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HARDEEVILLE TRACT

PLANNED UNIT DEVELOPMENT DISTRICT
And
CONCEPTUAL MASTER PLAN

Jasper County, South Carolina

Prepared For:

Copper Station Holdings

March 2, 2006

Submitted to:
The City of Hardeeville

J-17524

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SECTION 1

INTRODUCTION AND NARRATIVE OF INTENT

The Hardeeville Tract Planned Development District (PDD) is located within The Hardeeville Tract in Jasper County, South Carolina. The entire piece of property comprises approximately 6,448 acres with approximately 935 acres of wetlands. In general, the property is long running from North to South and narrow running East to West as seen on the Conceptual Master Plan (Exhibit B). The property has portions of major transportation corridors running through it including SSR 31, Purrysburg Road, I-95, Highway 17, SSR 34, an abandoned CSX railroad line and an active CSX railroad line. The property as depicted on the Conceptual Master Plan (Exhibit B) has nineteen residential parcels ranging in size from approximately 35 acres to approximately 772 acres, five Neighborhood Commercial parcels ranging in size from approximately 30 acres to approximately 134 acres, six Highway Commercial parcels ranging in size from approximately 30 acres to approximately 115 acres, four Light Industrial parcels ranging in size from approximately 131 acres to 401 acres, two School sites ranging in size from approximately 25 acres to 43 acres, a Public Safety site of 3 acres, and two Park sites that range in size from approximately 20 acres to 55 acres.

Through the Intergovernmental Agreement between Jasper County, the Town of Ridgeland, and the City of Hardeeville adopted February 8, 2005, both Jasper County and the City of Hardeeville have recommended that the Hardeeville Tract be annexed into the City of Hardeeville. The Owner is therefore pursuing a PDD, Development Agreement and Annexation Petition through the City of Hardeeville. The parcels compromising the Hardeeville Tract PDD are currently owned by Copper Station Holdings, LLC.

A. THE PROPERTY

The Hardeeville Tract PDD is located in Jasper County and is bound on the west by the Savannah National Wildlife Refuge, the east by several different transportation corridors including an abandoned CSX railroad, Highway 17, SSR 34, I-95, and SSR 31, the North by adjacent property owners, and the South by adjacent property owners. The property has frontage on many of the transportation corridors located in Jasper County.

The PDD consists of approximately 6,448 acres including 5513 of acres of upland, 935 acres of freshwater wetlands. The property does not have critical area or frontage on salt marsh or 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. Soils on the property are predominantly Type D, poorly drained soils, with small pockets of Type A, B, C and B/D.

Exhibit C depicts the Hardeeville Tract boundary. The land surrounding the Hardeeville Tract is predominantly undeveloped.

Exhibit E depicts topographic information obtained from the USGS Quadrangle sheets for the Hardeeville Tract. Elevations on the site range from approximately 10 feet above mean sea level near the Savannah Wildlife Refuge to approximately 25 feet above mean sea level in the upland areas. The property boundary surveys (Exhibit C), performed by others, depict the FEMA flood zones on the property which range from Zone A near the wetland areas which are areas of 100 year flood with no base flood elevations determined and Zone C which are areas of minimal flooding.

B. PLANNED DEVELOPMENT DISTRICT AND DEVELOPMENT AGREEMENT PROCESS

The Planned Development District (PDD) was adopted by the City of Hardeeville (City) to permit and encourage the effective, efficient, and economical development of large tracts of land in 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 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. The Development Agreement is being made and entered between Owner and The City, under the terms of the Act, for the purpose of providing assurances to Owner 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 and Jasper County.

C. CONCEPTUAL MASTER PLAN

It is anticipated that the Hardeeville Tract property will be developed over a period of thirty (30) years or more, in accordance with the Conceptual Master Plan as set forth in this document and as the same may be revised by revised Master and Development Plans submitted pursuant to the provisions of this PDD or amended in the future. The Conceptual Master Plan sets forth the general scope of the development including number of units, 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.

The goal of this PDD is to produce a high quality mixed use development that raises the quality of life and development standards in the area while anticipating future needs for education, culture, commerce, housing, and services. The PDD 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 a broad mix of land uses, a pedestrian friendly environment, as strong community atmosphere, an environmentally sensitive plan and provides for the responsible planning and development of the property over time.

The Hardeeville Tract Conceptual Master Plan, prepared by Wood and Partners, Inc., (refer to Exhibit B) shows a general roadway layout and a mixed use community showing areas designated for Neighborhood Commercial Use, Highway Commercial use, Light Industrial use, Residential use, Park use, and School use. 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 Municipal Zoning and Development Ordinance (MZDO) for planned unit developments. The open space and amenities will be owned and maintained by the developer, homeowner's association, or other legally designated entity. All 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 certain portions of the current MZDO where differences occur. The Conceptual Master Plan does not introduce land uses that do not exist in current zoning documents. The most current version of the MZDO is included as part of the PDD document. Exceptions to these regulations are established within the PDD as detailed in Section 3 of this document.

The provisions of the Development Agreement, the Conceptual Master Plan and PDD shall apply to development in the Hardeeville Tract PDD. In the event of a conflict the hierarchy of documents is; (1) the Development Agreement, (2) the PDD and Conceptual Master Plan, (3) Design Regulations as described in Section 2D herein, the Master Sign Program attached as Exhibit L, the Landscape Design Standards attached as Exhibit K and (4) the MZDO. In the event of omission the MZDO shall govern; in the event of ambiguity the parties shall attempt to resolve such consistently with the terms of the Development Agreement, this PDD and the MZDO.

D. ENVIRONMENTAL PROTECTION

Environmental sensitivity and protection and education are high priorities for this PDD. As part of the development process, the Owners will meet or exceed the storm water management requirements of the City, except as modified by this PDD, and the then existing requirements of the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (OCRM).

1. The Owner will prepare storm water management plans for each master planned community as it is developed in accordance with a storm water 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 storm water 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 storm water 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 storm water standards of the MZDO and then applicable state and federal governmental regulations) to enhance water quality and protect the surrounding freshwater wetlands. The use of swales as part of storm water management shall be deemed acceptable. Curb and gutters shall not be required. In general, curb and gutters may be used where smaller road rights-of-way or drainage easements are desired or where surcharged drainage conditions would result in standing water. Upon completion, the plan will be submitted to the City and shall be deemed a part of these PDD regulations.

2. The freshwater wetlands on the property are typical of the South Carolina Low Country and Jasper County. The site contains jurisdictional freshwater wetlands and isolated non-jurisdictional freshwater wetlands. Exhibit D is a Freshwater Delineation and Verification Letter from the USACOE.

Some of the isolated non-jurisdictional freshwater wetlands on the site are proposed to be impacted by development activity. Any wetlands will be regulated as required under applicable law. There are no specific impacts at present to the jurisdictional freshwater wetlands other than necessary road and utility crossings. All impact mitigation will meet or exceed state or federal standards then in effect

E. CULTURAL AND HISTORICAL RESOURCES

As part of a comprehensive study of the Property, the Owner will provide prior to submittal of any Master Plan for the Property a preliminary assessment of cultural and historical resources of the entire Property and the soil characteristics in order to determine the sites most likely to contain significant artifacts, if any. Prior to development, cultural resource issues, if any, will be addressed with the state Historic Preservation Office, once the report is complete. 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 any development in the Property 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. Planning for the water and sewer systems will commence at the time of Development Agreement and Planned Development District approval by City. Preliminary discussions with BJWSA indicated a willingness to serve the property. BJWSA operates and maintains water and sewer systems within their service upon completion by the developer and acceptance by the Authority.

All development, with the exception of irrigation, incidental maintenance facilities, and small remote facilities will be provided with public potable water and sewer prior to occupancy except as may be exempted by provisions of the Development Agreement.

G. UTILITY SERVICE

The Hardeeville Tract is in the service territory of both Palmetto Electric Cooperative, Inc. and South Carolina Electric and Gas for electrical power and natural gas service. The Owner will coordinate with Palmetto Electric Cooperative, Inc. and South Carolina Electric and Gas regarding planning for the Hardeeville Tract.

Hargray or other Owner elected provider will provide telephone and cable service to the Hardeeville Tract. All servicing will be via fiber-optic cable or such other system that includes broad-band capability.

Utilities must be underground, except as reasonably necessary for above ground support facilities. The Owner will coordinate with all utilities regarding planning for the Hardeeville Tract.

H. ROADWAYS AND TRAFFIC

1. The primary road that is contiguous to and presently serves the Property is US Highway 17 and is under the jurisdiction of South Carolina Department of Transportation (SCDOT) regarding access, construction, improvements, and maintenance. There are many public roads near and/or contiguous to the Hardeeville Tract including SSR 334, US Highways 17 and 321, SC 170, SSR 203, SSR 31, and Interstate 95. Establishing safe and reasonable ingress and egress for the property is a priority for both the Owner, SCDOT, the City and Jasper County. Access to and from US Highway 17 and other roads shall be as indicated on the Conceptual Master Plan, unless modifications are required to meet SCDOT requirements. Full access shall be defined as access which allows any and all possible vehicular traffic movements into and out of the development. Limited access shall be defined as access which limits the movement of traffic in and out of a development (i.e. right-in-right-out only). Traffic signals shall be installed, if warranted, with funding as outlined in the Development Agreement.

FULL ACCESS POINTS

Ingress and egress for the property will be provided by a combination of existing and proposed access points that will require approval from either the State Department of Transportation (SCDOT) and/or the local municipality depending on who owns the roadway. The table included as part of Exhibit M, along with Exhibit M, indicates the proposed full access points for the property. These full access points will allow traffic movements in all directions for ingress and egress into or from the property. The full access point locations described above and shown on the attached exhibit are preliminary and may be relocated based on final development plans.

RIGHT-IN/RIGHT-OUT ACCESS POINTS

The table and the attached Exhibit M do not indicate where potential right-in/right-out access points may be provided at this time, however, right-in/right-out access shall be allowed. In general, right-in/right-out access points shall be allowed at intervals no closer than 500 feet, unless environmental or other physical constraints prohibit this from happening. The locations of the right-in/right-out access points shall be negotiated between the developer and the City and shall be permitted appropriately through the SCDOT as required.

SIGNALIZED ACCESS POINTS

Signalized access points have not been addressed in the above table or the attached exhibit. In general, signalized access points shall have a minimum spacing of 2,500 feet, unless it can be demonstrated that signals closer than 2,500 feet will create better safety and/or traffic conditions than could otherwise be provided. Signal locations shall be addressed and/or installed at such time as warranted during the development process of the Hardeeville Tract. Full

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. Roadway cross sections will be submitted for review at time of Master Plan approval stage. The Owner will also be evaluating and discussing with SCDOT the possibility of constructing an interchange at the existing overpass location on SSR 34 which would create an Exit 3 location in the City.

3. Potential access across the jurisdictional wetlands surrounding adjacent tracts may be allowed if approved by OCRM and the U.S. Corps of Engineers. Road linkages to adjacent properties may include impacts to jurisdictional wetlands.

4. Public roadway construction will be in accordance with SCDOT standards and private roadways shall be in accordance with SCDOT standards (or other engineering standards reasonably acceptable to the City engineer). Roadway cross sections will be submitted for review at time of Master Plan approval.

5. The Property 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 on specific soil conditions, environmental concerns, physical constraints, and design parameters.

6. Both pedestrian and roadway linkage of major land use areas including internal linkage to commercial and recreational uses shall be provided, unless otherwise agreed by the City at Master Plan approval. Certain areas within the Property in whole or in part may be developed as private road with access restricted and/or gated appropriately at Owner discretion. Sidewalks will not be required within the Property, provided that pedestrian and non-vehicular pathways or sidewalks are provided in order to provide interconnectivity between interior subdivisions, commercial or institutional areas and public gathering areas and in areas of high pedestrian traffic such as schools, institutions, parks and commercial areas. In Traditional Neighborhood Developments (TND) areas sidewalks shall be constructed on both sides of all roadways.

7. Notwithstanding the provisions of subsection 4 hereof, road, boulevard and traffic or roundabout circle widths and rights-of-way may be reduced or divided when environmental and tree preservation considerations could be improved, and do not compromise public safety. To protect and preserve 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 and one-half inches diameter breast height (DBH) 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.

Preservation of Existing Trees

Harvesting of trees within the planted pine crop area of the PDD and replanting of hardwoods will be governed by the sections set forth above. The standards listed below will apply to specially designated areas of the PDD:

a. Preserved Wetlands – The Hardeeville Tract PDD contains freshwater wetlands some of which will be designated for preservation as part of a wetland permitting and mitigation process. No clearing or tree cutting shall be allowed in these areas, other than minor and selective cutting or trimming for boardwalks or crossovers, and such other activities as may be permitted by the state and federal jurisdictional agencies including wetland restoration and enhancement projects.

b. PDD Boundary Buffers and Wetland Buffer – No trees exceeding six caliper inches (6" DBH) in diameter shall be cleared from these buffer areas, unless such cutting is necessitated by street and entrance way improvements or utility right-or-ways. Selective cutting or trees less than 6" DBH, under brushing or limbing shall be allowed. In areas where PDD boundary and wetland buffers are predominantly pine crop rows, selective thinning of pines over 6" DBH will be allowed where such thinning improves the long term health of the remaining trees. Hardwood planting in these areas will be allowed where it is needed to establish a more natural aesthetic. Where the

property abuts the Savannah Wildlife Refuge, no buffer shall be required as the Wildlife Refuge purchased upland areas acting as a natural buffer.

5. Tree Surveying/Mapping

After any harvesting or clearing of pine crop areas which may be allowed under silviculture the developer will submit a survey or exhibit depicting all trees eight (8) inches DBH or greater within proposed development phase areas being submitted for development approval, and twenty-five (25) feet beyond. For pine trees existing as part of the planted pine crop area of the PDD, an exhibit shall be a representation of the tree planting pattern. The exhibit will show trees according to row, tree spacing and typical size. The information will be field verified to ensure accuracy of these factors, but each tree in the remaining pine crop area need not be physically located by standard survey methods. Hardwood trees in excess of eight (8) inches DBH will be described by their actual location.

J. PARKING

Total number of required parking spaces for all land uses allowed herein shall conform to sections 5.8 through 5.10 of the MZDO except as noted as in Section 3 below. Modulation of those standards may be allowed provided the Owner furnishes actual documentation that the new standard meets the parking needs of the proposed land use and the City approves at Master Plan approval.

K. STORMWATER MANAGEMENT

The Hardeeville Tract PDD shall conform to all of the Storm water Management Provisions of the MZDO and then current and applicable state and federal requirements. Design storm used for stormwater design within the PDD shall be the 25 year, 24-hour design storm event except for all major arterial roadways which must meet a 50 year, 24-hours storm event design. Sufficient 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 receiving water bodies.

L. DEVELOPMENT STANDARDS

Site development within the Hardeeville Tract PDD will be controlled by the development standards set forth in this document, the Development Agreement, and the MZDO. The MZDO in effect at the time of this application and included herein as Exhibit J and as supplemented or modified herein, will apply to future development of the property.

SECTION 2

HARDEEVILLE TRACT CONCEPTUAL MASTER PLAN DESIGNATION AND DEFINITIONS

A. INTRODUCTION

The Hardeeville Tract PDD has a total acreage of approximately 6,448 acres including 5,513 of acres of upland, 935 acres of freshwater wetlands as indicated on the Conceptual Master Plan for Hardeeville Tract Planned Unit Development District prepared by Wood + Partners, Inc.

The Conceptual Master Plan consists of the following land use areas:

a. Single Family Residential
b. Neighborhood Commercial
c. Highway Commercial
d. Light Industrial
e. School
f. Park
g. Public Safety Center

The land use areas indicated on the Conceptual Master Plan are not intended to be rigid exact boundary lines for future land use and improvements. The Conceptual Master Plan for the Hardeeville Tract PDD district shall maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints, market conditions and design parameters, pedestrian friendly requirements and as such, the exact location of boundary lines and buildings between land uses and their subsequent location and size indicated within the planning area shall be subject to change at the time Development Permit Plan(s) are submitted for development; provided, however, that maximum densities and other conditions of this PDD and the Development Agreement between the Owner and City will be strictly adhered to, unless adjustment is requested by Owner and approved by the City. The boundaries of the PDD may be modified to include adjacent acreage subject to the approval of the City by appropriate petition/application to the City to amend the PDD and the Development Agreement.

B. ALLOWED LAND USES

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

The following land uses and definitions shall be permitted in the land use tracts as set forth hereinafter and adopted at Master Plan approval:

a. Business Park/Light Industrial
b. Community Center
c. Community Recreation
d. Commercial
e. Retail
f. Hotel/Inn
g. Institutional/Civic
h. Maintenance Areas
i. Model Home/Sales Center
j. Multi-family Residential
k. Public Safety
l. Open Space
m. Silviculture
n. Single-Family Residential
o. Traditional Neighborhood Development
p. Mitigation Bank
q. Recreational Vehicle Parks

Design Regulations will be established for each area at time of Master Plan approval in accordance with Section 2.D.17 herein. Unless otherwise agreed at Master Plan approval or in this PDD, the standards for uses from the MZDO shall apply.

Overall residential density shall include both Attached and Detached Single-Family Residential and Multi-Family Residential. Bed and Breakfast and 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.

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

C. ALLOWED DENSITY AND TRANSFER OF DENSITY BETWEEN PLANNING AREAS

The Conceptual Master Plan for the Hardeeville Tract PDD consists of approximately 4,369 acres of residential land use, 1,026 acres of Light Industrial land use, 517 acres of Highway Commercial land use and 334 acres of Neighborhood Commercial land use. Land dedicated to the City shall include: 75 acres of Park land, 3 acres of public safety land, 75 acres of school land, and 56 acres of right of way. The right of way dedicated consists of 42 acres for expanding Purrysburg road right of way to 150 feet and a dedication of 14 acres for a new connector road right of way. The public safety and the school sites indicated on the conceptual master plan are subject to change in location. They shall maintain flexibility to accommodate specific location needs of the Police, Fire and Education departments as defined in the developer's agreement.

There will be a base overall residential density cap of 9,784 units.

In addition to the base maximum number of residential units set forth above, residential density may be increased to 3.6 units per upland acre overall, based on the total number of acres that are assigned to residential use, if the Owner, or its assigns, can demonstrate, through a traffic impact analysis acceptable to the 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. Furthermore, the must City determine that adequate provisions have been made for the handling of governmental services, including Public Safety, school and library services, to serve the additional density.

The owner and developers shall have the right to convert commercial, neighborhood and/or highway commercial, and/or light industrial acreage to residential acreage provided and the overall average fair market value is $180,000 per unit, as adjusted by the Adjustment Factors and Industrial Credit, and other terms as provided by the Development Agreement are satisfied. However, approximately 500 gross acres of land, identified on Exhibit B as Tracts LI 1 and LI 3, will be committed to Light Industrial use only for a period of five years from the date of this zoning approval. If the Committed Light Industrial lands identified on Exhibit B as Tract LI3, consisting of approximately 370 gross acres of land, are not used for Light Industrial purposes within five years, the developer may convert unused Light Industrial acres to Residential use, with an additional density of 2.7 up to 3.6 units per upland acre, as specified in the preceding paragraph. If the residential density does increase above 9,784 dwelling units there will be a need for additional land dedicated for schools and public safety centers, as set forth in the Development Agreement. The Owner and Developer shall also have the right to convert residential acreage to any commercial and/or light industrial acreage. There will not be a cap on the conversion of residential to light industrial / commercial acreage. The conversion factor shall be an acre for acre exchange. For each acre converted from light industrial / commercial land to residential land, 2.7 up to 3.6 units per upland acre will be assigned to the specific acres being converted, as specified in the preceding paragraph.

Overall residential density shall include both Attached and Detached Single-Family Residential and Multi-family Residential.

Commercial acreage shall include the commercial uses of Business Center, Community Center, General Commercial, Light Industrial and Neighborhood Commercial Use and shall be subject to the provisions of the City of Hardeeville MZDO included within this PDD document 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 Hardeeville Tract Development Agreement with the City, the definitions of the MZDO included in Exhibit J included herein 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 Hardeeville Tract PDD.

1. Acre

   Gross Acre: shall mean the entire acreage of the site.
   Net Acre: shall mean that acre which remains after deduction of easements for existing utilities, wetland buffers and on-site 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, and 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 to 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.

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 equal width (including wetland buffer).

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal.

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 including:

a. Single family residential
b. Multifamily residential
c. Bed and Breakfast/Guesthouse
d. Institutional/Civic
e. Neighborhood Commercial
f. Open space
g. Community recreation

Build to property lines will be allowed to reduce cost of utilities and to 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. 23 herein at the time of Master Plan Submittal.

4. Community Recreation

This designation allows for the recreational complexes and amenities to serve the Hardeeville 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, ancillary facilities such as restaurants serving such public recreational facilities. Community Recreation shall not be considered commercial uses and shall not be counted against the overall allowed acreage for commercial uses within the Hardeeville 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 bocce, croquet, and volleyball, etc.
7. Multi-use fields
8. Playgrounds
9. Neighborhood Parks
10. Community Parks
11. Leisure Trails and Bike Trails
12. Other Recreational Uses

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

c. Accessory Buildings

d. Community Offices / Administration Buildings shall not be considered commercial uses

e. Maintenance and Storage Facilities

f. Community Service facilities including:

1. Public and/or Private clubhouses
2. Pro shops, snack bars, grills, restaurants and lounges associated with clubhouses
3. Ancillary uses associated with community recreation facilities such as craft centers, fitness centers, etc.

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal.

5. Dwelling Units

a. Dwelling Units per Acre (DU/AC)

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

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

An indication of the maximum density allowed per gross acre with the following exceptions and clarifications:

1. Maximum Dwelling Units per Acre for Detached Single Family Residential shall be 8 DU/AC Max.

2. Maximum Dwelling Units per Acre for Multifamily and Attached Single Family Residential shall be 16 DU/AC Max, based on number of stories, 1-story (8 units), 2-stories (12 units) and a project with a 3-story component in part or in whole is capped at 16 DU/AC Max.

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.

Except in Traditional NeighborHood Districts,, 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 master plans, 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 6 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 25 feet shall be imposed on lots with front-loaded garages; a minimum setback of 15 feet for lots with side-loaded garages; a minimum setback of 15 feet from the back lot line; and a minimum setback of 5 feet from a pool or deck.

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

Mother-in-law suites shall count as .5 dwelling units.

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 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.

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal.

6. General Commercial

The general commercial designation allows for the development of concentrated commercial and office nodes located on primary vehicular routes to serve the Hardeeville Tract PDD and surrounding area.

Permitted Uses:

a. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption (e.g. shopping centers, supermarkets, department stores, convenience stores, gas stations, 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.
b. Uses allowed in General Commercial District of the MZDO
c. Single Family Residential
d. Mixed of various uses permitted under this PDD
e. Assembly and Worship
f. Colleges and Professional Schools
g. Schools, Neighborhood (elementary and middle school)
h. Schools (Community High School)
i. Daycare, Commercial
j. Utilities
k. Public Services
l. Government Office
m. Commercial Lodging (Hotel and Motel)
n. Office
o. Restaurant (including outdoor seating)
p. Service Businesses
q. Dry Cleaning and Laundry Services
r. Parking Garages
s. Gas/Convenience Store with no repair bays or facilities
t. Commercial Amusement (indoor)
u. Christmas tree sales
v. Roadside Stands (on designated areas only)
w. Commercial outdoor sales (related to existing retail)

x. Public Interest and special events (permitted, located, and scheduled ahead of time)
y. Nightclub and Entertainment
z. Movie Theatres
aa. Grocery
bb. Mini Warehouse facilities will be limited to a max. height of 2 stories
cc. Outdoor go cart racing facilities subject to section 5.19 of the MZDO Special Nuisances
dd. Live/work units over retail
ee. Multi-family residential
ff. Sidewalk Displays are permitted directly in front of an establishment, if at least 5 feet of sidewalk is maintained for adequate and uncluttered pedestrian access.
gg. Commercial uses shall provide a minimum buffer of 25 feet from any adjacent residential use not separated by a road right-of-way

Prohibited Uses:

The following commercial uses are specifically prohibited:

a. Junkyards or auto salvage yards.
b. Video Poker Parlor
c. Sexually-oriented businesses
d. Other Special Nuisances under section 5.19 of the MZDO

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal.

7. Hotel/Inn, Resort, Condo/Hotel

This designation is for hotels, inns, timeshare projects resorts and spas that consist of building or buildings with guest rooms for sleeping, kitchens and/or a dining room(s) to provide meals for guests including public restaurants, bars and entertainment areas. Hotels, Inns, and spas shall be considered a commercial land use. Conference and facilities may or may not accompany the hotel/inn and may be integral to the hotel/inn or detached. Resorts under this land use may include fractional ownership. Hotels, Inns and spas shall be considered a commercial land use and will not count against the residential unit cap except for fractional ownership/timeshares and condo/hotels, which count as 0.5 residential units for purposes of density, but count as a commercial unit for developer fees under the Development Agreement.

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal.

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

8. Institutional/Civic

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

a. Civic, cultural, municipal, governmental, educational (public or private), conference centers, research or other similar facilities which may include dormitories or other similar living quarters for students, staff, faculty and professionals.
b. Churches, synagogues, temple and other places of worship provided that such uses are housed in a permanent structure.
c. Cemeteries provided that such use does not include a funeral home or crematorium.
d. Medical and health facilities, assisted living facility, nursing home and congregate care facility.
e. Public emergency service facilities, library, museum, day care facilities, social/community centers, etc.

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal.

9. Maintenance Areas

The maintenance areas will contain the facilities, tools and equipment necessary to maintain the common properties and golf courses within the Hardeeville 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 units
c. Fuel storage
d. Shops for woodwork, metalwork and painting
e. Greenhouses, plant propagation areas and holding yards
f. Mulching facility and mulch storage
g. Storage of chemicals and bulk materials as permitted by law

h. Offices associated with community and maintenance

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal, and shall include appropriate screening, buffering and fencing requirements to address aesthetic, noise and safety matters.

10. Model Home/Sales Center

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.

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

Performance Standards for this land use will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal in order to reflect the residential-product type.

11. Multi-Family Residential

This designation includes multi-family residential units, up to a maximum of 16 units per net acre on a site-specific basis. Density is based on the number of stories in a project. One-story projects are limited to 8 DU/AC Max., two story projects are limited to 12 DU/AC Max. and any project with a three story component is capped at 16 DU/AC Max. 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.

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 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.

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

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal.

12. 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 Hardeeville Tract PDD, relieving a degree of traffic and congestion which may surround other large commercial developments in the general area. Live/work residential units within this land use designation shall not count against the total residential unit cap. Neighborhood Commercial Development shall count against total commercial square footage.

Permitted Uses:

a. Retail businesses, personal service businesses, shopping centers, restaurants, convenience stores, clustered commercial establishments, offices and civic/institutional uses, unless specifically prohibited under Prohibited Uses below.
b. Single Family Residential
c. Multifamily Residential
d. Hotel / Inn / Resort and Condo/Hotel
e. Medical offices (not including facilities for patient care exceeding 48 hours)
f. Bed & Breakfast
g. Live/Work facilities (i.e. commercial below with residential above and commercial located within the same structure or homesite, not including a home business in a single family or multi-family residence)
h. Outdoor entertainment

Prohibited Uses:

The following commercial uses are specifically prohibited:

a. Junkyards or auto salvage yards.
b. Gambling facilities not authorized by law
c. Outdoor Amusement Parks
d. Outdoor go cart racing facilities
e. Outdoor roller coasters and other carnival like facilities
f. Sexually-oriented businesses
g. Other Special Nuisances under section 5.19 of the MZDO

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

Performance Standards for this district will be determined by the Design Regulations described at Section II.D. 23 herein at the time of Master Plan Submittal.

13. Open Space

Total open space for the Hardeeville Tract 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 Hardeeville Tract shall provide at least twenty-five (25) percent open space and at least 8.33% active open space, in accordance with the MZDO, which open spaces shall be reasonably accessible to the residents. Notwithstanding the foregoing, each master plan submittal for residential subdivisions shall contain at least 10% total open space. Industrial, commercial and pubic safety center land shall be exempt from the open space requirement. Open space shall consist of:

a. Landscape areas
b. 50% of lagoons, detention ponds, impoundments, lakes and effluent disposal areas
c. 50% of wetlands
d. Wetlands buffers
e. Forests, Wildlife preserves/corridors, conservation areas and greenbelts
f. Community Garden plots
g. Recreation areas including swimming pools, tennis courts, playgrounds, ball fields, lawn game fields, community gardens, linear park, public parks, etc.
h. Public or private regulation or par three golf courses including ancillary facilities such as golf learning centers, practice facilities and support facilities
i. Pedestrian/bicycle trails
j. Perimeter buffers
k. Any area left in a natural state
l. Utility easements without vertical construction which have a recreational value

Open Space in the Hardeeville Tract PDD will be calculated for the entire PDD and not site specific for each phase of the PDD. By adhering to local, state, and federal permitting requirements, the development of the Hardeeville Tract PDD will generate substantial amount of open space.

Based on conceptual master the required open space shall be:

Total Hardeeville Tract:	6448	acres
Commercial / Light Industrial land: (exempt)	-1878	acres
Remaining acreage requiring open space:	4570	acres
Open Space required: 4570 * 25% =	1142.5	acres

14. Roads

Access for the Hardeeville Tract shall be as indicated on the Conceptual Master Plan. Full access shall be defined as access which allows any and all possible legal traffic movements into and out of the development. Limited access shall be defined an access which limits the movement of traffic in and out of a development (i.e. right-in/right-out only). Traffic signals located on the property may be installed at no cost to the City by the Owner or his successors as deemed necessary by a traffic study at such time as proposed development warrants its installation.

The Hardeeville Tract PDD shall have roads designed to the standards as set forth in the Development Agreement. Roads indicated on the Conceptual Master Plan are subject to modification at the time of Development Plan approval based on specific soil conditions, environmental concerns, physical constraints and design parameters.

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

Road width and right-of-way width may be reduced when environmental and tree preservation considerations would be furthered thereby, and public safety concerns are not compromised. To protect and preserve trees, such design is hereby encouraged.

15. Setbacks and Buffers

There shall be no minimum setbacks applied to the Conceptual Master Plan. Setbacks and buffers shall meet the minimum requirement established herein and 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:

a. At adjacent property boundaries of the Hardeeville Tract; 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. A 50 foot buffer and the provisions of the Highway 278 Corridor Overlay shall be applied to the portion of the property that fronts on Highway 17. 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., multi-family to single residential, light industrial to residential or commercial), fencing requirements of the MZDO shall apply in addition to the increased buffer.

16. Signage Control

a. Signage for the Hardeeville Tract PDD shall be governed by the Master Sign Program Attached as Exhibit L.

17. 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 plant 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.

18. Single-Family Residential

This designation allows for the development of attached and detached single-family residential units, up to 8 DU/AC Max. Single family residential consists of attached or detached residential, including both short and long-term rentals. Modular homes are not considered to be mobile homes and will be treated as single-family housing. Product mix may include full size lots, townhomes, attached zero lot line, patio home sites and cottages. Product is limited to a

maximum of three stories in height, not including architectural elements. Lot sizes and building setbacks will be established at the time of final development approval, subject to the requirements set forth in Section II.2 above regarding average lot sizes, setbacks, etc..

Ownership may be either fee simple lots or as units of a condominium or other ownership structure with no minimum lot size or street frontage. Cottages shall be developed on a site-specific basis with environmental concerns being the primary constraint for each cottage site selection.

The following single family residential uses are specifically prohibited:

a. Mobile homes

19. Wetlands

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

a. Open space and buffers
b. Conservation areas
c. Activities in all 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
d. Disposal of reclaimed water as permitted by SCDHEC
e. Storm water control and management and recreational lakes
f. Boardwalks, trails, bridges and other permitted structures
g. Game Management
h. Silviculture

20. Utilities

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

a. Potable water supply and distribution
b. Wastewater collection, treatment and disposal
c. Stormwater collection, treatment and detention
d. Irrigation
e. Communication towers
f. Satellite antennas
g. Cable television facilities
h. Telephone facilities
i. Power transmission and distribution
j. Fiber optic lines
k. Other utility services i.e. Internet access

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

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

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 City of Hardeeville Development Permit prior to construction.

21. 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.

22. Traditional Neighborhood Development (TND)

This Land Use Category allows for the development of a TND within the Hardeeville Tract which is typified by the culture, value and traditions exemplified in the Historical Districts of Savannah, GA, Charleston, SC and Seaside Florida. This development is to be a traditional neighborhood, which is characterized by a

pedestrian-friendly environment of grid streets, neighborhood parks, sidewalks, front porches, alleys, mixed uses and a tight scale to unify the district. Homes within the neighborhood are planned to be within a five minute walk of the community hall, civic buildings and Neighborhood Commercial Use area.

The traditional neighborhood will be a mixed-use development consisting of neighborhood-commercial, single-family residential, multi-family residential, recreational, civic uses and open space. There shall be allowance for mixed-use capabilities (live/work units) as well as an allowance for accessory buildings to have residential capacity (such as garage apartments). Other distinctive features of this traditional neighborhood that will be allowed within this district are outlined in this land use category.

a. Design Standards shall be submitted at Master Plan stage, and may have standards deviating from the MZDO or this PDD, provided that health, safety, ingress/egress, and fire protection concerns are addressed to the satisfaction of the City.

23. Design Regulations for each Master Plan area, addressing the parameters in Section 4.21.800, will be reviewed at the time of Master Plan approval. Unless otherwise agreed at Master Plan approval, the Development Agreement, or this PDD, the standards for uses set forth in the MZDO shall apply.

