultural Resource Analysis Survey of Stephens County, Georgia, Chapman and Associates.

June 1987 - September 1987
Archaeological Assistant
University of Georgia Field School
Shinholzer Mound Site, Milledgeville, Georgia.

PROJECTS, PUBLICATIONS, AND PAPERS

1992 with Chrisopher T. Espenshade, Ashely A. Chapman, and James B. Legg
Phase I Cultural Resource Survey, The United States Coast Guard Facility on Folly Island, Charleston County, South Carolina. Prepared for The United States Coast Guard and Army Corps of Engineers, Savannah District.

1992 with Ashley A. Chapman
Archaeological Survey of the Proposed Sycamore-Bamberg Electric Transmission Line, Bamberg and Allendale Counties, South Carolina. Prepared for Santee-Cooper Public Service Authority, Moncks Corner, South Carolina.

1991
Archaeological and Architectural Survey of the Proposed S.C. 161 Highway Improvements, York County, South Carolina. Prepared for LPA Group, Inc./Campco Engineering, Columbia and Rock Hill, South Carolina.

1991 with B.G. Southerlin, Marian D. Roberts, and Paul E. Brockington, Jr.
A Cultural Resource Survey of Proposed Widening Corridors Along U.S. Highway 521 and a Reconnaissance of Proposed Routes Bypassing Andrews, Georgetown, and Williamsburg Counties, South Carolina. Prepared for LPA Group, Inc., Columbia, South Carolina.

1991
Archaeological Reconnaissance and Architectural Survey of the Proposed U.S. 25 Improvements, Greenville County, South Carolina. Prepared for LPA Group, Inc., Columbia, South Carolina.

1991
Archaeological and Architectural Survey of the Proposed S.C. 161 Highway Extension, York County, South Carolina. Prepared for LPA Group, Inc./Campco Engineering, Columbia and Rock Hill, South Carolina.

1991
Archaeological Survey and Testing of the Proposed Route Modifications, Laona to Goodman Pipeline Corridor, Forest County, Wisconsin. Prepared for American Natural Resources, Detroit, Michigan.

1991.
Archaeological Survey and Testing of the Proposed American Natural Resources Gas Pipeline, Wood and Portage Counties, Wisconsin. Prepared for American Natural Resources, Detroit, Michigan.

1991 with Lawrence E. Abbott, Jr., Ashley A. Chapman, Christopher T. Espenshade, Jeffrey W. Gardner, Marian D. Roberts, and Matthew T. Wilkerson.
Inspection, Evaluation and Testing of Historic Sites Located at Falls Lake, Wake, Durham, and Granville Counties, North Carolina. Two Volumes. Prepared for U.S. Army Corps of Engineers, Wilmington District.

1991
Architectural Survey for U.S. Highway 78 Improvements, Aiken to Elko, South Carolina. Prepared for BAKK Engineers, Charlotte,
North Carolina.

1991
Archaeological Survey and Testing of the Proposed Orange County Jail Facility, Echo Lake, New York. Prepared for Orange County, New York.

1991 with Eric C. Poplin
Archival Research for U.S. Highway 78 Improvements, Aiken to Elko, South Carolina. Prepared for BAKK Engineers, Charlotte, North Carolina.

1991
Harricane Multiple Resource National Register of Historic Places Nomination, Wake County, North Carolina. Prepared for U.S. Army Corps of Engineers, Wilmington, North Carolina.

1991
B.W. Wells House Individual National Register of Historic Places Nomination, Wake Forest, North Carolina. Prepared for U.S. Army Corps of Engineers, Wilmington, North Carolina.

1991
Architectural and Archaeological Survey of the Proposed Conway Waterfront, Conway, South Carolina. Prepared for the City of Conway, South Carolina.

1991
Technological and Stylistic Changes of Windows in Georgia, 1733-1945. Masters Thesis, University of Georgia.

1990
Archaeological Survey and Testing of the Proposed Devil's Fork State Park, Lake Jocassee, Oconee County, South Carolina. Prepared for Duke Power Company, Charlotte, North Carolina.

1990
Phase I Background Research and Reconnaissance of the Greenville Western Corridor Roadway, Greenville County, South Carolina. Prepared for LPA Group, Columbia, South Carolina.

1990
A Survey Survey: A Review of Architectural Surveys Throughout the Southeast. Independent Study, University of Georgia.

1989 with William Chapman
Stephens County Architectural Survey Report. Prepared for the State Historic Preservation Office, Atlanta, Georgia.

1988
Archaeological Investigations at the Walker/Richter House: Madison, Georgia. Senior Thesis, University of Georgia.

City of Hardeeville
South Carolina

MUNICIPAL ZONING AND DEVELOPMENT STANDARDS ORDINANCE

Codified through Ord. No. 2005-3-10, adopted March 17, 2005

ARTICLE 1. GENERAL PROVISIONS

1.1. Short Title.

This chapter shall be known and may be cited as "The Municipal Zoning and Development Ordinance of the City of Hardeeville, South Carolina."

1.2. Authority.

In pursuance of authority conferred by section 6-29-710 of the Code of Laws of South Carolina, 1976, as amended, and pursuant to the authority granted under the terms of Title 6 Chapter 7, Code of Laws of South Carolina, 1976, the City Council of the City of Hardeeville, South Carolina, does ordain and enact into law the following articles and sections as set forth in this Municipal Zoning and Development Ordinance (MZDO).

1.3. Purpose.

This MZDO classifies and regulates the use of land, buildings, and structures within the city limits of the City of Hardeeville. Specific purposes of this MZDO include, but are not limited to, the following:

A. Promotion of the health, safety, or general welfare of the community;

B. Securing safety from fire, flood, and other dangers;

C. Provisions of adequate light, air and open spaces;

D. Protection of scenic areas;

E. Ensure that development is compatible with existing and future needs of the community and is in accordance with a comprehensive plan;

F. Facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public improvements.

1.4. Jurisdiction.

These regulations shall govern all land with in the corporate limits of the City of Hardeeville, South Carolina.

1.5. Minimum Requirements.

The regulations in this MZDO shall be considered the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public.

1.6. Use of Land or Structures.

No land or structures shall hereinafter be used or occupied, and no structure or parts shall hereafter be constructed, erected, altered, or moved, unless in conformity with all the regulations herein specified for the district in which it is located.

No structure shall hereafter be erected or altered with greater height, size, bulk, or other dimensions; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or together open spaces than herein required; or any other manner contrary to the provisions of this MZDO.

1.7. Validity and Conflicting Provisions.

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any 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.

All Ordinances and parts of Ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

1.8. Comprehensive Plan.

It is intended that this MZDO implement the planning policies adopted as part of the City's Comprehensive Plan, as amended, and periodically updated, including all supplements and attachments thereto.

1.9. Effective Date and Applicability.

This MZDO shall take effect and be in force from and after the date of its adoption by the City Council of the City of Hardeeville, South Carolina. Planned Unit Developments (PUDs) (now known as Planned Development Districts or PDDs) shall conform to the standards of this Ordinance unless a specific departure from the standards of the City's zoning ordinance in effect at the time of creation of the PUD was authorized as part of the specific PUD ordinance adopted by the City in accordance with Section 512 of former Appendix A to the Hardeeville Code of Ordinances. All signs which have up-to-date permitting and are in conformity with the existing sign ordinance prior to the effective date of this MZDO shall be deemed conforming by virtue of their "grandfathered" status, but must be brought into conformity if modified in any way aside from routine maintenance. All signs not permitted or nonconforming as per the existing sign ordinance prior to the effective date of this Ordinance [March 20, 2003] shall be brought into conformity with this MZDO (see Section 5.16) within one (1) year from the effective date of this MZDO for a sign with replacement cost of six thousand dollars ($6,000.00) or less and two (2) years for a sign with replacement costs of six thousand one dollars ($6,001.00) or more. Any non-permitted sign that received a variance prior to the effective date of this MZDO must be brought into conformance with this MZDO within five (5) years beginning with the date of the original variance date, or whenever repair or maintenance is done exceeding fifty (50) percent value of the sign, whichever time period is less. This Ordinance contains further provisions regarding nonconforming signs, lots and uses. Any property not zoned due to inadvertence or after having been annexed by this City shall be given the lowest density residential zoning of this MZDO. A property owner may apply to City Council for rezoning as per the procedures of this Ordinance.

1.10. Severability.

The provisions of this Ordinance are separable, and if any section, phrase, or provision shall for any reason be determined to be invalid or unenforceable, such determination shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

ARTICLE 2. DEVELOPMENT REVIEW BODIES

2.1. Zoning Administrator.

For purposes of administrating and enforcing this Ordinance, the position of "Zoning Administrator" shall be appointed by, and responsible to, the City Administrator. Furthermore, the person designated as "Zoning Administrator" is hereby assigned the duty and authority to administer and enforce the provisions of this Ordinance.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order the discontinuances of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of its provisions.

Powers and Duties include, but are not limited to:

A. Administer and enforce the provisions of this Ordinance;

B. Make written interpretations of this Ordinance;

C. Review and make recommendations on Building Permits;

D. Review and make recommendations on Certificates of Occupancy;

E. Review, make recommendations, and issue Sign Permits;

F. Process applications for Variances and Special Exemptions;

G. Issue Certificates of Compliance (Zoning Permit);

H. Review and take action on Development Names;

I. Review and take action on Administrative Adjustments;

J. Review and make recommendations on site plans; and

K. Review, make recommendations, and if applicable issue Landscaping and Tree Conservation Permits.

2.2. Staff Review Committee.

The City Administrator shall designate a Staff Review Committee (SRC) consisting of the Zoning Administrator, Building Official, Fire Chief, City Engineer or designee, and any other City staff professional the City Administrator deems necessary for professional review. The Zoning Administrator shall serve as chair of the Committee and be responsible for all final decisions of the Committee.

The Staff Review Committee shall have the following powers and duties:

A. Approve or deny submitted subdivision/development plans.

B. Approve or deny submitted building permit applications.

C. Approve or deny and provide recommendations to ZBOA and/or Planning Commission as needed on certain submittals.

2.3. City Administrator.

The City Administrator shall appoint the Zoning Administrator and the Staff Review Committee members.

2.4. City Council.

Powers and duties as set forth in this Ordinance include:

A. The City Council shall hear and approve, approve with conditions, or deny proposed Text Amendments.

B. The City Council shall hear and approve, approve with conditions, or deny proposed Official Zoning Map (rezoning) amendments.

C. The City Council shall appoint the Planning Commission, Zoning Board of Appeals, and Architectural/Overlay Review Board.

D. Upon approval of final plans for subdivision/developments, the City Council shall be provided with a letter from either SCDOT or Jasper County stipulating their acceptance of all dedicated streets, casements, (sic) rights-of-way, public parks, and other public lands as shown on final plans.

E. The City Council shall hear and approve, approve with conditions, or deny PUD Master Plan applications.

2.5. Zoning Board of Appeals.

{South Carolina Code of Laws, 1976, sections 6-29-780 through 6-29-860}

Zoning Board of Appeals; Membership; Terms of Office; Vacancies; Compensation.

(A) As a part of the administrative mechanism designed to enforce the MZDO, the City hereby re-establishes a board to be known as the Zoning Board of Appeals (ZBOA).

(B) The Zoning Board of Appeals shall consist of not less than three (3) or more than seven (7) members, a majority of which constitutes a quorum, appointed by the City Council. The members shall serve for overlapping terms of three (3) years, or after that time until their successors are appointed. The City Council shall by resolution, within six (6) months after adoption of this MZDO, establish staggered terms of the existing members of the ZBOA so as to provide that at least two (2) of the terms of the five (5) current serving members shall expire in a different year than the remaining members. Members may be reappointed for successive terms in accordance with procedures as may be adopted by City Council resolution from time to time. A vacancy in the membership will be filled for the unexpired term by appointment of a new member by City Council. No member shall serve a combined term of appointment for longer than seven (7) years. The governing authority or authorities creating the Board of Zoning Appeals may remove any member of the board for cause (conflicts of interests, illegal actions). None of the members shall hold any other public office or position in the municipality or county.

Zoning Board of Appeals; Officers; Rules; Meetings; Notice; Records. The board shall elect one (1) of its members chairman, who shall serve for one (1) year or until he is re-elected or his successor is elected and qualified. The board shall appoint a secretary who may be an officer of the governing authority or of the zoning board. The board shall use Robert's Rules of Order (most recent edition) for the conduct of meetings, as may be modified by adoption of such modifications by majority vote of the entire membership, subject to ratification of such modification by resolution of City Council. Meetings of the board must be held each month at a date noticed annually and approved by the City Council, at the call of the chairman, and at such

other times as the board may determine. Regularly scheduled meetings may be cancelled by the chairman if there is no business set for the board to consider (other than approval of the minutes of the previous meeting), or in the event severe weather or other extraordinary conditions make it unsafe for the board to meet. Public notice of all meetings of the Zoning Board of Appeals shall be provided by publication in a newspaper of general circulation in the municipality. In cases involving variances or special exceptions, conspicuous notice shall be posted on or adjacent to the property affected, with at least one (1) such notice being visible from each public thoroughfare that abuts the property. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. 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 that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board and must be a public record.

Powers of Zoning Board of Appeals; Variances; Special Exceptions; Stay; Hearing; Decisions and Orders.

(A) The Zoning Board of Appeals has the following powers:

(1) To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the MZDO;

(2) To hear and decide appeals for variance from the requirements of the MZDO when strict application of the provisions of the Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;

(b) These conditions do not generally apply to other property in the vicinity;

(c) Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

(e) The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. Other requirements may be prescribed by the MZDO.

(f) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare;

(3) To permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the MZDO; and

(4) Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Hardeeville. The appeal must be taken within thirty (30) days from the date the appealing party has received actual notice of the action from which the appeal is taken by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals notice of appeal specifying the grounds of it. The officer from whom the appeal is taken immediately shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(B) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may 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 notice to the officer from whom the appeal is taken, and on due cause shown.

(C) The board shall hear the appeal or other matter referred to it at the next meeting of the board after giving at least fifteen (15) days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

(D) In exercising the above power, the Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board in the execution of the duties specified in this chapter may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

(E) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail. Orders of the board regarding appeals, special exceptions and variances may be adopted and approved after reduction to writing at either a regularly scheduled or special called meeting, with such executed by the chairman or acting chairman and the secretary of the board, or may be adopted by the board without formally convening through circulation of the order among the members of the board by the City staff for individual signature, should the board so choose.

Contempt; Penalty. In case of contempt by a party, witness, or other person before the Zoning Board of Appeals, the board may certify this fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

Appeal from Zoning Board of Appeals to Circuit Court. A person who may have a substantial interest in any decision of the Zoning Board of Appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in and for the county by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board is mailed.

Notice of Appeal; Transcript; Supersedeas.

(A) Upon the filing of the appeal, the clerk of the circuit court shall give immediate notice of it to the secretary of the board and within thirty (30) days from the time of the notice the board shall file with the clerk a certified copy of the proceedings held before the Zoning Board of Appeals, including a transcript of the evidence heard before it, if any, and the decision of the board including its findings of fact and conclusions.

(B) The filing of an appeal in the circuit court from a decision of the board shall not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

Determination of Appeal; Costs. At the next term of the circuit court or in chambers, upon ten (10) days' notice to the parties, the presiding judge of the circuit court of the county shall proceed to hear and pass upon the appeal on the certified record of the board proceedings. The findings of fact by the Zoning Board of Appeals shall be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter may be remanded to the Zoning Board of Appeals for rehearing. In determining the questions presented by the appeal, the court shall determine only whether the decision of the board is correct as a matter of law. In the event that the decision of the board is reversed by the circuit court, the board is charged with the costs, and the costs must be paid by the City of Hardeeville in accordance with state law.

Appeal to Supreme Court. A party in interest who is aggrieved by the judgment rendered by the circuit court upon the appeal may appeal in the manner provided by the South Carolina Appellate Court Rules.

Financing of Board of Zoning Appeals. The governing authority may appropriate such monies, otherwise unappropriated, as it considers fit to finance the work of the Zoning Board of Appeals and to generally provide for the enforcement of any zoning regulations and restrictions authorized under this chapter [appendix] which are adopted and may accept and expend grants of money for those purposes from either private or public sources, whether local, state, or federal.

2.6. Local Planning Commission.{South Carolina Code of Laws, 1976, sections 6-29-340 thru 6-29-380}

Functions, Powers, and Duties of Local Planning Commission.

(A) There is hereby re-created the City of Hardeeville Planning Commission, to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the City area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The local Planning Commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies; public utility companies; civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The Planning Commission, its members and employees in the performance of its functions, may enter upon any land with consent of the

property owner or after ten (10) days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the Planning Commission shall be liable for any injury or damage to property resulting therefrom. In general, the Planning Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the City.

(B) In the discharge of its responsibilities, the local Planning Commission has the power and duty to:

(1) Prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and

(2) Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area as follows:

(a) The MZDO, to include zoning district maps and appropriate revisions thereof;

(b) Regulations for the subdivision/development or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;

(c) An official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this chapter [appendix];

(d) A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

(e) A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and

(f) Policies or procedures to facilitate implementation of planning elements.

Membership; Terms of Office; Compensation; Qualifications.

(A) The Planning Commission shall have no less than five (5) nor more than seven (7) members, and shall serve without compensation.

(B) No member of a Planning Commission may hold an elected public office in the municipality or county from which appointed. Members of the commission first to serve must be appointed or reappointed for staggered terms, and shall serve until their successors are appointed and qualified. The City Council shall by resolution within six (6) months after adoption of this MZDO, establish staggered terms of the existing members of the Planning Commission so as to provide that at least two (2) of the terms of the five (5) current serving members shall expire in a different year than the remaining members. Members may be reappointed for successive terms in accordance with procedures as may be

adopted by City Council resolution from time to time. A vacancy in the membership of a Planning Commission must be filled for the unexpired term in the same manner as the original appointment. The City Council may remove any member of the commission for cause.

(C) In the appointment of Planning Commission members, the City Council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the jurisdiction, and shall be residents and freeholders of the City.

Organization of Commission; Meetings; Procedural Rules; Records; Purchases.

(A) The Planning Commission shall organize itself electing one (1) of its members as chairman and one as vice-chairman whose terms must be for one (1) year. It shall appoint a secretary who may be an officer or an employee of the governing authority or of the Planning Commission. The Planning Commission shall meet at the call of the chairman and at such times as the chairman or commission may determine.

(B) The commission shall use Robert's Rules of Order (most recent edition) for the conduct of meetings, as may be modified by adoption of such modifications by majority vote of the entire membership, subject to ratification of such modification by resolution of City Council. Meetings of the board must be held each month at a date noticed annually and approved by the City Council, at the call of the chairman, and at such other times as the board may determine. Regularly scheduled meetings may be cancelled by the chairman if there is no business set for the board to consider (other than approval of the minutes of the previous meeting), or in the event severe weather or other extraordinary conditions make it unsafe for the board to meet. The planning commission shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The planning commission may request the City Council to purchase equipment and supplies and employ or contract for such staff and such experts as it considers necessary.

Referral of Matters to Commission; Reports. The City Council authorizes the Planning Commission to approve major subdivision/development plans, as hereinafter defined, taking into consideration the recommendations of City staff, and to review and make recommendations to the City Council for proposed Planned Development Districts (PDD) (formerly known as Planned Unit Developments (PUD)) and Manufactured Home Parks (MHP), and any other subdivision/development or development that may hereinafter be directed to the Planning Commission for recommendation or approval by this MZDO, again taking into consideration the recommendations of City Staff.

Funding of Commissions; Expenditures; Contracts. A local Planning Commission may, as may hereafter be authorized by resolution of City Council, cooperate with, contract with, or accept funds from federal government agencies; state government agencies; local general purpose governments; school districts; special purpose districts, including those of other states; public or eleemosynary agencies; or private individuals or corporations; it may expend the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary to accomplish the purposes of such undertakings and contracts as have been authorized by City Council.

2.7. Architectural/Overlay Review Board. {South Carolina State Code Section 6-29-870 to 6-29-940}

Architectural/Overlay Review Board; Membership; Officers; Rules; Meetings; Records.

(A) In order to provide for the preservation and protection of historic and

architecturally valuable districts and neighborhoods, significant and/or natural scenic areas, to protect and/or provide for the unique, special, or desired character of a hereinafter defined overlay districts and corridors, by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the areas, the City Council hereby creates a Architectural/Overlay Review Board.

(B) The board shall consist of no less than three (3) nor more than five (5) members to be appointed by the City Council which shall endeavor to appoint as [many] professionally qualified persons as it (sic) may be able to accept appointments. An effort should be made to include individuals from the following professions: architects, planners, builders, engineers, or citizens. The City Manager, Zoning Administrator, Building Official, and City Engineer may also be included in the presentation, coordination, and facilitation of the board's work. Terms of members shall be for two (2) years, with at least one (1) (if three (3) members are initially appointed) or two (2) (if four (4) or more are initially appointed) members receiving a term of one (1) year, so that members of the board first to serve will be appointed for staggered terms, and shall serve until their successors are appointed and qualified. Members may be reappointed for successive terms in accordance with procedures as may be adopted by City Council resolution from time to time. No member shall serve more than six (6) consecutive years. The City Council may remove any member of the board which it has appointed.

(C) The members of the board shall serve without compensation. None of the members may hold any other public office or position in the municipality or county.

(D) The board shall elect one (1) of its members chairman, who shall serve for one (1) year or until he is re-elected or his successor is elected and qualified. The board shall appoint a secretary who may be an officer of the governing authority or of the Architectural/Overlay Review Board. The board shall use Robert's Rules of Order (most recent edition) for the conduct of meetings, as may be modified by adoption of such modifications by majority vote of the entire membership, subject to ratification of such modification by resolution of City Council. Meetings of the board must be held each month at a date noticed annually and approved by the City Council, at the call of the chairman, and at such other times as the board may determine. Regularly scheduled meetings may be cancelled by the chairman if there is no business set for the board to consider (other than approval of the minutes of the previous meeting), or in the event severe weather or other extraordinary conditions make it unsafe for the board to meet. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. 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 that fact, and shall keep records of its examinations and other official actions, all of which immediately must be filed in the office of the board and must be a public record.

Powers of Architectural/Overlay Review Board. The Architectural/Overlay Review Board has those powers involving the structures and neighborhoods as may be hereinafter set forth within this MZDO. Decisions of the Zoning Administrator or other appropriate administrative official in matters under the purview of the Architectural/Overlay Review Board may be appealed to the board where there is an alleged error in any order, requirement, determination, or decision.

[Interpretation of Standards.] Interpretation of overlay standards shall be the responsibility of the City's Architectural/Overlay Review Board, as appointed periodically by the

City Council. These overlay standards shall serve as guidance to the Architectural/Overlay Review Board regarding the City's intent for land development in any given area.

(1) *Review Process.*

a. The Architectural/Overlay Review Board will review:

1. Any application with a construction value of more than five thousand dollars ($5,000.00).

2. Any application requiring a "special exception" as defined in definitions.

3. All other applications will be reviewed and approved by City staff. Staff review will include, but is not limited to, the Zoning Administrator and the Building Official.

4. Staff is not bound by the parameters set forth above. Staff may refer any application to the Architectural/Overlay Review Board at the staff's discretion.

b. Applications are subject to a discretionary review by the Architectural/Overlay Review Board. The Architectural/Overlay Review Board shall have approval authority for all aspects of site planning and exterior architecture, including aesthetic appropriateness, fit with historic context, environmental implications, traffic impacts, and any other site-specific matters not delineated herein. The Architectural/Overlay Review Board shall have authority to waive architectural guidelines in specific instances where compliance would create undue hardship such as additions in which new portions would be incompatible with the existing structure, or in the application of roofing materials that are consistent with the goals of preservation, but are not expressly permitted. The Architectural/Overlay Review Board may also grant special exemptions from the standards provided herein, including requirements for porches, on the basis of architectural merit and shall not form a precedence for future projects.

c. *Optional Preliminary Review.* Applicants may, at their option, submit designs in schematic or sketch form for preliminary approval, subject to further review.

d. *Review and Final Approval.* Applicants shall submit the items described below in Section (2) (sic) for final approval.

e. *[Application Deadline.]* Applications for building permits must be submitted to the City of Hardeeville Building Department no later than six (6) months after final approval has been granted under the Downtown Redevelopment Overlay District Code. Failure to meet this time line will necessitate resubmission to the Architectural/Overlay Review Board.

f. *[Appeals.]* Decisions and findings made by the Architectural/Overlay Review Board may be appealed as set forth in [this] section.

Appeal to Architectural/Overlay Review Board.

(A) Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. The appeal must be taken within thirty (30) days, by filing with the officer from whom the appeal is taken and with the Architectural/Overlay Review Board notice of appeal specifying the grounds of it. The officer from whom the appeal is taken

immediately shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(B) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may 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 notice to the officer from whom the appeal is taken, and on due cause shown.

(C) The board shall hear the appeal at the next regularly scheduled meeting, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail. Orders of the board may be adopted and approved after reduction to writing at either a regularly scheduled or special called meeting, with such executed by the chairman or acting chairman and the secretary of the board, or may be adopted by the board without formally convening through circulation of the order among the members of the board by the City staff for individual signature, should the board so choose.

Appeal from Architectural/Overlay Review Board to Circuit Court. A person who may have a substantial interest in any decision of the Architectural/Overlay Review Board or any officer, or agent of the City may appeal from any decision of the board to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Architectural/Overlay Review Board.

Contempt; Penalty. In case of contempt by a party, witness, or other person before the Architectural/Overlay Review Board, the board may certify the fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

Notice of Appeal; Transcript; Supersedeas.

(A) Upon filing of the appeal, the clerk of the circuit court shall give immediate notice of it to the secretary of the board and within thirty (30) days from the time of the notice the board shall file with the clerk a duly certified copy of the proceedings had before the Architectural/Overlay Review Board, including a transcript of the evidence heard before it, if any, and the decision of the board including its findings of fact and conclusions.

(B) The filing of an appeal in the circuit court from any decision of the board does not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

Determination of Appeal; Costs. At the next term of the circuit court or in chambers upon ten (10) days' notice to the parties, the resident presiding judge of the circuit court of the county shall proceed to hear and pass upon the appeal on the certified record of the board proceedings. The findings of fact by the Architectural/Overlay Review Board are final and conclusive on the hearing of the appeal, and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter must be remanded to the Architectural/Overlay Review Board for rehearing. In determining the questions

presented by the appeal, the court shall determine only whether the decision of the board is correct as a matter of law. In the event that the decision of the board is reversed by the circuit court, the board must be charged with the costs and they must be paid by the City of Hardeeville.

Appeal to Supreme Court. A party in interest who is aggrieved by the judgment rendered by the circuit court upon the appeal may appeal in the manner provided by the South Carolina Appellate Court Rules.

ARTICLE 3. REVIEW PROCEDURES

3.1. Conformity and Permits Required.

Every official and employee of the City of Hardeeville, South Carolina, vested with duty or authority to issue a building permit, or a business license, or any other permit or license requiring a zoning review shall not issue such permit or license without the approval of he Zoning Administrator. No license or permit shall conflict with this Ordinance, and if such conflict occurs, the license or permit shall be null and void.

No development, building, sign or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Zoning Administrator. No zoning permit for buildings or signs shall be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance for land use or construction in the City of Hardeeville shall be considered valid unless signed by the Zoning Administrator.

3.2. Review and Approval Procedures.

Application Conference with the Zoning Administrator to Discuss Specific Procedures. A mandatory application conference with the Zoning Administrator is required when submitting an application for the following, but not limited to, approvals. Applications, appropriate procedures, and checklists will be provided by the Zoning Administrator at the application conference:

A. Street and Development Name Approval;

B. Sign Permit;

C. Tree Permit;

D. Zoning Permit;

E. Building Permit;

F. Development Permit;

G. Map Amendment (Rezoning);

H. Text Amendment;

I. Planned Unit Development (PUD) Review and Approval;

J. Subdivision/Development Review and Approval;

K. Variance Request and Approval;

L. Appeal procedures.

[Scheduling Conference.] Applicants will contact the Zoning Administrator for a set date and time for the conference. The Zoning Administrator shall discuss procedures, review standards or regulations, and schedule appropriate review meetings with applicant. The Zoning Administrator shall have the authority to waive/dictate any further procedures depending upon information presented at the application conference. The Zoning Administrator shall make written notes of conference to be kept in on file.

Application and Fees for Permits/Approvals. Applications required under this Ordinance shall be submitted on forms and in such numbers as required by the City.

[Fees Established by Resolution.] Fees shall be established from time to time by resolution of the City Council to defray the actual cost of processing the applications. All fees shall be made payable to the City of Hardeeville. An applicant who has paid an appropriate fee

pursuant to the submission of and [an] application, but who chooses to withdraw such application prior to any review or action taken, shall be entitles [entitled] to a refund of seventy-five (75) percent of the total amount paid upon request to the City. Appropriate fee schedule shall be passed by City Council and kept in the office of the Treasurer.

[Plans Required.] All applications for permits and approvals shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existed [existing], if any; and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, other dwelling units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine the conformance with and provide for the enforcement of this Ordinance.

[Plans to be Returned.] One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the Zoning Administrator.

3.3. Expiration of Permits/Approvals.

If the work described in any permit/approval has not begun within six (6) months from the date of issuance thereof, said permit/approval shall expire; it shall be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected. Renewal of the permit/approval for an additional six (6) months may be acquired by the applicant upon his/her written notification to the Zoning Administrator requesting an extension.

3.4. Administrative Adjustments.

Purpose. The Zoning Administrator shall have the authority to authorize variance up to ten (10) percent from any numerical standard as set forth in the MZDO. Any request for variance greater than ten (10) percent shall be treated as a variance request and handled by the ZBOA.

Application. Application for an Administrative Adjustment shall include a brief description of the requirement to be varied in business letter form and include any other material necessary to ensure the complete understanding of the request. The application shall be made to the Zoning Administrator.

Review and Action by the Zoning Administrator. The Zoning Administrator shall review the application and approve, approve with conditions or deny the application based upon the criteria of this MZDO. A written decision shall be made to the applicant within fifteen (15) days of submittal, or additional information requested. In the event additional information is requested by the Zoning Administrator, and [an] additional fifteen-day period shall be allowed for review.

3.5. Appeals of Zoning Administrator's Decisions.

It is the intent of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Zoning Board of Appeals only on an appeal from the decision of the Zoning Administrator, as provided for herein.

3.6. Amendments.

[Amendments.] This Ordinance, including the Official Zoning Map, may be amended from time to time by the Mayor and Council as herein specified, but no such amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the

Planning Commission for review and recommendation. The Planning Commission shall have no less than thirty (30) days, nor more than forty-five (45) days within which to submit their report. If the Planning Commission fails to submit a report within the forty-five-day period it shall be deemed to have approved the proposed amendment.

Requirements for Change. When the public necessity, convenience, general welfare, or good zoning practice justifies action, and after the required review and report by the Planning Commission, the Mayor and Council may undertake the necessary steps to amend this Ordinance.

Procedure for Amendments. A proposed amendment to the MZDO shall be processed in accordance with the following requirements:

Initiation of Amendments. A proposed amendment to the MZDO may be initiated by the Planning Commission, City staff, or by an application filed with the Zoning Administrator by the owner or owners of the property proposed to be changed, provided that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, and requesting the same change in district classification by a property owner or owners of more often than once every six (6) months.

Application Procedures.

(a) Application forms for amendment requirement shall be obtained from the Zoning Administrator. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent, will be filed with the Zoning Administrator's office. Any communication purporting to be an application for the amendment shall be regarded as mere notice to seek relief until it is made in the form required.

(b) Applications for amendments must be submitted, in proper form, at least twenty (20) days prior to a Planning Commission meeting in order to be properly noticed and heard at that meeting.

(c) The Zoning Administrator shall supervise the application process and the costs of advertising and other administrative expenses may be recovered as part of the application fee, if adopted as part of a fee schedule by resolution of City Council as herein provided.

Hearing by the Planning Commission.

(a) All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission. The Planning Commission, at a regular meeting, shall review and prepare a report, including its recommendation, for transmittal to the Mayor and Council.

(b) All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney.

(c) No member of the Planning Commission or Zoning Board of Appeals shall participate in a matter in which he has any pecuniary or special interest in a voting capacity.

(d) Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the Mayor and Council for final action.

Public Hearing by the City Council. Before enacting and amendment to this

Ordinance, the Mayor and 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 City at least fifteen (15) days in advance of the scheduled hearing date.

Changes in the Zoning Map or Zoning Text. Following final action by the Mayor and Council, any necessary changes shall be made on the Official Zoning Map or in the text of the MZDO. A written record of the type and date of such change shall be maintained by the Clerk. Until such change is made, no action by the Mayor and Council on amendments to the MZDO shall be considered official, unless the Clerk fails to make the change within seven (7) days after the date of the action, even if the clerk has failed to make the appropriate change.

3.7. Certificate of Occupancy.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy has been issued by the Zoning Administrator, the Fire Chief, and the Building Official for said premises. Said certificate shall state that the proposed use of the building or land conforms to the requirements of this Ordinance and all applicable building codes.

No nonconforming structure shall be maintained, altered or expanded (other than exterior painting or interior renovation or repair), nor nonconforming use maintained, renewed, changed or extended until a Certificate of Occupancy shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for Certificates of Occupancy. Failure to make such application within three (3) months shall be presumptive evidence that the property was not in conformance at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a Certificate of Occupancy, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary Certificate of Occupancy may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary Certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

No Certificate of Occupancy issued under the provisions of this Ordinance shall be considered valid unless signed by the Zoning Administrator.

The Zoning Administrator shall maintain a record of all Certificates of Occupancy and shall be available as public information upon request by any person.

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under this Ordinance.

3.8. Complaints Regarding Violations and Remedies.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis of such complaint and shall be filed with the Zoning Administrator. The Zoning Administrator may also become aware of a violation through a verbal complaint or through his own knowledge. He shall record properly such complaint, immediately investigate, and take whatever action is necessary to assure compliance with the Ordinance.

3.9. Remedies.

In any case, any building or structure is proposed to be used, or is erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be used, or is used in violation of this Ordinance, the Zoning Administrator, the Mayor and Council, the City Attorney, or any other person aggrieved may, in addition to other remedies provided by law, institute an injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

3.10. Penalties for Violation.

Any owner, agent, or any other persons violating any provisions of this Ordinance shall be guilty of a misdemeanor, shall be prosecuted according to procedures established for misdemeanors, and upon conviction shall be punished in accordance with the provisions of section 1-13 of the City Code of Ordinances. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the City from taking other such lawful action as is necessary to prevent any violations.

ARTICLE 4. ZONING DISTRICTS

4.1. Establishment of Districts and District Boundaries.

For the purpose of this Ordinance, portions of Hardeeville, as specified on the Official Zoning Map of Hardeeville, South Carolina, are hereby divided into the following:

Conservation Preservation District (CP);

Forest Agricultural District (FA);

R20 Single-Family Residential District (R20);

R14 Single-Family Residential District (R14);

R10 Single-Family Residential District (R10);

General Residential District (GR);

Downtown Mixed Use District (DMU);

General Commercial District (GC);

Travelers Commercial 1 (TC1);

Travelers Commercial 2 (TC2);

Limited Industrial (LI);

Basic Industrial District (BI);

Manufactured Home Community (MHC);

Planned Unit Development District (PUD);

Highway 278 Corridor Overlay District (HCOD);

Downtown Redevelopment Overlay District (DROD)

4.2. Official Zoning Map.

The boundaries of the above zoning districts are indicated on a map or series of maps entitled "Official Zoning Map, Hardeeville, South Carolina" under date of March 20, 2003, which, together with all explanatory matter thereon, are hereby adopted by references and declared to be a part of this Ordinance.

Each map bearing the designation "Official Zoning Map, Hardeeville, South Carolina" shall be identified by the signature of the Mayor and attested by the Clerk, under the words: "Official Zoning Map, Hardeeville, South Carolina" together with the date of adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, 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 Zoning Administrator within seven (7) days after the amendment has been approved by the Mayor and Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such changes have been made on said map.

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. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this

Ordinance and punishable as provided by law.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be published, the Official Zoning Map, which shall be located in the Office of the Clerk, shall be the final authority as [to] the current zoning status of land and water areas, buildings and other structures in the City. In addition, FIA Flood Hazard Boundary Maps for Hardeeville, having an effective date as prepared by the Department of Housing and Urban Development Federal Insurance Administration, copies of which are on file in the Office of the Clerk, are hereby adopted by reference and are as fully a part of this Ordinance as if set forth herein.

4.3. Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, or the FEMA Flood Hazard Boundary Maps, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines or right-of-way lines of streets, highways, alleys, railways, or public utility easements shall be construed to follow such lines.

B. Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.

C. Boundaries indicated as approximately following incorporated areas or county limit lines, or special district lines, as amended from time to time, shall be construed to follow such lines.

D. Boundaries indicated as approximately following the centerlines or right-of-way lines of streets, highways, alleys, railways, or public utility easements shall be construed to follow such lines.

E. Boundaries indicated as approximately following topographic elevations shall be construed to follow such elevations.

F. Boundaries indicated as approximately following the center, Mean High Water Mark, or shoreline of streams, rivers, canals, lakes or other bodies of water, floodplains or lowlands, shall be construed to follow such boundaries.

G. Boundaries indicated as parallel to or extensions of features indicated in subsections A through F of this Section shall be so construed. When distances are not specifically indicated on the Official Zoning Map or in other circumstances not covered by subsections A through F above, the Zoning Board of Appeals shall interpret the District Boundaries.

4.4. Additions or Reductions in Total Land Area Included within the Jurisdiction of this Ordinance.

Where the total land area in the City of Hardeeville is increased or reduced by any means, the following conditions shall apply:

A. When the changes result in an increase in land area within the jurisdiction of this Ordinance, said land area, whether previously a part of a municipality or not, shall be zoned accordingly and approved by the Mayor and Council through the normal amendment procedure. In the event any land shall inadvertently or otherwise fail to be zoned, such land shall have a default zoning designation of R-20 until such time as the landowner shall request a re-zoning.

B. When reductions are made in the area under the jurisdiction of this Ordinance, the provisions of this Ordinance shall no longer apply to that land area.

C. In all cases, where additions or reductions in land area under the jurisdiction of this Ordinance require adjustments in the zoning, the requirements of state and local law shall be adhered to in all respects.

4.5. Application of District Regulations.

The regulations set by this Ordinance within which [each] district shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this Ordinance, the following general standards for enforcement of District Regulations shall apply:

A. No land or structure shall hereafter be used or occupied and no structure or parts thereof shall hereafter be constructed, erected, altered, or moved unless in conformity with all of the regulations herein specified for the District in which it is located.

B. No structure shall hereafter be erected or altered;

a. With greater height, size, bulk, or other dimensions;

b. To accommodate or house a greater number of families;

c. To occupy a greater percentage of lot area; or

d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the requirements of the district within which said structure is to be located as set forth in this Ordinance.

C. No part of a yard, other open space, or off-street parking or loading requirement about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.

D. Right-of-way easements for streets and roads shall not be considered as part of a lot, open space, or front, rear or side yard for the purpose of meeting yard requirements set forth in this Ordinance.

4.6. Lot Reductions 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 for the District in which said yards or lots are located shall meet the standards of such district.

4.7. 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 and the Zoning Administrator is authorized to issue a permit for the use of the property which otherwise conforms to the requirements for the District in which the lot is located as set forth in this Ordinance provided that said lot requirements are not 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 said lots to comply with dimensional requirements of the Ordinance. Any substandard lot of record requiring waivers on yard requirements applying to the District within which said lot is located shall be approved by the Zoning Board of Appeals, or if less than a ten (10) percent waiver on a numerical standard is required, the Zoning Administrator, under the provisions of this

Ordinance.

~~4.8.~~ **Conservation Preservation District (CP).**

Intent of CP District. It is the intent of this Section that the CP Zoning District be established and maintained to preserve and/or control development within certain land, marsh and/or water areas in Hardeeville which:

1) Serve as wildlife refuges;

2) Require protection from an environmental or ecological standpoint;

3) Possess great natural beauty or are of historical significance;

4) Are utilized for outdoor recreational purposes;

5) Provide needed open space for the health and general welfare of the City's inhabitants; and/or

6) Are subject to periodic flooding.

The regulations which apply within this District are designed to reserve such areas for the purposes outlined herein and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the relatively undeveloped character of the District.

Permitted Uses. The following uses shall be permitted in any CP Zoning District:

a. Areas or activities related to environmental protection, soil and water conservation, measurement and control; flood plain protection and flood control.

b. Areas or structures acknowledged by the Mayor and Council to be of historical significance or scenic beauty and so designated on the Zoning Map.

c. Timberland, tree farms, and/or forestry management areas and uses customarily accessory to such activities.

d. Publicly-owned and/or operated park, open space, recreational facility or use, and the equipment necessary for servicing users.

~~e.~~ Wildlife refuge, including one-family or two-family dwelling units of caretakers employed to maintain and protect the refuge.

f. Accessory use in compliance with the provisions of Section 5.5.

Conditional uses. The following uses shall be permitted in any CP Zoning District:

(a) Sewer treatment plants and associated infrastructure, including both land and spray irrigation effluent disposal systems, provided such are designed and operated in accordance with federal and state requirements.

Conditions. No use or activity, including those set forth in previous sections, shall be permitted in a CP Zoning District that would disturb, destroy or impair the natural fauna, flora, water regimen or topography.

Prohibited Uses. The following uses shall be prohibited in any CP Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, uses

permitted in CP Zoning Districts shall be required to conform to the following standards:

a. *Minimum Lot Area.* None except that residences and recreational facilities, where permitted, shall be on lots of not less than one (1) acre.

b. *Minimum Lot Width (Measured at the Nearest Building Line).* None, except lots which are sites for permitted residences and/or recreational facilities shall be on lots at least two hundred (200) feet wide.

c. *Minimum Front Yard Depth (Measured from the Nearest Abutting Street Right-of-Way Line).* None, except that front yards on lots which are sites for permitted residences or recreational facilities shall be less than one hundred (100) feet deep.

d. *Minimum Side Yard.* None, except that no side yard on a lot which is a site for a permitted residence or recreational facility shall be less than fifty (50) feet in each width.

e. *[Secondary Residence.]* A Secondary Residence located on a single parcel of land of not less than forty (40) acres to serve as a caretaker's, gardener's, or assistant's residence may be a mobile home or stationary building and must be set back not less than twenty-five (25) feet from any adjacent or adjoining property line.

f. *Maximum Building Height.* Thirty (30) feet. For exceptions to height regulations see Section 5.12.

g. *Additional Requirements.* Uses permitted in CP Zoning Districts shall meet all standards set forth in Article 5, General Development Standards, pertaining to off-street parking, loading and other requirements.

h. *Signs.* Signs permitted in CP Zoning Districts, including the conditions under which they may be located, are set forth in Section 5.16.

(Ord. No. 2004-1-15C, § 1, 4-1-04; Ord. No. 2004-6-3B, § 1, 8-5-04)

4.9. Forest Agricultural District (FA).

Intent of FA District. It is the intent of this Section that the FA Zoning District be utilized and reserved for general farming and tree growing purposes as well as a certain specialized residential, recreational or other public purposes. The regulations which apply within this District are designed:

1) To encourage the formation and continuance of a compatible environment for public and recreational areas, truck farms, orchards, livestock ranches, various timber lands, forest management areas, horticultural nurseries and other agricultural uses which involve the growing of crops, livestock and animals and/or trees;

2) To provide the suitable services, commercial land [and] otherwise, to residents of the FA Districts;

3) To discourage any encroachment by premature housing developments, commercial and/or industrial operations, peddling or other non-permitted commercial uses, or other uses, or other uses capable of adversely affecting the basic agricultural or open character of this District.

