DEVELOPMENT AGREEMENT

By and Between

THE PORT ROYAL REDEVELOPMENT GROUP, LLC

And

TOWN OF PORT ROYAL, SOUTH CAROLINA

Adopted November 9, 2011

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STATE OF SOUTH CAROLINA	**)**	**DEVELOPMENT AGREEMENT**
	)	
TOWN OF PORT ROYAL	**)**	**(PORT PROPERTY)**

This Development Agreement ("Agreement") is made and entered this 9th day of November, 2011, by and between Port Royal Redevelopment Group, LLC (hereinafter "Owner") and Town of Port Royal South Carolina (hereinafter "Town").

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

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

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

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

WHEREAS, Owner has acquired, approximately 317 acres, generally known as the former South Carolina State Ports Authority Property and proposes to develop, or cause to be developed, there on a mixture of residential, commercial and conservation uses; and,

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

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

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

WHEREAS, this Development Agreement is being made and entered between Owner and the Town, under the terms of the Act, for the purpose of providing assurances to Owner that it may proceed with its development plan under the terms hereof, as hereinafter defined, consistent with its approved Planned Unit Development (PUD) plan (as hereinafter defined), without encountering future changes in law which would materially affect the ability to develop under the plan, and for the purpose of providing important protection to the natural environment and long term financial stability and a viable tax base to the Town, and for the purpose of providing certain funding and funding sources to assist the Town in meeting the service and infrastructure needs associated with the development authorized hereunder;

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

I. INCORPORATION.

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

II. DEFINITIONS.

As used herein, the following terms mean:

"Act" means the South Carolina Local Government Development Agreement Act, as codified in Sections 6-31-10 through 6-31-160 of the Code of Laws of South Carolina (1976), as amended; incorporated herein by reference.

"Adjacent Land" shall mean any real property adjacent to The Project.

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

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

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

"Civic Open Space" shall mean areas dedicated to landscaped areas including manicured village greens, forest, wildlife preserves/corridors, conservation areas and greenbelts, community garden plots, recreation areas including but not limited to: swimming pools, tennis courts, playgrounds, ball fields, lawn game fields, gardens, and pedestrian/bicycle trails as set forth in the PUD.

“Developer” means Owner and all successors in title or lessees of the Owner who undertake Development of the Property and are assigned in writing portions of the Development Rights from the Owner.

"Development" means the development of portions of the Property and construction of improvements thereon as contemplated in the Zoning Regulations.

"Development Rights" means the rights of the Owner or Developer accorded by the Zoning Regulations and this Development Agreement**.**

“Facilities” means major capital or community improvements including, but not limited to, transportation, sanitary sewer, solid waste, drainage, electricity and potable water.

“Marina Village” is the area so designated “MV” on the Regulating Plan of the PUD.

“Open Space/Seafood-Fuel Facilities” means the areas designated “COS” on the Regulating Plan of the PUD, to include the existing seafood processing facility and dock system located generally at the west end of 11th Street along Battery Creek that is currently under license to the Town, and the area adjacent thereto containing fuel facilities.

"Owner" means Port Royal Redevelopment Group, LLC.

“PUD Plan” is the Regulating Plan attached to the PUD, as same may be modified by agreement of the Owner and the Town.

“Planned Unit Development” or “PUD Ordinance” means the Planned Unit Development for SC SPA Port of Port Royal Tract, approved by Town of Port Royal, SC on November 9, 2011, attached hereto as part of **Exhibit E.**

“Public Safety Services” shall mean the Town’s Police and Fire services.

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

“The Project” “**PUD,” “Project”** or **“Property”** means the Redevelopment of the South Carolina State Ports Authority Port of Port Royal Tracts as described on Exhibit A, as may be amended with the Agreement of the Town and Owner.

“Town” shall mean Town of Port Royal, South Carolina.

"Zoning Regulations" means the Planned Unit Development for the South Carolina State Ports Authority Port of Port Royal Tracts establishing a planned unit development for the Property, and all the attachments thereto, including but not limited to the PUD Regulating Plan, all narratives, applications, and the site development standards thereof, a copy of which is attached hereto as Exhibit E and made a part hereof, this Development Agreement, and the Town of Port Royal Zoning and Development Ordinances dated January 10, 1979 as amended through the date of this Agreement, except those provisions thereof that are clarified or modified by the PUD and this Agreement, said ordinances being attached hereto as Exhibit C and made a part hereof.

III. TERM.

The term of this Agreement shall commence on the date this Agreement is executed by the Town and terminate five (5) years thereafter; provided however, that the Town, in its sole discretion, may renew or extend the term of this Agreement for such period of time as it may deem appropriate and as is consistent with the Act.

IV. DEVELOPMENT OF THE PROPERTY.

The Property shall be developed in accordance with the Zoning Regulations, the PUD Plan and this Agreement. All costs charged by or to the Town for reviews required by Town Zoning Ordinance shall be paid by the Owner or Developer or other party applying for such review as generally charged throughout the Town for plan review. The Town shall, throughout the Term, maintain or cause to be maintained, a procedure for the processing of reviews as contemplated by the Zoning Regulations and this Agreement.

Owner acknowledges that certain permits may be required prior to the initiation of Development to include permits or authorization from the Town’ planning commission, board of zoning appeals, building code official and design review entity as hereafter established, the

South Carolina Department of Transportation, the Department of Health and Environmental Control and its Office of Coastal Resource Management and the U. S. Army Corps of Engineers. Owner further acknowledges, for itself and its successors in title, that the failure of this listing of permits to be all inclusive does not relieve it or Developers from the necessity of complying with laws or regulations governing permitting requirements, conditions, terms or restrictions.

V. CHANGES TO ZONING REGULATIONS.

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

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

B. The Owner and Developers, and their respective heirs, successors and assigns agree that all Development will be served by potable water and sewer prior to occupancy, except as otherwise provided herein for temporary use, temporary being defined as one year or less. Septic tanks and/or wells may be allowed with the permission of BJWSA where there is a specific finding that such use for specific portions of the Property will comply with the overall environmental standards.

VI. SCHEDULE FOR PROJECT DEVELOPMENT.

The schedule for Project Development is set forth in Exhibit D, incorporated herein by reference. The schedule is a planning and forecasting tool only, and shall not be interpreted as mandating the development pace initially forecasted or from preventing a faster pace if market conditions support a faster pace. In accordance with the Act, the failure of the Owner to meet the commencement or completion dates, with the exception of the defined performance standards relating to improving and conveying the Civic Open Spaces and Seafood –Fuel Facilities as set forth in Section X(E) of this Agreement and the failure to timely pay property taxes in the event a Tax Increment Financing District is established on some or all of the Property, shall not, in and of itself, constitute a material breach of this Agreement, but shall be judged based on the totality of circumstances.

VII. DENSITY.

Mixed use, residential and commercial Development and other uses on the Property shall be allowed at the densities and intensities as set forth in the PUD, to wit:

A. Residential Density. Up to a maximum of 425 residential density units, plus any conversion allowed under the PUD.

B. Commercial Density. Up to a maximum of 35 acres of commercial Development, upon which up to 250 thousand square feet of ground (first) floor commercial density may be located, plus any conversion allowed under the PUD.

Property converted from commercial land to residential land, or vice versa, pursuant to this paragraph shall be subject to the permitted uses, as described in the PUD, Permitted Land Use Matrix. Owner and Developer shall notify the Town of conversions during the prior year during each annual compliance meeting.

VIII. EFFECT OF FUTURE LAWS.

Owner and Developers, with the approval of Owner, shall have vested rights to undertake Development of any or all of the Property in accordance with the Zoning Regulations, as defined herein and modified hereby, and as may be modified in the future pursuant to the terms of this Agreement for the entirety of the Term. Future enactments of, or changes or amendments to the Town ordinances, including zoning or development standards ordinances, which conflict with the Zoning Regulations shall not apply to the Property unless the procedures and provisions of § Section 6-31-80 (B) are followed, which Owner shall have the right to challenge. Notwithstanding the above, the Property will be subject to then current fire safety standards, then current stormwater regulations and state and/or federal environmental guidelines standards of general application.

The parties specifically acknowledge that this Agreement shall not prohibit the application of any present or future building, housing, electrical, plumbing, gas or other standard codes, or any ad valorem tax of general application throughout the Town, found by the Town to be necessary to protect the health, safety and welfare of the citizens of the Town.

IX. INFRASTRUCTURE AND SERVICES

Although the nature of the Project prevents the Owner from providing exact completion dates, the general phases of Construction and Development are set forth in Exhibit D. The Owner certifies that the following services and Facilities will be in place (or if not fully in place, the cost of construction fully bonded or letter of credit posted as approved by the Town) at the times provided herein, and as to roads, sewer, and water infrastructure, at the times lots or dwelling units in subdivided real property or condominium units on recorded master deeds are offered for purchase to the public. Subject to compliance with applicable laws and with all provisions of this Agreement, the Town hereby authorizes the Owner to cause the installation of the Facilities. Notwithstanding any provision herein to the contrary, the Owner hereby assures the Town that adequate Facilities shall be available concurrent with the impacts of Development.

The Town and Owner recognize that the majority of the direct costs associated with the Development of the Property will be borne by the Owner and Developers, and many other necessary services will be provided by other governmental or quasi-governmental entities, and

not by the Town. For clarification, the parties make specific note of and acknowledge the following:

A. Roads. All roads within the Property shall be constructed by the Owner, Developer or other parties and maintained by such party(ies) and/or Association(s), or dedicated for maintenance to other appropriate entities, unless specifically provided otherwise herein. Except as provided in this Agreement, the Town will not be responsible for the construction or maintenance of any roads within the Property, unless the Town specifically agrees to do so in the future. Owner acknowledges that it must comply with all applicable state statutes and rules and regulations of the South Carolina Department of Transportation (SCDOT) or its successors regarding access, use and construction of all roads. Deviations from SCDOT statutes, rules and regulations must be approved in advance by the Town.

B. Public Roads. All public roads outside the Property that serve the Property are under the jurisdiction of the Town of Port Royal regarding access, construction, improvements and maintenance. Owner acknowledges that it must comply with all applicable statues and rules and regulations of the Town or it successors regarding access and use of such public roads. Future public roads may serve the Property. The Town shall be responsible for construction, improvements or maintenance of the public roads which now or hereafter serve the Property, except as set forth in this Agreement or it otherwise agrees, in conformance with SCDOT specifications or as otherwise specified by the Town. If public roads are constructed in the future, with the consent of the Town, at the request of Owner, Owner or an established property owners' association will be responsible for the maintenance of all landscaping. If the Town, through the exercise of its condemnation authority, constructs public roads within the Property in the future, the Owner or an established property owners' association may, at its request, be responsible for the maintenance of all landscaping but shall have no obligation to do so. The Property shall be served by direct access to the existing roads, and the proposed roads or offsite road improvements as shown on the PUD Plan. The Owner shall have the right to design and construct, upon obtaining permits from applicable governmental authorities, roadways designated on the PUD Plan, provided such design is in conformance with and capable of absorbing the traffic loading created by the Property. To the extent that any third party is permitted by the Town to utilize any public road right-of-way within the Property to install underground utilities or other public services within such road right-of-way, then the Town shall require that such party perform such work in a good and workmanlike manner and restore any

damage to the right-of-way and/or landscaping or other improvements in connection therewith promptly. To the extent practical, Owner will utilize construction accesses and temporary construction roads to minimize the use by construction vehicles and construction supply trucks of the public roads to be constructed, to avoid undue wear and tear.

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

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

E. Police Services. Town shall provide police protection services to the Property on the same basis as is provided to other similarly situated residents and businesses in the Town. Owner acknowledges jurisdiction of the Town Police on the Property and shall not interfere or in any way hinder law enforcement activities on the Property.