24. 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.

SECTION 3.

MZDO CHANGES/EXEMPTIONS

In accordance with § 4.21.700(E)(5) of the MZDO, the following provisions of the MZDO are deemed to be waived or modified as applied to the Hardeeville Tract PDD. 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 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 MZDO and Owner or an entity which is controlled by 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.

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 2.D.5.b.

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 Hardeeville Tract PDD.

Section 4.21. 600 This section is deleted. Setbacks and buffers are governed by the PDD. Section 2.D.15.

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 to provide at this point. The Council specifically acknowledges the sufficiency of the Hardeeville Tract 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 Hardeeville Tract 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 4.21.800(I) This section is amended to provide that a Traffic Impact Assessment (TIA) for individual master planned areas may be required at Master Plan submittal to justify road design. Traffic mitigation is provided under the Development Agreement.

Section 4.21.1000(H) This section is amended to provide that a Traffic Impact Assessment (TIA) for individual master planned areas may be required at Master Plan submittal to justify road design. Traffic mitigation is provided under the Development Agreement.

Section 4.21.1000(W) This section is amended to provide that trees existing as part of planted pine crop area shall be represented on an exhibit illustrating the area containing the planted pine tree 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 4.22 Highway 278 Corridor Overlay District (HCOD)
"Signage" provisions replaced by the Master Signage Program attached hereto as Exhibit H.
"Design materials" (1) (c) is modified to add PVC and aluminum type fences as acceptable features.

Section 5.3 Lots - Unless otherwise agreed at Master Plan approval, the provisions of this 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 - Space 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 2.D.13.

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

Section 5.15 Tree Protection, Tree Survey and Replacement of Trees shall be governed by Section 4.21.1000.W, as modified by PDD Section I.I..

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

Section 6.9 Sidewalks - This provision is replaced by the provisions of the Development Agreement Section XII.6.: Sidewalks will not be required within the Property, provided that pedestrian and non-vehicular pathways or sidewalks are provided in order to provide interconnectivity between interior subdivisions, commercial or institutional areas and public gathering areas and in areas of high pedestrian traffic such as schools, institutions, parks and commercial areas.

EXHIBIT A

HARDEEVILLE TRACT VICINITY MAP

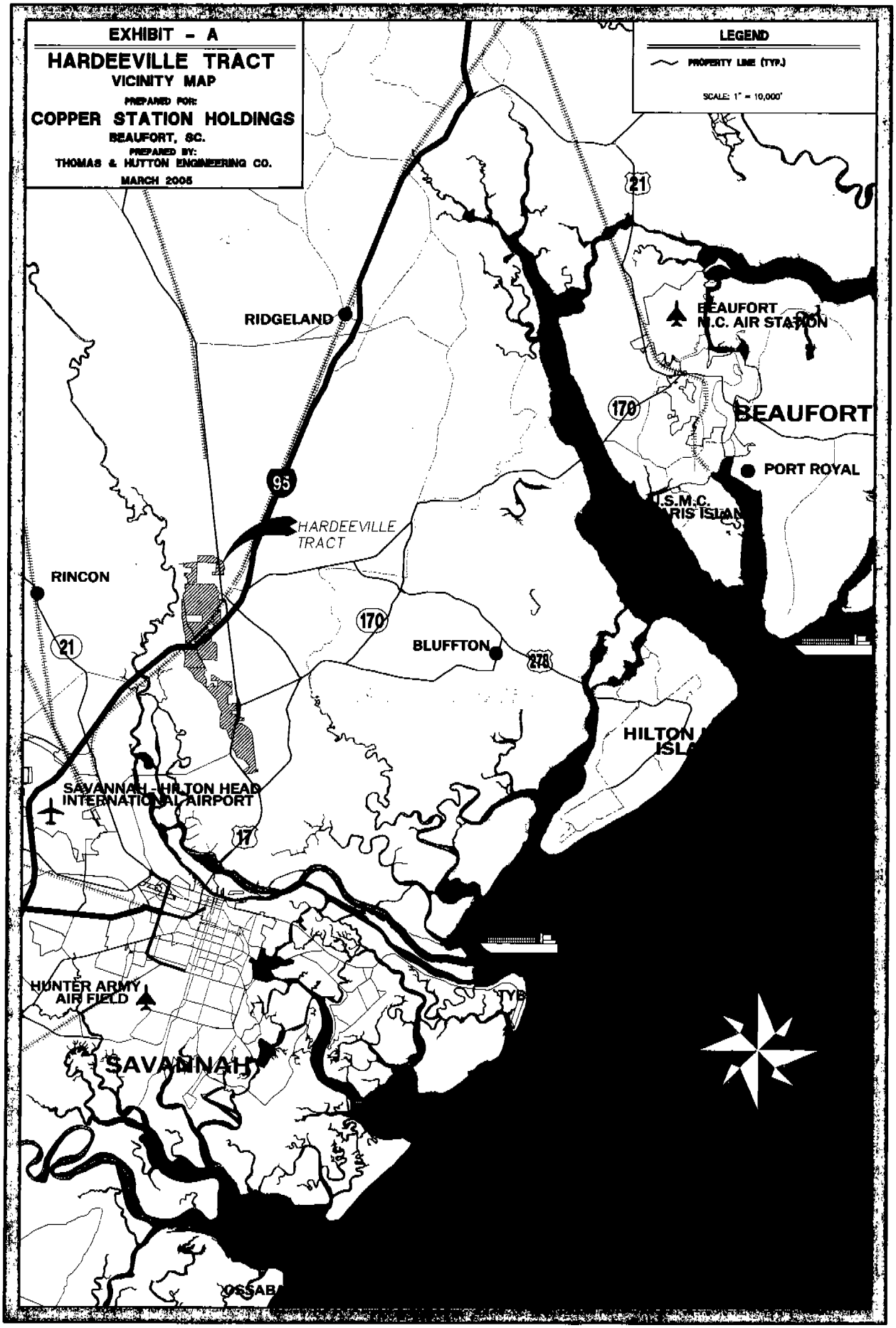
EXHIBIT - A
HARDEEVILLE TRACT
VICINITY MAP
PREPARED FOR:
COPPER STATION HOLDINGS
BEAUFORT, SC.
PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.
MARCH 2006
LEGEND
PROPERTY LINE (TYP.)
SCALE: 1" = 10,000'
RIDGELAND
BEAUFORT
N.C. AIR STATION
BEAUFORT
PORT ROYAL
U.S.M.C.
HARDEEVILLE
TRACT
RINCON
BLUFFTON
HILTON
SAVANNAH - HILTON HEAD
INTERNATIONAL AIRPORT
HUNTER ARMY
AIR FIELD
SAVANNAH
21
95
170
278
17

EXHIBIT B

HARDEEVILLE TRACT CONCEPTUAL MASTER PLAN

EXHIBIT B IS RECORDED AT JASPER COUNTY PLAT BOOK 29, PAGES 10 AND 11.

EXHIBIT C

HARDEEVILLE TRACT BOUNDARY AND LEGAL DESCRIPTION

Hardeeville Tract Legal Description

Being all those certain pieces, parcels, or tracts of land located in Jasper County, South Carolina, containing 6,448 acres, more or less, as being more particularly described in the following two surveys. The first boundary and legal description is for the northern Hardeeville tract dated May 6, 2004, entitled "Northern Hardeeville Tract (445.23Acres) being a portion of I.P. Realty", prepared by Ward Edwards Inc., and certified by Donald R. Cook, SCRLS No. 19010. The second boundary and legal description is for the Hardeeville tract dated November 8, 2004, entitled "Plat of the Hardeeville Tract, (6003.04 Acres) being a portion of I.P. Realty", prepared by EMC Engineering Services, Inc., and certified by Charles Tuten, SCRLS No. 13522.

EXHIBIT D

HARDEEVILLE TRACT FRESHWATER WETLANDS DELINEATION & VERIFICATION LETTER

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

REPLY TO
ATTENTION OF

June 7, 2001

Regulatory Division

Mr. Joel Price
Newkirk Environmental, Incorporated
340 Eisenhower Drive
Savannah, Georgia 31406

Re: SAC 81-2001-0932 (Q)
Jasper County

Dear Mr. Price:

This is in response to your letter of May 24, 2001, requesting a wetland determination on behalf of the Branigar Organization Incorporated, for a 3597.27-acre tract located east and west of US Highway 17 and south of I-95, Jasper County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by BL Young, dated 5/15/01, and entitled *"A Wetland Plat Of / The South / Hardeeville / Tract / Jasper County / South Carolina"*.

This plat depicts surveyed boundaries of wetlands or other waters of the United States as established by your office. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property in question contains 426.09 acres of jurisdictional freshwater wetlands or other waters of the United States subject to the jurisdiction of this office. In addition, the property contains 51.29 acres of federally defined freshwater wetlands or other waters that are not considered to be subject to the jurisdiction of this office due to a recent decision by the U.S. Supreme Court. The location and configuration of these areas, as well as their status relative to jurisdiction, are reflected on the plat referenced above.

It should be clearly noted that the decision of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning aquatic resources, including wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might destroy or otherwise impact these wetland resources.

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the surveyed jurisdictional boundaries shown on the referenced plat are an accurate representation of jurisdictional areas within our regulatory authority. This office should be contacted prior to performing any work in these areas. Enclosed is a form describing the basis of jurisdiction for the areas in question, which are subject to the jurisdiction of this office.

If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified survey plat, should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this determination is valid for five (5) 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 delineation must be conducted. This approved jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

In future correspondence concerning this matter, please refer to SAC 81-2001-0932(Q). You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management. A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

Respectfully,

Paul E. Hinchcliff
Biologist

Enclosures:
Basis for Jurisdiction
Notification of Appeal Options

Copy Furnished:

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

Charleston District - Corps of Engineers - 69A Hagood Avenue Charleston, SC 29403-5107

BASIS OF APPROVED JURISDICTIONAL DETERMINATION

Reference Number: SAC 81-2001-0932(Q)

1. This jurisdictional determination meets the criteria set forth in the 1987 Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1), as it relates specifically to wetland areas (as opposed to others waters of the United States).

2. Additionally, the area or areas covered under this jurisdictional determination meet the definition of "Waters of the United States" as defined in 33 CFR 328.3(a.)

The following is a checklist of the type or types of "Waters of the United States" that fall within this jurisdictional determination. It is sufficient for jurisdiction if any one of the below types is checked. If in actuality there are additional types that apply, or if the type checked is in error, the actual character of the waters involved and whether they constitute any one of the types below will be controlling for jurisdictional purposes.

- ☐ Tidal waters (including tidal wetlands)
- ☐ Interstate or foreign commerce navigable waters
- ☐ Interstate waters or wetlands
- ☐ Intrastate waters with an interstate/foreign commerce nexus:
  - ☐ Recreation (hunting, fishing, photography) by interstate/foreign travelers
  - ☐ Source of fish, shellfish for interstate or foreign commerce
  - ☐ Industrial use in interstate or foreign commerce
  - ☐ Use by Federally listed endangered or threatened species
  - ☐ Other
- ☐ Impoundment of waters of the U.S.
- ☐ Tributaries to any of the above waters
- ☒ Wetlands adjacent to any of the above waters

3. This jurisdictional determination is also based in part on the following checked items.

- ☒ Plat submitted by the applicant
- ☒ Site Visit / Field Review
- ☒ Consultant's data sheets
- ☐ Corps' navigable waters studies
- ☒ Review of aerial photographs
- ☒ Review of soil maps
- ☐ Review of National Wetlands Inventory maps
- ☐ Other

Prepared by:_____
(signature of Regulatory Division representative)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

licant:	File Number:	Date:
ached is:		See Section below
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
PROFFERED PERMIT (Standard Permit or Letter of permission)		B
PERMIT DENIAL		C
APPROVED JURISDICTIONAL DETERMINATION		D
PRELIMINARY JURISDICTIONAL DETERMINATION		E

TION I: The following identifies your rights and options regarding an administrative appeal of the above ision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or ps regulations at 33 CFR Part 331.

INITIAL PROFFERED PERMIT: You may accept or object to the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

PROFFERED PERMIT: You may accept or appeal the permit

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process ompleting Section II of this form and sending the form to the division engineer. This form must be received by the division neer within 60 days of the date of this notice.

APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or vide new information.

ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps arding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an roved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may vide new information for further consideration by the Corps to reevaluate the JD.

Instrument Volume Page
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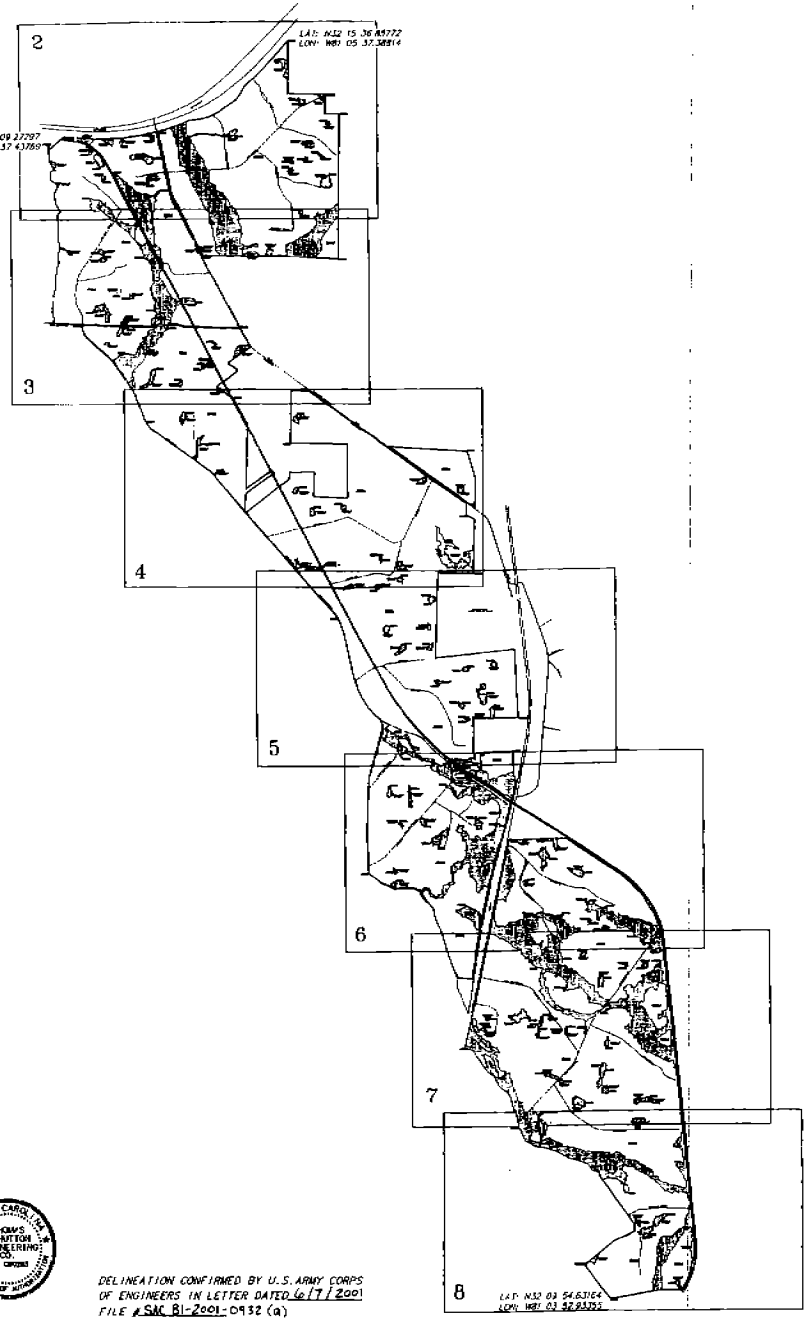

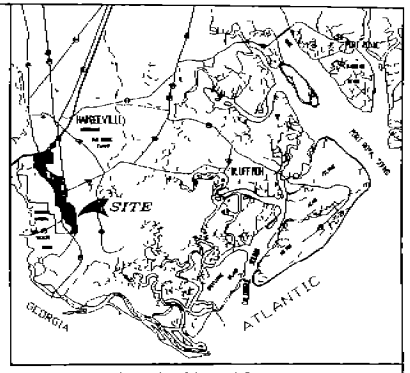

Vicinity Map
NOT TO SCALE

ACREAGE TABLE

ISOLATED NON-JURISDICTIONAL WETLAND ACREAGE		ISOLATED NON-JURISDICTIONAL WETLAND ACREAGE		ISOLATED NON-JURISDICTIONAL WETLAND ACREAGE		CONTIGUOUS WETLAND ACREAGE		CONTIGUOUS WETLAND ACREAGE		UPLAND ACREAGE	
22	2.38	77	0.41	122	0.01	1	50.35	41	1.00	1	1,013.90
23	2.15	78	0.40	123	0.09	2	42.24	43	0.89	2	759.94
24	2.06	79	0.39	124	0.09	3	39.37	45	0.78	3	412.80
26	1.96	80	0.36	125	0.08	4	36.30	48	0.77	4	372.38
27	1.93	81	0.36	126	0.07	5	29.98	51	0.71	5	260.21
28	1.78	82	0.35	127	0.07	6	26.36	52	0.71	6	113.75
29	1.71	83	0.35	128	0.07	7	22.15	55	0.61	7	58.61
30	1.66	85	0.33	130	0.06	8	18.98	58	0.69	8	39.31
32	1.51	86	0.32	131	0.01	9	18.83	59	0.69	9	29.74
33	1.35	87	0.30	132	0.00	10	15.63	80	0.58	10	13.59
34	1.32	88	0.30	134	0.04	11	15.42	82	0.58	11	13.11
35	1.31	89	0.29	135	0.04	12	15.12	76	0.41	12	9.97
36	1.23	90	0.28	136	0.04	13	14.68	84	0.33	13	3.34
37	1.14	91	0.28	137	0.03	14	12.15	38	0.25	14	2.86
38	1.06	92	0.26	138	0.03	15	11.27	104	0.21	15	0.72
39	1.05	93	0.26	139	0.02	16	7.96	112	0.15	16	0.09
42	0.91	94	0.26	141	0.01	17	7.87	121	0.09	17	0.04
44	0.89	95	0.25	142	0.02	18	7.23	129	0.07	18	0.16
46	0.78	96	0.25	143	0.02	19	6.36	133	0.05	TOTAL	3,119.89
47	0.77	97	0.25	TOTAL	5.129	20	4.64	140	0.02		
49	0.76	99	0.25			21	3.93	TOTAL	426.09		
50	0.72	100	0.23			25	2.05				
53	0.65	101	0.23			31	1.50				
54	0.65	102	0.21			40	1.04				
56	0.63	103	0.21								
57	0.61	105	0.20								
61	0.58	106	0.20								
63	0.36	107	0.19								
64	0.36	108	0.19								
65	0.35	109	0.18								
66	0.34	110	0.17								
67	0.31	111	0.16								
68	0.49	113	0.16								
69	0.47	114	0.15								
70	0.45	115	0.13								
71	0.45	116	0.14								
72	0.43	117	0.11								
73	0.42	118	0.12								
74	0.42	119	0.10								
75	0.41	120	0.09								

TOTAL ACREAGE

3,597.27

= CONTIGUOUS WETLAND

= ISOLATED NON-JURISDICTIONAL WETLAND

SPECIAL NOTE:

1. LINE DATA TABLE LISTINGS ARE ON SHEETS 9-11

NOTE:

1. THE BOUNDARY SHOWN HAS BEEN COMPILED FROM VARIOUS MAPS AND RECORDS AND HAS NOT BEEN VARIFIED IN THE FIELD BY THOMAS AND HUTTON ENGINEERING COMPANY.
2. WETLAND DELINEATION COMPLETED BY NEWFORK ENVIRONMENTAL INC. NOVEMBER 2000 AND SURVEY COMPLETED BY THOMAS AND HUTTON ENG. CO. MARCH 2001
3. COORDINATES SHOWN ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83.

BRANIGAR
A company of INTERNATIONAL PAPER

A WETLAND PLAT OF

THE SOUTH HARDEEVILLE TRACT

JASPER COUNTY
SOUTH CAROLINA

PREPARED FOR:
INTERNATIONAL PAPER

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.

80 PARK OF COMMERCE WAY, P.O. BOX 5787
SAVANNAH, GEORGIA 31405 / TEL. (912) 354-5300

SCALE	1" = 1600'
FILE	J-13816
DATE	05/14/01
PARTY CHIEF	JB/TP
DRAWN BY	JCB
APPROVED BY	G.L.T.

SHEET 1 OF 11

DELINEATION CONFIRMED BY U.S. ARMY CORPS OF ENGINEERS IN LETTER DATED 6/7/2001
FILE # SAC 81-2001-0932 (a)

SOUTH CAROLINA LAND SURVEYOR 15/01 GEORGE L. YOUNG

SOUTH CAROLINA THOMAS & HUTTON ENGINEERING CO. No. C00293

GEORGE L. YOUNG
S.C. PRO. LAND SURVEYOR LIC. NO. 14679

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

REPLY TO
ATTENTION OF

Regulatory Division

June 15, 2001

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

Re: SAC 81-2001-0990(Y)

Dear Mr. Price:

This is in response to your letter of May 24, 2001, requesting a wetland determination, on behalf of The Branigar Organization, for a 136.28 acre tract located west of U.S. Highway 17, northwest of Interstate 95 and east of the CSX railroad track in the Town of Hardeeville, Jasper County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by Thomas & Hutton Engineering Co., dated May 17, 2001, and entitled "A Wetland Plat of The North Hardeeville Commercial Tract Jasper County South Carolina Prepared For International Paper".

This plat depicts surveyed boundaries of wetlands or other waters of the United States as established by your office. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property in question contains 40.865 acres of jurisdictional freshwater wetlands or other waters of the United States subject to the jurisdiction of this office. In addition, the property contains 5.436 acres of federally defined freshwater wetlands or other waters that are not considered to be subject to the jurisdiction of this office due to a recent decision by the U.S. Supreme Court. The location and configuration of these areas, as well as their status relative to jurisdiction, are reflected on the plat referenced above.

It should be clearly noted that the decision of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning aquatic resources, including wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might destroy or otherwise impact these wetland resources.

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the surveyed jurisdictional boundaries shown on the referenced plat are an accurate representation of jurisdictional areas within our regulatory authority. This office should be contacted prior to performing any work in these areas. Enclosed is a form describing the basis of jurisdiction for the areas in question, which are subject to the jurisdiction of this office.

If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified survey plat, should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this determination is valid for five (5) 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 delineation must be conducted. This approved jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

In future correspondence concerning this matter, please refer to SAC 81-2001-0990(Y). You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Bureau of Ocean and Coastal Resource Management. A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

Respectfully,

W. David Chamberlain
Biologist

Enclosures:
Basis for Jurisdiction
Notification of Appeal Options

Copy Furnished:

Mr. Rob Mikell
S.C. Department of Health
and Environmental Control
Bureau of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Charleston District - Corps of Engineers - 69A Hagood Avenue Charleston, SC 29403-5107

BASIS OF APPROVED JURISDICTIONAL DETERMINATION

Reference Number: SAC 81-2001-0990(Y)

1. This jurisdictional determination meets the criteria set forth in the 1987 Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1), as it relates specifically to wetland areas (as opposed to others waters of the United States).

2. Additionally, the area or areas covered under this jurisdictional determination meet the definition of "Waters of the United States" as defined in 33 CFR 328.3(a.)

The following is a checklist of the type or types of "Waters of the United States" that fall within this jurisdictional determination. It is sufficient for jurisdiction if any one of the below types is checked. If in actuality there are additional types that apply, or if the type checked is in error, the actual character of the waters involved and whether they constitute any one of the types below will be controlling for jurisdictional purposes.

- ☐ Tidal waters (including tidal wetlands)
- ☐ Interstate or foreign commerce navigable waters
- ☐ Interstate waters or wetlands
- ☐ Intrastate waters with an interstate/foreign commerce nexus:
  - ☐ Recreation (hunting, fishing, photography) by interstate/foreign travelers
  - ☐ Source of fish, shellfish for interstate or foreign commerce
  - ☐ Industrial use in interstate or foreign commerce
  - ☐ Use by Federally listed endangered or threatened species
  - ☐ Other
- ☐ Impoundment of waters of the U.S.
- ☒ Tributaries to any of the above waters
- ☐ Wetlands adjacent to any of the above waters

3. This jurisdictional determination is also based in part on the following checked items.

- ☒ Plat submitted by the applicant
- ☒ Site Visit / Field Review
- ☒ Consultant's data sheets
- ☐ Corps' navigable waters studies
- ☒ Review of aerial photographs
- ☐ Review of soil maps
- ☐ Review of National Wetlands Inventory maps
- ☐ Other

Prepared by: W. [illegible]
(signature of Regulatory Division representative)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.	If you only have questions regarding the appeal process you may also contact the Coordinator for Appeals in our South Atlantic Division Office in Atlanta, Georgia at (404) 562-5136. 60 Forsyth St, SW Atlanta, GA 30308-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

Instrument
200600002042 OR

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423 118

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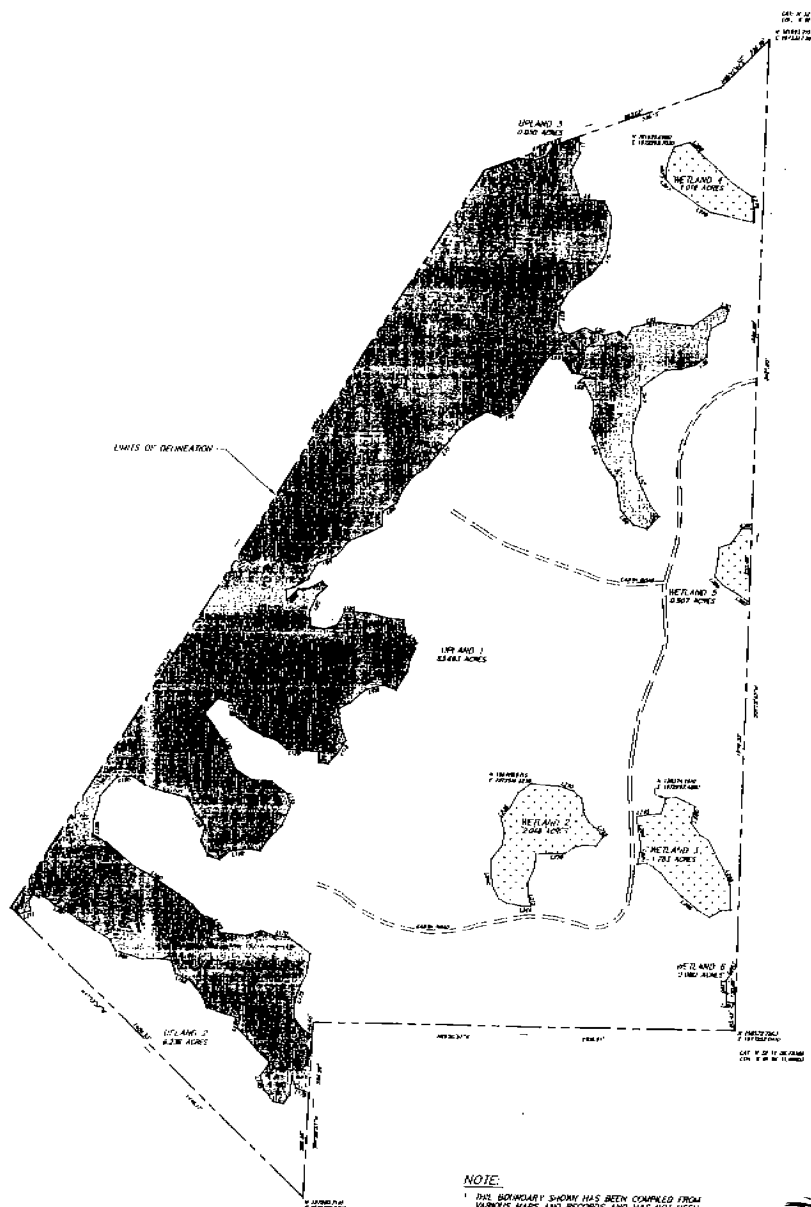

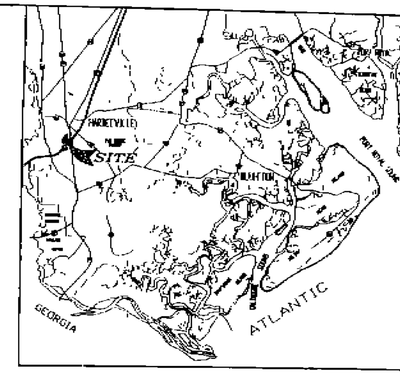

Vicinity Map
NOT TO SCALE

ACREAGE TABLE

ISOLATED NON-JURISDICTIONAL WETLAND ACREAGE		CONTIGUOUS WETLAND ACREAGE		UPLAND ACREAGE	
2	2.048	1	40.865	1	83.693
3	1.763	TOTAL	40.865	2	6.236
4	1.018			3	0.050
5	0.507			TOTAL	89.979
6	0.060				
TOTAL	5.436				

TOTAL ACREAGE

136.280

= CONTIGUOUS WETLAND

= ISOLATED NON-JURISDICTIONAL WETLAND

NOTE:

1. THE BOUNDARY SHOWN HAS BEEN COMPILED FROM VARIOUS MAPS AND RECORDS AND HAS NOT BEEN VERIFIED IN THE FIELD BY THOMAS AND HUTTON ENGINEERING COMPANY.
2. WETLAND DELINEATION COMPLETED BY NEWKIRK ENVIRONMENTAL INC., MAY 2001 AND SURVEY COMPLETED BY THOMAS AND HUTTON ENG. CO., MAY 2001
3. COORDINATES SHOWN ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83.

DELINEATION CONFIRMED BY U.S. ARMY CORPS OF ENGINEERS IN LETTER DATED 6/15/2001 FILE #SAC 81-2001-0990 (Y)

SOUTH CAROLINA
THOMAS & HUTTON ENGINEERING CO.

BOYCE L. YOUNG

BRANIGAR
A company of INTERNATIONAL PAPER

A WETLAND PLAT OF

THE NORTH HARDEEVILLE COMMERCIAL TRACT

JASPER COUNTY
SOUTH CAROLINA

PREPARED FOR:
INTERNATIONAL PAPER

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.
50 PARK OF COMMERCE WAY, P.O.BOX 2727
SAVANNAH, GEORGIA, 31405 / TEL (912) 234-5300

SCALE	1" = 200'
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DATE	[illegible]
PARTY CHIEF	[illegible]
DRAWN BY	JCR
APPROVED BY	BLK

SHEET 1 OF 1

Fax Transmission

To:	Mr. Jack Alderman ✓	**From:**	Joel Price
Company:	The Branigar Organization	**Date:**	October 22, 2002
Fax #:	(912) 706-4021		

You should receive 6 page(s) including this one.
If you do not receive all pages, please call 912-354-6494

Message:

Please find attached a copy of the U.S. Army Corps of Engineers (USACE) verification letter dated October 17, 2002 for the 2,925.04-acre Hardeeville North Tract located in Jasper County, South Carolina. The site contains wetlands which is under the jurisdiction of the USACE and non-jurisdictional isolated wetlands which are not under USACE jurisdiction. However, any impacts to the non-jurisdictional wetland areas will require authorization from OCRM, and any impacts to the wetland areas labeled as jurisdictional will require authorization from state and federal agencies.

If you have any questions, please contact me at (912) 354-6494.

Sincerely,

Joel Price

cc: Mr. Sam McCachern - Thomas and Hutton Engineering Co. ✓
Mr. Craig Brewer - Thomas and Hutton Engineering Co.

Newkirk Environmental, Inc.

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

REPLY TO
ATTENTION OF

October 17, 2002

Regulatory Division

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

Re: SAC 81-2001-1138 (Q)
Jasper County

Dear Mr. Price:

This is in response to your letter of June 18, 2001, requesting a wetland determination for a 2925.04-acre tract located west of US17, adjacent to and north of I95, and east of the Savannah River, Jasper County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by BL Young, dated 9/05/02, contains Sheets 1-9, and is entitled *"A Wetland Plat Of / The North Hardeeville Tract / Jasper County / South Carolina / Prepared For International Paper"*.

This plat depicts surveyed boundaries of wetlands or other waters of the United States as established by your office. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property in question contains 398.52 acres of jurisdictional freshwater wetlands or other waters of the United States subject to the jurisdiction of this office. In addition, the property contains 30.91 acres of federally defined freshwater wetlands or other waters that are not considered to be subject to the jurisdiction of this office due to a recent decision by the U.S. Supreme Court. The location and configuration of these areas, as well as their status relative to jurisdiction, are reflected on the plat referenced above.

It should be clearly noted that the decision of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning aquatic resources, including wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity that might destroy or otherwise impact these wetland resources.

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the surveyed jurisdictional boundaries shown on the referenced plat are an accurate representation of jurisdictional areas within our regulatory authority. This office should be contacted prior to performing any work in these areas. Enclosed is a form describing the basis of jurisdiction for the areas in question, which are subject to the jurisdiction of this office.

If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified survey plat, should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

Please be advised that this determination is valid for five (5) 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 delineation must be conducted. This approved jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

In future correspondence concerning this matter, please refer to SAC 81-2001-1138 (Q). You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management. A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact me at 843/329-8044 or toll free at 1-866/329-8187.