Permitted Uses. The following uses shall be permitted in any FA Zoning Districts:

(a) All uses permitted in a CP Conservation-Preservation District as shown in Section 4.8.

(b) Farm or establishment for the growing, care and handling of field crops, vegetables, fruits and/or nut trees, poultry, and/or animals and livestock.

(c) Tree farm and/or forest management areas.

(d) Horticultural nursery.

(e) Church, synagogue, temple, or other place of worship.

(f) Private or semi-private club, lodge, garage, union hall or social center.

(g) Animal hospital and/or boarding facility.

(h) Any publicly-owned and operated building, facility or land.

(i) Eleemosynary, religious, semi-private or philanthropic institution or camp.

(j) Golf courses.

(k) One-family dwelling units located on a lot containing not less than two (2) acres of land.

(l) Private dock.

(m) Boat marina.

(n) Boat house.

(o) Wildlife refuge, including one-family or two-family dwelling units of caretakers employed to maintain and protect the refuge.

(p) Airfield, together with subordinate uses.

(q) Commercial businesses or related activities existing at the time of passage of this Ordinance.

(r) Customary home occupation established under the regulations of Section 710.

(s) Accessory use in compliance with provisions of Sections 5.5.

Conditional uses. The following uses shall be permitted in any FA Zoning District on a conditional basis subject to the conditions set forth in Section 5.6.

a. Stand or shelter for the selling and/or display of seasonal agricultural products provided that:

1. All setbacks any yard requirements are maintained;

2. At least four (4) off-street parking spaces are provided and suitably maintained.

3. This conditional provision does not apply to products which are not agricultural and seasonal in nature.

b. Commercial riding stable, provided that:

1. No building or enclosure for animals is located closer than one hundred (100) feet from any property line;

2. The stable and related operations are separated from adjoining properties by a suitable, well-maintained planting screen, fence or wall.

c. Individual manufactured home on an individual lot, containing not less than two (2) acres of land, provided that:

1. Said home is occupied and used for permanent residential purposes

by the owner of the lot or is provided for the use of a caretaker-employee;

2. The manufactured home for the owner and/or employee is the only residence on the lot.

d. Cemetery, when accessory to and on the same property as a permitted use in the FA District.

e. Temporary use in compliance with the provisions of Section 5.5.

f. Sewer treatment plants and associated infrastructure, including both land and spray irrigation effluent disposal systems, provided such as designed and operated in accordance with federal and state requirements.

Prohibited Uses. The following uses shall be prohibited in any FA Zoning District:

a. Tattoo facilities.

Other requirements. Unless relief is granted elsewhere in this Ordinance, structures permitted in FA Zoning Districts shall be required to conform to the following standards:

a. *Minimum lot area.* Two (2) acres.

b. *Minimum Lot Width (Measured at the Building Line).* Four hundred (400) feet.

c. *Minimum Front Depth (Measured from the Nearest Abutting Street Right-of-Way Line).* One hundred (100) feet; except that stands or shelters for the selling and/or display of seasonal agricultural produce or other permitted commercial activities may be located within the minimum front yard area, but no closer to the nearest street right-of-way than twenty (20) feet. For exceptions to this requirements see Section 5.3.

d. *Minimum Side Yard.* Thirty (30) feet for each side. For side yard requirements pertaining to corner lots and double frontage lots see Section 5.3.

e. *Minimum Rear Yard.* Thirty (30) feet. For rear yard requirements pertaining to double frontage lots see Section 5.3.

f. *Maximum Building Height.* Thirty (30) feet. For exceptions to height regulations see Section 5.12.

g. *Additional Requirements.* Where appropriate, uses permitted in FA Zoning Districts shall meet all standards set forth in Article 5, General Development Standards, pertaining to off-street parking, loading and other requirements.

h. *Signs.* Signs permitted in FA Zoning Districts, including the conditions under which they may be located, are set forth in [Section] 5.16.

(Ord. No. 2004-1-15C, § 2, 4-1-04; Ord. No. 2004-6-3B, § 1, 8-5-04)

4.10. R20 Single-Family Residential District (R20).

Intent of District. It is the intent of this Section that the R-20 Zoning District be developed and reserved for rural, low density residential purposes. The regulations which apply within this District are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of twenty thousand (20,000) square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the District.

Permitted Uses. The following uses shall be permitted in any R-20 Zoning District:

(a) All uses permitted in a CP Conservation-Preservation District as shown in Section 4.9.

(b) One-family dwelling (other than a mobile home, modular home, or manufactured home).

(c) Publicly-owned building, facility or land.

(d) Unlighted, regulation-size or par three golf courses, including normal clubhouse and pro shop activities and other business activities associated with a country club.

(e) Noncommercial horticulture or agriculture but not including the keeping of poultry or animals.

(f) Customary home occupation established under the provisions of Section 5.4. Accessory use in compliance with the provisions of Section 5.5.

(g) Home Occupations as set forth in Section 5.4.

Conditional Uses. The following uses shall be permitted in any R-20 Zoning District on a conditional basis, subject to conditions set forth in Section 5.6:

(a) Public utility substation or subinstallation including water tower, provided that:

(1) Such use is enclosed by a painted wood or masonry fence or wall at least six (6) feet in height above finished grade;

(2) There is neither an office nor commercial operation nor storage of vehicles or equipment on premises;

(3) A landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

(b) Temporary use in compliance with the provisions of Section 5.6.

(c) Places of worship provided that side yard setback requirements shall be at least twenty (20) feet from the property line on both sides of the building; front yard setback requirements shall be at least forty (40) feet from the highway right-of-way; rear yard setback requirements shall be at least twenty-five (25) feet from the rear property line. A buffer zone consisting of either vegetation or privacy fence and at least eight (8) feet in height must be erected at the property line in both side yards. The places of worship shall not exceed the maximum amount of number of signs allowed and the maximum square footage of signs prescribed for each Zoning District or any of the requirements further defined in [Section] 5.16.

Prohibited Uses. The following uses shall be prohibited in any R-20 Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, structures permitted in R-20 Zoning District shall be required to conform to the following standards:

(a) *Minimum Lot Area.* Twenty thousand (20,000) square feet.

(b) *Minimum Land Per Dwelling Unit.* Twenty thousand (20,000) square feet.

(c) *Minimum Lot Width (Measured at the Building Line).* Ninety (90) feet.

(d) *Minimum Front Yard Depth (Measured from the Nearest Abutting Street Right-of-Way Line).* Forty (40) feet. For exceptions to this requirement see Section 5.3.

(e) *Minimum Side Yard.* No less than twenty (20) feet for each side. For side

yard requirements pertaining to corner lots and double frontage lots see Section 5.3.

(f) *Minimum Rear Yard.* Twenty-five (25) feet. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(g) *Maximum Building Height.* Thirty (30) feet. For exceptions to height regulations see Section 5.12.

(h) *Additional Requirements.* Uses permitted in R-20 Zoning Districts shall meet all standards set forth in Article 5, General Development Standards pertaining to off-street parking, loading and other requirements.

(i) *Signs.* Signs permitted in R-20 Zoning Districts, including the conditions under which they may be located, are set forth in Section 5.16.

(j) *[Prohibitions.]* Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.11. R14 Single-Family Residential District (R14).

Intent of District. It is the intent of this Section that the R-14 Zoning Districts be developed and reserved for low density, single-family residential purposes. The regulations which apply within this District are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of fourteen thousand (14,000) square feet and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the District.

Permitted Uses. All uses permitted in the R-20 Zoning District as set forth in Section 4.10 shall also be permitted in the R-14 Zoning District, in addition to Home Occupations as set forth in Section 5.4. Mobile homes, modular homes or manufactured homes are not permitted.

Conditional Uses.

(a) All conditional uses permitted in the R-20 Zoning District as set forth in Section 5.6 shall also be permitted in the R-14 Zoning District.

(b) Places of worship provided that side yard setback requirements shall be at least twenty (20) feet from the property line on both sides of the building; front yard setback requirements shall be at least forty (40) feet from the highway right-of-way; rear yard setback requirements shall be at least twenty-five (25) feet from the rear property line. A buffer zone consisting of either vegetation or wood privacy fence and at least eight (8) feet in height must be erected at the property line in both side yards. The parking requirements, contained in Sections 5.8 and 5.9 shall be adhered to, and signs for places of worship shall not exceed the maximum amount of number of signs allowed and the maximum amount square footage of signs prescribed for each Zoning District or any of the requirements further defined in Section 5.16.

Prohibited Uses. The following uses shall be prohibited in any R-14 Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, structures permitted in R-14 Zoning Districts shall be required to conform to the following standards:

(a) *Minimum Lot Area.* Fourteen thousand (14,000) square feet.

(b) *Minimum Land Area Per Dwelling Unit.* Fourteen thousand (14,000) square feet.

(c) *Minimum Lot Width (Measured at the Building Line).* Eighty (80) feet.

(d) *Minimum Front Yard Depth (Measured from the Nearest Abutting Street Right-of-Way Line).* Thirty-five (35) feet. For exceptions to this requirement see Section 5.3.

(e) *Minimum Side Yard.* No less than fifteen (15) feet for each side. For side yard requirements pertaining to corner lots and double frontage lots see Section 5.3.

(f) *Minimum Rear Yard.* Twenty (20) feet. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(g) *Maximum Building Height.* Thirty-five (35) feet. For exceptions to height regulations see Section 5.12.

(h) *Additional Requirements.* Uses permitted in R-14 Zoning Districts shall meet all standards set forth in Section 5.9 pertaining to off-street parking, loading and other requirements.

(i) *Signs.* Signs permitted in R-14 Zoning Districts, including the conditions under which they may be located, are set forth in Section 5.16.

(j) *[Restrictions.]* Given the intent of this District in Section (sic) and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.12. R10 Single-Family Residential District (R10).

Intent of District. It is the intent of this Section that the R-10 Zoning Districts be developed and reserved [for] low density, single-family residential purposes. The regulations which apply within this District are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of ten thousand (10,000) square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the District.

Permitted Uses. The following uses shall be permitted in any R-10 Zoning District:

a. All uses permitted in the R-20 Zoning District as shown in Section 4.11.

b. Home Occupation in Ordinance Section 5.4.

Conditional Uses. The following uses shall be permitted in any R-10 Zoning District:

(a) All conditional uses permitted in the R-20 Zoning District as shown in Section 5.6.

(b) If operated as part of a church, synagogue, temple, or other place of worship, a private kindergarten or pre-school nursery shall be considered an accessory use to said church, synagogue, temple, or other place of worship. Otherwise, such use shall be considered a conditional use and shall be required to observe the requirements for private kindergartens and pre-school nurseries

as set forth in Section 5.6, c.:

(c) Private kindergarten or pre-school nursery provided that:

(1) Such use needs the minimum standards set forth for such facilities by the SC Department of Health and Environmental Control;

(2) Such use is located on a lot not less than one (1) acre in area;

(3) No structure on the lot is closer than fifty (50) feet to the property line;

(4) Such use is separated and screened from adjoining residential properties by a suitable, well-maintained, shrubbery screen, fence or wall of at least six (6) feet in height;

(5) Structures for such uses are of a permanent nature and not considered to be a mobile home or manufactured house under the definitions of this Ordinance.

(d) Places of worship provided that side yard setback requirements shall be at least twenty (20) feet from the property line on both sides of the building; front yard setback requirements shall be at least forty (40) feet from the highway right-of-way; rear yard setback requirements shall be at least twenty-five (25) feet from the rear property line. A buffer zone consisting of either vegetation or privacy fence and at least eight (8) feet in height must be erected at the property line in both side yards. The parking requirements contained in Sections 5.8 and 5.9 shall be adhered to, and signs for places of worship shall not exceed the maximum amount of number of signs allowed and the maximum square footage of signs prescribed for each Zoning District or any of the requirements further defined in Section 5.16.

Prohibited Uses. The following uses shall be prohibited in any R-10 Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, structures permitted in R-10 Zoning Districts shall be required to conform to the following standards:

(a) *Minimum Lot Area.* Ten thousand (10,000) square feet.

(b) *Minimum Land Per Dwelling Unit.* Ten thousand (10,000) square feet.

(c) *Minimum Lot Width (Measured at the Building Line).* Fifty (50) feet.

(d) *Minimum Front Yard Depth (Measured from the Nearest Abutting Street Right-of-Way Line).* Twenty-five (25) feet. For exceptions to this requirement see Section 5.3.

(e) *Minimum Side Yard.* No less than ten (10) feet for each side. For side yard requirements pertaining to corner lots and double frontage lots see Section 5.3.

(f) *Minimum Rear Yard.* Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(g) *Maximum Building Height.* Thirty-five (35) feet. For exceptions to height regulations see Section 5.12.

(h) *Additional Requirements.* Uses permitted in R-10 Zoning Districts shall meet all standards set forth in Section 5.9 pertaining to off-street parking, loading and other requirements.

(i) *Signs.* Signs permitted in R-10 Zoning Districts, including the conditions

under which they may be located, are set forth in Section 5.16.

(j) *[Restrictions.]* Given the intent of this District in Section (sic) and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard; including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.13.1 General Residential District (GR).

Intent of District. It is the intent of this Section that the GR Zoning District be developed and reserved for medium-to-high density residential purposes in the areas compromising the original City Boundaries and those areas annexed prior to December 1, 2003. The regulations which apply within this District are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings situated on lots of six thousand (6,000) square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the District. In order to preserve the existing character of the original City and those areas annexed prior to December 1, 2003, existing lots of record as of December 1, 2003 that are conforming to the minimum lot sizes and densities prior to this amendment will continue to be conforming, but such lots that are in excess of the minimum lot size shall not be further subdivided, increase density, nor have lot line adjustments made with adjoining lots in order to create lots smaller than eight thousand (8,000) square feet for single-family units, sixteen thousand (16,000) square feet for Two-Family Dwellings, Group Dwellings, Multi-Family Dwellings and Other Principal Uses, provided other requirements of this section and the MZDO are met.

Permitted Uses. The following uses shall be permitted in any GR Zoning District:

(a) All uses permitted in the R-20 One-family Residential District as shown in Section 4.10.

(b) Two-family dwelling.

(c) Multi-family dwelling.

(d) Home Occupation in conformance with requirements in Section 5.4.

Conditional Uses. The following uses may be permitted in any GR Zoning District subject to the provisions set forth in Section 5.6 and any other applicable development standard of the MZDO.

(a) Places of worship provided that the minimum lot size shall be forth thousand (40,000) square feet; side yard setback requirements shall be at least twenty-five (25) feet from the property line on both sides of the building; front yard setback requirements shall be at least forty (40) feet from the highway right-of-way; rear yard setback requirements shall be at least twenty-five (25) feet from the rear property line. A buffer zone consisting of either vegetation or wood privacy fence and at least seven (7) feet in height must be erected at the property line in both side yards. The off-street parking requirements shall be one (1) space per two hundred (200) square feet of heated space for buildings without fixed seats, or one space per five (5) seats or six (6) feet of pew space in those buildings with fixed seats or pews. Signs for places of worship shall not exceed the maximum size and number of signs allowed and the maximum square footage of signs prescribed for each Zoning District or any of the requirements further defined in Section 5.16.

Prohibited Uses. The following uses shall be prohibited in any GR Zoning

District:

a. Tattoo facilities.

Other Requirements.

(a) Unless relief is granted elsewhere in this Ordinance, and provided other requirements of this Section and the MZDO are met, uses permitted in GR Zoning Districts of those areas compromising the original boundaries of the City, or annexed prior to December 1, 2003, shall be required to conform to the following General Minimum Lot Sizes standards, subject to the restriction that existing lots of record as of December 1, 2003 that are conforming to the minimum lot sizes prior to this amendment will continue to be conforming, but such lots that are in excess of the minimum lot size as of December 1, 2003 shall not be further subdivided or have lot line adjustments made with adjoining lots in order to create lots smaller than eight thousand (8,000) square feet for single-family units, sixteen thousand (16,000) square feet for Two-Family Dwellings, Group Dwellings, Multi-Family Dwellings and Other Principal Uses:

(1) *One-Family Dwellings.* Six thousand (6,000) square feet.

(2) *Two-Family Dwellings.* Ten thousand (10,000) square feet.

(3) *Group Dwellings.* Twelve thousand (12,000) square feet.

(4) *Multi-Family Dwellings.* Six thousand (6,000) square feet.

(5) *Private or Public Care Homes.* One (1) acre.

(6) *Other Principal Uses.* Six thousand (6,000) square feet.

(b) *Minimum Lot Area Per Dwelling Unit.* Subject to the General Minimum Lot Sizes as set forth in Section 4.13.1(a) herein, the minimum lot area per dwelling unit conforming to these standards as of December 1, 2003, shall not be less than indicated by dwelling unit type on the following schedule:

(1) *One-Family Dwellings.* Six thousand (6,000) square feet per unit.

(2) *Two-Family Dwellings.* Two thousand (2,000) square feet per bedroom.

(3) *Group Dwellings.* Not applicable.

(4) *Multi-Family Dwellings.* According to the following table, Specific Lot Area Square Footage Required per each Multi-Family Dwelling Units is as stipulated in Table "A":

TABLE A

TABLE INSET:

Unit Type	Number of Stories		
	1	2	3
Efficiency Units	2,000 sq. ft.	1,435 sq. ft.	1,410 sq. ft.
1 Bedroom	2,000 sq. ft.	1,775 sq. ft.	1,625 sq. ft.

2 Bedrooms	2,650 sq. ft.	2,475 sq. ft.	2,125 sq. ft.
3 Bedrooms	3,525 sq. ft.	3,175 sq. ft.	2,653 sq. ft.
4 or more	4,375 sq. ft.	3,975 sq. ft.	3,492 sq. ft.

(5) *Minimum Floor Area Requirements for Multi-Family:*

TABLE INSET:

Efficiency Units	650 square feet
1 Bedroom	800 square feet
2 Bedroom	1,000 square feet
3 Bedroom	1,200 square feet
4 Bedroom	1,400 square feet

(c) *Maximum Dwelling Units Per Net Acre.* Subject to the other requirements of the MZDO, the maximum number of dwelling units per net acre shall not exceed the number indicated by dwelling unit type on the following schedule. In instances where the permitted figure is determined to include a fraction, the lesser round number shall apply:

(1) *One-Family Dwelling.* Five (5) dwelling units.

(2) *Two-Family Dwelling.* Four (4) dwelling units.

(3) *Group Dwelling.* Not applicable.

(4) *Multi-Family Dwelling.* As stipulated in Table "B":

TABLE B

TABLE INSET:

Unit Type	Number of Stories		
	1	2	3
Efficiency Units	21 units	30 units	30 units
1 Bedroom	21 units	24 units	26 units
2 Bedrooms	16 units	17 units	20 units
3 Bedrooms	12 units	13 units	16 units
4 or more	9 units	10 units	12 units

(5) *Other Principal Uses.* Not applicable.

(d) *Minimum Lot Width, Measured at the Building Line.*

(1) *One-Family Dwelling.* Fifty (50) feet.

(2) *Two-Family Dwelling.* Fifty (50) feet.

(3) *Group Dwelling.* Eighty (80) feet.

(4) *Multiple-Family Dwelling.* One Hundred (100) feet.

(5) *Private or Public Care Home.* Eighty (80) feet.

(6) *Other Principal Uses.* Fifty (50) feet.

(e) *Minimum Front Yard Depth Measured from the Nearest Abutting Street Right-of-Way Line.* Twenty-five (25) feet on rights-of-way less than fifty (50) feet, forty (40) feet on rights-of-way larger than fifty (50) feet abut less than sixty-six (66) feet; forty-five (45) feet on rights-of-way larger than sixty-six (66) feet but less than eighty (80) feet; and fifty (50) feet on rights-of-way larger than eighty (80) feet. For exceptions to this requirement see Section 5.3.

(f) *Minimum Side Yard.* No less than ten (10) feet for each side provided that the total of both side yards is not less than thirty (30) percent of the lot width. For side yard requirements pertaining to corner lots see Section 5.3.

(g) *Minimum Rear Yard.* Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(h) *Maximum Building Height.*

(1) *One-Family Dwellings.* Thirty-five (35) feet.

(2) *Two-Family Dwellings.* Thirty-five (35) feet.

(3) *Group Dwellings and Multiple-Family Dwellings.* Fifty (50) feet. Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

(4) *Exceptions.* For exceptions to height regulations see Section 5.12.

(i) *Additional Requirements.* Sign uses permitted in GR Zoning Districts, including the conditions under which they may be located, are set forth in Section 5.16.

(j) *Restrictions.* Given the intent of this District, and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(k) *Fencing.* All multi-family dwellings shall have a seven-foot privacy fence (with open sections provided for ingress and egress) surrounding the boundary of the dwelling. Appropriate fencing should be incorporated into an overall scheme of buffering which may include the use of vegetation and other methods of buffering as required by the Zoning Administrator. Maintenance of fencing and

other components of buffering schemes are the sole responsibility of the property owner.

(Ord. No. 2004-1-8C, §§ 1, 2, 3-11-04; Ord. No. 2004-6-3B, § 1, 8-5-04)

4.13.2 General Residential 2 Standards (GR-2).

Intent of District. It is the intent of this Section that the GR-2 Zoning District be developed and reserved for medium-to-high density residential purposes in the areas adjacent to or near the original City Boundaries, and those areas annexed after December 1, 2003 which may be included in a Planned Development District that included a village center or commercial area within reasonable walking distance to the proposed GR-2 area, conducive to fostering a generally urban character. The regulations which apply within this District are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings situated on lots of eight thousand (8,000) square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the District.

Permitted Uses. The following uses shall be permitted in any GR-2 Zoning District:

(a) All uses permitted in the R-20 One-family Residential District as shown in Section 4.10.

(b) Two-family dwelling.

(c) Multi-family dwelling.

(d) Home Occupation in conformance with requirements in Section 5.4.

Conditional Uses. The following uses may be permitted in any GR Zoning District subject to the provisions set forth in Section 5.6.

(a) Places of worship provided that the minimum lot size shall be forty thousand (40,000) square feet; side yard setback requirements shall be at least twenty-five (25) feet from the property line on both sides of the building; front yard setback requirements shall be at least forty (40) feet from the highway right-of-way; rear yard setback requirements shall be at least twenty-five (25) feet from the rear property line. A buffer zone consisting of either vegetation or wood privacy fence and at least seven (7) feet in height must be erected at the property line in both side yards. The off-street parking requirements shall be one (1) space per two hundred (200) square feet of heated space for highway right-of-way; rear yard setback requirements shall be at least twenty-five (25) feet from the rear property line. A buffer zone consisting of either vegetation or wood privacy fence and at least seven (7) feet in height must be erected at the property line in both side yards. The off-street parking requirements shall be one (1) space per two hundred (200) square feet of heated space for buildings without fixed seats, or one space per five (5) seats or six (6) feet of pew space in those buildings with fixed seats or pews. Signs for places of worship shall not exceed the maximum size and number of signs allowed and the maximum square footage of signs prescribed for each Zoning District or any of the requirements further defined in Section 5.16.

Prohibited Uses. The following uses shall be prohibited in any GR-2 Zoning District:

a. Tattoo facilities.

Other Requirements.

(a) Unless relief is granted elsewhere in this Ordinance, and provided other requirements of this section and the MZDO are met, uses permitted in GR-2

Zoning District shall be required to conform to the following standards,:

(1) *One-Family Dwellings.* Eight thousand (8,000) square feet.

(2) *Two-Family Dwellings.* Sixteen thousand (16,000) square feet.

(3) *Group Dwellings.* Sixteen thousand (16,000) square feet.

(4) *Multi-Family Dwellings.* Sixteen thousand (16,000) square feet.

(5) *Private or Public Care Homes.* One (1) acre.

(6) *Other Principal Uses.* Eight thousand (8,000) square feet.

(b) *Minimum Area Per Dwelling Unit.* Subject to the General Minimum Lot Sizes as set forth in Section 4.13.2(a) herein, the minimum lot area per dwelling unit shall not be less than indicated by dwelling unit type on the following schedule:

(1) *One-Family Dwellings.* Eight thousand (8,000) square feet.

(2) *Two-Family Dwellings.* Three thousand (3,000) square feet per bedroom.

(3) *Group Dwellings.* Not applicable.

(4) *Multi-Family Dwellings.* According to the following table, Specific Lot Area Square Footage Required per each Multi-Family Dwelling Unit is as stipulated in Table "A":

TABLE A

TABLE INSET:

Unit Type	Number of Stories		
	1	2	3
Efficiency Units	2,000 sq. ft.	1,435 sq. ft.	1,410 sq. ft.
1 Bedroom	2,000 sq. ft.	1,775 sq. ft.	1,625 sq. ft.
2 Bedrooms	2,650 sq. ft.	2,475 sq. ft.	2,125 sq. ft.
3 Bedrooms	3,525 sq. ft.	3,175 sq. ft.	2,653 sq. ft.
4 or more	4,375 sq. ft.	3,975 sq. ft.	3,492 sq. ft.

(5) *Minimum Floor Area Requirements for Multi-Family:*

TABLE INSET:

Efficiency Units	650 square feet
1 Bedroom	800 square feet

2 Bedroom	1,000 square feet
3 Bedroom	1,200 square feet
4 Bedroom	1,400 square feet

(c) *Maximum Dwelling Units Per Net Acre.* Subject to the other requirements of the MZDO, the maximum number of dwelling units per net acre shall not exceed the number indicated by dwelling unit type on the following schedule. In instances where the permitted figure is determined to include a fraction, the lesser round number shall apply:

(1) *One-Family Dwelling.* Five (5) dwelling units.

(2) *Two-Family Dwelling.* Four (4) dwelling units.

(3) *Group Dwelling.* Not applicable.

(4) *Multi-Family Dwelling.* Sixteen (16) dwelling units.

(5) *Other Principal Uses.* Not applicable.

(d) *Minimum Lot Width, Measured at the Building Line.*

(1) *One-Family Dwelling.* Fifty (50) feet.

(2) *Two-Family Dwelling.* Fifty (50) feet.

(3) *Group Dwelling.* Eighty (80) feet.

(4) *Multiple-Family Dwelling.* One Hundred (100) feet.

(5) *Private or Public Care Home.* Eighty (80) feet.

(6) *Other Principal Uses.* Fifty (50) feet.

(e) *Minimum Front Yard Depth Measured from the Nearest Abutting Street Right-of-Way Line.* Twenty-five (25) feet on rights-of-way less than fifty (50) feet, forty (40) feet on rights-of-way larger than fifty (50) feet abut less than sixty-six (66) feet; forty-five feet (45) on rights-of-way larger than sixty-six (66) feet but less than eighty (80) feet; and fifty (50) feet on rights-of-way larger than eighty (80) feet. For exceptions to this requirement see Section 5.3.

(f) *Minimum Side Yard.* No less than ten (10) feet for each side provided that the total of both side yards is not less than thirty (30) percent of the lot width. For side yard requirements pertaining to corner lots see Section 5.3.

(g) *Minimum Rear Yard.* Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(h) *Maximum Building Height.*

(1) *One-Family Dwellings.* Thirty-five (35) feet.

(2) *Two-Family Dwellings.* Thirty-five (35) feet.

(3) *Group Dwellings and Multiple-Family Dwellings.* Fifty (50) feet. Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach

financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

(4) *Exceptions.* For exceptions to height regulations see Section 5.12.

(i) *Additional Requirements.* Sign uses permitted in GR-2 Zoning Districts are the same as those allowed in the GR District; the conditions under which they may be located are set forth in Section 5.16.

(j) *Restrictions.* Given the intent of this District, and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(k) *Fencing.* All multi-family dwellings shall have a seven-foot privacy fence (with open sections provided for ingress and egress) surrounding the boundary of the dwelling. Appropriate fencing should be incorporated into an overall scheme of buffering which may include the use of vegetation and other methods of buffering as required by the Zoning Administrator. Maintenance of fencing and other components of buffering schemes are the sole responsibility of the property owner.

(Ord. No. 2004-1-8C, § 2, 3-11-04; Ord. No. 2004-6-3B, § 1, 8-5-04)

4.14. Downtown Mixed Use District (DMU).

Intent of Districts. It is the intent of this Section that the DMU be developed and reserved for local or neighborhood-oriented business purposes. The regulations which apply within these Districts are designed to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; and discourage industrial and other encroachments capable of adversely affecting the localized commercial character of the Districts. Trailers, mobile homes, and manufactured shall not be considered as acceptable structures for offices or places of business within this district.

Permitted Uses.

(A) Retail business involving the sale of merchandise (and/or services) on the premises within permanent buildings in stores specifically including:

(1) Antique shop,

(2) Art supply store,

(3) Book store,

(4) Clothing store,

(5) Drug store or pharmacy,

(6) Florist shop,

(7) Photography studio or camera store,

(8) Bank or savings and loan,

(9) Barber and/or beauty shop,

(10) Dressmaker, seamstress, or trailer,

(11) Dry cleaner,

(12) Insurance agency,

(13) Real estate agency,

(14) Art, music, dance, drama school,

(15) Places of worship,

(16) Residential use lawfully existing with the District at the time of adoption of this Ordinance,

(17) Residential uses,

(18) Publicly-owned and operated facility or land,

(19) Veterinary establishments with no boarding facilities,

(20) Private or semi-private club, lodge, union hall or social center,

(21) Radio, television station and/or newspaper office,

(22) Accessory uses in compliance with the provisions set forth in Section 5.6.

(23) Medical, dental or chiropractic office, clinic and/or laboratory,

(24) Engineering and/or architectural firm,

(25) Advertising/marketing agency,

(26) Law practice,

(27) Private or public utility office,

(28) Secretarial, telephone answering service.

Conditional Uses. The following uses shall be permitted on a conditional basis in the subject to (sic) the conditions set forth in Section 5.6:

(a) Bakery, provided that goods baked on the premises are sold only at retail on the premises.

(b) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishment (other than drive-in establishment), provided [that] no outside loud speaker systems are utilized; and provided [that] all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties; and provided [that] parking and/or service areas are separated from adjoining residential properties by a suitable, well maintained wood or masonry type wall not less than six (6) feet in height above finished grade shall be constructed. Such a barrier shall be of the same design and nature on both sides. This barrier requirement may be amended to provide for other suitable barriers at the discretion of the Zoning Administrator in individual situations where a six-foot wall is determined to be an inappropriate barrier. Such wall is to be constructed by the developer or owner of the property.

(c) Dry cleaning or laundry pick-up agency, provided that any laundering, cleaning, [or] pressing done on the premises involves only articles delivered to the premises by individual customers.

(d) Meat, fish and/or poultry shop, provided 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 and meets the requirements of Health Department.

(e) Pet shop, provided all animals are housed within the principal building so that no sound is perceptible beyond the premises.

(f) Public utility substation or sub-installation, including water or fire towers, provided [that] such use is enclosed by a suitable, well maintained wood or masonry type wall not less than six (6) feet in height above finished grade shall be constructed. (sic) Such a barrier shall be of the same design in [on] both sides. This barrier requirement may be amended to provide for other suitable barriers at the discretion of the Zoning Administrator in individual situations where a six-foot wall is determined to be an appropriate barrier. Such wall is to be constructed by the developer or owner of the property provided there is neither an office nor commercial operation nor storage of vehicles on the premises; and provided a landscaped strip not less than five (5) feet in width is planted and suitable maintained.

(g) Combination of a residential structure with any use herein permitted, provided that all dwelling units have direct access to an abutting street.

(h) Day care center, provided that the minimum lot size for the day care center located in this District is not less than twenty thousand (20,000) square feet.

(i) Private kindergarten or preschool nursery provided that:

(j) Such use meets the minimum standards set forth for such facilities by the South Carolina Department of Health and Environmental Control (DHEC);

(1) Such use is located on a lot not less than one (1) acre in area;

(2) No structure on the lot is closer than fifty (50) feet to any abutting residential property line or Residential Zoning District;

(3) Such uses are separated and screened from adjoining residential properties by a suitable, well-maintained shrubbery screen, fence, or wall at least six (6) feet in height above finished grade.

(k) Temporary uses such as a sidewalk sale in compliance with the provisions of Section 5.6. However, under no circumstances shall this provision be construed to permit peddlers or hawkers to operate on any premises in this District.

(l) Resident manager's quarters for business uses provided that the dwelling quarters are concealed within the principal structure and further provided that there is no external storage on the premises, including, but not limited to, boats, campers, inoperable automobiles or storage buildings, which may indicate that the premises are used for any purpose other than that of the principal use.

(m) Residences and service-oriented businesses involving office spaces and institutions on the premises within permanent buildings specifically including:

Prohibited Uses. The following uses shall be prohibited in any DMU Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, uses permitted this District shall be required to conform to the following standards:

a. *Minimum Lot Area.* Six thousand (6,000) square feet.

b. *Minimum Lot Width Measured at the Building Line.* Fifty (50) feet.

c. *Minimum Front Yard Depth Measured from the Nearest Abutting Street*

Right-of-Way Line. Twenty-five (25) feet. For exceptions to this requirement see Section 5.3.

d. *Minimum Side Yard.* No less than ten (10) feet on each side. Where the District abuts any Residential Zoning District not separated by a street right-of-way, a suitable, well maintained masonry type wall not less than six (6) feet in height above finished grade shall be constructed. Such a barrier shall be of the same design and nature on both sides. This barrier requirement may be amended to provide for other suitable barriers at the discretion of the Staff Review Team in individual situations where a six-foot wall is determined to be an inappropriate barrier. Such wall is to be constructed by the developer or owner of the property. For side yard requirements pertaining to corner lots see Section 5.3.

e. *Minimum Rear Yard.* Fifteen (15) feet. Where the District abuts any residential zone, the barrier requirement in (d) [d.] above shall apply. For rear yard requirements pertaining to double frontage lots see Section 5.3.

f. *Maximum Building Height.* Thirty-five (35) feet. For exceptions to height regulations see Section 5.12.

g. *Additional Requirements.* Uses permitted in this District shall meet all standards set forth in [Sections] 5.8 and 5.9, pertaining to parking, off-street parking, loading and other requirements.

h. *Signs.* Signs permitted in this District shall meet all standards set forth in Section 5.16.

i. *[Restrictions.]* Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.15. General Commercial District (GC).

Intent of District. It is the intent of this Section that the GC Zoning District be developed and reserved for general business purposes. The regulations which apply within this District are designed to encourage the formation and continuance of a compatible and economical environment for businesses, financial, service and professional uses which benefit from being located in close proximity to each other; and discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the District. Trailers, mobile homes, and modular units shall not be considered as acceptable structures for offices or places of business within this District.

Permitted Uses. Retail businesses involving the sale of merchandise (and/or services) on the premises within permanent buildings in stores or offices specifically including:

(a) Any retail, wholesale, or storage businesses involving the sale of merchandise on the premises as set forth for Downtown Mixed Use (DMU) District except those uses which involve open yard storage or junk, salvage, used auto parts or building materials. Open storage shall be permitted under the conditions of Conditional Uses (b) and (e).

(b) Businesses involving the rendering of personal services as set forth for DMU Districts other than automobile laundry or an automobile repair garage which shall be permitted under the conditions of Subsection Conditional Uses (b) and (e).

(c) Private or semi-private club, lodge, union hall or social center.

(d) Church, synagogue, temple or other place of worship.

(e) Residential use lawfully existing within the District at the time of adoption of this Ordinance.

(f) Off-street commercial parking lot.

(g) Hotel, tourist home, motel.

(h) Publicly-owned and operated building, facility or land.

(i) Commercial recreation facility, specifically, specifically including:

(1) Billiard parlor,

(2) Theater, including drive-in type facility,

(3) Bowling alley,

(4) Golf course (including driving range or Par 3 operation).

(j) Commercial trade or vocational school.

(k) Eating and/or drinking establishment including drive-in or curb service.

(l) Radio and/or television station and/or transmission tower.

(m) Public utility installation or sub-installation, including water towers.

(n) Office building, and/or office for governmental, business professional or general purposes.

(o) Accessory use in compliance with the provisions of Section 5.5.

(p) Apartment complex.

(q) Home occupation in conformance with requirements in Section 5.4.

(r) Automobile, boat, trailer, camper or mobile home sales provided such sales are conducted within a permanent structure and not within a mobile home or trailer office.

Conditional Uses. The following uses shall be permitted on a conditional basis in any GC Zoning District, subject to the conditions set forth in Section 5.6.

(a) Automobile service station, provided all pumps are set back at least twenty-five (25) feet from the right-of-way line of the street; and provided parking and/or service areas are separated from adjoining residential properties or Zoning Districts by a suitable, well maintained masonry type wall not less than six (6) feet in height above finished grade shall be constructed. Such a barrier shall be of the same design and nature on both sides. This barrier requirement may be amended to provide for other suitable barriers at the discretion of the Zoning Administrator in individual situations where a six-foot wall is determined to be an inappropriate barrier. Such wall is to be constructed by the owner or developer of the property.

(b) Garage for the repair and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building and provided there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.

(c) Combination of residential structure with any use permitted herein, provided that all dwelling units have direct access to the street.

(d) Newspaper publishing plant provided that the requirements for parking, loading and unloading conform to those for industrial buildings, as set forth in Section 5.9.

(e) Automobile laundry or car wash, provided an off-street paved parking area capable of accommodating not less than one-half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises (such space to contain at least two hundred (200) square feet per waiting vehicle); and provided no safety hazard or impediment to traffic movement is created by the operation of such an establishment.

(f) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is perceptible beyond the premises and meets all the requirements of the County Health Department and/or the SC Department of Health and Environmental Control.

(g) Open yard use for the sale, rental and/or storage of materials or equipment excluding junk or other salvage provided that such uses are separated from all adjoining properties by a suitable, well-maintained wall as described in (a) above.

(h) Community hospital or clinic including any functions which relate directly to the operation of the hospitals or clinics and are contained within the confines of said hospital or clinic, and provided such uses are in compliance with the provisions of Section 5.5.

(i) Truck terminal, provided acceleration and deceleration lanes are at least ten (10) feet in width and one hundred (100) feet in length respectively; are furnished and maintained where trucks enter or leave terminal sites; and provided sites for such facilities have direct access to major streets.

(j) Day care centers, provided that the minimum lot size for day care centers in this District is not less than twenty-thousand (20,000) square feet.

(k) Private kindergarten of pre-school nursery with all requirements as itemized in Section 4.14 Conditional Uses (i).

(l) Temporary uses in compliance with the provisions of Section 5.6.

(m) Resident manager's quarters for business uses provided that the dwelling quarters are concealed within the principal structure and further provided that there is no external storage on the premises, including, but not limited to, boats, campers, inoperable automobiles or storage buildings, which may indicate that the premises are used for any purpose other than that of the principal use.

(n) Temporary use such as a sidewalk sale or seasonal agricultural stand in compliance with the provisions of Section 5.6, however; under no circumstances shall this provision be construed to permit peddlers or hawkers to operate on any premises in this District.

(o) Special Nuisances as defined in Section 5.19.

Prohibited Uses. The following uses shall be prohibited in any GC Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, uses permitted in GC General Commercial Zoning Districts shall be required to conform to the following standards:

(a) *Minimum Lot Area.* Six thousand (6,000) square feet.

(b) *Minimum Lot Width, Measured at the Building Line.* Fifty (50) feet.

(c) *Minimum Front Yard Depth, Measured from the Nearest Abutting Street Right-of-Way Line.* Forty (40) feet.

(d) *Minimum Side Yard.* Not less than ten (10) feet on each side. Furthermore, in cases that are not separated by a street right-of-way, a suitable barrier as described in Section 4.14, Other Requirements, minimum side yard shall be required on the commercial property. For side yard requirements pertaining to corner lots, see Section 5.3.

(e) *Minimum Rear Yard.* Twenty-five (25) feet. Where the district abuts any Residential Zoning District not separated by a right-of-way, a suitable barrier as described in letter (d) above Conditional Uses (a) shall be required. For yard requirements pertaining to corner lots see Section 5.3.

(f) *Maximum Building Height.* Fifty (50) feet. For exceptions to height regulations see Section 5.11. Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

(g) *More Than One Principal Use on a Lot.* More than one (1) principal use is permissible on a lot in a GC District, as in the case of a shopping center offering several retail businesses and/or services.

(h) *Additional Requirements.* Uses permitted in GC Zoning Districts shall meet all standards set forth in Section 5, General Development Standards, pertaining to parking, off-street parking, loading and other requirements.

(i) *Signs.* Signs permitted in GC Zoning Districts, including the conditions under which they may be located, are set forth in Section 5.16.

(j) *[Restrictions.]* Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.16. Travelers Commercial 1 (TC1).

Intent of District. It is the intent of this Section that the TC-1 Zoning District be developed with particular consideration for truck or automobile-oriented commercial development existing or proposed along principal highways passing through the City and in the vicinity of key interchanges or intersections. The regulations which apply within this District are designed to encourage the formation and continuance of a compatible and economically healthy environment for businesses, and services designed to serve the traveling public; and to discourage any encroachment by industrial, commercial, residential or other uses considered capable of adversely affecting the basic intent of the District. Trailers, mobile homes, and modular units shall not be considered as acceptable structures for offices or places of business within this District.

Permitted Uses. Permanent buildings wherein retail and wholesale businesses involving

the sale of merchandise (and/or services) on the premises in stores or offices specifically including:

(a) Hotel, tourist home, motel.

(b) Eating and/or drinking establishment including drive-in or curb service.

(c) Accessory use in compliance with the provisions of Section 5.5.

(d) Retail/wholesale establishments, such as, gift shops, grocery stores, drug stores, clothing stores.

Conditional Uses. The following uses shall be permitted on a conditional basis in any TC-1 Zoning District, subject to the conditions set forth in Section 5.6:

(a) Automobile service station or truck stop, provided all pumps are set back at least twenty-five (25) feet from the right-of-way line of the street; and provided parking and/or service areas are separated from adjoining residential properties or zoning districts by a suitable, well-maintained barrier as described in Section 4.14, Conditional Uses, (b) shall be required.

(b) Garage for the repair and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building and provided there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.

(c) Resident manager's quarters for business uses provided that the dwelling quarters are concealed within the principal structure and further provided that there is no external storage on the premises, including but not limited to boats, campers, inoperable automobiles or storage buildings, which may indicate that the premises are used for any purposes other than that of the principal use.

(d) Temporary use such as a sidewalk sale or seasonal agricultural stand in compliance with the provisions of Section 5.6; however, under no circumstances shall this provision be construed to permit peddlers or hawkers to operate on any premises in this District.

(e) Special Nuisances as defined in Section 5.19.

Prohibited Uses. The following uses shall be prohibited in any TC1 Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, uses permitted in TC-1 Travelers Commercial-1 Zoning Districts shall be required to conform to the following standards:

(a) *Minimum Lot Area.* Ten thousand (10,000) square feet.

(b) *Minimum Lot Width, Measured from the Nearest Abutting Street Right-of-Way Line.* One hundred (100) feet.

(c) *Minimum Front Yard Depth, Measured from the Nearest Abutting Street Right-of-Way Line.* Forty (40) feet.