F. Fire Services. Town shall provide fire protection services to the Property on the same basis as is provided to other similarly situated residents and businesses in the Town. Owner acknowledges the jurisdiction of the Town's fire department on the Property and shall not interfere or in any way hinder public safety activities on the Property.

G. Sanitation Services. The Town will provide sanitation services to the Property on the same basis as is provided to other similarly situated residents and businesses in the Town.

H. Drainage System. All stormwater runoff, treatment and drainage system improvements within the Property will be designed in accordance with the Zoning Regulations and Best Management Practices or as otherwise stipulated in the PUD and agreed upon by the parties pursuant to this Agreement. All stormwater runoff, treatment and drainage system improvements for the Property shall be constructed by Owner. The Town will not be responsible for any construction or maintenance cost associated with the stormwater runoff, treatment and drainage system within the Property.

I. Stormwater Quality. Protection of the quality of nearby waters and wetlands is a primary goal of the Town. The Owner and Developers shall be required to abide by all provisions of federal and state laws and regulations, including those established by the Department of Health and Environmental Control, the Office of Ocean and Coastal Resource Management, future Town Stormwater Management Programs and Regulations as may be dictated by Phase 2 Small MS4 regulations, and their successors, for the handling of storm water. If the Town adopts new Town-wide stormwater ordinances, such ordinances shall apply to all Development permitted after their effective dates. Further provisions regarding stormwater are included within the PUD for this Project.

X. CONVEYANCES AND CONTRIBUTIONS.

The Town and Owner understand and agree that future development of the Property shall result in additional public services being required to be provided by the Town. The Owner may also wish to convey ownership of certain infrastructure to the Town for operation and maintenance. The Town will maintain the full authority to accept or decline conveyance of infrastructure. Conveyances may include roadways, drainage systems, parks, stormwater management systems and waterfront facilities.

A. Full Satisfaction. Except with respect to the dedications and/or conveyances of the properties referred to in Subsection E below, no other dedications or conveyances of lands for public facilities shall be required in connection with the development of the Property.

B. Upland Gross Acres. All conveyances and dedications of lands pursuant to this Agreement shall mean upland gross acres of highlands, net of wetlands.

C. Other Authorities. Nothing in this Agreement shall be construed to prevent the establishment by the Town or other governmental entity, solely or in conjunction with each other, of a Tax Increment, FILOT, Multi-Town Business Park, Municipal Improvement District or other special tax district or financing vehicle authorized by applicable provisions of the Code of Laws of South Carolina (1976) as amended. The Owner and the Town recognize that the subject Property is located in an area of the Town which has a great need for economic growth, expansion of tax base, and creation of jobs, and agree to work together in the future to foster and encourage infrastructure and development to support these goals. The Owner acknowledges the Property is currently located in a Multi-County Business Park.

Upon request of the Owner to establish a Tax Increment Financing and/or a Municipal Improvement District for all or part of the Property subject to this Agreement, the Town agrees to implement such a District, provided it is satisfied with the improvements to be funded thereby and the economic feasibility thereof. The Town has the option, but not the obligation, to assist with the construction of the Park Sites and Pedestrian Waterfront Boardwalk/Promenade/Trail, as more fully defined in Section X (E), with monies generated by a Tax Increment Financing or Municipal Improvement District.

Owner acknowledges that the success of a Tax Increment Financing District is dependent on the timely payment of property tax bills. In the event a Tax Increment Financing District is established on some or all of the Property, the Owner aggress that its failure to timely pay any and all tax bills generated by the property (real or personal) shall constitute a material breach of this Agreement entitling the Town to pursue any and all remedies available to it in such instances and that are consistent with the Act. In addition and at its election, upon a material breach, the Town shall be entitled to revoke building permits and withhold processing Development applications until the breach is cured. For purposes hereof, the timely payment of taxes shall mean the payment of those taxes prior to the date when penalties begin accruing.

D. Town Costs. Owner agrees to pay the reasonable costs and expenses of the Town's consultants and professionals incurred in negotiating, processing and evaluating this Agreement and the accompanying PUD and in forming and implementing any Tax Increment Financing (TIF) or Municipal Improvement District (MID). Town will provide sufficient documentation of these charges. Owner shall pay such fees within 60 days of the delivery of the invoice(s). Owner shall pay an escrow amount to the Town to cover such costs. The initial escrow fee will be Twenty Five Thousand Dollars ($25,000.00) and will be increased as necessary upon request of the Town. Any funds remaining in the escrow fund will be reimbursed to the Owner, without interest, once a final accounting of all DA and PUD and/or TIF or MID costs, as applicable, have been completed. Should an increase in the escrow be necessary, the Town will advise the Owner in writing and will temporarily suspend the Town's work on the project until such time as the increase in escrow is paid to the Town.

E. Civic Open Space/Seafood - Fuel Facilities. The Owner shall convey portions of the Civic Open Space, as established in Exhibit B, to the Town, as hereafter set forth. With the exception of Civic Open Space conveyed to the Town, the Property Owner will at all times reserve to itself, its successors and assigns easements for access and infrastructure purposes (roads, walkways, paths, utility easements and rights of way, etc.) necessary for the Development.

A portion of the Marina Village, as depicted on the Regulating Plan attached hereto as Exhibit B, is now under license to the Town and is utilized as a seafood processing facility. An area adjacent thereto currently houses fuel facilities (herein "Seafood-Fuel Facilities) Owner and Town acknowledge the significant contribution the seafood industry has made to the Lowcountry in general, and the Town in particular, and that the continued presence of the industry in the Town is an important aspect of the Town's heritage and tradition. It is agreed that, within six (6) months of the execution of this Agreement, the Owner and the Town shall consummate a land swap whereby the Owner shall convey to the Town insurable title by special warranty deed and bills of sale, as appropriate, to Seafood-Fuel Facilities, the same being the land and portion of the building now occupied by the Town under a licensee from the SPA and the fixed dock under said license, and the adjacent fuel facilities all as shown on Exhibit F ,and the Town shall convey to the Owner insurable title by special warranty deed to the Town-owned property that abuts the Marina Village portion of the Real Property as shown on the Regulating Plan. The consideration for each transaction will be three ($3.00) dollars. The costs of the transactions shall be the sole responsibility of the Owner, to include, but not limited to, costs of

surveys, title insurance and any improvements as may be necessary to subdivide and secure the property being conveyed to the Town from the property to be retained by the Owner. At the time of conveyance, this Agreement and the PUD shall be amended to: (1) subject the Town-owned property to this Agreement and the provisions of the PUD pertaining to the Marina Village; and (2) delete the Seafood-Fuel Facilities (including docks) being conveyed to the Town from the provisions of this Agreement and the PUD.

Park Sites: The Owner shall improve and transfer to the Town: (1) an approximate 9.80 acre parcel (the "London Avenue Park"); and (2) an approximate 1 acre parcel (the "Paris Avenue Park") (collectively, the "Park Sites"), as shown on the Regulating Plan attached as Exhibit B.

Improvements to the London Avenue Park shall include design and construction of a grading plan that will allow the London Avenue Park to function as an open recreational space. Such improvements will be completed in phases which may include such activities as site grading, filling, construction of sloped banks, retaining walls or revetments to contain fill and define the park boundaries. All fencing and other vertical security structures will be removed and properly disposed of. Existing stockpiled fill material on site will be spread and graded to create a usable surface that meets the elevation requirements noted below. The final grade will be cleaned of any debris or rubble. All disturbed areas will be stabilized with perennial grass. Established final grade shall be a minimum of 6 inches above the level of the highest seasonal high tide elevation and constructed in a manner to allow proper drainage. Remaining areas will be retained for future public recreational use. Electricity, potable water and sewer will be stubbed in and made available in the park.

Improvements to the Paris Avenue Park shall include design and construction of a grading plan that will allow the Paris Avenue Park to function as an open recreational space. Such improvements may include, but not be limited to, grading, filling, construction of retaining walls or revetments to contain fill and define the park boundaries. All fencing and other vertical structures will be removed and properly disposed of. All exposed rubble or other non-native materials along the first 10 feet of shoreline shall be removed from the site. The park will be designed to provide both active and passive recreation, scheduled and unscheduled recreation activities and a social gathering place. Facilities will be pedestrian-oriented and provide visual enhancement, a sense of identity, opportunities for social interactions, enjoyment of outdoor open space and performing and visual arts. Features may include urban style plazas, water features and trail connections, oriented to pedestrian and/or bicycle use. Park architectural

characteristics will reflect the nearby built environment. The park will be designed to have high visibility, easy access, incorporate basic utilities to include bathrooms and potable water, landscaped vegetated areas, ample seating, high quality materials, a focal point or identity, and an inviting and safe atmosphere.

Conveyance of the Park Sites shall be by way of special warranty deeds, which shall convey insurable title to the Town for the consideration of one ($1) Dollar, free and clear of encumbrances, with the exception of those permitted encumbrances mutually agreed upon by the parties. All expenses of transfer, including but not limited to surveys, title insurance and recording costs, shall be the responsibility of the Owner.

Pedestrian Waterfront Boardwalk/Promenade/Trail: The Owner shall improve and convey to the Town by way of a special warranty deed, insurable title to the Pedestrian Waterfront Boardwalk/Promenade/Trail as generally depicted on the Regulating Plan of the PUD.

Improvements to the Pedestrian Waterfront Boardwalk/Promenade/Trail shall be consistent with those set forth in the PUD.

All expenses of improvements and transfer, including but not limited to surveys, title insurance and recording costs, shall be the responsibility of the Developer.

The Park Sites and the Pedestrian Waterfront Boardwalk/Promenade/Trail shall be improved and conveyed to the Town no later than the third anniversary of the execution of this Agreement. The failure to timely complete and convey the Park Sites and Pedestrian Waterfront Boardwalk/Promenade/Trail shall constitute a material breach of this Agreement, entitling the Town to pursue any and all remedies available to it in such instances and that are consistent with the Act. In addition, upon a material breach, the Town shall be entitled to revoke building permits and withhold the processing of any Development applications pending Owner's compliance with the provisions hereof. Nothing herein shall be construed to prevent the Town from modifying the timing of the improvements and conveyances on such terms and with such conditions as it may deem appropriate.

As to the Additional Open Space required per Sec. 3.4 of the PUD, the Town shall have the option, but not the obligation, to accept title to that acreage. The owner of the acreage or any portion thereof shall notify the Town when the improvements to such acreage or portion, as applicable, are substantially completed. The Town shall provide notice of its intent to accept title within 45 days of its receiving written notice from the owner that the improvements to the

acreage or such applicable portion thereof have been substantially completed. In the event the Town elects to accept title, written notice shall be given to the owner thereof and conveyance to the Town by special warranty deed of insurable title to such acreage shall be consummated within 45 days of the Town's notice of election to accept title. All expenses of conveyance, including but not limited to surveys, title insurance and recording costs shall be the responsibility of the transferor.

F. Existing Drystack Facility – Prior to the expiration of the initial Term of this Agreement, the drystack marina building on the Property shall be aesthetically improved so that the exterior appearance of the building adheres to design guidelines of the Town's Traditional Overlay District. All such improvements are subject to review and approval of PRDRS, as defined hereafter. In the event the use of the building as a drystack facility is abandoned at any time during the Term of this Agreement, as the same may be modified or extended, the building will be removed from the Property within thirty (30) days of notice from the Town to remove the building**.** For purposes hereof, "abandoned" is defined in Sec. 3.3.1 of the PUD.

XI. PERMITTING PROCEDURES.

A. The Town agrees that the Owner and/or any Developer is not required to phase development but shall have the right to do so.