Respectfully,

Paul F Hinchcliff
Biologist

Enclosures:
Basis for Jurisdiction
Notification of Appeal Options

Copy Furnished:
South Carolina Department of Health
and Environmental Control
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

Charleston District - Corps of Engineers - 69A Hagood Avenue Charleston, SC 29403-5107

BASIS OF APPROVED JURISDICTIONAL DETERMINATION

Reference Number: SAC 81-2001-1138 (Q)

1. This jurisdictional determination meets the criteria set forth in the 1987 Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1), as it relates specifically to wetland areas (as opposed to others waters of the United States).

2. Additionally, the area or areas covered under this jurisdictional determination meet the definition of "Waters of the United States" as defined in 33 CFR 328.3(a.)

The following is a checklist of the type or types of "Waters of the United States" that fall within this jurisdictional determination. It is sufficient for jurisdiction if any one of the below types is checked. If in actuality there are additional types that apply, or if the type checked is in error, the actual character of the waters involved and whether they constitute any one of the types below will be controlling for jurisdictional purposes.

- ☐ Tidal waters (including tidal wetlands)
- ☐ Interstate or foreign commerce navigable waters
- ☐ Interstate waters or wetlands
- ☐ Intrastate waters with an interstate/foreign commerce nexus:
  - ☐ Recreation (hunting, fishing, photography) by interstate/foreign travelers
  - ☐ Source of fish, shellfish for interstate or foreign commerce
  - ☐ Industrial use in interstate or foreign commerce
  - ☐ Use by Federally listed endangered or threatened species
  - ☐ Other
- ☐ Impoundment of waters of the U.S.
- ☒ Tributaries to any of the above waters
- ☒ Wetlands adjacent to any of the above waters

3. This jurisdictional determination is also based in part on the following checked items.

- ☒ Plat submitted by the applicant
- ☒ Site Visit / Field Review
- ☒ Consultant's data sheets
- ☐ Corps' navigable waters studies
- ☒ Review of aerial photographs
- ☒ Review of soil maps
- ☒ Review of National Wetlands Inventory maps
- ☐ Other

Prepared by:_____
(signature of Regulatory Division representative)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg/ and Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

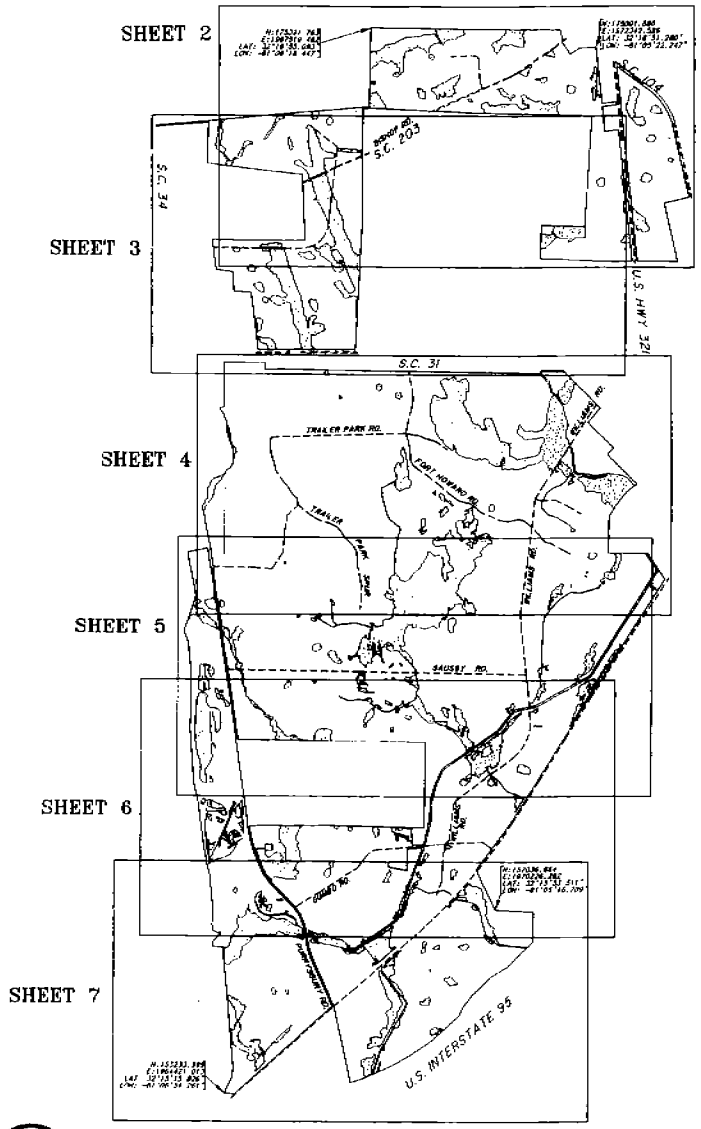
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

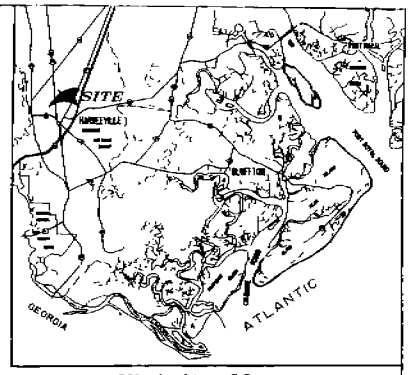
POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.	If you only have questions regarding the appeal process you may also contact the Coordinator for Appeals in our South Atlantic Division Office in Atlanta, Georgia at (404) 562-5136. 60 Forsyth St, SW Atlanta, GA 30308-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:





Vicinity Map
NOT TO SCALE

ACREAGE TABLE

ISOLATED NON-JURISDICTIONAL WETLAND	ACREAGE	ISOLATED NON-JURISDICTIONAL WETLAND	ACREAGE
W6	0.62 AC	W77	0.33 AC
W7	3.26 AC	W78	0.13 AC
W9	0.35 AC	W80	0.03 AC
W10	0.61 AC	W91	0.08 AC
W13	0.35 AC	W92	0.05 AC
W14	0.61 AC	W98	0.44 AC
W20	2.37 AC	W101	0.03 AC
W21	0.82 AC	W102	0.04 AC
W23	0.48 AC	W114	1.34 AC
W24	0.17 AC	W120	0.49 AC
W25	0.81 AC	W121	0.14 AC
W27	0.58 AC	W122	0.13 AC
W28	0.81 AC	W123	0.75 AC
W29	0.61 AC	W128	0.78 AC
W35	0.37 AC	W130	0.14 AC
W36	0.38 AC	W148	0.16 AC
W43	0.26 AC	W149	0.04 AC
W44	0.42 AC	W157	0.11 AC
W48	0.63 AC	W159	0.22 AC
W49	1.31 AC	W160	0.12 AC
W50	0.19 AC	W163	0.47 AC
W51	0.06 AC	W164	0.21 AC
W52	0.34 AC	W168	0.46 AC
W53	0.31 AC	W173	0.37 AC
W54	0.09 AC	W174	0.25 AC
W55	0.49 AC	W175	0.46 AC
W56	0.07 AC	W179	0.03 AC
W57	0.42 AC	W180	0.56 AC
W58	0.45 AC	W181	0.54 AC
W59	0.13 AC	W183	0.50 AC
W70	0.32 AC	W184	1.79 AC
W71	0.95 AC	W185	0.25 AC
W74	0.08 AC	W186	0.11 AC
W75	0.80 AC	TOTAL	30.91 AC

CONTIGUOUS WETLAND	ACREAGE	CONTIGUOUS WETLAND	ACREAGE	CONTIGUOUS WETLAND	ACREAGE
W1	11.13 AC	W79	0.70 AC	W134	4.96 AC
W2	2.68 AC	W81	0.07 AC	W135	0.18 AC
W3	0.14 AC	W82	0.09 AC	W136	0.05 AC
W4	2.08 AC	W83	0.05 AC	W137	0.17 AC
W5	0.21 AC	W84	6.32 AC	W138	0.26 AC
W8	4.17 AC	W85	2.86 AC	W139	0.04 AC
W11	0.71 AC	W86	0.08 AC	W140	0.67 AC
W12	8.29 AC	W87	2.15 AC	W141	0.44 AC
W15	0.14 AC	W88	1.93 AC	W142	0.02 AC
W16	0.02 AC	W89	0.90 AC	W143	0.07 AC
W17	0.02 AC	W90	18.82 AC	W144	0.02 AC
W18	0.43 AC	W93	0.23 AC	W145	0.84 AC
W19	0.03 AC	W94	0.21 AC	W146	0.01 AC
W22	0.65 AC	W95	0.44 AC	W147	0.01 AC
W26	2.78 AC	W96	0.07 AC	W150	17.05 AC
W30	4.14 AC	W97	0.49 AC	W151	0.05 AC
W31	1.50 AC	W99	1.73 AC	W152	0.03 AC
W32	2.88 AC	W100	0.20 AC	W153	0.21 AC
W33	0.95 AC	W103	0.01 AC	W154	0.09 AC
W34	0.51 AC	W104	0.95 AC	W155	0.03 AC
W37	7.78 AC	W105	1.95 AC	W156	0.32 AC
W38	0.79 AC	W106	2.10 AC	W158	0.04 AC
W39	5.61 AC	W107	0.11 AC	W161	7.92 AC
W40	16.67 AC	W108	0.03 AC	W162	0.39 AC
W41	0.92 AC	W109	0.51 AC	W165	0.39 AC
W42	0.82 AC	W110	2.75 AC	W166	0.20 AC
W45	0.70 AC	W111	0.07 AC	W167	0.12 AC
W46	18.67 AC	W112	0.15 AC	W169	0.13 AC
W47	0.78 AC	W113	0.07 AC	W170	0.07 AC
W54	55.62 AC	W115	9.23 AC	W171	6.39 AC
W55	0.01 AC	W116	1.59 AC	W172	0.61 AC
W56	0.17 AC	W117	1.53 AC	W176	6.30 AC
W57	2.68 AC	W118	0.02 AC	W177	0.01 AC
W58	12.63 AC	W119	0.38 AC	W178	3.24 AC
W59	0.25 AC	W124	14.24 AC	W182	6.72 AC
W60	4.33 AC	W125	1.12 AC	W187	0.25 AC
W61	0.64 AC	W126	2.96 AC	W188	0.01 AC
W62	0.01 AC	W127	2.58 AC	W189	0.11 AC
W63	2.15 AC	W129	12.77 AC	W190	0.04 AC
W71	70.04 AC	W131	1.19 AC	W191	4.54 AC
W72	0.88 AC	W132	0.03 AC	TOTAL	358.52 AC
W76	0.97 AC	W133	0.03 AC		

UPLAND	ACREAGE
U1	217.94 AC
U2	199.20 AC
U3	75.91 AC
U4	1761.11 AC
U5	117.52 AC
U6	0.15 AC
U7	0.39 AC
U8	8.17 AC
U9	0.76 AC
U10	0.04 AC
U11	0.21 AC
U12	0.05 AC
U13	0.02 AC
U14	0.02 AC
U15	0.30 AC
U16	0.05 AC
U17	0.02 AC
U18	6.48 AC
U19	108.51 AC
U20	12.51 AC
U21	0.08 AC
TOTAL	2495.61 AC

OUT-PARCEL

OP1	0.41 AC

TOTAL UPLAND ACREAGE	2495.61 ACRES
TOTAL CONTIGUOUS WETLAND ACREAGE	358.52 ACRES
TOTAL ISOLATED NON-JURISDICTIONAL WETLAND ACREAGE	30.91 ACRES
TOTAL ACREAGE (LESS OUT-PARCEL)	2926.04 ACRES

= CONTIGUOUS WETLAND

= ISOLATED NON-JURISDICTIONAL WETLAND

SPECIAL NOTE:

1. LINE DATA TABLE LISTINGS ARE ON SHEETS 8-9.

NOTE:

1. THE BOUNDARY SHOWN HAS BEEN COMPILED FROM VARIOUS MAPS AND RECORDS AND HAS NOT BEEN VARIFIED IN THE FIELD BY THOMAS AND HUTTON ENGINEERING COMPANY.
2. WETLAND DELINEATION COMPLETED BY NEWARK ENVIRONMENTAL INC., MARCH 2002 AND SURVEY COMPLETED BY THOMAS AND HUTTON ENG. CO., MAY 2002
3. COORDINATES SHOWN ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83

DELINEATION CONFIRMED BY U.S. ARMY CORPS OF ENGINEERS IN LETTER DATED_____
FILE #_____

BRANIGAR
A company of INTERNATIONAL PAPER

A WETLAND PLAT OF

THE NORTH HARDEEVILLE TRACT

JASPER COUNTY
SOUTH CAROLINA

PREPARED FOR:
INTERNATIONAL PAPER

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.
94 PARK OF COMMERCE WAY, P.O.BOX 9727
SAVANNAH, GEORGIA 31406 / TEL. (912) 354-4626

SCALE	1"=1000'
FILE	02099
DATE	5/14/02
PARTY CHIEF	EP
DRAWN BY	JCB
APPROVED BY	R.L.V.

SHEET 1 OF 9

SD 10/13

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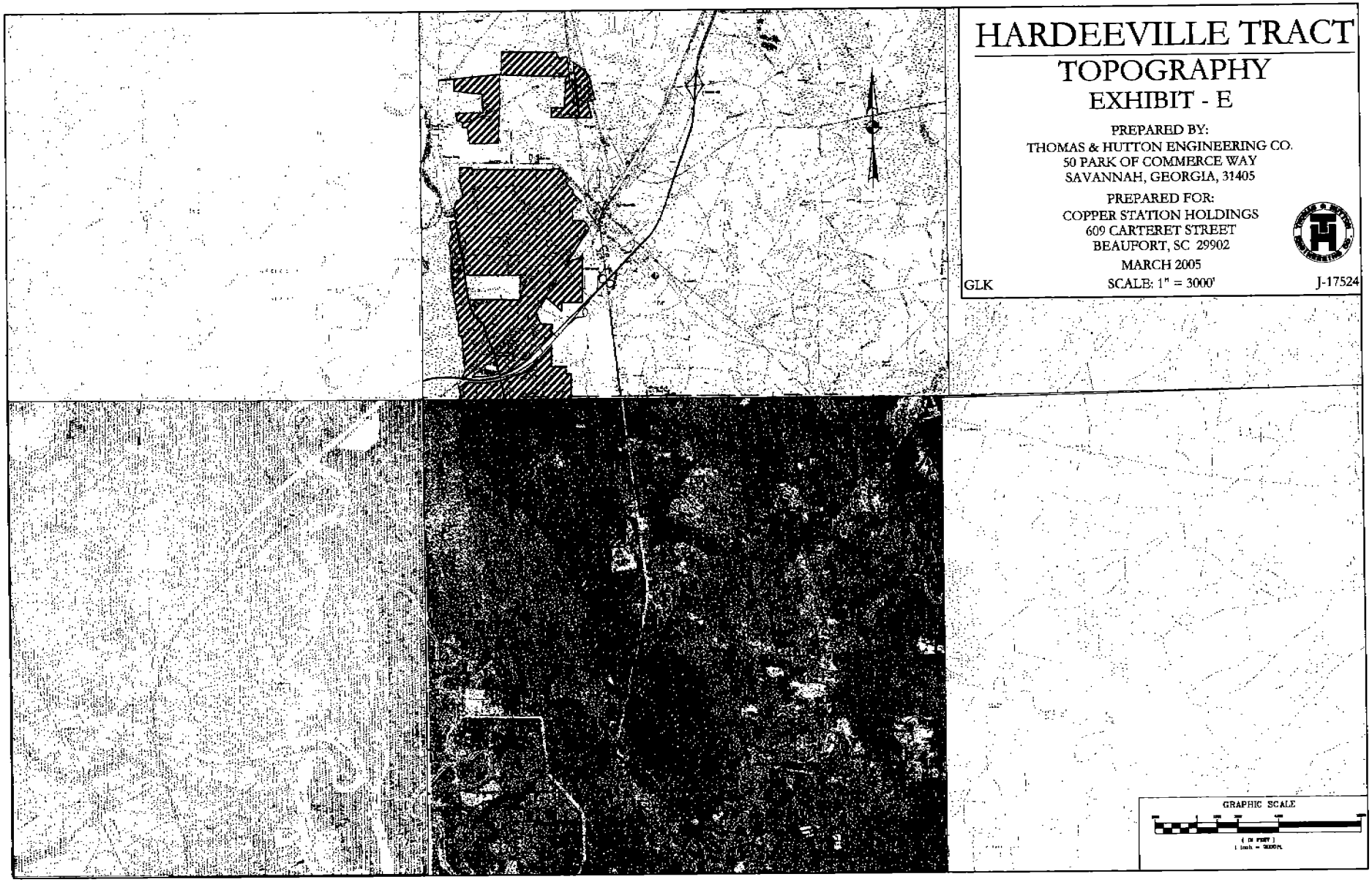
EXHIBIT E

HARDEEVILLE TRACT TOPOGRAPHY



HARDEEVILLE TRACT

TOPOGRAPHY

EXHIBIT - E

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.
50 PARK OF COMMERCE WAY
SAVANNAH, GEORGIA, 31405

PREPARED FOR:
COPPER STATION HOLDINGS
609 CARTERET STREET
BEAUFORT, SC 29902

MARCH 2005

GLK SCALE: 1" = 3000' J-17524

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EXHIBIT F

HARDEEVILLE TRACT BJWSA INTENT TO SERVE LETTER

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

February 24, 2006

Nicholas D. Stanley, PE
Thomas & Hutton Engineering Company
Post Office Box 2727
Savannah, Georgia 31402-2727

SUBJECT: Water and Sewer Availability to the Hardeeville Tract PDD, Jasper County, SC

Dear Nick,

This letter is in response to your correspondence of 3/9/05 regarding water and sewer service to the Hardeeville Tract in Southern Jasper County. I have recently met with the developers of the PDD and discussed BJWSA's plans for providing water and sewer service to their development.

BJWSA currently has water and sewer infrastructure available near the northern border of the tract. While additional infrastructure will be required to provide adequate capacity to the entire PDD, the Authority's Master Plan for this part of our service area calls for expansion of facilities and infrastructure throughout southern Jasper County, including the Hardeeville Tract. Water capacity will be provided from the Purrysburg Water Treatment Plant (SC DHEC Permit Number 0720003), and sewer capacity will be will be available at the Hardeeville Wastewater Treatment Plant (SC DHEC Permit Number 0074004).

To obtain design 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. Construction can begin once capacity fees are paid and the SC DHEC Construction Permit is issued.

Nick, please feel free to call me at 843-987-9265 if you have any questions about this procedure.

Sincerely,

Richard Deuel, PE (B)
Chief Engineer

Copy: Ed Saxon, PE, BJWSA
Terry Murray, BJWSA

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

EXHIBIT G

HARDEEVILLE TRACT PALMETTO ELECTRIC INTENT TO SERVE LETTER

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PALMETTO
ELECTRIC COOPERATIVE INC.

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

March 16, 2005

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

Re: Hardeeville Tract PDD

Dear Mr. Stanley:

Palmetto Electric Cooperative, Inc. ("PECI") has ample power available to serve the above-referenced site. We will need electrical load information at least ninety (90) days prior to the start of construction so that we may schedule crews and equipment.

It appears that portions of this tract may be in South Carolina Electric & Gas's ("SCE&G") service territory.

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

BB:sdr
Encl.

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

EXHIBIT H

HARDEEVILLE TRACT HARGRAY INTENT TO SERVE LETTER

HARGRAY

March 15, 2005

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

RE: Copper Station Holdings – Hardeeville Tract

Dear Mr. Stanley:

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

Enclosed herewith is a Project Application Form to be completed by the owner/developer of the project and submitted to the Telephone Company along with a set of site plans/construction drawings. Upon receipt of the site plans/ construction drawings and the completed Project Application Form we will issue a Letter of Intent to serve the project, subject to any conditions that may be applicable.

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

Sincerely,

Kevin Brabham
Planning & Design Engineer

856 William Hilton Parkway • P. O. Box 5986 • Hilton Head Island, SC 29938 • (843) 686-5000 • (800) 726-1266
5 Buck Island Road • P. O. Box 346 • Bluffton, SC 29910 • (843) 815-1600 • (800) 726-1266
100 Main Street • P. O. Box 569 • Hardeeville, SC 29927 • (843) 784-2211 • (800) 726-0150

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Sprint

P. O. Drawer 1659
Beaufort, SC 29901-1659
Voice 843 525 7917
Fax 843 525 1569

March 18, 2005

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

RE: **Hardeeville Tract PDD**
Jasper County, South Carolina

Dear Mr. Stanley,

This letter is to inform you, that the above mentioned property you are requesting a letter of service on, is not in Sprint's service area. We will not be able to issue such a letter. If you have any questions, please feel free to call me at (843) 525-7932.

Sincerely,
SPRINT

R. David Stiles

R. David Stiles
Ntwk. Engineer II

RDS:cma

EXHIBIT I

INTENTIONALLY LEFT BLANK

EXHIBIT J

CITY OF HARDEEVILLE MZDO

(Current through Supplement 24)

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CP#00002042 OR

APPENDIX A MUNICIPAL ZONING AND DEVELOPMENT ORDINANCE*

***Editor's note:** Ord. No. 02-20-03B, adopted Mar. 20, 2003, amended App. A in its entirety and enacted similar provisions as set out herein. The former App. A, titled "Zoning Ordinance," derived from Ord. No. 92-01, adopted Jan. 9, 1992; Ord. of 11-30-92; Ord. of 11-30-92, Amd. A; Ord. of 6-10-93; Ord. No. 96-4, adopted June 9, 1994; Ord. No. 95-1, adopted Mar. 9, 1995; Ord. No. 95-4, adopted Mar. 9, 1995; Ord. of 10-3-96; Ord. No. 97-9, adopted Aug. 21, 1997; Ord. of 7-16-98; Ord. No. 98-6, §§ 1–3, adopted Aug. 6, 1998; Ord. No. 2001-6-6-A, §§ 1, 2, adopted July 5, 2001; Ord. No. 2002-8-1-A, §§ 1–3, adopted Sept. 19, 2002; and Ord. No. 2002-8-1-B, §§ 1, 2, adopted Sept. 19, 2002.

Ord. No. 02-20-03B has been set out as enacted. A uniform style of capitalization and punctuation has been employed but no changes have been made to the arrangement or numbering of sections and subsections. Sections bearing no history note may be assumed to derive unamended from Ord. No. 02-20-03B.

Cross references: Zoning ordinances not affected by Code, § 1-5(a)(13); zoning ordinance, citation, § 2-62; buildings and building regulations, Ch. 6; fire prevention and protection, Ch. 8; flood damage prevention, § 9-51 et seq.; planning and zoning, Ch. 14; railroad crossing signs, § 15-4 et seq.; streets, sidewalks and public places, Ch. 16; traffic and motor vehicles, Ch. 18.

Art. 1. General Provisions, §§ 1.1–1.10
Art. 2. Development Review Bodies, §§ 2.1–2.7
Art. 3. Review Procedures, §§ 3.1–3.10
Art. 4. Zoning Districts, §§ 4.1–4.23
Art. 5. General Development Standards, §§ 5.1–5.20
Art. 6. Subdivision/Development Design/Improvements, §§ 6.1–6.9
Art. 7. Definitions, § 7.1
Art. 8. Vesting of Development/Subdivision Rights, §§ 8.100–8.600

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.

(A) These regulations shall govern all land within the corporate limits of the City of Hardeeville, South Carolina, and those adjacent areas to the City consisting of unincorporated Jasper County lying within the Joint Planning Area as indicated on Map 5 of the MZDO, which is incorporated by reference herein, and any such areas as may thereafter be added by complementary ordinances of the City of Hardeeville and Jasper County enacted pursuant to the authority of section 6-29-330 of the Code of Laws of South Carolina (1976 as amended). Such area shall be known as the "Southern Jasper County - City of Hardeeville Planning Area." The City is authorized, by virtue of the enactment of this ordinance, and a complementary ordinance by Jasper County, to exercise all of the powers granted under the South Carolina Local Government Comprehensive Planning Act of 1994 (Enabling Act), without limitation, including the authorization to pass such ordinances as may be adopted pursuant to the Act, effective in both the City limitsand the unincorporated areas within the Planning Area; provided, however, that Jasper County Council reserves to itself the exclusive authority to adopt changes

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in the zoning map of the unincorporated Planning Area when the applicant for such rezoning is an entity other than the owner of the property to be rezoned.

(B) Until such time as zoning amendments or map amendments are adopted pursuant to this Ordinance and Intergovernmental Agreement, the City shall administer, interpret and enforce the zoning districts, standards and regulations previously adopted by Jasper County and applicable to those districts; upon passage of either a transitional zoning district or map amendment, or other amendment(s) as a result of further study and recommendation by the Southern Jasper County - Hardeeville Joint Planning Commission created by this Ordinance, such new districts, standards and regulations shall govern the area formerly under County jurisdiction.

(C) In administering, interpreting and enforcing the existing Jasper County districts, standards and regulations, the administrative provisions of the Hardeeville Municipal Zoning and Development Standards Ordinance shall be utilized.

(Ord. No. 2005-5-5B, § 1, 6-16-05)

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.

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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 offormer 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 wheneverrepair 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.

Editor's note: Ord. No. 2005-8-18A adopted Sept. 1, 2005, extended the provisions requiring all signs which were not permitted or nonconforming as of Mar. 20, 2003, to be brought into compliance by June 20, 2006.

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.

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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 anyother 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.

D. Approval or denial of extensions of vested right extensions pursuant to Article 8 of

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the MDZO.

(Ord. No. 2005-6-2A, § 2, 6-16-05)

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) There is hereby created, as a part of the administrative mechanism designed to enforce the zoning and land development ordinances and regulations, a board to be known as the Southern Jasper - Hardeeville Zoning Board of Appeals, which is referred to in this Ordinance as the ZBOA, whose jurisdiction shall include property within the Southern Jasper County - City of Hardeeville Joint Planning Area.

(B) The ZBOA shall consist of seven (7) members, a majority of which constitutes a quorum, five (5) of which shall be appointed by the City of Hardeeville and two (2) by Jasper County, and who shall serve without compensation. Members are authorized to vote on matters arising both within the City and the Southern Jasper County - Hardeeville Joint Planning Area, regardless of which governing body appointed the member.

(C) The members shall serve for overlapping terms of three (3) years, or after that time until their successors are appointed.

(i) The City Council, by resolution within six (6) months of the adoption of this MZDO in March of 2003, established staggered terms for members of the then-existing ZBOA so as to provide that at least two (2) of the terms of five (5) then-serving serving members expired in a different year than the remaining members. Members in office at the time of the 2005 amendment of the MZDO providing for jurisdiction over the Southern Jasper County - City of Hardeeville Joint Planning Area shall remain in office and serve out their

terms, and be eligible for re-appointment.

(ii) Jasper County shall appoint its initial two (2) members with staggered terms complimenting those of the City of Hardeeville so as to provide that in any one year, no more than four (4) members of the ZBOA expire.

(D) Members may be reappointed for successive terms in accordance with procedures as may be adopted by City and County Council resolution from time to time. A vacancy in the membership will be filled for the unexpired term by appointment of a new member in the same manner as the original appointment. No member shall serve a term of appointment for longer than nine (9) consecutive years, unless four (4) out of five (5) Council members shall vote to extend beyond such time. The City or County Council may remove any member of the Board it appointed for cause. The City or County Council may not remove a member appointed by the other jurisdiction.

(E) 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 allmeetings 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 shallkeep 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 boardall 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.

(Ord. No. 2005-5-5B, § 2, 6-16-05)

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.

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(A) There is hereby created a planning commission for the Southern Jasper County - City of Hardeeville Planning Area, to be known as the Southern Jasper - Hardeeville Planning Commission and referred to in this Ordinance as the "Planning Commission", to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the Joint Planning Area pursuant to the provisions of the Enabling Act. Plans and programs undertaken by the Planning Commission shall be signed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of the Joint Planning Area. Specific planning elements shall be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The Planning Commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of the Joint Planning Area 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 Southern Jasper County - Hardeeville Joint Planning Area.

(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 [appendix]; 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 [appendix];

(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 seven (7) members, five (5) of which shall be appointed by the City of Hardeeville and two (2) by Jasper County, who shall serve without compensation. Members are authorized to vote on matters arising both within the City and the Southern Jasper County - Hardeeville Joint Planning Area, regardless of which governing body appointed the member.

(B) No member of the Planning Commission may hold an elected public office in the municipality or county.

(C) Members of the commission serve for staggered four-year terms, and shall serve until their successors are appointed and qualified.

(i) The City Council, by resolution within six (6) months of the adoption of this MZDO in March of 2003, established staggered terms for members of the then-existing members of the Planning Commission, so as to provide that at least two (2) of the terms of the five (5) then-serving members expired in a different year than the remaining members. Members in office at the time of the 2005 amendment of MZDO providing for jurisdiction over the Southern Jasper County - City of Hardeeville Joint Planning Area shall remain in office and serve out their terms, and be eligible for re-appointment.

(ii) Jasper County shall appoint its initial two (2) members with staggered terms complimenting those of the City of Hardeeville so as to provide that in any one (1) year, no more than four (4) members of the Planning Commission expire.

(D) Members may be reappointed for successive terms in accordance with procedures as may be adopted by respective City and County Council resolutions 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 or County Council may remove any member of the commission it appointed for cause. The City or County Council may not remove a member appointed by the other jurisdiction.

(E) In the appointment of Planning Commission members, the City and County Councils 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 and County.

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 thechairman 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; Delegation of Authority; Reports.

(A) The City and County Council authorizes the Planning Commission to review and make recommendations to the City or County Council for proposed Planned Development Districts (PDD), Manufactured Home Parks (MHP), other floating zones, rezonings and map amendments, and other land use matters committed to the discretion of the Councils, and any other subdivision/development or development that may hereinafter be directed to the Planning Commission for recommendation or approval by this MZDO, taking into consideration the recommendations of City and County Staff, if applicable.

(B) The Planning Commission hereby delegates permitting responsibilities to the Zoning Administrator and the Staff Review Committee. The Zoning Administrator and the Staff Review Committee may submit any application for a permit to the Southern Jasper - Hardeeville Planning Commission for review and recommendation, and such submission automatically tolls the running of the time allowed for decision by the permitting authority by that amount of time necessary for review and recommendation by the Planning Commission, not to exceed an additional forty-five (45) days.

(C) The Planning Committee shall create a report, with City Staff's assistance, of all studies undertaken and recommendations made by the Commission, and matters permitted or denied during the calendar year by the Staff Review Committee or Zoning Administrator, and shall present same to the City Council and Jasper County Council in a reasonably timely fashion after the end of the calendar year, beginning with matters submitted after July 1, 2005.

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.

(Ord. No. 2005-5-5B, § 3, 6-16-05)

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 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 Southern Jasper County - City of Hardeeville Joint Planning Area, there is hereby created a Southern Jasper County - City of Hardeeville Architectural/Overlay Review Board, which shall be referred to in this Ordinance as the "Southern Jasper - Hardeeville AORB."

(B) The Southern Jasper - Hardeeville AORB shall consist of not less than three (3), nor more than five (5) members, a majority of which shall constitute a quorum, two of which will be appointed by the City of Hardeeville and one (1) by Jasper County in the event there are three (3) members, and two (2) appointed by Jasper County if there are four (4) or five (5) members, who shall serve without compensation. The City and County shall endeavor to appoint as many professionally qualified persons as are willing 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.

(C) 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 five (5) 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. No member shall serve more than six (6) consecutive years, unless four (4) out of five (5) Council members shall vote to extend beyond such time.

(D) Members may be reappointed for successive terms in accordance with procedures as may be adopted by respective City and County Council resolutions from time to time. A vacancy in the membership of the Board must be filled for the unexpired term in the same manner as the original appointment. The City or County Council may remove any member of the board which it has appointed for cause. The City or County Council may not remove a member appointed by the other jurisdiction.

(E) None of the members may hold any other public office or position in the municipality or county.

(F) 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 wherecompliance 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

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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 ReviewBoard.

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.

(Ord. No. 2005-5-5B, § 4, 6-16-05)

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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.

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[Fees Established by Ordinance.] Fees for building permits, zoning, development, and subdivision application, review and permitting shall be established from time to time by ordinance of the City of Hardeeville by December 31 st of each year for the following year. If rates are not changed by Council prior to that time, the rates for the previous calendar year will remain in effect until such time as Council adopts a new schedule of fees. The fees for building permits in the Schedule of Fees attached hereto and incorporated by reference provide for the International Building Code and International Residential Code Standard Fee Chart, Latest Edition, to be applicable, and these fees are to be adjusted without action of the Councilat such times as those Fee Charts are amended by the issuing body of those Codes.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 theoffice of the Treasurer.

[Additional Information and Fees for Professional Expertise.] The Zoning Administrator may require that an application for a zoning permit include information and exhibits as he deems necessary to determine that the proposed development of the property complies with this ordinance. He shall have a reasonable time to consult with other governmental agencies and request additional information and data to evaluate the application after submission as set forth below. The Zoning Administrator may in his sole discretion determine that the proper evaluation of an application requires special expertise of architectural, engineering, environmental, construction, soils, hydrological, chemical, or other professionals. The Zoning Administrator shall determine the scope of such services and shall receive cost estimates therefor. In such event, the Zoning Administrator shall be entitled to employ such professionals and pay their fees and costs from the applicant's Development Review Fee Account on deposit with the City; provided however, (1) prior to employment by the City of any such professional, the professional shall give his, her or its certification that it is not currently employed or under contract, and will not undertake any work on a project (other than a City or County project) which will or may require a development, subdivision or building permit to be issued by the City; and (2) the Zoning Administrator shall not agree to incur professional fees and costs for a development review in excess of the uncommitted balance in the applicant's Development Review Fee Account.