(d) *Minimum Side Yard.* Not less than twenty-five (25) feet for each side. Where the district abuts any Residential Zoning District not separated by a street right-of-way, a minimum side yard of thirty (30) feet on the side abutting said Residential District, together with a suitable barrier as described in Section 4.14, Other Requirements (a) or (d), side yards shall be required. For side yard requirements pertaining to corner lots and double frontage lots see Section 5.3.

(e) *Minimum Rear Yard.* Fifteen (15) feet. Where the District abuts any Residential Zoning District not separated by a street right-of-way, a suitable barrier as described in Section 4.14, Conditional Uses (b) shall be required. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(f) *Maximum Building Height.* For hotels, fifty (50) feet; for all other uses, thirty-five (35) feet. For exceptions to height regulations see Section 5.12. Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

(g) *More Than One Principal Use on a Lot.* More than one (1) principal use is permissible on a lot in a TC-1 District, as in the case of a motel in combination with a restaurant.

(h) *Additional Requirements.* Uses permitted in TC-1 Zoning Districts shall meet all standards set forth in Section 5, General Development Standards, pertaining to parking, off-street parking, loading and other requirements.

(i) *Signs.* Signs permitted in TC-1 Zoning Districts, including the conditions under which they may be located, are set forth in Section 5.16.

(j) *[Restrictions.]* Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.17. Travelers Commercial 2 (TC-2).

Intent of District. It is the intent of this Section that the TC-2 Zoning District be developed with particular consideration for truck or automobile-oriented commercial development existing or proposed along principal highways passing through the City and in the vicinity of key interchanges or intersections. The regulations which apply within this District are designed to encourage the formation and continuance of a compatible and economically healthy environment for businesses, and services designed to serve the traveling public; and to discourage any encroachment by industrial, commercial, residential or other uses considered capable of adversely affecting the basic intent of the District. Trailers, mobile homes, and modular units shall not be considered as acceptable structures for offices or places of business within this District.

Permitted Uses. Permanent buildings wherein retail and wholesale businesses involving the sale of merchandise (and/or services) on the premises in stores or offices specifically including:

(a) Hotel, tourist home, motel.

(b) Eating and/or drinking establishment including drive-in or curb service.

(c) Accessory use in compliance with the provisions of Section 5.5.

(d) Retail/wholesale establishments, such as, gift shops, grocery stores, drug stores, clothing stores.

Conditional Uses. The following uses shall be permitted on a conditional basis in any TC-2 Zoning District, subject to the conditions set forth in Section 5.6:

(a) Automobile service station or truck stop, provided all pumps are set back at least twenty-five (25) feet from the right-of-way line of the street; and provided parking and/or service areas are separated from adjoining residential properties or zoning districts by a suitable, well maintained barrier as described in Section 4.14, Conditional Uses, (b) shall be required.

(b) Garage for the repair and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building and provided there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.

(c) Resident manager's quarters for business uses provided that the dwelling quarters are concealed within the principal structure and further provided that there is no external storage on the premises, including but not limited to boats, campers, inoperable automobiles or storage buildings, which may indicate that the premises are used for any purpose other than that of the principal use.

(d) Temporary use such as a sidewalk sale or seasonal agricultural stand in compliance with the provisions of Section 5.6; however, under no circumstances shall this provision be construed to permit peddlers or hawkers to operate on any premises in this District.

(e) Special Nuisances as defined in Section 5.19.

Prohibited Uses. The following uses shall be prohibited in any TC-2 Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, uses permitted in TC-2 Travelers Commercial-2 Zoning Districts shall be required to conform to the following standards:

(a) *Minimum Lot Area.* Ten thousand (10,000) square feet.

(b) *Minimum Lot Width, Measured from the Nearest Abutting Street Right-of-Way Line.* One hundred (100) feet.

(c) *Minimum Front Yard Depth, Measured from the Nearest Abutting Street Right-of-Way Line.* Forty (40) feet.

(d) *Minimum Side Yard.* Not less than twenty-five (25) feet for each side. Where the district abuts any Residential Zoning District not separated by a street right-of-way, a minimum side yard of thirty (30) feet on the side abutting said Residential District, together with a suitable barrier as described in Section 4.14, Conditional Uses, (b) shall be required. For side yard requirements pertaining to corner lots and double frontage lots see Section 5.3.

(e) *Minimum Rear Yard.* Fifteen (15) feet. Where the District abuts any Residential Zoning District not separated by a street right-of-way, a suitable barrier as described in Section 4.15 Conditional Uses (a) shall be required. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(f) *Maximum Building Height.* For hotels, fifty (50) feet; for all other uses, thirty-five (35) feet. For exceptions to height regulations see Section 5.12. Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for

specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

(g) *More Than One Principal Use on a Lot.* More than one (1) principal use is permissible on a lot in a TC-2 District, as in the case of a motel in combination with a restaurant.

(h) *Additional Requirements.* Uses permitted in TC-2 Zoning Districts shall meet all standards set forth in Sections 5, General Development Standards pertaining to parking, off-street parking, loading and other requirements.

(i) *Signs.* Signs permitted in TC-2 Zoning Districts, including the conditions under which they may be located, are set forth in Section 5.16.

(j) *[Restrictions.]* Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.18. Limited Industrial (LI).

Intent of District. It is the intent of the LI Zoning District to provide areas for limited industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this District are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature; protect and reserve undeveloped areas in Hardeeville which are suitable for such industries; and discourage encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the District. Trailers, mobile homes, and modular units shall not be considered as acceptable structures for offices or places of business within this District.

Permitted Uses. Permanent buildings for limited industrial purposes specifically, including:

(a) Research or experimental laboratory.

(b) Transportation terminal facility, such as airfields, together with incidental operations, except that truck terminals which shall be permitted only as conditional uses subject to the requirements of Section 4.18 Conditional Uses (f).

(c) Public building, facility, or land other than a school, playground, hospital, clinic, care home, or cultural facility.

(d) Public utility installation.

(e) Agricultural farm.

(f) Office building and/or offices for governmental, business, professional, or general purposes.

(g) Horticultural nursery.

(h) Radio and/or television station and/or transmission tower.

(i) Commercial trade or vocational school.

(j) Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee-owned vehicles.

Conditional Uses. The following uses shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in Section 5.6:

(a) Any industrial use, plus operations incidental to such use, which involves manufacturing, processing, assembly, and storage operations; provided that there is no smoke, gas, fume, 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.

(b) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

(c) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

(d) Animal hospital and/or boarding facility, provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is discernible beyond the premises.

(e) Retail businesses, provided such business is incidental to a permitted use, is located on the same premises as a permitted use, and involves no open storage of junk or salvage materials in conjunction with the operation.

(f) Truck terminal, provided that paved acceleration and deceleration lanes at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites located adjacent to major street; provided no safety hazard or impediment to traffic movement is produced on any access road; and provided no open storage is conducted in connection with the operation.

(g) Watchman or caretaker's one-family or two-family dwelling is located on the premises of a permitted use; and provided the head of the household is employed by the industry as a watchman or caretaker.

(h) Dwelling incidental to a permitted agricultural or horticultural use, provided that such related dwellings are occupied only by persons employed directly on the premises.

(i) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation; and provided no objectionable sound, vibration, heat, glare or electrical disturbance is created which is perceptible beyond the premises.

(j) Temporary use as a sidewalk sale or seasonal agricultural stand in compliance with the provisions of Section 5.5, however, under no circumstances shall this provision be construed to permit peddlers or hawkers to operate on any premises in this District.

(k) Resident manager's quarters for business uses provided that the dwelling quarters are concealed within the principal structure and further provided that there is no external storage on the premises, including but not limited to boats, campers, inoperable automobiles or storage buildings, which may indicate that the premises are used for any purpose other than that of the principal use.

(l) The site is not located within a minimum of one thousand (1,000) feet of:

(1) A church, or

(2) A daycare center, or

(3) A school, or

(4) A place that is provided by the public or members of a community for recreation, or

(5) Publicly owned land, or

(6) The property line of a residential zoning district.

(m) The site is not located within five hundred (500) feet of a major arterial road or an overlay district. This distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, daycare center, and school, place that is provided by the public or members of a community for recreation or residential zoning district.

(n) Such use shall be located a minimum of five hundred (500) feet from any existing tattoo facility.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, uses permitted in LI Light Industrial Zoning Districts shall be required to conform to the following standards:

(a) *Minimum Lot Area.* One (1) acre.

(b) *Minimum Lot Width, Measured at the Building Line.* One hundred (100) feet.

(c) *Minimum Front Yard Depth, Measured from the Nearest Abutting Street Right-of-Way Line.* Fifty (50) feet.

(d) *Minimum Side Yard.* Not less than twenty-five (25) feet for each side. Where the district abuts any Residential Zoning District not separated by a street right-of-way, a suitable barrier as described in Section 4.15 Conditional Uses a shall be required. For side yard requirements pertaining to corner lots and double frontage lots see Section 5.3.

(e) *Minimum Rear Yard.* Thirty-five (35) feet. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(f) *Maximum Building Height.* Fifty (50) feet; for exceptions to height regulations see Section 5.12. Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

(g) *Additional Requirements.* Uses permitted in LI Zoning Districts shall meet all standards set forth in Section 5, General Development Standards, pertaining to parking, off-street parking, loading and other requirements.

(h) *Signs.* Signs permitted in LI Zoning Districts, including the conditions under which they may be located, are set forth in Section 5.16.

(i) *[Restrictions.]* Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 2, 8-5-04)

4.19. Basic Industrial District (BI).

Intent of District. It is the intent of the BI Basic Industrial Zoning District to promote the development and continued use of land for large-scale basic or primary industrial purposes which involve extensive manufacturing, processing or assembly operations; and preserve underdeveloped sizable tracts of land with industrial potential for industrial uses. Trailers, mobile homes, and manufactured units shall not be considered as acceptable structures for offices or places of business within this District.

Permitted Uses. Permanent buildings for industrial purposes specifically including:

(a) Any use permitted in any LI Zoning District, subject to the standards set forth in this Section.

(b) Any industrial use, plus operations incidental to such use, which involves manufacturing, processing, or assembly, operations or the storage and sale of heavy materials, products or equipment, but not including junk or salvage yards or uses which may cause injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazards, dangerous radiation or other conditions objectionable to nearby areas, except under conditions as specified in Section 4.18 Conditional Uses.

(c) Warehouse.

(d) Bulk storage of petroleum products.

Conditional Uses. The following uses shall be permitted on a conditional basis in any BI Zoning District, subject to the conditions set forth in Section 5.6:

(a) Retail or wholesale business or service, provided such business or service is incidental to a permitted industrial use; and is located on the same premises.

(b) Truck terminal, provided that paved acceleration and deceleration lanes at least ten (10) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained where trucks enter or leave terminal sites; provided no safety hazard is produced on any access road; and provided sites for such facilities have direct access to major streets.

(c) Private recreation facility, provided such facility is incidental to a permitted use and located on the same premises.

(d) Any industrial use, plus operations incidental to such use, which may produce involves (sic) injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazards, dangerous radiation or other objectionable conditions shall not adversely affect adjoining properties; provided such use is located at least five hundred (500) feet from any abutting property line; and provided such use is located on a site at least ten (10) acres in size.

(e) Open yard use for the sale, rental and/or storage of new, used, or salvaged materials, or equipment, provided no burning of materials or products is conducted on the premises; and, in case of open storage of used or salvaged materials and/or equipment, provided a suitable, well-maintained barrier as described in Section 4.15 Conditional Uses (a) shall be required along all property lines, of such consistency as to completely hide the use of the property from public view.

(f) Warehouse or other salvage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

(g) Watchman or caretaker's one-family or two-family dwelling is located on the premises of a permitted use; and provided that the head of the household is employed by the industry as a watchman or caretaker.

(h) Dwelling incidental to a permitted agricultural or horticultural use, provided that such related dwellings are occupied only by persons employed directly on the premises.

(i) Adult business that complies with City's business license ordinance and meets the following special exception conditions:

(1) Minimum front yard of three hundred (300) feet.

(2) Minimum side yard of one hundred (100) feet.

(3) Maximum building height of thirty (30) feet.

(4) No freestanding or illuminated signs. Sign copy is limited to a verbal description of the type of business but not the material or services available on the premises. Signs cannot include any graphic or pictorial depiction of material, live presentations of persons, or services available on the premises.

(5) Minimum one thousand (1,000) feet buffer from church, school, educational institution, residence, recorded subdivision/development, or publicly or privately owned youth-oriented grounds or facilities or existing adult business.

(6) Natural buffer around property such as red tips, evergreens, etc. that provide a buffer from the ground up to six (6) feet in height.

(7) On premises parking required one (1) space for every fifty (50) square feet of total floor space within building.

(8) Any other conditions placed upon owner as prescribed by the Hardeeville Zoning Board of Appeals when a special exception use permit is applied for that are reasonable and provide for the well being, safety, and health of the public in general and the neighborhood in particular.

Prohibited Uses. The following uses shall be prohibited in any BI Zoning District:

a. Tattoo facilities.

Other Requirements. Unless relief is granted elsewhere in this Ordinance, uses permitted in BI Basic Industrial Zoning Districts shall be required to conform to the following standards:

(a) *Minimum Lot Area.* Twenty-five thousand (25,000) square feet.

(b) *Minimum Lot Width, Measured at the Building Line.* One hundred (100) feet.

(c) *Minimum Front Yard, Measured from the Nearest Abutting Street Right-of-Way Line.* Twenty-five (25) feet.

(d) *Minimum Side Yard.* No less than ten (10) feet on each side except that when the property abuts another zoning district thirty (30) feet shall be required. Where the District abuts any Residential Zoning District not separated by a street right-of-way, a suitable barrier as described in Section 4.15 Conditional Uses (a) will be required. For side yard requirements pertaining to corner lots see Section 5.2.

(e) *Minimum Rear Yard.* Fifteen (15) feet, except that where the property abuts another Zoning District thirty (30) feet shall be required. Where the District abuts any Residential Zoning District not separated by a street right-of-way, a suitable barrier as described in Section 4.15 Conditional Uses (a) shall be required. For rear yard requirements pertaining to double frontage lots see Section 5.3.

(f) *Maximum Building Height.* Fifty (50) feet; for exceptions to height regulations see Section 5.12. Occupancies that exceed fifty (500 feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

(g) *Additional Requirements.* Uses permitted in BI Zoning Districts shall meet all standards set forth in Section 5, General Development Standards, pertaining to parking, off-street parking, loading and other requirements.

(h) *Signs.* Signs are permitted in BI Zoning Districts as set forth in Section 5.16.

(i) *[Restrictions.]* Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.20. Manufactured Home Community (MHC).

Intent of District. It is the intent of the MH Manufactured Home District to provide a sound and healthy environment sufficient to meet the meet the unique needs of the inhabitants living in mobile homes or manufactured homes, to protect mobile home parks or manufactured home parks from encroachment by incompatible uses, and to encourage the consolidation of mobile homes or manufactured homes into mobile home parks or manufactured home parks. Any manufactured home and/or manufactured home park in Hardeeville shall henceforth be located in conformance with the regulations set forth herein. The Manufactured Home District is a "floating" zoning classification authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 which a land owner may petition the Planning Commission and City Council to apply to their land as a Special Exception Use, demonstrating to the Commission and the City Council that the minimum Zoning District requirements for the Manufactured Home District have been met and that applying this zoning designation to the land is compatible with existing development and historic resources and substantially meets the objectives of the Comprehensive Plan.

Definitions. As used in this Ordinance, the terms "Mobile Home" and Manufactured Home" are generally synonymous. For the definitions of the terms "Mobile Home" and "Manufactured Home", see Article 7.

Scope and Jurisdiction.

1. Codes Enforcement personnel of the City shall enforce all applicable requirements of this Ordinance upon reasonable request and notification.

2. Upon notice from the Code Enforcement Department, placement of a manufactured home contrary to the provisions of this Ordinance shall be immediately ceased. Such notice shall be in writing and shall be transmitted to

the owner of the manufactured home in violation. Notice shall state the violation and the conditions under which the violation may be corrected. Written notice shall be sufficient if mailed by registered mail, hand delivered, or accepted by an agent or relative of the owner of the manufactured home in violation.

3. It shall be unlawful for any public utility to provide service to any manufactured home where a permit is required under this Ordinance prior to the issuance of the required permit(s) or to maintain such service upon notification by the Code Enforcement Department that such violation was made against the provisions of this Ordinance.

Duty of Owner. Each owner of a manufactured home located within Hardeeville shall obtain and display a county registration decal as required by state law within fifteen (15) days of either purchase or change of ownership of a mobile home, or if the home is relocated. The decal must be displayed on the manufactured home in such a manner as to be visible from the street or driveway to which the mobile home is addressed or facing.

Prohibited Uses. The following uses shall be prohibited in any MHC Zoning District:

a. Tattoo facilities.

Exceptions.

1. A manufactured home temporarily located in Hardeeville for the express pre-determined purpose of conveyance outside the City within thirty (30) days after arrival; or

2. A manufactured home held for display or exhibition purposes by a mobile home dealer licensed by the State of South Carolina as such; or

3. A manufactured home passing through the City of Hardeeville on a public street, road or highway for conveyance elsewhere.

Registration and Adherence to Existing Regulations and Guidelines. All mobile homes or manufactured homes shall be registered with the Jasper County Assessor's Office in accordance to State and County law, and a copy of the application shall be made available to the City of Hardeeville and/or the City Treasurer upon request.

All new or expanding mobile home parks or manufactured home parks must adhere to any applicable Federal, State, or County regulations or guidelines, including, but not limited to, DHEC Regulations, the Addressing and Road Naming Ordinances, and the Building Code.

Moving Permit Requirements. Prior to the movement (except as noted in Section 4.20 Exceptions (3)) of any manufactured home being transported into, out of, or within the City of Hardeeville for any purpose, a "Moving Permit" endorsement to the Moving Permit required by Jasper County must be obtained from the City of Hardeeville and must be displayed at the rear of the manufactured home during the entire transportation period. Failure to acquire and display this permit will place the manufactured home hauler and the owner in violation of this Ordinance.

This moving permit endorsement requirement shall not apply to manufactured home dealers moving a manufactured home from their lot to the customer's lot when delivery is required by the terms of the sale, or bringing a manufactured home into the state for resale purposes. However, a moving permit endorsement is required for any other reason including, but not limited to repossession of a manufactured home by or for a manufactured home dealer.

Exceptions. The provisions of this article shall not apply to transactions involving the sale and purchase of mobile homes between manufacturers and licensed dealers as such are defined by State law.

Habitability. No manufactured home shall be permitted, used, or occupied, nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Codes Enforcement Department. No manufactured home produced before June 15, 1976, shall be brought into and located in the City of Hardeeville. All manufactured housing brought into the City of Hardeeville for occupancy shall have at least seven hundred fifty (750) square feet of floor area; provided that units consisting of five hundred sixty (560) square feet of floor space are permitted when the only occupant is over sixty-five (65) years of age or physically handicapped.

The term "habitable" as used herein means there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place and free from breaks. Further, the term "habitable" shall include the following facilities:

1. *Sanitary Facilities.* Every manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.

2. *Hot and Cold Water Supply.* Every manufactured home shall have cold and hot running water connected to the kitchen sink, lavatory, tub or shower. All water shall be supplied through an approved system connected to a publicly-owned potable water supply.

3. *Heating Facilities.* Every manufactured home shall have heating facilities, which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each manufactured home shall be provided with an alternative system, approved by the Codes Enforcement department.

4. *Cooking and Heating Equipment.* All cooking and heating equipment facilities shall be installed in accordance with the Federal Manufactured Home Construction and Safety Standards.

5. *Smoke Detector.* Every manufactured home shall be provided with an approved UL listed smoke detector, installed in accordance with the manufacturer's recommendations. When activated, the detector shall provide an audible alarm.

6. *[Carbon Dioxide Detector.]* For mobile homes that use natural or propane gas for heating and/or cooking, a UL approved carbon dioxide detector shall be installed per manufacture's recommendations. When activated, the detector shall provide an audible alarm.

Compliance Required. No manufactured home shall be used or occupied unless and until the home has been installed in accordance with these regulations and inspected for compliance by the Codes Enforcement Department.

Where upon inspection by the Codes Enforcement Department, either as a new placement, relocation, or upon request for an inspection, a manufactured home is found not to meet the minimum requirements of habitability described herein, said official shall take appropriate action to require the owner to make necessary improvements to render the unit habitable; or block the placement and use of said unit by denying electricity or other utilities to the unit, and/or requiring the removal of said unit at the owner's expense.

Failure to secure inspection and approval prior to occupying such unit shall be a violation of this Ordinance, and each day of violation shall constitute a separate offense.

The Codes Enforcement Department may grant exceptions to this requirement upon consultation and agreement by the City Administrator in hardship cases, such exception to not exceed thirty (30) days.

Manufactured Housing Setup. Manufactured housing, being residentially designed single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code where permitted to be located by this Ordinance, shall:

1. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a manual, the home must be installed in accordance with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, as they may hereafter be amended from time to time.

2. Have skirting or a curtain wall around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

3. Have installed or constructed, and firmly attached to the home and anchored securely to the ground, permanent steps with landing and handrails at each exterior doorway, in accordance with applicable Building Codes.

4. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.

5. Be provided with a sanitary sewer system approved by DHEC (for septic tanks) and/or the BJWSA (for public sewer). Evidence of such approval shall accompany each and every permit request to install a manufactured home.

6. Be served by a separate electric meter. It shall be unlawful for any manufactured home to receive electricity except by use of a separate meter. Any existing home not in compliance with this Section upon the effective date of this Ordinance shall obtain service from a separate electric meter within one hundred eighty (180) days of the effective date, or be declared by the Codes Enforcement Department to be in violation of this Ordinance.

It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the Codes Enforcement Department to establish said home.

Mobile Homes Manufactured Prior to June 15, 1976. A mobile home, as defined by this Ordinance, being manufactured prior to June 15, 1976, shall not be established within the incorporated limits of Hardeeville on or after the effective date of this Ordinance [March 20, 2003]. However, the use of an existing mobile home manufactured prior to June 15, 1976, may be continued in accordance with the requirements and conditions of Sections 709.1 and 709.2 (Mobile Home Nonconformities and Nonconformity Compliance Schedule) of the prior City of Hardeeville Zoning Ordinance, the same as Manufactured Homes manufactured after June 15, 1976. If either type of mobile or manufactured home is relocated to another lot, parcel or site, it must meet all the requirements of this ordinance regarding permitting, set-up and habitability.

Fees. A fee schedule is hereby established to cover the cost of registration and inspections for compliance with this Ordinance, and is on file with the Hardeeville City Treasurer and the Codes Enforcement Department. The initial fees are as follows, and may be amended from time to time by resolution of the City Council.

TABLE INSET:

Moving Permits:	
Single Wide	$110.00
Multi-Section	250.00

TABLE INSET:

Set-Up Permits:	
Building Permit	$25.00
Electrical Permit	25.00
Plumbing Permit	25.00

Manufactured Home Parks. The establishment and operation of a Manufactured Home Park shall comply with the following design and development standards. A request for a Manufactured Home Park will require special exception approval from the Zoning Board of Appeals and rezoning approval by Ordinance of the City Council after receiving a recommendation from the Planning Commission. The basis for approval is a demonstration by the applicant that the owner/operator/developer can operate the Manufactured Home Park in a manner that addresses the unique conditions that are created by both rental habitation and the intensity and density of the development and the infrastructure demands of such an operation. It is the responsibility of the applicant to make evident to the board and City Council that the following criteria can be met:

1. As demonstration that the day-to-day operations of the Manufactured Home Park addresses the unique conditions of a rental community, the applicant must demonstrate the ability to effectively manage the park. The applicant may submit a management plan to demonstrate such ability to manage the park, which plan could address ~~such things as group gatherings,~~ overflow parking, care and control of household animals, traffic controls, school bus stops, recreational opportunities for the residents on site, standards for management of household and other waste, grounds keeping, and mobile home maintenance (for example, the presence of an on-site manager, repair staff or contracts, etc.).

2. As demonstration that the Mobile Home Park community will be harmonious with the surrounding properties, the appropriate buffering restrictions, setbacks and other criteria as hereinafter set forth will be provided, as well as evidence that there is adequate water, sewer, and other infrastructure in place to service the park, or satisfactory arrangements made with the providers of such services prior to enactment of the development permit. A detailed surveyed site plan showing the appropriate buffering restrictions, parking, driveways, spacing, density and other requirements of the MZDO shall be required.

3. The park site and all roads servicing the park must be named, with such names preapproved by Jasper County E911 Addressing.

4. The park site shall not be less than seven (7) acres, and have not less than two hundred (200) feet of frontage on a publicly maintained road; the park site shall not be larger than forty (40) acres, nor have more than one hundred and

fifty (150) spaces.

5. The park shall be served by public water and sewer systems approved by DHEC and the BJWSA, a system of stormwater drainage in compliance with either the then current Jasper County Drainage Standards and such standards as hereinafter are enacted by the City of Hardeeville under Section 5.18 of this Ordinance, as well as refuse disposal facilities, plans of which shall be approved by City officials.

6. All dead-end roads shall have a cul-de-sac with a fifty-foot minimum radius.

7. Turnarounds approved by the Hardeeville Fire Chief shall be located every five hundred (500) feet.

8. All dwelling spaces shall abut upon an interior all-weather asphalt roadway meeting the design requirements of Jasper County, shall have a right-of-way at least fifty (50) feet wide, and be paved at least twenty (20) feet in width, with unobstructed access to a public street.

9. A copy of the proposed homeowner association, management plan (if rental), or other group maintenance agreement must be submitted to the Hardeeville Planning Commission and approved by City Council.

10. All on-site roadway intersections shall be provided with a streetlight and proper signage.

11. Lots in parks shall be sized and arranged so that there will be at least fifty (50) feet of spacing between the manufactured homes, and at least thirty-five (35) feet from the right-of-way of any street or drive providing common circulation. Minimum lot size for each space shall have an average minimum area of six thousand (6,000) square feet, with a minimum average lot width of fifty (50) feet. Mobile homes may not be situated closer than twenty (20) feet from the interior edge of the buffer, which buffer requirements are set forth hereinbelow. There shall otherwise be a fifteen-foot rear yard setback. Accessory structures as defined in Section 5.5 for individual mobile homes shall be located a minimum of six (6) feet from any adjoining manufactured home. The manufactured home space shall be exclusive of the prescribed buffer area, and all manufactured home spaces must be clearly delineated by fencing, vegetation, or other clearly visible means. The delineation of the spaces may be waived by the Zoning Board of Appeals if the park owner can demonstrate that maintenance and upkeep of the park will not suffer for lack of this measure. Even if the space delineation is waived, the prescribed buffer area must still be delineated to protect the required inactive character of that area.

12. All homes shall be installed in accordance with the installation requirements of section 19-425.39 of the South Carolina Manufactured Housing Board of Regulations, as may be amended or supplemented from time to time, and the requirements of Section Manufactured Housing Setup herein above.

13. The open space percentage requirements for Manufactured Home Parks shall be the same as those found in Section 5.13 of the MZDO as are applicable to Single-Family Residential developments of the same acreage; provided, however, that Manufactured Home Parks having more than sixty (60) dwelling units shall increase its open space percentage to thirty (30) percent, of which at least one-third must be set aside as active recreational area, such as basketball courts, playgrounds and open playing fields. Plans for such active recreational area must be submitted as part of the park management plan as required hereinabove. Passive green area open space including trails, viewing areas, etc., must be completed prior to twenty-five (25) percent development completion.

Active green areas open space, including bike paths; park facilities, playgrounds, basketball courts, etc. must be completed prior to fifty (50) percent development completion.

14. Permanent space numbers shall be established for each manufactured home space and shall be located so as to be visible from the street or roadway, and shall be in accordance with the Jasper County standards for E911 Addressing standards. Signs identifying space locations shall be erected at each street or roadway intersection within the park.

15. No manufactured home space in a park shall have direct access to any external public roadway, but shall instead access an internal street system.

16. Manufactured home parks shall be limited to two (2) entrances off a public roadway, provided the entrances must meet South Carolina Department of Transportation or Jasper County specifications on spacing and sizing, whichever or more restrictive.

17. The maximum number of manufactured home spaces per Net Acre 1 shall not exceed six (6) units per acre, unless septic tank systems are used and for which a permit has been obtained from the Jasper County Health Department, in which case the maximum shall be two (2) units per acre.

---

1 Defined as that acreage which remains after the deduction of easements for existing roads, utilities and ditches, including 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 and subtracted, such as power line 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.

---

18. Notwithstanding the parking requirements set forth in Section 5.8 Off-Street Parking (b) (3), manufactured home parks shall have two (2) off-street parking spaces for each manufactured home. Parking may be provided at the ~~manufactured home space~~ or in community parking areas. The requirements of Section 5.8 for off-street loading and unloading may be satisfied by including such spaces as part of one (1) or more community parking areas. Parking spaces and driveways shall be paved, either of asphalt or concrete construction. Parking of recreational vehicles and watercraft must be exclusive of the two (2) parking spaces provided for the manufactured home and may not encroach upon the common driveway (if any) or street area for the manufactured home park.

19. In the development of park areas, existing trees and other natural site features shall be preserved to the extent reasonably feasible. Clear-cutting, prior to development, is prohibited, except as part of a bona fide timbering operation undertaken in accordance with best management practices and/or South Carolina Department of Forestry standards for Silviculture operations.

20. Special buffering and screening requirements are appropriate for manufactured home parks. A buffer is an area in which no activity is permitted other than necessary utility functions, such as transmission lines, underground conduits, etc. This area is defined by a linear measurement from the property line inward and will vary, dependant upon the intensity of the development. Manufactured Home Parks consisting of more than sixty (60) (units) shall have a minimum buffer area of sixty (60) feet; parks of less than sixty (60) units shall

have a minimum buffer of thirty (30) feet. Such buffers shall be landscaped or natural vegetation providing at least fifty (50) percent opacity for screening. Buffers may be reduced to thirty (30) and fifteen (15) feet, respectively, if privacy fencing in accordance with Section 4.13 (k) (relating to fencing requirements for multi-family dwellings) is installed. In a Manufactured Home Park in excess of sixty (60) units, ten (10) percent of the buffer area may be used as a credit against the open space requirement.

21. Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

Sale of Manufactured Home Lots. If spaces for manufactured homes are to be offered for sale, lots proposed to be sold must be properly subdivided and recorded according to the requirements of the City and Jasper County. Application for subdivision/development approval may be processed in conjunction with the review procedure under this Ordinance to obtain authorization of its development within a MH Zoning District. Whether spaces are proposed for sale, rental or lease, the design of the park shall comply with the standards set forth in this Section.

Revocation of Permit to Operate a Manufactured Home Park. The City Council, in addition to other enforcement procedures available under the MZDO and the laws of the City and State, may revoke any permit to operate a manufactured home park when the operator or owner has been found to have violated the provisions of the MZDO by a court of competent jurisdiction. After any such finding, the license may be reissued only if the circumstances leading to the finding of a violation have been remedied and the park is being maintained and operated in full compliance with the law.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.21. Planned District Development (PDD).

4.21.100. Purpose.

The purpose of the PDD district is to encourage flexibility in land planning that will result in improved design, character, and quality of new housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, 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.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.200. General requirements.

(A) All property that is at least four (4) contiguous acres shall be eligible for the PDD district regulation.

(B) Properties consisting of less than two hundred (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 two hundred (200) acres that are unusually complex or sensitive to submit a Concept plan to avoid undue delays in the review process. Applicants under two hundred (200) acres will be granted PDD zoning only after acceptance of the Master Plan by City Council.

(C) All property zoned PDD 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 County 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.

(E) The City of Hardeeville may, at its discretion, waive the acreage requirement of Section 4.21.2(B) and grant PDD zoning to property having a valid PUD designation from Jasper County. In such instances, the City of Hardeeville PDD designation may incorporate the zoning regulations and term, if any, as approved by Jasper County; provided however, nothing herein shall be construed to preclude the City of Hardeeville from changing or adding regulations to any such PDD when, in its sole discretion, it deems such to be necessary and in furtherance of the public interest. To the extent there is any conflict between regulations imposed by the County and those imposed by the City, the regulations imposed by the City shall prevail.

(F) The City of Hardeeville may require, at its sole discretion, the negotiation and execution of a development agreement as provided by State law for developments in excess of twenty-five (25) acres.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.300. General considerations.

Following is a list of general considerations to be reviewed by the City of Hardeeville when analyzing applications for a PDD 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 have been adopted as permitted uses by the City;

(D) Whether the major components of the PDD 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 PDD 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; and

(I) Residential densities and square footage or acreage of commercial usage as they compare to current City and County requirements and optimal usage of the land.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.400. Special considerations.

The following list includes special considerations to be made by the City of Hardeeville when reviewing applications for PDD rezoning. Satisfaction of these requirements is not mandatory, but are strongly recommended and desired by the City. Inclusion of these special considerations within a PDD 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 resource areas as well as the creation of active and passive recreation, and greenways, sidewalks, and other pedestrian/bicycle circulation networks that serve to connect significant areas and various land uses;

(C) Enhanced landscaping, expanded or increased buffers, and additional planting beyond current requirements along public right-of-ways, open space/recreational areas, and the overall perimeter of the project;

(D) Separation of vehicular and pedestrian/bicycle circulation networks, inter-connectivity of these networks between phases and adjacent properties, dedication of lands for public access roads and other traffic mitigation measures as may be required by the City of, Hardeeville;

(E) Provision of either subsidized or non-subsidized affordable housing;

(F) Public benefits and community facilities and the access thereto.

(G) Sensitive treatment of perimeters which can include additional setbacks, buffers, and/or screening to mitigate impacts upon adjoining property;

(H) Placement of utilities underground; and

(I) Creation of new jobs and commercial/industrial sites in appropriate areas.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.500. Permitted uses.

(A) Any use permitted in any of the zoning districts adopted by the City of Hardeeville may be permitted, and any other uses as the Council may approve, including limited or special uses, provided the conditions for such uses are in compliance with the City of Hardeeville MZDO.

(B) There shall be no areas of a PDD that are unspecified as to the type of land uses that will occupy those particular areas.

(C) Sewer treatment plants, lift stations and utility pads may be permitted in a PDD.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.600. Standards.

(A) Any property in a PDD district shall be required to adhere to all provisions of the City of Hardeeville's Municipal Zoning and Development Ordinance (MZDO), as well as any Overlay District as applicable, unless a waiver or deviation is secured as part of the approved Concept Plan. The regulations applicable to the uses in an approved PDD 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) Perimeter setbacks around the boundary of the PDD shall be a minimum of ten (10) feet. The setback shall be measured from the property boundary unless a particular boundary of the PDD abuts a road or highway right-of-way, in which case it shall be measured from the abutting edge of the right-of-way.

(C) Buffer Requirements:

1. Minimum buffers of (a) twenty (20) feet shall be maintained along all external dimensions of a PDD which abut a Conservation Preservation (CP) or Forest Agriculture (FA) district; (b) thirty (30) feet where the PDD is adjacent to a Single or Multi-Family Residential, and fifty (50) feet where adjacent to Commercial. Public or Institutional uses. Additional buffers, such as heavy plant screening, walls or fences to a height of seven (7) feet may be required for trash, all storage yards and/or outdoor display areas, as well as those areas identified in the MZDO specific use standards.

2. Buffers shall be in addition to the required perimeter setback.

3. No development, parking areas, structures or accessory buildings except the required fence and vegetation, a properly permitted sign, interconnecting pedestrian and/or bicycling trails, sidewalks and paths, or underground utilities shall be placed in the outer twenty (20) feet of the buffer area. Buffers shall include vegetative cover and be maintained regularly. Within the remaining buffer, the only allowable uses are pedestrian and/or bicycling trails, sidewalks and paths, or underground utilities.

4. The buffer shall include a vegetative screen of evergreen trees and/or shrubs that will reach seven (7) feet in height within twelve (12) months of installation and form a continuous screen of at least seventy-five (75) percent opacity within two (2) years of installation.

(D) The City of Hardeeville reserves the right, if it finds substantial needs for screening of the proposed PDD activity, to include within the buffer a six-foot high fence made of either brick, finished concrete, mortar, wood, stone, masonry units, faux masonry materials, or a combination of the above. The public view side of the fence shall include vegetative plantings which complement and enhance the fence.

(E) 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 vegetative screen plantings and the fence, if required, shall begin where the private property line and the public right-of-way intersect and extend to the rear lot line. This requirement will be modified as necessary to accommodate safe view corridors for vehicular and pedestrian ingress and egress.

(F) Required rear yard buffers and the fence, if required, shall extend the entire length of the rear lot line.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.700. Application and concept plan.

(A) A request for the PDD district shall be processed as an amendment to the zoning ordinance and official map(s), including the future land use maps and the Comprehensive Plan, if necessary.

(B) To secure a PDD district designation an application must be filed with a fee established by the City of Hardeeville. The City of Hardeeville reserves the right to require the applicant to reimburse the City for professional fees incurred in processing the application.

(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 City of Hardeeville Administrator or his designee. Applications and Concept Plans will be forwarded to the

Planning Commission for recommendation to the City of Hardeeville 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 justification of why a PDD designation is necessary to achieve them;

2. The types of uses proposed for the PDD, 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, offices or business parks or the like;

3. The total number of units for residential uses and the total number of acres, to include the range of residential lot, and the total square footage or acreage for commercial uses and institutional uses;

4. A general layout of roadways of major circulation, the anticipated rights-of-way (ROW) widths based on either ultimate traffic demands in accordance with the Institute of Transportation Engineers (ITE) Manual, (latest available edition) or a minimum of fifty (50) feet, whichever is greater; whether they are to be publicly or privately maintained, and a general statement as to the anticipated impact of the PDD project on public roads, including the ability of the public roads to have sufficient capacity to carry the additional traffic generated by the PDD at build-out, taking into consideration build-out of other impacting developments. The City of Hardeeville may require a traffic impact analysis as set forth in the MZDO, and a statement of need for mitigation (if any). If mitigation is required, a statement of proposed mitigation must be included;

5. A description or list of any proposed waivers or deviations from the Municipal Zoning and Development Ordinance regulations regarding either 1) generally applicable development standards; 2) specific zoning district regulations, or 3) any applicable Overlay district regulations, and what is proposed in their place;

6. Statement(s) from applicable utility service providers such as water, sewer (if applicable), telephone and electricity, trash and yard waste that service is available to the PDD, or what is required to render services available;

7. A proposed phasing schedule and average anticipated residential units or commercial square footage to be produced annually;

8. A statement identifying existing buildings, structures, or other facilities on the property;

9. Identification of adjacent landowners and existing land use and zoning of such properties, and proof of notification to adjacent landowners by certified mail of the 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 and external setbacks, vegetative buffer material and percent open space areas. Any deviation from the applicable MZDO standards must be accompanied by justification for such proposed deviation, which may or may not be granted, in City Council's sole discretion;

12. Proposed stormwater mitigation shall comply with Section 5.18 (Stormwater Management) (as may be hereafter amended) of the MZDO;

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 archeological sites or historic structures on the property, as defined by the South Carolina Department of History and Archives, including grave sites, 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;

16. Parking spaces shall be accounted for on the Concept Plan and shall be calculated in accordance with the MZDO. All parking spaces that are to be counted to meet parking requirements must be located on private property. Parallel parking on streets the developer anticipates will be maintained by the public cannot be counted in the parking requirements for the proposed development. The calculation of parking requirements is not to be construed as setting a minimum or maximum number of spaces to be required for any particular subsequent development activity, as such will be determined at the Master Plan and/or Development Plan; and

17. City Council may, in its sole discretion, accept a Concept Plan application which does not include all of the above elements for processing and consideration upon a showing by the applicant why such information is unavailable or impractical to provide. City Council reserves the right to require such omitted information to be supplied prior to final Concept Plan approval and second reading.

(F) The City Council will consider the application, Concept Plan, and recommendations from staff and the Planning Commission. The City Council shall examine, consider and address issues relating to financial impacts upon the City and Jasper County, environmental impacts and required infrastructure to serve the PDD. 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 City Council, City Council may request the review and recommendation of the Planning Commission relative to the additional information prior to study, review and consideration by City Council of the additional data or information. When necessary and appropriate to address such issues, the City of Hardeeville may require a development agreement as a prerequisite to approving a PDD hereunder, in accordance with the South Carolina Development Agreement Act.

(G) Upon approval by City Council of the application and Concept Plan and the

adoption of an ordinance to that effect, property greater than two hundred (200) acres or having been submitted as a Concept Plan pursuant to 4.21.2(B) as an unusually complex or environmentally shall be zoned PDD and the Concept Plan, as approved, shall be deemed part of the regulations applying to that particular PDD District. If the Concept Plan submitted by the applicant is approved, but modified without the written agreement of the applicant, the applicant shall have sixty (60) days after receipt of notice of approval of the modified Concept Plan to withdraw the Concept Plan by written notice to City Council. If withdrawn, the zoning for the areas within the Concept Plan shall be unchanged from the zoning existing before the application was submitted. Unless a waiver or deviation is secured as part of the approved Concept Plan, the regulations applicable to all uses in an approved Concept Plan shall be those of the most restrictive zoning district where such uses are allowed.

(H) A zoning of PDD 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 PDD 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 PDD 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 PDD is not deemed by the City of Hardeeville to constitute the commencement of activity or use that would abrogate exemptions, tax or otherwise, attendant to silvaculture activities.

(H) The developer of a PDD may sell or transfer ownership of development tracts within a PDD in accordance with the following procedures and provisions:

1. The developer must submit and have secured approval of a Concept Plan for the PDD;

2. Property covenants and restrictions must accompany the transfer of any development tract within the approved PDD 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 suitable for certification by the City of Hardeeville Administrator or authorized designated agent for the City authorizing the developer to record such plat with the Clerk of Court or Register of Deeds, including submissions in digital format as required by the general provisions of the MZDO, and subsequently record such plat prior to the sale or transfer of any development tract or phase: and

5. This procedure will not be permitted for the sale or transfer of an individual single-family lot or group of lots intended for construction of one (1) single-family dwelling.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.800. Master plan.

A Master Plan shall be developed for all or any portion of the PDD property to be developed. The Master Plan, as well as any fee as may be established by the City of

Hardeeville, shall be submitted to the City Administrator and the Staff Review Committee for review and a recommendation to City 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 PDD 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 and the names and addresses of the owner(s) of record, and the applicant, if different from the owner(s), with proof of authority to submit and process the application;

(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; and

8. Proposed conceptual street system layout, vehicular and pedestrian, with the written comments of the City's Engineer or designated Engineer.

(I) Traffic impact analysis as set forth in the MZDO or as required by staff or City Council, 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 City's Engineer or 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 DOT, 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 governance, operation and financial structure to be used to secure their maintenance management and long term improvements;

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;

6. A statement describing the character of, and rationale for, the proposed Master Plan; and

7. Other information or descriptions deemed reasonably appropriate by staff or City Council for review.

8. City Council may, in its sole discretion, accept a Master Plan application which does not include all of the above elements for processing and consideration upon a showing by the applicant why such information is unavailable or impractical to provide. City Council reserves the right to require such omitted information to be supplied prior to final Master Plan approval and second reading.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.900. Master Plan review/approval/amendment.