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

C. Signage for the Project is governed by the provisions of the PUD, attached as Exhibit E, for this Project.

D. The Town will maintain full authority over all architectural reviews associated with the Project. The Town may employ, at its sole discretion, the services of outside professionals for assisting the Town with architectural reviews. The Owner agrees to reimburse the Town for all outside professional services costs associated with such outside professional services.

Owner shall pay such fees within 30 days of the delivery of an invoice from the Town as more fully set forth in Subsection E, below.

E. Design Review Fee: Development plans for the Real Property shall be reviewed by the Town planner, building codes staff and other retained design professionals, to include an architect and engineer (the "Port Redevelopment Design Review Staff" or "PRDRS"). In addition to fees charged town-wide for Development Permits, a Property Owner shall be required to pay a Port Redevelopment Design Review Staff fee, said fee for each Development Permit application being an amount equal the actual costs incurred by the Town for the services of retained design professionals per Development application..

The Port Redevelopment Design Review Fee shall be due and payable upon receipt of an invoice from the Town. A late fee of 1% per month shall be added to Fees not paid within thirty (30) days of invoice. No building permit shall be issued for a Development Permit application until the fee has been fully paid.

F. The Town agrees: (i) to allow plat recording at any time with a bond in the amount of one hundred twenty-five percent (125%) of the Owner's or Developer's engineer's estimated cost of completion of the infrastructure development, that has been reviewed and approved by the Town; and (ii) to issue building permits and permit sale of lots prior to completion of such bonded infrastructure, in accordance with the Town Regulations for this Property.

G. The Town agrees the Property shall be governed by Zoning Regulations. If future regulations are more desirable to Owner, then Owner may elect to have such regulations become applicable to any portion of the Project that Owner designates.

H. The Town agrees that the Property is approved and fully vested for intensity, density, uses and height, and shall not have any obligations for on or off site transportation or other facilities or improvements other than as specifically provided in this Agreement. All Development but must adhere to the then current PUD Plan and subdivision plat and development plan procedural guidelines. The Town may not impose additional development obligations or regulations in connection with development of the Property, except in accordance with the procedures and provisions of § 6-31-80 (B) of the Act, which the Owner shall have the right to challenge.

I. Roadways may utilize swale drainage systems and are not required to have raised curb and gutter systems, provided that pedestrian and non-vehicular pathways or sidewalks as required by Article 5.0 of the PUD are provided to achieve interconnectivity between interior subdivisions, commercial or institutional areas and public gathering areas. Roadway cross sections utilizing swale drainage will be designed, constructed and maintained to meet BMP standards as stipulated by the Town for stormwater quality. Roadway cross sections will be reviewed at time of proposed construction of such roadway based upon engineering and planning standards consistent with the PUD Plan prepared by Owner or Developer, subject to the approval of the Town Planning Administrator.

J. All other plan review fees, except as noted in Item E above, shall be consistent with the fees charged generally in the Town.

XII. DEVELOPER ENTITLEMENTS.

Town acknowledges that Developer is vested with the following items:

A. The Town will, to the extent available, promote public transportation which exists within the Town to service the Property.

B. The Town agrees that, upon the request of the Owner, the Town will grant easements within public rights-of-way to utility providers which provide service within the Property.

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

D. Sidewalks will be required within the Property as set forth in the PUD. .

E. On-site burning will not be permitted within the Property.

F. The Town agrees to cooperate with the Owner and each Developer with roadway permitting in connection with the Development of portions of the Property.

G. Town services, including, but not limited to, police, fire, sanitation, recreational parks and other governmental services shall be supplied to the Property in the same manner and to the same extent as provided to other properties within the Town.

XIII. PERIODIC REVIEW.

The Planning/Zoning Administrator of the Town shall review the Project and this Agreement at least once every twelve (12) months, at which time the Owner shall demonstrate good-faith compliance with the terms of this Agreement. If, as a result of its periodic review or at any other time, the Town finds and determines that the Owner has committed a material breach of the terms or conditions of this Agreement, the Town shall serve notice in writing upon the Owner setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the Owner a reasonable time in which to cure the material breach.

If the Owner fails to cure any material breach within the time given, then the Town unilaterally may terminate or modify this Agreement; provided, that the Town has first given the Property Owner the opportunity: (1) to rebut the Town's finding and determination; or (2) to consent to amend this Agreement to meet the concerns of the Town with respect to the findings and determinations.

XIV. DEFAULTS.

The failure of the Owner, Developer or the Town to comply with the terms of this Agreement not cured within fifteen (15) days after written notice from the non-defaulting party to the defaulting party (as such time period may be extended with regard to non-monetary breaches or a reasonable period of time based on the circumstances, provided such defaulting party commences to cure such breach within such fifteen (15) day period and is proceeding diligently and expeditiously to complete such cure) shall constitute a default, entitling the non-defaulting party to pursue such remedies as deemed appropriate, including specific performance; provided however no termination of this Agreement may be declared by the Town absent its according the Owner and any relevant Developer the notice, hearing and opportunity to cure in accordance with the Act; and provided any such termination shall be limited to the portion of the Property in default, and provided further that nothing herein shall be deemed or

construed to preclude the Town or its designee from issuing stop work orders or voiding permits issued for Development when such Development contravenes the provisions of the Zoning Regulations or this Agreement. A default of the Owner, with the exception of a default under Section X (E) and (F) of this Agreement, shall not constitute a default by Developers, and default by Developers shall not constitute a default by the Owner. The parties acknowledge that individual residents and owners of completed buildings within the Project shall not be obligated for the obligations of the Owner or Developer set forth in this Agreement.

XV. MODIFICATION OF AGREEMENT.

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

Notwithstanding the foregoing, this Agreement may be modified or amended as to a portion of the Property y by the written agreement of the Town and the then owner of said portion of the Property. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate, or effect an abandonment of this Agreement in whole or in part unless such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

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

Because this Agreement constitutes the plan for a certain planned unit development under the zoning ordinance, minor modifications to a site plan or to development provisions may be made without a public hearing or amendment to applicable ordinances. Any requirement of this Agreement requiring consent or approval of one of the Parties shall not require amendment of this Agreement unless the text expressly requires amendment, and such approval or consent

shall be in writing and signed by the affected parties. Wherever said consent or approval is required, the same shall not be unreasonably withheld.

XVI. NOTICES.

Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals or communications to the Town shall be addressed to the Town at:

To the Town: Van Willis
Town Manager
P O Drawer 9
Port Royal, SC 29935

With copies to: Linda Bridges
Planning Administrator
P O Drawer 9
Port Royal, SC 29935

And to the Owner at: Port Royal Redevelopment Group LLC.
P O Drawer 800
Port Royal, SC 2995

XVII. ENFORCEMENT.

Any party hereto shall have the right to enforce the terms, provisions and conditions of this Agreement (if not cured within the applicable cure period) by any remedies available at law or in equity, including specific performance, and the right to recover reasonable attorney's fees and costs associated with said enforcement.

XVIII. GENERAL.

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

B. Estoppel Certificate. Upon request in writing from an assignee or the Owner to the Town sent by certified or registered mail or publicly licensed message carrier, return receipt requested, the Town will provide a certificate in recordable form that solely with respect to the portion of the Property described in the request, there are no known violations or breaches of this Agreement, except as otherwise described in the Certificate. The Town will respond to such a request within thirty (30) days of the receipt of the request, and may employ such professional consultants, state agencies and staff as may be necessary to assure the truth and completeness of the statements in the certificate. The reasonable costs and disbursements of private consultants will be paid by the person making the request.

The certificate issued by the Town will be binding on the Town in accordance with the facts and statements contained therein as of its date and may be relied upon by all persons having notice thereof. No claim or action to enforce compliance with this Agreement may be brought against the Owner or its assignees properly holding rights

hereunder, alleging any violation of the terms and covenants affecting such portion of the Real Property except as otherwise described in the Certificate.

If the Town does not respond to such request within thirty (30) days of the time of its receipt, the portion of the Property described in the request will be deemed in compliance with all of the covenants and terms of this Agreement. A certificate of such conclusion may be recorded by the Owner, including a copy of the request and the notice of receipt and it shall be binding on the Town as of its date. Such notice shall have the same effect as a Certificate issued by the Town under this Section.

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

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

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

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

G. Assignment. Subject to the notification provisions hereof, Owner may assign its rights and obligations hereunder to a subsidiary or sister company or Developers; provided however, the duties and obligations of the Owner to improve and convey the Civic Open Space /Seafood - Fuel Facilities (to include the Park Sites and Pedestrian Waterfront Boardwalk/Promenade/Trail) as described herein are not assignable without the express, written consent of the Town.

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

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

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

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

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

M. Statement of Required Provisions: In accordance with § 6-31-60 of the Act, the following findings are made:

1. Legal Description of Property Subject to this Agreement: See Exhibit A .

2. Duration of this Agreement: five (5) years.

3. Development uses permitted and estimated population densities, densities and building intensities and height: See PUD and Section VI of this Agreement.

4. Public Facilities to serve the Property/Service Providers/Timing of Facilities: See Section IX of this Agreement.

5. Public land dedications: See Section X of this Agreement.

6. Local Development Permits required: See Section IV of this Agreement.

7. Town Council hereby finds that the development permitted or proposed on the Property is consistent with the Town's comprehensive plan and land development regulations.

8. The terms of this Agreement embody those conditions, terms, restrictions and other requirements deemed necessary by the Town for the public, health, safety and welfare of its citizens.

9. The Property contains no known historic structures.

N. Effective Date Contingency

Notwithstanding anything herein to the contrary, this Agreement shall not become effective until the Development Agreement between the Town and the South Carolina State Ports Authority recorded in the Beaufort County Office of Deeds in Book 2480, at Page 770, as the same has been amended, is cancelled or expires.

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[SEPARATE SIGNATURE PAGE ATTACHED]

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

WITNESSES: (The Project)

_____ By:_____

_____ Its: Manager

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
TOWN PORT ROYAL)

I HEREBY CERTIFY, that on this ____ day of _____, 20__. before me, the undersigned Notary Public of the State and Town aforesaid, personally appeared the duly authorized official of (The Project)., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

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

_____
Notary Public for South Carolina

My Commission Expires: _____

WITNESSES:

TOWN OF PORT ROYAL, SOUTH CAROLINA

_____

By:_____

_____

Its:_____

STATE OF SOUTH CAROLINA.)
) ACKNOWLEDGMENT
TOWN OF PORT ROYAL)

I HEREBY CERTIFY, that on this ____ day of _____, 20__. before me, the undersigned Notary Public of the State and Town aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, as the appropriate officials of Town Of Port Royal, South Carolina, who acknowledged the due execution of the foregoing document.