[Development Review Fee Account Fund.] The City Administrator, with the assistance of the City Treasurer, shall establish an account to be called the Development Review Fee Account Fund. The Development Review Fee Account is established to defray expenses incurred by the City for services rendered and to be rendered pertaining to and resulting from development activity in the City and Joint Planning Area, including professional assistance in processing and reviewing applications which are in addition to the base fees as set forth in the Schedule of Fees. Upon receipt of an application, the Zoning Administrator shall make a preliminary determination of the professionals, if any, which may be required to assist the Zoning Administrator in his evaluation of the project and the anticipated costs of such services. Prior to commencement of evaluation of the application, the applicant shall deposit with the Zoning Administrator the amount estimated by him of development review fees for professionals. These funds shall be placed in the Development ReviewFee Account established herein in the name of the applicant and shall be used by the Zoning Administrator to pay the fees and costs for such professionals. In the event that the Zoning Administrator determines that because of a substantial amendment to the application, other changes in the scope of the work, a determination that a need exists for additional professional consultants, or if the original estimate does not cover all professional fees and expenses, he shall notify the applicant and the applicant shall deposit with the Zoning Administrator additional funds to replenish the Development Review Fee Account. Upon final determination of the application for zoning permit, overlay zone, or special exception, the Zoning Administrator shall make an accounting to the applicant and remit to him or her any balance in the account without interest.

[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; existingor 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.

(Ord. No. 2005-11-3C, §§ 1, 2, 11-17-05)

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

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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 coveradministrative 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.

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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 ZoningMap 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 rezoning.

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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

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(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.

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(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;

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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 ofthe 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

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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. Theplaces 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 characterof 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;

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(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 tobe 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":

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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 apparatusor equipment.

(4) *Exceptions.* For exceptions to height regulations see Section 5.12.

(i) *Additional Requirements.* Sign uses permitted in GR Zoning Districts, including the

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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 shallbe 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

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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 apparatusor 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.

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(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

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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:

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(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.

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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

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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

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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 henceforthbe 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 manufacturedhome 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 violationof 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; providedthat 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.

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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 ZoningOrdinance, 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 bufferrequirements 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 Boardof 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 Acre1 shall not

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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.

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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.

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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 lessthan 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 creditagainst 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 inthis 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 suchto 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;

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(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 displayareas, 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 thelike;

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

forany 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 restrictivezoning 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;

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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 engineer;

(E) Name of county, location, tax map(s) and parcel number(s);

(F) Bearings and distances of all lot lines and street lines;

(G) Streets and alleys, rights-of-way, proposed street names and lot numbers (Street addresses will be assigned or approved by the Jasper County Office of Emergency Preparedness after Development Plan approval and copies are sent to appropriate agencies);

(H) Final traffic mitigation plans (if applicable);

(I) Square foot area of each lot;

(J) Location of all monuments and markers and type indicated;

(K) Location, size and type of all existing and proposed easements;

(L) Proposed location and designation of parks, playgrounds, school sites, open space, recreation amenity areas and public facilities where applicable;

(M) Existing railroads, watercourses, streets, highways, city limit lines, transmission lines, existing and/or proposed water and sewer lines, easements, drainage pipes, ditches, and wetlands and wetlands buffers within or immediately adjacent to land in the land being developed, whether or not jurisdiction is asserted by OCRM or the Army Corps of Engineers;

(N) Design, specifications and profiles of all proposed streets, drainage systems, lighting, parking, and parking lots (submit directly to the City's designated Engineer);

(O) Layout and design, specifications and profiles for all proposed water lines and sewer lines or well and septic tank locations, as applicable;

(P) Letters of Intent to serve underground electrical, telephone or gas from respective utility companies;

(Q) Proposed fire hydrant locations or locations and quantity of other proposed water supply systems for fire protection as required;

(R) Other affected agency final approval, certification or permits for elements relative to the development such as:

1. DHEC construction permits for community water and sewer systems;

2. DHEC approval of the use of individual wells or community water system in conjunction with septic tanks in the event community sewer is physically

unavailable;

3. OCRM and/or Army Corps of Engineer signed certification of surveyed Wetland Boundary Lines and any required buffers/easements;

4. OCRM and/or Corps of Engineer permits for proposed docks, marinas, bulkheads, fill and the like (where applicable);

5. City designated Engineer approval of stormwater drainage systems and road plans;

6. Local Fire Official having jurisdiction shall certify that development is in compliance with all applicable fire and life safety standards; and

7. All other applicable regulatory agency approvals;

(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 ofthe 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.

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(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

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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 michauxII
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 iasianthus
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 andgarden 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

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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.

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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

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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:

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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;
Build-to line locations	Corner lots. 0--10 feet from front property line 0--10 feet from side street property line
	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;
	Corner lots. 5--15 feet from front property line

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Build-to line locations	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

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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.

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	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.

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(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

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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)

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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 beso 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 withinan 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

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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.

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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.)

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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

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with DisabilitiesAct (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 providedthat 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.

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(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 asideand 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

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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%

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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 orin 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 shallreport 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 disturbedarea.

(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 outsidethe 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.*

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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

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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.

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(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 tosurrounding 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

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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 reservesthe 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

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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 permitis 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

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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:

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(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 floodplainif 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 ofstructures 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. TheDirector 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 oflocal, 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 accessfor 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 isany 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 requiredbuffer 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

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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.

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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 forapproval 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

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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.

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(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

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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

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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 thesubdivider 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 approvalbefore 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 notmore 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

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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) byright 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.

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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 clearlystate 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;

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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 replacementdrain 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 plansapproved 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 displayan 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.

ARTICLE 8. VESTING OF DEVELOPMENT/SUBDIVISION RIGHTS

8.100. General Limitations and Conditions.

(1) Except as hereinafter set forth, a vested right established by this Ordinance is subject to the limitations and conditions as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

8.200. Definitions.

As used in this article:

(1) *Approved* or *approval* means a final action by the City's Zoning Administrator, Staff Review Committee, Zoning Board of Appeals, Planning Commission or City Council in those matters committed to their respective authority or discretion in accordance with the permitting procedures of the MZDO, or an exhaustion of all administrative remedies/appeals that results in the authorization of a site specific development plan or a phased development plan.

(2) *Building permit* means a written warrant or license issued by the Building Official or such other official as may be designated by the City Administrator that authorizes the construction or renovation of a building or structure at a specified location.

(3) *Conditionally approved* or *conditional approval* means an interim action taken by the City or its designees in accordance with the MZDO and the S.C. Local Government Comprehensive Planning Act (the "Enabling Act") that provides authorization for a site specific development plan or a phased development plan but is subject to approval. These authorizations include, but are not limited to, Concept Plan Planned Development Districts ("Concept PDD") pursuant to Section 4.21.700, a Master Plan Planned Development District ("Master Plan PDD") pursuant to Section 4.21.800, and any authorization for a development in a "floating zone district" which provides conditions in the authorization ordinance for continued operation of the use, such as those contained within Section 4.20 of the MZDO, the Manufactured Home Park District ordinance.

(4) *Landowner* means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan pursuant to this article.

(5) *Person* means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

(6) *Phased development plan* means a development plan submitted to the City by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site specific development plan. These include, but are not limited to, Concept PDD and Master Plan PDD plans as authorized by Sections 4.21.700 and 4.21.800, respectively, and plans for properties for which only a portion of the whole property is designed and

submitted as a site specific development, with the remainder reserved for future development.

(7) *Real property* or *property* means all real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

(8) *Site specific development plan* means a development plan submitted to the City or its authorized boards, commissions or agents by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. These plans include planned development district (PDD) submissions pursuant to Section 4.21.1000, and subdivision or development plans, including conditional use plans, submitted pursuant to Section 6.8 for proposals which comply with all of the required standards of the zoning district within which the property is located or have received a variance or special exception for which all appeals have been exhausted and the decision is final.

(9) *Vested right* means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in the MZDO.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

8.300. Two-year Vested Right Established on Approval of Site Specific Development Plan; Process for Renewal.

(1) A vested right is triggered and established for two (2) years upon the payment of all applicable fees and final approval of a site specific development plan which authorizes the landowner to proceed with grading, installation of utilities, streets and other infrastructure, and to undertake other significant expenditures necessary to apply for a building permit or such other permit as may be required by the City.

(2) A vested right for an approved site specific development plan expires two (2) years after the date of final approval by the final official or body authorized to approve a sire specific development plan.

(3) No sooner than six (6) months, or no later than forty-five (45) days prior to the expiration of the vested rights for a site specific development plan, the landowner of real property with a site specific vested right may apply to the City's Staff Review Committee for an annual extension of the vested right. The Staff Review Committee must approve applications for at least five annual extensions of the vested right, unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval, such as a rezoning, zoning or comprehensive plan text amendment, or implementation of a health, safety, environmental or other general welfare provision applicable to the development or subdivision.

(4) A vested site specific development plan may be amended if the amendment conforms to, or does not cause a greater nonconformity with, the then current provisions of the municipal zoning, planning, or land development ordinances, code sections, or regulations. Approval of an amendment does not re-set or re-start the expiration period of a vested right.

(5) Decisions of whether to grant the renewal or not by the Staff Review Committee are appealable to the City Council by any interested party having standing as is generally applied in appeals in other zoning or planning matters. Within sixty (60) days of the filing of the appeal with the Clerk to Council, the City Council shall hear the appeal upon the materials submitted to the Staff Review Committee, the arguments of the landowner and staff, any additional material as the Council may deem relevant and material which was not available to the Staff Review

Committee at the time the decision was made submitted by either the landowner or City staff, and such public comment as may be allowed. The City Council may grant or deny the renewal on appeal, or grant the renewal upon conditions. The City Council may defer its decision on the appeal until a date certain, for up to two meetings, and may re-open the hearing for additional fact finding in its sole discretion if such a deferral was made and either the landowner,the City staff, or a Council Member so requests.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

8.400. Two-Year Vested Right Established on Approval of Conditionally Approved Site Specific Development Plan; Process for Renewal.

(1) The City may, in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of a two-year vested right in the ordinance creating a Concept PDD, Master Plan PDD, or other conditionally approved site specific development plan. Such vested right may be terminated by the City in accordance with Section 6-29-1540(4), if after notice and public hearing, the City determines the landowner has failed to meet the terms of the conditional approval.

(2) The City may, in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of up to a five year vested right in the ordinance creating a Concept PDD, Master Plan PDD, or an approved or conditionally approved phased development plan. Such vested right may be terminated by the City in accordance with Section 6-29-1540(4), if after notice and public hearing, the City determines the landowner has failed to meet the terms of the conditional approval.

(a) Phased development plans shall submit site specific development plans for each phase, which shall conform to the requirements and regulations in effect at the time of the submission of the site specific plan. Such site specific plans shall thereafter be vested in accordance with the provisions of Section 8.300.

(3) The City may, in its sole discretion, provide for a renewal of the vested right granted in accordance with either (1) or (2) above, either in the ordinance creating or authorizing the Concept PDD, Master Plan PDD, conditionally approved site specific plan, or the approved or conditionally approved phased development plan.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

8.400. Conditions and Limitations.

(A) In addition to the terms, conditions and requirements above:

(1) Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development ordinances or regulations;

(2) A vested site specific development plan or vested phased development plan may be amended if approved by the local governing body pursuant to the provisions of the land development ordinances or regulations, subject to the limitations of Section 8.300(4) above;

(3) A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code;

(4) A vested right to a site specific development plan or phased development plan is subject to revocation by the City upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial

noncompliance with the terms and conditions of the original or amended approval;

(5) A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

(6) A vested site specific development plan or vested phased development plan is subject to later City overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

(7) A change in the zoning district designation or land-use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

(8) If real property having a vested site specific development plan or vested phased development plan is annexed, the City must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation;

(9) The City may not require a landowner to waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

8.600. Vested Right Attaches to Real Property; Applicability of Laws Relating to Public Health, Safety and Welfare.

(1) A vested right pursuant to this Article 8 is not a personal right, but attaches to and runs with the applicable real property.

(2) The landowner and all successors to the landowner who secure a vested right pursuant to this article may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right.

(3) This article does not preclude judicial determination that a vested right exists pursuant to other statutory provisions.

(4) This article does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

EXHIBIT K

LANDSCAPE STANDARDS

Exhibit K. LANDSCAPING

Section 01. Purpose.

This Section is intended to improve and protect the environment and the value and the character of the community and properties by providing for the installation and maintenance of landscaping and the preservation of natural plant growth. The provision for landscaping and the retention of natural plant growth reduces erosion, provides shade, buffers incompatible uses, aids in urban temperature control, and improves the aesthetic quality of a community and properties, thereby promoting the public health, safety, and general welfare

Section 02. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Abut means properties which are either contiguous or separated by a road or drainage right-of-way.

Accessway means the principal means of ingress and egress to a parcel from a public or private street right-of-way.

Architectural wall means a wall designed to complement adjacent development consisting of masonry block with stucco, fluted block, a finished designer block, poured concrete, or pre-cast concrete with a treatment on top such as a cornice, tile band or similar accent. A pre-cast concrete wall shall be comparable in visual quality to a block wall.

Clear trunk height (CT) means the height of a tree measured from the ground to the bottom of the canopy.

Commercial area means any area designated in the approved Hardeeville Tract PDD and Conceptual Master Plan as commercial or office.

Diameter breast height (DBH) means the diameter of a tree trunk measured at four and one-half (4 ½) feet above grade.

Dripline means an imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.

Evergreen means foliage that remains green or living throughout the year, non-deciduous.

Frontage means linear distance measured along abutting road rights-of-way.

Ground cover means low growing plants planted in such a manner as to form a continuous cover over the ground.

Industrial area means any area zoned industrial, including areas designated for industrial use in the approved Hardeeville Tract PDD and Conceptual Master Plan.

Landscape island means an area designated for landscaping located at the end of a parking bay that is typically ten (10) to fifteen (15) feet in width, but may be wider.

Landscape strip means a strip of land designated for landscaping.

Landscape buffer strip means a strip of land designated to provide a visual buffer between abutting properties that consists of landscaping and an architectural wall.

Landscaping means material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, or palms; and nonliving durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences, but excluding paving.

Mulch means nonliving, small, aggregate material such as gravel, rock, pebbles, bark, or pine needles spread over exposed soil or landscape fabric as an erosion and weed control.

Multi-family residential/institutional areas means any area zoned multi-family residential or institutional, including areas designated for multifamily/institutional uses in the Hardeeville Tract PDD and Conceptual Master Plan.

Off-street parking area means any area except a public or private right-of-way used for the purpose of parking, storing or display of vehicles, boats, trailers and mobile homes, including used car lots, but not including parking structures or garages.

Open lot storage area means an area which is not enclosed by a permanent structure or wall where inoperative vehicles, scrap metal, scrap lumber, building materials, machinery, machinery parts, or other similar items are customarily sold or stored.

Open space area means any open space, park, or public or private spaces ~~not~~ committed to preservation or drainage uses as calculated and determined by the Hardeeville Tract PDD and Conceptual Master Plan.

Other vehicular use areas means all land upon which vehicles traverse the property as a function of the primary uses.

Parking bay means a single alignment of parking spaces that is terminated at each end with a landscape island as approved in the Hardeeville Tract PDD and Conceptual Master Plan.

Planting area means any area designated for landscape planting having a minimum area of ten (10) square feet and having a minimum dimension of three (3) feet; except that wherever a tree shall be planted, a minimum area of twenty-five (25) square feet, with a minimum dimension of at least five (5) feet.

PDD planned development district means a land area under unified control which is planned and programmed in a single development operation or is a series of prescheduled phases according to an officially approved final Concept PDD plan.

Shrubs means any low, self-supporting, multi-stemmed evergreen or deciduous plants.

Right-of-way: includes any public or private street or drainage canal right-of-way. In addition, other properties that are fifty (50) feet or more in width that support infrastructure or utility uses such as, but not limited to, electric power lines and swales shall also be considered a right-of-way.

Single-family residential area means any portion of the city divided into lots intended to contain a single dwelling unit designed for occupancy by one (1) family.

Tree means any self-supporting, woody plant having at least one (1) well-defined stem that will gain a minimum height of twenty (20) feet when mature.

Vines means any of a group of woody or herbaceous plants which may climb by means of twining, aerial rootlets or tendrils.

Xeriscape means a landscaping method that maximizes the conservation of water by the use of site-appropriate plants, proper mulches, and an efficient watering system.

Section 03. Use of landscaping for site development area.

The use of landscaping shall be required for all site development as follows:

a. Commercial areas. For site development in commercial areas, as defined in the Concept PDD, landscaping shall be placed as described in section .04 herein, except section 04(11).

b. Multi-family residential/institutional areas. Sites developed for multi-family, institutional, and public buildings shall have landscaping installed in accordance with the requirements described in section 04 herein, except section 04(6) and section 04(11). A landscape strip that is at least ten (10) feet in depth shall be provided between buildings and parking lots, sidewalks, and vehicular use areas. This area is to be planted with grass/ground cover, shrubs, and trees. See section 04(12) for minimum required quantity.

c. Industrial areas. Sites developed in industrial areas shall have landscaping installed in accordance with the requirements of section 04 herein, except section 04(11), .04(7)c and 04(12)

22. Inner courtyards. Warehouse and/or industrial complexes erected with an inner court enclosed by walls or buildings shall not be required to landscape the inner court storage area.

23. Site perimeter landscaping. A landscape strip at least ten (10) feet in depth shall be located adjacent to all rights-of-way and abutting properties. Along a street right-of-way, one (1) tree shall be provided for each thirty (30) linear feet of frontage, or fractional part thereof. Trees may be placed in any arrangement within the landscape strip provided that the spacing between tree trunks is no greater than fifty (50) feet. A continuous hedge shall extend the length of the landscape strip. One shrub shall be required for each two (2) linear feet and the shrubs shall be at least twenty-four (24) inches in height at the time of planting. The remainder of the landscape strip shall be planted with grass, ground cover, shrubs, and other landscape treatment, excluding paving. Landscape strips not located adjacent to a street right-of-way, shall have at least one tree for every sixty (60) linear feet, or fractional part thereof. A landscape strip located around an open lot storage area shall provide one (1) tree for every thirty (30) linear feet, or fractional part thereof. Where an industrial use is located next to a commercial, office, or institutional use, a continuous hedge shall also be provided within the side and rear perimeter landscape strip, unless there is an existing hedge located along the perimeter of the adjacent property. Parking lot perimeter landscape strip requirements shall take precedence where a parking lot is located adjacent to a perimeter landscape strip.

d. Single-family residential areas. For site development in single-family residential areas, landscaping shall be installed in accordance with 04(11) and 04(1)c.

Section 04. Landscaping Requirements.

To ensure that the landscaping provided is adequate to meet the intent of this subchapter, the following requirements are specified:

10. Installation.

a. Planting practices. All landscaping shall be installed in a sound, workmanlike manner and according to accepted good planting practice with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet any other applicable ordinances.

b. Staking. All balled and burlapped trees and palms shall be staked. Trees and palms shall be staked until the roots have become established for a period typically between six (6) months and one (1) year or as specified by a landscape architect.

c. Easement and utility area landscaping. No landscaping shall be planted in such a manner as to adversely affect drainage or utility easements. Trees with a maximum mature height great enough to interfere with overhead power lines shall not be planted below overhead power lines. Such trees with a maximum mature height less than the height of the overhead power line shall be as required in section 04(4)b.

d. Certification by landscape architect. The landscape architect shall certify in writing to the City of Hardeeville planning and/or zoning officials that the landscaping has been installed in accordance with the plan approved by the City Council or administrative staff, as applicable. No certificates of occupancy or similar authorization will be issued unless the certification has been received verifying the landscaping meets the requirements provided herein, and is in conformance with an approved landscape plan for the project. This certification requirement shall not apply to single family residential units.

11. Maintenance.

a. Responsibility. The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times and shall be kept free from refuse and debris. Maintenance shall include the replacement of all dead plant material.

b. Irrigation. All sodded and planted areas shall be provided with an irrigation system except for xeriscape areas. Xeriscape areas must have a readily available water supply (minimum of one (1) hose bib within one hundred (100) feet of every planting area) to provide temporary irrigation until plantings are established. Xeriscape areas must be planted with approved drought tolerant species.

c. Nonconformance.

i. If at any time after issuance of a certificate of occupancy the landscaping of a development is found to be in nonconformance, City Council or administrative staff, as applicable shall issue notice to the owner, tenant and/or agent that action is required to comply with this subchapter and the owner, tenant, and/or agent shall have thirty (30) days to restore the landscaping as required. Failure to

comply will result in a code enforcement action.

ii. Permitted landscaping existing on the effective date of this subchapter shall be maintained as originally permitted. Replacement trees and other plants must, however, meet the requirement of this section.

d. Pruning and topping. Pruning restrictions shall not apply for trees located under power lines. Trees shall be pruned only as necessary to promote healthy growth. Trees shall be allowed to attain their normal size and shall not be severely pruned or "hatracked" in order to permanently maintain growth at a reduced height. Trees may be periodically pruned or thinned in order to reduce leaf mass in preparation for tropical storms. All pruning shall be accomplished in accordance with the National Arborist's Standards.

e. Walls and fences. All walls and fencing shall be maintained in good condition so as to present a neat, and orderly appearance at all times and shall be kept free from mildew and graffiti.

12. Plant materials.

a. Quality. Plant material used in conformance with the provisions of the material list as set forth in the Highway 278 Corridor Overlay District Standards (Section 4.22 of the MZDO) .

b. Existing plant material. Developers and/or land owners are encouraged to utilize healthy, acceptable plant material existing on a site prior to its development since this plant material is known to adapt to soil and climate conditions that occur in the city area. Trees to be preserved shall be protected from construction damage. Protection should include barricades erected around the dripline, or other similar separation, of the tree during the entire construction process.

c. Ground cover. Ground covers, other than grass, shall be planted in such a manner as to present a finished appearance and a reasonably complete coverage within four (4) months after planting. Ten (10) percent of the groundcover landscaping shall consist of flowering groundcover.

d. Lawn grass. Grass areas shall be planted in species normally grown as permanent lawns in the city.

e. Shrubs and hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting. When used for screening purposes they shall be spaced a maximum of twenty-four (24) inches on center and shall be maintained so as to form a continuous, unbroken, solid screen within a maximum of one (1) year after time of planting. If wider growing plants are used, spacing may be increased, but should provide a full appearance with adjacent plants touching each other.

f. Synthetic plants. Synthetic or artificial material in the form of trees, shrubs, ground cover, vines, or artificial turf shall not be used in lieu of plant requirements in this section.

g. Trees.

i. Trees shall be a species as set forth in the Highway 278 Corridor Overlay District standards.

ii. Tree species shall be a minimum of fourteen (14) feet overall height when planted with a minimum four-foot spread. At planting, the trees shall have a diameter of at least three (3) inches at a point four and one-half (4 ½) feet above ground level. Palm trees shall have a minimum clear trunk height of ten (10) feet. Groups of smaller trees may be approved by the City Council or administrative staff, as applicable.

iii. No more than fifty (50) percent of the required trees may be palm trees.

iv. Use of native species shall be encouraged.

v. At least thirty-five (35) percent of the required trees shall be flowering trees.

h. Vines. Vines shall be a minimum of thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

13. Site Perimeter Landscaping--Commercial, office, institutional, multifamily, and PDD Zoning. Necessary access ways from a right-of-way through all landscape strips shall be permitted in order to utilize the parking or other vehicular use areas and these accessways may be subtracted from the linear dimension used to determine the number of trees required.

a. Development located adjacent to a right-of-way or to another property. A landscape strip at least ten (10) feet in depth shall be located adjacent to all rights-of-way and abutting properties, unless indicated otherwise and approved by City Council. One (1) tree shall be provided for each thirty (30) linear feet of right-of-way or abutting property, or fractional part thereof. Trees may be placed in any arrangement within the landscape strip provided that the spacing between tree trunks is no greater than fifty (50) feet.

b. Special areas – four or 6 lane divided streets with a depth in excess of one hundred fifty (150) feet. Properties having a front or side facing these streets shall provide a landscape strip at least fifteen (15) feet in depth. This landscape strip shall include one (1) tree for each thirty (30) linear feet, or fractional part thereof. Trees may be placed in any arrangement within the landscape strip provided that the spacing between tree trunks is no greater than fifty (50) feet. A continuous hedge shall extend the length of the landscape strip. One (1) shrub shall be required for each two (2) linear feet and the shrubs shall be at least twenty-four (24) inches in height at the time of planting. The remainder of the required landscape strip shall be landscaped with grass, ground cover, shrubs, or other landscape treatment, excluding paving.

i. In locations without overhead wires: Trees shall be planted at thirty (30) feet on center along the street frontage. Trees shall be as set forth in the Highway 278 Corridor Overlay District Standards.

ii. Parking lot terminating islands shall have at minimum one (1) tree. Two (2) palms having a clear trunk height of ten (10) feet may be substituted for one (1) tree.

~~iii.~~ A hedge or shrub border shall be located in the landscaping strip.

~~iv.~~ Twenty-five (25) percent of the area of the landscape strip shall be planted in ground covers and accent plants.

~~v.~~ A landscape strip along the rear and sides of a parcel shall be provided as indicated in section 04(4)a. above. The plant materials are to meet the requirements for size, spacing, and type in accordance with the Highway 278 Corridor Overlay District Standards.

14. Landscape buffer strips. Landscape buffer strips are areas where a wall or fence is required in addition to landscaping.

a. Landscape buffer wall standards. Walls shall be designed as architectural walls. When a landscape buffer strip is located adjacent to a right-of-way, the architectural wall shall be set back a minimum of five (5) feet from the right-of-way in order to provide an area on the outside for landscaping and maintenance, unless noted otherwise. Where a landscape buffer is required along a drainage right-of-way, the City Council or administrative staff shall determine whether a landscape buffer strip may be permitted to be located within the adjacent drainage easement, if applicable. Where a landscape buffer strip is located adjacent to a residential property, the architectural wall shall be located at least two (2) feet from the property line and the area inside of the wall shall be landscaped. No landscaping along the outside of the wall shall be required. The architectural wall shall be located no closer than three and one-half (3 ½) feet to an interior paved surface or a parking space in order to allow space for shrubs and other landscaping. The wall and plantings shall be permanently maintained and kept in an acceptable state of repair.

i. Height. The architectural wall shall be as set forth in the Hardeeville Tract PDD and Conceptual Master Plan.

ii. Design. The wall shall have columns or wall offsets at least every fifteen (15) feet. Columns shall extend beyond the face of the wall on both sides by at least three (3) inches and they shall be at least sixteen (16) inches in width. Offsets shall be at least sixteen (16) inches in depth. A decorative band or cornice located along the top of the wall shall be at least eight (8) inches in height. The primary color used on the wall shall match the primary color used on the building located on the site. The wall color shall be selected from the approved colors and conform with the requirements of the Hardeeville Tract PDD and Conceptual Master Plan.

iii. Access. Gates may be required in order to provide pedestrian access to adjoining areas and to provide access for landscape and wall maintenance. Gates shall be opaque.

b. Landscape material. One (1) tree, at least fourteen (14) feet in height, shall be provided for each thirty (30) linear feet of the landscaped buffer strip, or fractional part thereof. When a landscape buffer strip is located adjacent to a right-of-way, trees, continuous hedging, and ground cover shall be planted on the right-of-way side of the wall. The hedge plant materials shall be at least twenty-four (24) inches high when planted and shall be planted twenty-four (24) inches on center. At least fifteen (15) percent of the area in front of the wall shall consist of groundcover. Tree, hedge, and ground cover materials shall be selected from the materials list located in the Highway 278 Corridor Overlay District Standards. The remainder of the required landscape buffer strip shall be landscaped with grass, ground cover, shrubs, hedges, or other landscape treatment, excluding paving. The area inside the wall shall have at least one (1) shrub for each two (2) linear feet, or fractional part thereof, and the shrubs shall be at least twenty-four (24) inches in height when planted.

c. Landscape buffer strip adjacent to residential properties located within conversion areas--Fence required. Where commercial, industrial, institutional, office, multifamily, and public facility uses abut property to the side or rear on which there is an existing house and which is zoned as single-family residential and which is located within a conversion area, a landscape buffer strip that is at least ten (10) feet in depth

located along the side adjacent to the residential property shall be provided, unless indicated otherwise. A six-foot high opaque wooden fence or fence of similar appearance shall be used as a temporary buffer. The temporary buffer shall remain until such time that the adjacent property is no longer zoned single family residential or until the house is removed from the adjacent property. One (1) tree, at least twelve (12) feet in height, shall be provided for each thirty (30) linear feet, or fractional part thereof. A continuous hedge shall extend the length of the landscape strip. One (1) shrub shall be required for each two (2) linear feet and the shrubs shall be at least twenty-four (24) inches in height at the time of planting. The remainder of the required landscape buffer strip shall be landscaped with grass, ground cover, shrubs, or other landscaping, excluding paving.

15. Perimeter landscaping for open lot storage areas. Open lot storage areas shall be landscaped on all sides as in section 153.04(5) with the option of using opaque wood, metal or plastic that looks similar to wood, or chain link (with slats) fencing in lieu of a wall, except for necessary accessways for ingress and egress from the open lot storage areas and where the storage area is screened from view from surrounding property by intervening buildings and structures. However, properties facing a collector or arterial road shall have an architectural wall located along the street frontage. Chain link fencing shall be vinyl coated in a green or black color. Along areas facing a street right-of-way, the required landscaping shall be located in front of the wall or fence.

16. Perimeter landscaping around parking areas and other vehicular use areas.

a. General. A landscape strip at least ten (10) feet in depth located adjacent to an off-street parking area or other vehicular use area shall be provided unless indicated otherwise. See section 04(7)c. below. This landscape strip shall include one (1) tree for each thirty (30) linear feet, or fractional part thereof.

b. _____Landscape barrier. In addition, a hedge, wall, or other durable landscaping barrier shall be located within this landscape strip. If such a barrier is of non-living material, it shall be a minimum height of three (3) feet and one (1) shrub or vine shall be planted for each five (5) linear feet or fractional part thereof. Such shrubs or vines shall be located along the exterior side of the barrier. The remainder of the required landscape strip shall be landscaped with grass, ground cover, shrubs, hedges, or other landscape treatment, excluding paving.

c. Landscape strip between buildings and vehicular use areas. A landscape strip that is at least ten (10) feet in depth shall be located between a building and a parking space. A landscape strip that is at least five (5) feet in depth shall be located between a building and a loading space except where access is required. A landscape strip that is at least five (5) feet in depth shall be located between a building and a driveway or a sidewalk, unless indicated otherwise. The landscape strip shall be planted with, sod, groundcovers, shrubs, trees, and or hedges. See section 04(12) for required quantity of landscaping located around building facades and section 03(2) for special requirements for multifamily development.

i. Where the rear of a building is not generally accessible or visible to the general public, such as a strip commercial shopping center, the City Council or administrative staff, as applicable, may waive or modify the requirement for a landscape strip to be located between vehicular use areas and a building.

~~17.~~ Parking Lots

a. General. Interior portions of off-street parking facilities that are not specifically designed as parking spaces or maneuvering areas shall not be paved for vehicle use. These areas shall be planted and permanently maintained with trees and shrubs, and finished with ground cover or other landscape material. Mechanical, electrical, or utility equipment (excluding a fire hydrant) is prohibited from being located within a required landscape island.

b. Maximum number of continuous parking spaces. Parking bays shall have a landscape island located at each end in order to break up excessively long runs of parking spaces. Each landscape island shall have at least one (1) shade tree.

i. Sites greater than two (2) acres in size. - A landscape island at each end of a parking bay shall be provided that has a minimum width of ten (10) feet and a minimum total area of one hundred fifty (150) square feet. The parking bay shall contain no more than twelve (12) continuous parking spaces nor extend more than one hundred thirty (130) linear feet, whichever is more restrictive, unless approved by City Council.

ii. Sites two (2) acres or less in size.

1. A landscape island at each end of a parking bay shall be provided that has a minimum width of ten (10) feet and a minimum total area of one hundred fifty (150) square feet. The parking bay shall contain no more than eight (8) continuous parking spaces nor extend more than ninety (90) linear feet, whichever is more restrictive. The abutting parking bays shall contain no more than eight (8) parking spaces nor extend more than ninety (90) linear feet, unless approved by City Council.

c. Curbing. All interior landscaping areas shall be curbed to prevent vehicular encroachment.

18. Screening of refuse collection and recycling areas. Refuse and recycling dumpsters utilized at multi-family residential complexes, commercial, industrial, office, and institutional facilities shall be screened from view on all sides and shall be gated. Gates may be left open only on scheduled pick up days and must be closed following pick up. Such screening for refuse and recycling dumpsters shall consist of a five-foot high masonry wall. In addition, one shrub or vine shall be planted at two-foot centers along the outside perimeter of the screen. Dumpster enclosures shall measure at least twelve-foot by twelve-foot in area. The gate to the recycle dumpster enclosure shall have a sign attached indicating "recycle". Dumpsters shall be located in areas that minimize public view. Gates shall not be in view of a street. All uses, excluding single-family residential uses, that generate refuse shall provide one (1) or more locations for enclosed and gated refuse dumpsters even if curbside pick-up is utilized, unless indicated otherwise. Multifamily development that is less than five (5) units per acre shall be exempt from providing locations for refuse and recycle dumpsters provided that the waste service provider agrees to provide curbside pick-up service. Commercial, office, institutional, and multifamily development greater than five (5) dwelling units per acre shall provide one (1) or more locations for enclosed and gated recycling dumpsters even if curbside pick-up is utilized. The site plan review committee may modify the size required for the recycling dumpster enclosure after reviewing and considering the size of the building and type of use.