Upon review of the proposed Master Plan, City Council may move to approve or disapprove the Master Plan by a majority vote. City Council, upon majority vote, may request such additional reasonable information as it may deem reasonably necessary to evaluate the Master Plan prior to approval. Upon approval of the Master Plan by City Council in the case of property less than two hundred (200) acres or those that do not have an approved Concept Plan, and enactment of an ordinance to that effect, the property shall be zoned PDD, with the same rights and restrictions as set forth in Section 4.21.7(G) and (H). Any Master Plan reviewed and approved shall not be recordable with the Clerk of Court or Register of Deeds for the purpose of sale of any lots or parcels of land, and no land use or land disturbance activity, other than that in existence as of the time of the Master Plan approval, shall be permitted unless and

until the applicant has secured Final Development Plan approval per Section 4.21.1000 hereof, Plats, surveys and other information suitable for submission in digitized format for approved Master Plans shall be submitted to the City in both paper and digitized format, in accordance with adopted City procedures.

(A) Approved Master Plans may be revised, subject to the approval of the Hardeeville City Administrator or his authorized designee, for the following changes:

1. Minor changes in the location of roads or widths of streets or rights-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; and

3. Changes in the proposed build-out and phasing schedule.

(B) All phases of the PDD will be required to adhere to the latest version of the following standards at the time of Development Plan submittal:

1. All Articles of Section 5 General Development Standards.

2. Environmental quality standards.

3. City Fees.

4. 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 to City Council for ordinance amendment.

1. Re-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, and any proposed increase in density of the Master Plan; and/or

5. Lot sizes and dimensions.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.1000. Development plans.

Development plans are required to commence activity within any area or phase within the PDD district. Development Plans must be in conformance with the approved Master Plan and the procedural and substantive requirements of the MZDO, as amended, if at all, by the provisions of the PDD ordinances pertaining to the development. To secure a Development Plan approval, the applicant must submit to the City any administrative fee as may be established by the City 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, landscape architect or civil

(S) Two (2) 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 river, wetland, grave or historic site access, or, if these are not to be dedicated and are to remain private, a complete and detailed report of the procedures, fees and methods that address maintenance and improvements to these elements;

(U) Two (2) copies of final Homeowners or Property Owners' Association documents addressing ownership and maintenance of all improvements;

(V) City of Hardeeville and/or Jasper County Overlay district boundary lines (where applicable) denoted directly on the Development Plan;

(W) Tree survey and mitigation proposal consistent with the provisions of the MZDO;

(X) Copies of recorded deeds, plats or easements clearly documenting legal access to the development and any applicable encroachment permits; and

(Y) Bond or legal surety, acceptable to the City of Hardeeville, 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 City. Such bonds or other surety shall be payable to the City of Hardeeville and equal one hundred twenty-five (125) percent of a 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 Beaufort County 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-month time period afforded for completion of improvements may be granted one time by the City of Hardeeville. 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 affected 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 (125) percent of the cost of completion and of sufficient duration to secure the completion of the work.

(Z) Any other material or information required by the MZDO or requested by City Council or their designated staff.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.21.1100. Development Plan approval.

(A) A Development Plan shall be submitted to the Staff Review Committee or its designated agent and such other professional advisors as the City may designate. A Development Plan may be approved if:

1. It incorporates all information required by Section 4.21.1000;

2. It complies with the approved Concept and Master Plan;

3. It complies with the provisions of the Municipal Zoning and Development Ordinance appertaining to the PDD and/or any other Development Agreements, if applicable; and

4. All infrastructure systems have been reviewed and approved by all applicable reviewing authorities.

(B) Except as otherwise modified herein, the provisions of the Municipal Zoning and Development Ordinance in effect at the time of the application shall be applicable.

(Ord. No. 2004-1-8B, §§ 1, 2, 3-4-04)

4.22.1200. Prohibited Uses.

The following uses shall be prohibited in any PDD Zoning District:

a. Tattoo facilities.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.22. Highway 278 Corridor Overlay District (HCOD).

Overview. The Highway 278 Corridor is a seventeen-mile long, four-lane divided highway, consisting of a portion of U.S. 278 and the U.S. 278 Extension. The U.S. 278 Extension created the first direct, four-lane highway access from Interstate 95 to Hilton Head Island and is expected to open substantial development opportunities in the area. The Extension has also been designated as a scenic highway by the S.C. Legislature and should be developed in a way that does not threaten the unique aesthetic characteristics of the area. The Corridor begins in the City of Hardeeville, continues through Hardeeville, Jasper County, Beaufort County and ends at the Town of Hilton Head Island.

Goals. The following four (4) goals were identified in the Beaufort/Jasper County U.S. 278 Corridor Plan to promote economic development, encourage orderly land use and establish high quality design standards along the Corridor:

(1) Take advantage of the natural environment.

(2) Recognize and encourage the area's diversity.

(3) Create a unique sense of identity.

(4) Encourage development of planned sustainable communities.

Purpose. The purpose of this Section is to implement design standards recommended by the Hardeeville Planning Commission in that portion of the Highway 278 Corridor under the jurisdiction of the City of Hardeeville.

District Created. The Highway 278 Corridor District was created by previous ordinance of the City, and such overlay district shall remain in effect under this MZDO. The Highway 278 Corridor District is an overlay district and the requirements of this article are in addition to, and not replacing other, requirements of the Hardeeville MZDO. Whenever such requirements are in conflict, the stricter requirement as determined by the administrative official shall govern. The requirements of this article shall be in effect whenever a use permit, subdivision/development approval or sign permit is required by the City of Hardeeville MZDO.

District Boundaries. The Highway 278 Corridor District consists of all those lands lying within the Highway 278 Extension right-of-way and all those lands lying within five hundred (500) feet of the Highway 278 Extension right-of-way from U.S. Hwy 17 on the west to the City

of Hardeeville corporate boundaries on the cast.

Prohibited Uses. The following uses shall be prohibited in any HC0D Zoning District:

a. Tattoo facilities.

Highway Buffer.

(1) *Highway Buffer.* A minimum twenty-five-foot-wide continuous landscaped buffer shall be established and maintained parallel and adjacent to the entire Highway 278 Extension right-of-way. The highway buffer is separate and distinct from any buffer and/or open space requirements found elsewhere in the Hardeeville MZDO. Only the following uses and elements may be located in the buffer:

(a) Vehicular access drives which tie into approved access points and run perpendicular to the right-of-way.

(b) That portion of frontage road right-of-way landscaped to the highway buffer standards as allowed in Section 4.22 Frontage Road.

(c) Landscaped walls and fences less than six (6) feet high.

(d) Lighting.

(e) Landscaping fixtures.

(f) Signage.

(g) Underground utility lines, provided the buffer is restored.

(h) Overhead utility lines which run perpendicular to the highway right-of-way and located only in public utility right-of-way areas and are consolidated with access drives. Individual service and group development service lines shall be located underground.

(i) Drainage or stormwater detention areas.

(2) *Tree removal.* See Section 5.15.

(3) *Landscaping.* Each one hundred (100) linear feet of highway buffer, and every fraction thereon [thereof], shall contain at least eight (8) broadleaved over-story trees, eight (8) under-story trees and forty (40) shrubs. Three (3) cone-bearing over-story trees and one (1) under-story tree may be substituted for one (1) broad-leaved over-story tree.

(a) Broadleaved over-story trees shall be at least three (3) inches DBH and twelve (12) feet in height. Under-story trees shall be at least two (2) inches DBH and ten (10) feet in height. Shrubs shall be at least two and one-half (2.5) feet in height.

(b) Existing, as well as installed, plant material may be used to meet this requirement. Installed plant material shall conform to the American Association of Nurserymen "American Standard for Nursery Stock" standards.

(c) The purpose of this landscaping requirement is to achieve as nearly as practical a continuous vertical plane of canopy trees, under-story trees and shrubbery within the highway buffer.

(d) Trees and shrubbery shall only be pruned following standard horticultural practice. Due care shall be taken to water, fertilize and maintain plant material in the buffer. Plants which die shall be replaced

with like plants.

(e) A list of acceptable trees is attached to this section as Appendix B.

Frontage Roads. No frontage road or frontage road right-of-way shall be located in the highway buffer.

Access Points and Land Subdivision/Development.

(1) Every property within the Highway 278 Corridor District has access to a public roadway. No additional access points shall be allowed on the Highway 278 Extension, except as approved by the SC Department of Transportation (SCDOT) and the City of Hardeeville.

(2) No land within the Highway 278 Corridor District shall be subdivided unless vehicular access is provided using existing or additional access points and approved by the SCDOT and the City of Hardeeville.

Signage.

(1) No off-premise[s] outdoor advertising or signage shall be located in the Highway 278 Corridor District or be readable from the Highway 278 Extension roadway. Special exceptions may be made by the Hardeeville Zoning Appeals Board for off-premise advertising located within fifty (50) feet of the Interstate 95 right-of-way and that does not conflict with existing city, county or state regulations.

(2) On-premise[s] signage in the Highway 278 Corridor District shall meet the following standards:

(a) Contain no blinking, flashing or flickering lights, neon lights, message boards or changeable copy areas.

(b) Be at least ten (10) feet from the Highway 278 Extension right-of-way.

(c) Be no taller than fifteen (15) feet above ground level overall, except within fifty (50) feet of the I-95 right-of-way where the maximum height shall be forty (40) feet.

(d) Have no internal illumination, except shadow-lit signs, directional signs no larger than three (3) square feet or signs taller than fifteen (15) feet.

(e) For freestanding signage, have no more than one (1) square foot of signage face area for each linear foot of property frontage on Highway 278 Extension or access road, to a maximum of one hundred fifty (150) square feet of signage face area, except that the following signs shall not be included in this total:

(i) Parking lot directional signs, maximum of two (2) per Highway 278 Extension Access, no larger than three (3) square feet each.

(ii) Individual business signs no larger than four (4) square feet when part of a consolidated sign structure for a shopping center, office complex, business park, PUD or similar group development.

(f) For wall, window, roof, awning or any other type of attached (non-freestanding) signage, have no more than eighty (80) square feet of signage face area per business.

(3) The signage standards contained herein shall not apply to directional or

informational signs erected by a public agency and approved by the City of Hardeeville.

Architectural Design and Materials. It is the City of Hardeeville's intentions to require architectural design and materials in the Highway 278 Corridor District that promote the goals set out in Section 4.22, and to authorize the Architectural Review Board to administer such standards as are delegated to it by this MZDO.

(1) The following exterior materials and design features may be used in the Highway 278 Corridor District:

(a) *Siding.* Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block, smooth structural steel siding and artificial siding which closely resembles painted wood clapboard. Wood siding may be painted, stained, weathered or left natural.

(i.) Metal corrugated siding may be used on buildings with a total fully enclosed interior floor space in excess of three thousand (3,000) square feet if another approved, nonmetal siding material is used for the exterior of the entire building area facing the Highway 278 Extension and/or facing a development community parking area and for the first twenty-five (25) percent of the front to back area of any nonfrontage sides viewable from the Highway 278 Extension.

(b) *Roofs.* Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam, or tiles.

(c) *Features.* Pitched roofs, roof overhang, covered porches, canopies, awnings, trellises, gazebos and open wood fences.

(d) *Colors.* Earth tones (green, tans, light browns, terra cotta), grays, pale primary and secondary colors (with less than fifty (50) percent color value), white and cream tones, and oxblood red.

(2) The following exterior materials and design features shall not be used in the Highway 278 Corridor District:

(a) Plywood, cinder block, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard, as limited by the Architectural Design and Materials Section (1).

(b) Partial (less than three (3) sides) mansard roofs, flat roofs without a pediment, long unarticulated roofs, excluding gas station pumping area covers.

(c) Long, unarticulated or blank facades as limited in Architectural Design and Materials Section (2)(b).

(d) Incongruous architectural details or color contrasts resulting in a clearly disturbing appearance.

(e) Chain link or woven metal fences.

(f) Reflective materials as the main building feature.

(g) Highly reflective glass.

TABLE OF HIGHWAY BUFFER TREES

TABLE INSET:

Broad-Leaved Over-Story Trees	
American Beech	Fagus grandifolia
American Elm	Ulmus Americana
American Sycamore	Platanus occidentials
Ashleaf Maple	Acer negundo
Black Oak	Quercus veluntina
Black Gum	Nyssa sylvatica
Eastern Cottonwood	Populus deltoides
Honey locust	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 michauxll
Sweet Gum	Liquidamber styraciflura
Water Tupelo	Nyssa aquatica

Willow Oak	Quercus phellos
Cone-Bearing Over-Story 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	*Punus glabra*
Under-Story Trees	
Allegheny Chinkspin	*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*
Buckthorn Bumelia	*Bumelia lycioides*
Cabbage Palmetto (under 19" in height)	*Sabal Palmetto*
Carolina Ash	*Fraxinum caroliniana*
Caroline Basswood	*Tilla 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
;ronwood	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	Albidum
Sourwood	Oxydendrum arboreum
Southern Bayberry	Myrica cerifera
Southern Crab Apple	Malus augustifolia
Southern Red Cedar	Juniperis sillicicola
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*

(Ord. No. 2004-6-3B, § 1, 8-5-04)

4.23. Downtown Redevelopment Overlay District (DROD).

Intent. Hardeeville seeks to preserve, promote and control infill development and revitalization in its traditional City core. History demonstrates that a few traditional urban design conventions will generate building types and neighborhood forms which allow profitable, positive infill and change, which strengthen property values and appearance, and which offer a high quality of life. These conventions are derived from a number of sources in planning literature including: Civic Art by Hegemann and Peets, Great Streets by Allan B. Jacobs, The New Urbanism by Peter Katz and AIA Graphic Standards, 9th edition; Institute of Transportation Engineer Regulations, Design Urban Corridor's APA #418, Traditional Neighborhood Development street design guidelines, "Traffic Calming" APA #456.

For the City, those conventions have been applied at the scale in the Comprehensive Plan; this MZDO overlay district applies those lessons at the scale of the individual. This overlay district establishes new standards for land development in order to:

(1) Preserve and extend the historic neighborhood character through the design and placement of building types and public spaces;

(2) Create high-quality street spaces by using buildings to form an interesting and safe environment that works for pedestrians, bicyclists and motorists;

(3) Enhance the viability of local businesses and reduce travel demand by focusing growth in appropriate locations;

(4) Provide a measure of predictability to property owners and occupants about what may be built on their land or that of their neighbors, yet allow for a market-driven mixture of land uses; and

(5) Encourage a wide range of building types and sizes that will offer a measure of self-sufficiency and sustainability, and which will adapt gracefully to changeover time.

These design conventions come from a study of traditional buildings found in South Carolina, particularly in the Hardeeville area, and have been selected for their appropriateness

to the visual environment and climate. A primary goal of the district code is authenticity. The guidelines encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials.

In the case of conflict between these standards and any other local land development regulation, these standards shall apply.

District Boundary. The boundaries of the DROD as per the district map include the General Commercial District along Hwy 17 and Main Street, the Downtown Mixed Use District along Main Street, and all parcels along Main Street to the edge of the General Commercial District located on the southeast quadrant of City of Hardeeville. These boundaries are shown on the Official Hardeeville Zoning Map, Downtown Redevelopment District Overlay, dated March 20, 2003, which is hereby adopted as an Official Zoning Map of the City of Hardeeville, as it may from time to time hereafter be amended. Note: As the overlay district standards change from time to time, so shall the district map. The current boundary map is available from the zoning administrator.

Application Requirements. The following items are required for review, unless deemed not applicable by the zoning administrator:

a. A current site survey, no more than one (1) year old.

b. A current tree survey, no more than one (1) year old.

c. A site plan, drawn to scale, which shall indicate:

1. Building locations;

2. Parking locations and number of spaces;

3. Paved surfaces, materials and location(s);

4. Site location diagram and legal description;

5. Any and all exposures, as defined by NFPA, within one hundred fifty (150) feet of the proposed building on or off site.

d. Building elevations illustrating all sides of all structures.

e. Other reasonable supporting documents to indicate intentions and/or any other items required by the Architectural/Overlay Review Board.

Definitions.

Accessory Structure. A building or structure subordinate to the principal building or lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith. Accessory structures are permitted withal building types.

Alley. A secondary way which affords access to the side or rear of abutting property.

Appurtenances. Architectural features not used for human occupancy consisting of spires, belfries, cupolas or dormers, silos, parapet walls and cornices without windows, chimneys, ventilators, skylights, and antennas.

Awning. An architectural projection roofed with flexible material supported entirely from an exterior wall of a building.

Balcony. A porch connected to a building on upper stories supported by either a cantilever or by column son one (1) side.

Build-To Line. A line parallel to the property line, along which a building shall be built. Porches and handicap ramps shall be exempt from build-to requirements, and shall

occur behind the property line. Build-to line locations for specific sites shall be established by the Architectural/Overlay Review Board at the time of application.

Building Coverage. The horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level including courts and exterior stairways, but excluding uncovered decks, porches, patios, terraces, and stairways.

Building Frontage. The side of a building which faces the frontage street.

Colonnade or *Arcade.* A covered, open-air walkway at standard sidewalk level attached to or integral with the building frontage; structure overhead is supported architecturally by columns or arches along the sidewalk.

Dwelling Area. The total internal useable space on all floors of a structure, not including porches, balconies, terraces, stoops, patios or garages.

Front Porch. A roofed area, attached at the ground floor level or first floor level, and to the front of building, open except for railings and support columns.

Frontage Street. The public right-of-way, which serves as primary access to a property.

Garden Wall. A freestanding wall, no higher than seventy-two (72) inches, along the property line dividing private yards from streets, alleys and/or neighboring lots.

Height. The vertical distance from the lowest point on the tallest side of the structure to the ridge of the roof.

> *Note.* Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

Lot Frontage. The property line adjacent to the frontage street.

Marquee. A permanently roofed architectural projection, whose sides are vertical and are intended for the display of signs, which provides protection against the weather for the pedestrian, and which is supported entirely from an exterior wall of a building.

Special Exemption. Approval wherein one (1) or more of the standards set forth in this overlay district may be waived, on the basis of only impracticability or infeasibility, as determined by the Architectural/Overlay Review Board. A special exemption does not constitute a variance, and does not require proof of legal hardship.

Stoop. A small platform and/or entrance stairway at arouse (sic) door, commonly covered by a secondary roof or awning.

General Provisions. The following general provisions apply to all building types.

(1) *Fences, Garden Walls, and Hedges.* Fences, garden walls, or hedges are strongly encouraged and, if built, should be constructed along all unbuilt rights-of-way which abut streets and alleys. Maximum height shall be forty-eight (48) inches along front and side property lines adjacent to streets. Maximum height for rear and interior property lines shall be seventy-two (72) inches. Pillars and posts may extend up to six (6) inches above the height limitations provided such pillars and posts average no more than ten (10) feet apart. Fences and garden walls shall be a minimum of twenty-five (25) percent opaque. Fences made of chain-link (wholly or in part) are prohibited along all right-of-way lines which abut streets.

(2) *Parking.* Parking shall be placed along streets and in small, strategically located on-site lots.

a. *Off-Street Parking Lot Location and Design.*

1. Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking can be located to the side of building, but in no case shall the parking area be wider than fifty (50) percent of the lot frontage and in no case shall parking be located in front of a building.

2. Buildings that have both rear and side access shall access parking through the rear.

3. Front driveways to rear parking areas are permitted only where rear or side street access is unavailable.

4. Access through parking lots across property lines should be encouraged, especially when there is no alley.

5. Circular drives must be approved on a case-by-case basis by the Architectural/Overlay Review Board.

6. Garage door(s) shall be positioned no closer than twenty (20) feet behind the principal plane of the building front. Where space permits, garage doors shall face the side or the rear, not the front.

b. *Interior Parking Lot Landscaping Requirements.*

1. Landscaped islands are required in parking areas at the following intervals for either head-in or diagonal parking stalls: No more than eight (8) consecutive parking stalls are permitted without a landscape break of at least six (6) feting [feet in] width and extending the entire length of the parking stall. Each landscape break shall have at least one (1) tree for every ninety (90) square feet of area, or portion thereof, and be covered with grass, shrubs, or living ground cover. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged.

2. In lieu of landscaped islands, landscape strips of at least six (6) feet in width can be provided between parking isles. Landscape strips shall have the same landscape requirements as landscape islands.

c. *Parking Requirements.* The number of parking spaces provided for new commercial uses shall be no less than one (1) space per one thousand (1,000) square feet of gross floor area and shall not exceed one (1) space per three hundred (300) square feet of gross floor area of the commercial use. Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act. On-street parking provided adjacent to the development shall count as part of the required parking supply, provided the design is deemed acceptable by the Architectural/Overlay Review Board.

A residential parking plan shall be presented at the time of submittal and shall be approved and deemed appropriate by the Architectural/Overlay Review Board.

(3) *Accessory Structures.* Accessory structures are permitted and may contain parking, storage space, and/or accessory dwelling units.

Accessory dwelling units shall not be greater than six hundred twenty-five (625) square feet in area.

(4) *Exceptions from Build-To Lines.* Exceptions from build-to lines may be granted for avoiding trees with calipers greater than eight (8) inches.

Alternative build-to line locations may be established by the Architectural/Overlay Review Board at the time of application.

(5) *Lighting.* All exterior building floodlights shall be shielded or directed so that all of the illumination falls upon either the surface of the structure to be illuminated or on the ground. There shall be no light spillage in excess of one (1) foot-candle onto neighboring properties. These guidelines are not intended to prohibit the short-term (three (3) to five (5) minutes) illumination of properly operating lighting that may occur when a security motion detection device is activated.

Note. "Foot-candle"--A unit for measuring illumination, it is equal to the amount of direct light thrown by one (1) international candle on a square foot of surface every part of which is one (1) foot away.

Note. An encroachment authorization letter must be obtained from the City (or State as applicable) when building elements shown below encroach into the right-of-way.

(6) *Building Elements.*

a. *Door and Window Openings.* The primary entrance to the building shall be located on the exterior wall facing the frontage street.

Windows shall be rectangular, square, circular, semicircular, or octagonal. Rectangular window openings facing streets shall be oriented vertically.

Each facade facing streets shall contain fifteen (15) percent to seventy (70) percent of transparent materials on each story below the roofline.

b. *Colonnades/Arcades.*

Depth = Ten-foot minimum from the build-to line to the inside column face.

Height = Ten-foot minimum clear.

Length = Seventy-five (75) to one hundred (100) percent of building front.

Open multi-story verandas, awnings, balconies, and enclosed useable space shall be permitted above the colonnade.

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the build-to line and may encroach within the right-of-way.

On corners, colonnades may wrap around the side of the building facing the side street.

c. *Balconies.*

Depth = Five-foot minimum for second-floor balconies.

Height = Ten-foot minimum clear.

Length = Up to one hundred (100) percent of building front.

Balconies may differ in length and width.

Balconies shall occur forward of the build-to line and may encroach over the right-of-way.

Balconies may have roofs, but are required to be open, un-air-conditioned parts of the buildings.

On corners, balconies may wrap around the side of the building facing the side street.

d. *Marquees and Awnings.*

Depth = Five-foot minimum.

Height = Ten-foot minimum clear.

Length = Twenty-five (25) to one hundred (100) percent of building front.

The above requirements apply to first-floor awnings.

There are no minimum requirements for awnings above the first floor.

Marquees and awnings shall occur forward of the build-to line and may encroach over the right-of-way.

Awnings shall be made of fabric. High-gloss or plasticized fabrics are prohibited.

e. *Porches and Stoops.*

Porches.

Depth = Six-foot minimum.

Length = Twenty-five (25) to one hundred (100) percent of building front.

Porches and stoops may have multi-story verandas and/or balconies above.

Porches and stoops may occur forward of the build-to-line. Porches shall not extend into the right-of-way. Stoops may extend into the right-of-way with approval by the Architectural/Overlay Review Board. Sidewalks shall have clear access for pedestrians.

Porches and stoops are required to be open, un-air-conditioned parts of the buildings. Screens confront porches are permitted, but strongly discouraged.

(7) *Architectural Guidelines.* The lists of permitted materials and configurations come from study of traditional buildings found in South Carolina and have been selected for their appropriateness to the visual environment and climate.

A primary goal of the architectural guidelines is authenticity. The guidelines encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. The

Architectural/Overlay Review Board shall have authority to approve substitute materials for those listed as options under.

a. *General Requirements.* The following shall be located in rear yards or side yards not facing side streets:

1. Air-conditioning compressors;
2. Irrigation and pool pumps;
3. Clotheslines;
4. Clothes-drying yards;
5. Electrical utility meters;
6. Antennas; and
7. Permanent barbecues.

The following are prohibited:

1. Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening);
2. Plastic shutters within fifteen (15) feet of the right-of-way;
3. Reflective and/or bronze-tint glass;
4. Plastic or PVC roof tiles;
5. Backlit awnings;
6. Glossy-finish awnings;
7. Styrofoam cornices; and
8. Front-yard fences made of chain link, barbed wire, or plain wire mesh. Wire mesh fences may be permitted if installed in conjunction with landscaping which will provide minimum of twenty-five (25) percent opacity.

b. *Building Walls.*

1. *Permitted Finish Materials.*

(i) Wood siding, painted or natural (cypress and cedar preferred);

(ii) Cement-fiber siding (Hardi-Plank or equal);

(iii) Concrete masonry units with stucco (C.B.S.);

(iv) Reinforced concrete with stucco;

(v) Brick;

(vi) Tabby;

(vii) Vinyl siding (shall be approved on a case-by-case basis as defined in "special exception," definitions);

(viii) Aluminum siding (shall be approved on a case-by-case basis as defined in "special exception," definitions);

2. *Permitted Configurations.*

(i) Siding:

(A) Channel rustic seven (7) inches to the weather;

(B) Lap horizontal five (5) inches to the weather;

(C) Shiplap horizontal four (4) inches to the weather;

(ii) Concrete masonry units with stucco (C.B.S.);

(iii) Stucco: With smooth or light texture.

3. *General Requirements.* For Main Street shop front and boulevard buildings finished with masonry or stucco, an expression line shall delineate the division between the first story and the second story. An expression line shall either be a cornice or molding extending minimum of two (2) inches, or a jog in the surface plane of the building wall greater than two (2) inches.

c. *Garden Walls and Fences.*

1. *Permitted Finish Materials.*

(i) Wood: Painted white, left natural, or painted/stained with colors approved by the Architectural/Overlay Review Board;

(ii) Concrete masonry units with stucco (C.B.S.);

(iii) Reinforced concrete with stucco;

(iv) Wrought iron;

(v) Tabby;

(vi) Brick;

2. *Permitted Configurations.*

(i) Wood:

(A) Picket fences: Minimum thirty (30) percent opaque, with corner posts;

(B) Other: To match building walls;

(ii) Concrete masonry units with stucco (C.B.S.);

(iii) Stucco: With smooth or light texture to match building walls;

(iv) Wrought iron: Vertical, five-eighths-inch minimum dimension, four- to six- inch spacing;

(v) Tabby: Vertical or battered;

3. *General Requirements.* Fences, garden walls and hedges shall be minimum twenty-five (25) percent opaque.

Height along front and side property lines that abut the street: Up to forty-eight-inch maximum.

Height along rear property lines and side property lines not abutting the street: Up to seventy-two-inch maximum.

d. *Columns, Arches, Piers, and Porches.*

1. *Permitted Finish Materials.*

(i) Columns:

(A) Wood, painted or natural (cypress and cedar preferred);

(B) Concrete with smooth finish;

(ii) Arches:

(A) Concrete masonry units with stucco (C.B.S.);

(B) Reinforced concrete with stucco;

(iii) Piers:

(A) Concrete masonry units with stucco (C.B.S.);

(B) Reinforced concrete with stucco;

(C) Tabby;

(iv) Porches (railings, balustrades):

(A) Wood, painted or natural (cypress and cedar preferred);

2. *Permitted Configurations.*

(i) Columns:

(A) Square: Six-inch minimum, with or without capitals and bases;

(B) Sound [Round]: Six-inch minimum outer diameter, wither [with or] without capitals and bases;

(C) Classical orders;

(ii) Arches: Semi-circular, carried on piers only;

(iii) Piers: Sixteen-inch minimum dimension;

(iv) Porches:

(A) Railings: Two and three-fourth-inch minimum diameter;

(B) Balustrades: Four-inch minimum spacing, six-inch maximum spacing.

3. *General Requirements.*

(i) Column and pier spacing: Columns and piers shall be spaced no farther apart than they are tall.

e. *Roofs and Gutters.*

1. *Permitted Finish Materials.*

(i) Roofs:

(A) Metal (strongly encouraged):

(I) Galvanized;

(II) Copper;

(III) Aluminum;

(IV) Zinc-Alum;

(V) Terne;

(B) Shingles:

(I) Asphalt;

(II) Metal, "dimensional" type;

(C) Tile (other options preferred; permitted only if approved by the Architectural/Overlay Review Board).

(ii) Gutters:

(A) Copper;

(B) Aluminum;

(C) Galvanized steel;

(D) Other materials as approved by the Architectural/Overlay Review Board;

2. *Configurations.*

(i) Roofs:

(A) Metal: Standing seam or "five-vee," twenty-four-inch maximum spacing, panel ends exposed at overhang;

(B) Shingles: Square, rectangular, fish scale, shield;

(ii) Gutters:

(A) Rectangular section;

(B) Square section;

(C) Half-round section;

3. *General Requirements.*

(i) Permitted roof types: Gabled, hipped, shed, barrel vaulted and domed.

Flat roofs are discouraged except where used as outdoor useable space. Applied mansard roofs are not permitted.

(ii) Exposed rafter ends (or tabs) at overhangs are strongly recommended.

(iii) Downspouts are to match gutters in material and finish.

(iv) In no case shall the roof overhang or drip line exceed the property line.

f. *Windows, Skylights, Storefronts and Doors.*

1. *Finish Materials.*

(i) Windows, skylights, storefronts, frames;

(A) Wood;

(B) Aluminum;

(C) Copper;

(D) Steel;

(E) Vinyl-clad wood;

(ii) Doors: Wood, metal or fiberglass;

Note. Aluminum and steel as authorized in commercial applications only.

1.1. *Glass.*

(i) Clear and low E glass;

(ii) Tinting above fifty (50) percent of light transmission factor is authorized but shall be approved on a case-by-case basis;

(iii) Reflective, reflective coating and mirror glazing is prohibited.

2. *Configurations.*

(i) Windows:

(A) Rectangular;

(B) Square;

(C) Round (eighteen-inch maximum outer diameter);

(ii) Window operations:

(A) Casement;

(B) Single- and double-hung;

(C) Industrial;

(D) Fixed frame (thirty-six (36) square feet maximum);

(iii) Skylights: Flat to the pitch of the roof;

(iv) Door operations:

(A) Casement;

(B) Sliding (not facing streets);

3. *General Requirements.* Rectangular windows facing streets shall have vertical orientation. The following accessories are permitted:

(i) Shutters (standard or Bahama types);

(ii) Wooden window boxes;

(iii) Real mentions and mullions;

(iv) Fabric awnings (no backlighting; no glossy-finish fabrics);

Storefront Areas Only. The ground-floor building frontage shall have storefront windows covering no less than twenty-five (25) percent of the ground-floor building frontage wall area. Storefronts shall remain uncluttered at night and shall utilize transparent glazing material and shall provide view of interior spaces lit from within. Where building frontages exceed fifty (50) feet, doors or entrances with public access shall be provided at intervals averaging no greater than fifty (50) feet.

g. *Signs.*

1. Finish materials.

(i) Wood: Painted or natural;

(ii) Metal: Copper, brass, galvanized steel;

(iii) Painted canvas;

(iv) High-density urethane;

2. *Configurations.* The total area of detached or freestanding on-premise[s] signs per individual business property shall in no case exceed twenty-four (24) square feet.

3. *General Requirements.* Signs shall be externally lit.

Signage in the overlay district must comply with the underlying zoning. Window signs shall not exceed twenty-five (25) percent of total window area per window.

[4.] *Building Types.* New buildings under this overlay district are regulated by building type. They are mandatory for areas in the District as delineated in the map. Permitted uses are all those indicated in the City MZDO.

The following building types are described in this Code:

(1) Cottage;

(2) House;

(3) Side yard house;

(4) Large house or apartment house;

(5) Duplex;

(6) Row house;

(7) Main Street shop front building;

(8) Corner store;

(9) Boulevard building;

(10) Industrial and workshop building;

(11) Civic building;

(12) "Exceptional types" require special Architectural/Overlay Review Board approval for site planning and building design. Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment. All building types described herein are permitted throughout the Traditional City Overlay District, except:

(1) Boulevard buildings are permitted on Hwy 17 only.

(2) Industrial, workshop buildings, and "exceptional types" require Architectural/Overlay Review Board approval for specific locations.

On the following pages, diagrammatic examples aroused to illustrate example building locations, configurations, and dimensions.

Cottage. A cottage is a single residential unit with yard on all four (4) sides, well suited for shallow or narrow lots.

TABLE INSET:

Building Placement: Cottage	
Lot widths	25-foot minimum;
Build-to line locations	Corner lots. 5--15 feet from front property line 5--15 feet front side street property line
	Interior lots. 10--20 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	30--80 percent of lot frontage
Building coverage	75 percent maximum
Dwelling area	400 square feet minimum
Height:	

Maximum height	38 feet above grade
First-floor elevation	2 feet above grade, minimum

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Buildings are required to have either a front or side porch (may be waived or replaced by a stoop with Architectural/Overlay Review Board approval).

House--25-foot Minimum Lot Width. A house is a single residential unit with yard on all four (4) sides, suited to small and medium-sized lots.

TABLE INSET:

Building Placement: House 25-foot minimum lot width	
Lot widths	25 foot minimum;
Build-to line locations	Corner lots. 5--15 feet from front property line 5--15 feet from side street property line
	Interior lots. 10--20 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	30--80 percent of lot frontage
Building coverage	50 percent maximum
Dwelling area	600 square feet minimum
Height:	
Maximum height	48 feet above grade
First-floor elevation	2 feet above grade, minimum

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Buildings are required to have either a front or side porch (may be waived or replaced by a stoop with Architectural/Overlay Review Board approval).

House--30-foot Minimum Lot Width. A house is a single

residential unit with yard on all four (4) sides suited to small and medium-sized lots.

TABLE INSET:

Building Placement: House 30-foot minimum lot width	
Lot widths	30 foot minimum;
Build-to line locations	Corner lots. 5--15 feet from front property line 5--15 feet from side street property line
	Interior lots. 10--20 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	30--70 percent of lot frontage
Building coverage	50 percent maximum
Dwelling area	600 square feet minimum
Height:	
Maximum height	48 feet above grade
First floor elevation	2 feet above grade, minimum

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Buildings are required to have either a front or side porch (may be waived or replaced by a stoop with Architectural/Overlay Review Board approval).

Side Yard House. A side yard or "single" house is pushed to the front and one (1) side of its lot, with a side porch facing the side yard which is usually to the south or west. A fence or wall divides the side yard from the street space.

TABLE INSET:

Building Placement: Side Yard House	
Lot widths	30-foot minimum;
	Corner lots. 0--10 feet from front property line

	0--10 feet from side street property line
Build-to line locations	Interior lots. 5--15 feet from front property line
Side setback	0 feet for primary structure 0 feet for accessory structure
Building frontage	30--70 percent of lot frontage
Building coverage	50 percent maximum
Dwelling area	600 square feet minimum
Height:	
Maximum height	48 feet above grade
First floor elevation	2 feet above grade, minimum

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Buildings are required to have either a front porch or stoop.

(3) Side porches are strongly encouraged.

Large House or Apartment House. A large house or apartment house has yard on all four (4) sides. Its large enough to be subdivided into two (2) or more complete, separate dwelling units. It is suited to larger lots.

TABLE INSET:

Building Placement: Large House Or Apartment House	
Lot widths	50-foot minimum
Build-to line locations	Corner lots. 10--20 feet from front property line 10--20 feet from side street property line
	Interior lots. 15--25 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	40--70 percent of lot frontage
Building coverage	40 percent maximum

Dwelling area	600 square feet minimum
Height:	
Maximum height	48 feet above grade
Minimum height	2 stories
First floor elevation	2 feet above grade, minimum

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Buildings are required to have either a front or side porch (may be waived or replaced by a stoop with Architectural/Overlay Review Board approval).

Duplex. A duplex has yard on all four (4) sides. It is subdivided into two (2) complete dwelling units with separate entrances. Typically, this type is used for corner lots, with one (1) entrance facing the frontage street and the other entrance facing the side street.

TABLE INSET:

Building Placement: Duplex	
Lot widths	30-foot minimum;
Build-to line locations	Corner lots. 5--15 feet from front property line 5--15 feet from side street property line
	Interior lots. 10--20 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	40--70 percent of lot frontage
Building coverage	40 percent maximum
Dwelling area	600 square feet minimum
Height:	
Maximum height	48 feet above grade
First floor elevation	2 feet above grade, minimum

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Building fronts are required to have at least one (1) front porch.

(3) A front porch may be shared.

Row house. A row house is pushed to the front of its narrow lot and shares one (1) or more common walls with its neighboring units. Entry is usually through a covered stoop.

TABLE INSET:

Building Placement: Row House	
Lot widths	16-foot minimum;
Build-to line locations	Corner lots. 0--15 feet from front property line 0--15 feet from side street property line
	Interior lots. 10--20 feet from front property line
Side setback	None for primary building or accessory structure
Building frontage	75--100 percent of lot frontage
Building coverage	85 percent maximum
Dwelling area	600 square feet minimum
Height:	
Maximum height	48 feet above grade
Minimum height	2 stories
First floor elevation	2 feet above grade, minimum (4 feet recommended)

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Building fronts are required to have either a front porch or a stoop.

Main Street Shop Front Building. A shop front building is the basic unit of a traditional mixed-use street. It is pushed to the front of its lot and features a ground floor that is roughly level with the sidewalk. The ground floor facade on the street side has a substantial amount of transparent window and door openings.

TABLE INSET:

Building Placement: Main Street Shop Front Building	
Lot widths	25-foot minimum 200-foot maximum
Build-to line locations	Corner lots. 0 feet from front property line 0 feet from side street property line
	Interior lots. 0 feet from front property line
Side setback	None
Building frontage	70--100 percent of lot frontage
Building coverage	80 percent maximum
Height:	
Maximum height	48 feet above grade
Minimum height	2 stories
First-floor elevation	None

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Building fronts are required to have at least one (1) of the following: Front porch, arcade, colonnade, second-floor balcony, marquee, or awning.

(3) Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

Corner Store. A corner store is well suited for intimate neighborhood center commercial applications. It is pushed to the front of its lot and features a ground floor roughly level with the sidewalk and highly transparent ground floor facade.

TABLE INSET:

Building Placement: Corner Store	
Lot widths	25 foot minimum 200 foot maximum
Build-to line locations	Corner lots. 0 feet from front property line 0 feet from side street property line Interior lots. 0 feet from front property line
Side setback	None
Building frontage	70–100 percent of lot frontage
Building coverage	80 percent maximum
Height:	
Maximum height	48 feet above grade
Minimum height	2 stories
First floor elevation	None

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Building fronts are required to have at least one (1) of the following: Front porch, arcade, colonnade, second floor balcony, marquee, or awning.

(3) Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

Boulevard building. A boulevard building is configured to line wider, more heavily traveled thoroughfares. It is pushed to the front of its lot and features a ground floor roughly level with the sidewalk.

TABLE INSET:

Building Placement: Boulevard Building	
Lot widths	25-foot minimum 200 foot maximum
Build-to line locations	Corner lots. 0 feet from front property line 0--5 feet from side street property line Interior lots. 0--5 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	70--100 percent of lot frontage
Building coverage	60 percent maximum
Height:	
Maximum height	58 feet above grade
Minimum height	2 stories
First floor elevation	None

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Buildings are required to have at least one (1) of the following per one hundred (100) feet: Front porch, arcade, colonnade, second floor balcony, marquee, or awning.

(3) Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

Industrial and Workshop Building. Industrial and workshop buildings are pushed to the front of their lots and may feature large flexible workspaces with smaller office spaces along the street edge.

TABLE INSET:

Building Placement: Industrial and Workshop Building	
Lot widths	50 foot minimum 200 foot maximum
Build-to line locations	Corner lots. 0--5 feet from front property line 0--5 feet from side street property line
	Interior lots. 0--5 feet from front property line
Side setback	0--5 feet for primary structure 0 feet for accessory structure
Building frontage	50--100 percent of lot frontage
Building coverage	50 percent maximum
Height:	
Maximum height	38 feet above grade
First floor elevation	None

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Arcades, colonnades, second floor balconies, marquees, and awnings are optional.

Civic Buildings. Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, daycare centers, recreation facilities, and places of assembly.

TABLE INSET:

Building Placement: Civic Building	
Lot widths	Negotiated
Build-to line locations	Negotiated
Side setback	Negotiated
Building frontage	Negotiated
Building coverage	75 percent maximum
Height:	

Maximum height	58 feet above grade

Note:

(1) Appurtenances may extend beyond the height limit.

(2) Building placement requirements for civic buildings shall be established by the supervising planner at the time of application. Civic buildings should be sited in locations of particular geometric importance, such as anchoring a major public space or green, or terminating a street vista.

(3) Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

Exceptional Types. Exceptional building types are those which require special ZBOA approval for location, site planning and building design. Exceptional types include:

(1) Gas stations;

(2) Drive-through restaurants and banks;

(3) Convenience stores;

(4) Anchor stores (greater than twenty thousand (20,000) square feet);

(5) Parking structures;

(6) Cinemas.

Prohibited Uses. The following uses shall be prohibited in any DROD Zoning District:

a. Tattoo facilities.

(Ord. No. 2004-6-3B, § 1, 8-5-04)

ARTICLE 5. GENERAL DEVELOPMENT STANDARDS

5.1. Applicability.

All subdivision/development of land and development in the City of Hardeeville shall conform to the requirements of this Section, unless specific standards in accordance with the enactment of a Planned Unit Development in accordance with Section 512.2(D)(2) of Appendix A of the former Hardeeville Zoning Ordinance were adopted as part of that Planned Unit Development, or are specifically exempted from these standards by a provision of this MZDO.

5.2. Streets.

Street Access. Except as herein provided, no building shall hereafter be erected, constructed, moved or relocated on a lot not located on a publicly maintained street with a right-of-way of not less than fifty (50) feet.

Classification of Streets. For the purpose of this Ordinance, all public streets in Hardeeville are hereby classified as being either major or minor streets. Each major street in Hardeeville is designated on the Zoning Map. Such streets designated as major are as follows: Interstate 95, Frontage Road, Highways 46, 17, 321, and 141 (Warren Street); Avenues: Moorer and Jenkins; Streets: Martin, Boyd and Bush; Roads; Paynesville. All other streets shall be considered as minor streets.

Standards. The layout of proposed streets, whether public or private, as to the arrangement, width, grade, and location should be coordinated with the street system in the adjoining areas, considering topography, natural features, and drainage systems existing and to be provided. Minor streets should be laid out so that their use by through traffic will be discouraged. Street jogs, or centerline offsets in the horizontal alignment of streets across intersections, shall be prohibited. Dead-end streets, designed to be so permanently, shall be no longer than one thousand five hundred (1,500) feet and shall be provided with a cul-de-sac. The cul-de-sac shall have a right-of-way radius of no less than fifty (50) feet and a solid paved circular area with a radius of forty (40) feet. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal. Landscaping may be utilized in the center of the cul-de-sac turnaround areas, if approved by City staff, including the Fire Chief and Chief of Police.

Standards for public streets shall abide by the current standards enacted by the County of Jasper, South Carolina, except all public streets shall have curbs, gutters and sidewalks on both sides of the street, and must be accepted by either the State of South Carolina, Jasper County, or dedicated to a Property Owner's Association/Home Owner's Association that will assume the responsibility of maintenance. A letter of commitment is required along with appropriate deeds as legally recorded.