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

_____
Notary Public for South Carolina
My Commission Expires: _____

EXHIBIT A

TO DEVELOPMENT AGREEMENT

PROPERTY DESCRIPTION OF PORT PROPERTY

PROPERTY DESCRIPTION

ALL those certain pieces, parcels or lots of land, situate, lying and being in the Town of Port Royal, County of Beaufort, South Carolina, containing approximately **FIFTY TWO (52) ACRES**, more or less, and described as BLOCKS ONE HUNDRED ELEVEN (111), ONE HUNDRED TWENTY SEVEN (127), ONE HUNDRED TWENTY EIGHT (128), ONE HUNDRED FORTY FIVE (145), ONE HUNDRED FORTY SIX (146), ONE HUNDRED SIXTY THREE (163), ONE HUNDRED SIXTY FOUR (164), ONE HUNDRED SIXTY FIVE (165), ONE HUNDRED EIGHTY FOUR (184), TWO HUNDRED TWENTY EIGHT (228), TWO HUNDRED FIFTY (250), and also a portion of BLOCKS EIGHTY FIVE (85), EIGHTY SIX (86), NINETY SEVEN (97), NINETY EIGHT (98), ONE HUNDRED TWELVE (112), ONE HUNDRED THIRTEEN (113), ONE HUNDRED TWENTY NINE (129), ONE HUNDRED FORTY FOUR (144), ONE HUNDRED FORTY SEVEN (147), ONE HUNDRED SIXTY TWO (162), ONE HUNDRED EIGHTY THREE (183), ONE HUNDRED EIGHTY FIVE (185), TWO HUNDRED FOUR (204), TWO HUNDRED FIVE (205), TWO HUNDRED SIX (206), TWO HUNDRED TWENTY SEVEN (227), TWO HUNDRED FORTY NINE (249), TWO HUNDRED SEVENTY THREE (273), TWO HUNDRED NINETY FIVE (295), THREE HUNDRED EIGHTEEN (318) AND THREE HUNDRED FORTY ONE (341), as shown on a plat prepared for Royal Gardens, Inc., by Tomlinson Engineering Company, dated November 1939, which said plat is duly recorded in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina, in Plat Book 5, at Page 32.

AND ALSO, all of grantor's right, title and interest in and to ELEVENTH (11th), TWELFTH (12TH), THIRTEENTH (13th), FOURTEENTH (14th), FIFTEENTH (15th), SIXTEENTH (16th), SEVENTEENTH (17th), EIGHTEENTH (18th), NINETEENTH (19th), TWENTIETH (20th), TWENTY-FIRST (21st), TWENTY-SECOND (22nd), TWENTY-THIRD (23rd), and TWENTY-FOURTH (24th) Streets West of Twelfth Avenue, and THIRTEENTH (13th), FOURTEENTH (14th), FIFTEENTH (15th), SIXTEENTH (16th), and SEVENTEENTH (17th) Avenues, as shown on the Plat hereinabove described.

The property hereinabove described consists of all remaining land below mean high water owned by Hood-Dowling Partnership in the Town of Port Royal, South Carolina, this being a part of the property heretofore conveyed to Hood-Dowling Partnership by C.G. Dowling, Ada Lee Hood and Joab M. Dowling on the 20th day of October, 1975, which said conveyance is duly recorded in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina, in Deed Book 232, at Page 1165.

BEING the same property heretofore conveyed to the South Carolina State Ports Authority by deed of Hood-Dowling Partnership dated December 19, 1991, recorded January 8, 1992, in Book 590 at page 817, Office of the Register of Mesne Conveyances for Beaufort County.

TMS No: 110-10-00-202

ALSO

ALL those certain pieces, parcels or lots of land, situate, lying and being in the Town of Port Royal, County of Beaufort, South Carolina, containing approximately **EIGHTY-FOUR (84) ACRES**, more or less, described on Beaufort County Tax Map 11, District 110, as a portion of Parcel 249. Said property being further described as BLOCKS FORTY-SEVEN (47), FORTY-EIGHT (48), FORTY-NINE (49), FIFTY (50), FIFTY-SIX (56), FIFTY-SEVEN (57), FIFTY-EIGHT (58), FIFTY-NINE (59), SIXTY-SIX (66), SIXTY-SEVEN (67), SIXTY-EIGHT (68), SIXTY-NINE (69), SEVENTY-SEVEN (77), SEVENTY-EIGHT (78), SEVENTY-NINE (79), EIGHTY-NINE (89), NINETY (90), NINETY-ONE (91), ONE HUNDRED ONE (101), ONE HUNDRED TWO (102), ONE HUNDRED THREE (103), ONE HUNDRED SIXTEEN (116), ONE HUNDRED SEVENTEEN (117), ONE HUNDRED THIRTY-THREE (133), ONE HUNDRED FIFTY-ONE (151), ONE HUNDRED SEVENTY (170), ONE HUNDRED SEVENTY–ONE (171), ONE HUNDRED NINETY-ONE (191); AND ALSO, a portion of BLOCK FIFTY-ONE (51), FIFTY-FIVE (55), SIXTY (60), SIXTY-FIVE(65), SEVENTY (70), SEVENTY-SIX (76), EIGHTY (80), EIGHTY-EIGHT (88), NINETY-TWO (92), ONE HUNDRED (100), ONE HUNDRED FOUR (104), ONE HUNDRED FIVE (105), ONE HUNDRED FIFTEEN (115), ONE HUNDRED EIGHTEEN (118), ONE HUNDRED THIRTY-TWO (132), ONE HUNDRED THIRTY-FOUR (134), ONE HUNDRED FIFTY (150), ONE HUNDRED FIFTY-TWO (152), all of which is more accurately shown on a plat prepared for Royal Gardens, Inc., by Tomlinson Engineering Company, dated November, 1939, which said plat is duly recorded in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina, in Plat Book 5, at Page 32.

AND ALSO all of its right, title and interest in any and all city streets situate north of Eighth Street and East of London Avenue (9th Avenue), as shown on the Plat hereinabove described.

The property hereinabove described consists of all land owned by Hood-Dowling Partnership in the Town of Port Royal, South Carolina, which is situate North of Eight (8th) Street and East of London (9th) Avenue, and being a part of the property heretofore conveyed to Hood-Dowling Partnership by G.G. Dowling, Ada Lee Hood and Joab M. Dowling on the 20th day of October, 1975, which said conveyance is duly recorded in the Office of the Register of Mesne Conveyance for Beaufort County in Deed Book 232, at Page 1165.

LESS AND EXCEPTING from the foregoing Blocks 8,9,13, 14 & 20 conveyed to the Town of Port Royal (the "Sands") in Deed Book 601 at Page 1693 and the Sands Beach Road conveyed to the Town of Port Royal in Deed Book 958 at page 1670, Office of the RMC for Beaufort County. Sands Beach Road commences at its intersection of London Avenue and 7th Street, thence running easterly and southerly and terminating at Battery Creek.

BEING the same property conveyed to the South Carolina State Ports Authority by deed of Hood-Dowling Partnership dated December 13, 1990, recorded January 8, 1991, in Deed Book 568 at Page 853, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 249

ALSO

ALL that certain lot, piece or parcel of land, situate, lying and being in the City of Port Royal, in the County of Beaufort, and State of South Carolina, known and designated on the plat of the Town of Port Royal as **Lot 16, in Block 36**, of said Town of Port Royal, and bounded on the North by Lot 36, now or formerly owned by Masonic Lodge, and measuring thereon twenty-five (25') feet; on the East by Lot 15, now or formerly owned by Edwin W. Pike, Jr., C.G. Goodwin and W.M. Hodge, measuring thereon One Hundred (100') feet; on the South by Sixth Street, and measuring thereon Twenty-Five (25') feet; and on the West by Lot 17 and measuring thereon One Hundred (100') feet.

The property intended to be conveyed herein is the same property conveyed to the Port Royal Clay Co., Inc., by deed of James C. Sander dated June 27, 1974, and recorded in the Office of the Clerk of Court for Beaufort County in Book 221 at Page 1875.

BEING a portion of the property conveyed to the South Carolina State Ports Authority under Order Disbursing Funds and Final Judgment recorded July 31, 1991, in Deed Book 579 at Page 1553, Office of the Clerk of Court for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 77

ALSO

ALL those certain pieces, parcel or lots of land, situate, lying and being in the Town of Port Royal, County of Beaufort, South Carolina, shown and described as **Lots 17, 18, 19 and 20 in Block 36** according to a Plat prepared for Royal Gardens, Inc., which said plat is recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Plat Book 5 at Page 4.

The property intended to be conveyed herein is the same property conveyed to the Port Royal Clay Co. Inc., by deed of William J. Schaefer, Catherine S. Smith and Mary Schaefer Billiter dated August 29, 1968, and recorded in the Office of the Clerk of Court for Beaufort County in Book 156 at Page 263.

BEING a portion of the property conveyed to the South Carolina State Ports Authority under Order Disbursing Funds and Final Judgment recorded July 31, 1991, in Deed Book 579 at Page 1553, Office of the Clerk of Court for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 83

ALSO

BEGIN at an iron in pin the West line of London Avenue (80-foot R/W) located S 01 degrees 15' W 95.50 feet from the intersection of said West line with the South line of 6th Street (66-foot R/W); thence S 01 degrees 15' W along said West line 325.10 feet to an iron pin; thence along a curve to the right, through a tangent bearing N 56 degrees 31' W, said curve having a central angle of 37 degrees 57', a radius of 537.20 feet to an arc distance of 339.16 feet to an iron pin; thence N 34 degrees 00' E 276.48 feet to an iron pin; thence S 56 degrees 00' E 158.90 feet to the Point of Beginning; ALSO

Commence at the Point of Beginning of the above described parcel of land and run S 56 degrees 00' E 91.50 feet more or less, to an iron pin in the East line of London Avenue and the Point of Beginning of the hereinafter described parcel of land; from the Point of Beginning thus described continue S 56 degrees 00' E 346.00 feet to an iron pin; thence S 34 degrees 00' W 400.00 feet; thence N 59 degrees 45' W 85.30 feet to said East line of London Avenue; thence N 01 degrees 15' E along said East line 482.24 feet to the Point of Beginning; ALSO

Commence at the Point of Beginning of the last described parcel of land and run S 56 degrees 00' E 346.00 feet; S 34 degrees 00' W 400.00 feet and N 59 degrees 45' W 176.8 feet to the Point of Beginning of the hereinafter described parcel of land; from the Point of Beginning thus described continue N 59 degrees 45' W 331.20 feet; thence N 36 degrees 21' W 46.80 feet; thence N 51 degrees 24' E, 50.00 feet; thence N 36 degrees 51' W, 67.70 feet; thence N 34 degrees 00' E, 36.00 feet; thence along a curve to the left through a tangent bearing S 57 degrees 10' E, said curve having a central angle of 37 degrees 57', a radius of 537.20 feet, for an arc distance of 362.34 feet to an iron pin in said West line of London Avenue; thence S 01 degrees 15' W along said West line 128.72 feet to the Point of Beginning.

SAID premises or land together containing **4.429 acres**, more or less, and being shown on print of survey prepared by Richard Haddock dated April 15, 1980, which is recorded in Plat Book 29 at Page 109, Clerk of Court for Beaufort County. **RESERVING**, however, unto Seaboard Coast Line Railroad Company a right of way and easement of sufficient width for the operation over and the maintenance of its TRACK NO. 2 as now located over a portion of the above described land.

This is the same property conveyed to Frank K. Peeples by deed dated December 16, 1980, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Book 320 at Page 1883.

SAVING AND EXCEPTING the following described property which was previously conveyed to the South Carolina State Ports Authority by deed dated June 27, 1983, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book 372 at Page 491, to-wit:

ALL that certain tract of land lying in the Town of Port Royal and being a **portion of a 0.818 acre** parcel owned by Frank K. Peeples more particularly described as follows: Commencing at the Southwest corner of the intersection of 6th Street and London Avenue; thence along the western right-of-way of London Avenue, S 1 degree 15' W, 95.50' to a point; thence S 34 degrees 00' W, 400' to a point; thence N 59 degrees 45' W, 508' to a point; thence N 36 degrees 21' W, a distance of 16.79' to a point, said point being the point of beginning; thence N 36 degrees 21' W, 30.01' to a point; thence N 51 degrees 24' E, 50' to a point; thence N 36 degrees 51' W, 67.7' to a point; thence N 34 degrees 00' E, 36.0' to a point; thence along a curve to the right on a radius of 554.7' a distance of 109.15' to a point; thence S 51 degrees 24' W, 98.54' to the point of beginning. Said property being bounded on the North by lands of South Carolina State Ports Authority; on the East by an unnamed street; on the South by other lands of Frank K. Peeples; and on the West by lands of South Carolina State Ports Authority; all of which will be more fully shown on a plat of said property prepared by Barrett Land Surveying, Inc., dated June 22, 1983, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Plat Book 31 at Page 131.