19. Other areas. All property, except for land utilized for principal structures, accessory structures, off-street parking areas, other vehicular use areas, and required landscaped areas shall be landscaped with at least grass, ground cover, or mulch.

20. Single-family residential landscaping. A minimum of four (4) trees per lot selected from the Highway 278 Corridor Overlay District Tree List is required at the time of issuance of a certificate of occupancy in single-family residential areas. Each tree shall be a minimum of eight (8) feet overall height when planted with a minimum four-foot spread. At planting, the trees shall have a diameter of at least one and one-half (1 ½) inches at a point one and one-half (1 ½) feet above ground level. Existing non-exotic healthy trees may be used to satisfy this requirement

21. Landscaping around building facades. Unless otherwise approved by City Council, a landscape strip between five (5) and twenty (20) feet shall be located around the perimeter of a building that is visible to the general public, patrons, or residents, unless noted otherwise. Also, refer to section 04(7)c., landscaping between buildings and vehicular use areas, and section 03(2), multifamily development. Landscaping shall be designed to be complimentary to the building facade. Plantings shall include trees, hedging, and ground cover placed around the building. There shall be at least one (1) shrub for every one and one-half (1 ½) linear feet of a building's perimeter, excluding paved access areas, and the shrubs shall be at least twenty-four (24) inches in height at the time of planting. Note: A wider landscape strip permits more area to plant required trees and shrubs.

22. Preservation of existing non-exotic vegetation.

a. Preservation of existing non-exotic vegetation shall be required whenever possible. The City Council or administrative staff may require tree surveys to be submitted to meet these objectives.

23. Drive-throughs. No drive-through windows located between the right-of-way of a primary collector/arterial roadway and a building are permitted. If there is no other location option, the entire drive through lane must be completely screened from adjacent view using a continuous planting of vegetation at a height of six (6) feet at time of planting. Vegetation shall be maintained at a height of at least six (6) feet.

24. _____Joint use parking. Joint parking areas are allowed and encouraged between adjacent land owners. Joint parking areas will be treated as a single parking area and must meet all requirements of this chapter and the zoning code. Joint parking areas will only be permitted if there is a mutual agreement among the owners of the parking areas, which is acceptable to the city and a copy of the agreement filed with the City Administrator.

25. Landscape strips combined. Where the edges of required landscape strips are spaced apart twenty (20) feet or less, a single landscape strip may be utilized and the landscaping may be distributed over the entire width of the combined landscape strips. However, requirements for landscape buffer strips as indicated in section 04(5) shall not be modified. Where a landscape buffer strip and a landscape strip are spaced apart twenty (20) feet or less, only a landscape buffer strip shall be required. Where requirements for a landscape strip differ, the more stringent requirements shall take precedent.

26. Mechanical, electrical, and utility equipment. A hedge that is at least twenty-four (24) inches in height when planted and that is spaced at least twenty-four (24) inches on center shall be planted around mechanical, electrical, and utility equipment except where access to the equipment is necessary. Lift stations shall have an opaque wall or fence located around the perimeter except where the gate is located. The gate shall be semi-transparent in order to allow for visual inspection of the equipment by the utility department. The lift station's alarm light shall be clearly visible above the wall or fence at all times. Hedging shall be located around the wall or

fence. The wall or fence shall be of a material that is similar or complementary to the building or buildings located on the site. Air conditioning condensing and compressor units shall not be located on a side of a building that faces a street right-of-way or a driveway.

27. Gated and/or walled entrances. Trees, shrubs, and groundcover shall be planted along a wall or fence and around a guard house located at a gated entrance. At minimum, a landscape strip that is at least ten (10) feet in depth shall be located along the side that is visible to the general public. At least one (1) tree for each fifteen (15) linear feet, or fractional part thereof, of the walled entrance (excluding the gates) shall be provided. One (1) shrub shall be required for each two (2) linear feet and the shrubs shall be at least two (2) feet in height at time of planting.

28. Sidewalks and bikepaths.

a. Development located along existing streets. Development located along an existing street right-of-way that is greater than sixty (60) feet in width shall provide a sidewalk that is at least five (5) feet in width, typically along the property line, and within the street right-of-way. However, in such case where the City Council and/or administrative staff determines that a sidewalk located within a right-of-way is not appropriate or will be in conflict with other public works, the engineering department may require that the sidewalk be located on the subject property to be developed, typically along the property line. Location and design shall be subject to review by the City Council or administrative staff, as applicable. In areas where a design plan for sidewalks and/or bikepaths has been adopted or established, the design plan shall take precedence as to the location, size, and other features of the sidewalk and/or bikepath. Sidewalks shall not encroach into landscape strips.

b. Public and private streets or driveways. As part of the Master Plan approval, a sidewalk that is at least five (5) feet in width shall be located along the side or sides of the following proposed street rights-of-way or main access routes:

i. A public or private street right-of-way having a non-residential land use. Sidewalk shall be located along the side of the street having the non-residential use.

ii. A public or private street right-of-way or driveway that serves as a main access route to a residential development. Sidewalks shall be located on both sides, unless otherwise approved by City Council at Master Plan approval.

iii. All collector or arterial roads. Sidewalks shall be located on both sides, unless otherwise approved by City Council at Master Plan approval.

c. Whenever possible, a sidewalk shall be located along the edge of the street right-of-way, leaving a green space located between the street pavement and the sidewalk.

Section 05. More stringent requirements may be required.

A. This section shall be a minimum standard and shall apply to all areas of the Hardeeville Tract PDD and Conceptual Master Plan, unless otherwise approved as part of a Master Plan approval by City Council.

B. Landscape guidelines which pre-empt this ordinance may be adopted by City Council for certain areas.

Section 06. Submission of landscaping plan; approval prior to enactment.

C. _____A landscaping plan prepared, signed and sealed by a South Carolina registered landscape architect shall be submitted as part of the site plan submission.

D. Such plan shall be approved by the City Council or administrative staff, as applicable, prior to the issuance of a building or paving permit and shall contain the following:

a. Name, address, and phone number of the owner, landscape firm, and designer.

b. North arrow, scale, and date (minimum scale one (1) inch = thirty (30) feet and sheet size shall not exceed 30" x 42".

c. Property lines, easements, and rights-of-way.

d. Location of all existing and proposed electrical, mechanical, and utility equipment and location of all utility services (electrical power lines, cable lines, water lines, sewer lines, and the like).

e. Location of any existing or proposed structure.

f. Location of proposed site features such as earthen mounds, walls, fences, and water areas.

g. Location of any existing or proposed vehicular use areas.

h. Location of any existing or proposed sidewalks, curbs, and wheel stops.

i. Location of required landscape strips and landscape buffer strips.

j. Location, diameter breast height, height, description of all landscape material including name, quantity, spacing, installation and maintenance requirements, and the like.

k. Location, and area of landscaping for freestanding signs.

l. Location of stormwater retention/detention ponds, swales, underground pipes, and other related features.

m. If a landscape buffer wall is required, provide a note on the site plan and landscape plan that states that the height of the wall meets the requirements of the Hardeeville Tract PDD and Conceptual Master Plan.

n. Provide a note indicating that the site will be irrigated. Irrigation plans shall be submitted to the planning and zoning department and to the utility department prior to obtaining a building permit. If xeriscaping is utilized, provide a note indicating that it is a xeriscape plan and show the location of the hose bibs. See section 04(2)b. for xeriscape area requirements.

Section 07. Variances and administrative variances.

(1) Variances shall be processed in accordance with the provisions of the MZDO. The applicant shall submit an application, pay the associated review fee, and submit a landscape plan to apply for a variance.

a. The City Administrator, or his designated and authorized agent, shall have the authority to hear and decide requests for the following administrative variances.

i. Height. Variances of ten (10) percent or less to the required height of a wall, fence, tree, or shrub.

ii. Species substitution. Variances of ten (10) percent or less to the required amount of landscaping to allow for the substitution of a species not listed on the Highway 278 Corridor Overlay List.

iii. Amount. Variances of ten (10) percent or less to the required number of trees, shrubs, or ground cover.

b. Substituting landscaping for a required architectural wall requires the approval of the City Council and/or administrative staff.

Section 08. Administrative reviews of a landscape plan.

(1) Minor revisions to a landscape plan may be reviewed and considered for approval by the administrator. The administrator may refer the request to the appropriate committee for a recommendation. Minor revisions to a landscape plan include the following:

a. Relocation. The relocation of thirty (30) percent or fewer of the required number of trees, shrubs, or groundcover, provided that the landscaping to be relocated is not located within a drainage or utility easement or right-of-way.

b. Substitution. The substitution of thirty (30) percent or less of a species for another species, provided that the proposed species is listed on the Highway 278 Corridor Overlay List and that the landscaping proposed to be substituted is not located within a drainage or utility easement or right-of-way.

Section 09. Exemption or modification to landscape buffer wall requirement.

Requests to substitute landscaping for an architectural wall that is a required feature of a landscape buffer strip or requests to be exempt from installing the landscape buffer strip requirement shall be reviewed by the city council.

EXHIBIT L

MASTER SIGN PROGRAM

Instrument Volume Page
200600002042 OR 423 345

HARDEEVILLE TRACT COMMUNITY SIGN MANUAL

PREPARED FOR DISTRIBUTION / AUGUST 08, 2005

WPi

Wood+Partners Inc.
Landscape Architects
Land Planners

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Introduction

This MASTER SIGN PROGRAM provides a comprehensive overview of all signs within The Hardeeville Tract Community. The Program is composed of two major sections – Community Signs and New Development Signs. The first section describes Community Signs provided by Hardeeville Tract, and the second section provides sign guidelines for those developing projects within the Hardeeville Tract Community. The guidelines are not intended to restrict imagination, innovation or variety, but to assist in creating a consistent, well-planned solution for the identification throughout the community. The MASTER SIGN PROGRAM offers many opportunities for creativity and individuality.

PROCEDURE:

All proposed signs, prior to application for a sign permit from the City of Hardeeville, must be approved in writing by the Hardeeville Tract Design and Review Committee which will review signs based on the criteria that follow. Letter of Approval by the Hardeeville Tract Design Committee is to be used for obtaining City of Hardeeville sign permits. No sign permit shall be allowed without a Hardeeville Tract Design Review Committee Letter of Approval. All applicants shall familiarize themselves with and obtain a copy of the current review fees from The Hardeeville Tract Design Review Committee.

BACKGROUND:

The sign guidelines in this manual are amendments to existing City of Hardeeville codes and ordinances and to the Hardeeville Tract Design Guidelines. Any sign elements or criteria not addressed in this program will first be directed to the Hardeeville Tract Design Review Committee for review and consideration. Signs represented are subject to change by the master developer. Quantity and location of signs are estimated only and subject to change. Existing city codes shall be used for sign criteria not addressed in this program or by the Hardeeville Tract Design Review Committee.

Temporary signs within Argent East will be permitted individually at the discretion of the Hardeeville Tract Design Review Committee.

GENERAL REQUIREMENTS / UTILITY SETBACKS:

All structures, including signs, shall be installed a minimum of 10 feet horizontally from all mains [water, gravity, sewer, force and City owned reclaimed water]. The 10 foot horizontal setback shall be measured from the outside edge of the pipe to the nearest point of the structure, including underground [footers for example] or above ground [roof overhangs for example] features. Single or double post community directional and/or informative signs occuring within the rights-of-way may encroach within these setbacks. Those mains installed between structures shall have a 15 foot setback on each side. Additionally, where deep mains are installed, those greater than 9 feet, between structures, the Utility may, at its discretion, require additional horizontal setback.

INTRODUCTION [Continued]

SIGN AREA CALCULATIONS:

The Hardeeville Tract community seals and the Hardeeville Tract community name shall be used throughout the sign program. These decorative themed reinforcing elements shall not be counted in allowable square footage or sign face square footage calculation.

The "allowable sign area" shall include the entire area within a circle, rectangle or triangle enclosing the extreme limits of writing, forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or Uprights on which such sign in placed.

SIGN SETBACK:

All signs, monuments and entry features shall maintain a 10' setback from rights-of-way and/or property lines with the exception of those signs specifically designed to occur within road rights-of-way.

COMMUNITY BUILDING / CIVIC STRUCTURES:

Civic buildings and/or structures such as schools, fire stations, post offices, police stations and community centers may have additional and/or modified signage due to the significance and location of the proposed facility and the integration of the signage into a community focal point. Additional and/or modified signs for civic buildings will be allowed based on review and approval by the Hardeeville Tract Review Committee.

SIZE:

The dimensions used under the "size" category are meant as a general size range for the actual sign including all posts, support, etc. necessary for the sign element. Signs may exceed these dimensions based on the final sign design and in an effort to allow creativity and flexibility in the sign program, however "allowable sign area" may not be altered.

ADDRESS INCORPORATION:

Applicants must refer to the latest adopted City of Hardeeville Sign Code.

INTERNAL ILLUMINATION:

Internal illumination will be permitted individually at the discretion of the Hardeeville Tract Design Review Committee.

LIGHTING HEIGHT AND LOCATION:

For sites greater than one acre [1], site fixture heights shall be a maximum of thirty-five [35] feet. Locations and height to be reviewed by the Hardeeville Tract Design Review Committee with no additional approvals needed.

Community Signs

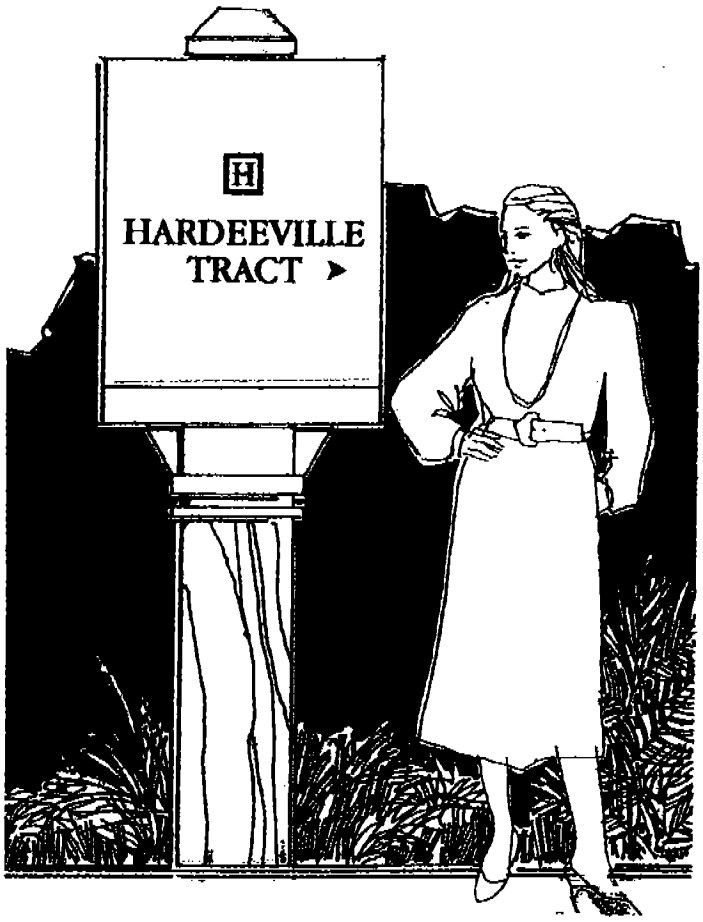
Throughout the Hardeeville Tract Community, a series of signs are provided that identify the community and provide clear direction while echoing the character and materials of the community. The following pages in this section show these proposed sign layouts.

PERMANENT:

COMMUNITY MARKERS
LARGE COMMUNITY SIGN
WELCOME SIGNS "MAIN ENTRY LOOKOUTS"
SPECIAL HIGHWAY DIRECTIONAL
PRIMARY DIRECTIONAL
SECONDARY DIRECTIONAL
MINI DIRECTIONAL / INFORMATIONAL / ENVIRONMENTAL
DECORATIVE STANDARDS

TEMPORARY:

DIRECTIONAL / INFORMATIVE
BUILDER DIRECTIONAL
MINI BUILDER DIRECTIONAL / INFORMATIONAL / ENVIRONMENTAL



Community Markers

User: Locate and Identifies Hardeeville Tract Community.

Locations: Adjacent to major roadways, key entries and boundary points.

Quantity: Eight

Size (refer to page 4): 80' ht.

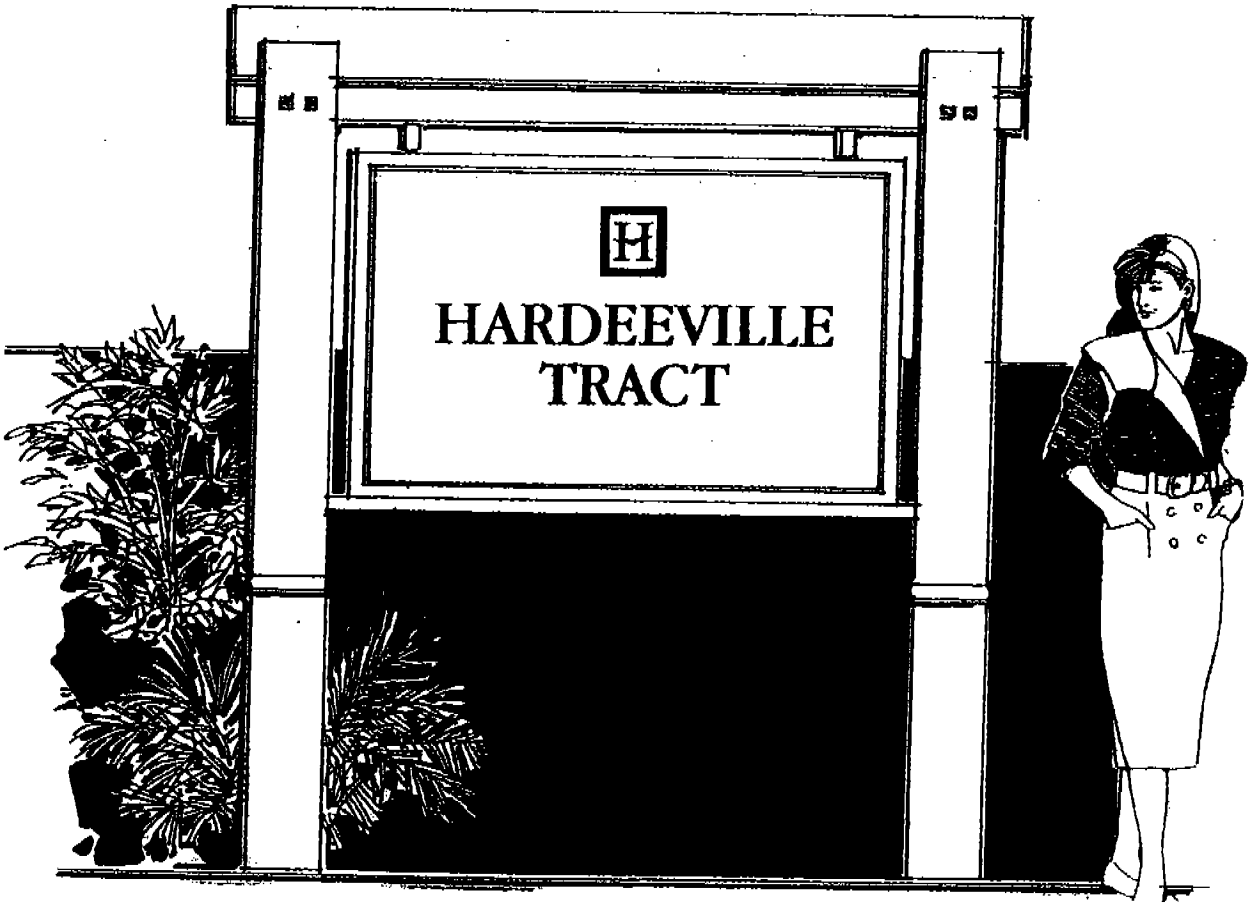
Allowable Sign Area: 100 SF (per face) Maximum (4) Faces - seal or text

Materials: Brick or stone veneer accents, stucco or siding, steel, metal accent trim or equal.

Colors: To Be Determined

Copy: Letter size and style TBD. Hardeeville Tract Community Seal to be included in allowable sign area.

Misc: Hardeeville Tract Community will be responsible for the maintenance of the Hardeeville Tract Markers. Sign illumination to be determined by master developer.



Large Community Sign

User: Identifies Hardeeville Tract Community.

Locations: To Be Determined

Quantity: To Be Determined

Size (refer to page 4): 25' ht. X50' width

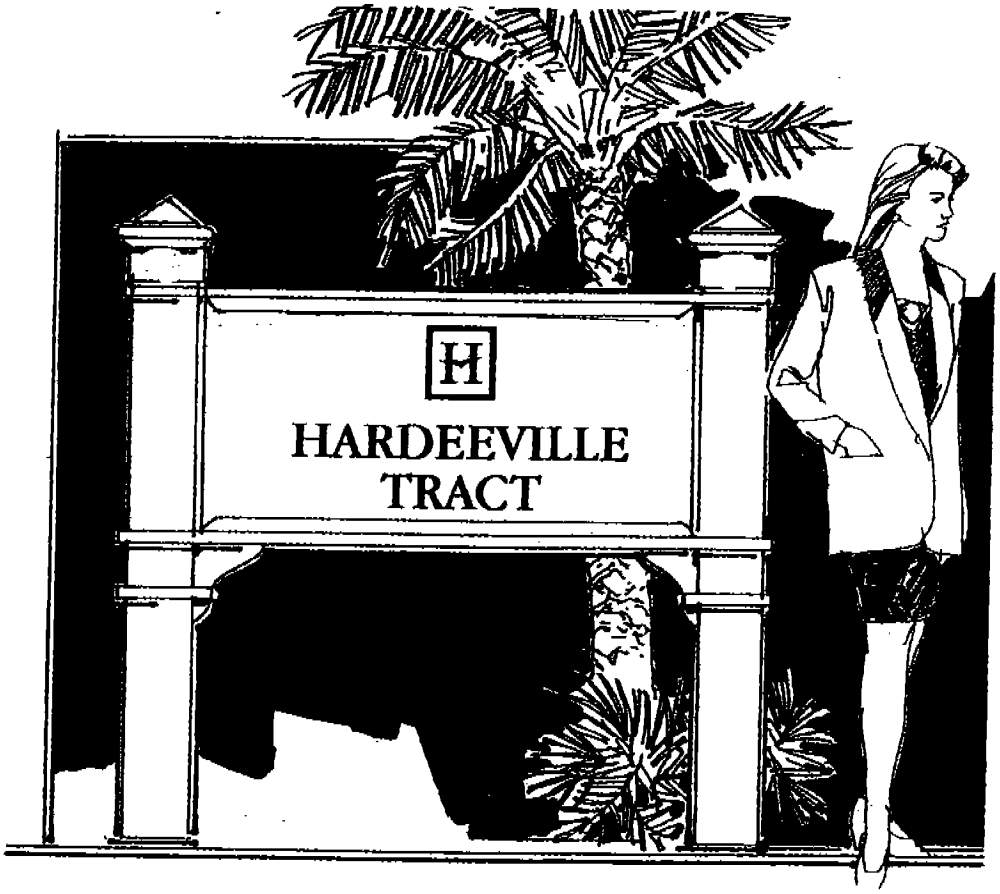
Allowable Sign Area: 800 SF

Materials: Brick or stone veneer accents, stucco or siding, metal accent trim or equal.

Colors: To Be Determined

Copy: Letter size and style TBD.

Misc: Hardeeville Tract Community will be responsible for the maintenance of the Hardeeville Tract Markers. Sign illumination to be determined by master developer.



Welcome Signs "Main Entry Lookouts"

User: Identifies Hardeeville Tract Community as one enters the project along main entry road & other alt. Entries.

Locations: Along main entry road and at entries to community roadways.

Quantity: Main Entry Road - (1) each side of roadway or (1) median located / Alternate Entries (1) - each side of roadway.

Size (refer to page 4): 8' ht. X 16' width

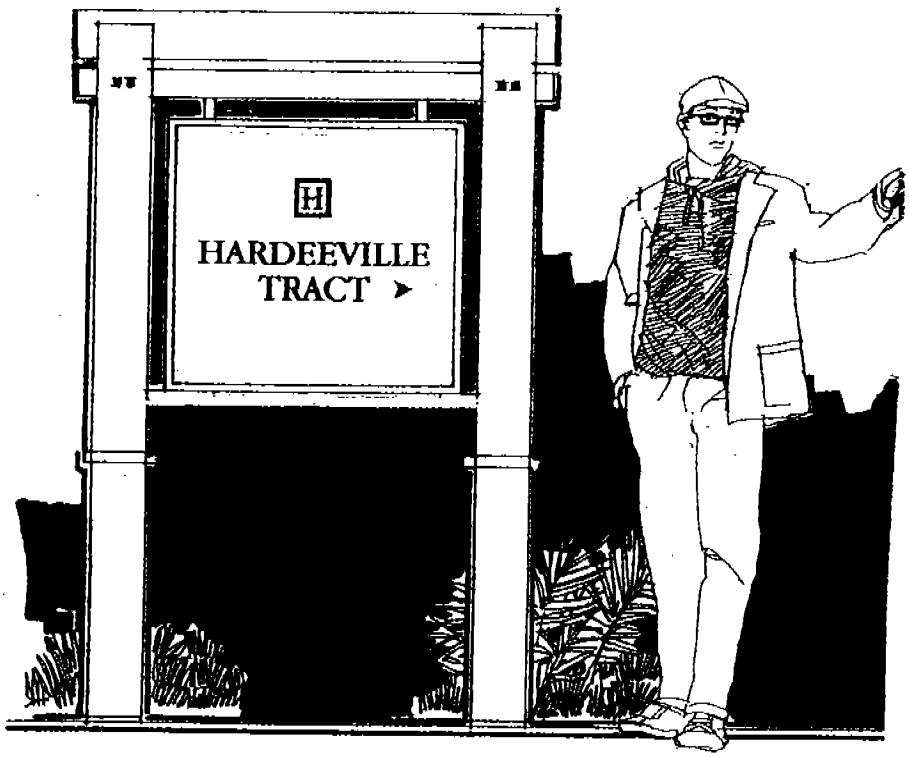
Allowable Sign Area: One face (72 SF)

Materials: Brick or stone veneer accents, stucco or siding, metal accent trim or equal.

Colors: To Be Determined

Copy: Letter size and style TBD.

Misc: Hardeeville Tract Community will be responsible for the maintenance the Welcome Signs. Sign illumination to be determined by master developer.



Directional

User: Identifies Hardeeville Tract Community. "Special Identity TBD"

Locations: To Be Determined

Quantity: To Be Determined

Size (refer to page 4): 8'9" ht. X 16'4" width (max)

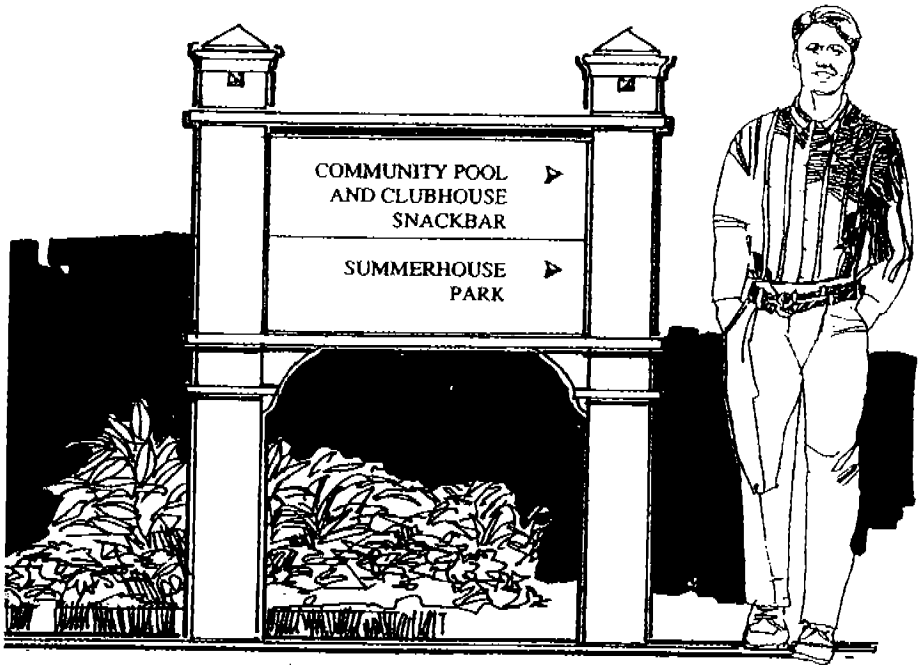
Allowable Sign Area: One face (60 SF)

Materials: Brick or stone veneer accents, stucco or siding, steel, metal accent trim or equal.

Colors: To Be Determined

Copy: Letter size and style to be determined.

Misc: Hardeeville Tract Community will be responsible for the maintenance of the Directional Signs. Sign illumination to be determined by master developer.



Primary Directional

User: Guides vehicles and pedestrians to select destinations some of which may be isolated or separate for major traffic circulation.

Locations: Multiple locations along main and secondary road ROW's. Ref to exhibit

Quantity: To Be Determined

Size (refer to page 4): 6' ht x 10' 4" wide

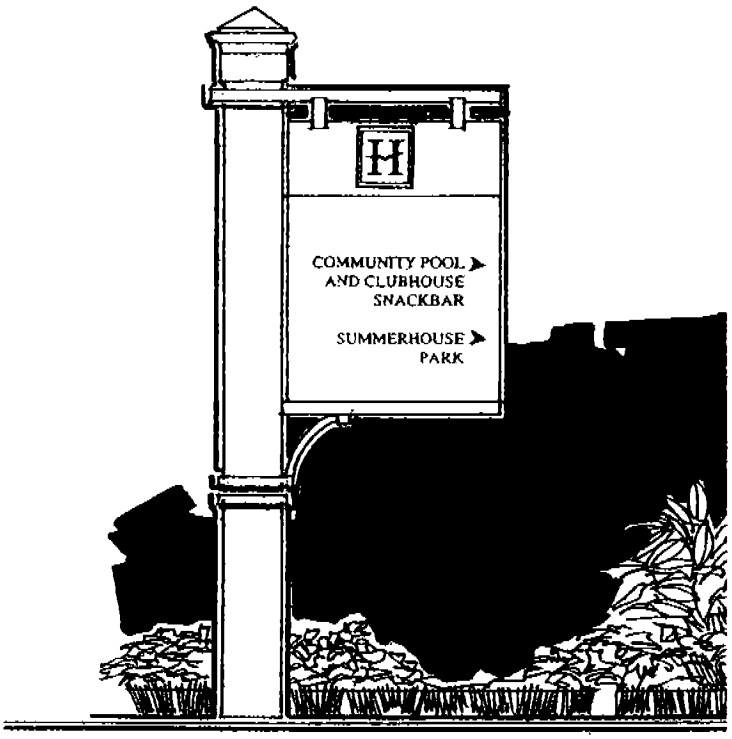
Allowable Sign Area: 32 SF

Materials: Architectural Foam, Natural stone veneer, Cast Stone, Stucco

Colors: To Be Determined

Copy: 6" Letter Size max, Style TBD.

Misc: Hardeeville Tract Community will be responsible for the maintenance of the Primary Directionals. Sign illumination to be determined by master developer.



Secondary Directional

User: Guides vehicles and pedestrians to facilities and residential developments from main and secondary streets.

Locations: Multiple locations along main and secondary road ROW's or medians

Quantity: To Be Determined

Size (refer to page 4): 7' ht x 6'6" width

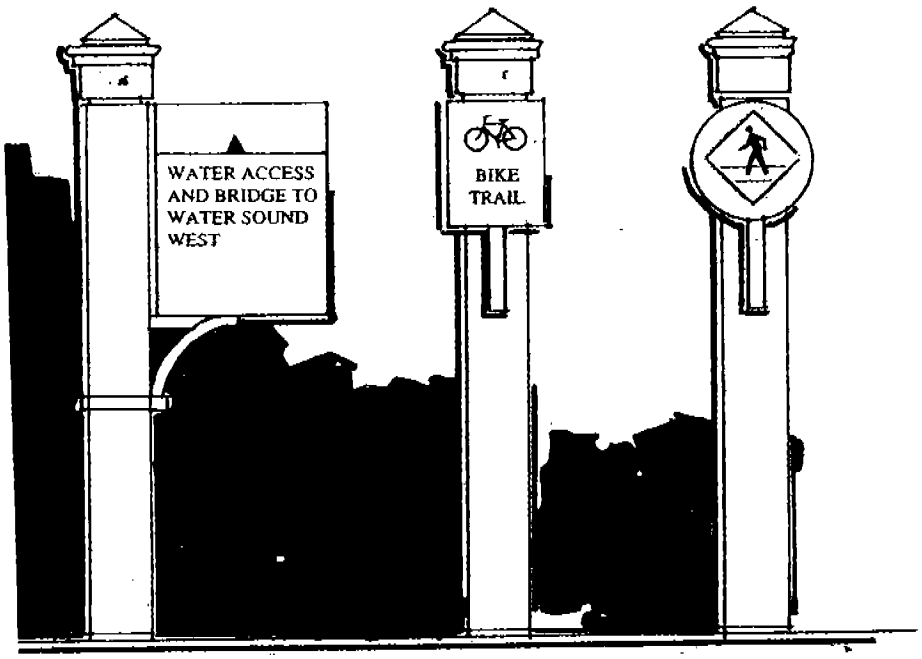
Allowable Sign Area: 6 SF per panel

Materials: Decorative aluminum posts, architectural foam or metal panels.

Colors: To Be Determined

Copy: 4" Letter Size and style TBD.