Standard for private roads, when approved for a project and are not to become a public responsibility, are to be so indicated on plats of the development and to be so noted in the covenants and agreements which control or follow the property. The minimum requirements for inverted crown roads shall be:

1. Transverse slopes shall be a two (2) percent minimum.
2. Longitudinal slopes shall be a one (1) percent minimum.
3. No utilities shall be placed under pavement, excluding stormwater drainage.
4. A geotechnical report and analysis shall be performed by a qualified engineer to determine if the soil is suitable for Inverted Crown Roads. The water table elevation shall also be determined.

5. The road cross-section shall consist of the following:

a. Twenty-four (24) inches compacted sub-base with satisfactory soils that conform to the requirements of SCDOT Specifications.

b. Six-inch stabilized aggregate base course that conforms to the SCDOT specifications.

c. Two-inch hot-laid asphalt concrete surface course that conforms to SCDOT specifications.

d. The surface course shall be Type 1.

6. Where the seasonal water table is less than three (3) feet below predevelopment grades, all designs shall contain a minimum of fifty (50) feet of six-inch perforated pipe sub-grade drain encased with minimum of six (6) inches of #57 stone and wrapped completely with filter fabric on each side of drop inlets. Each section shall enter the drop inlet a minimum of one (1) foot above the storm drainage pipe invert elevation.

7. Road shall consist of twenty-two-foot (22') pavement, with two-foot shoulders.

8. Road shall have a minimum inlet spacing of five hundred (500) feet or less, depending on stormwater inlet spread calculations.

9. All inlets shall be four (4) feet by four (4) feet minimum.

10. All intersections shall have sufficient inlets to keep stormwater out of the intersection.

11. All discharges of stormwater in saltwater wetlands shall meet or exceed the Water Quality Control Standards DHEC OCRM.

12. There shall be a fifty-foot transition area for intersections and changing to a different road cross-section.

13. Road shall be designed so that potential for hydroplaning be reduced to a minimum (i.e., stormwater spread calculations).

14. The Engineer designing the road will produce a summary on how these criteria are accomplished.

15. Inverted Crown Roads are to be utilized for residential, low volume traffic usage only.

16. 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 sub-grade including the twenty-four inch (24") compact sub-grade. No existing standing trees which are adversely impacted by 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 certified arborist in determining the impact and survivability of individual trees.

Access to Major Thoroughfares. Street, driveway or other access separation along County, 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 a stated exception or by request for a variance, must be accompanied by:

1. Ownership and recording data associated with the 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, including but not limited to, joint use with adjoining properties, access from adjacent minor street, establishment of a frontage road, etc.; and

3. Application for a variance as set forth in this MDZO; and

4. Map or plan showing surveyed distance to the nearest existing ingress/egress points from those proposed.

Driveway Linkage Between Commercial Development. To the extent practical, as determined by the Staff Review Team, driveways on adjacent commercial and office uses shall be linked, to provide for movement from one (1) such development to another without the necessity of returning to the public roadway. A driveway stub-out section shall be incorporated adjacent to a vacant lot or parcel, if that vacant lot or parcel is located in a district allowing for commercial development. 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.

Traffic Impact. If trips per peak hour for any development exceed seventy-five (75), appropriate acceleration and deceleration lanes will be required at any of the development's access points as approved by the City Engineer. Final approval will not be given for a development until suitable arrangements with the City of Hardeeville are made to ensure that there are no decrease in levels of service at adjacent roads and intersection.

5.3. Lots.

[Design Standards.] All lots which shall hereafter be established within a subdivision/development shall comply with the following design standards:

1. *Street Access.* All lots shall abut on a street which conforms to the design requirements of this Ordinance. Minimum street frontage shall be fifty (50) feet, except on cul-de-sacs, which shall have a minimum of thirty (30) feet, with fifty (50) feet at the building line. Flag lots are prohibited, except by application for variance to the Zoning Board of Appeals demonstrating that there is no practical way to subdivide the property and provide access to the interior lot except by such. Driveway access for flag lots, if any shall be permitted by the ZBOA, must include driveway access suitable for passage by emergency vehicles.

2. *[Lot Requirements.]* Insofar as [is] 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 be not less than one (1) or more than five (5) times their width. Each lot shall have a minimum usable lot area equal to or greater than seventy-five (75) percent of the gross lot area for the minimum lot standards of the district. This is calculated by subtracting the area of wetlands and wetland setbacks from the gross area. This provision does not apply to districts in which the minimum lot size is less than twelve thousand (12,000) square feet. As an alternative to disallowing any lot that does not meet the minimum usable lot area as defined 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 drain field (as may be required) and potable water service, the City Engineer may approve such a lot for development. An acceptable method for demonstrating that the substandard lot is suitable for development will be for the Design Engineer to provide a site drainage plan for the lot which locates the building, the driveway, the septic drain field (as required), and the potable water service.

3. *[Drainage.]* Lots shall be provided with adequate drainage and shall be graded so as to drain 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 rains. The entire lot shall be properly drained at a minimum slope of one-eighth inch per foot toward the roadside and/or lot swales. In no event should the lot be graded so as to throw the stormwater onto the adjacent property or lot, except into a common ditch or swale established within an easement area on such property or lot for that purpose.

Any remnants or lands not meeting all of the requirements of this Ordinance shall be incorporated into either existing or proposed lots, or shall be legally deeded to a Homeowners or Property Owners Association.

In order that there may be convenient access between various parts of a subdivision/development and between the subdivision/development and surrounding areas, and in order to relieve traffic congestion and traffic hazards, the length between intersecting streets hereafter shall not exceed eighteen hundred (1,800) feet.

Corner Lots. On lots having frontage on more than one (1) street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street or streets of less importance. If the streets are designated on the Zoning Map as being of equal importance, then the property owner can choose the street along which he wishes to reduce his front yard requirement. However, in no case, shall the setback be reduced to less than fifteen (15) feet. The minimum front yard for the portion in accordance with the provisions established by this Ordinance for the District in which the lot is located. (sic)

Location of Building on Lots and Residential Limitations. Every building or use hereafter erected or established shall be located on a lot; and every one- and two-family residential structure, except as herein provided, shall be located on an individual lot. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines as outer boundaries and in no case shall such buildings infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the District in which the lot is located. The first-floor elevation of all new or moved structures subsequent to the passage of this Ordinance shall be in compliance with the minimum height requirements of established Federal Flood Insurance Program flood boundaries.

Double Frontage Lots. On lots having frontage on two (2) streets, but not located on a corner of two (2) or more streets, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance on at least two (2) of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of Corner Lots Section.

Special Front Yard Requirements for Dwellings in Developed Areas. The setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback on already built upon lots located within one hundred (100) feet on each side of such lot and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. Also, in no case shall such setbacks be less than fifteen (15) feet.

Measurement of Front, Side, Rear Yards; Determination of Building Area. The required front, side and rear yards for individual lots, as set forth for the particular district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "Buildable Area".

5.4. Home Occupations.

Home occupations shall be permitted in any Residential District provided that such occupation:

(a) Is conducted by no other persons than members of the family and not more than two (2) other employees who are not residents residing on the premises;

(b) Is conducted within the principal building with no display or storage of anything outside the principle building;

(c) Utilizes not more than twenty-five (25) percent of the total floor area of the principal building;

(d) Produces no alteration or change in the character of exterior appearance of the principal building front of a dwelling;

(e) Involves no sales or offering for sale of any article not produced or assembled by members of the family or employees, or any service not performed by members of the family or employees on the premises;

(f) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition. No equipment or process shall be used that creates a visual or audible interference in any radio or television receivers off the premise[s] or causes flotation of line voltages off the premise[s].

(g) Normal business hours shall be limited to 8:00 a.m. to 8:00 p.m. At no time shall customers exceed three (3) during normal working hours. Business that operate between hours of 8:00 p.m. and 8:00 a.m. shall be of a type that is quiet in nature such as clerical, bookkeeping, accounting, computer, etc., and do not create other than normal residential traffic on the surrounding area;

(h) Ensures that the applicant for such home occupation must:

1) Demonstrate that the proposed business use will not occupy more than twenty-five (25) percent of the dwelling or accessory structure;

2) Present a petition signed by all the property owners within one hundred fifty (150) feet of the property boundaries upon which the home occupation is to occur, stating their agreement or disagreement with the proposed use;

3) Demonstrate a sufficient amount of off-street parking as defined in Article 5, General Development Standards of this Ordinance exist or shall be created upon the premises for the home occupation; and

4) Present these items to the Zoning Administrator for approval;

(i) Ensures that businesses requiring appropriate state licensing shall receive appropriate licensing before a Zoning Permit and Business License is issued by the City of Hardeeville;

(j) Does not involve automobile and/or body repairing; greenhouse or commercial nurseries and truck farming; food handling, processing or packing of food other than catering services that utilize standard home kitchen equipment; repair, manufacturing and processing uses, except that of a seamstress, where goods are manufactured for stock, sale or distribution; restaurants; and uses that harbor, train, raise, or treat dogs, cats, birds, other animals on-site.

The Zoning Administrator can defer the request to the ZBOA as a special

exception use for their consideration and approval at a public hearing if, in his opinion, the home occupation request would create adversity in the neighborhood or he may deny the home occupation permit.

5.5. Accessory Uses.

In addition to the principal use, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

Uses Customarily Accessory to Farms and Other Agricultural Uses.

(a) Private airfields or air strips, together with subordinate uses;

(b) Private garages;

(c) Cemeteries;

(d) Barns, stables and other facilities for livestock;

(e) Shed or tool room for the storage of equipment used in grounds or building maintenance;

(f) Storage facilities for produce;

(g) Greenhouses;

(h) Condensers;

(i) Creameries;

(j) Feed lots;

(k) Facilities for hatching or butchering of fowl;

(l) Private swimming pool and bathhouse or cabin;

(m) Private dock or boathouse;

(n) Swimming beach.

(o) Trash Facilities: All private trash receptacles (dumpsters, trashcans, etc.) shall be hidden or screened from view. Screening shall be compatible with the architectural style of the primary structure. Unscreened facilities shall come into compliance immediately following the passage of this MZDO.

Uses Customarily Accessory to Dwellings.

(a) Private garage not to exceed the following storage capacities:

(1) *One- or Two-Family Dwellings* Four (4) automobiles;

(2) *Multi-Family Dwellings.* Two (2) automobiles per dwelling unit;

(3) *Group Dwellings.* One and one-half (1.5) automobiles per sleeping room.

(b) Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under Subsection Used Customarily Accessory to Dwellings (a) above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one (1) ton or less in capacity per family residing on the premises.

(c) Shed or tool room for the storage of equipment used in grounds or building maintenance, not to exceed forty (40) percent of the square footage of the dwelling house.

(d) Private swimming pool and bathhouse or cabana.

(e) Private dock or boathouse.

(f) Swimming beach.

(g) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

(h) Trash Facilities: All private trash receptacles (dumpsters, trashcans, etc.) shall be hidden or screened from view. Screening shall be compatible with the architectural style of the primary structure. Unscreened facilities shall come into compliance immediately following the passage of this MZDO.

Uses Customarily Accessory to Church Buildings.

(a) Religious education buildings.

(b) Kindergartens.

(c) Parsonage, pastorium or parish house, together with any use accessory to a dwelling as listed under Subsection Uses Customarily Accessory to Dwelling above.

(d) Off-street parking area for the use without charge of members and visitors to the church.

(e) Cemeteries provided that they are not located in any Residential District.

(f) Trash Facilities: All private trash receptacles (dumpsters, trashcans, etc.) shall be hidden or screened from view. Screening shall be compatible with the architectural style of the primary structure. Unscreened facilities shall come into compliance immediately following the passage of this MZDO.

Uses Customarily Accessory to Retail Business, Office Uses and Commercial Recreation facilities.

(a) Off-street parking or storage area for customers, clients, or employees.

(b) Completely enclosed building for the storage of supplies, stock or merchandise.

(c) Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located, and provided such operation is not otherwise specifically prohibited in the District in which the principal use is located.

(d) Private air fields or airstrips, together with subordinate uses.

(e) Sheds or tool rooms for the storage of equipment used in operations or maintenance.

(f) Private swimming pools, bathhouses, or cabanas.

(g) Swimming beach.

(h) Bait house.

(i) Agricultural products stand, not to be construed to include peddlers of nonagricultural products, provided all setback requirements or [are] observed in the Commercial District where located, and further provided that such a stand be disassembled after the growing season, not later than October 1 of any year, and such stand complies with the sign regulation for the Zoning District within which it is located, and furthermore, does not create a hazard to local traffic patterns.

(j) Trash cans, street furniture, and other related site furnishings located on private property shall not contain any commercial message such as a name or logo of a business.

(k) Trash facilities/loading docks: All trash receptacles (dumpsters, trash cans etc.) and loading docks shall be hidden or screened from view. Screening shall be compatible with the architectural style of the primary structure. Unscreened facilities shall come into compliance by October 1, 2003.

Uses Customarily Accessory to Public Uses, Building or Activities. There shall be no limitations regarding accessory uses to any use, building or activity operated within public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal public use.

(Ord. No. 06-05-03E, 6-19-03)

5.6. Conditional and Temporary Uses.

Conditional uses, as set forth in Article 4 of this MZDO, and temporary uses, as set forth in this Section, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the District within which they are proposed for location.

General Requirements. Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein and elsewhere in this Ordinance, with particular reference to those requirements established for those Districts in which they are proposed for location.

Conditional Use Administration and Duration. Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this Article, prior to the issuance of any permits.

Temporary Uses. The Zoning Administrator is authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses, as follows:

(a) Real-estate sales office, in any district except CP, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

(b) Contractor's office and equipment sheds, in any District, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.

(c) Temporary tent sales or sidewalk sales of items shall be permitted when conducted by and on the premises of a business operating out of a permanent structure on said premises and offering for sale similar merchandise as offered within the permanent structure without a zoning certificate as long as the setback requirements for the particular zoning District are not violated. Under no

circumstances shall this provision be construed to permit peddlers or hawkers to operate on any premises.

(d) Temporary seasonal sales of unprocessed agricultural or horticultural products related to the seasonal demand or availability of such product; including, but not limited to, fresh fruits and/or vegetables, Christmas trees, and bedding plants may be permitted provided that:

(1) Horticultural and agricultural products shall exclude nonedible flora which is ordinarily available through established floral outlets without regard to season,

(2) Temporary seasonal sales operators submit a Site Plan for review by the appropriate City officials, and

(3) Such operations are limited to six (6) months of operation.

(e) All temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

5.7. Nonconforming Buildings or Uses and Use Discontinuance.

Nonconforming Buildings or Uses. Nonconforming buildings or land uses are declared by this Ordinance to be incompatible with permitted uses in the Districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use or portions thereof, shall not be:

(a) Changes to another nonconforming use;

(b) Reused or reoccupied after discontinuance of use or occupancy for a period of thirty (30) days or more;

(c) Re-established, reoccupied or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance for a period of thirty (30) days or more.

(d) Repaired, replaced, rebuilt or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction as determined by the Zoning Administrator or assigned agent.

(e) Enlarged or altered in a way which increases in nonconformity.

Nonconforming Building or Use Discontinuance. Notwithstanding other provisions of this Ordinance, certain nonconforming buildings or land uses, after this Ordinance is enacted into law, shall be discontinued and/or shall be torn down, altered or otherwise made to conform with this Ordinance within the periods of time set by City Council. Upon application to the Zoning Board of Appeals, the Board, either according to general rule or upon findings in the specific case, may permit not more than one (1) extension for not more than the time indicated in the Nonconformity Compliance Schedule below.

Upon learning or determining that a building or use is nonconforming, the Zoning Administrator shall send a written notice the owner of the property that is nonconforming stating in what manner the property does not conform to said Ordinance to inform the owner of the nonconformity.

Manufactured Home Nonconformities. All manufactured home sites existing prior to the enactment of Ordinance 92-1 (the prior Zoning Ordinance of the City of Hardeeville) are exempt from all requirements as otherwise specified in this Ordinance, except those specified in Section

4.9 FA Conditional Uses, until such time that the said lots change ownership; whether by fee simple or any other means of conveyance. Upon change of ownership, said property will be subject to all provisions of this Ordinance.

Landscaping--Nonconforming Uses. When modifications are made to developed nonconforming property, a certain percentage of the value of those modifications shall be expended toward landscaping on the overall site in order to incrementally bring the site closer to compliance as follows:

A. When construction of new freestanding buildings, additions to existing buildings, new buildings which replace existing buildings, or addition of communication towers and antennae exceeds five thousand dollars ($5,000.00) in value, five (5) percent of the value of these improvements shall be expended towards landscaping.

B. When interior or exterior buildings repairs, renovations, or improvements exceeds ten thousand dollars ($10,000.00) in value, five (5) percent of the value of these improvements shall be expended towards landscaping.

C. When modifications made to the ground other than to structures, such as grading, paving, repaving, or restriping of parking lots but excluding signs or other landscaping expenses exceeds five thousand dollars ($5,000.00) in value, ten (10) percent of the value of such modifications shall be expended towards landscaping.

D. The percentages specified in (a) [A.] shall be above and beyond any expenditures required for landscaping specifically required by new construction or site alterations itself. For example, with a ten-thousand-dollar addition to a building, the developer shall be required to spend five hundred dollars ($500.00) on landscaping and tree conservation on the overall site. The expense of installing a landscape bedding around the addition shall not count toward the five-hundred-dollar requirement.

E. The Administrator shall review and approve the proposed landscaping plan to assure optimal effectiveness in bringing the site closer to compliance. The priority for installation of landscaping is as follows:

1. Planting of overstory trees in the front buffer (creating a front buffer if necessary);

2. Perimeter screening of parking areas; and

3. Planting of overstory trees in the interior parking areas.

The work may include removing portions of pavement in order to install landscaping peninsulas, perimeter buffers, and other landscaping areas. Where the overall circulation and parking pattern will be disrupted, the developer shall not be required to remove paving.

F. When the value of any building construction, including repairs, renovation, and/or expansions over a three-year period exceeds seventy-five (75) percent of the fair market value of the property as shown in the Jasper County tax record, the property must be brought into compliance with the full requirements of this Section.

G. Once the property is brought into compliance to the extent practicable, no further landscaping expenditures shall be required.

H. Where parking spaces are removed in order to provide landscaping as required in this Section, the required number of parking spaces specified in Sections 5.8 and 5.9 shall be automatically reduced accordingly but may not go

below sixty-seven (67) percent of the requirements in that section without a variance.

Nonconformity Compliance Schedule. To be administered and enforced by the Zoning Administrator:

TABLE INSET:

	Nonconformities	To be Discontinued Within	Extension Permitted
(a)	Wrecking, junk, scrap, or salvage yards and other open uses of land, signs, outdoor advertising structures, barriers, automotive and storage yards for lumber, building materials, contractor's equipment, and vacant mobile homes on individual lots.	One Year	Six Months
(b)	Mobile home parks in single-family residential areas.	Three Years	One Year

5.8. Parking Space Area Requirements.

Each required off-street parking space as required by this Ordinance shall be a minimum of twenty (20) feet long by nine (9) feet wide in area. This requirement does not include any space necessary for the vehicular maneuvering within the lot or facility to access such parking spaces. The Zoning Administrator or other designated agent may require that the parking arrangements be prepared and certified by a licensed engineer. Handicap Parking shall be provided, as specified by the "American with Disabilities Act (ADA)", latest edition as published in the Federal Register.

5.9. Off-Street Parking and Loading Standards.

[Requirements.] Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all Districts at the time of the initial construction of any principal building producing an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Off-street parking spaces shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements:

Parking Requirements According to Use.

(a) Shopping centers containing not less than six (6) retail business outlets: four and one-half (4.5) parking spaces per one thousand (1,000) square feet of gross retail area (excluding common areas, restroom facilities, employee lounges, and other areas so approved by the Zoning Administrator) but including storage areas for retail goods. Further provided that not more than twenty-five (25) percent of the parking requirements shall be fulfilled by parking designed for compact parking.

(b) Residential Uses (including a mobile home on individual lots, consisting of one (1) or more dwelling units):

(1) Single-family residential uses require parking equal to two (2) spaces for each dwelling unit and/or mobile home.

(2) Tourist homes, boarding homes, hotels, and motels require one (1) space for each accommodation plus one (1) space for each three (3) employees.

(3) Mobile home parks require two (2) spaces for each mobile home space.

(c) Hospitals, clinics, and nursing homes require one (1) parking space for each two (2) beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses at maximum employment on a single shift.

(d) Public or private golf courses, public beach areas, and other open public areas require no less than one hundred (100) total spaces.

(e) Doctor and dentist offices require five (5) parking spaces per doctor or dentist.

(f) Other professional and business offices, including animal hospitals, require two (2) parking spaces plus additional spaces for each three hundred (300) square feet and additional fractions thereof of gross floor spaces.

(g) Banks require one (1) space plus an additional space for each three hundred (300) square feet and additional fractions thereof of gross floor space.

(h) Service and repair establishments not otherwise specifically mentioned require one (1) parking space plus an additional space for each two hundred and fifty (250) square feet, and additional fractions thereof, of retail floor space.

(i) Car sales, house and truck trailer sales, outdoor equipment and machinery sales, and commercial nurseries require four (4) parking spaces for each sales person, plus one (1) for each two (2) other employees.

(j) Funeral homes require one (1) parking space for each four (4) seats in the chapel or parlor, plus sufficient spaces to park or store all company vehicles.

(k) Churches, spiritual institutions and places of indoor or outdoor public assembly with fixed seats, including private clubs, require one (1) space for each two hundred (200) square feet and additional fractions thereof of gross floor area directed to patron use.

(l) Kindergartens and elementary schools require one (1) space for each permanent employee at maximum employment plus one (1) space for each classroom and administrative office.

(m) Junior high schools require one (1) space for each permanent employee at maximum employment plus one (1) space for each classroom and administrative office, plus one (1) space for each five (5) seats used for public assembly.

(n) Senior high school[s require] one (1) space for each permanent employee at maximum employment, plus one (1) space for each classroom and administrative office, plus one (1) space for each seat used for public assembly.

(o) Public buildings not specifically mentioned elsewhere in this Section require one (1) space for each two hundred (200) square feet and additional fractions thereof of gross floor space.

(p) Restaurants, theaters, night clubs and other such places of public assembly require one (1) space for each four (4) seating accommodations plus one (1) space for each two (2) employees on shift of greatest employment.

(q) Service stations require two (2) spaces for each gasoline pump plus three (3) spaces for each grease rack or wash rack.

(r) Wholesale and industrial uses including lumber, brick, coal, junk and supply yards require one (1) space for each two (2) employees at maximum

employment on a single shift, plus one (1) space for each company vehicle operating from premises.

(s) Air or train terminals require one (1) space for each two (2) employees at maximum employment on a single shift, plus one (1) space for each company vehicle operating form the premises, plus at least twenty-five (25) spaces for the general public.

(t) Roadside food stands, markets, or temporary seasonal sales including, but not limited to, those which sell agricultural produce or horticultural products which are not located in permanent structures shall provide one (1) parking space for each employee on any given shift of operation in addition to at least three (3) spaces for customer parking for the first one hundred (100) feet of gross floor space. One (1) additional customer parking space shall be required for every fifty (50) square feet of gross floor space in excess of the first one hundred (100) gross square footage of floor space.

(u) Retail or service activity other than those specifically mentioned within this Section of these regulations shall adhere to the following: One (1) parking space for every two hundred (200) square feet of floor space.

Location on Other Property. If the required automobile parking space cannot be reasonably provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within four hundred (400) feet of the main entrance to such principal use and shall not thereafter be reduced or encroached upon in any manner. A parking easement or other suitable legal encumbrance, to be filed of record, shall be required to be submitted to City Staff and the City Attorney for approval, which easement shall not be terminable without the City's permission to ensure the off-site parking is available for so long as the use requiring it is in existence.

Common Off-Street Parking Areas. A single use encompassing more than one (1) of the activities, as specified in Off-Street Parking, or two (2) or more principal uses whether located on the same or separate lots, may utilize a common area in order to comply with off-street [parking] requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of Off-Street Parking, and provided that the owner of said lot relinquished the development rights over the property until such time as parking space is provided elsewhere. A parking easement or other suitable legal encumbrance, to be filed of record, shall be required to be submitted for approval by City Staff, including the City Attorney, which easement shall not be terminable without the City's permission to ensure the common parking is available for so long as the use requiring it is in existence.

Use of Public Rights-of-Way for Maneuvering. When determining parking-area requirements for individual uses, portions of the public right-of-way on minor streets may be considered as permissible for maneuvering incidental to parking. On major streets, parking facilities shall provide space outside of the public right-of-way for maneuvering incidental to parking.

Extension of Parking Space into a Residential District. Required parking space may extend up to one hundred and twenty (120) feet in a Residential District, provided that:

(1) The parking space adjoins a Commercial or Industrial District,

(2) Has its only access to, or fronts upon, the same street as the property in the Commercial or Industrial District for which it provides the required parking space,

(3) Is separated from abutting properties in the Residential District by a continuous planted buffer or a solid brick, concrete block, or stone wall or a uniformly painted board fence. Such buffer strip shall not be less than six (6) feet

in height and if planted, shall be composed of healthy plants which possess growth characteristics of such nature as to produce a dense, compact planting screen.

Off-Street Loading and Unloading Spaces. Every lot on which a business, trade, industry, residential use or manufactured home park containing ten (10) or more units is hereafter established shall provide space as indicated herein for the loading and unloading of vehicles off the public right-of-way. Such space shall have access to an alley, or a street if there is no alley for the purpose of this Section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be free of obstructions at all times. Required space shall be considered as follows:

(a) *Retail Business.* One (1) space for each five thousand (5,000) feet of gross floor space.

(b) *Transportation, Wholesale, Industrial, Governmental and Institutional Uses, Including All Public Assembly Places, Hospitals and Educational Institutions, Public or Private Outdoor and Indoor Recreational Areas or Activities.* One (1) space for the first twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

TABLE INSET:

Loading Spaces	
Square Feet	Number of Loading/Unloading Spaces
25,000--99,000	2
100,000--159,999	3
160,000--239,999	4
240,000--349,999	5

For each additional one hundred thousand (100,000) square feet or fraction thereof one (1) additional loading/unloading space shall be required.

(c) *Any Residential Use or Mobile Home Park Consisting of Ten (10) or More Dwelling Units.* Two (2) space per unit (in addition to those required for off-street parking for each unit).

(d) *[Off-Street Loading.]* All uses, whether specified in this Ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley or way.

(e) *[Location.]* Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein. In the case of residential areas or manufactured housing parks, such off-street parking may be located in consolidated areas so as to provide additional parking for visitors to the residents.

(f) *[Adjacent to Residential Districts.]* When situated adjacent to a Residential

District or residential property, an off-street loading and unloading area for institutional, commercial, or industrial uses shall be separated from the adjoining Residential District or property line by a continuous planted buffer strip or a solid brick, concrete block, or stone wall, or a uniformly painted board fence. Such buffer strip shall not be less than six (6) feet in height and if planted, shall be composed of healthy plants which possesses growth characteristics of such a nature as to produce a dense, compact, planting screen.

5.10. Parking and Storage of Certain Vehicles.

Parking, Storage, or Use of Campers or Other Major Recreational Equipment. No major recreational equipment shall be parked or stored on any lot in a Residential District except in a carport, enclosed building, or behind the nearest portion of a building to a street, provided however, that such equipment may be parked anywhere on a residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. Such equipment shall observe all setbacks, yard and other requirements set forth within the Residential Districts in which they are located. No such equipment shall be used for permanent living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

Parking and Storage of Certain Vehicles. No motor vehicles or trailers, other than mobile homes, shall be parked on any residential or commercial property whose certificate of registration has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration, or whose major parts have been removed so as to render the vehicle inoperable, or whose manufacturer's serial number plates or any other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or one that has been placed on blocks or other means of support and has the tires removed; or one that does not display a current license plate; or one that presents a health hazard due to growth around vehicle such as weeds or other refuge on or around vehicle.

Exceptions. Any vehicle that is operable but does not display a current license plate, or one that is inoperable at the time due to a malfunction or breakage of a necessary part to keep the vehicle operable, shall be allowed to use a car cover specifically designed for that purpose for a period of not more than thirty (30) days. Any vehicle housed from public view by being in a garage or other enclosed place.

Penalty. Any person in violation of this Ordinance shall be subject to the penalties as contained in Section 1-13 of the Hardeeville Code of Ordinances. Each day of violation shall constitute a separate offense.

5.11. Visibility.

Visibility at Street Intersection. In all Districts established by this Ordinance, no fence, wall, terrace, sign, shrubbery, painting, or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

Visibility at Private Drive and Entrance Intersecting with Public Streets. There shall be no impediment to visibility caused by any structure or vegetation at any intersection with a private drive and any public right-of-way which may create or cause to create a traffic hazard.

5.12. Exception to Height Limitations.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments; water towers; observation towers;

transmission towers; silos; chimneys; smoke stacks; conveyors; flag poles; masts and aerials, provided [that] evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zone or flight patterns.

5.13. Water and Air Pollution.

All uses must satisfactorily comply with the health and environmental requirements of all appropriate Federal, State, and local agencies, regarding the protection of waterways from pollution by waste materials and the protection of the atmosphere from pollution by dust smoke, or other waste materials.

5.14. Open Space Standards.

Open space, as required herein, shall mean all areas not utilized for buildings, sidewalks, roads, and parking. Areas qualifying as open space are landscaped areas; dedicated wildlife preserves; buffer areas as required in Section 4.22 Highway Buffers or other buffer requirements as may be found within the MZDO; ancillary recreational amenities such as swimming pools, tennis courts, basketball courts, and golf courses; and up to fifty (50) percent of lagoons, ponds, lakes, and natural freshwater wetlands. Subdivision/developments and PUDs with more than fifty (50) dwelling units shall increase its [their] open space percentage to thirty (30) percent, of which at least one-third must be set aside as active recreational area, such as basketball courts, playgrounds and open playing fields. Plans for such active recreational area must be submitted as part of the park management plan as required hereinabove. Passive green area open space including trails, viewing areas, etc., must be completed prior to twenty-five (25) percent development completion. Active green areas open space, including bike paths, park facilities, playgrounds, basketball courts, etc. must be completed prior to fifty percent (50) development completion.

Required Open Space, as shown in Table "A", shall be computed as the aggregate sum of the open space percentages, computed for the various designated land uses and densities within the overall development, or if developed in phases, within each phase. The total open space required may be provided anywhere within the development, or if developed in phases, within each phase. In the event another provision of the MZDO requires a larger percentage of open space, or that a portion of the open space be set aside and developed as active open space, such provision(s) shall apply.

In the case of development fronting on saltwater tideland (i.e., the landowner owns to the mean high water mark, or under a King's Grant), the developer may utilize a portion of these wetlands, for which title is held, to meet up to twenty-five (25) percent of the open space required in Table "A".

The open space credit for lagoons, ponds, lakes, and natural freshwater wetlands may not exceed fifty (50) percent [of] the total amount of the lagoons, ponds, lakes, and natural freshwater wetlands for which title is held, that is, the development shall be entitled to the lesser of the potential open space credit or fifty (50) percent of the actual wetlands owned.

Examples: Development tract size (including fresh water wetlands) equals seven (7) acres

TABLE INSET:

Example #1			
	High Ground	=	6.00 acres
	Wetlands	=	3.00 acres

	Proposed Density	=	6.0 du/acre
	Required Open Space from Table 726 20% × 7 acres	=	1.4 acres
	Potential Wetlands Credit 50% × 1.4 acre (required open space)	=	0.7 acre
	50% of Wetlands Held	=	1.5 acre
	Open Space Required on High Ground	=	0.7 acres

Wetlands Held were greater than Required Open Space--Subtract Potential Wetlands Credit

TABLE INSET:

Example #2			
	High Ground	=	6.00 acres
	Wetlands	=	1 acres
	Proposed Density	=	6.0 Du/acre
	Required Open Space from Table 726 20% × 7 acres	=	1.4 acres
	Potential Wetlands Credit 50% × 1.4 acre (required open space)	=	0.7 acre
	50% of Wetlands Held	=	0.5 acre
	Open Space required on High Ground	=	0.9 acres

Wetlands Held were less than 50% of the Required Open Space - Subtract 50% of Wetlands Held

TABLE INSET:

TABLE A		
Percentage Open Space Required By Land Use and Density		
(1) Residential		
	(a) Single-Family Less Than 10 acres	10%
	(b) Single-Family Greater Than 10 Acres	20%

	(c) Multi-Family 2 dwelling units (du)/acre	15%
	Multi-Family 3--9 du/acre	20%
	Multi-Family 10--16 du/acre	30%
	Multi-Family 17--24 du/acre	40%
	Multi-Family 25 & Up du/acre	50%
(2)	Institutional Use 2	15%
(3)	Commercial	20%
(4)	Industrial	25%
(5)	Hotel/Motel (Equivalent to 40% of a residential du) 3	20%

2 Institutional Development is defined as development involving public, quasipublic, eleemosynary, religious, philanthropic or other activity undertaken for the purpose of providing for the social, cultural, educational or physical betterment of the community.

3 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 per acre. Take 30 du divided by 2.5 which equals 12 du/acre; Residential Multi-Family 10--16 du/acre equals 30 percent open space required.

5.15. Landscaping and Tree Conservation.

Cutting, Trimming Restricted.

(a) It shall be unlawful for any person whosoever to cut, trim, prune, mutilate or injure in any manner whatsoever any tree or ornamental shrub growing on or upon any of the streets or sidewalks or in any public park of the City without first obtaining the consent, in writing, of the Council as hereinafter provided.

(b) If it becomes necessary to cut, trim, prune or remove any growing shade tree or shrub in any of the streets of the City for the purpose of making repairs thereon, or whenever it shall appear that any tree or trees are so situated as to constitute an obstruction to the use of the street for public travel or whenever trees shall obstruct or constitute a menace to any electric or telephone line now on the street or whenever it may be desired to cut, trim or remove a tree for any purpose either in any street or in any park, City Council or its designated representative may, in writing, authorize the cutting or removal or pruning of the trees, which permission shall designate in detail the manner and extent to which

the trees and shrubs may be cut, removed and pruned.

(c) Any person, firm, or corporation whether employed by the City or not, who shall cut, prune, remove, mutilate, destroy or otherwise injure, such as, but not limited to: putting nails into or wire around any tree or suffocating the root system by concreting or impacting the ground around any tree or shrub without first obtaining the written permission hereinbefore provided shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-13 [of the Hardeeville Code of Ordinances].

(e) A petition for a permit required by this Article shall be filed by the owner of the tree, or his designated representative, with the Zoning Administrator. The Zoning Administrator shall be required to perform an on-site inspection of the tree(s) to be removed and shall approve all requested work plans prior to issuance of said permit or disapproved and filed as of the date of such receipt and filing.

(f) The Zoning Administrator shall promptly deliver a petition filed under subsection (b) above to the City Council or its designated representative. The Council or its representative shall promptly consider such petition and shall investigate all facts and circumstances relating to the proposed felling, and shall promptly deny or grant such petition. In the event of denial by the council's representative, petitioner may request a hearing before the council. Upon such request, the Council's representative shall report his findings and recommendations to the Council which shall render a final decision on such petition after the hearing.

(g) For the purpose of this Section, the City Manager shall be the authorized representative for the City Council.

Clear Cutting Prohibited. The clear cutting of trees by any person for the sole purpose of clearing land or offering land for sale shall be prohibited. Bona fide silviculture operations are exempt from this provision to the extent harvesting operations in advance of land sales shall be authorized upon certification to the City that at least thirty (30) trees of average diameter (preclearing average) per acre shall remain after clearing. Subsequent agricultural tax status for the property will not be available until the property shall be replanted with seedlings in accordance with standard industry practice.

Protection of Trees.

(a) It shall be unlawful for any person to fell, injure, or destroy any flowering tree two (2) inches in diameter or larger at a point twelve (12) inches from the ground, any live oak tree four (4) inches in diameter or larger at a point thirty-six (36) inches from the ground, or any other living tree twelve (12) inches in diameter or larger at a point thirty-six (36) inches from the ground within the corporate limits of the City, except by permit secured as provided in this Article.

(b) The saving of smaller specimens and desirable trees is encouraged.

Tree Survey Required.

(a) A survey of all trees of the applicable size and larger shall be made within the area to be modified from its natural state and fifty (50) feet beyond in each direction or to the property lines, whichever is less. The location and size of trees shall be indicated on the site plan with surveys conducted either by a registered land surveyor, landscape architect or engineer. Applications for subdivision/development approval must also include an estimate of existing tree cover on each lot of the proposed subdivision/development indicating tree types, average size, and approximate density of trees per acre.

(b) This tree survey shall be submitted with the City building permit application.

Replacement of Trees.

(a) As a condition of approval for removal of certain trees, the City Zoning Administrator may require that suitable replacement trees be planted elsewhere on the site.

(b) In determining if replacement trees are required the City Zoning Administrator will consider:

(1) The intended use of the property.

(2) Existing (predevelopment) tree coverage, sizes and types.

(3) The general character of the site and its environs.

(4) Grading, road, parking and drainage requirements of the project.

(c) In those cases where site design alternatives cannot achieve the minimum allowable existing tree cover or where redevelopment tree cover is less than the prescribed minimum, the developer shall be required to plan [plant] two (2) replacement hardwood trees of the same type cut down or one (1) live oak tree, with a minimum trunk diameter of two and one-half (2.5) inches dbh (diameter at breast height) for each existing protected tree under the minim[um] requirement of fifteen (15) trees per acre of disturbed area.

(d) Proposed or required planted or replacement tree design, types and locations shall 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 the site conditions, proposed activities, and impervious surface areas.

(e) Existing significant hardwood trees and dogwood trees, less than eight (8) inches dbh but not less than two and one-half (2.5) inches dbh, may be used in lace [place] or relocated onsite to meet prescribed minimums in lieu of purchased trees. Planted or relocated 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 subdivision/developments should be planted on the residential lots outside the assumed building area.

(f) In commercial projects, replacement trees should be utilized in landscaped islands to enhance parking area and areas of the project most visible to traveled thoroughfares.

(g) Where the Staff Review Team determines that a reduced plant-back 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 plant-back, per tree reduced and shall be paid to the Clerk of the City of Hardeeville before final approval is given for the development plan. The funds collected through this forestation fee shall be used by the City to plant properties as deemed appropriate.

(h) The survival of any tree planted and/or replanted as above shall be guaranteed with a maintenance and replacement bond for a period of one (1) year. The required bond amount shall be equal to one hundred twenty-five (125) percent of the actual cost to replace each tree that is planted or relocated (replanted) on the development site.

(i) All trees preserved, planted, or relocated on the site must be protected and

nurtured for the life of the project approval process. Any tree lost subsequent to development approval and certification of compliance shall be replaced with a two and one-half-inch 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-inch dbh or larger live oak is lost subsequent to development approval, it shall be replaced with an equivalent number of caliper inches of live oaks each with a minimum diameter of two and one-half (2 1/2) inches dbh and height of twelve (12) feet.

Tree Protection Zone. 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 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 dbh or five (5) feet whichever is greater (the circle of protection may be offset as much as one-third of its total diameter).

2. *For Newly Planted Trees.*

   a. *Under-Story Trees.* A circle with a radius of two (2) feet.

   b. *Over-Story Trees.* 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-foot-high barrier sufficiently prominent visually to prevent encroachment by people and vehicles shall be erected around the protection zone and approved by the Zoning Administrator. 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 Zoning Administrator. 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-inch fill of topsoil, sod, or mulch.

(j) Underground utility lines hall be routed around and away from the 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 Zoning Administrator. To protect tree roots from excessive compaction during construction, special cushioning measures may be required by the Zoning 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 Zoning Administrator when encroachment or construction activity within protection 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 Zoning Administrator, the planting of additional trees may be required if trees are damaged or destroyed.

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 the site with a bright blue ribbon encircling the trunk and a minimum four-foot-high barricade shall be erected around each tree or clusters of trees at a distance of no less than the extent of the required tree protection zone from the base of the tree or preferably at the drip line of the tree. No construction activity, other than finished grading, or any other storage of construction materials or parking of vehicles during construction is all allowed within the barricaded area.

Violations and Penalties. Any developer who violates the provisions of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties as set forth in Section 1-13 of the Hardeeville Code of Ordinances. Each tree removed in violation of this Ordinance shall be considered a separate offense.

5.16. Sign Regulations.

Application; Purpose. The regulations herein shall apply and govern in all Zoning Districts. The purposes of this Section are to regulate the time, place and manner in which signs shall be permitted. In furtherance of these purposes, standards are hereinafter provided which are designed to protect and promote the public health, safety and welfare, and to enhance the physical appearance, natural beauty and historical significance of the City. It is also in the manifest best interest of the City to reduce the proliferation of signs, reduce distractions and obstructions to motor vehicle operators and pedestrians that might lead to accidents or traffic congestion, beautify the community by removing obstructions to light, air and open space, and to reduce the accumulation of clutter.

General. The following regulations shall apply to all permitted signs in the City:

(1) A permit shall be required for the erection, placement, alteration or reconstruction of any sign unless otherwise noted, and shall be issued by the building official in accordance with this Article.

(2) Signs must be constructed of durable materials, maintained in good condition and not permitted to become dilapidated.

(3) Signs erected in the Overlay Districts are subject to the conditions and procedures for erection and change of structures required in those sections. Landscaping, not including grass, shall be required for all freestanding signs. Unless otherwise expressly prohibited, signs may be illuminated, providing that lighting directed toward a sign shall be shielded so as to illuminate only the surface area of the sign.

(4) No illuminated sign, except for signs permitted on church property, shall be permitted within one hundred (100) feet of any residential district. No sign located within three hundred (300) feet of a residential district shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

(5) Signs with internal electrical wiring or lighting equipment and all external lighting equipment should be inspected and approved by the City in accordance with existing and prevailing electrical codes. All wiring to electrical signs or to lighting equipment directed to ground signs shall be underground and GFCI protected.

(6) Whenever the use of a building or premises by a business or occupation is discontinued for at least thirty (30) days, then the signs pertaining to that business or occupation shall be removed.

(7) Temporary signs, including, but not limited to, political campaign signs shall not be posted in the public right-of-way. This restriction includes the posting of temporary signs on trees, utility poles, and other structures within the public rights-of-way.

Definitions. Except as specifically defined herein, each word used in this Article has its customary dictionary definition. For the purpose of this Article, certain words or terms used are herein defined as follows:

Abandoned Sign. A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of thirty (30) days or more, or a permitted temporary sign for which the permit has expired.

Administrator. That person designated by the City Manager to administer and enforce the provisions of this Article.

Back-to-Back Sign. A sign constructed on a single set [of] supports with messages visible on any side, provided that double message boards are physically contiguous.

Banners, Pennants and Balloons. Any animated rotating, fluttering or nonstationary device made of flexible materials designed to attract attention.

Billboards. A large sign or panel designed to carry or display outdoor advertising.

Zoning Board of Appeals. The duly appointed board authorized by City Council to hear and act upon appeal of a decision of the building official or any request for a variance from any provision of this Article.

Canopy. A structure constructed of rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas or glass which is attached to and supported by a building or by columns, poles or braces extended to the ground.

Canopy Sign. A sign which is suspended from, attached to, supported from or forms a part of a canopy.