BEING a portion of the property conveyed to the South Carolina State Ports Authority under Order Disbursing Funds and Final Judgment recorded July 31, 1991, in Deed Book 579 at Page 1553, Office of the Clerk of Court for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 84

ALSO

Beginning at a point in the property line between property of the Frank K. Peeples herein and property of the South Carolina State Ports Authority, said point being 27.2 feet southwest of the northeast corner of the property of said Ports Authority; running thence South 50' degrees 51' West, 124.13 feet; thence South 50 degrees 09' West, 80 feet to a point in the northeast harbor line of Battery Creek; thence northwardly along said harbor line to a point in a line bearing North 38 degrees 27' 50" West a distance of 594.63 feet from the point in said harbor line described in the preceding course; thence North 51 degrees 07' East, 219 feet; thence South 38 degrees 53' East, 715 feet to the point of beginning; containing **3.45 Acres**, more or less, and being shown

outlined in yellow on print of survey by Neils Christensen and Associates dated July 10, 1970, which print is attached hereto and made a part hereof; **TOGETHER WITH** all the riparian rights adjoining said property on Battery Creek; **RESERVING**, however, to the Seaboard Coast Line Railroad Company herein an easement for rights of way, 16 feet in width, i.e, 8 feet wide on each side of the center lines of the two tracks located on said land, as shown on said print. Plat recorded in Book 18 at Page 207.

This is the same property conveyed to Frank K. Peeples by deed dated January 27, 1971, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book 184 at Page 49.

SAVING AND EXCEPTING the following described property which was previously conveyed to the South Carolina State Ports Authority by deed dated June 13, 1983, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book 372 at Page 488, to-wit:

ALL that certain tract of land lying in the Town of Port Royal and being a portion of Parcel 1, as shown on a plat by Neils Christensen recorded in Plat Book 18 at Page 207, being more particularly described as follows: Commencing at a point where Frank K. Peeples' property intersects the property of the South Carolina State Ports Authority 27.2' Southwest of the northeast corner of the property of said Ports Authority; thence S 50 degrees 09' W 93.3' to a point; said point being the point of beginning; thence S 50 degrees 09' W, 48.0' to a point; thence N 39 degrees 51' W, 21.0' to a point; thence N 73 degrees 46' __" E 52.39' to the point of beginning. Said property is triangular in shape and is bounded on the North by other lands of Frank K. Peeples and on the East, South and West by lands of the South Carolina State Ports Authority, all of which will be more fully shown on a plat of said property, prepared by Barrett Land Surveying, Inc., dated June 2, 1983, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Plat Book 31 at Page 128.

BEING a portion of the property conveyed to the South Carolina State Ports Authority under Order Disbursing Funds and Final Judgment recorded July 31, 1991, in Deed Book 579 at Page 1553, Office of the Clerk of Court for Beaufort County.

TMS No: DISTRICT 10, MAP 10, PARCEL 182-C

ALSO

ALL that certain tract of land lying in the Town of Port Royal and being a **portion of a 0.818 acre** parcel owned by Frank K. Peeples more particularly described as follows: Commencing at the Southwest corner of the intersection of 6th Street and London Avenue; thence along the western right-of-way of London Avenue, S 1 degree 15' W, 95.50 feet to a point; thence S 56 degrees 00' E, 437.50 feet to a point; thence S 34 degrees 00' W, 400 feet to a point; thence N 59 degrees 45' W, 508 feet to a point; thence N 36 degrees 21' W, a distance of 16.79 feet to a point, said point being the point of beginning: thence N 36 degrees 21' W, 30.01 feet to a point; thence N 51 degrees 24' E, 50 feet to a point; thence N 36 degrees 51' W, 67.7 feet to a point; thence N 34 degrees 00' E, 36.0 feet to a point; thence along a curve to the right on a radius of 554.7' a distance of 109.15' to a point; thence S 51 degrees 24' W, 98.54' to the point of beginning. Said property being bounded on the North by lands of South Carolina State Ports Authority; on the East by an unnamed street; on the South by other lands of Frank K. Peeples; and on the West by lands of South Carolina State Ports Authority; all of which will be more fully shown on a plat of said property, prepared by Barrett Land Surveying, Inc., dated June 22,1983, and recorded in the Office of the Clerk of court for Beaufort County, South Carolina, in Plat Book 31 at Page 131.

The property herein conveyed is a portion of that tract of real property acquired by Frank K. Peeples by deed dated December 16, 1980, recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Deed Book 320 at page 1803.

BEING the same property conveyed to the South Carolina State Ports Authority by Quit Claim Deed of Frank K. Peeples dated June 27, 1983, recorded June 28, 1983, in Deed Book 372 at page 491, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 84-B

ALSO

ALL that certain tract or parcel of land, situate, lying and being at Port Royal, County of Beaufort, State of South Carolina, and described as follows: BEGINNING at the northeast corner of Block No. 29 said corner being the point of intersection of the west line of 9th Avenue and the south line of 6th Street and running thence westwardly along the south line of 6th Street and a prolongation thereof 549.5 feet; thence southwestwardly, making an angle of 39 degrees 51' to the left from the preceding course, 6.5 feet to a Located Point of Beginning; running thence southeastwardly, making an angle of 88 degrees 15' to the left from a prolongation of the preceding course, 450 feet; thence southwestwardly, making an interior angle of 91 degrees 45' from the preceding course, 282 feet, more or less, to the harbor line on the northeastern side of Battery Creek; thence northwestwardly, at right angles from the preceding course and along said harbor line, 570 feet; thence northeastwardly, at right angles from the preceding course, 125 feet; thence southeastwardly, at right angles from the preceding course, 120 feet; thence northeastwardly, at right angles from the preceding course, 170 feet to the Located Point of Beginning; containing **3.32 Acres, more or less**, as shown outlined in yellow on the white print attached to deed recorded in Book 84 at Page 250, Office of the RMC for Beaufort County.

BEING the same property conveyed to the South Carolina State Ports Authority by deed of the Charleston & Western Carolina Railway Company and by the Town Council of the Town of Port Royal, by Resolution attached to said deed, dated March 14, 1957, recorded March 29, 1957 in Deed Book 84 at Page 250, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 084-A

ALSO

ALL that certain piece, parcel or lot of land, situate, lying and being in Lot 63, Town of Port Royal, Beaufort County, South Carolina, containing **.137 acre**, more or less, being bounded on the North by 10th Street, on the West by the right-of-way of that property owned by Port Royal Railroad (South Carolina State Ports Authority), on the South by the marshes of Battery Creek; all as shown on that plat prepared by R.D.Trogdon, Jr., R.L.S., dated December 14, 1987, and recorded in the Office of the RMC for Beaufort County, South Carolina, in Plat Book 42 at Page 192.

This is the same property conveyed to Battery Creek Seafood, Ltd., by deed of David K. Bogan dated March 2, 1988, and recorded in the Office of the RMC for Beaufort County, South Carolina in Deed Book 497 at Page 929.

ALSO

All of that piece, parcel or strip of land located to the South of the above described .137 acre, to the West of the Port Royal Railroad right-of-way and to the North of that property owned by the South Carolina State Ports Authority, which property appears to be located in Blocks 63 and 54, Town of Port Royal, and includes any and all property, whether high ground or below mean high water.

This is the same property conveyed to Battery Creek Seafood, Ltd., by deed of James M. Gray dated June 8, 1988, recorded in the Office of the RMC for Beaufort County, South Carolina, in Deed Book 503 at Page 1208.

Both of the foregoing parcels **BEING** the same property conveyed to the South Carolina State Ports Authority by deed of Battery Creek Seafood, Ltd., dated January 16, 1992, and recorded January 22, 1992, in Deed Book 591 at Page 714, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 10, PARCEL 79-A

ALSO

All that certain tract of land, lying in the Town of Port Royal and being a portion of **Parcel 1**, as shown on a plat by Neils Christensen recorded in Plat Book 18, Page 207, being more particularly described as follows: Commencing at a point where Frank K. Peeples' property intersects the property of the South Carolina State Ports Authority 27.2' southwest of the northeast corner of the property of said Ports Authority; thence S 50 degrees 09' W, 93.3' to a point; said point being the point of beginning; thence S 50 degrees 09' W 48.0' to a point; thence N 39 degrees 51' W, 21.0' to a point; thence N 73 degrees 46' 46" E, 52.39' to the point of beginning. Said property is triangular in shape and is bounded on the North by other lands of Frank K. Peeples and on the East, South and West by lands of the South Carolina State Ports Authority, all of which will be more fully shown on a plat of said property, prepared by Barrett Land Surveying, Inc., dated June 2, 1983 and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Plat Book 31 at Page 128.

The property herein conveyed is a portion of that tract of real property acquired by Frank K. Peeples by deed dated January 27, 1971, recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Deed Book 184 at Page 49.

BEING the same property conveyed to the South Carolina State Ports Authority by deed of Frank K. Peeples dated June 13, 1983, recorded June 28, 1983 in Deed Book 372 at Page 488, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 10, PARCEL 182-E

ALSO

ALL that certain piece, parcel or lot of land, situate, lying and being in the Town of Port Royal, County of Beaufort, State of South Carolina, being shown and designated as **PARCEL "A"** on that plat prepared for David W. Harden and Elisabeth S. Harden by David E. Gasque, R.L.S., dated June 2, 2000, which was recorded August 28, 2000, in Plat Book 75 at Page 165, in the Office of the Register of Deeds for Beaufort County, SC. The said PARCEL "A" contains 0.09 acre, more or less. For a more complete description of said PARCEL "A", reference may be had to the Exhibit attached to instrument in Deed Book 1355, at page 2322, said Office of the Register of Deeds, providing a metes and bounds description of said PARCEL "A."

SUBJECT TO the Right of First Refusal granted by the South Carolina State Ports Authority to David W. Harden and Elisabeth S. Harden in Title to Real Estate dated November 14, 2000, recorded November 21, 2000 in Deed book 1355 at Page 2326, Office of the Register of Deeds for Beaufort County.

BEING the same property conveyed to the South Carolina State Ports Authority by deed of David W. Harden and Elisabeth S. Harden dated November 14, 2000, and recorded November 21, 2000, in Deed Book 1355 at Page 2322, Office of the Register of Deeds for Beaufort County.

TMS No: DISTRICT 110, MAP 10, PARCEL 282

ALSO

ALL those certain pieces, parcels or lots of land, with improvements thereon, situate, lying and being in the Town of Port Royal, Beaufort County, South Carolina, being designated on a plat prepared about 1870 by Edgar G. Nichols, recorded with the Office of the RMC for Beaufort County, South Carolina, being designated as **Lots Fourteen (14) and Fifteen (15), Block Thirty-Six (36)**.

This is a portion of the property vested in W.M. Hodge by virtue of the deed of Gresham F. Chiles dated April 29, 1959, recorded in the Office of the RMC for Beaufort County in Deed Book 96 at Page 175. W.M. Hodge thereafter conveyed a two-thirds undivided interest in said real property into C.C. Goodwin and Edwin W. Pike, Jr., by deed dated January 2, 1961, recorded in Deed Book 104 at Page 306. W.M. Hodge died testate on August 8, 1987 (see Beaufort County Probate Court File #88-96), vesting his personal representatives with the authority to sell any real property.