Misc: Hardeeville Tract Community will be responsible for the maintenance of the Secondary Directionals. Sign illumination to be determined by master developer.



Mini Directional / Informational / Environmental

User: Guides vehicles and pedestrians to facilities and residential developments from secondary & tertiary roadways. May also be used for information purposes such as identifying certain communities, environmental elements or specific locations within Hardeeville Tract.

Locations: Multiple locations along road ROW's or medians.

Quantity: To Be Determined

Size (refer to page 4):
6-8' ht x 3' width

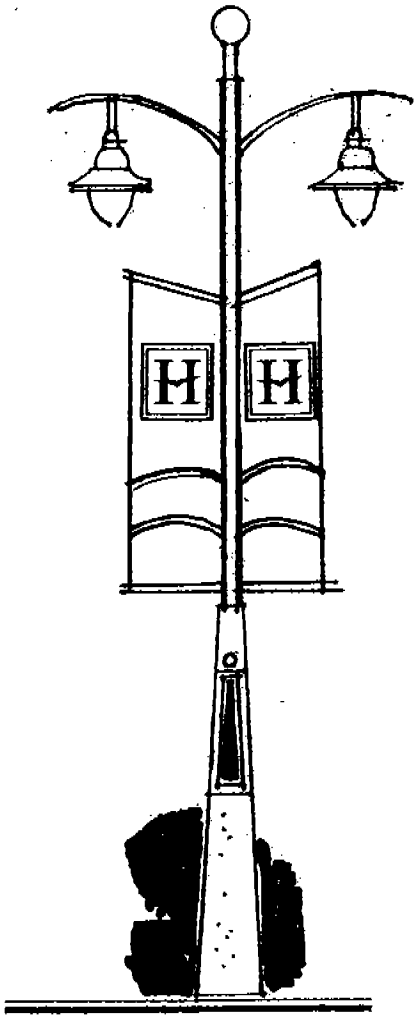
Allowable Sign Area: 9 SF (single) & 12 SF (double)

Materials: Decorative aluminum posts and panels, architectural foam.

Colors: To Be Determined

Copy: 4-6" Letter Size and style TBD.

Misc: Hardeeville Tract Community will be responsible for the maintenanceof the Mini Directional Signs. Sign illumination TBD by master developer.



Decorative Standards

User: Decorative element.

Locations: Attached to community light poles along main and secondary roads within common areas throughout the community.

Quantity: Varies. Based on selected poles along various roads.

Size (refer to page 4): 30" wide x 60" long (represents banner size - not element banner is attached to)

Allowable Sign Area: 12.5 SF (30"x60") per face/side

Materials: Fabric panels, metal mounting structure.

Colors: Varies

Copy: Varies (non-advertising, typically community lifestyle or seasonal/special event.)

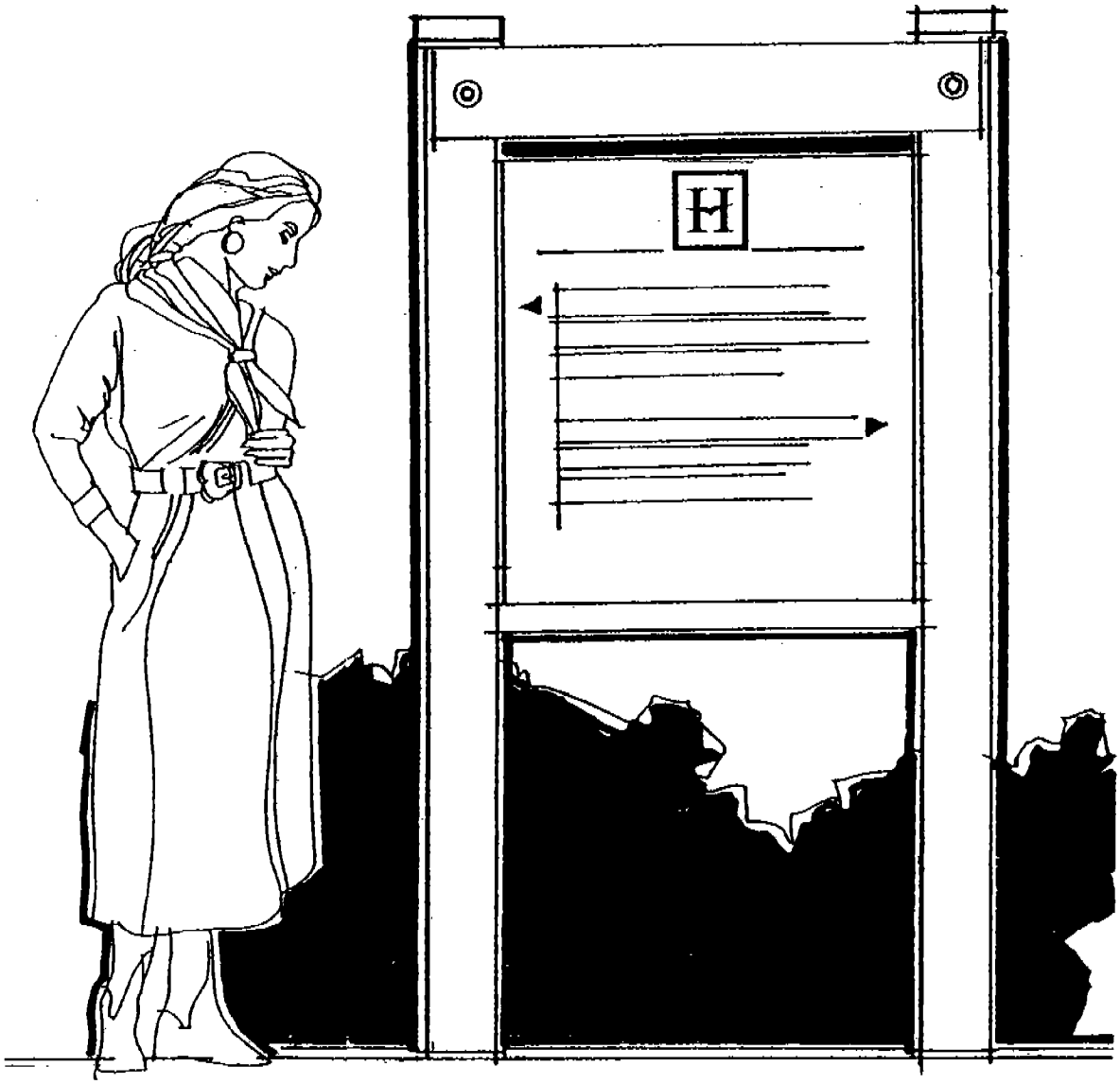
Misc: Hardeeville Tract Community will maintain installed banners and will remove all banners in the event of hurricane or other inclement weather at their expense. Hardeeville Tract community may re-install same after the threat or storm has passed.

Temporary Sign Program

A: DIRECTIONAL / INFORMATIVE

B: MINI BUILDER DIRECTIONAL / INFORMATIVE / ENVIRONMENTAL

C: BUILDER IDENTIFICATION



Temporary Directional / Informational

User: Identifies individual builders within Hardeeville Tract providing vehicular direction to those builders projects.

Locations: Throughout the community along roadways within the right of way.

Quantity: To Be Determined

Size (refer to page 4):
8' ht x 8' width

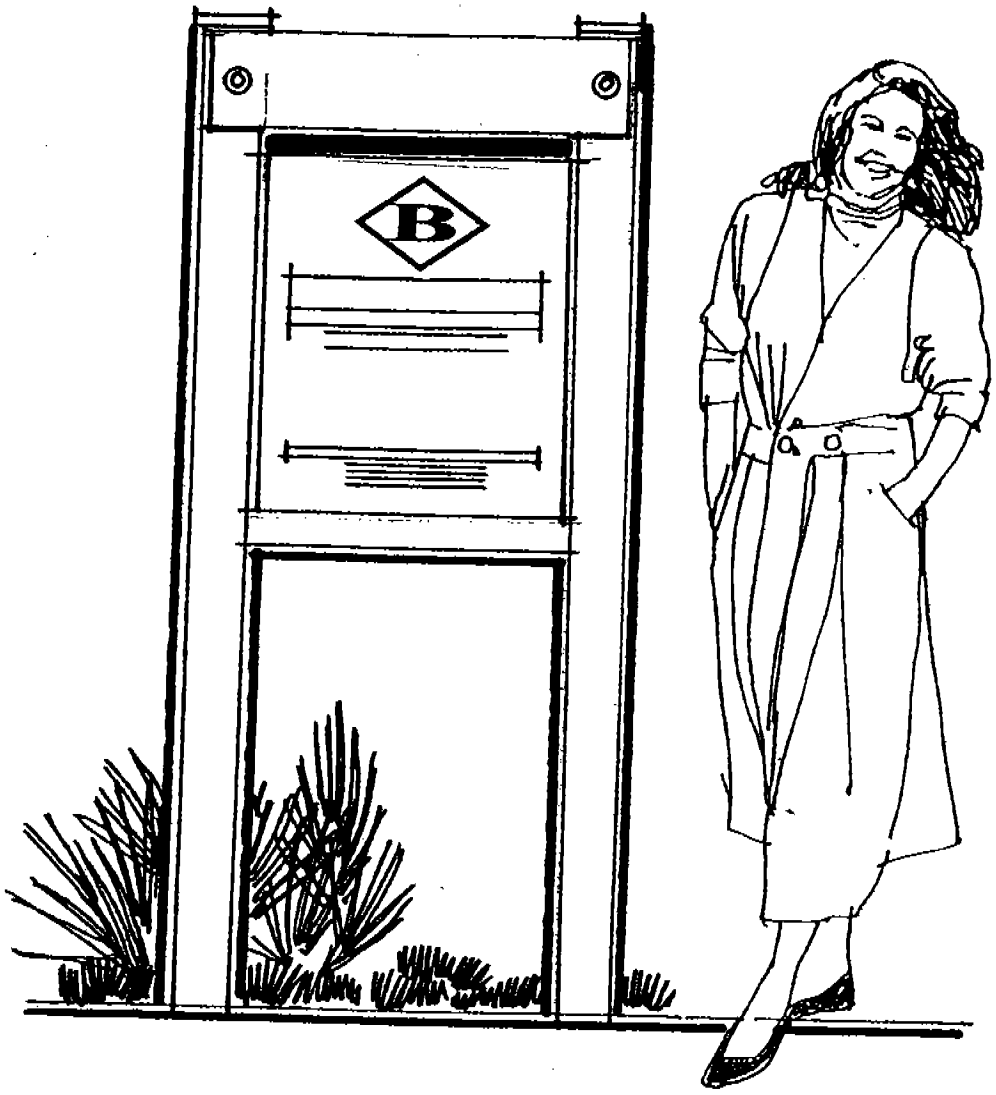
Allowable Sign Area: 32 SF
(4' x 8' panel)

Materials: High grade wood products or approved alternate.

Colors: To Be Determined

Copy: 4-6" Letter Size and Style TBD.

Misc: Hardeeville Tract Community will be responsible for the maintenance of the Temporary Sign Program. Sign illumination to be determined by master developer.



Temporary Builder Identification

User: Identifies individual builders or locations within Hardeeville Tract providing vehicular direction to those destinations.

Locations: Throughout the community along roadways within the right of way.

Quantity: To Be Determined

Size (refer to page 4): 7' ht x 4' width & 7' ht x 8' width

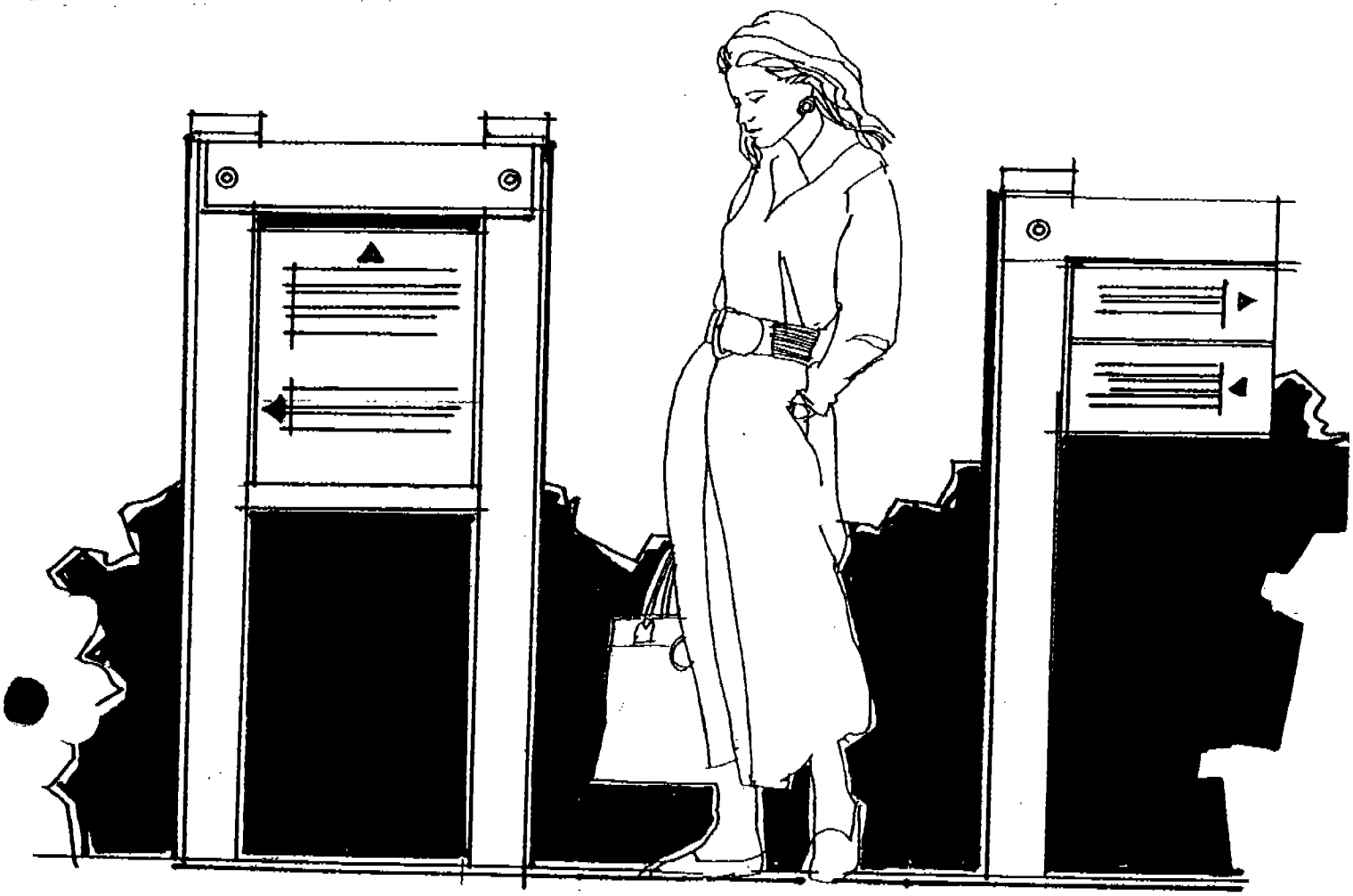
Allowable Sign Area: 20 SF & 32 SF respectively.

Materials: High grade wood products or approved alternate.

Colors: To Be Determined

Copy: 4-6" Letter Size and Style TBD.

Misc: Hardeeville Tract Community will be responsible for the maintenance of the Temporary Sign Program. Sign illumination to be determined by master developer.



Temporary Mini Directional

User: Identifies individual builders or locations within Hardeeville Tract providing vehicular direction to those destinations.

Locations: Throughout the community along roadways within the right of way.

Quantity: To Be Determined

Size (refer to page 4): 8' ht x 3' width

Allowable Sign Area: 9 SF (single) & 12 SF (double)

Materials: High grade wood products or approved alternate.

Colors: To Be Determined

Copy: 4-6" Letter Size and Style TBD.

Misc: Hardeeville Tract Community will be responsible for the maintenance of the Temporary Sign Program. Sign illumination to be determined by master developer.

Signs for New Development

Throughout the Hardeeville Tract Community, new development is encouraged to provide signs that identify their project while echoing the character and materials of the community. The following pages in this section show these proposed signs.

RESIDENTIAL: 19

PROJECT ENTRY
RESIDENTIAL – NEIGHBORHOOD MONUMENT
BUILDING MOUNTED
GENERAL REQUIREMENTS

NON-RESIDENTIAL: 23

PARCEL IDENTIFICATION

SINGLE USER / SINGLE USER [CHANGEABLE COPY]
MULTIPLE USER / INFORMATIVE

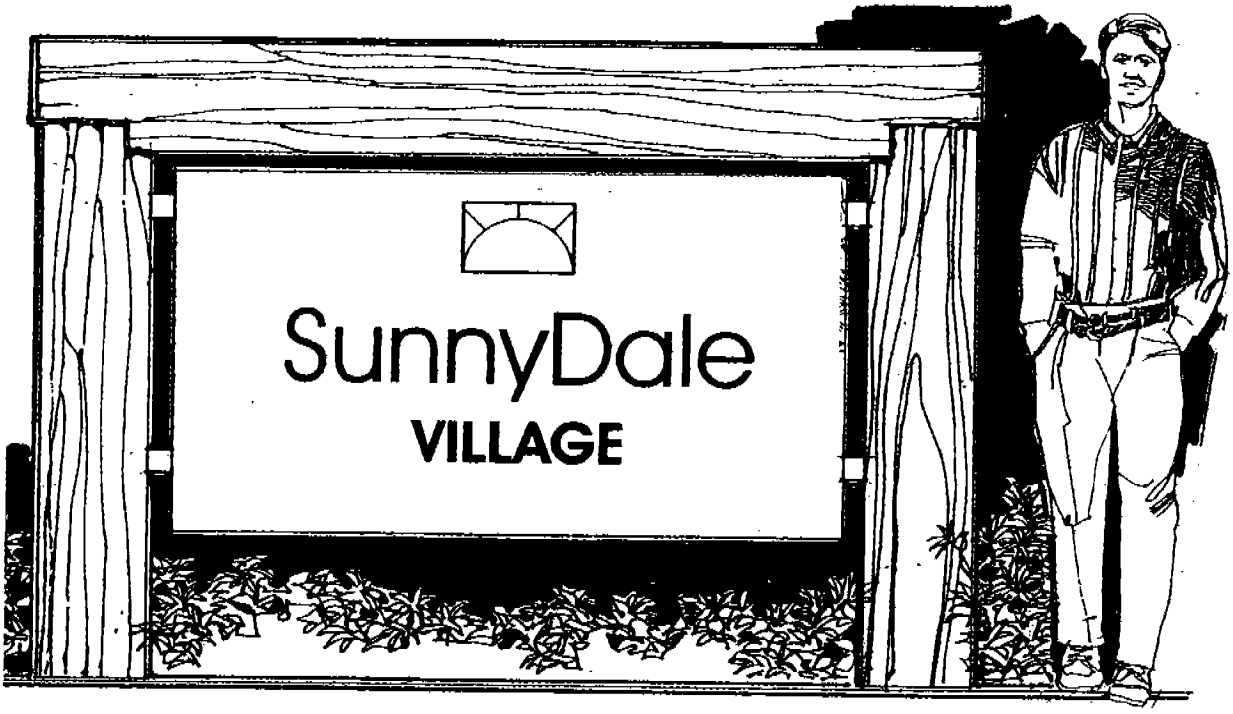
ACCESSORY SITE SIGNS / DIRECTIONAL & REGULATORY
BUILDING MOUNTED FAÇADE SIGNS
TEMPORARY INFORMATIONAL SIGN
GENERAL SIGN REQUIREMENTS

VILLAGE CENTER: 30

BUILDING MOUNTED FAÇADE SIGN
STORE FRONT / WINDOW SIGNAGE
TENANT SIGNAGE / HISTORIC HANGING FIXTURES

TOWN CENTER: 38

POWER CENTER / LARGE USER
POWER CENTER GATEWAY
LARGE USER
PARCEL INDENTIFICATION
SINGLE USER / SINGLE USER WITH CHANGEABLE COPY
MULTIPLE USERS
INFORMATIVE
DIRECTIONAL
BUILDING MOUNTED FAÇADE SIGN / LARGE USER
BUILDING MOUNTED FAÇADE SIGN
STORE FRONT / WINDOW SIGNAGE



Residential Project Entries

User: Identifies residential communities within the overall community of Hardeeville Tract from major roadways.

Locations: Internal roadway medians or both sides of a residential entrance.

Quantity: (1) for each primary entrance and secondary entrance as needed.

Size (refer to page 4): TBD by individual projects and reviewed by the Hardeeville Tract Design Review Committee.

Materials: Community stone veneer, cast stone, stucco, metal & wood. Hardeeville Tract strongly encourages the use of the community materials and the implementation of raised planters integrated within the design.

Allowable Sign Area: 50 SF per face.

Colors: To Be Determined

Copy: 12" copy height max.

Misc: Property owners will be responsible for maintenance of their signs.

Residential Project Entries
Median Sign Options Residential (A)

Residential Project Entries
Median Sign Options Residential (B)

Residential-Neighborhood Monument

User: Residential areas (especially Hardeeville Tract neighborhood areas) at key intersections and/or community corners that typically would not be gated or otherwise identified with a typical sign program.

Locations: Throughout community.

Quantity: To Be Determined

Size (refer to page 4): 6'6" ht x 4' width

Allowable Sign Area: 9 SF

Materials: Architectural foam, natural stone veneer, cast stone.

Colors: To Be Determined

Copy: 6" Letter Size and Style TBD.

Misc: Property owners will be responsible for the maintenance of their signs. Sign illumination to be determined by master developer.

Residential
General Requirements

I: SIGNS FOR SUBDIVISIONS WITHIN THE PROJECT:

USE: PARCEL IDENTIFICATION
LOCATION: AT MAJOR ENTRY OF SUBDIVISIONS WITHIN THE PROJECT
[In project median or adjacent to road, but not in public ROW / right of way].
MAXIMUM SIGN FACE: 32 square feet.

II: DIRECTIONAL SIGN WITHIN THE PROJECT:

USE: GUIDES VEHICLES & PEDESTRIANS WITHIN THE PROJECT.
LOCATION: ADJACENT TO ROADWAY [but not in public ROW].
MAXIMUM SIGN FACE: 12 square feet.

III: MULTI-PURPOSE TEMPORARY INFORMATIONAL SIGN:

USE: LEASING / CONSTRUCTION SIGN, MODEL HOME IDENTIFICATION, SALES INFORMATION, ETC.
LOCATION: VARIES
MAXIMUM SIGN FACE: 32 square feet.

IV: REGULATORY SIGNS:

USE: TRAFFIC CONTROL [Stop, Speed Limit, Street Names, Etc].
LOCATIONS: ADJACENT TO ROADWAYS.
MAXIMUM SIGN FACE: FOLLOW MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR ALL SPECIFICATIONS. FRAMING MATERIALS CAN BE USED PROVIDED ALL MUTCD SPECS ARE MET. COLORS / MATERIALS TO BE DETERMINED BY THE HARDEEVILLE TRACT DESIGN REVIEW BOARD.
[Coordinate sign with the architecture of the buildings. Use no more than three colors total per sign].

V: LOCATION OF FREE STANDING SIGNS:

PLACE SIGNS PERPENDICULAR TO THE STREET, EITHER IN AN ENTRY MEDIAN OR ADJACENT TO THE ENTRY ROAD [Exact location determined at time of review].

VI: INAPPROPRIATE SIGN MATERIALS:

EXPOSED PLYWOOD / GALVANIZED SHEET METAL / FLUORESCENT LIT SIGNS / VACUUM FORMED PLASTIC.

Non-Residential Signage

I: PARCEL IDENTIFICATION:

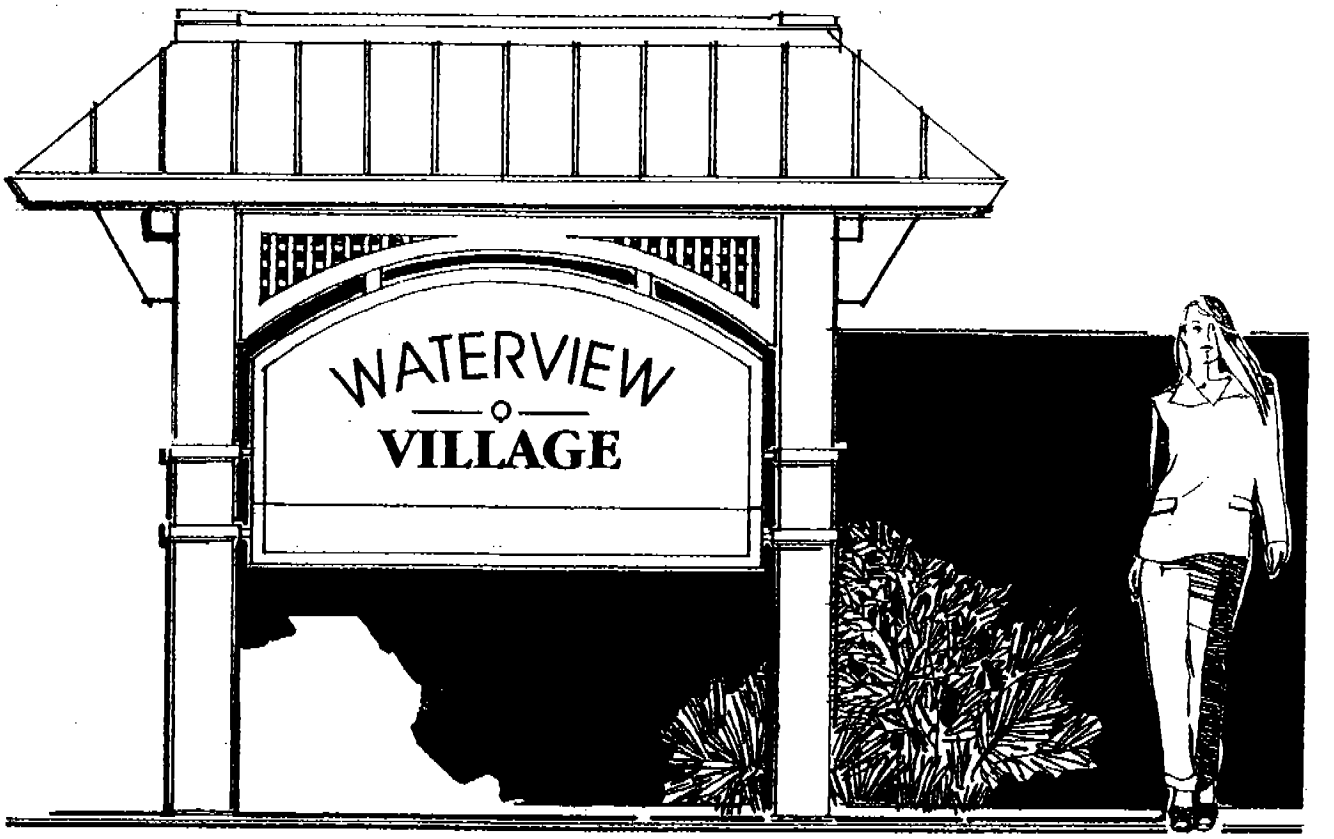
SINGLE USER
SINGLE USER [With changeable copy]
MULTIPLE USERS
INFORMATIVE

II: ACCESSORY SITE SIGNS: [Directional / Regulatory]

III: BUILDING MOUNTED FAÇADE SIGNS:

IV: TEMPORARY INFORMATIONAL SIGN:

V: GENERAL SIGN REQUIREMENTS:



Non-Residential Parcel Identification
(single user)

User: Identifies individual parcels from major & secondary roadways.

Locations: Adjacent to primary roadway on each individual property.

Quantity: (1) per parcel

Size (refer to page 4): 7'6" x 10'8" width

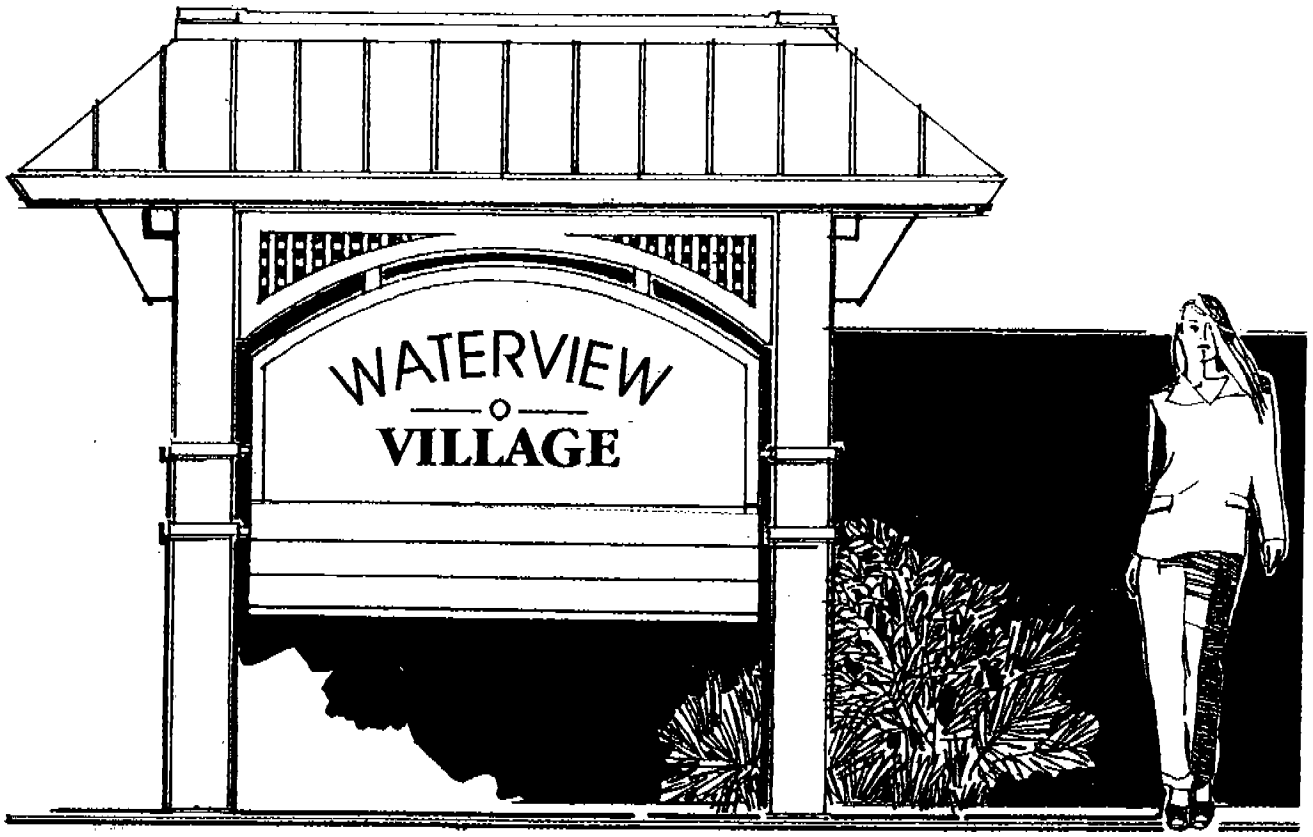
Allowable Sign Area: 32 SF

Materials: Architectural foam, natural stone veneer, cast stone, stucco.

Colors: To Be Determined

Copy: 9" Letter Size and Style TBD.

Misc: Prop. Owner will be resp. for each sign. Signs to be face lit with lights integrated within raised planters. Unique parcels such as land locked, interior or corner parcels may be allowed additional signs at the discretion of the Hardeeville Tract Design Review Board.



Non-Residential Parcel Identification
(single user w/changeable copy)

User: Identifies individual parcels from major & secondary roadways.

Locations: Adjacent to primary roadway on each individual property.

Quantity: (1) per parcel

Size (refer to page 4): 10'6" ht x 10'8" width

Allowable Sign Area: 32 SF & 6 SF per changeable copy panel. (3 panels max)

Materials: Architectural foam, natural stone veneer, cast stone, stucco.

Colors: To Be Determined

Copy: 9" Letter Size and Style TBD.

Misc: Property owner will be responsible for each sign. Signs to be face lit with lights integrated within raised planters.

Non-Residential Parcel Identification
(multiple user)

User: Identifies individual parcels from major & secondary roadways.

Locations: Adjacent to primary roadway on each individual property.