Changeable Copy Sign. A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

Commercial or Industrial Center. Two (2) or more separate occupancies located within the same or adjacent building or buildings on the same commercial or industrial plat of record.

Dilapidated Sign. Any sign which is structurally unsound, has defective parts or it in need of painting or maintenance.

Directional Sign.

(1) A sign, permanently erected or permitted in the public right-of-way or private property by the City, State, or other governmental agency to denote the name of any thoroughfare; the route to any city, village, educational institution, public building, historic place, shrine or hospital; to direct and regulate traffic; to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public.

(2) A sign, notice or symbol for the information of the Federal Aviation Agency as to locations, directions, landings and conditions, affecting safety in aviation.

(3) An on-premises temporary sign which contains information regarding the time and place of regular meetings of civic or religious groups.

Directory Sign. A sign listing only the names and/or use, or location of more than one (1) business, activity or professional office conducted within a building, group of buildings or commercial center.

Double-Faced Sign. A sign containing two (2) faces which are usually, but not necessarily, parallel.

Easel Sign. A sign or message board displayed on a portable open frame the outline of which (the frame) is roughly pyramidal in shape.

Electrical Sign. A self-illuminated sign or sign structure in which electric wiring, connections and/or fixtures are used as part of the sign property.

Existing Sign. Any sign that was erected, mounted or displayed prior to the adoption of this Article.

Facade. The entire building wall, including main street wall face, and parapet,

fascia, windows, doors, canopy and roof on any complete elevation.

Fixed Projecting Sign. A sign, other than a flat sign, which extends outward for more than eight (8) inches from the facade of any building and is rigidly affixed thereto.

Flashing Sign. Any lighted or electrical sign which emits light in sudden transitory bursts.

Flat Sign. A sign erected parallel to and extending not more than twelve (12) inches from the facade of any building to which it is attached and supported throughout its entire length by the facade of the building and not extending above the building.

Freestanding Sign. A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.

Frontage. The length of the property line of any one (1) premises parcel serving as a public right-of-way line.

Frontage Wall Face. The building facade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.

Height of Sign. The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.

Ground Sign. A detached on-site sign built on a freestanding frame, mast or pole (s).

Illuminated Sign, External. Any sign which is directly lighted by an external source.

Illuminated Sign, Internal. Any sign which transmits light through its face or any part thereof.

Inflatable Sign. A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Ingress/Egress Sign. A sign which designates only the direction of ingress or egress of a parking area or driveway, such as "In," "Out," "One-Way," "Do Not Enter" or "No Exit."

Moving Message Board. Any electrical sign having a continuous message flow across its face by utilization of lights or other electrical impulses forming various words or designs, such as a time and temperature sign.

Nonconforming Sign. Any sign which has a valid permit, was erected or displayed prior to the effective date of this Article or any subsequent amendment hereto and does not conform with any provision of this Article.

Occupancy. Any use of or activity upon the premises.

Off-Premises Sign. Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For purposes of this Article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign. Signs identifying public service, religious or civic club organizations not to exceed four (4) square feet as approved by the City Manager are exceptions to this definition.

On-Premises Sign. Any sign located or proposed to be located at any place, if otherwise permitted by this Article, within the plat of record for the business or other activity identified on such sign.

Painted Wall Sign. A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

Panel. The primary surface of a sign upon which the message of the sign is carried.

Parapet. A vertical false front or wall extension above the roof line.

Pennant. See definition of banners, pennants and balloons.

Permitted Sign. A sign for which a valid permit has been issued.

Political Sign. A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the City shall vote.

Portable Sign. Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

Premises. The plat of record which is affected either directly or indirectly by the contents of this Article.

Project Sign. Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

Public Right-of-Way Line. The line where the property meets the public right-of-way at a public street or public waterway, provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

Public Way. Any street, highway, road, path or right-of-way, whether privately or publicly-owned, which is designed, or used for vehicular or pedestrian traffic either by public right or custom, or by invitation of two (2) or more common owners.

Real Estate Sign. A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.

Roof. The exterior upper covering of the top of a building.

Roof Sign. A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

Rotating Sign. Any sign which revolves around one (1) or more fixed areas.

Sandwich Board Sign. A portable sign shaped like an A-frame with a sign panel on one (1) or both sides where the sign panel is integral to the structure of the sign.

Seasonal/Holiday Sign. A sign used for emphasizing the celebration of a historic American holiday, which is erected for a limited period of time.

Sign. Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others which is located on or attached to premises, real property, structures on real property or a vehicle.

Sign, Area of. The square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions; but shall not include any supporting structure or bracing.

Sign Face. The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Sign Structure. A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied, provided however, this definition shall not include a building, fence, wall or earthen berm.

Snipe Sign. A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

Special Event Sign. A sign which carries a message regarding a special event or function which is of general interest to the community.

Stationary Portable Sign. This includes sandwich-board signs, easel signs, and other signs resting on or attached to a stand, piece of furniture, or other object.

Swinging Sign. A sign installed on an arm, mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Temporary Sign. Any sign or information transmitting structure intended to be erected or displayed for a limited period.

Time and Temperature Sign. An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

Traffic Direction/Safety Sign. A sign which is on-premises consisting of type and/or an arrow and is designed, sized and erected solely for the purpose of vehicular or pedestrian traffic direction or safety. The sign will have no advertising words or phrases.

Vehicle Sign. A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premise, time of day, duration, availability of other parking space on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of the display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for the vehicle.

Window Sign. Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within fifteen (15) feet of the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way.

Window Sign, Temporary. A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

Prohibited Signs.

(1) Signs not located on the site for which they are referencing.

(2) Signs located in public rights-of-way, except government signs.

(3) Signs located in any manner or place so as to constitute a hazard to pedestrian or vehicular traffic.

(4) Permanent moving signs, windblown signs or devices to attract attention, all or part of which move by any means, including fluttering, rotating or otherwise moving devices, set in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to, flags (other than those of government origin and not used for commercial purposes), pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, moving, fluttering or revolving devices, regardless of whether they contain written messages.

(5) Flashing signs or devices displaying flashing or intermittent lights or lights of changing degrees of intensity, except for electronic message boards and time and temperature signs.

(6) Except for temporary use (thirty (30) days or less), illuminated tubing or strings of lights outlining property lines as open sales areas, doors, rooflines, windows or wall edges of any building, provided that perimeter down lighting may be used if shielding to illuminated only open sales areas. In no event however, shall such lighting create a hazard to pedestrian or vehicular traffic.

(7) Portable signs, except those listed in the Temporary Sign Section of this Ordinance including any signs painted on or displayed on vehicles or trailers, or so constructed as to permit its being used as a conveyance upon public streets, and usually parked in public places or private property primarily for the purpose of public display.

(8) Signs copying or imitating official government signs or which purport to have official government status.

(9) Signs referencing businesses which have been out of business for more than thirty (30) days.

(10) Signs erected on the roof of any building.

(11) Sign structures no longer containing signs.

(12) Signs which emit audible sound, odor or visible matter.

(13) Signs containing statements, words or pictures of obscene, pornographic or immoral character.

(14) Signs violating any provision of any law of the State relative to outdoor advertising.

(15) Signs made structurally sound by unsightly bracing.

(16) Signs painted or drawn upon rocks or other natural features.

(17) Signs extending above the height of the building roofline features.

(18) Snipe signs.

(19) Vehicle signs.

(20) Any sign which emits a sound, odor or visible matter.

(21) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit-way.

(22) 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.

(23) Any sign or sign structure, other than freestanding and vertical wall extension, any portion of which extends above the parapet, building roofline or canopy against which the sign is located.

(24) Signs using the words "stop," "danger" or any word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver.

(25) Except as otherwise provided, no sign whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way.

(26) Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare.

(27) 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 saltwater, or any freshwater wetland.

(28) Abandoned or dilapidated signs.

(29) Any sign on or towed behind a boat, raft, aircraft helicopter.

(30) Portable signs.

(31) Signs affixed to a private residence or dwelling or displayed upon the grounds thereof, except one (1) personal identification sign not exceeding two (2) square feet and one (1) nonilluminated "for sale" or "for rent" sign not exceeding six (6) square feet.

(33) Inflatable signs.

Nonconforming Signs.

(a) Any sign constructed after the adoption date of this Article and which is found to exist in violation of this article shall be declared to be illegally nonconforming and shall be removed after thirty (30) days' notice. If the owner or lessee fails to remove the sign during the permitted time, then the City of [Hardeeville] or independent contractor secured by the City shall remove the sign and the ensuing charges shall be assessed to the owner or lessee.

(b) A nonconforming sign shall not be changed or replaced with another nonconforming sign, including changing the sign face, except for the lettering or for changeable copy signs.

(c) A nonconforming sign shall not be modified in any way that would increase its degree of nonconformity.

(d) Temporary nonconforming signs having obtained a sign permit before the adoption date of this article shall be permitted to remain for the life of the permit.

(e) Any existing sign which has up-to-date permitting and is in conformity with the sign ordinance provisions existing prior to the enactment of this MZDO shall be deemed conforming by virtue of their "grandfathered" status, but must be brought into conformity with the provisions of this MZDO if modified or altered in any way. All other nonconforming signs are required to be brought into compliance in accordance with the provisions of Section 1.9 of this MZDO.

(1) No changes in the existing sign will be allowed except for those repairs which are necessary to keep the sign in good working order.

Billboards. Billboards are considered to be a nonconforming sign and shall remain in accordance with subsection (e).

~~(1) A billboard's value is equal to all the revenue the billboard generates~~ over the period of the permit, plus the replacement cost of the billboard.

(2) Billboard companies are required to obtain a sign permit each time a new advertisement is placed on the billboard. Requirements for a billboard sign permit are:

a. A certified copy of contract agreement of the advertisement.

b. The time period is required to be so stated on each contractual agreement.

c. All billboards are required to be taxed according to City or county ordinance in accordance with present tax rating.

d. City business license is required to be paid on each sign per gross income.

Exempted Signs (No Permit Required).

(1) Government signs required by any law, order, or governmental regulation.

(2) Signs or plates on residential structures or premises bearing the name and/or address of the occupant and similar uses customarily associated with residential structures.

a. Single-family, two-family and multi-family dwellings shall have address numbers a minimum of four (4) inches in height and conspicuously located so as to provide visibility from the street on which the structure fronts.

b. Nonresidential structures shall have address numbers a minimum of six (6) inches in height and conspicuously located so as to provide visibility from the street on which the structure fronts.

(3) One (1) sign per direction per entrance pertaining to private, unofficial traffic signs, private parking or warning the public against trespassing or against danger from animals. The sign shall have a maximum of two (2) square feet in surface area per side, a total aggregate of four (4) square feet, be a maximum of two and one-half (2.5) feet high and limited to directional and warning messages only. Directional signs shall not count toward the total signage permitted in this section. In addition to the directional message (symbols and/or words), only the name of the business or address shall appear on the directional sign.

(4) Historical markers, monuments or signs as recognized by local, state or federal authorities. The size of the support structure for any monument sign shall not exceed the size of the sign face by more than twenty-five (25) percent of one (1) side.

(5) Signs denoting the location of underground utilities.

(6) One (1) sign per street frontage relating to public or private school or recreational, church or civic club-sponsored entities indicating schedules of events and rules and regulations. The sign shall have a maximum of fifteen (15) square feet in surface area per side, a total aggregate of thirty (30) square feet and be a maximum of three and one-half (3.5) feet high. The signs shall be permitted fourteen (14) days prior to a function and shall be removed within three (3) days after the function.

(7) One (1) real estate sign per street frontage pertaining to the sale or lease of the premises. The sign shall have a maximum of six (6) square feet in surface area per side, a total aggregate of twelve (12) square feet and be a maximum of three and one-half (3.5) feet high. The signs shall be removed once the property is occupied by the new tenant or when the property is sold by transfer of title to the same, whichever time period is less. Real estate "For Sale" signs hall be limited to one sign per street frontage for lots less than five (5) acres. The maximum size of the sign shall be six (6) square feet per side and the maximum height shall be three and one-half (3.5) feet. For lots that are five (5) acres or larger, one (1) sign per one thousand (1,000) feet of street frontage is permitted. Maximum size of these signs shall be twenty-four (24) square feet and the maximum height shall be ten (10) feet. Real estate "For Rent" or "For Lease" signs shall only be displayed as window signs.

(8) Flags bearing the official design of a government, educational institution, church, fraternal organization or ornamental/decorative in design shall be allowed. A commercial establishment or residence may have two (2) flags depicting these official designs, plus one (1) additional ornamental or decorative flag. A maximum of three (3) flags shall be allowed per residence or commercial establishment. Ornamental or decorative flags shall not contain any commercial message such as the name or logo of the business; however, generic words or terms such as "open" or "gallery" are permitted. Any ornamental/decorative flag shall not exceed a maximum of fifteen (15) square feet of design area per side and a total aggregate of thirty (30) square feet of design area for both sides. Flag poles for nonresidential use over fifty (50) feet will require the approval of the Zoning Administrator. Spot lighting of flags at nonresidential uses may be permitted by the Zoning Administrator so as long as lighting is not intrusive to surrounding properties.

(9) Holiday decorations.

(10) One (1) church ground sign per street frontage. The sign shall have a maximum of thirty-two (32) square feet in surface area per side, a total aggregate of sixty-four (64) square feet, be a maximum of six (6) feet high and shall be located a minimum of ten (10) feet from the street right-of-way.

(11) Gasoline service stations and other establishments selling gasoline shall be permitted additional signs as follows.

(12) Signs on interior window glass shall not exceed a maximum of twenty-five (25) percent of the gross glass area on any one (1) side of the building.

(13) One (1) attached home occupation sign or bed and breakfast establishment sign per dwelling unit containing a maximum total aggregate of two (2) square feet.

Temporary Signs (Sign Permit Required).

(1) Grand opening signs, or displays calling attention to a new business. The signs shall be a maximum of six (6) feet high and shall be located a minimum of ten (10) feet from the street right-of-way. The signs may be displayed only for the grand opening of the establishment for a maximum of thirty (30) working days and shall be removed at the close of business of the thirty-first day.

(2) Promotional banners advertising major sales shall have a maximum of thirty (30) square feet in surface area, a maximum height of three (3) feet, and be secured to the business along all four (4) sides at all times. Promotional banners shall be displayed for a maximum of fourteen (14) consecutive days. Application for a permit for promotional banners may be made only four (4) times during any

calendar year with no permits being approved consecutively. A minimum of thirty (30) days shall expire before an application for a permit for a promotional banner can be accepted.

(3) Sandwich board signs for new businesses. The signs shall have a maximum surface area of eight (8) square feet (per side), be a maximum of three and one-half (3.5) feet in height, be made of wood or material closely resembling wood, and shall be placed on private property. Only one (1) sandwich board sign is permitted per new business. The sign permit shall be valid for six (6) months from the date of issuance of the business license for the new business.

No renewal of temporary new business signs is permitted.

(4) One (1) sign per street frontage denoting or advertising architects, engineers, landscape architects, contractors, developers, owners or real estate agents connected with the construction, lease or sale of lots or structures within a new development. The sign shall have a maximum of thirty-two (32) square feet in surface area per side, a total aggregate of sixty-four (64) square feet, be a maximum of six (6) feet high and shall be located a minimum of ten (10) feet from the street right-of-way. The sign permit shall be valid for six (6) months with a renewable option for an additional six (6) months.

(5) *Political Campaign Signs.* All political signs must be located on private property, and shall be positioned so as not to be in conflict with the safety of citizens.

A candidate shall be limited to one (1) political sign per lot. One (1) sign may have two (2) faces (front and back). Each face shall have a total surface area no greater than six (6) square feet, and any one (1) side of each face shall be no greater than three (3) linear feet.

The signs shall be displayed a maximum of thirty (30) days prior to the primary, general, or special election and shall be removed within seven (7) days following the close of the primary, general or special election.

No sign shall be placed in or on any public property or shall be affixed to any fence, post, tree or utility pole. Signs not attached to building structures shall be self-supporting.

Residential District Signs (Sign Permit Required):

(a) A uniform sign plan shall be required for all residential developments as a condition of preliminary plat approval and shall be submitted in accordance with the standards and regulations in the subdivision/development regulations.

(b) One (1) subdivision/development and one (1) multi-family development ground sign shall be permitted per development per major entrance. Each sign shall have a maximum of thirty-two (32) square feet in surface area per side, a total aggregate of sixty-four (64) square feet, be a maximum of ten (10) feet high and shall be located a minimum of ten (10) feet from the street right-of-way. Each ground sign shall have a minimum of fifty (50) square feet of landscape area at the base of the sign.

(c) The following types of signs are permitted in manufactured home communities:

(1) One (1) manufactured home park ground sign shall be permitted per development per major entrance, per street. Each sign shall have a maximum of thirty-two (32) square feet in surface area per side, a total aggregate of sixty-four (64) square feet, be a maximum of ten (10) feet high and shall be located a minimum of ten (10) feet from the street right-

of-way. Each ground sign shall have a minimum of fifty (50) square feet of landscaped area at the base of the sign.

Nonresidential District Sign (Sign Permit Required).

(1) *Business signs.* All businesses may choose to utilize any two (2) of the following types of on-site signs.

a. *Attached signs (Suspended Signs, Projecting Signs, Wall Signs, Window Signs):*

1. The signs may be either flat against or painted on the wall or projecting perpendicular to the wall. Projecting signs must be eight (8) feet above grade for safety.

2. The total area of the signs on a building shall not exceed ten (10) percent of the first floor wall area of the building facing the main street frontage access, up to the maximum aggregate of attached signage as set forth in [subsection] (7) below. First floor area shall be calculated by using the measured ceiling height of the structure, up to a maximum of ten (10) feet in height.

3. No sign shall project more than eighteen (18) inches from the building wall.

4. The tops of signs shall be placed a maximum of one and one-half (1.5) feet from under the eaves of a roof or overhang of a porch or breezeway, and there shall be a minimum clearance of six (6) feet, ten (10) inches from the bottom of the sign to the walking surface for pedestrian movement.

5. The valance area of an awning or canopy may be used as a message area and shall not count towards the allowed sign allotment. The remaining area of the awning or canopy shall not be used as a sign message area. For those awnings or canopies (except for gasoline station canopies) that do not have a specific valance area, the signage area shall be made of the bottom one foot of the awning or canopy. The valance shall be made of the same material and shall be the same color as the awning. Only the business name, and/or address may be placed on the valance area. Awnings may be placed no lower than eight (8) feet above grade, but may have one (1) foot valance of flexible material hanging below the structure. Awning and canopy be placed no higher than the bottom of the second flood sill or no higher than the cornice whichever s lower. Only height warning signs can be permitted on gasoline canopies.

6. Service stations and other establishments selling gasoline shall be permitted these additional signs:

a. One (1) gasoline and/or self-service/full-service sign per pump island. The sign shall have a maximum of ten (10) square feet in surface area per side, a total aggregate of twenty (20) square feet and shall be secured to each pump island.

b. Each gasoline pump shall be permitted to display only the brand name or logo of the gasoline and shall not exceed the face of the pump.

7. The total area of all combined attached signs shall be no

more than four hundred (400) square feet, notwithstanding the total area of the first floor wall area, unless the lot has more than one street frontage as provided for in [subsection] (2) below.

b. *Ground signs.*

1. Lots having less than one hundred fifty (150) feet of street frontage shall be permitted one (1) ground sign. The sign shall have a maximum of thirty-two (32) square feet in surface area per side, a total aggregate of sixty-four (64) square feet, and shall be a maximum of ten (10) feet high. The sign shall have a minimum of fifty (50) square feet of landscaped area at the base of the sign. If the sign is located in a median, then the median shall be a minimum of ten (10) feet long. Each sign shall have a maximum of eighty (80) square feet in surface area per side, a total aggregate of one hundred sixty (160) square feet, be a maximum of twelve (12) feet high and shall be located a minimum of twelve (12) feet from the street right-of-way. Each sign shall have a minimum of fifty (50) square feet of landscaped area at the base of the sign. If the sign is located in a median, then the median shall be a minimum of ten (10) feet wide and fifty (50) feet long.

c. *Freestanding business identification signs.*

1. One (1) identification or directory listing or combination thereof, sign may be utilized.

2. Maximum allowable height is twenty (20) feet, except for signs located within fifty (50) feet of the I-95 right-of-way where the maximum height shall be forty (40) feet.

3. Maximum allowable width is fifteen (15) feet.

4. Maximum allowable sign area is eighty (80) square feet, one hundred sixty (160) feet total.

5. Landscaping, not including grass, shall be required for all freestanding signs. Such landscaping shall equal the total area of the sign.

(2) Lots with more than one (1) street frontage, where both frontages are in excess of one hundred fifty (150) feet, shall be allowed to have any two (2) of either a ground sign, free standing sign, or attached signs, as described above, not to exceed one hundred (100) square feet per side on each sign, for each street frontage with access to the street. If one (1) of the frontages does not have street access, then one (1) of the two (2) signs otherwise allowed for that side shall be no more than fifty (50) square feet, unless the nonaccess street side fronts on Interstate 95 or other controlled access roadway, in which case both may be no more than one hundred (100) square feet each. Such signs shall be oriented towards its respective street frontage.

(3) Shopping centers, multiple tenant buildings and universities/colleges and lots with more than one (1) street frontage in excess of one hundred fifty (150) feet. All shopping centers, malls, multiple-tenant buildings and universities/colleges may utilize the following types of freestanding on-site signs. The sign may be located along each street or highway frontage.

a. *Ground Signs.* One (1) ground sign for the purpose of identification, directory listing, or combination thereof not exceeding one hundred (100) square feet may be erected. If the frontage per street or highway exceeds

five hundred (500) feet, an additional ground sign total area of all freestanding signs do not exceed the maximum allowable area as specified in subsection (a)(2)d.

b. *Freestanding Business Sign.* One (1) freestanding (including a pole sign) for the purpose of identification, directory listing, or combination thereof not exceeding eighty (80) square feet in surface area per side, a total aggregate of one hundred sixty (160) square feet may be erected. If the frontage per street or highway exceeds five hundred (500) feet, an additional pole sign may be allowed provided that it does not exceed one hundred (100) square feet in aggregate area (both sides) and the total area of all freestanding signs do [does] not exceed the maximum allowable area as specified in subsection (a)(2)d. The maximum allowable height is twenty (20) feet, except for signs located within fifty (50) feet of the I-95 right-of-way, where the maximum height shall be forty (40) feet.

c. In addition, at each vehicular entrance to the shopping center, mall, multiple-tenant building and/or university or college, one (1) ground or pole sign may be allowed for the purpose of identification, directory listing or combination thereof and not exceeding one hundred (100) square feet.

d. The total maximum allowable area:

1. Shopping centers, multiple-tenant buildings, universities and colleges fronting on one (1) street or highway: Maximum total aggregate freestanding, area three hundred (300) square feet, with the exception of out-parcel tenants.

2. Shopping centers, multiple-tenant buildings, lots with more than one (1) street frontage where both frontages exceed 150 feet, and universities and colleges fronting on two (2) or more streets or highways: Maximum total freestanding area, four hundred fifty (450) square feet aggregate, with the exception of out-parcel tenants.

3. Individual businesses within a shopping center and/or multiple-tenant building may erect flat and/or projecting signs consistent with the provisions of subsection (a)(1).

4. Out-parcel tenants may erect signs in accordance with subsection (a).

(4) *Off-Site Signs.* All commercial off-site signs are banned within the corporate limits of the city except for signs, flags, and banners erected by the city, county, state or federal government.

(5) *[Commercial Vehicles, Messages.]* The parking in public view of any vehicle bearing a commercial message which is not in operating condition or lacking registration is prohibited. Commercial vehicles, other than standard passenger vehicles, shall be parked as far from the street as possible during non-business hours if such vehicle presents a commercial message. This is to avoid the vehicle serving as a freestanding sign.

Sign Material and Design. Sign structures shall be constructed of wood, concrete, metal, brick, or other similar materials.

Internally illuminated signs shall be completely opaque, except for internally illuminated channel letters.

Any light from any illuminated sign, or flood light or spot light used to illuminate a sign, shall be shaded, shielded, or directed so that the light intensity or brightness shall not interfere with the safe vision of the motorists or bicyclists and shall only illuminate the surface area of the sign. For spot-lit sign base and/or proposed landscaping shall be designed to conceal the base of the light fixture to the extent feasible.

Use of neon is prohibited in the City of Hardeeville. Neon signs may be displayed inside of businesses so as not to be seen on the outside of buildings.

Outlining of buildings, windows, canopies, doors is prohibited.

Maintenance and Enforcement Generally. In order to ensure that signs are erected and maintained in a safe and aesthetic manner, the following maintenance requirements shall be observed for all signs visible from any public street, and any deficiency shall be corrected within thirty (30) working days of being detected:

(1) No sign shall have any of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper.

(2) No sign shall stand with bent or broken sign facings, broken supports, loose appendages or struts or be allowed to stand more than fifteen (15) degrees away from the perpendicular.

(3) No sign shall have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street from which it is to be viewed.

(4) No internally illuminated sign shall stand with only partial illumination.

Violation Notice. The building official and duly authorized staff shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person subject to this article for the purpose of enforcing the provisions herein.

Impoundment of Signs.

(a) The building official and his staff shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, signs attached to trees, fence posts, telephone and utility poles, other natural features or signs otherwise prohibited by this article, and to impound them for a period of ten (10) days.

(b) The owner of a sign impounded may recover same upon the payment of one hundred fifty dollars ($150.00) for each sign, prior to the expiration of the ten-day impoundment period. In the event it is not claimed within ten (10) days, the building official shall have authority to dispose of such sign.

(c) If the owner or lessee fails to remove the sign during the permitted time, then the City or an independent contractor secured by the City shall remove the sign and ensuring charges shall be assessed to the owner or lessee.

Penalties. Any person who violates the provisions of this article, upon conviction, shall be guilty of a misdemeanor and shall be subject to the penalties provided for in Section 1-13 of the Hardeeville Code of Ordinances.

Sign Permits.

(a) Applications for sign permits shall be made to the Zoning Administrator and shall include a site plan showing data relating to the number of signs to be placed on the lot, locations, design, materials, colors, height, width, depth, square footages, the name, address and telephone number of the sign owner

and of the sign erector and any other pertinent data as may be required to ensure compliance with this article. Permits (other than for billboards, see Billboard, Subsection 2 above) shall be valid for a period of five (5) years, and a decal to be placed on each permitted sign shall be given to the applicant. It is a violation of this Ordinance to fail to obtain a permit, or to display an issued decal, and such violations shall be punished in accordance with the provisions of Section 1-13 of the Hardeeville Code of Ordinances.

(b) Cleaning, painting, repainting and other normal maintenance and repair of a conforming sign shall not require a sign permit unless a structural or size change is made.

(c) All signs in which electrical wiring and connections are used shall require both electrical and sign permits.

(d) Any permit issued for the erection of a sign shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance.

(Ord. No. 05-15-03B, 6-5-03)

5.17. Communication Towers.

(a) *Definitions.* In additions to the definitions contained in Article 7, the following shall apply to this section:

Antenna means a device, dish, or array used to transmit or receive telecommunications signals.

Communications Towers means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home-use television reception antennae and satellite dishes, or communications towers for amateur radio operation license by the Federal Communications Commission (FCC).

Fall Zone means the determined area within which the structure can be predicted to collapse in the event of failure.

Telecommunications [is] defined in the Federal Telecommunications Act of 1996 as the transmission between or among points specified by the users of information of the user's choosing, without change in the form of content or other information as sent and received.

(b) *General Requirements.* The following conditions apply to all communication towers, which is a special exception use requiring approval by the Zoning Board of Appeals:

(1) *[Illumination.]* The tower shall not be illuminated or contain any lighting unless otherwise required by State or Federal regulations.

(c) *Freestanding Towers.* The following conditions shall be met before a freestanding communications tower is approved:

(1) Approval for a proposed communications tower within a radius of ten thousand five hundred (10,500) feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet the applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner. Reasonable market rate shall be determined by applicant providing an average of the lease rates it pays for co-

location sites in Jasper County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the appropriate City staff who shall hold this information confidential.

(2) The tower must be set back from all lot lines a distance equal to the tower's fall zone, as certified by a registered engineer, plus twenty (20) feet.

(3) The tower must be set back a distance of its height plus fifty (50) feet from any residential structure unless the owner of the structure waives this requirement by a notarize affidavit.

(4) The proposed tower must be designed to accommodate additional antennae equal in number to the applicant's present and future requirements.

(5) The proposed tower shall provide space for at least three (3) additional co-locations, for a total of four (4) separate arrays.

(6) The height of a tower is limited to one hundred sixty (160) feet as measured from existing grade at its base to the highest point of the tower or antenna. An additional twenty (20) feet of height may be approved if the tower is designed to accommodate more than four separate antennae arrays.

(7) The tower shall be appropriately secured by means of a wood, vinyl or masonry wall or fence, at least six (6) feet high; however, razor wire shall not be permitted. The immediate perimeter of the fence or wall surrounding the tower and associated structure shall be planted with evergreen shrubs capable of obtaining a height of twelve (12) feet with a maximum spacing of ten (10) feet. These plants shall be at least three-gallon-container plants or forty-eight (48) inches tall at the time of planting.

(8) The site shall or will meet the landscaping requirements of the district in which it is located.

(9) One (1) sign, two (2) square feet in size, which includes the name of the company(s) operating the equipment and a phone number for emergencies, shall be displayed in a visible location on or near the tower.

(10) The color of the tower and its antennae shall be one which will blend to the greatest extent possible with the natural surroundings. Monopole towers shall be required; lattice towers and guyed towers are prohibited.

(11) All tower, antennae, and accessory structure, or equipment that is not used for communication purposes for more than one hundred twenty (120) days shall be considered as abandoned and shall be removed by the owner within sixty (60) days. The City shall require a removal bond sufficient to cover one hundred fifty (150) percent of the costs of removal to be purchased and kept in force as a requirement of permitting. Removal costs shall be the responsibility of the communication tower owner. The City reserves the right to dismantle any abandoned communications structure and associated equipment which has not been removed within the allotted time period. In that event, the City may retain any and all materials, and dispose, use, or sell said materials unless reimbursed by the communications tower owner and/or by the surety bond within thirty (30) days of invoicing.

(d) *Roof-Mounted or Water-Tank-Mounted Communications Towers.* The following conditions apply to roof-mounted communication towers:

(1) No tower may be located on any residential structure.

(2) A proposed roof-mounted or water-tank-mounted tower shall not extend more than twenty (20) feet above the highest part of the structure.

(e) *Application Requirements.* The following items shall be submitted with the application for approval of a communications tower:

(1) Documentation that co-location on existing towers or structure in a radius of ten thousand five hundred (10,500) feet was attempted by the applicant but found unfeasible with reasons noted.

(2) A notarized affidavit that states the applicant's willingness to allow co-location on the proposed tower at a fair market rate and in a timely manner to any other service provider licensed by the FCC for the City market area.

(3) A site plan, sealed by a South Carolina registered engineer, showing the location of all existing improvements and any proposed tower, antenna, accessory structure or equipment. In addition, the site plan must show all existing trees.

(4) Identification of the owners of all antennae and equipment to be located on the site.

(5) Written authorization from the owner of the site for the application.

(6) Evidence that a valid FCC license for the proposed activity has been issued.

(7) The landscape plan indicating how the applicant proposes to screen any accessory structure or equipment from view and to meet the landscaping requirements of Subsection (e) The landscape plan shall meet the requirements of Subsection (e).

(8) Certification from the Federal Aviation Administration (FAA) that all towers, antennae, and equipment meet federal aviation and navigation requirements.

(9) Documentation signed and sealed by a South Carolina registered engineer that indicates the proposed tower meets the structural requirements of the International Building Code (as adopted by the City) and the co-location requirements of this chapter. The engineer shall certify that the tower can withstand IBC standards for minimum wind load.

(10) A line-of-sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

(11) For a new tower, written indemnification of the City and proof of liability insurance of no less than one million dollars ($1,000,000.00) to be reviewed by the City for appropriate increases every five (5) years to respond to claims which may arise from operation of the facility during its life, at no cost to the City in form approved by the City Attorney.

(12) To assure removal of any abandoned tower, antennae, accessory structure, or equipment, a performance bond in the amount of the anticipated removal costs as determined by a South Carolina registered engineer, will be posted.

5.18. Stormwater Management.*

***Cross references:** Stormwater Management and Sediment Reduction, § 48-14-10 et seq.; Standards for Stormwater Management and Sediment Reduction, R-72-300 et seq.

Purpose. In order to protect the general health, safety, and welfare of the people of the City of Hardeeville, South Carolina, and to protect the natural assets and resources of the City for posterity, this Stormwater Management, Erosion and Sediment Control Chapter [Section] is enacted to protect the lands and waters from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and waterways, to prevent clogging of drainage channels, and to prevent damages to the property of adjacent landowners. In addition, it is the purpose of this Section to provide proper drainage channels, clear of obstruction, for stormwater runoff; to control pollution of streams and drainage channels by urban stormwater runoff; and to prevent encroachment into natural drainage channels by buildings or other land improvements. Proper management of the quality and quantity of stormwater runoff will minimize damage to public and private property, insure a functional drainage system, promote the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, maintain as nearly as possible the predevelopment runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts.

Authority. This Section is adopted under the authorities and powers conferred to local governments by the General Assembly of South Carolina.

Jurisdiction. The provisions of this Section shall apply to all lands within the jurisdiction of the City of Hardeeville, South Carolina.

Rules of Language and Interpretation.

(a) The word "shall" is mandatory and not merely discretionary; the word "may" is permissive.

(b) The particular shall control the general.

(c) Words used in the present tense shall include the future.

(d) Words used in the singular shall include the plural, and the plural the singular, unless the extent clearly indicates the contrary.

(e) All public officials, bodies and agencies referred to herein are those of the City of Hardeeville, South Carolina, unless otherwise indicated.

Definitions. The following definitions apply to words and terms used in this Section. All other words shall have their customary meanings.

10-Year Flood. The flood having a ten (10) percent chance of being equaled or exceeded in any given year.

25-Year Flood. The flood having a four (4) percent chance of being equaled or exceeded in any given year.

50-Year Flood. The flood having a two (2) percent chance of being equaled or exceeded in any given year.

100-Year Flood/Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

500-Year Flood. The flood having a two-tenths (0.2) percent chance of being equaled or exceeded in any given year.

Applicant. Any person acting on his own behalf as a property owner, or as an agent for a property owner, who makes application for Stormwater Management Plan approval under the provisions of this Section.

Area of Special Flood Hazard. Any land area susceptible to inundation by the base flood (100-year flood) as determined on official Flood Hazard Boundary Maps,

Flood Insurance Rate Maps, or other best available data.

As-Built Plan. The construction plans with any changes made during construction identified and shown on the plan.

Best Available Data. Current FEMA information or Flood Insurance Study data, whichever is the most restrictive. The most restrictive information is that which produces the highest base flood elevation (BFE) or the widest floodway.

Best Management Practice (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point-source inputs to receiving waters in order to achieve water quality and quantity protection goals.

Construction. Any building or erection of a structure, or any physical site preparation for the building or erection of a structure.

City Engineer. The City Engineer as authorized by City Council or his authorized representative.

Detention Structure. A permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

Developer. Any person acting on his own behalf as a property owner, or as an agent for a property owner, who makes application for plan approval and a grading permit under the provisions of this Section.

Development. Any of the following actions undertaken by a public or private individual or entity:

(a) Any land altering activities associated with the division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plan or deed, or

(b) Any manmade change, including: Clearing, tree removal, grubbing, stripping, dredging, grading, mining, drilling, excavating, paving, transporting and filling of land, including a single residential lot or property that is not part of a previously approved subdivision/development drainage plan that is on record with the City and meets the requirements of this Ordinance.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity via natural means or by systems constructed to so remove water, commonly applied herein to surface water.

Drainage Channel. Any natural or manmade conveyance for surface water, including open channels, enclosed storm sewers, streams, rivers, lakes, ponds, wetlands or marshes.

Drainage System. The surface and subsurface system for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the manmade elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.

Easement. A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land.

Embankment or *Fill.* A deposit of soil, rock, or other material placed by man.

Erosion. The general process by which soil and rock fragments are detached and moved by the action of wind, water, ice, and gravity, either naturally or induced.

Erosion and Sediment Control Plan. A plan which adequately describes necessary land management practices and control measures, including a timetable or schedule for their installation, which will effectively minimize soil erosion and sedimentation; prepared and approved as provided herein for application to a particular land area.

FEMA. The Federal Emergency Management Agency.

FEMA-Designated Floodplain. The 100-year floodplain shown on the most current FEMA Flood Insurance Rate Map or Flood Boundary and Floodway Map. This shall include both the detailed 100-year floodplain, which shows the 100-year flood elevation, and the approximate 100-year floodplain.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas, caused by the overflow of a watercourse or the unusual and rapid accumulation of surface water runoff from any source. For the purpose of this Section, a flood shall be construed to be any inundation that has a return frequency of one hundred (100) years or less.

Flood Insurance Rate Map (FIRM). An official map of Hardeeville and/or Jasper County, South Carolina, on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to Hardeeville and/or Jasper County, South Carolina, with accompanying reports.

Flood Insurance Study. A study using detailed hydrologic and hydraulic analyses to model the one (1) percent annual chance flood event, determine base flood elevations, and designate floodways and risk zones (Zones AE, A1-30, AH, AO, VE, and V1-30).

Flood-Prone Area. The area of land susceptible to being inundated by a flood (see definition of "flood").

Floodproofing. Design and construction of nonresidential structures and attendant utility and sanitary facilities that are watertight to at least two (2) feet above the base flood elevation. Walls are substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

Grading. Any displacement of soil by stripping, excavating, filling, stockpiling, or any combination thereof; and shall include the land in its excavated or filled state.

Land Disturbance Permit. A certificate issued by the City of Hardeeville to perform work pursuant to an approved Erosion and Sediment Control Plan in an approved subdivision/development plan or single-family residential unit where an approved stormwater management plan has not been approved as part of an overall subdivision/development (see definitions, *Development (b)),* prepared under the provisions of this Section.

Group Development. The development of two (2) or more structures designed or intended for separate occupancy or use on a site that is not subdivided into lots, blocks, and streets, and is subject to the City's land development regulations; such as shopping centers, office buildings, industrial sites, manufactured home parks, apartment complexes, and condominium complexes.

Habitable Floor. Any floor useable for living purposes, which include working, sleeping, eating, cooking and recreation, or any combination thereof. Floor elevation is to be measured as follows:

(a) For slab-on-grade type buildings or buildings with basements, the top surface of the slab or basement floor constitutes the lowest floor;

(b) For footing, foundation wall, or pile type buildings having crawl spaces under the building with no basements, the top surface of the finished flooring above the horizontal joist, beam, or other supporting member constitutes the lowest floor.

Land. Any ground, soil, or earth, including marshes, wetlands, swamps, drainage-ways, and areas not permanently covered by water.

Land Disturbance. Any activity involving the clearing, grading, transporting, filling, and any other activity which causes the land to be exposed to the danger of erosion.

Maintenance. Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this Section and to prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics of stormwater management facilities.

New Construction. Structures for which the first placement of permanent construction commenced on or after the effective date of this Section [March 20, 2003].

On-Site Stormwater Management. The design and construction of a stormwater management facility within and for a single development.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate or governmental entity, or their legal representative agents or assigns.

Primary Drainage Channel. A drainage channel, stream or creek draining an area of three hundred (300) acres or more.

Public Nuisance. The following conditions constitute a public nuisance:

(a) Any condition that constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.

(b) Any open place containing a concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.

(c) Any open place containing a collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.

(d) Any open place containing furniture, appliances, or metal products of any kind or nature which have jagged edges of metal or glass, or areas of confinement.

(e) Any condition which blocks, hinders, or obstructs in any way the natural flow of streams, creeks, surface water, ditches, or drains, to the extent that the blockage, hindrance, or obstruction creates standing or stagnant water.

Regional Stormwater Management. The design and construction of a stormwater management facility that controls runoff from more than one (1) development.

Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot, as identified on an official Flood Insurance Rate Map or other available information.

Retention Structure. A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff.

Runoff. The portion of the precipitation on the land that reaches the drainage system.

Secondary Drainage Channel. A drainage channel, stream or creek draining an area less than three hundred (300) acres in size.

Sedimentation. The process which operates at or near the surfaces of the ground, to deposit soil, debris and other materials either on other ground surfaces or in water channels.

Storm Drainage Design Standards. The manual of design, performance, and review standards for stormwater management, prepared under the direction of the City Engineer.

Stormwater Design Plan. The set of drawings and other documents comprising all of the information and specifications for the drainage systems, structures, concepts and techniques used to control stormwater as required by this section and the Storm Drainage Design Standards. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater Management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to minimize channel erosion, flood damage, and/or degradation of water quality and in a manner to enhance and insure the public health, safety, and general welfare.

Stormwater Management Facilities. Structures and manmade features designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. Stormwater management facilities include vegetative or structural measures, or both, to control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

Stormwater Runoff. The direct response of a watershed to precipitation, including surface and subsurface flows resulting from precipitation.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but not limited to, storm sewer infrastructure, manufactured homes, gas or liquid storage tanks, fences, tennis courts, swimming pools, and buildings.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure prior to the improvement.

Technical Representative. South Carolina Registered Professional Civil Engineer, responsible for sealing stormwater management plan(s).

Vegetation. All plant growth, including trees, shrubs, grasses, and mosses.

Water Quality. Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Waters. For the purpose of identifying NPDES stormwater permit "point discharges", waters means surface waters, within Hardeeville's jurisdictional boundaries.

Waters of the State. Refer to the State of South Carolina Department of Health and Environmental Control, Regulation R.61-9.122, Part A, Section 122.2 "Definitions".

Watershed. The drainage area contributing stormwater runoff to a single point.

Approved Plan and Permit Required for Land Disturbance. Unless otherwise provided in this article, the surface of land in the city shall not be disturbed or changed for any purposes, whatsoever, but not including those exemptions outlined in Exemptions (below), except in

accordance with a plan for control of erosion and sedimentation approved by the City of Hardeeville. Prior to any grading, construction, or land disturbances of any nature, a land disturbance permit shall be obtained from the City of Hardeeville that shall state the period for which the permit is valid.

Exemptions. The provisions of this article shall not apply to:

(a) Agricultural and silvicultural land management and cultural practices, or to the construction of on-farm buildings and structures used in a farming operation.

(c) Mining and mineral resource extraction operations conducted in accordance with a valid mining permit issued by the Mining and Reclamation Division of the South Carolina Department of Health and Environmental Control.

(d) Emergency repairs or maintenance of existing structures and facilities which require ground to be broken. The responsible person shall notify the City in writing within five (5) working days of such emergency repairs and maintenance actions.

(e) Any agency with the power of eminent domain. Such agencies must apply to the South Carolina Department of Health and Environmental Control for a Stormwater Management Permit.

(f) Construction and maintenance activities associated with provisions of gas, electrification or communication services and more particularly described in Section 72-302A(6) of the Standards for Stormwater Management and Sediment Reduction administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991.

Application for Plan Approval and Permit.

(a) The applicant shall apply in writing to the City of Hardeeville for a land disturbance permit to disturb or change land in the City. Such application shall be accompanied by three (3) copies of an Erosion and Sediment Control Plan prepared in accordance with this Ordinance. The plan shall be certified by the applicant and by a South Carolina Registered Professional Civil Engineer, Land Surveyor, or Landscape Architect, where allowed by South Carolina State Code.