BEING the same premises conveyed to the South Carolina State Ports Authority by deed of Reona C. Hodge, W. Miles Hodge, Jr., and Eva Marie H. Reynolds, individually, and as personal representatives of the Estate of William M. Hodge (a/k/a W.M. Hodge), C.C. Goodwin and Edwin W. Pike, Jr., dated December 21, 1990, recorded January 11, 1991, in Deed Book 568 at page 1349, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PORTION OF PARCEL 78

ALSO

ALL those certain parcels of land, situate in the Town of Port Royal, County of Beaufort, State of South Carolina, measuring 100', more or less, on both its north/south and east/west boundaries; and shown as City **Lots 10, 11, 12 and 13, Block 36**, on the plat of the Town of Port Royal prepared by Edgar G. Nicholas and George Gage recorded in the Office of the RMC for Beaufort County, South Carolina, in Plat Book 3 at page 112.

BEING the same property conveyed to South Carolina State Ports Authority by deed of Sky Associates, a South Carolina partnership, dated May 21, 1991, recorded May 23, 1991, in Deed Book 575 at page 2369, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 79

ALSO

ALL those certain pieces, parcels or lot of land, situate, lying and being in the Town of Port Royal, Beaufort County, South Carolina, being designated as **Lots Eight (8) and Nine (9), Block Thirty Six (36)**, on a plat of the Town of Port Royal. Said lots are contiguous and form one lot measuring Fifty (50') feet on its northern and southern boundaries, and One Hundred (100') feet on its Eastern and Western boundaries; being bounded on the North by Lots 28 and 29; on the East by Lot 7; on the South by a street; and on the West by Lot 10.

Title to the above property was vested in W.M. Hodge and C.C. Goodwin by virtue of the deed of Sea Island Investments, Inc., dated March 9, 1959, recorded in the Office of the RMC for Beaufort County in Deed Book 95 at Page 165. W.M. Hodge and C.C. Goodwin thereafter conveyed a one-third undivided interest in said real property into Edwin W. Pike, Jr., by deed dated March, 1963, and recorded in Deed Book 116, at Page 80. W.M. Hodge died testate on August 8, 1987 (see Beaufort County Probate Court File #88-96), vesting his personal representatives with the authority to sell any real property.

BEING the same property conveyed to the South Carolina State Ports Authority by deed of Reona C. Hodge, W. Miles Hodge, Jr., and Eva Marie H. Reynolds, individually, and as personal representatives of the Estate of William M. Hodge (a/k/a W.M. Hodge), C.C. Goodwin and Edwin W. Pike, Jr., dated January 10, 1991, recorded January 11, 1991, in Deed Book 568 at Page 1345, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 80-A

ALSO

ALL those certain pieces, parcels or lot of land, situate, lying and being in the Town of Port Royal, Beaufort County, South Carolina, being designated as **Lots Six (6) and Seven (7), Block Thirty Six (36),** on a plat of the town of Port Royal Recorded in the Office of the RMC for Beaufort County, South Carolina, in Plat Book 5 at Page 4.

Title to the within property was vested in W.M. Hodge by virtue of Clerk's Deed of T. Legare Rodgers recorded in the Office of the RMC for Beaufort County on September 18, 1957, in Deed Book 86 at Page 499. W.M. Hodge thereafter conveyed a two-thirds undivided interest in said real property into C.C. Goodwin and Edwin W. Pike, Jr., by deed dated March 25, 1963, and recorded in Deed Book 116 at page 69. W.M. Hodge died testate on August 8, 1987 (see Beaufort County Probate Court File #88-96), vesting his personal representatives with the authority to sell any real property.

BEING the same property heretofore conveyed to the South Carolina State Ports Authority by Deed of Reona C. Hodge, W. Miles Hodge, Jr., and Eva Marie H. Reynolds, individually, and as personal representatives of the Estate of William M. Hodge (a/k/a W.M. Hodge), C.C. Goodwin and Edwin W. Pike, Jr., dated January 10, 1991, recorded January 11, 1991, in Deed Book 568 at Page 1353, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 81-A

ALSO

ALL of that piece, parcel, or lot of land, located, lying and being in the Town of Port Royal, County of Beaufort, State of South Carolina, and being better described as **Lots 1, 2, 3, 4 and 5, Block 36**, of the Town of Port Royal, as shown in Plat Book 5 at Page 32, Office of the RMC for Beaufort County, SC. This parcel is 125 feet on its Northern and Southern boundaries and 100 feet on its Eastern and its Western boundaries. Said parcel is bounded by 6th Street on the South, Lot #6 on the West, Lots 21 through 26 on the North and the right-of-way of London Avenue on the East. This parcel is also described as Lot or Parcel 82A on Beaufort Tax Sheet 11.

This is a part of that parcel of land that was conveyed to Kathryn Dobyns by deed of William B. Dobyns on May 30, 1985, and recorded in Deed Book 4334 at page 1855, Office of the RMC for Beaufort County.

BEING the same premises conveyed to the South Carolina State Ports Authority by deed of Kathryn Dobyns dated November 2, 1990, recorded November 2, 1990 in Deed Book 564 at page 129, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 82-A

ALSO

ALL our right title and interest in a 5.592 Acre, more or less, tract of land, which is more particularly described in a plat prepared for the South Carolina State Ports Authority by R.D. Trogdon, Jr., on April 6, 1988, and recorded on April 13, 1988 in Plat Book 35, at page 149, in the RMC Office for Beaufort County. The boundaries of said tract of land are described as follows: BEGINNING at a point approximately 105.04 feet to the Northwest of the intersection of 10th Street and Port Royal Railroad, thence running South 51 degrees 59' 14" West for a distance of 133.66 feet to a point, thence running South 51 degrees 59' 14" West for a distance of 54.87 feet to an I.O.; thence running North 53 degrees 41' 47" West for a distance of 103.62 feet to a nail, thence running North 44 degrees 15' 1" West for a distance of 59.33 feet to a point; thence running North 18 degrees 12' 0" West for a distance of 43.41 feet to a nail, thence running North 44 degrees 19' 36" West for a distance of 47.23 feet to a nail; thence running 47 degrees 13' 14" West for a distance of 53.12 feet to a nail; thence running North 8 degrees 37' 41" West for a distance of 62.66 feet to a point; thence running North 11 degrees 26' 20" West for a distance of 58.40 feet; thence running North 31 degrees 36' 23" West for a distance of 51.23 feet; thence running North 52 degrees 4' 45" West for a distance of 21.15 feet to a conc. o.; thence running North 75 degrees 12' 8" West for a distance of 41.84 feet to a point; thence running North 57 degrees 47' 6" West for a distance of 40.99 feet to a point; thence running North 23 degrees 39' 49" West for a distance of 28.35 feet to a point; thence running North 57 degrees 55' 39" West for a distance of 40.10 feet to a point; thence running North 38 degrees 55' 39" West for a distance of 149.51 feet to a point; thence running North 31 degrees 35' 09" West for a distance of 208.61 feet to a nail; thence running North 38 degrees 54' 18" West for a distance of 91.03 feet to a nail; thence running North 36 degrees 23' 17" West for a distance of 248.93 feet to a nail; thence running South 89 degrees 46' 3" East for a distance of 55.98 feet to a conc. o.; thence running South 89 degrees 46' 3" East for a distance of 131.82 feet to a conc. o.; thence running South 0 degrees 7' 42" West for a distance of 39.96 feet to a railroad iron o.; thence running North 89 degrees 52' 18" West for a distance of 80.00 feet to a point; thence running South 0 degrees 7' 42" West for a distance of 3.60 feet to an I.N.; thence running South 38 degrees 3' 5" East for a distance of 199.37 feet to a conc. o.; thence running South 38 degrees 11' 38" East to a con. o. for a distance of 88.79'; thence running South 37 degrees 59' 50" East for a distance of 576.36 feet to an I.N., thence running South 37 degrees 59' 50" East for a distance of 246.47 feet to the beginning.

Said tract of land is subject to the claims of the Town of Port Royal as to the extension of 13th Avenue and 13th Street lying to the South of the Port Royal Railroad. Said streets were leased to the Blue Channel Corporation which has assigned its interest in said streets to the South Carolina State Ports Authority.

The above described tract of land was obtained by Blue Channel Corporation through a series of conveyances of several parcels. The derivations of the parcels are set forth as follows:

Parcel 1

Being a portion of the property conveyed to Blue Channel Corporation by deed of Alexander Dawson, Inc., dated June 19, 1979, recorded on July 20, 1979, in Deed Book 285 at Page 550, Office of the RMC for Beaufort County.

This lot had been previously conveyed to Blue Channel Corporation in Deed Book 199 at Page 1149 and through the Charter to Alexander Dawson, Inc., at Charter Book 4, at page 220.

Parcel 2

Being a portion of the property conveyed to Blue Channel Corporation by deed of Alexander Dawson, Inc., dated June 19, 1979, recorded on July 20, 1979, in Deed Book 285 at Page 550, Office of the RMC for Beaufort County.

This lot had been previously conveyed to Blue Channel Corporation in Deed Book 186 at page 224, and through the Charter to Alexander Dawson, Inc., at Charter Book 4, Page 220.

Parcel 3

Being a portion of the property conveyed to Blue Channel Corporation by deed of Alexander Dawson, Inc., dated June 19, 1979, recorded on July 20, 1979, in Deed Book 285 at Page 550, Office of the RMC for Beaufort County.
This lot had been previously conveyed to Blue Channel Corporation in Deed Book 186 at page 224, and through the Charter to Alexander Dawson, Inc., at Charter Book 4, Page 220.

Parcel 4

Being a portion of the property conveyed to Blue Channel Corporation by deed of Alexander Dawson, Inc., dated March 4, 1988, recorded in Deed Book 497 at page 1304, Office of the RMC for Beaufort County.

BEING the same property heretofore conveyed to the South Carolina State Ports Authority by deed of Blue Channel Corporation dated April 18, 1988, recorded April 27, 1988, in Deed Book 500 at page 688, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 10, PARCEL 75

ALSO

ALL those five lots, pieces or parcels of land in the Town of Port Royal, County of Beaufort, State of South Carolina, shown on a plat of Johnson-Trogdon Surveyors dated October 4, 1990, and entitled "Plat Prepared for South Carolina State Ports Authority" recorded in Plat Book 39 at Page 195, in the RMC Office for Beaufort County, South Carolina:

PARCEL #1

A parcel containing approximately 4.971 Acres, more or less, butting and bounding North on Fifteenth Street; East on Columbia Avenue; South on Thirteenth Street and the Railroad Eight-of-Way of the South Carolina State Ports Authority; and, West on Parcel #2 and said Railroad Eight-of-Way.

TMS No: 110-10-182A

PARCEL #2

A roughly triangular shaped parcel containing approximately 3.86 Acres, more or less, butting North on Lot 29 Ritter Circle and on Ritter Circle; East on Edenbergh Avenue and Parcel #1; and south on the South Carolina State Ports Authority Right-of-Way.

TMS No: 110-10-182A

PARCEL #3

All that triangular shaped parcel containing approximately 3.551 Acres, more or less, butting and bounding Northeast on the Railroad Right-of-Way of the South Carolina State Ports Authority; South on Fourteenth Street extended; and West on property now or formerly of Friedman and marshes of Battery Creek.

TMS No: 110-10-182A

PARCEL #4

All that roughly triangular shaped parcel containing approximately 3.34 Acres, more or less, butting and bounding North on Parcel #5; Northeast on the Railroad Right-of-Way of the South Carolina State Ports Authority; and South on property now or formerly of Fairbanks; and West on lots and property now or formerly the property of Pappas.