Quantity: (1) per parcel

Size (refer to page 4): 8'11" ht x 10'8" width

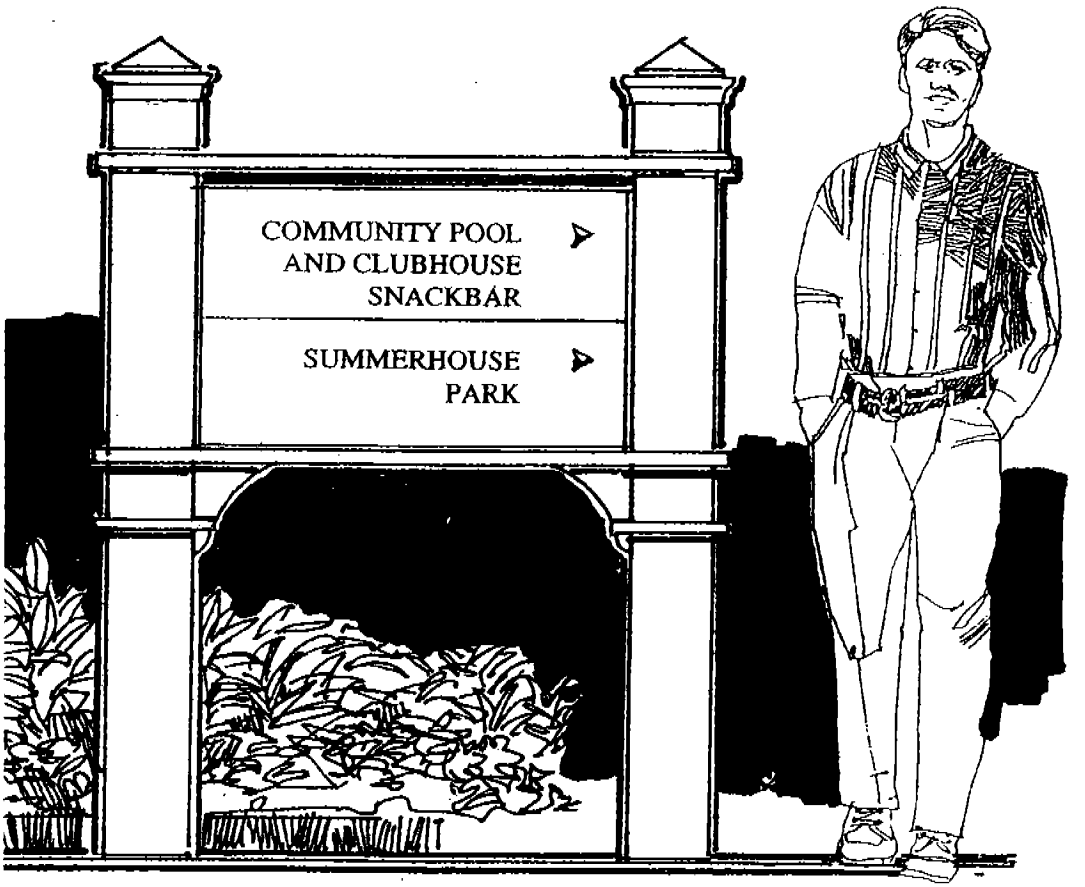
Allowable Sign Area: 48 SF

Materials: Architectural foam, natural stone veneer, cast stone, stucco.

Colors: To Be Determined

Copy: 9" Letter Size and Style TBD.

Misc: Prop. Owner will be resp. for each sign. Signs to be face lit with lights integrated within raised planters. Unique parcels such as land locked, interior or corner parcels may be allowed additional signs at the discretion of the Hardeeville Tract Design Review Board.



Non-Residential Information

User: Identifies secondary entrances and/or informative elements such as deliveries or service areas.

Locations: Adjacent to secondary roadways or entrances within individual parcels.

Quantity: To Be Determined

Size (refer to page 4): 7' ht x 5' width

Allowable Sign Area: 16 SF

Materials: Architectural foam, decorative aluminum posts.

Colors: To Be Determined

Copy: 4-9" Letter Size and Style TBD.

Misc: Property owner will be responsible for each sign. Illumination to be presented to the Hardeeville Tract Design Review Board for approval.

SHOPPING CENTER SIGN CRITERIA

1: Tenants shall provide, have installed, illuminate, maintain and remove, and patch back holes at Tenant's expense for all signs as proposed including, but not limited to:

A: A LIGHTED STORE IDENTIFICATION SIGN ON THE FRONT FAÇADE [Main building fascia sign / awning or canopy sign].
B: ONE UNDER CANOPY U.L. RATED SIGN [Blade sign].
C: WINDOW LETTERING [Storefront lettering].

2: Tenant shall be responsible for poor workmanship, construction and mounting. Tenant shall bear all costs of removing and correcting said poor workmanship. The intent is to have signs constructed and installed in a professional manner which compliments and blends with existing signs.

3: Master developer must be provided a detailed color rendering, including cross section of sign for approval prior to installation. [See Exhibit C-A for locations of all allowable signs].

4: Main building Façade Sign types shall be listed below. Width of sign shall be limited to 90% of store front width. Maximum sign letter height shall be limited to 24". There is no minimum width or height of sign. No backlit boxes, flashing signs, protruding signs or banner of any kind are acceptable.

A: INDIVIDUAL DIMENSIONAL BACKLIT LETTERS
B: OPEN CHANNEL LETTERS WITH EXPOSED NEON.
C: PAINTED FRONTLIT GRAPHICS [See exhibit C-C]

5: Awning or canopy signage [in lieu of or in addition to Main Building Fascia Sign] types shall be listed below. Sign shall be limited to a Maximum of 40% of entire awning surface, or, width of sign shall be 90% of awning width and maximum sign copy height shall be limited to 24". Maximum height of painted valance lettering shall be 8" in addition to main signage where valence exists. No backlit boxes, flashing signs, protruding signs or banners are acceptable. Tenant is responsible for structural engineering of sign integral to awning including required safety cables.

A: INDIVIDUAL DIMENSIONAL BACKLIT LETTERS.
B: OPEN CHANNEL LETTERS WITH EXPOSED NEON.
C: PAINTED FRONT LIT GRAPHICS [See Exhibit C-C].

6: Blade Sign [under arcade or canopy] types shall be as listed below. Area of sign shall be limited to a maximum of 12 square feet. Maximum thickness of sign shall be 4". Minimum height of sign clearance to sidewalk shall be 8'6". There is no minimum width or height of sign. No backlit boxes, flashing signs, neon or banners are acceptable.

A: UNDER BUILDING ARCADE

B: CANOPY CONDITIONS [See Exhibit C-D].

SHOPPING CENTER SIGN CRITERIA [Continued]

7: Storefront window lettering types shall be listed below. Area of window lettering shall be limited to a maximum of 20% of total glazing below transom [below 8'0"] and a maximum of 100% of total glazing above transom [above 8'0"]. Temporary promotional graphics and window displays are not governed by the storefront window lettering criteria.

A: PAINTED.
B: APPLIED VINYL.

8: All wiring connections, appropriate transformers, mounting brackets, wiring conduit and timer are to be hidden from view.

9: Powered signs are to be attached to a raceway mounted to façade [unless sign design incorporates appropriate backplate / box to hide items in criteria 2 – subject to approval by Master Developer]. Raceway shall be constructed from extruded materials and shall not exceed 6" in height and 6" in depth. Raceway and returns are painted to building standard, Master Developer has exact raceway paint codes, nearest match is not acceptable.

10: All backlit and open channel neon signs are to be constructed of a minimum .040 gauge aluminum sheet, with 3/16" flexible face and a maximum of of 4" depth.

11: Recommended type styles are BOLD styles of [Helvetica, Futura and Corinthian and styles to be selected]. Any other and/or nontraditional styles and/or all logos are subject to approval by the Hardeeville Tract Design Review Board.

12: All sign work must be performed by a licensed and insured sign company.

13: Tenant is responsible for permitting and meeting all zoning code requirements and shall hold Master Developer harmless from any violations resulting there from.

14: Sign shall be lit from dawn to 12 p.m. seven days a week.

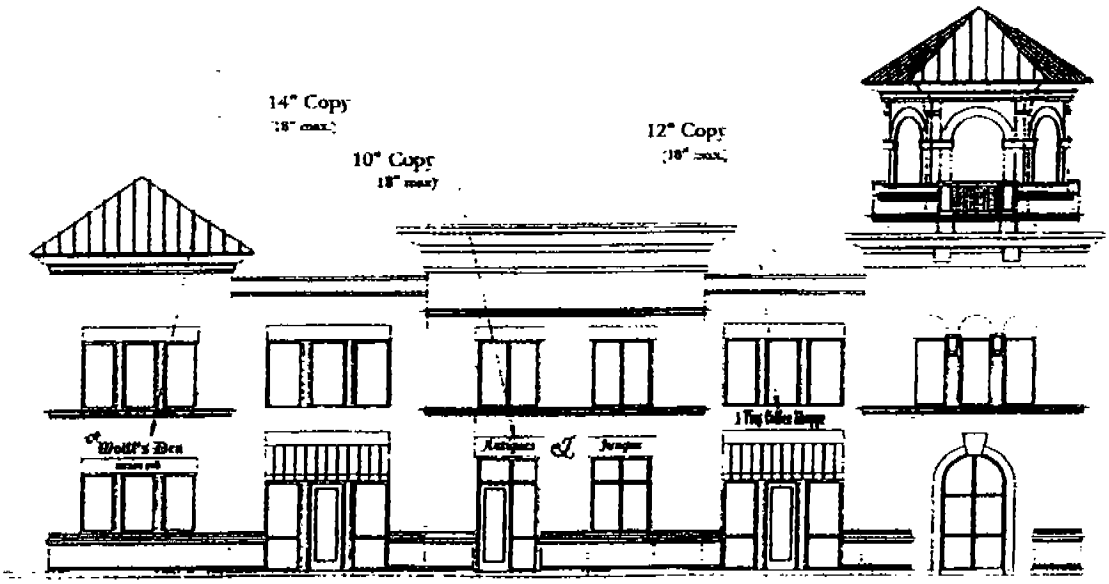
Village Center

The Hardeeville Tract Design Review Committee has established special areas within the overall community where more specific and somewhat tailored criteria is outlined to insure development is consistent with the planned vision for these areas. The Village Center areas are areas where a more compact oriented development program has been established and elements such as civic greens, main streets, with on-street parking and strong neighborhood streetscapes are employed.

A: BUILDING MOUNTED FAÇADE SIGN

B: STORE FRONT / WINDOW SIGNAGE

C: TENANT SIGNAGE / HISTORIC AND PERIOD BASED HANGING FIXTURE



Building Mounted Facade Sign

User: Used to guide pedestrians & vehicles to individual tenant shops located throughout the Village Center.

Locations: Located on the building facade

Quantity: One per tenant facade.

Size (refer to page 4):
N/A

Allowable Sign Area: 32 SF Max. Plus 1.5 SF for each linear business foot over 20 Ft, not to exceed 200 SF.

Materials: Aluminum, Architectural foam or approved alternative.

Colors: To Be Determined

Copy: Use a 9" min. cap height & a max letter size of 1'6", style TBD.

Misc: Property owner will be responsible for each sign. Illumination to be presented to the Hardeeville Tract Design Review Board for approval.

Exhibit C(A)

Building Mounted Facade Sign

Exhibit C (A)

1. Main Building Facade Sign:
Allowable Area: 90% of leasable width x 2'0" high
Allowable Type: See exhibit C(B)

2. Awning or Canopy Signage
(in lieu of or in addition to main building signage):
Allowable Area: Max of 40% of awing surface, or 90% of awning width x 2'0" high.
Allowable Type: See exhibit C(C) Painted valance lettering 8" high max in addition to main signage.

3. Blade Sign:
Allowable Area: Max of 12'0" SF. Min ht clearance to sidewalk 8'6"
Allowable Type: See exhibit C(D)

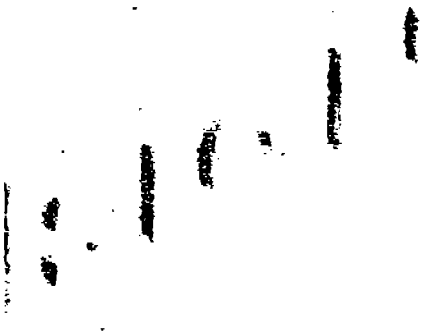
4. Storefront Window Lettering (perminant):
Allowable Area: 20% of total glazing below transom (below 8'0")
100% of total glazing above transom (above 8'0")
Allowable Type: Painted, applied vinyl

Note: Temporary window signs (seasonal sales promotions) are allowed.. The Hardeeville Tract Design Review Board reserves the right to control the amount and substance of those signs as needed.

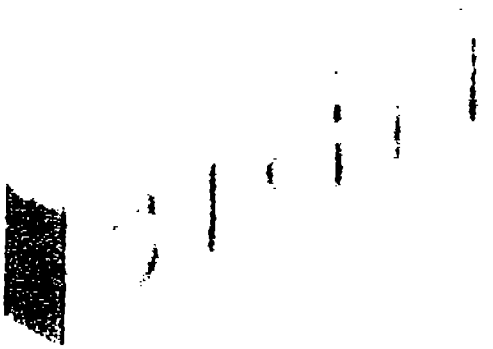
a) **Individual dimensional backlit letters**
Each letter is an independent lightbox the shape of the character with acrylic face and metal returns.

b) **Open channel letters w/ exposed neon**
Each letter is an independent open channel character w/ painted metal side returns and exposed neon. Side returns are minimum 1" deeper than the neon.

c) **Individual dimensional frontlit letters**
Each letter is an independent dimensional character that stands proud of the wall or backplate of the sign by a minimum thickness of 1".



d) **Routed metal with backlit filled letters**
Each letter is cut into the metal facade of a light box and filled with a backlit translucent material.

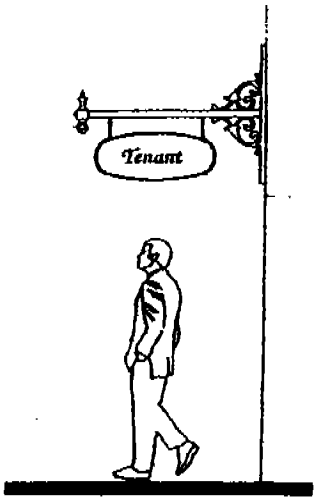


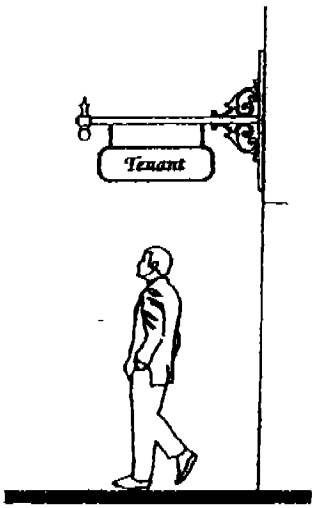
Building Mounted Facade Sign
Exhibit C (B)

a) **Individual dimensional backlit letters**
Each letter is an independent lightbox the shape of the character.

b) **Open channel letters w/ exposed neon**
each letter is an independent open channel character w/ exposed neon. Side returns are deeper than the neon.

c) **Painted frontlit graphics**
Graphics painted to surface of Canopy or Awning.





Tenant Signage

User: Used to guide pedestrians to individual shops throughout the Village Center.

Locations: Above entry doors or adjacent to front entrance.

Quantity: One per business.

Size (refer to page 4): may vary 1' x 4'

Allowable Sign Area: 4 SF max.

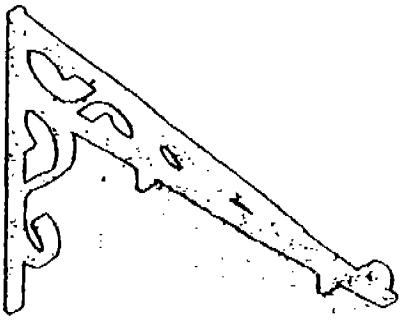
Materials: Brushed Aluminum, Architectural foam, finished wood product, cast stone.

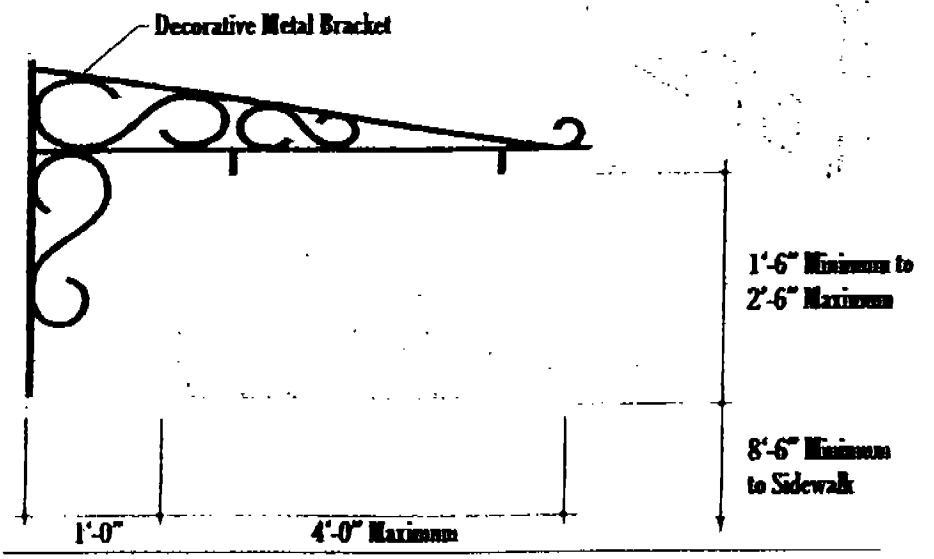
Colors: To Be Determined

Copy: 4" letter size max, style TBD.

Misc: Must obtain Hardeeville Tract Development Review Board approval.

a) **Under building arcade**
Suspended front lit dimensional sign according to dimensions shown below.





b) **Canopy Condition**
graphics painted to surface of the side of the Canopy or Awning.

Tenant Signage

Exhibit C (D) Decorative Bracket

Town Center

The Hardeeville Tract Design Review Committee has established special areas within the overall community where more specific and somewhat tailored criteria is outlined to insure development is consistent with the planned vision for these areas. The Town Center area is one such area created to allow larger corporate, retail and office uses to be developed within the design framework of the Hardeeville Tract. Throughout the Town Center areas, a series of signs are provided that identity the uses, activities, etc. and provide clear direction while echoing the character and materials of the community. The following pages in this section show these proposed signs.

A: POWER CENTER / LARGE USER

B: POWER CENTER GATEWAY

C: LARGER USER

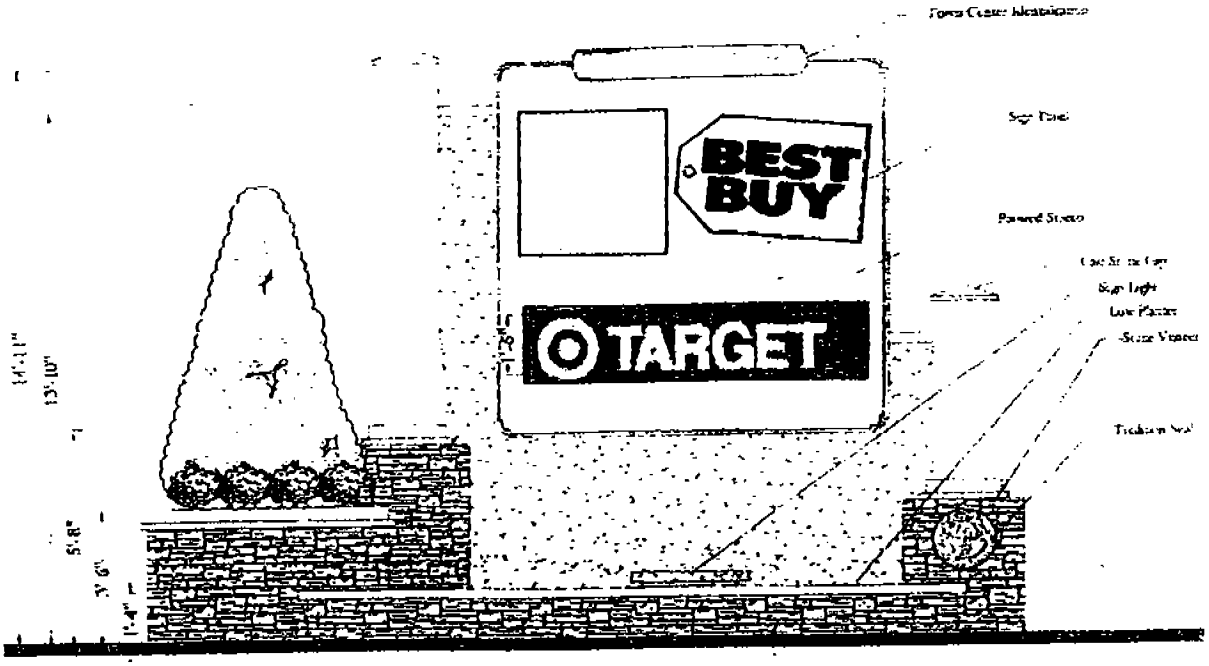
D: PARCEL IDENTIFICATION

- SINGLE USER
- SINGLE USER WITH CHANGEABLE COPY
- MULTIPLE USERS
- INFORMATIVE

E: DIRECTIONAL

F: BUILDING MOUNTED FAÇADE SIGN

G: STORE FRONT / WINDOW SIGNAGE



Power Center/Large User Sign

User: Identifies large commercial centers through the Town Center

Locations: Throughout the Town Center along main road ROW's.

Quantity: To Be Determined.

Size (refer to page 4): 50' ht x 25' wide

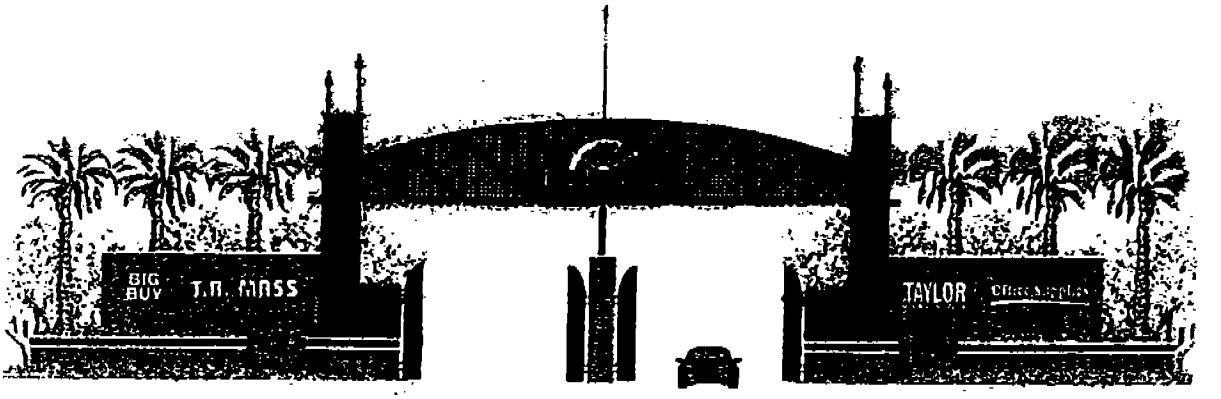
Allowable Sign Area: 220 SF max

Materials: Architectural foam, natural stone veneer, cast stone and stucco.

Colors: To Be Determined

Copy: To be reviewed and approved by the Hardeeville Tract Design Review Board.

Misc: Property owner will be responsible for each sign.



Power Center Gateway Sign

User: Identifies large commercial Power Center.

Locations: At main entry road into power center

Quantity: one per power center

Size (refer to page 4): 40' x 110' wide, ultimate size TBD and approved with final design

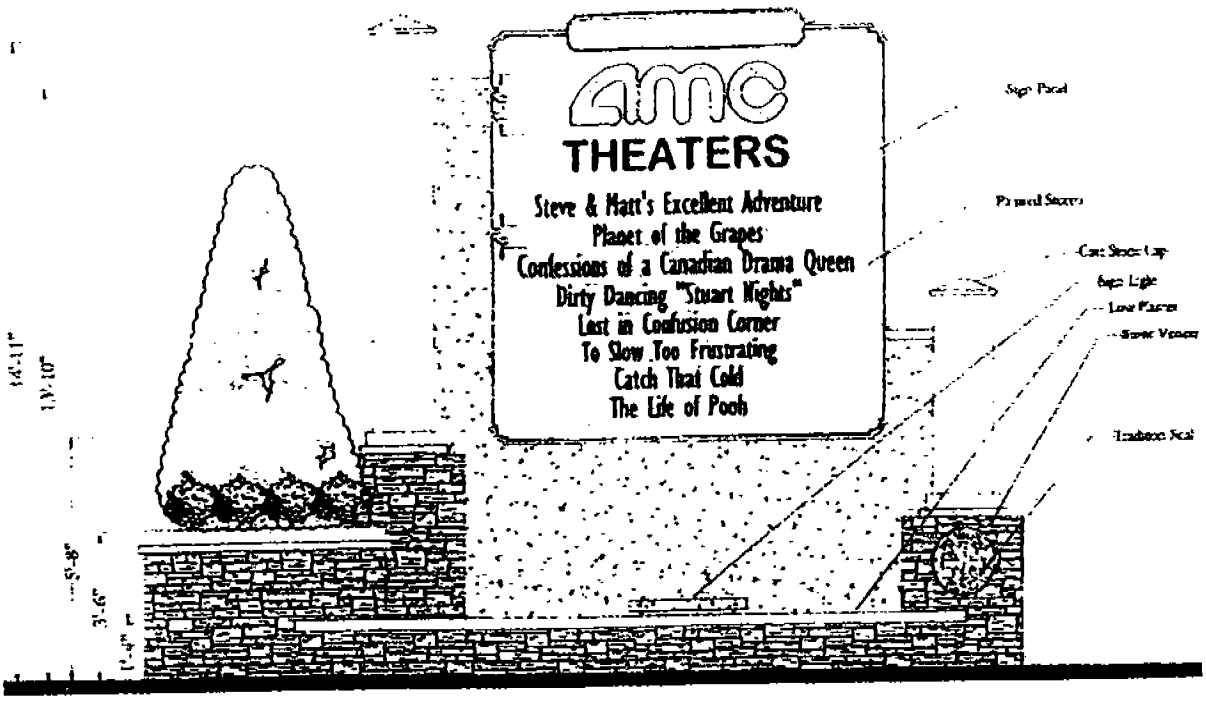
Allowable Sign Area: 300 SF max

Materials: Architectural foam, natural stone veneer, cast stone, aluminum, stucco, and brick.

Colors: To Be Determined

Copy: To be reviewed and approved by the Hardeeville Tract Design Review Board.

Misc: Property owner will be responsible for each sign.



Large User Sign

User: Identifies large commercial centers through the Town Center.

Locations: Throughout the Town Center along main road ROW's.

Quantity: To Be Determined.

Size (refer to page 4): 50' ht x 25' width

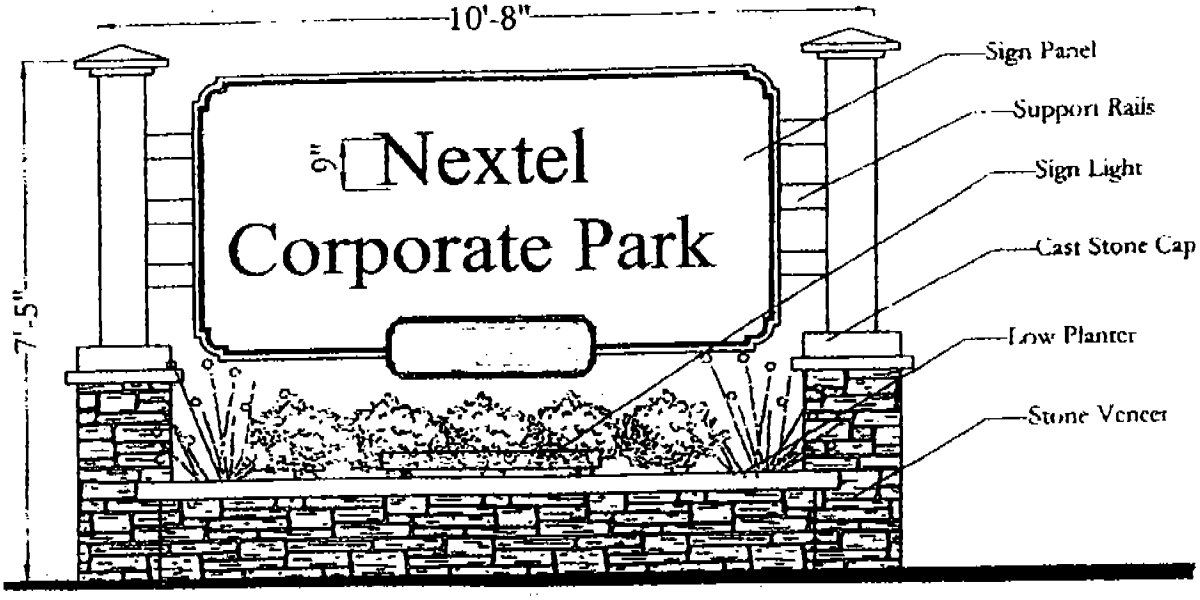
Allowable Sign Area: 220 SF max

Materials: Architectural foam, natural stone veneer, cast stone, and stucco.

Colors: To Be Determined

Copy: To be reviewed and approved by the Hardeeville Tract Design Review Board.

Misc: Property owner will be responsible for each sign.



Non-Residential Parcel Identification
(single user)

User: Identifies individual parcels from major & secondary roadways.

Locations: Adjacent to primary roadway on each individual property.

Quantity: (1) per parcel.

Size (refer to page 4): 7'6" ht x 10'8" width

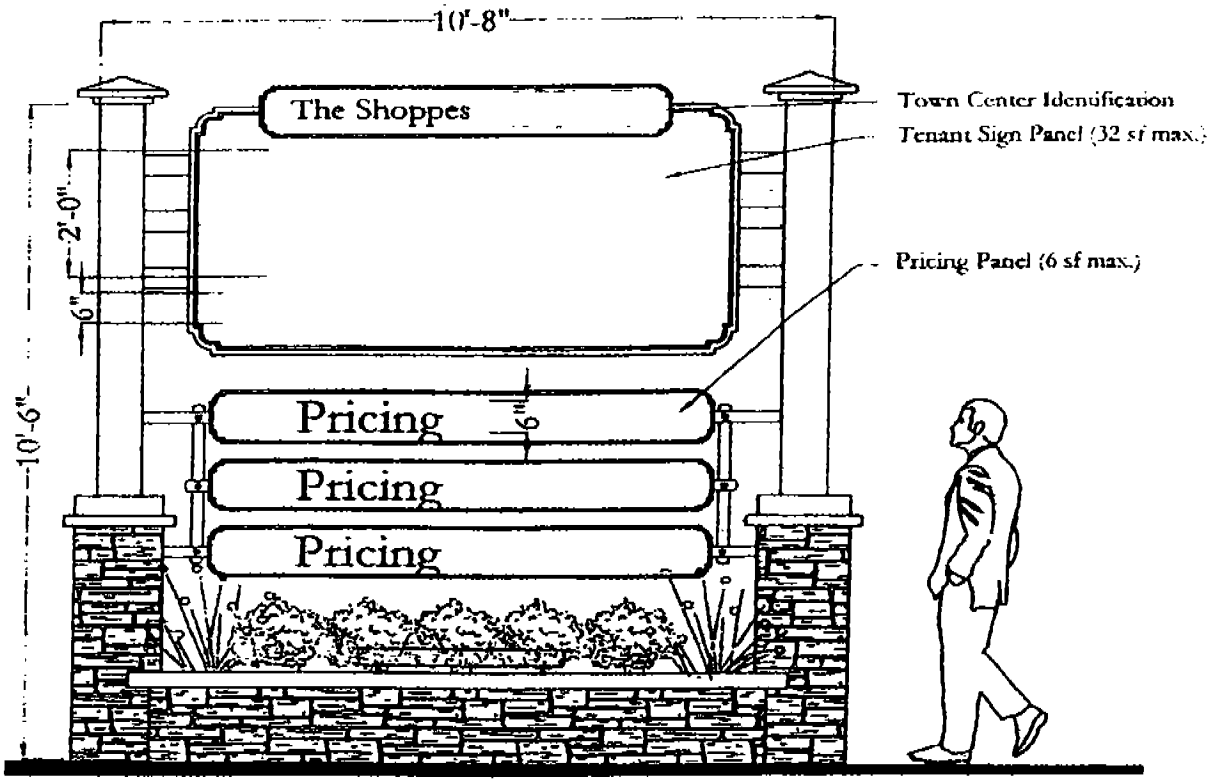
Allowable Sign Area: 32 SF

Materials: Architectural foam, natural stone veneer, cast stone, and stucco.

Colors: To Be Determined

Copy: 9" Letter Size and Style TBD.

Misc: Property owner will be responsible for each sign. Unique parcels such as land locked, interior or corner parcels may be allowed additional signs at the discretion of the Hardeeville Tract Design Review Board.



Non-Residential Parcel Identification
(single user w/changeable copy)

User: Identifies individual parcels from major & secondary roadways.

Locations: Adjacent to primary roadway on each individual property.

Quantity: (1) per parcel.

Size (refer to page 4): 10'6" ht x 10'8" width

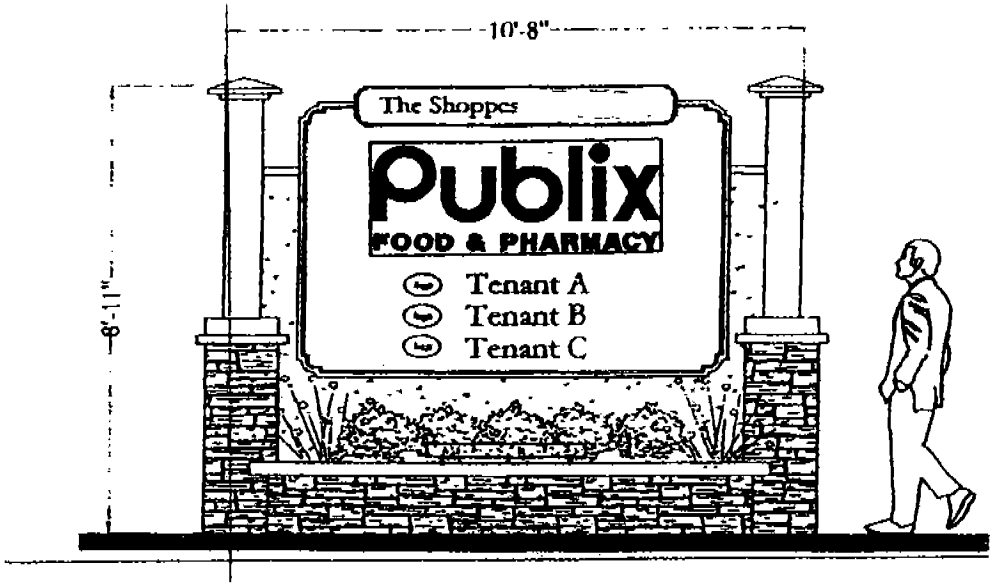
Allowable Sign Area: 32 SF & 6 SF per changeable copy panel (3 panels max)

Materials: Architectural foam, natural stone veneer, cast stone, and stucco.