(b) A landowner proposing to construct one (1) single-family residence on the property may develop and certify his own Erosion and Sediment Control Plan for a tract of land containing two (2) acres or less, provided:

1) The areas to be disturbed will not allow water to flow in any one (1) direction for over two hundred (200) feet; and

2) The cuts and fills established will not exceed a height or depth of over five (5) feet;

3) There will be no concentrated off-site water to be controlled on the site and

4) No off-site drainage system will be impeded or effected [affected] by such an activity. The plan so developed must meet the objective of Section 8-15 of this Section [Ordinance].

Application Fee. The application and grading permit fees are included in the fees assessed under the City's land development regulations and MZDO.

Approval or Disapproval of Application.

(a) If the Erosion and Sediment Control Plan conforms with the requirements

of this Article, the City shall issue the land disturbance permit to the applicant, with a copy of the approved plan. However, if the plan does not conform with the requirements of this Article, written notification of the permit denial shall be forwarded to the applicant that indicates the reason(s) for plan disapproval.

(b) Review of the Erosion and Sediment Control Plan shall require thirty (30) working days or less from the date of submittal until the time a decision is rendered, either approving or disapproving the plan. However, if the City determines that the size and scope of the proposed plan requires additional time for adequate review, the review period shall be extended as determined appropriate by the City, but in no event shall be review period exceed forty-five (45) working days. If at the end of the forty-five-working-day period a decision has not been reached, the plan shall be deemed approved and a land disturbance permit issued on demand; provided, however, that the applicant may waive this requirement and consent in writing to the extension of that period.

(c) If an Erosion and Sediment Control Plan is disapproved and the land disturbance permit denied, the applicant may elect to correct the indicated deficiencies in conformity with the provisions of this Article and resubmit the application and plan. No additional application fee shall be assessed for such resubmission.

Other Authorizations and Requirements. When any other authorization, bonds, or other sureties are required by applicable laws, regulations, or ordinances pertaining to any part of the proposed work to be done under the Erosion and Sediment Control Plan, the applicant shall furnish the City with satisfactory evidence that such requirements have been met before the commencement of work under an approved plan and land disturbance permit.

Extension of Time. If the applicant is unable to complete the work within the time specified in the approved plan and grading permit, he or she may, prior to the expiration of such time, present a written request to the City for an extension of time, setting forth reasons for the requested extension. The City shall approve or deny the request for an extension of time subject to such additional erosion and sediment control measures as may be reasonably required.

Responsibility of Applicant.

(a) The applicant shall be responsible for carrying out the proposed work in accordance with the approved Erosion and Sediment Control Plan and grading permit, and in compliance with the requirements of this Article.

(b) The applicant shall be responsible for compliance with all applicable regulations pertaining to the protection of wetlands.

(c) The applicant shall be responsible for notifying the City of Hardeeville Building Official a minimum of forty-eight (48) hours prior to the start of construction.

Supplemental Regulations. All applicable provisions for [of] the Standards for Stormwater Management and Sediment Reduction (Sections 72-301, 302, 305, 307, 308, 312, 313, 314, 315 and 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated by reference herein.

Guidelines for Preparation of Erosion and Sediment Control Plans. Erosion and Sediment Control Plans shall be prepared according to the following guidelines, as applicable, prior to submission to the City of Hardeeville. Plans shall include appropriate measures and practices for erosion and sediment control, installed in a timely sequence during the development process, and maintained to insure their proper functions:

(a) Select land where the drainage pattern, topography, and soils are favorable for the intended use. Tracts of land vary in suitability for different uses. Consider the major characteristics of the land area and the kinds of soil in identifying and evaluating potential erosion and sediment problems, and in selecting appropriate control measures and practices.

(b) Expose the smallest practical area of land for the least possible time during development.

(c) When feasible, retain and protect natural vegetation. Save topsoil, where practical, for replacing on graded areas.

(d) Use temporary plant cover, mulching, and/or structures to control runoff and protect areas subject to erosion during construction.

(e) Provide for handling the increased runoff caused by changed soil and surface conditions. Emphasis should be placed on conservation of existing on-site soil. Effective means include the use of diversion ditches, grassed or surfaced waterways and outlets, enlarged and protected drainage channels, grade control structures, and effective use of street gutters and storm sewers.

(f) Use sediment basins or other forms of silt traps, where practical, to remove heavy sediment loads from runoff waters leaving the disturbed area. Install permanent vegetative cover and long-term erosion protection measures or structures as soon as practical in the development process.

Insure all plans conform to applicable South Carolina Department of Health and Environmental Control requirements as well as those mandated by the Ocean and Coastal Resource Management Division. The City is not responsible for ensuring any development erosion control or drainage plan conforms with State and/or Federal government regulations.

Contents of Plan and Application. The Erosion and Sediment Control Plan and application for land disturbance permit shall include, but not be limited to, the following data as applicable:

(a) A vicinity map sufficient to locate the site and to show the relationship of the site to its general surroundings at a scale of not less than one thousand (1,000) feet to one (1) inch.

(b) A site plan, drawn to a scale of not less than two hundred (200) feet to one (1) inch, and supporting specifications and schedules showing:

(1) The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site.

(2) Existing contours with intervals of not more than one (1) feet.

(3) Existing drainage patterns, including off-site drainage through site, significant on-site depressional storage areas, and any existing drainage structures within the boundaries of the survey.

(4) Proposed physical improvements on the site, including present development and future utilization, if known.

(5) All drainage provisions, flood protection provisions, erosion and sediment control measures, vegetative practices, or other protective devices to be utilized in connection with, or as a part of, the proposed work.

(6) Provisions for erosion control during construction (temporary) and

during the life of the facility (permanent). Such provisions shall include a schedule and sequence of operations indicating:

1) The anticipated starting and completion dates of each particular development sequence; and

2) The estimated time of exposure for each disturbed area prior to completion of effective erosion and sediment control measures.

Specifications accompanying the plan shall include, as appropriate, seeding mixes and application rates, type of sod, seedbed preparation, lime and fertilizer application, mulching and other related data.

(7) A complete and adequate grading plan for on-site borrow pits and material processing facilities, where applicable, including provisions for adequate drainage in such areas.

(8) A general description of the predominant soil types on the site.

(9) The name and address of the owner, developer, and petitioner, and the individual responsible for satisfactory completion of the work described in the plan, if different from the above.

(10) Title, scale, north arrow, date and name of the individual or organization preparing the plan, with seal when applicable.

(11) The plan and application shall be supported by such supplemental reports, specifications, data, and additional information as the City may reasonably require, including but not limited to, finished contours, elevations, dimensions, locations, slopes, storm drainage computations, and field investigation reports on soils, drainage and flooding.

Evidence of compliance with all applicable regulations pertaining to the protection of wetlands as well as compliance with all State and Federal governmental regulations.

Copy of U.S. Army Corps of Engineers and Ocean and Coastal Resource Management Division jurisdictional wetland determination documentation along with a copy of the wetland boundary map for the entire property.

(c) Applicant's certification statement;

I (We) hereby certify that all clearing, grading, construction and/or development will be done pursuant to this plan.

TABLE INSET:

Date	Applicant

Seal of a South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor.

Provide Ocean and Coastal Resource Management Division letter of approval.

Inspection. The City Building Official shall periodically review the work done under the approved Erosion and Sediment Control Plan and land disturbance permit, as deemed advisable. Upon completion of such work, he/she shall make a final review. If the work has been completed in accordance with the plan and permit, the City Building Official shall issue a letter

of satisfactory completion.

Approved Stormwater Management Plan Required for Construction and Other Development.

(a) Unless otherwise provided in this Article, any construction or other development affecting the quantity and/or quality of stormwater runoff shall be in accordance with a Stormwater Management Plan approved by the City. Approval of the Stormwater Management Plan shall be obtained prior to the issuance of a building permit.

(b) No building permit shall be issued until the required drainage improvements are installed. Drainage improvements shall in all cases be completed prior to occupancy.

Coverage Under Other Permit(s).

(a) The City may review industrial stormwater pollution prevention plan(s), as required under a facility's National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit, when outfall monitoring indicates a suspected violation.

(b) The City may review reclamation plan(s), as required under a mining and mineral resource extraction operation's operating permit, when outfall monitoring indicates a suspected violation.

(c) The City may review certificate(s) of environmental compatibility, as required by the Public Service Commission, when outfall monitoring indicates a suspected violation at a utility.

Exemptions. The provisions of this Article shall not apply to:

(a) Agricultural and silvicultural land management and cultural practices, or construction of on-farm nonresidential buildings and structures used in a farming operation, provided that such structures do not require a building permit and do not impede the flood-carrying capacity of a regulatory floodway.

(b) Single-family residential lots of under two (2) acres or less or single-family residential lots that have been approved as part of an overall subdivision/development stormwater management plan on record with the City and that meets the requirements of this Ordinance. However, the City Building Official may, if valid reason exists, require submittal of all/or portions of this section for any single-family residential lots.

(c) Industrial operations conducted in accordance with valid NPDES individual stormwater pollution prevention permit(s) issued by the Industrial, Agricultural and Stormwater Permitting Division of the South Carolina Department of Health and Environmental Control, provided that such operations are subject to review in accordance with this Ordinance and shall not impede the flood-carrying capacity of a regulatory floodway.

(d) Mining and mineral resource extraction operations conducted in accordance with a valid mining permit issued by the Mining and Reclamation Division of the South Carolina Department of Health and Environmental Control, provided that such operations are subject to review in accordance with Section 8-19(b) and shall not impede the flood-carrying capacity of a regulatory floodway.

(e) Any agency with power of eminent domain. Such agencies must apply to the Department of Health and Environmental Control for a Stormwater Management Permit.

(h) Construction and maintenance activities associated with provisions of gas, electrification or communication services and more particularly described in Section 72-302A(6) of the Standards for Stormwater Management and Sediment Reduction ~~administered by the South Carolina~~ Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991.

Contents of Plan. The stormwater management plan shall include, but not be limited to, the following data as applicable, and submitted in digital format specified by the City. The City Building Official may require additional calculations be made, formula used, or data supplied as he deems necessary:

(a) A vicinity map sufficient to locate the site and drainage area, showing the relationship of the site to its general surroundings at a scale of not less than one (1) inch = one thousand (1,000) feet.

(b) A site plan for the site(s) where drainage improvements are proposed, drawn to a scale of not less than two hundred (200) feet to one (1) inch utilizing the South Carolina State Plane Coordinates as specified in Title 27, Chapter 2, of the South Carolina Code of Laws, as amended. The site plan must include supporting specifications and computations showing:

(1) The boundary lines of the site(s) on which the work is to be performed, including the acreage of the site and drainage area, and boundary of any special flood hazard and/or regulatory floodway and base flood elevations. If there are non-FEMA-designated floodplains, they must be shown. A separate floodplain submittal may be required and shall be reviewed by the county's floodplain coordinator.

(2) Existing and proposed contours, at intervals of not more than one (1) foot based on mean sea level. Contours shall extend one hundred (100) feet outside the site boundary lines.

(3) Existing drainage patterns map, drawn to a scale of not less than one (1) inch = two hundred (200) feet, including off-site drainage through site, on-site storage areas (stage--area/stage--volume relationships provided), and any existing drainage structures located within the boundaries of the survey.

(4) Proposed physical improvements on the site, including present development and future utilization. Construction and design details shall be included for all structural controls. All landscaping relating to stormwater management shall also be shown on a landscape site plan.

(5) All drainage and flood protection provisions and improvements to be utilized in connection with, or as part of, the proposed work. Such provisions shall include a time schedule and sequence of operations indicating the anticipated starting and completion dates of each development sequence.

(6) Designation of all easements needed for review and maintenance of the stormwater management facilities, including easements needed for the maintenance of the public drainage system. As a minimum, easements shall have the following characteristics:

a. Provide adequate access to all stormwater management facilities for review and maintenance;

b. Provide adequate access to all parts of the public drainage system and structures;

c. Provide drainage easements of acceptable widths, in accordance with the City's Storm Drainage Standards;

d. Provide sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the system. A minimum of twenty (20) feet beyond the bank along one (1) or both sides of all open drainage ways, ditches, channels, etc., is required. This distance shall be measured from the top of bank or toe of dam, whichever is applicable. Easements are also required for stormwater management facilities, in accordance with specifications provided in the Storm Drainage Standards.

e. Restriction on easements shall include:

1) Prohibiting all fences without gates of adequate size to allow maintenance equipment to pass; and

2) Prohibiting structures that could interfere with access to the easement area(s) for inspections and maintenance.

(7) A general description of the predominant on-site soil types, including, but not necessarily limited to, the NRCS/SCS Soil Survey for Jasper County map, scale shown, and applicable soil and hydrologic soil group tables.

(8) The name and address of the applicant, the owner, and the individual responsible for satisfactory completion of the work described in the plan, if different from the above.

(9) Title, scale north arrow, and date.

(10) Name of the individual or organization preparing the plan, with seal when applicable.

(11) The plan shall include such supplemental reports, specifications, data, and additional information as the City Building Official may require. A geotechnical report, prepared by a State Registered Geotechnical Engineer, shall be submitted containing at a general soils characterization and at least one (1) soil boring log and one (1) soil boring log per additional acre of stormwater management detention/retention ponds. The boring depth shall be to a depth of at least three (3) feet below the bottom of the proposed ponds, and must indicate the groundwater depth observed at the time of the boring(s). The location of the boring(s) should be indicated on the topographic map. In addition, the geotechnical engineer must provide the estimated seasonal high ground water depth at each boring location. If dry retention is proposed, or if any stormwater discharge will be reduced through percolation, then the results of percolation tests, at least one per pond, must be provided.

Supplemental materials requested may include, but are not limited to, elevation; dimensions; locations; slopes; storm drainage computations; and field investigation reports on soils, drainage, and flooding.

(12) Copy of U.S. Army Corps of Engineers and Ocean and Coastal Resource Management Division jurisdictional wetland determination documentation along with a copy of the wetland boundary map for the entire property.

(c) A plan for maintenance of privately owned stormwater management facilities shall be included as part of the stormwater design plan. At a minimum,

the maintenance plan shall specify the following:

(1) Maintenance activities that will be performed to ensure that the proposed drainage system and stormwater management facilities will operate as designed.

(2) The frequency and amount of maintenance to be performed.

(3) The equipment that will be required to perform the needed maintenance.

(4) Name, address and phone number of the party responsible for maintenance.

(d) Applicant's certification statement:

I (We) hereby certify that all clearing, grading, construction and/or development will be done pursuant to this plan.

TABLE INSET:

Date	Applicant

(e) Seal of a qualified South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor.

Application for Plan Approval. The applicant shall submit two (2) copies of the Stormwater Management Plan, prepared in accordance with the provisions of this Article, to the City Building Official. The Stormwater Management Plan shall include such stream flow and storm runoff calculations and other information as may be reasonably required by the City Building Official under the requirements of this Article. The Stormwater Management Plan shall be certified by the applicant and sealed by a South Carolina Registered Professional Civil Engineer in accordance with the requirements of Sections [of] this Ordinance. An Ocean and Coastal Resource Management Division letter of approval shall also be required when applicable.

Approval or Disapproval of Stormwater Management Plan.

(a) *[Approval.]* If the Stormwater Management Plan conforms with the requirements of this Article, the City shall approve the plan and notify the applicant.

(b) *[Disapproval.]* If the Stormwater Management Plan does not conform with the requirements of this Article, the City shall disapprove the plan and forward a written notification, indicating the reason or reasons for plan disapproval, to the applicant.

(c) *Review of the Stormwater Management Plan.* Review shall require twenty (20) working days or less from the date of submittal until the time a decision is rendered, either approving or disapproving the plan. However, if the City or its designee determines that the size and scope of the proposed plan requires additional time for adequate review, the review period shall be extended as determined appropriate by the City or its designee, but in no event shall the review period exceed forty-five (45) working days. If at the end of the forty-five-working-day period a decision has not been reached, the plan shall be deemed approved; provided, however, that the applicant may waive this requirement and consent in writing to the extension of that period.

(d) *[Correction of Deficiencies.]* If a Stormwater Management Plan is disapproved, the applicant may elect to correct the indicated deficiencies in conformity with the provisions of this article and resubmit the plan.

Responsibility of Applicant. Approval of plans by the City in no way relieves the applicant's technical representative from his responsibility for the correctness of the plans or the accuracy of his calculations, nor does it relieve the owner or the applicant from their obligation to comply with any applicable laws. In addition, the City's approval of such plans does not relieve the applicant in any way of its responsibility for conforming to all applicable State and Federal regulations and/or requirements.

Methods of Calculating Stream Flow and Runoff.

(a) Formulas and values as prescribed in the Storm Drainage Design Standards shall be used for calculating all stream flow and runoff. Copies of the standards may be obtained through the City Building Official's office.

(b) The following rainfall frequencies shall be used in the calculations for stormwater runoff and stormwater management facility design, depending upon the size of the watershed:

TABLE INSET:

Size--Acres	*Frequency--Years, Duration*
300--+	50-year, 24-hour
40--299	25-year, 24-hour
0--39	10-year, 24-hour

The two-year, twenty-four-hour rainfall shall also be used as prescribed in the Storm Drainage Design Standards.

(c) Calculations used in the design of proposed stormwater management facilities shall reflect the anticipated future development of the entire watershed.

(d) Appropriate inlet control and outlet control curves shall be used to determine headwater depths, where applicable.

Primary Drainage Channel Requirements. All primary drainage channels located within or immediately adjacent to any improvement, development or subdivision/development shall be protected or improved by the applicant as follows:

(a) Responsibility of applicant:

(1) The applicant shall be responsible for carrying out the proposed work in accordance with the approved Stormwater Management Plan, and in compliance with the requirements of this Article.

(2) The applicant shall plan and carry out his developments in a manner that will not interfere with or restrict the flow of water, nor increase the 100-year flood elevation by more than one (1) foot. The developer shall be responsible for any improvements to such channels, as needed to handle increased runoff or other changes resulting from his development, in accordance with the provisions of this article.

(b) All land adjacent to a primary drainage channel and not protected by

levees, dikes or fill shall be dedicated for the purpose of providing drainage right-of-way as follows:

(1) In commercial or residential subdivision/developments of less than fifty (50) units, drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be deeded to the City and/or Jasper County for all drainage improvements, including stormwater management facilities, and shall be separate and apart from adjoining lots.

(2) In group developments, residential developments in excess of fifty (50) units, or Planned Unit Developments, the property owner(s) or Home Owners' Association shall be responsible for maintenance of drainage channels and easements. The final plat approved for recordation shall indicate the available public easements for drainage channels. The county shall have the right to encroach onto these public easements or permit others to encroach for any purpose deemed appropriate by the City. In no way does this right of encroachment lessen the obligation of the property owner(s) or the responsibility of the Home Owners' Association for maintenance of the drainage channels and easements.

(c) The existing channel lying within or contiguous to a subdivision/development or parcel of land proposed for development or redevelopment may be: 1) cleaned to provide for free flow of water; and 2) straightened, widened, and improved to prevent overflow resulting from the fifty-year frequency rainfall beyond the limits of the dedicated drainage easement provided for in Subsection (b) above; provided:

(1) The Stormwater Management Plan contains details of the proposed channel modifications and includes either:

a. A mitigation plan for water quality impacts, including best management practices to be implemented as part of the channel modification and overall project; or

b. An engineering analysis demonstrating no water quality impacts resulting from the proposed modifications.

(2) The Stormwater Management Plan must be approved in accordance with this article prior to commencing any channel modifications.

(d) Final grading of all lots and building sites for new construction or substantial improvement shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is used to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of nonresidential structures are permitted within the floodplain if properly "floodproofed" in compliance with building codes.

(e) Whenever channel improvements are carried out in accordance with Subsection (c) above, sodding, back-sloping, cribbing, and other bank protection shall be designed and constructed to control erosion for the anticipated conditions and flow resulting from a 50-year rainfall.

(f) Primary drainage channels located within street easements shall be placed in enclosed storm sewers, except under the following conditions:

(1) Where a paved street surface at least two (2) lanes wide is

provided on both sides of an improved channel so as to provide access to abutting properties.

(2) For lots with a double-street frontage, an open drainage channel is permitted between the rear lot line and the paved street, provided that access from the street to the lot is prohibited both at the time of construction and in the future.

(3) When a condition outlined in either (1) or (2) above is present, adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.

(g) All levees protecting residential structures or nonresidential structures which are not floodproofed shall be designed, constructed and maintained to provide protection against the 500-year flood plus three (3) feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps or as determined by appropriate hydrologic methods. Any levee constructed or improved under this subsection shall also comply with the other provisions of this section, including, but not limited to, Subsection (h) below.

(h) Not withstanding any other provision of this Section, no levees, dikes, fill materials, structures or obstructions that will impede the free flow of water during times of flood will be permitted in the regulatory floodway, unless:

(1) Such proposed impediment is or would be a part of or used by any public or private school that was constructed and operated before January 1, 2001, on property subsequently classified as a regulatory floodway, or

(2) Such proposed impediment is or would be a part of or used by a publicly-owned wastewater treatment facility that was constructed and operated before January 1, 2001, on property subsequently classified as a regulatory floodway; or

(3) Such proposed impediment is a minor recreational or playground facility or area, such as, but not limited to, a boat ramp, floating dock, picnic area, soccer goal, or swing set; or

(4) Such impediment was approved by the City under this Subsection (h), or under any predecessor provision, before January 1, 2001; provided, however, that any specified activities permitted above must comply with all applicable Federal, State, and local requirements, including, but not limited to, 44 C.F.R. 60.3(d)(3), as amended. Nothing in this Subsection (h) shall limit provisions in this Section or elsewhere authorizing or requiring the maintenance and repair of levees, dikes, dams, and similar structures; provided, however, that this sentence shall not be construed as authorizing or requiring the repair or maintenance of any such structure to the extent that such repair or maintenance would result in a structure that would be higher or wider than it was before the need arose for such repair or maintenance.

(i) *Applicable Regulations.* All applicable regulations of the National Flood Insurance Program, Ocean and Coastal Resource Management Division and any State and Federal governmental agencies are incorporated by reference herein.

Secondary Drainage Channel and Surface Requirements. All secondary drainage channels which are within or immediately adjacent to an improvement, development, or subdivision/development shall be protected and improved by the applicant as follows:

(a) Drainage easements of satisfactory width to provide working room for

construction and maintenance equipment shall be dedicated to Jasper County for all drainage improvements in subdivision/development developments, including stormwater management facilities. Drainage improvement maintenance for group developments, commercial buildings, or planned unit developments shall be the responsibility of the property owner(s) or Home Owners' Association.

(b) Secondary drainage channels having a primary function of: 1) collecting surface water from adjacent properties, or 2) intercepting and diverting side hill drainage, shall be improved open channels.

(c) Secondary drainage channels having a primary function of: 1) transporting surface water through a block or development; or 2) collecting surface water from cross channels, shall be improved as follows:

(1) Secondary drainage channels having drainage basins forty (40) acres or larger shall be improved with either a closed storm sewer or improved open channel designed to carry the runoff resulting from a 25-year frequency rainfall. A natural stream may be approved by the City for environmental or aesthetic purposes, provided that it has the required carrying capacity and that flood protection requirements are met.

(2) Secondary drainage channels having less than forty (40) acres shall be improved with closed storm sewers designed to carry the runoff resulting from a 10-year frequency rainfall. Variation from this requirement may be approved by the City for environmental or aesthetic purposes, provided that it has the required carrying capacity and flood protection requirements are met.

(3) All improvements to drainage channels shall be carried out such that waters of the state protected by the Federal Clean Water Act are not degraded.

(d) In areas of special flood hazard, final grading of all lots and building sites for new construction or substantial improvement of residential structures shall provide for elevation on fill, pilings, or earth-filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is added to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of structures are permitted within the floodplain if properly "floodproofed" in conformity with the City's MZDO and building code.

(e) Secondary drainage channels located within street easements shall be placed in enclosed storm sewers, except under the following conditions:

(1) Where a paved street surface at least two (2) lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties.

(2) For lots with a double-street frontage, an open drainage channel is permitted between the rear lot line and the paved street, provided that access from the street to the lot is prohibited both at the time of construction and in the future.

(3) When a condition outlined in either (1) or (2) above is present, adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.

(f) Off-site discharges from closed storm sewers or improved open channels and not routed through a stormwater facility will only be permitted at natural wetlands and/or streams or manmade drainage channels if the design is

acceptable to the City, no adverse impacts to the receiving water can be demonstrated via generally accepted engineering backwater analyses, and a drainage easement is obtained from the adjoining landowner. Adequate provisions shall be made to reduce discharge velocities such that the receiving channel is not degraded. When off-site drainage channels are not adequate to accept the additional runoff resulting from development, the developer shall install on-site facilities for controlled release of stormwater runoff. These on-site drainage facilities shall be designed to limit the runoff rate to predevelopment levels during the design storm and the two-year storm.

(g) Developments:

(1) *Single-Family Residential, Duplex, or Manufactured Home Development.* Site grading shall be carried out in such a manner that surface water from each dwelling lot will flow directly to a storm sewer, improved channel, sodded swale, or paved street without running more than two hundred (200) feet.

(2) *Commercial, Industrial, Multi-Family, and Institutional Development.* Roofs, paved areas, yards, courts, courtyards and other impervious surfaces shall be drained into a storm sewer system, with the exception that such drainage may flow directly into a street, curb and gutter system or improved channel when of small area and approved by the City. Construction of buildings over storm drainage improvements is not permitted.

Surface water collected on streets shall be diverted to enclosed storm sewers or drainage channels at satisfactory intervals to prevent overflow of the street and its curbs and gutters, where provided, during a 10-year frequency rainfall.

All such development shall conform to the Ocean and Coastal Resource Management Division regulations and requirements.

Minimum Water Quality Requirements.

(a) The minimum quality control requirements are provided in the Storm Drainage Design Standards. These requirements may be waived by the City if:

1) It can be shown, by engineering calculations acceptable to the City, that stormwater management facilities are not needed to control developed peak discharge rates and meet water quality requirements;

2) Installing such facilities would not be in the best interest of local citizens or the City;

3) Such facilities are in conformance with all State and Federal regulatory requirements; and

4) Will not degrade existing water quality.

(b) The City maintains the right to determine if additional stormwater management facilities, beyond those required under this Article, are necessary for on-site stormwater management. Additional facilities may be needed to enhance or provide for the general health, safety and welfare; to correct unacceptable or undesirable existing conditions; or to provide protection for future development in a more desirable fashion. If such a determination is made, the City may:

(1) Require that the owner/applicant grant any necessary easements to provide access to or drainage from the stormwater management facility;

and

(2) Develop an agreement with the owner/applicant for the over-design of the stormwater management facility to provide additional water quality benefits beyond that required by this Article; and

(3) Participate financially in construction of the stormwater management facility, to the extent that such facility exceeds the on-site stormwater management requirements, as determined by the City. The City may pay the additional expenses incurred in providing the additional storage capacity or water quality benefits, including land costs and increased design and construction costs.

Design Criteria for Improvements.

(a) *Open Channels.* Open channels shall be provided with an improved section that will carry runoff from the appropriate design storm and preclude the creation of backwater inundating any areas outside of dedicated drainage easements. The channel shall be designed to minimize negative water quality impacts and protect against erosion in accordance with standards adopted by the City.

(b) *Closed Storm Sewers and Culverts.* Closed storm sewers and culverts shall be constructed of precast or prefabricated pipe or box culvert or built in place, of closed box design, in conformity with South Carolina Department of Transportation specifications. They shall be sized to carry the runoff from the appropriate design storm and to preclude the creation of headwater inundating any areas outside of dedicated drainage easements.

(c) *Bridges.* Bridges shall be designed in accordance with standards established by the South Carolina Department of Transportation and/or Jasper County specifications, which ever are applicable.

(d) *Levees.* Levees shall be designed, constructed, and maintained as follows:

(1) Design and construction shall be in accordance with U.S. Army Corps of Engineers' Manual EM 1110-2-1913 (31 March 1978) *Design and Construction of Levees.* The design and construction of drainage systems within levees shall be in accordance with the U.S. Army Corps of Engineers' Manual EM 1110-2-1413 (15 Jan 1987) *Hydrologic Analysis of Interior Areas.* A South Carolina Registered Professional Engineer shall certify that he has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the Corps of Engineers.

(2) Owners of levees will perform the necessary and required maintenance and provide appropriate records to the City. These records will include:

a. Signed agreements of perpetual operation and maintenance between the constructor and/or owner and the City;

b. As-built construction plans sealed by a South Carolina Registered Professional Engineer;

c. Levee maintenance program in accordance with the Levee Maintenance Standards and Procedures of the City (See Division 4 of this Article); and

d. Periodic maintenance reports as required by the City.

(e) *Stormwater Management Facilities.*

~~(1)~~ Stormwater management facilities may include both structural and nonstructural elements incorporating quantity and/or quality control.

(2) A variety of different types of stormwater management facilities exist and can be used to satisfy the minimum quantity and/or quality control requirements. All proposed stormwater control measures shall be in accordance with the Storm Drainage Design Standards.

(3) Stormwater management facilities shall restrict the peak post-development runoff rate to the peak predevelopment rate for the design storm. The design storm shall be ten (10), twenty-five (25), or fifty (50) years, depending on the size of the drainage basin. Overflow structures and emergency spillways shall be designed to accommodate the 100-year rainfall.

(4) On-site natural storage areas may not be filled unless provisions for the displaced storage are made in the predevelopment stormwater discharge calculations.

(5) Wet ponds (retention structures with a permanent pool) shall be utilized for drainage areas in accordance with the standards established by the Ocean and Coastal Resource Division.

(6) Where dry detention/retention is proposed to meet the water quality and design storm pre-post requirements, the stormwater calculations must demonstrate the capacity of the required treatment volume recovers in seventy-two (72) hours unless other Federal, State, or local regulations are more restrictive.

(7) Where stormwater management facilities are used, designs which consolidate them into a limited number of large structures are preferred over designs utilizing a large number of smaller structures. Additional State and/or Federal permits may be required for larger stormwater management facilities impacting waters of the state protected by the Federal Clean Water Act.

(8) The City may reject a Stormwater Management Plan if it incorporates structures and facilities that do not meet the requirements of this Article, or utilizes numerous small structures where other alternatives are physically possible.

(9) The drainage system and all stormwater management structures within the City (including public and private portions) will be designed to the same engineering and technical criteria and standards. Owners of stormwater management facilities will perform the required maintenance and provide appropriate records to the City. These records will include:

a. As-built construction plans certified by a South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor;

b. Periodic maintenance reports as required by the City.

Maintenance of Stormwater Management Facilities.

(a) All stormwater management facilities shall be maintained by the owner(s) in such a manner as to maintain and enhance the general health, safety and welfare; to reduce and minimize damage to public and private property; to reduce and minimize the impact of such facilities on land and stream channel erosion; to promote the attainment and maintenance of water quality standards; and to

maintain, as nearly as possible, the predevelopment runoff characteristics of the area. All maintenance of privately owned stormwater management facilities shall be at the sole cost and expense of the owner(s) of such facilities.

(b) It shall be unlawful for the owner or occupant of any property upon which a stormwater management facility is located to fail to maintain the facility in such a manner that the facility creates a danger to the general health, safety and welfare. Should the owner fail to so maintain the stormwater management facility, this failure shall constitute a public nuisance.

(c) If the City assists private owners with the design of stormwater management facilities, this does not imply any maintenance responsibilities by the City. The maintenance of all such facilities shall be the sole responsibility of the property owner(s).

Illicit Discharges and Improper Disposal.

(a) *Illicit Connections.*

(1) It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, bathtub, septic tank, drainfield, or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial or institutional process, including water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, State and Federal permits.

(2) It shall be unlawful, either willfully or negligently, to injure, deface, mutilate, destroy, tamper or interfere with any publicly owned property or any property used in the City's publicly-owned stormwater management system.

(3) Building permits shall be required before the construction of any connection to the Jasper County, SCDOT, City or privately-owned stormwater management system.

(b) *Improper Disposal.* It shall be unlawful for any person to discharge non-stormwater to any stormwater conveyance with the exception of the following:

(1) Water line flushing,

(2) Diverted stream flows,

(3) Rising ground water,

(4) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 [20]) to separate storm sewers,

(5) Uncontaminated pumped ground water discharges from potable water sources,

(6) Foundation drains,

(7) Air conditioning condensation,

(8) Irrigation water,

(9) Springs,

(10) Water from crawl space pumps,

(11) Footing drains,

(12) Lawn watering,

(13) Car washing at one's residence, not for hire,

(14) Flows from riparian habitats and wetlands,

(15) De-chlorinated swimming pool discharges,

(16) Street wash water, and

(17) Discharges from firefighting.

(c) *Litter and Refuse Control.* It shall be unlawful for any person to dump, throw, drop, leave, or in any way deposit any garbage, ashes, rubbish, paper, trash, litter, refuse, building materials, glass bottles, glass or cans: 1) on any property belonging to another; or 2) on or along any street, road, highway, curb, sidewalk or public right-of-way, except as required by the authorized and franchised garbage collector for that district. No person shall throw or deposit any refuse in any stream or other body of water within the boundaries of the City.

(d) *Organic Waste.*

(1) It shall be the duty of the property owner to keep grass clippings, leaves, tree and shrub clippings, stumps, organic materials or any other yard trash out of gutters, inlets, catch basins, and side ditches.

(2) It shall be unlawful to place grass clippings, leaves, tree and shrub clippings, stumps, organic materials or any other yard trash in any street, storm drain, stream, stormwater conveyance, or any other location where concentrated flows could wash such wastes into the storm sewer system.

(3) Privies, septic tanks and associated drain fields, pigpens, corrals and stables of all kinds shall be placed far enough away from any stream, ditch, drain, or other stormwater conveyance that human or animal waste (s) and in a manner approved by the City so that run off from these facilities will not run into any stormwater system or receiving water.

Spill Response.

(a) The Director of Emergency Services or designee, or an authorized fire official, shall have the authority to summarily abate, control and contain hazardous materials that are emitted into the environment and endanger the health or safety of the general public or the environment. The Director of Emergency Services or designee, or an authorized fire official, shall have the authority to enter public or private property with or without the owner's consent, to respond to such hazardous materials emergencies. The Director of Emergency Services or designee, or authorized fire official, shall determine the type, amount and quantity of equipment and personnel required to adequately abate, control and contain all hazardous materials emitted into the environment.

(b) The property owner and/or person responsible for the hazardous materials spill or release shall be held financially liable for the response, control, containment, equipment and materials costs, including legal fees, incurred by the City and supporting agencies. The property owner and/or person responsible for the hazardous material spill may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of local, State and Federal laws. The City shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:

(1) Informing Emergency Services Department personnel of all matters pertaining to the incident.

(2) Supplying emergency response plan information for the site.

(3) Supplying emergency response equipment, personnel and materials. Charges for hazardous materials emergency response shall be based upon the actual costs of response, control, containment, equipment and materials, including legal fees. All fees collected shall be turned in to the City Treasurer and credited to the City's general fund.

(c) In fire incidents involving hazardous materials or exposure to hazardous materials, no fee will be assessed for resources normally associated with firefighting operations. Fees shall be assessed for those activities and resources associated with abatement, control and containment of the hazardous materials involvement or exposure.

Supplemental Regulations.

(a) All applicable provisions of the Standards for Stormwater Management and Sediment Reduction (Section 72-301, 302, 305, 307, 308, 312, 313, 314, 315 and 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated by reference herein.

(b) All applicable provisions of the NPDES and Land Application Permits Regulation (Section 61-9.122 Part A 122.2, 122.3, 122.4 and Part B 122.26) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Pollution Control Act of 1976 are incorporated by reference herein.

Review During Construction. The City Building Official or his designee shall periodically review the work completed under the approved Stormwater Management Plan. Upon completion of such work, he/she shall make a final review and if the work has been carried out in accordance with the plan, he/she shall issue a letter of satisfactory completion upon receipt of the as-built drawings.

Right of Entry.

(a) The City Building Official or his designee shall have right of entry on or upon the property of any person subject to this Article and any permit/document issued hereunder. The City Building Official or his designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, examination and copying of records, and the performance of any other duties necessary to determine compliance with this Article.

(b) Where a person has security measures in force requiring proper identification and clearance before entry onto the premises, the person shall make necessary arrangements with security guards so that, upon presentation of suitable identification, the City Building Official or his designee will be permitted to enter without delay for the purposes of performing specific responsibilities.

(c) The City Building Official or his designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations as they relate to stormwater management.

(d) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the City Building Official or his designee. The costs of clearing such access shall be borne by the person.

(e) In cases where an imminent threat to the health or safety of the general

public or the environment is suspected, the City Building Official or the Director of Emergency Services (or designee) shall review the existing stormwater management facilities to determine if immediate action is necessary. Such review shall be made with or without the consent of the owner, manager, or signatory official. If such consent is refused, the City may seek issuance of an administrative search warrant in order to gain access for review.

Appeals. Any person aggrieved by any decision of the City Building Official or his designee or the City Council under this Section may appeal to a court of competent jurisdiction, which shall hear the same de novo. Such an appeal shall be filed within thirty (30) days after the City's decision.

Enforcement.

(a) The City Building Official or his designee shall be entitled to review all stormwater management facilities subject to this section at all reasonable times in order to determine compliance or non-compliance with the terms and provisions hereof.

(b) When the City Building Official or his designee finds that work done under any grading permit issued under the provisions of Article II fails to conform to the approved Erosion and Sediment Control Plan, or that the work has not been done, or finds that work done under any approved Stormwater Management Plan fails to conform to the approved plan, or that the work has not been done, the City Building Official may, as deemed necessary, by written order direct conformity to said plan(s). Actions may include:

1) Issuing a written order to comply, to suspend work, or to revoke the permit issued; or

2) Seeking redress through legal action; and/or

3) Withholding the release of permanent electric power to the site.

(c) When the City Building Official or his designee determines that an owner has failed to maintain a stormwater management facility, he/she shall provide written notice to the owner or the person in possession, charge or control of such property stating that:

1) In the judgment of the City the conditions existing upon the property constitute a public nuisance; and

2) Setting forth action to be taken to eliminate the objectionable conditions; and

3) Requesting that such action be undertaken within the number of days specified in the notice.

The notice shall further state that unless the objectionable conditions are voluntarily removed or remedied within the specified time, the City shall subject the offender to penalty in an amount he deems appropriate and in accordance with Section 3.10 of this Article.

(d) The City Attorney is hereby directed to take all legal actions necessary to correct any public nuisances, including actions that are necessary to remove from the property such objectionable conditions constituting the public nuisance.

(e) Nothing contained in this Section shall impair the right or ability of the City Attorney to exercise any and all other remedies available, at law or in equity, including, without limitation, the pursuit of injunctive relief, under emergency circumstances where there exists the danger of bodily injury or death.

(f) The governing body of the City or its appointed agent may obtain injunctive relief to enjoin violations of the provisions of this Section, and any person damaged as a result of such violations may, upon a proper showing of such damages, obtain payment therefore by a civil action.

(g) This Section may be enforced by any other remedy of law or equity that the City is authorized to pursue, to include the authorities and powers conferred to local governments by the General Assembly of South Carolina. The penalties and other remedies provided in this Section are cumulative and not exclusive, and may be independently and separately pursued against the same person for the activity constituting a violation of this Section. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies in other provisions of this Code or other laws and regulations.

Penalties. Any person who violates the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties contained in Section 1-13 of the Hardeeville Code of Ordinances. Each day's continuing violation shall constitute a separate and distinct offense, unless otherwise specified.

Relationship with Other Laws, Regulations, and Ordinances. Whenever the provisions of this Section impose more restrictive standards than are required in or under any other law, regulation or ordinance, the requirements herein contained shall prevail. Whenever the provisions of any other law, regulation, or ordinance require more restrictive standards than are required herein, the requirements of such law, regulation, or ordinance shall prevail.

Amendments. This Section may be amended in the same manner as prescribed by law for its original adoption.

5.19. Special Nuisances.

The following uses of land, building, and structures within the City are deemed to constitute special nuisances which would endanger the health, safety, and welfare of residents and property owners in the City and shall only be permitted in accordance with the provisions of Special Nuisance Standards, below, and only in the Zoning Districts of GC, TC1 and TC2.

A. Other than normal, acceptable businesses which have a history of safety and regulation, such that the uses create a risk of fire, explosion, noise, radiation, injury, damage or other physical detriment to any person, structure, plant growth beyond 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, carnival 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 uses 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 or riding stables or similar educational facilities, provided they do not create a nuisance beyond the property boundary.

E. Any use causing or resulting in the emission of toxic or corrosive gases, radiation, interference with television or radio reception, or together physical or electronic disturbance perceptible beyond the boundaries of the premises on which such use is conduced.

F. 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.

G. Such special nuisances as defined above which result in the production or discharge of smoke or other air contaminates [contaminants] 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 (1) hour.

H. 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 Manufactured Chemists Association, "Air Pollution Abatement Manual," Latest Edition.

I. 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.

Special Nuisances Standards.

A. All land uses and land use activities outlined in the above [Subsections] A. through I. shall be screened from view from any public right-of-way, 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 residential uses shown on plans on file in the office of the Zoning Administrator, City of Hardeeville, and shall have with preliminary and final plan approval under the provisions of this Ordinance.

B. The applicant shall demonstrate through design and the use of plantings, walls, buffers, setbacks and the like, compliance with radiation, light, smoke, and noise provisions as established in [Subsections] E through I in the above Section.

C. Exceptions to the smoke, odor, and noise standards prescribed in [Subsections] E. through I. above are hereby made for certain temporary activities such as construction, land clearing, special events and the like where, owing to the nature of the activity, temporary nuisance is unavoidable.

D. Exception to the noise level prescribed in [Subsection] I. above is hereby made for publicly-owned airfields and landing strips.

E. Zoning permits for special nuisances shall only be granted after appropriate reviews by the SRC and through the approval of the ZBOA.

5.20. Lighting.

All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

A. *Fixture (Luminare).* Except as provided herein, or unless otherwise explicitly approved by the SRC, the light source shall be a full cutoff fixture, completely concealed within an opaque housing and not be visible from any street. Where the design of an area may suggest the use of lighting fixtures of a particular "period" or architectural style, fixtures other than full cutoff fixtures may be used if the lumens generated by each fixture do not exceed five thousand five hundred

(5,500) and if the mounting heights of such fixtures are less than or equal to fifteen (15) feet. Fixtures used under gasoline canopies and other structural canopies shall be flat lens, recessed lens, or drop lens with glare shields. Use of drop lens without glare shields is prohibited. Drop lenses without glare shields must be brought into compliance with this Section at the passage of this Ordinance.

B. *Light Source (Lamp).* Only incandescent, fluorescent, metal halide, or color corrected height-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any 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 of the overall site unless the SRC deems such lighting to be appropriate to the design theme of the proposed development.

C. *Mounting.* Fixtures must be mounted in such a manner that their cone of light does not cross ay property line of the site. Poles shall be black, dark gray, dark brown, or earth tone. The height of the light shall not exceed twenty-five (25) feet above grade; however, in parking areas greater than one (1) acre in size, lights located more than one hundred (100) feet from any property line may be up to thirty (30) feet above grade and MUST be approved for such height by the SRC. Any fixtures located within any required buffer should not exceed twelve (12) feet above grade. For purposes of this Ordinance, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (luminare).