TMS No: 110-10-182B

PARCEL #5

A parcel containing approximately .272 Acre, more or less, butting and bounding: North on S.C. Highway 281; East on the Railroad Right-of-Way of the South Carolina State Ports Authority; South on Parcel #4 and lands now or formerly of Pappas; and West on Property now or formerly of Beatrice.

TMS No: 110-10-182B

Being more particularly shown on plat of survey dated April 6, 1988, prepared by David E. Gasque, RLS, South Carolina Registration Number 10506, Johnson-Trogdon Surveyors, P.O. Box 612, Beaufort, South Carolina, 29901.

Being all or part of the same property acquired by the Port Royal Railroad Company, a predecessor of CSX Transportation, Inc., from D.F. Appleton, by deed dated May 1, 1873, recorded in the Public Land Records of Beaufort County, South Carolina, in Book 7, at Page 451.

The Port Royal Railroad Company, through mesne conveyances, was merged into the Charleston and Western Carolina Railway; Effective December 31, 1959, the Charleston and Western Carolina Railway was absorbed by the Atlantic Coast Line Railroad Company; on July 1, 1967 the Atlantic Coast Line Railroad Company merged with the Seaboard Air Line Railroad Company to form the Seaboard Coast Line Railroad Company; on December 29, 1982 the Louisville and Nashville Railroad Company merged into Seaboard Coast Line Railroad Company, and the name of the surviving corporation changed to Seaboard System Railroad, Inc.; on July 1, 1986, Seaboard System Railroad, Inc., changed its name to CSX Transportation, Inc.

SUBJECT TO easement granted by Seaboard Coast Line Railroad Company to Charles E. and Dale H. Friedman and Philip L. and Mary L. Fairbanks dated May 24, 1982, recorded in Book 349 at Page 1924 for constructing and maintaining a private road across the track right of way, said crossing being 12' in width (6' on each side of the track) in a northeast-southwest direction and intersecting the center line of the Railroad's main track at a point 2,300 feet southeastwardly from Milepost AMJ-267.

SAVING AND EXCEPTING Out conveyance of 0.54 acre, more or less, shown as Parcel B in Plat Book 75 at Page 165 from South Carolina State Ports Authority to David W. Harden and Elisabeth S. Harden by deed dated November 19, 2000, recorded November 21, 2000 in Book 1355 at Page 2326, Office of the RMC for Beaufort County.

BEING the same property conveyed to the South Carolina State Ports Authority by deed of CSX Transportation, Inc., dated November 21, 1990, recorded December 17, 1990, in Deed Book 566 at page 2299, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 10, PARCELS 182-A & 182-B

ALSO

Beginning at a point one hundred twenty seven and fifty two one hundredths (127.52') feet due West from the North East corner of Block No. 29, as shown on Incorporation Plat of Port Royal, South Carolina, dated November, 1955, and drawn by A. O. Christensen, registered Land Surveyor; thence South 32-45 W eleven and thirty nine one hundredths (11.39') feet to an iron monument which marks the Northwest corner of the property belonging nor or formerly to the Charleston & Western Carolina Railroad Company; thence along same bearing of South 32-45 W two hundred ninety seven and forty four one hundredths (297.44') feet to an iron spike; thence North 35-30 W ninety five and thirty two one hundredths (95.32') feet to a hub; thence due North twelve and eighty eight one hundredths (12.88') feet to an angle bar, which marks the South corner of property belonging now or formerly to the Charleston and Western Carolina Railroad; thence along same bearing of due North, one hundred sixty nine and twenty-six (169.26') feet to an iron monument; thence due East and along the South right-of-way line of Sixth Street two hundred twenty two and forty two one hundredths (222.42') feet to the point of beginning, and containing **seventy eight one hundredths (0.78) acre**, more or less.

BEING the same property conveyed to the S.C. State Ports Authority by deed of the Sea Island Investment Company dated May 30, 1958, recorded November 10, 1958 in Deed Book 93 at Page 127, Office of the RMC for Beaufort County.

TMS No: Portion of DISTRICT 110, MAP 11, PARCEL 249

ALSO

ALL those certain parcels or tracts of land, situate in the Town of Port Royal, Beaufort County, South Carolina, and designated as follows: (a) London Avenue, South of 6th Street; (b) all of 6th Street, which runs in an East-West direction; (c) 7th Street East of London Avenue, which has not been opened but has been platted as a street; (d) Richmond Avenue, as it may exist South of Eighth Street, which has never been opened but has been platted as a street; (e) Parris Avenue, from the Northern boundary of the property of the South Carolina State Ports Authority and extending Southeast to the point it connects with London Avenue.

These are a portion of the streets and lands charted, dedicated and accepted by the Town of Port Royal pursuant to Act Number 523, at Page 616 of Volume XV of the Statutes at Large of South Carolina, which was entitled "An Act to Incorporate the Town of Port Royal," and which was dated the 9th day of march, 1874. On July 21, 1988 the South Carolina Highway Commission deleted S-306, 124, 415 and 446 from its system and transferred these streets to the Town of Port Royal.

SAVING AND EXCEPTING from the foregoing **Sands Beach Road** conveyed to the Town of Port Royal in Deed Book 958 at page 1670, Office of the RMC for Beaufort County. Sands Beach Road commences at its intersection of London Avenue and 7th Street, thence running easterly and southerly and terminating at Battery Creek.

BEING the same property conveyed to the South Carolina State Ports Authority by deed of The Town of Port Royal pursuant to an Agreement dated February 18, 1987 which called for the exchange of certain properties between the Town of Port Royal and the South Carolina State Ports Authority dated March 10, 1992, recorded June 26, 1992, in Deed Book 601 at Page 1853, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 249-B

ALSO

ALL that certain tract or parcel of land situate, lying and being at that certain tract or parcel of land, right of way and Railroad facilities, lying and being between Yemassee and Port Royal, County of Beaufort, State of South Carolina, and being more particularly described as follows: THAT portion of Seaboard System Railroad, Inc.'s vacated Charleston and Western Carolina Railroad right of way, varying in width, from Milepost AMH-443.37 at Yemassee to Milepost AMJ 468.31 at Port Royal, Beaufort County, South Carolina, more particularly described as follows: BEGIN at a point in the center line of the Charleston and Western Carolina Railroad main track, said point located 1,952 feet, more or less, southeast of Milepost AMH-443 as measured along the center line of said main track, said point also located 512 feet, more or less, southeast of the center line of South Carolina Highway #28; thence S 51 degrees 34' E a distance of 5,450 feet to the beginning of a curve to the right; thence along said curve having a central angle of 30 degrees 40', a chord distance of 3,049.30 feet, a chord bearing of S 36 degrees 14' E, through an arc distance of 3,086 feet to the point of tangency; thence S 20 degrees 54' E a distance of 84,737 feet to the beginning of a curve to the left; thence along said curve having a central angle of 15 degrees 05' a chord distance of 1,455.29 feet, a chord bearing of S 28 degrees 26' 30" E, through an arc distance of 1,459.50 feet to the point of tangency; thence S 35 degrees 59' E a distance of 931.20 feet to the beginning of a curve to the left; thence along said curve having a central angle of 36 degrees 24', a chord distance of 1,789.55 feet, and a chord bearing of S 54 degrees 11' E, through an arc distance of 1,820 feet to the point of tangency; thence S 72 degrees 23' E a distance of 9,077.30 feet to the beginning of a curve to the right; thence along said curve having a central angle of 71 degrees 05', a chord distance of 2,250.89 feet, and a chord bearing of S 36 degrees 50' 30" E, through an arc distance of 2,402 feet to the point of tangency; thence S 01 degree 18' E a distance of 4,449 feet to the beginning of a curve to the right; thence along said curve having a central angle of 33 degrees 40', a chord distance of 1,744.65 feet, and a chord bearing of S 15 degrees 32' W through an arc distance of 1,770 feet to the point of tangency; thence S 32 degrees 28' W a distance of 4,026 feet to the beginning of a curve to the left; thence along said curve having a central angle of 34 degrees 06', a chord distance of 1,156.75 feet, and a chord bearing of S 15 degrees 19' W, through an arc distance of 1,174 feet to the point of tangency; thence S 01 degree 44' E a distance of 5,676 feet to the beginning of a curve to the left; thence along said curve having a central angle of 38 degrees 04', a chord distance of 1,303.71 feet, and a chord bearing of S 20 degrees 46' E, through an arc distance of 1,328 feet to the point of tangency; thence continuing in a southeasterly direction a distance of 4,886 feet to the end of this center line description; to include that right of way for Track No. 8, together containing 547.62 acres, more or less, being all or part of Seaboard System Railroad's right of way acquired by the following deeds:

Date of Deed	Book	Page	Date Recorded
July 28, 1870	6	200	April 15, 1872
January 26, 1955	77	349	February 26, 1955
_____ , 1870	6	295	June 21, 1872
May 27, 1870	4	546	July 2, 1870
June 6, 1870	4	511	June 8, 1870
December 8, 1959	100	14	December 31, 1959
July 25, 1870	6	375	September 4, 1872
July 23, 1870	5	9	July 23, 1870
July 23, 1870	5	10	July 25, 1870
July 23, 1870	5	12 & 13	July 25, 1870
February 18, 1873	7	573	December 18, 1873
July 25, 1870	5	16	July 25, 1870
July 23, 1870	5	14 & 15	July 25, 1870
September 3, 1929	48	6	September 9, 1929
August 15, 1929	47	381	August 26, 1929
July 12, 1881	12	453	September 28, 1881

December 7, 1876	12	566	March 22, 1877
April 28, 1873	8	317	April 14, 1874
February 15, 1937	54	60	August 4, 1937
October 26, 1954	77	334	November 3, 1954
May 1, 1873	7	451	September 17, 1873

TOGETHER with trackage thereon as well as 972 feet of Seaboard System Railroad's Track No. 8, point of switch at Valuation Station 23233+11 to the intersection of the eastern right of way line of Railroad's north-south main track at Valuation Station 23242+83, the latter mentioned right of way being 200 feet in width, i.e., 100 feet wide on each side of the center line of said main track. The entire tract or parcel of land, right of way and improvements being outlined in yellow on copies of station maps and right of way and track maps of Charleston and Western Carolina Railway Company as follows:

Map No.	Date of Map	Date Re-Drawn
39-A-26	June 30, 1915	January 15, 1962
39-A-27	June 30, 1915	February 23, 1962
39-A-28	June 30, 1915	January 19, 1962
39-A-29	June 30, 1915	January 23, 1962
39-A-30	June 30, 1915	January 24, 1962
39-A-31	June 30, 1915	January 26, 1962
39-A-32	June 30, 1915	November 1, 1961
39-A-33	June 30, 1915	November 3, 1961
39-A-34	June 30, 1915	January 29, 1962
39-A-35	June 30, 1915	Not Shown

Said copies of above maps being on file at the Office of the Public Railways Commission for the State of South Carolina, 540 East Bay Street, Charleston, South Carolina.

SUBJECT TO easement granted by Seaboard Coast Line Railroad Company to Charles E. and Dale H. Friedman and Philip L. and Mary L. Fairbanks dated May 24, 1982, recorded in Book 349 at Page 1924 for constructing and maintaining a private road across the track right of way, said crossing being 12' in width (6' on each side of the track) in a northeast-southwest direction and intersecting the center line of the Railroad's main track at a point 2,300 feet southeastwardly from Milepost AMJ-267.

SAVING AND EXCEPTING that certain parcel or tract of land measuring 123.39' x 156.43' x 199.24' more or less located in Block 110 from Seaboard Coast Line Railroad Company to The Blue Channel Corporation in Deed dated April 6, 1971, recorded May 13, 1971 in Deed Book 185 at Page 34, Office of the RMC for Beaufort County.