Colors: To Be Determined

Copy: 9" & 6" Letter Size and Style TBD.

Misc: Property owner will be responsible for each sign.



Non-Residential Parcel Identification
(multiple user)

User: Identifies individual parcels from major & secondary roadways.

Locations: Adjacent to primary roadway on each individual property.

Quantity: (1) per parcel.

Size (refer to page 4): 8'11" ht x 10'8" width

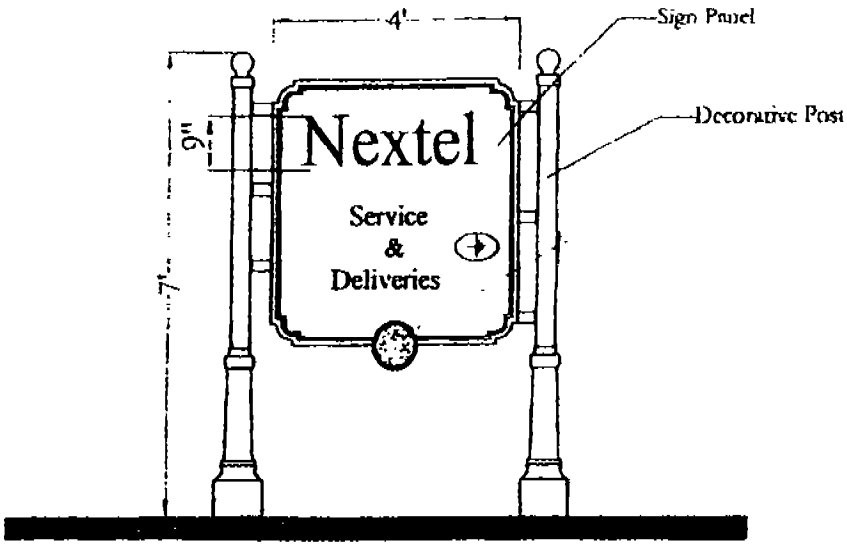
Allowable Sign Area: 48 SF

Materials: Architectural foam, natural stone veneer, cast stone, and stucco.

Colors: To Be Determined

Copy: 9" Letter Size and Style TBD.

Misc: Property owner will be responsible for each sign. Unique parcels such as land locked, interior or corner parcels may be allowed additional signs at the discretion of the Hardeeville Tract Design Review Board.



Non-Residential Informational

User: Identifies secondary entrances and/or informative elements such as deliveries or service areas.

Locations: Adjacent to secondary roadways or entrances to individual parcels.

Quantity: To Be Determined.

Size (refer to page 4): 7' ht x 5' width

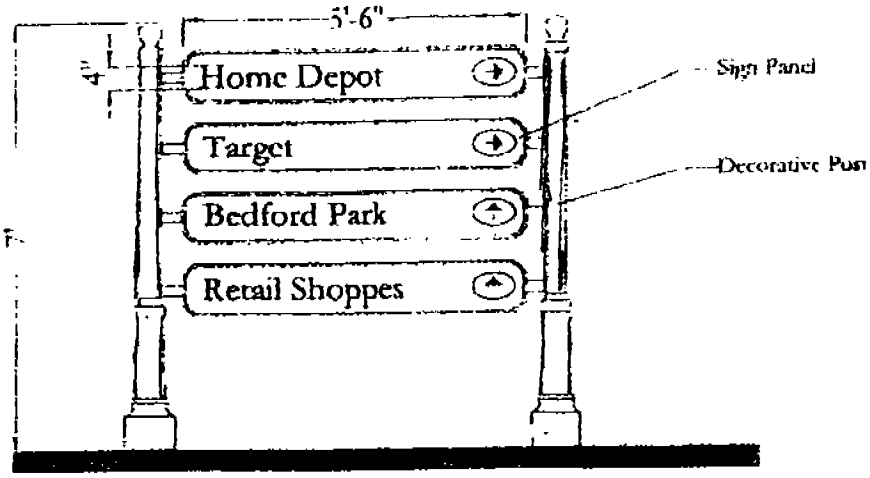
Allowable Sign Area: 16 SF

Materials: Architectural foam, decorative aluminum posts.

Colors: To Be Determined

Copy: 4 - 9" Letter Size and Style TBD.

Misc: Property owner will be responsible for each sign. Lighting of sign to be approved by the Hardeeville Tract Design Review Board.



Directional

User: Guides vehicles and pedestrians to commercial parcels from main and secondary streets.

Locations: Multiple locations along main and secondary road ROW's or medians.

Quantity: To Be Determined.

Size (refer to page 4): 7' ht x 6'-6" width

Allowable Sign Area: 6 SF per panel.

Materials: Decorative aluminum posts Architectural foam, or metal panels.

Colors: To Be Determined

Copy: 4" Letter Size and Style TBD.

Misc: Property owner will be responsible for each sign. Lighting of sign to be approved by the Hardeeville Tract Design Review Board.

Building Mounted Facade Sign
(large user)

User: Used to identify Large User tenant shops located throughout the Power Center

Locations: Located on the front and rear building facade. Side facade display upon review.

Quantity: Location and quantity to be approved by Hardeeville Tract Design Review Board.

Size (refer to page 4):
N/A - Signage is applied directly to building.

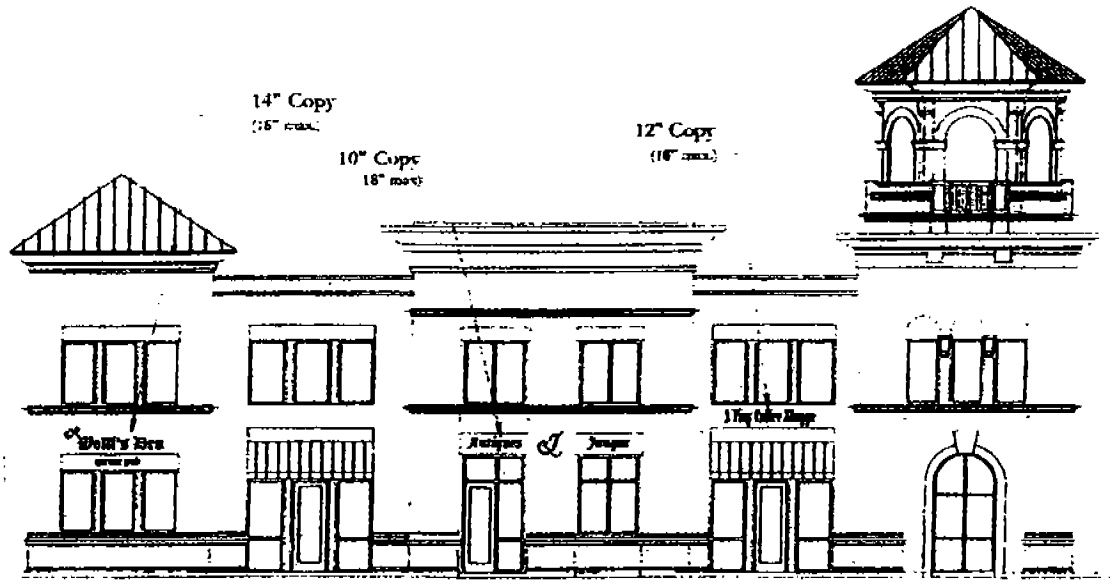
Allowable Sign Area: 1000 SF max

Materials: To Be Determined.

Colors: To Be Determined

Copy: Use a 12" min. cap height and a max letter size of 5', style TBD.

Misc: Property owner will be responsible for each sign. Lighting of sign to be approved by the Hardeeville Tract Design Review Board.



Building Mounted Facade Sign

User: Used to identify Large User tenant shops located throughout the Village Center

Locations: Located on the building facade.

Quantity: (1) per tenant facade.

Size (refer to page 4): To be Determined by the Hardeeville Tract Design Review Board.

Allowable Sign Area: 32 SF max plus 1.5 SF for each linear business foot over 20 feet, not to exceed 200 SF

Materials: Aluminum, architectural foam or approved alternative.

Colors: To Be Determined

Copy: Use a 9" min. cap height and a max letter size of 1'6", style TBD.

Misc: Property owner will be responsible for each sign. Lighting of sign to be approved by the Hardeeville Tract Design Review Board.

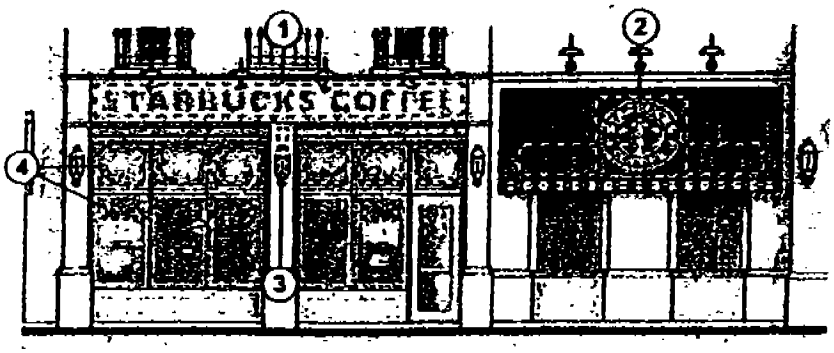


Exhibit C(A)

Building Mounted Facade Sign
Exhibit C (A)

1. Main Building Facade Sign:
Allowable Area: 90% of leasable width x 2'0" high
Allowable Type: See exhibit C(B)

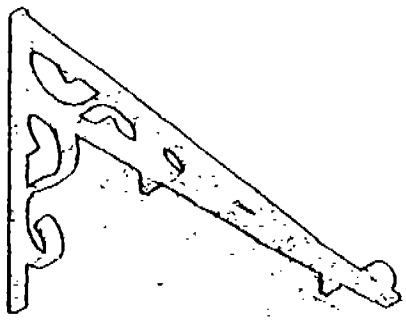
2. Awning or Canopy Signage
(in lieu of or in addition to main building signage):
Allowable Area: Max of 40% of awing surface, or 90% of awning width x 2'0" high.
Allowable Type: See exhibit C(C) Painted valance lettering 8" high max in addition to main signage.

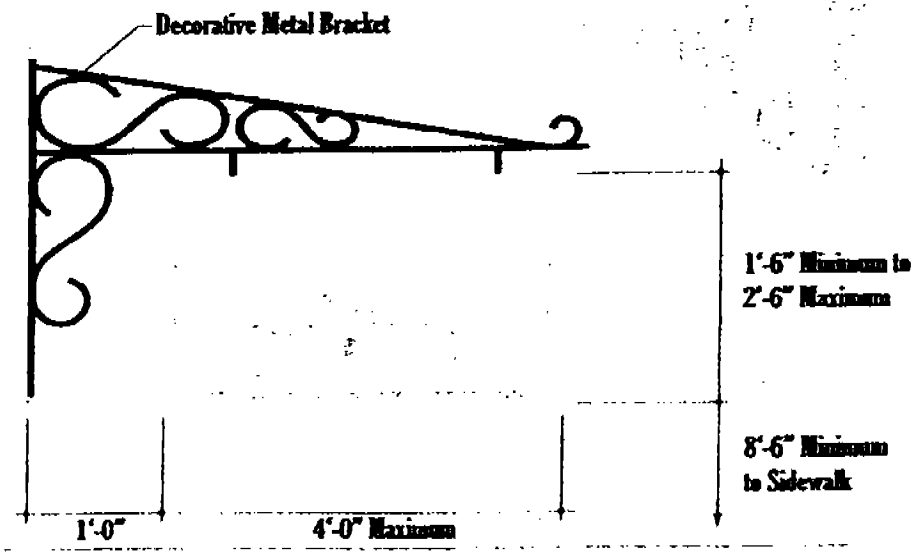
3. Blade Sign:
Allowable Area: Max of 12'0" SF. Min ht clearance to sidewalk 8'6"
Allowable Type: See exhibit C(D)

4. Storefront Window Lettering (perminant):
Allowable Area: 20% of total glazing below transom (below 8'0")
100% of total glazing above transom (above 8'0")
Allowable Type: Painted, applied vinyl

Note: Temporary window signs (seasonal sales promotions) are allowed.. The Hardeeville Tract Design Review Board reserves the right to control the amount and substance of those signs as needed.

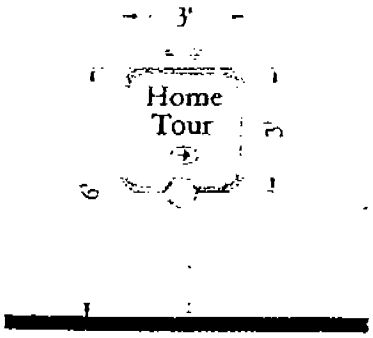
a) **Under building arcade**
Suspended front lit dimensional sign according to dimensions shown below.





b) **Canopy Condition**
graphics painted to surface of the side of the Canopy or Awning.

Building Mounted Facade Sign
Exhibit C (D)



Mini-Directional

Temporary Mini Directional

User: Identifies individual builders or locations within Hardeeville Tract providing vehicular direction to those destinations.

Locations: Throughout the community along roadways within the right of way.

Quantity: To Be Determined

Size (refer to page 4): 8' ht x 3' width

Allowable Sign Area: 9 SF (single) & 12 SF (double)

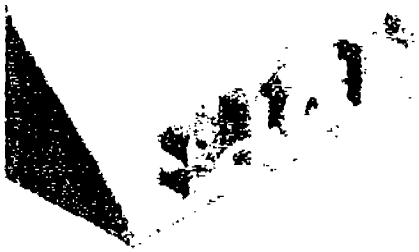
Materials: High grade wood products or approved alternate.

Colors: To Be Determined

Copy: 4-6" Letter Size and Style TBD.

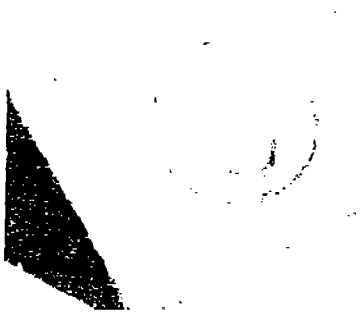
Misc: Hardeeville Tract Community will be responsible for the maintenance of the Temporary Sign Program. Sign illumination to be determined by master developer.

a) **Individual dimentional backlit letters**
Each letter is an independent lightbox the shape of the character.



b) **Open channel letters w/ exposed neon**
each letter is an independent open channel character w/ exposed neon. Side returns are deeper than the neon.

c) **Painted frontlit graphics**
Graphics painted to surface of Canopy or Awning.



Exhibits

COMMUNITY SIGN LOCATIONS	MAP PAGES
EXHIBIT A – COMMUNITY WIDE	FUTURE
EXHIBIT B – FUTURE DEVELOPMENT	FUTURE
EXHIBIT C – VILLAGE CENTER	FUTURE

423 396 C

EXHIBIT M
CURB CUT EXHIBIT AND PRELIMINARY TRAFFIC ANALYSIS

HARDEEVILLE TRACT

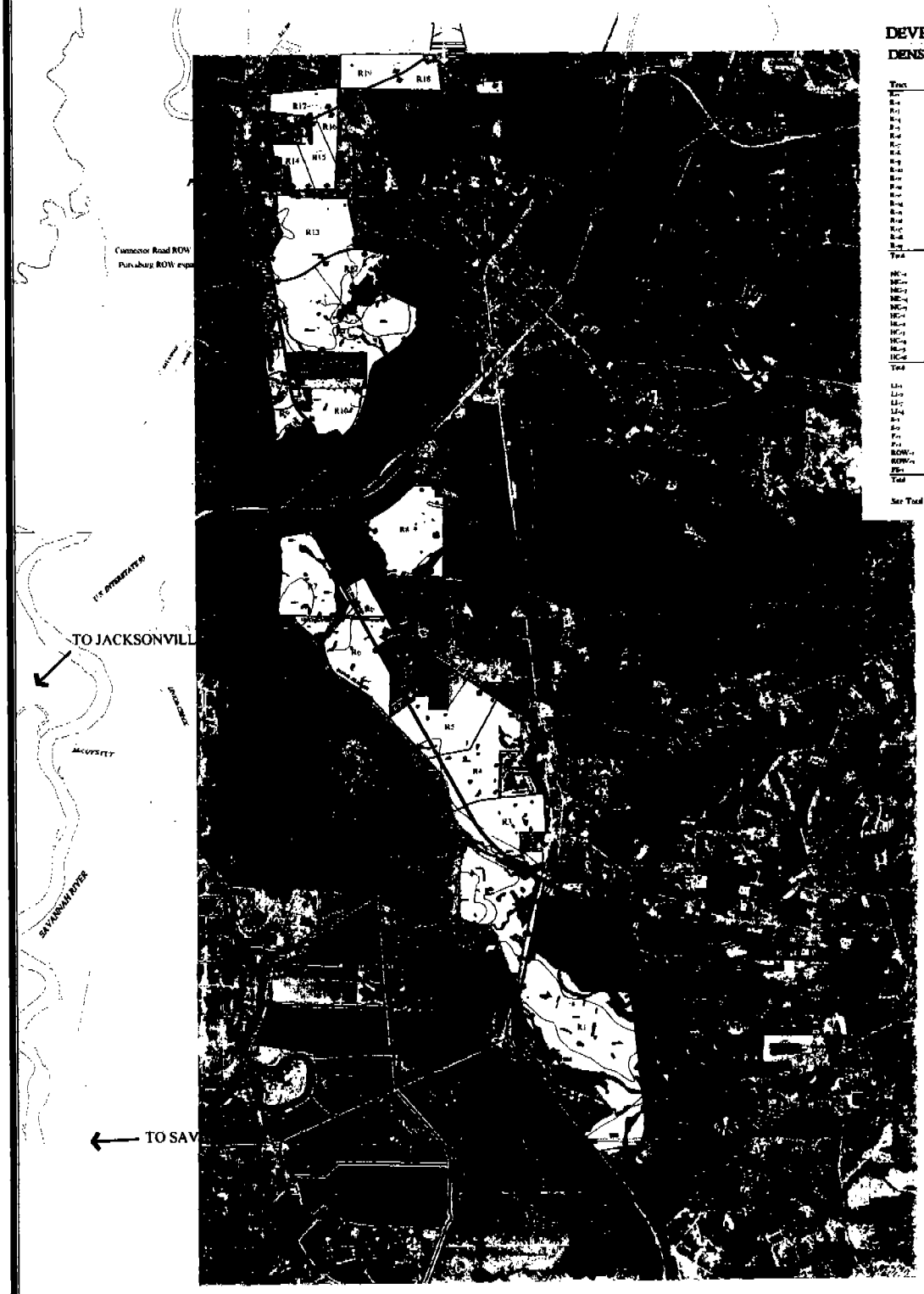
FULL ACCESS CURB CUTS & INTERSECTIONS-EXHIBIT M

PLANNED UNIT DEVELOPMENT

Prepared For:

COPPER STATION HOLDINGS

February 24, 2006



DEVELOPMENT SUMMARY

DENSITY SUMMARY

Tract	Use	Upland Acres	Wetland Acres	Total Acres
[illegible]	Residential	[illegible]	[illegible]	[illegible]
[illegible]	Residential	[illegible]	[illegible]	[illegible]
[illegible]	Residential	[illegible]	[illegible]	[illegible]
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Total		[illegible]	[illegible]	[illegible]
[illegible]	Light Industrial	[illegible]	[illegible]	[illegible]
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[illegible]	Light Industrial	[illegible]	[illegible]	[illegible]
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[illegible]	Park	[illegible]	[illegible]	[illegible]
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ROW-[illegible]	Connector Road	[illegible]	[illegible]	[illegible]
ROW-[illegible]	Pumpkin Road	[illegible]	[illegible]	[illegible]
[illegible]	Public Safety Center	[illegible]	[illegible]	[illegible]
Total		[illegible]	[illegible]	[illegible]
Site Total		[illegible]	[illegible]	[illegible]

- EXISTING CURB CUT
- PROPOSED CURB CUT
- R — SINGLE FAMILY RESIDENTIAL
- NC — NEIGHBORHOOD COMMERCIAL
- HIGHWAY COMMERCIAL
- LIGHT INDUSTRIAL
- SCHOOL
- P — PARK
- WETLANDS
- PUBLIC SAFETY CENTER

[illegible] ACRES

[illegible] ACRES

[illegible] ACRES

[illegible] AC.

0 1000' 2000' 4000' 6000' 8000'

SCALE: 1" = 2000'

NORTH

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INTRODUCTION

The Hardeeville tract in Jasper County includes approximately 6,450 acres, roughly 5,500 of which are upland acres. The tract is planned to be developed over a period of twenty to thirty years or more.

The residential portion of development is initially anticipated to include approximately 9,784 units. Commercial uses are intended for approximately 670 upland acres and are planned to include both "highway" and "neighborhood" commercial elements. Numerous recreational, institutional, and light industrial uses are also envisioned.

EXISTING ROADWAY CONDITIONS

The main access to most of the development will be off of Purysburg Road. Purysburg Road is currently a two-lane dirt roadway with a paved bridge over Interstate 95. Purysburg Road connects to US 17 on the southern end of the Hardeeville tract.

On the northern end of the tract, Purysburg Road intersects Church Road and Bishop Road, which will provide access to US 321, SC 46, and US 17. A new east-west connector roadway will also travel through the tract to connect Purysburg Road to SC 46 near Hardeeville. The light industrial area north of I-95 (LI1, LI2, LI3) is planned to have access directly to US 17 and is not planned to connect to Purysburg Road.

REGIONAL PLANNING

The overall Hardeeville tract is planned to include approximately 9,784 residential units, along with substantial commercial and light industrial areas. In addition, several other tracts of similar size and scope are currently being planned for development in the surrounding areas. Regional transportation modeling, which is being conducted by the Town of Hardeeville and its consultants, is typically the means of evaluating such large development plans.

When development plans are closer to being finalized, more detailed traffic analysis and impact studies should be completed. These site specific studies, in accordance with the Town of Hardeeville guidelines, will provide more detailed information on specific design and intersection controls.

ACCESS AND CIRCULATION

New development entry points will be installed along US 17 to provide access to Parcels R1, R2, R3, and LI-4. The intersection of US 17 and Purysburg Road, just north of the Pintail Creek Golf Course, will provide a main entryway to much of the development in the southern section of the tract.

Along Purysburg Road south of Interstate 95, new intersections will provide access to Parcels R4, R5, R6, R7, and R8. North of the interstate parcels R9, R10, and R11 will also access Purysburg Road. Parcels R12 and R13 will be accessed off of a new east-west connector roadway. R13, R14, and R15 will have access to Church Road. R15, R16, R17, R18, and R19 are on the most northerly section of the tract and will have access to Bishop Road.

Signals will eventually be needed at major intersections, such as Purysburg Road / US 17. Signals at other major intersections within the tract and at access points on to major roadways will depend on the nature of the detailed site plans.

In general, signals should not be installed at any intersection until volume warrants are met (as specified in the Manual of Uniform Traffic Control Devices). Timing of when certain warrants are met will depend on regional traffic growth, other potential developments in the area, and the pace and location of development within the Hardeeville tract. Other unknown elements, such as the amount of construction traffic, may play a role in when warrants are met.

PHASING OF IMPROVEMENTS

Initial planning for roadway improvement needs must take into account several general assumptions and follow some rule-of-thumb guidelines. The following sections attempt to outline, for general planning purposes, when certain roadway improvements should be considered.

Detailed trip generation estimates for such a large area of development is generally outside the range of Institute of Transportation Engineers (ITE) trip generation tables. For trip generation purposes, the overall tract will be broken into subsections based on which major roadways each section will likely impact.

GENERAL IMPROVEMENTS

The Town of Hardeeville has set a goal to maintain a Level of Service (LOS) C on the roadways surrounding the town. Road improvements needed to maintain this LOS at particular intersections will be determined as detailed traffic studies for specific site plans develop.

The amount of traffic that a roadway in general can accommodate at a particular LOS is a function of many factors, primarily the purpose and function of the roadway itself. For use in planning estimates, it can be assumed that a two-lane roadway (Purysburg or the east-west connector road) could maintain a LOS C until volumes rise to approximately 13,000 vehicles per day (vpd). A four-lane divided roadway could likely function at LOS C with volumes up to approximately 33,000 vpd.

Purysburg Road will be improved in the initial stages to provide a paved access to all developing parcels, and initially be a two-lane roadway. Appropriate intersection improvements at development access points, such as turn lanes, should be completed as each parcel begins to be developed. As development plans are finalized, signals and intersection controls should be determined by more detailed traffic studies.

For this analysis, it is assumed that there will not be access to Interstate 95 at Purysburg Road. Should an interchange be considered, a detailed Interchange Justification Report (IJR) will be required by the Federal Highway Administration. An IJR would require extensive traffic analysis of the entire region, including adjacent properties, road networks, and the existing Interchange 5 at Hardeeville. An IJR study would reprioritize the roadway needs in the area.

Parcels LI1, LI2, and LI3

A light industrial area is planned for Parcels LI1, LI2, and LI3; these parcels represent approximately 550 upland acres. Plans for what exactly this will become are not yet finalized. For initial trip generation purposes, a 3,200,000 ft^2 "General Light Industrial" facility will be assumed.

According to the Institute of Transportation Engineers (ITE) procedures, a development of this nature would generate the following amount of traffic.

Trip Generation – Parcels R9, LI1-3

Weekday Rates						
Land Use Code	Land Use	24 Hour	AM Peak In	AM Peak Out	PM Peak In	PM Peak Out
110	3.2 million ft^2 General Light Industrial	22,304	2,592	352	384	2,752

Access to the industrial site will be directly on to US 17, just north of the Interstate 95 interchange. A great majority of this traffic will be associated with the Interstate. Access to the site will likely require a four lane access roadway and a signalized intersection at US 17. Depending on the location, this new signal may need to be coordinated with potential signals at the Interstate ramp intersections on US 17.

Parcels R1, R2, and R3, and LI-4

Primary access to these parcels will be off of US 17 south of Limehouse. Residential uses are planned for parcels R1, R2, and R3. A light industrial area is currently planned on Parcel LI4. All of these parcels will have direct access on to US 17.

This area will likely represent approximately 20% of the residential development within the tract. For initial planning purposes, it is assumed that these parcels contain 2,000 residential units (approximately 20% of total). The light industrial area planned on LI4 is estimated to contain approximately 1,500,000 ft^2 of light industrial uses. ITE trip generation is shown below.

Trip Generation – Parcels R1 to R3 and LI-4

Weekday Rates						
Land Use Code	Land Use	24 Hour	AM Peak In	AM Peak Out	PM Peak In	PM Peak Out
270	2,000 Unit PUD	13,478	212	750	796	429
110	1.5 million ft^2 General Light Industrial	10,455	1,215	165	180	1290
Totals		23,933	1,427	915	976	1,719

Summary R1, R2, R3, LI4

Traffic from these parcels will mainly utilize US 17 to travel to Savannah, Hardeeville, and I-95. Traffic from these areas should not significantly affect Purysburg Road, or other roads internal to the Hardeeville tract.

As mentioned earlier, future traffic studies should help determine the access design and intersection controls at each intersection along US 17.

Parcels R14, R15, R16, R17, R18, and R19

These residential parcels consist of approximately 450 acres and are assumed to represent approximately 10% of the overall residential development. ITE trip generation for a 1,000 unit PUD is shown below.

Trip Generation – Parcels R15 to R19

Land Use Code	Land Use	24 Hour	AM Peak In	AM Peak Out	PM Peak In	PM Peak Out
270	1,000 Unit PUD	7,325	111	394	427	230

Summary R14-R19

These parcels will have primary access on to Bishop Road. R14 and R15 should also have access to Church Road. With appropriate turn lane and intersection improvements, Bishop Road should be able to maintain acceptable levels of service as a two-lane facility. These parcels should also have only minor impacts on volumes along Purysburg Road or the east-west connector.

Parcels R4 to R13

South of Interstate 95, Purysburg Road will provide the primary access to Parcels R4, R5, R6, R7, and R8; these residential parcels consist of approximately 1,400 acres. North of Interstate 95, Purysburg Road and a new connector roadway will provide the primary access to Parcels R9, R10, R11, R12, and R13. These residential parcels consist of approximately 1,200 acres. Combined, these parcels should represent approximately 70% of the overall residential development. ITE trip generation for a 7,000 unit PUD is as shown below.

Trip Generation – Parcels R4 to R13

Land Use Code	Land Use	24 Hour	AM Peak In	AM Peak Out	PM Peak In	PM Peak Out
270	7,000 Unit PUD	40,600	680	2,400	2,460	1,325

It is assumed that most of the commercial uses within the tract will be built only after large amounts of residential development are established. The PUD land use category is general in nature and does assume some limited commercial areas within it. Much of the commercial uses within the tract are anticipated to primarily serve the residential parcels. Unless they become major regional shopping attractions, which are not anticipated, the commercial elements should

not generate substantial amounts of traffic from off of the site. This assumption would obviously change with the addition of an interstate interchange. As mentioned, should an interchange be proposed, much more traffic analysis would be required in support of an IJR.

Summary R4-R13

Most of the external destinations for traffic within the Hardeeville tract will likely be either toward Interstate 95 or the Savannah area. Purysburg Road and the new east-west connector (within the Hardeeville tract) will mainly serve the purpose of providing access to the other roadways. Purysburg Road will not likely become a major alternative to other north-south routes in the area; US 17 and US 321 will continue to be the primary routes.

Vehicles will likely use Purysburg Road and the east-west connector road based on their convenience to the major surrounding roadways. Homes north of the interstate will use Purysburg Road only if they are headed to or from Savannah. Homes south of the interstate will only use Purysburg Road and the east west connector if they are headed to or from areas north of Hardeeville, and they may choose to use US 17 if it is more convenient from their particular lot. Without an interchange at Purysburg Road, most of the external traffic from the Hardeeville tract will simply take the quickest route to and from the interstate.

With much of the development centered north of the I-95 and with easier access to the interstate, most of the traffic will likely use the east-west connector route. If, as a general assumption, 60% of the site traffic from R4-R13 uses the east-west connector route, volumes on it could eventually reach 20,000 to 25,000 vehicles per day. A four lane roadway could function at LOS C with these volumes.

If, as another general assumption, 40% of the site traffic uses Purysburg Road to travel to and from the Savannah area, volumes would eventually reach 15,000 to 18,000 vehicles per day. These volumes indicate that more than a two-lane roadway would be needed to maintain a LOS C. Until a majority of the Hardeeville tract is developed, volumes on the southern section of Purysburg Road will not likely reach a point where widening to four lanes is necessary.

INTERNAL ROADWAY CROSS SECTIONS

Both of the main spine roads through the Hardeeville tract, Purysburg Road and the east-west connector road, should be built initially as two-lane facilities with right-of-way reserved for a future widening if needed.

When particular roadway improvements will be needed will primarily depend on which parcels are developed first. With the main roadway network in place and access open to all parcels, the east-west connector road will likely be the first of the roadways that needs to be widened to multi-lanes. It will serve a majority of the parcels north of the interstate and provide the easiest access to I-95 for most locations.

As a general assumption, volumes on the east-west connector may reach approximately 13,000 vehicles per day (LOS C) after approximately half of the development within parcels R4 through R13 (3,500 units) are built (half of 40,600 x 60% directional split = 12,180).

Volumes on Purysburg Road are likely to reach 13,000 vehicles per day at approximately 80% build out (5,600 units) of parcels R4 through R13 (80% of 40,600 x 40% directional split = 12,992).

Instrument Volume Page
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Volumes on all of the internal roadways will be higher as they near the main roadways in the area. Volumes on sections of roadway furthest from the main roadways may not reach the point where additional lanes are needed. Without other development or an interchange, the existing Purysburg Road bridge over the interstate may continue to function adequately with only two lanes.

SURROUNDING ROADWAYS

Regional traffic modeling will provide a better framework of when major improvements may be needed along US 17, US 321, Interstate 95, or access to the interstate. Timing of when certain improvements may be needed may depend heavily on the Hardeeville tract development, but will also depend on regional growth in and around Hardeeville. Such large scale regional improvements are also typically prioritized by local planning organizations.

SUMMARY OF RECOMMENDATIONS

- Access to the light industrial area north of the interstate will have direct access to US 17 and will likely require a four lane access road with a signalized intersection at US 17
- Upgrade Purysburg Road to provide paved access to all parcels
- Initial construction of the east-west connector and Purysburg Road should provide a two-lane facility with turn lanes at development entry points (depending on detailed traffic studies). ROW and design should assume a future widening to four lanes
- Development in Parcels LI4, R1-R3, and R14-R19 should not significantly affect the need for widening Purysburg Road or the east-west connector
- Consideration for the widening of the east-west connector road should be made after construction and occupation of approximately 3,500 units within Parcels R4-R13
- Improvements to US 321 from the development entrance to US 17 should be considered in conjunction with widening of the east-west connector
- Consideration for the widening of Purysburg Road should be made after construction and occupation of approximately 5,600 units within Parcels R4-R13
- With appropriate intersection improvements, Bishop Road can likely remain a two-lane facility
- Widening of external roadways should be based on regional transportation modeling and local priorities
- All intersections should initially be stop controlled and signalized only when warrants are met

DEED BOOK 423 PAGE 0071
DATE 5-9-06
Mabel Holmes
AUDITOR JASPER COUNTY SC