D. *Submittal Requirements.* A site lighting plan at a scale of one (1) inch to twenty (20) feet or other scale acceptable to the Zoning Administrator shall be submitted. The site lighting plan shall include:

1. Existing and proposed buildings, trees, landscaping, parking areas, and all proposed exterior lighting;

2. Specifications for all proposed lighting fixtures including fixture design, type of lamp, wattage, designation as "cutoff" fixtures, and other descriptive information on the fixtures; and

3. Proposed mounting height and placement of all exterior lighting fixtures.

E. *Timers and Dimmers.* It is recommended that lighting installations include times [timers], dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.

F. *Holiday Lighting.* Holiday lighting during the months of October, November, December and January shall be exempt from the provisions of this Section, provided that such lighting does not create dangerous glare on adjacent streets or properties.

G. *Light Trespass.* In addition to the general provisions in this Section, off-street lighting shall be shielded and/or directed in such a manner that it illuminates only the user's premises and does not spill over into the neighboring residential areas so as to interfere with the peaceful enjoyment of residential or public properties. Floodlighting of buildings is prohibited.

H. *Nonconforming Fixtures.* Except where otherwise noted, all outdoor lighting fixtures existing and legally installed and operative before the effective date of this MZDO are exempt from the requirements of this Section. Whenever a nonconforming fixture is repaired/replaced, or moved, the replacement fixture shall meet the requirements of this Section.

ARTICLE 6. SUBDIVISION/DEVELOPMENT DESIGN/IMPROVEMENTS

6.1. General.

No plat of the subdivision/development of land within the incorporated area of the City shall be filed with or recorded by the County Register of Deeds or Clerk of Court until such plat shall have been submitted to and approved by the City in accordance with this MDZO. Developers who are required to register their subdivision/development with the Office of Interstate Land Sales Registration of the Department of Housing and Urban Development must also indicate that fact on the plat submitted to the City for approval and recording at the records office; however, the City is under no duty to verify such state[ment] of facts and assumes no liability for approving any plat for recording which fails to include such statement. No street or other public or private way or land shall be accepted or maintained nor shall any water lines, sewerage, street lighting or similar improvements be extended or connected in any subdivision/development that has not been approved by the City as provided herein. No permit for construction of any building or other improvement in any subdivision/development established hereafter shall be issued which has not been approved by the City as provided herein, and such notice of approval affixed to the plat.

All subdivision/development plats which have not been recorded with the Register of Deeds or Office of the Clerk of Court of Jasper County, prior to the effective date of these regulations [March 20, 2003], shall be submitted to the City Zoning Administrator for final approval within thirty (30) days of the enactment of this MZDO according to the submission requirements as follows:

(1) Completed subdivision/development plan applications submitted with applicable application fees and supporting documentation required under the former zoning and development ordinance in effect prior to the first reading of this Ordinance, and for which it can be shown that substantial design investment has been made by the developer, shall be exempt from further requirements of these regulations except that:

a. The subdivider shall submit certification of ownership of the property being subdivided;

b. The subdivider shall submit evidence of design investment in improvements such as land use plans, master plans, engineering plans or health department approval of water or sewer systems for example; and

c. The subdivider shall be required to record the completed plat within a reasonable time, not to exceed thirty (30) days after approval, and in all events prior to the sale or transfer of any or all lots with the Register of Deeds or Clerk of Court for Jasper County.

All subdivision/development plans receiving such exemption shall be exempt as submitted only. Any significant deviation from the exempt subdivision/development plan, as determined by the Staff Review Committee, shall void such exemption and the amended plan will be subject to the requirements of these regulations.

(2) All other subdivision/development plans not exempted as determined in (1) above shall be submitted according to the standard submission procedures outlined in Article 3 of this MZDO, subject to all requirements of these regulations.

6.2. Jurisdiction.

The standards and provisions contained herein shall hereafter govern all land subdivision/development within the incorporated areas of the City as now or hereafter established.

6.3. Amendments.

From time to time this Section may be amended by the City Council after holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper of general circulation in the area at least fifteen (15) days prior to said hearing.

6.4. Violations and Penalties.

Any person, firm or corporation who violates the provisions of this Section, or the owner or agent of the owner of any land to be subdivided within the jurisdiction of this Section who transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision/development of such land before such plat has been approved by the Staff Review Committee and subsequently recorded in the Office of the Clerk of Court of the County, shall be guilty of a misdemeanor, and upon the conviction thereof, shall forfeit and pay such penalties as the court may decide as prescribed by State law for each lot or parcel so transferred or sold or agreed to be sold in accordance with the penalties of Section 1-13 of the Hardeeville Code of Ordinances. Furthermore, any violation of the provisions of this Section by any person, firm, corporation, owner or agents of owners of any land to be subdivided within the jurisdiction of this Section shall make the transfer, sale, agreement for sale, or negotiation for sale of any lot, part, tract or parcel of the land to be subdivided rescindable at the purchaser's option.

6.5. Interpretation and Conflict.

The standards and provisions of this Chapter shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Chapter and for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public.

Whenever this Chapter imposes a higher standard than required by other regulations, ordinances or rules, or by easements, covenants, or agreements, the provisions of this Chapter shall govern.

6.6. Definitions.

Except as specifically defined herein, all words used in this Chapter have their customary dictionary definitions. For the purpose of this Chapter, certain words or terms used are herein defined as follows:

(1) The word "shall" is mandatory, not directive.

(2) The word "may" is permissive.

(3) The word "lot" includes the words "plot" or "parcel".

(4) The word "structure" includes the word "building".

(5) The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

(6) The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

(7) The term "planning board" refers to the Local Planning Commission.

(8) The term "city council" refers to the legally constituted and elected governing body of Hardeeville.

(9) *City Engineer, Designee.* A person designated by City Council to serve as City Engineer in the absence of a City Engineer.

(10) *Cul-de-Sac.* A minor street having a short length being terminated by a vehicular turn-around.

(11) *Collector Street.* A street designed primarily to connect local streets to arterials or major streets, roads, or highways or to provide access from residential areas to major destination points such as shopping or employment centers.

(12) *Easement.* A reservation or grant by the property owner to any person, firm, or corporation, or to the general public of the use of a strip or parcel of land for a specified purpose.

(13) *Flood.* A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

(14) *Floodplain.* Also "flood-prone area", means a land area adjoining a river, stream, ocean or water course which is likely to be flooded. The floodplain for the City is duly designated on officially adopted City floodplain maps available at the City Hall.

(15) *Governing Authority.* The City Council having jurisdiction in the area and matter involved.

(16) *Immediate Family.* As used herein, shall mean a subdivider's heirs at law who would succeed to his estate of inheritance under the State statute of dissent and distribution.

(17) *Local Street.* A street used primarily for access to abutting properties.

(18) *Lot.* A piece, parcel, tract or plot of land intended as a unit for the transfer of ownership or for development.

(19) *Major Street.* A street or highway which is used to move fast or heavy traffic between population centers, around population centers, or from one (1) section of an urban area to another.

(20) *Official Floodplain Maps.* A map or series of maps, officially adopted by the City Council, delineating the flood-prone areas and coastal high hazard areas of the City.

(21) *100-Year Flood Elevation.* That elevation of land, measured from mean sea level, which has a one (1) percent chance of being reached each year as a result of flooding conditions usually accompanying a hurricane.

(22) *Planned Unit Development.* A development usually consisting of more than one (1) type of land use comprising detached, some-detached [semi-detached], attached, single or multistoried dwellings including a mix of residential, recreational, limited convenience commercial, cultural and common open space areas.

(23) *Planning Board.* The Local Planning Commission.

(24) *Plat.* A map or drawing of the subdivider's plan of

subdivision/development.

(25) *Private Street.* Any newly created street is a private street unless:

a. Its right-of-way has been dedicated to the State, the County or a County municipality; and

b. The appropriate public body has accepted the street for the purpose of maintaining it.

(26) *Street.* A dedicated public way or private way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley or any other public or private way.

(27) *Subdivider.* Any person, firm, corporation, or other legal entity subdividing land within the jurisdiction of this chapter.

(28) *Subdivision/Development.* The division of a tract or parcel of land for the purpose of sale or transfer into two (2) or more lots or building sites and includes a resubdivision/development.

(29) *Surveyor.* A registered land surveyor in good standing with the state board of engineering examiners.

6.7. Plans Exempted from Standard Procedure.

The following exceptions are exempted from the standard plat submission and review procedure, except that all these exceptions still must submit plats in accordance with Final Plat Approval procedures, step 3, below:

(1) 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 governing authority.

(2) The subdivision/development of land into lots, each having an area of five (5) acres or more, where no new street is involved.

(3) 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 estate where the resultant lots are equal to the standards of the governing authority.

(4) The division of land into lots for the purpose of sale or transfer to members of one's own immediate family, where no new street is involved, where the resultant lots are equal to the standards of the governing authority, is exempt from the standard submission and review procedures.

(5) The division of land into fewer lots than four (4), where each parcel continues to have access to a street or road.

(6) A transfer of title to land not involving the division of land into parcels.

A written statement of the occurrence of such divisions as stated in [Subsections] (1), (2), (3) and (4) above shall be submitted by the owner of the property being divided to the Staff Review Committee for information only.

6.8. Review Procedures.

The following Sections are an outline of the procedure for obtaining review and approval of the subdivision/development of land or development activities within the territorial jurisdiction of the City.

The review and approval procedure may consist of three (3) separate steps. The first

step is optional; steps 2 and 3 are mandatory.

Step 1: Review of Optional Sketch Plan. Although not required, prior to the preparation and filing of a preliminary plat the subdivider is encouraged to and may submit to the Staff Review Committee a simple sketch plan of the proposed subdivision/development. The sketch plan may be a simple freehand drawing and should show the relationship of the proposed subdivision/development to the surrounding area and the general subdivision/development plan. The purpose of the sketch plan is to assist the subdivider prior to extensive site planning and preparation of a preliminary plat by enabling him to become familiar with the regulations affecting the land to be subdivided and reviewing the proposal as to conformance with the provisions of the comprehensive plan which includes among other things proposed public projects such as transportation routes, school sites, recreation areas, open space areas, public utilities, and the like pertinent to any new development. The Staff Review Committee shall review the sketch plan and advise the subdivider, or authorize an agent of the Staff Review Committee to review and advise the subdivider, as to the requirements of the regulations affecting the land to be subdivided within fifteen (15) days from the date submitted.

Step 2: Review and Approval of Preliminary Plat. The preliminary plat contains accurate preliminary planning and engineering. While not a survey (although such may be advisable), the accuracy is to be such that only minor changes are to be expected in the final plat. The preliminary submissions must be submitted under the signature and seal of the appropriate Design Professional(s) as required by South Carolina State Code. The final plat is expected to be in substantial compliance with the preliminary plat, with only minor deviations created by final engineering, surveying, other minor design enhancements, or requirements of the Architectural/Overlay Review Board (if applicable). Major changes at the final plat stage may, at the discretion of the Staff Review Committee, be required to be reviewed again as a preliminary plat if the SRC believes the changes result in significant implications that adversely affect the purposes of these subdivision/development/development regulations or the ability to safely or adequately provide services. A proposed phasing plan shall require approval by the SRC, and should be submitted at the preliminary application stage.

(a) *Submission.* Five (5) black or blue line prints of the preliminary plat, together with supporting data, shall be submitted by the subdivider to the director of the Staff Review Committee at least fourteen (14) days prior to a regularly scheduled meeting date of the Staff Review Committee. A conference between the subdivider and the Staff Review Committee will be held in order that the Committee might advise the subdivider of the extent to which the proposed subdivision/development conforms to the applicable requirements of this chapter and shall further suggest any modifications of the plan which are deemed advisable or necessary to secure performance. Applications, maps, and supporting data for the preliminary plan will be distributed only to committee members, staff and necessary agencies involved in the review process.

(b) *Fees.* Filing fees will be in accordance with such schedule of fees as the City Council may from time to time adopt by resolution. A copy of the adopted fee schedule will be available at City Hall for inspection.

(c) *Staff Review Committee Procedure.* Following submission of a preliminary plat meeting the plat requirements as stated herein, the Staff Review Committee may require the subdivider to forward relative data to the various local, State, and Federal agencies for which review is required. The Staff Review Committee shall be notified by the subdivider of any conferences requested by any of these affected agencies which should be held prior to the Staff Review Committee acting on the preliminary plat. However, it shall be the responsibility of the subdivider to obtain all necessary permits or approvals for such agencies.

The Staff Review Committee shall act on a preliminary plat within twenty (20) days after the next regular Committee meeting following submission unless

required conferences between the subdivider and other review agencies are not completed within the time frame and the Staff Review Committee duly notified of the remarks of the affected agency.

Upon approval of the preliminary plat, the Staff Review Committee shall indicate in writing:

(1) The conditions of such approval, if any;

(2) Certification on the plat by the director of the Staff Review Committee; and

(3) The date on which the Staff Review Committee granted approval; or if disapproving, shall express in writing reasons for disapproval. The action of the Staff Review Committee shall be recorded in the minutes of the committee meeting and the subdivider shall be duly notified.

Approval of the preliminary plan by the Staff Review Committee does not authorize the subdivider to proceed with the installation of improvements such as streets, drainage system, water and sewer system, utilities, recreation areas nor any amenities. Approval of a preliminary plat or plan shall not constitute approval of the final subdivision/development plat and shall not authorize the sale and other transfer of lots. Plans subject to Architectural/Overlay Board approval should receive preliminary approval before being submitted to that Board.

(d) *Approved Plans Containing Public Improvement Projects.* Where a tract of land or right-of-way that has been approved by a governmental body or department of such a body lies wholly or partially within an area to be subdivided, and provided that said body or department has notified the Staff Review Committee of such official plans prior to or within fourteen (14) days after the presentation of the preliminary subdivision/development plan to the Staff Review Committee for approval, the subdivider shall reserve the proposed site or right-of-way for a period of not more than sixty (60) days from the date of approval of the preliminary plan in order to afford the agency involved the opportunity to act on the site or right-of-way as provided for by State law. Such reservation would be stated as a condition of preliminary approval by the Staff Review Committee.

(e) *Preliminary Plat Requirements.* In order for the Staff Review Committee to properly review the preliminary plat, the following information shall be submitted unless the Staff Review Committee determines and notifies the subdivider that certain information is not necessary.

(1) Name and address of owner of record.

(2) Proposed name of subdivision/development, date, north point, and graphic scale.

(3) Name and seal of registered surveyor.

(4) Vicinity map showing location of proposed subdivision/development.

(5) Tract boundaries and total acreage.

(6) Significant topographical features such as water courses, swamps, pipes, etc.

(7) Existing buildings, streets, railroads, transmission lines, drainage pipes and ditches, sewer and water lines, city limit lines, and any public utility lines on and adjacent to the tract to be subdivided.

(8) Tentative street and lot arrangement, average size lot and number

of lots.

(9) Proposed street right-of-way widths, proposed street names, pavement widths, and utility easements.

(10) Proposed parks and playgrounds or other open spaces proposed by the subdivider and any such known projects by other agencies.

(11) Preliminary plan for water system, sewer system, surface and stormwater drainage system.

(12) Existing and proposed covenants.

(13) Proposed time schedule of development if [it is] to be done in stages or phases.

(14) Designated zoning classification of the property.

Step 3: Review and Approval of Final Plat. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time of submission.

(1) *Submission.*

a. The subdivider shall submit to the Staff Review Committee within one (1) year of the date of the preliminary plat approval an original, two (2) reproducible permanent unshrinkable prints and five (5) black or blue line prints of the final plat, and one (1) electronic copy readable in AutoCAD® latest edition, at least fourteen (14) days prior to a regularly scheduled meeting of the Staff Review Committee. The number of prints required may vary at the discretion of the Staff Review Committee.

b. The plat shall be reviewed by the Staff Review Committee for conformance with the approved preliminary plat and with the requirements of these regulations. The Staff Review Committee may request the subdivider to forward appropriate copies for the final plat together with necessary supporting data to the department of health and environmental control for approval of proposed water and sewer systems and to the City Engineer [or] designee for review and approval of the proposed drainage plan, as well as any other agency determined to be involved in approving the subdivision/development and/or development. The Staff Review Committee shall be notified of any requested conferences with the subdivider by the health department, City Engineer or other affected agency. However, it shall be the responsibility of the subdivider to obtain all necessary permits or approval from such agencies.

The Staff Review Committee shall notify the subdivider within twenty (20) days after its next regular meeting following submission, of the approval or disapproval of the final plat or any conditions or requested modifications. The Staff Review Committee shall submit a report to the City Council certifying approval or disapproval of the final plat, and in the case of disapproval, shall state the reasons therefor.

c. Approval and certification by the Staff Review Committee shall not be deemed to constitute or effect an acceptance by the City, County, State or the public of the dedication of any street or other ground shown upon the plat. Upon receipt of the plat where an offer has been made by the subdivider to dedicate any streets, rights-of-way, public parks and other public lands, the City Council shall determine the acceptance or nonacceptance of the dedications. If accepted by the City Council, action

to that effect shall be noted on the plat and if not accepted, the subdivider shall be notified of the reasons for non-acceptance.

d. The reproducible and prints shall be distributed after complete final approval as follows:

1. The original and one (1) print shall be recorded in the Office of the County Clerk of Court.

2. One (1) reproducible print and one (1) print shall be returned to the subdivider.

3. One (1) reproducible print and one (1) print shall be forwarded to the City Building Inspection Department.

4. One (1) print shall be forwarded to the County Department of Health and Environmental Control.

5. One (1) print shall be forwarded to the City Engineer or designee.

6. One (1) print shall be retained by the Staff Review Committee.

7. The approved final plat shall be not be recorded with the Register of Deeds after final approval by the Staff Review Committee except with the notation that no lots have been approved for sale, unless a surety in lieu of completion of improvements shall have been provided the City, or the required improvements installed, inspected and approved by the City. Should the six (6) months' time period expire before submission of the surety or the beginning of substantial site improvements, including the application and receipt of any applicable building permits, the plat must be resubmitted to the Staff Review Committee for reprocessing. It shall be unlawful to sell or transfer property (or lots) within the approved subdivision/development until after the approved final plat receives approval of the surety or acknowledgment of completion of improvements and the final plat is recorded with the Register of Deeds or Clerk of Court indicating such under stamp and signature of the Zoning Administrator.

(2) *Final Plat Requirements.* The final plat shall be drawn on permanent unshrinkable reproducible film and shall conform substantially to the approved preliminary plat. More than one (1) map may be used if necessary. The final plat shall be prepared by the registered surveyor and shall contain the following information:

a. Name and addresses of owner(s) of record.

b. Name of subdivision/development, date, north point and graphic scale.

c. Name and seal of registered surveyor.

d. Name of county, location tax map number and parcel number(s).

e. Exact tract boundaries of the land being subdivided shown with bearings and distances to the nearest minute and one-hundredth of a foot respectively.

f. Streets and alleys, rights-of-way, proposed street names, and proposed house numbering system.

g. Lot lines, bearing to the nearest minute and distances to the nearest one-hundredth of a foot.

h. Square-foot area of each lot.

i. Location of all monuments and markers.

j. Parks, playgrounds, school sites, or other public open areas, if any.

k. Existing railroads, watercourses, streets, highways, city limit lines, transmission lines, water and sewer lines, drainage pipes and ditches, and easements for other public utilities on or adjacent to the subdivision/development, such as, gas or electrical.

l. Location and size of all proposed utility easements.

m. Additional information:

1. Design of proposed water system, sewer system and drainage plan.

2. Statement of intended use of open space areas, unless otherwise noted on the plat.

3. Statement of proposed deed covenants, if any, and statement of final covenants when adopted.

4. Statement and description of all offers of land for dedication, if any.

5. Statement of form of guarantee of installation and maintenance of all improvements to the subdivision/development, such as, streets, water system, sewer system, drainage system, easements, open spaces, and any others.

6. Statement of requirement of registration with the office of interstate land sales registration of the department of housing and urban development (where applicable).

7. Statement of agreement between the subdivider and public or private agency for the installation and maintenance of community water and/or sewer systems.

6.9. Design Standards.

Streets.

(a) *Layout and Alignment.*

(1) While it is the intent of this Section to provide ample flexibility in the layout of streets in subdivision/developments, and most design standards are not specifically required herein, the Staff Review Committee will review the street system as to its design, safety, and convenience of users as well as adjacent property owners; provided that such review shall be conducted in accordance with reasonable standards and with generally accepted engineering and development practices. Emphasis shall be placed on safety at curves and intersections. See also Section 5.2.

(2) Proposed streets should be coordinated with the street system in the surrounding area and where possible shall provide for the continuation of existing streets abutting the subdivision/development.

(3) Upon determination by the Staff Review Committee that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision/development design, the Staff Review Committee will notify the adjacent property owner(s) by registered mail of its 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 property(s) by right of necessity.

(4) Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing street. Proposed street names shall not be phonetically similar to existing street names, irrespective of the use of suffixes such as street, avenue, boulevard, drive, place, court, etc. In no case shall a name be used which will duplicate or be confused with other existing streets in the County. A house or lot numbering (address) system shall be designed utilizing an extension of the existing system in the area.

(5) Where a subdivision/development abuts or contains an existing or proposed major street, the Staff Review Committee may require 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. All public streets shall have curbs, gutters and sidewalks on both sides of the street, and must be accepted by either the State of South Carolina, Jasper County, or dedicated to a Property Owner's Association/Home Owner's Association that will assume the responsibility of maintenance. A letter of commitment is required along with appropriate deeds as legally recorded.

(6) 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, except where provided for in other sections of this MZDO.

(b) Right-of-Way and Pavement Widths.

TABLE INSET:

Type	Row	Pavement
Cul-de-sac	50 feet	20 feet
Local	50 feet	22 feet
Collector	60 feet	24 feet

Additional ROW (right-of-way) width and pavement width should be added where turn lanes, on-street parking, grass strips, medians, and sidewalks are used.

(c) *Planned Unit Developments and/or Private Roads.* Private roads, when approved for a project, are not be become City's responsibility; and are to be so indicated on any plat(s) of the subdivision/development and to be so noted in covenants and agreements which control or follow the property. See standards contained in Section 5.2.

(1) 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 sub-grade, including the twenty-four-inch compact sub-grade. 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.

Sidewalks. Sidewalks shall be required on both sides of all streets having a right-of-way width equal to or greater than sixty (60) feet. A sidewalk shall be required on one (1) side of all streets with a fifty-foot right-of-way with the exception of cul-de-sac streets. The Planning Commission may require sidewalks on both sides of streets having a fifty-foot right-of-way and on cul-de-sac streets or any other street if needed to provide through pedestrian access. Sidewalks shall be placed within the right-of-way when so specified.

The subdivider shall construct all sidewalks according to one of the following placement alternatives:

1. Sidewalks shall be placed against the back of the curb and have a minimum paved width of five (5) feet; or

2. Sidewalks shall be placed such that a minimum six-foot buffer/green space is maintained between the back of curb and the inside edge of the sidewalk. Sidewalk paved width shall be a minimum of four (4) feet for this location; and

3. The subdivider shall assure that these minimums are sufficient to meet the anticipated pedestrian demand in the area.

Given that a combination or variation from the two (2) placement methods as described above is necessary or desired or that an obstruction is located within the pave[d] area, the following criteria must be satisfied:

1. All radii in the transitional section must be a minimum of ten (10) feet.

2. All transitional sections must be approved by the Zoning Administrator.

In order to provide safe and adequate access on City sidewalks, all sidewalks shall meet minimum clear width requirements around all obstructions, natural or manmade, as described herein. Clear width shall mean the distance as measured from the outside edge of the obstruction to the outside edge of the sidewalk or from the inside edge of the obstruction to the inside edge of the sidewalk. If the clear width is to be obtained between the inside edge of the sidewalk and the obstruction, given that the sidewalk is placed against the back of the curb, the clear with shall be a minimum of five (5) feet. In all other cases, the minimum clear width shall be four (4) feet.

All sidewalks must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, prior to acceptance of any improvements.

Exceptions to or partial waiver of the requirements of this Section may be granted by the Planning Commission when alternative pedestrianways or pedestrian/bikeways have been or will be provided outside the normal right-of-way; or that unique circumstances or unusual topographic, vegetative, or other natural conditions prevail to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this Ordinance or Comprehensive Plan.

Other Utilities.

(a) *General.* A proposed utility sketch plan for other utilities such as electrical, telephone, and gas service to and throughout the subdivision/development shall be submitted by the subdivider. The proposed design shall be shown in conjunction with any proposed water and sewer systems. The Staff Review Committee shall forward copies of the proposed utility design to the various utility agencies affected. The various utility companies will review the proposed layout

as to alignment, easements, proper relationship of utilities to streets, property lines and other utilities and shall notify the Staff Review Committee of its findings and approved design.

(b) *Utility Easements.* Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be worked out with and approved by the public and/or private utility agencies involved.

(c) *Maintenance.* The City Council shall cause to be maintained only those easements specifically accepted for public maintenance in accordance with established procedures; it shall be the responsibility of the developer, or Homeowner's or Property Owner's Association as provided for by restrictive covenants, to provide for maintenance.

(d) *Underground Utilities.* 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 shall be installed underground, unless it is determined that a variance is needed to allow for overhead facilities due to exigencies of construction, undue and unreasonable hardship, or other conditions of development.

Lots. Residential lots (or commercial lots in the case of a commercial subdivision/development) shall meet the lot width, depth, area, and setback requirements of the City MZDO.

Recreation and Open Space. Manufactured Home Parks and residential subdivision/developments having more than sixty (60) dwelling units shall increase its open space percentage to thirty (30) percent, of which at least one-third must be set aside as active recreational area, such as basketball courts, playgrounds and open playing fields. Plans for such active recreational area must be submitted as part of the park management plan as required hereinabove. Passive green area open space including trails, viewing areas, etc., must be completed prior to twenty-five (25) percent development completion. Active green areas open space, including bike paths, park facilities, playgrounds, basketball courts, etc. must be completed prior to fifty (50) percent development completion. The required open space areas are intended for the use and enjoyment of persons investing in the particular subdivision/development; however, the subdivider may, at his choosing, dedicate these open space areas for public use and maintenance by the City.

Water and Sewer Systems. When a proposed subdivision/development lies within five hundred (500) feet of an existing public water and/or sewer system, the subdivider shall be required to service his subdivision/development with this system provided that the public agency having authority over the system has agreed to provide such service. A written agreement between the subdivider and the agency indicating the arrangements made for provision of the service shall be submitted with the final application. Such agreement shall clearly state the responsibilities of both parties as they relate to installation and maintenance of the facility(s).

Drainage System.

(a) *General.*

(1) A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision/development and the drainage area of which it is a part, to permit the unimpeded flow of natural water courses as stipulated in Section 5.17 of this Ordinance.

(2) In designing storm drainage facilities, special consideration shall be given to the avoidance of problems which may arise from the concentration of stormwater runoff onto adjacent developed or

undeveloped properties.

(4) Drainage easements shall be provided in accordance with Section 5.17.

Flood Hazard Areas. It is the intent of this Section to establish minimum criteria for application to subdivision/developments which are to be located in what is defined as a "flood hazard area" as designated on official City floodplain maps. The County has a long history of damaging hurricanes, some of which have been accompanied by rising tidal waters resulting in property damage and danger to life and health.

Today's early warning systems afford communities an early enough opportunity to take necessary steps to protect individual lives and some properties from the effects of hurricane winds and waters; however, the damaging effects to property and health hazards associated with rising tidal waters, swollen and driven by hurricane winds, can only be dealt with through proper development of the flood hazard areas in a given community.

Much of the developable land area of the county lies at elevations which make it susceptible to potential flooding. Past hurricane data substantiates this probability. Thorough study of this data and geographic features of the County by agencies such as the U.S. Army Corps of Engineers and National Oceanic and Atmospheric Administration have resulted in a determination of the flood hazard areas of County. It is believed that by proper planning of development in these flood hazard areas and concerned adherence to minimum development criteria, the economic losses, hazards to life and health and the miseries associated with such, as a result of these probable flooding conditions, can be reduced significantly.

To this end, the following criteria shall apply to the subdivision/development of land within the designated flood hazard areas of the City:

(1) *[Clear Delineation.]* Plats of subdivision/developments lying in a flood hazard area shall have such areas clearly delineated on the plat by indication to the topographic contour line corresponding to the 100-year flood elevation shown on official City floodplain maps.

(2) *[Plans and Specifications.]* Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the extent possible that:

a. Water supply systems will be constructed to preclude infiltration by flood waters;

b. Waste water disposal systems, including septic tanks, will be constructed to preclude infiltration by floodwaters;

c. Types of and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation and facilitate drainage of potential surrounding flood waters.

(3) *[Covenant Restrictions.]* Covenant restrictions shall be placed in the deeds to all lots of a subdivision/development lying within a flood hazard area stipulating to the lot owner that:

a. Construction of a residential structure (or commercial structure in the case of a commercial business subdivision/development) on that lot lying within a flood hazard area, shall have a minimum first floor elevation the level of the 100-year flood or above as designated on official City floodplain maps.

b. All other requirements of the City Building Inspection Department related to construction in flood hazard areas must be met.

(4) *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 and construction of structures in these designated areas. Reference shall be made to the development covenants and restrictions of this development and requirements of the City of Hardeeville Building Inspection Department.

"In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas."

Engineering Certification. All design, grading, drainage, and construction plans for roads, bridges, stormwater and sewer systems and water systems shall be prepared and certified by a civil engineer registered for practice in the State, and such certification, shown on all such plans.

Required Improvements.

(a) *Water systems.* Water supply systems shall be installed according to plans approved by the S.C. Department of Health and Environmental Control, the Beaufort-Jasper Water and Sewer Authority and the City of Hardeeville and subject to specifications set forth by those agencies. Public water shall be required to be used if available by BJWSA policies.

(b) *Sewage Disposal Systems.* The sanitary waste disposal systems shall be installed according to plans approved by the S.C. Department of Health and Environmental Control, the Beaufort-Jasper Water and Sewer Authority and the City of Hardeeville and subject to specifications set forth by those agencies. Public sewer shall be required to be used for all lots within three hundred (300) feet of a installed sewer line. In the event that septic drain fields are proposed, the lot must have sufficient usable land available for a replacement drain field in the event of failure.

(c) *Drainage Systems.* A drainage system shall be designed and constructed by the subdivision/development consistent with the design principles and standards contained in Section 5.18 of this Chapter and adequate to provide proper drainage of the surface water of the subdivision/development and the drainage area of which it is a part. Drainage systems shall be installed according to plans approved by the City Engineer.

(e) *Monuments and Markers.* Permanent reference points shall be placed in accordance with the following requirements:

(1) *Control Monuments.* Control monuments shall be placed in the pavements of subdivision/development streets so that no lot is more than two thousand (2,000) feet from a control monument. The control monuments shall be placed in the streets, offset from the centerline approximately half-way between the centerline and the pavement edge in a cast iron "water main valve" type box with cover flush to the pavement. The control monument may be poured on the job or be a concrete marker of the type commonly used in the area. (Refer to diagram "Design Guide for Control Monuments").

As an alternate [alternative] to the above requirements, control monuments may be placed in open space areas, park areas, or the like and may be of a type

commonly used in the area and installed according to common practice.

(2) *Property Markers.* At all lot corners there shall be placed a concrete or five-eighths-inch-diameter galvanized steel pipe permanent marker.

(f) *Other Utilities.*

(1) All other utilities such as electrical, telephone and gas service in the proposed subdivision/development shall be installed according to the plans and installation schedule properly reviewed and approved by the respective utility companies.

(2) All subdivision/development utilities in the City shall be installed underground unless exigencies of construction, as determined by and specifically qualified by the utility company necessitate a variance to allow for the use of overhead facilities.

Installation of Required Improvements. Installation of required improvements may not begin until after final plat approval is given by the Staff Review Committee. Installation shall be made according to the approved design on the final plat.

Changes in the Approved Plans and Specifications. If exigencies of construction necessitate changes in the approved plans and specifications, the subdivider shall request approval of such changes by the Staff Review Committee, who may delegate the responsibility for reviewing and approving said changes to a qualified agent of the governing authority. The subdivider shall not proceed with construction involving any changes prior to obtaining approval.

Maintenance of Improvements. The City Council shall maintain only those improvements for which it accepts offered by public dedication and accepted for public [maintenance].

For those improvements where public dedication and public acceptance for maintenance have not been made, the subdivider shall maintain the required improvements or provide satisfactory guarantee to the City Council of the maintenance of required improvements.

ARTICLE 7 DEFINITIONS

7.1. Defined Terms.

Except as specifically defined herein, all words used in this Ordinance have their 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 "structure" includes the word "building".

(e) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(f) The words "map" "Zoning Map", or "Official Zoning Map" shall mean the Official Zoning Map of Hardeeville, South Carolina, and refer to all maps so titled and bearing the seal of Hardeeville together with the signature of the Mayor, as well as the date of adoption of the Ordinance.

(g) The term "Planning Commission" refers to the Hardeeville Planning Commission.

(h) The term "Mayor and Council" refers to the Mayor and City Council of Hardeeville, South Carolina.

(i) The term "Clerk" refers to the City Clerk/Treasurer of Hardeeville, South Carolina.

(j) The term "Regional Council" refers to the Low-Country Council of Governments and its staff.

(k) The term "Zoning Administrator" refers to the person subsequently and specifically designated by the Mayor and Council so employed and empowered as the Zoning Administrator for Hardeeville, South Carolina.

Accessory. A use or building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building, and located on the same lot herewith.

Alley. A secondary way which affords access to the side or rear of abutting property.

Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns, or girders); any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Automobile Service Station. Buildings and premises on any parcel or lot where gasoline, oils, and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), when no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also when the following services may be rendered, and none other:

(a) Sale and servicing of spark plugs, batteries, and distributors;

(b) Tire repair and servicing, but no re-capping;

(c) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearing;

(d) Washing and polishing;

(e) Greasing and lubrication;

(f) Exchanging fuel oil pumps and installing fuel lines;

(g) Minor servicing and replacing of carburetors;

(h) Emergency wiring repairs;

(i) Adjusting and repair of brakes;

(j) Minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor;

(k) Sale of cold drinks and packaged foods, as accessory only to principal operation;

(l) State-certified inspection station;

Boarding House. A dwelling in which meals and lodging are provided.

Buildable Area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given Zoning District within which the particular lot is located once the various front, side, and rear yard requirements required for the District have been subtracted from the total lot area. For instructions related to the determination of Buildable Area, see Section[s] 4.1 through 4.6.

Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building, Principal. A building in which is conducted the principal use of the lot on which said building is situated.

Building Line. That line which represents the distance a building or structure must be set back from a lot boundary, street right-of-way line, or a street centerline according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and setback the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerline or other lot boundary lines.

Camper. A mobile home, tent trailer, recreational vehicle or other self-contained unit mounted on two (2) or more wheels and either self-propelled or rigged for towing, provided such vehicle is less than thirty (30) feet in length and is not used for residential purposes within Hardeeville.

Care Homes. A rest home, nursing home, convalescent home, home for the aged, or similar uses established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for the aged, infirm, chronically ill or convalescent persons.

Clinic. An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

Condominium. See "Dwelling, Condominium" in this Section.

Density. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per acre, that is one (1) unit per acre of land is devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds or other public uses.

Design Professional. A South Carolina Registered Land Surveyor, Civil Engineer, Landscape Architect and Architect, as may be required for particular work under South Carolina State Code.

District. The term applies to various geographical areas of Hardeeville for purpose of interpreting the provisions of this Ordinance. The districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the City are set forth in Article V of this Ordinance. The terms "District" and "Zoning District" are synonymous and are used interchangeably throughout this Ordinance.

Doublewide. See definitions for "Manufactured Home" and "Mobile Home" in this Section.

Dwelling. A building or portion of a building arranged or designed to provide living quarters for one (1) or more families. The terms "dwelling" and "residence" shall be interchangeable.

Dwelling, One-Family or Single-Family. A detached dwelling other than a mobile home designed for or occupied exclusively by one (1) family on a single lot.

Dwelling, Condominium. A building or series of buildings on the same lot or portions thereof containing more than one (1) dwelling unit under separate ownership with joint ownership of common open spaces.

Dwelling, Group. A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident person or families. The term "group dwelling" includes, but is not limited to, the terms rooming house, apartment hotel, fraternity house, or sorority house, Y.M.C.A. or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling, Multi-Family or Multiple-Family. A building or series of buildings used or designed and rented as dwellings for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Townhouse. One (1) of a series of three (3) or more attached one-family dwelling units on separate lots which:

(1) May or may not have a common roof;

(2) Shall not have a common exterior wall;

(3) Are separated from each other by fire resistive party wall partitions extending at least from the lowest floor level to the roof.

Dwelling Unit. One (1) or more rooms connected together and constituting a separate, independent housekeeping establishment for use on a basis involving owner occupancy or rental or lease on a weekly, monthly or longer basis with provisions for cooking, eating, and seeping and physically set apart from any rooms or dwelling units in the same structure or another structure.

Drive-In. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal

building. The term "drive-in" includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, or car washes.

Family. One (1) or more persons occupying a single dwelling unit provided that no such family shall contain over five (5) persons unless all members are related by blood or marriage, but further provided that domestic servants employed on the premises may be housed on the premises.

Garage, Private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Garage, Repair. Building and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs; provided that body work and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in fully enclosed and secluded area.

Height, Building. 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 pitch. Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment.

Home Occupation. Any use conducted entirely within a dwelling or accessory structure to a dwelling and carried on by the occupants thereof which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

Hotel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word "hotel" includes the terms "motel", "tourist home", and "motor court".

Junk or Salvage Yards. The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment, or parts thereof.

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 when required off-street parking spaces are filled. It includes overflow parking for manufactured home parks.

Lot. An area designated as separate and distinct parcel of land on a legally recorded subdivision/development plat or in a legally recorded deed as filed in the official records of Jasper County, South Carolina. The terms "lot", "plat", "lot of record", "parcel", "property", "site", or "tract" whenever used in this Ordinance, are interchangeable.

Lot, Corner. A lot located at the intersection of two (2) or more streets.

Lot, Double Frontage. A lot which has frontage on more than one (1) street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three (3) or more streets.

Lot, Interior. A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.

Lot Depth. The mean horizontal distance between front and rear lot lines.

Lot of Record. See "Lot" in this Section.

Lot Width. The distance between side lot lines measured at the front building line.

Manufactured Home. A vehicle or structure that is designed to be moveable on its own chassis for conveyance on public thoroughfares and designed without a permanent foundation. A manufactured home may consist of one (1) or more components that can be disassembled for towing purposes or two (2) or more units that can be towed separately, but designed to be attached as one (1) integral unit. All manufactured homes produced since June 15, 1976, must have been inspected and certified during the manufacturing process, and display an emblem of approval certifying that they were built in compliance with the Federal Manufactured Housing Construction and Safety Code on the manufactured home. (sic) The definition of manufactured homes does not include "modular residential housing", as defined within the South Carolina Modular Buildings Construction Act, nor does it include motor homes or recreational vehicles.

Mobile Home. Any vehicular or similar portable structure in excess of thirty (30) feet in length having wheels, jacks, or skirting and so designed or constructed as to permit single-family occupancy for dwelling or sleeping purposes. The term "mobile home" includes the term "house trailer" and "doublewide".

Mobile Home Park. Premises where two (2) or more mobile homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for the use of mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Motel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation and is open to transient or permanent guests. The word "motel" includes the terms "hotel", "tourist home", and "motor court".

Net Density/Net Acreage. That acreage which remains after the deduction of easements for existing roads, utilities and ditches, including wetlands and marshes, and open space. View easements shall not apply to net developable acre. Where easements exist on the whole parcel, the exact easement dimensions shall be determined and subtracted, such as power line 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.

Nonconforming Use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the Zoning District in which it is situated either at the date of this Ordinance or as the result of subsequent amendments to this Ordinance.

Parcel. See "Lot" in this Section.

Parking Lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory used in the principal use on a given lot.

Parking Space. Parking spaces as defined in this Ordinance shall be considered as the absolute minimum amount of spaces required. They shall encompass an area of not less than twenty (20) feet in length and nine (9) feet in width and shall be clearly

defined as an area for the parking of automobiles and shall remain as open space and shall not be used for any other purpose. Area required for the maneuvering of vehicles within a parking lot or vehicular travel lanes necessary for such maneuvering shall not be considered as a suitable area for parking spaces. The Zoning Administrator may require that off-street parking arrangements be designed and certified by a licensed engineer, and may also allow for the reduction of the minimum dimensions required for clearly defined compact car parking for a total of spaces which do not exceed twenty-five (25) percent of the required amount for a particular use in a given District.

Premises. A lot or other tract of land including the buildings or structures thereon.

Property. An area designated as a separate and distinct parcel of land on a legally recorded subdivision/development plat or in a legally recorded deed as filed in the official records of Jasper County. The terms "lot", "plot", "lot of record", "parcel", "property", "site", or "tract" whenever used in this Ordinance are interchangeable.

Residence. A building or portion of a building arranged or designed to provide living quarters for one (1) or more families. The terms "dwelling" and "residence" shall be interchangeable.

Service Station. See "Automobile Service Station" in this Section.

Signs. For specific definitions pertaining to signs refer to Article VI.

Site. See "Lot" in this Section.

Special Exception. A condition [in] which the literal interpretation of the MZDO would not be appropriate for location generally or without restriction throughout a given Zoning District, but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Zoning Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare of the community.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between the floor and ceiling next above it.

Story, Half. A story in which one (1) or more exterior walls intersection [intersect] a sloping roof not more than two (2) feet above the floor of such story.

Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street Centerline. That line surveyed and monumented by the governing body shall be the centerline of a street. In the event that no centerline has been so determined, it shall be that line running midway between and parallel to the general direction of the outside right-of-way lines of such streets.

Structure. Anything constructed or erected on the premises. Such structure being more or less a permanent location on the ground or may be attached to something having more or less a permanent location on the ground. A "building", as defined in this Section, is also a "structure".

Subdivision/Development. The division of a tract, parcel or lot into two (2) or more lots or building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development, including all divisions of land involving a new street or being land which is adjacent to an existing street. The following are exceptions to the definition:

(a) 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 County and/or any zoning regulations pertaining to minimum lot size for the particular land to be divided;

(b) The division of land into parcels of five (5) acres or more where no new street is involved.

Townhouse. See "Dwelling, Townhouse" in this Section.

Tourist Home. A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for the use of guests in return for compensation, and meals may or may not be offered. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be deemed to be a hotel as herein defined. The use of dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.

Tract. See "Lot" in this Section.

Trailer. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

1) Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;

2) Serve as a carrier of people, new or used goods, products or equipment;

3) Be used as a selling, advertising or display device.

Trailer, House. The term "house trailer", for purposes of this Ordinance, shall be interchangeable with the term "mobile home" "doublewide" and "manufactured house", as defined in this Section.

Use, Principal. The primary purpose for which a lot is occupied and/or used.

Variance. A modification of the terms of this Ordinance granted by the Zoning Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the Zoning District in which the property is located. Hardships shall not be construed so as to include financial burdens or hardships that are created by the landowner or developer of the particular property.

Yard. A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard, Front. A yard situated between the front building line and the front lot line extending the full width of the lot.

Exhibit K – Landscaping Standards

Landscaping standards will be in accordance with the approved Argent East PDD Landscaping Standards, unless otherwise agreed at Master Plan Approval.

Exhibit L – Master Sign Program

Signage will be in accordance with the approved Argent East PDD Master Sign Program, unless otherwise agreed at Master Plan Approval.