SAVING AND EXCEPTING Out conveyance of 3.97 acres, more or less, from Seaboard Coast Line Railroad to Bay Fruit Company by deed dated December 5, 1979, recorded February 25, 1980, in Deed Book 296 at Page 1854, Office of the RMC for Beaufort County.

SAVING AND EXCEPTING Out conveyance of 0.54 acre, more or less, shown as Parcel B in Plat Book 75 at Page 165 from South Carolina State Ports Authority to David W. Harden and Elisabeth S. Harden by deed dated November 19, 2000, recorded November 21, 2000 in Book 1355 at Page 2326, Office of the RMC for Beaufort County.

SAVING AND EXCEPTING from the foregoing description all that property lying North of the Southern Boundary of Ribault Road, a public right-of-way [a/k/a SC Route 281] to Milepost AMH-443.37 at Yemassee.

BEING the same property conveyed to the South Carolina State Ports Authority by deed of Seaboard System Railroad, Inc., dated August 15, 1985, recorded October 24, 1985, in Deed Book 433 at Page 722, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 10, PARCEL 000

ALSO

ALL that certain tract or parcel of land, situate, lying and being at Port Royal, County of Beaufort, State of South Carolina, and described as follows: BEGINNING on the south line of 6th Street at a point 350 feet westwardly, measuring along said south line, from its intersection with the west line of 9th Avenue; running thence southwardly, at right angles from said south line, 169.26 feet; thence northwestwardly, making an interior angle of 31 degrees 05' with the preceding course, 250.72 feet; thence southeastwardly, making an interior angle of 13 degrees 56' with the preceding course, 64.23 feet to a point on the south line of 6th Street, 86 feet westwardly, measured along said south line, from the point of beginning; thence eastwardly along said south line 84 feet to the point of beginning; containing **0.17 acre**, more or less, as shown outlined in yellow on the white print attached to deed recorded October 16, 2006, in Book 2459 at Page 1268, Office of the RMC for Beaufort County.

BEING the same property heretofore conveyed to the South Carolina State Ports Authority by deed of the Charleston & Western Carolina Railway Company dated October 10, 1957, recorded October 16, 2006 in Book 2459 at Page 1268, Office of the RMC for Beaufort County.

TMS No: DISTRICT 110, MAP 11, PARCEL 249

EXHIBIT B

TO DEVELOPMENT AGREEMENT

THE REGULATING PLAN


RIBAUT ROAD
RV
Ribaut Circle
Edinburgh Ave.
BN
16th Street
15th Street
14th Street
13th Street
12th Street
11th Street
10th Street
9th Street
8th Street
7th Street
Columbia Ave.
Madrid Ave.
Paris Ave.
London Ave.
RIBAUT VILLAGE
BLUFF
NEIGHBORHOOD
MARSH
CIVIC OPEN SPACE
BLUFF NEIGHBORHOOD
MARINA VILLAGE
MV
OLD RAILROAD
PROPERTY OWNED
BY THE TOWN OF
PORT ROYAL
MARINA VILLAGE
PORT VILLAGE
PV-5
PV-4
PV-3
PV-2
PV-1
PV-6
COS
CIVIC OPEN SPACE
PORT VILLAGE
MARSH
MARSH
THE
SANDS
PORT VILLAGE
BATTERY CREEK
LEGEND:
RV - RIBAUT VILLAGE
BN - BLUFF NEIGHBORHOOD
MV - MARINA VILLAGE
PV - PORT VILLAGE
COS - CIVIC OPEN SPACE
PEDESTRIAN WATERFRONT BOARDWALK/
PROMENADE/ TRAIL
TOWN OWNED PROPERTY
POTENTIAL ROAD RIGHT OF WAY
SEAPORT
PORT ROYAL, SOUTH CAROLINA
REGULATING PLAN
SEPTEMBER 2011
PREPARED FOR:
PORT ROYAL REDEVELOPMENT GROUP, LLC
PREPARED BY:
Wilmer·Jones·Keefer
Ltd.
landscape architecture
land planning
www.wjarch.com
0' 200' 400' 600' 800' 1200'
North
W E
S

EXHIBIT C

TO DEVELOPMENT AGREEMENT

ZONING REGULATIONS

1. The Town of Port Royal Zoning Ordinance, The Traditional Town Overlay District, and the Subdivision Regulations as codified through Supplement 15

Chapter 22

ZONING

Art I. In General, §§ 22-1—22-25
Art. II. Establishment of Zoning Districts, §§ 22-26—22-40
Art. III. Application of District Regulations, §§ 22-41—22-60
Art. IV. Requirements by Districts, §§ 22-61—22-90
Art V. Sign Regulations, §§ 22-91—22-120
Art. VI. General Provisions, §§ 22-121—22-160
Art. VII. Administration, Enforcement, Appeal, Complaints and Remedies, §§ 22-161—22-185
Art. VIII. Zoning Board of Adjustment and Appeals, §§ 22-186—22-200
Art. IX. Amendments, §§ 22-201—22-215
Art. X. Legal Status Provisions, §§ 22-216—22-230
Art. XI. Definition of Terms Used in this Chapter, §§ 22-231—22-235
Art. XII. Historic Preservation, §§ 22-236—22-245

ARTICLE I. IN GENERAL

Sec. 22-1. Authority and enactment clause.

In pursuance of authority conferred by the General Statutes of South Carolina 1976 Code of Laws, title 6, chapter 7, article 3, section 14-350 (otherwise known as Act 487, South Carolina Acts of 1967), and for the purpose of promoting the health, safety, morals, or general welfare of the community, lessening congestion in the streets, crowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public improvements, protecting scenic areas, with a comprehensive plan, the town council does ordain and enact into the law the following articles and sections.
(Ord. No. 78-14, Art. I, 1-10-79)

Sec. 22-2. Short title.

This chapter shall be known and may be cited as "The Zoning Ordinance of the Town of Port Royal, South Carolina."
(Ord. No. 78-14, Art. II, 1-10-79)

Secs. 22-2—22-25. Reserved.

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS

Sec. 22-26. Establishment of districts.

For the purpose of this chapter, portions of the town, as specified on the official zoning map of the town, are hereby divided into the following zoning districts:

CP	Conservation Preservation District
R-17	Low Density One-Family Residential District
R-12	Low Density One-Family Residential District
R-10	Medium Density One-Family Residential District
R-5	High Density One-Family Residential District
GR	General Residential District
CC	Core Commercial District
GC	General Commercial District
OC	Office Commercial District
NC	Neighborhood Commercial District
HC	Highway Commercial District
LI	Limited Industrial District
MH	Mobile Home District
G	Governmental District
FA	Forest Agriculture District
PUD	Planned Unit Development District
FH	Flood Hazard District
MU-1	Mixed Use 1
MU-2	Mixed Use 2
WI	Waterborne industrial

(Ord. No. 78-14, § 300, 1-10-79; Ord. No. 03-12, § 1, 10-8-03)

Sec. 22-27. District boundaries.

The boundaries of the above zoning districts are a map or series of maps entitled, "Official Zoning Map, Town of Port Royal" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

Each map bearing the designation Official Zoning Map, Town of Port Royal shall be identified by the signature of the mayor, attested by the town manager, and bearing the seal of the town under the words: Official Zoning Map, Town of Port Royal, South Carolina, together with the date of the adoption of this chapter.

If, in accordance with the provisions of this chapter and South Carolina 1967 Code of Laws, 1968 Supplement, Volume 3, article 3, section 14-350, changes are made in district boundaries of other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly by the town manager within seven (7) days after the amendment has been approved by the town council. No amendment of this chapter which involves matter portrayed on the official zoning map shall become effective until after such changes have been made on said map.

No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind on any person or persons shall be considered a violation of this chapter 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 made or published, the official zoning map which shall be located in the office of the town manager shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town.
(Ord. No. 78-14, § 301, 1-10-79)

Sec. 22-28. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline or right-of-way lines of streets, highways, alleys, railways, or public utility easements shall be construed to follow such lines;

(2) Boundaries indicated as approximately following plotted lot or tract lines shall be construed as following such lines, whether public or private.

(3) Boundaries indicated as approximately following the town limit line shall be construed to follow such town limit line.

(4) Boundaries indicated as approximately following the center, mean high water mark, or shoreline of streams, rivers, canals, lakes, marsh areas, or other bodies of water, low land, or tide areas, shall be construed to follow such boundaries.

(5) Boundaries indicated as parallel to, or extensions of, features indicated in subsections (1) through (4) above shall be so construed. Distances not specifically indicated on the official zoning map, or in other circumstances not covered by subsections (1) through (4) above, the zoning board of adjustment and appeals shall interpret the district boundaries.

(Ord. No. 78-14, § 302, 1-10-79)

Sec. 22-29. Annexation and other adjustments to town limits.

Where town limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

(1) Areas to be annexed into the corporate limits of the town shall be assigned zoning classifications by town council prior to petition or referendum for annexation. Town council will develop a zoning classification for areas to be annexed based upon the recommendation of the joint municipal planning commission.

(2) In all cases, where additions in the town's total area require adjustments in the zoning district boundaries, said adjustment shall be made on the zoning map.

(3) When reductions are made in the town's total incorporated area the provisions of this chapter shall no longer apply to that area.

(Ord. No. 78-14, § 303, 1-10-79)

Secs. 22-30—22-40. Reserved.

ARTICLE III. APPLICATION OF DISTRICT REGULATIONS*

Sec. 22-41. Use of land or structures.

(a) No land or structures shall hereinafter be used or occupied and no structure or parts shall hereafter be constructed, erected, altered, established 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:

(1) With greater height, size, bulk or other dimensions;

(2) To accommodate or house a greater number of families;

(3) To occupy a greater percentage of lot area;

(4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than therein required; or

(5) In any other manner contrary to the provisions of this chapter.

(c) No part of a yard, or other open space, or off-street parking or loading required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard open space, or 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 a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.
(Ord. No. 78-14, § 400, 1-10-79)

Sec. 22-42. Lot reduction prohibited.

No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
(Ord. No. 78-14, § 401, 1-10-79)

Sec. 22-43. Use of substandard lots of record.

Where the owner of a lot at the time of the adoption of this chapter does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may nonetheless be used as a building site. The planning administrator and the building inspector are authorized to issue a permit for the use of the property which conforms to the requirements for the district in which the lot is located as set forth in this chapter provided that said lot requirements are not reduced below the minimum specified in this chapter by more than

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*Note—The regulations set by this chapter within each district shall be the minimum regulating and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this chapter the following general standards for the enforcement of district regulations shall apply.

twenty (20) percent. If, however, the owner of two (2) or more adjoining lots, with insufficient land dimensions, decides to build on or to sell off these lots, he must first combine said lots to comply with the dimensional requirements of this chapter. Any lot requiring dimensional waivers below the twenty (20) percent minimum set forth in this section shall be approved by the zoning board of adjustment and appeals provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.
(Ord. No. 78-14, § 402, 1-10-79; Ord. No. 10-3, 3-10-10)

Secs. 22-44—22-60. Reserved.

ARTICLE IV. REQUIREMENTS BY DISTRICTS

Sec. 22-61. CP conservation preservation district.

(a) *Intent of 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 of the town which:

(1) Serve as wildlife refuges;

(2) Possess great natural beauty or are of historical significance;

(3) Are utilized for outdoor recreational purposes;

(4) Provide needed open space for the health and general welfare of the town's inhabitants.

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.

(b) *Permitted uses.* The following uses shall be permitted in any CP zoning district.

(1) Private dock or boat house.

(2) Boat marina.

(3) Public utility line, fire or water tower or substation.

(4) Publicly owned and/or operated park, open space, recreational facility or use, and the equipment necessary for servicing the users.

(5) Wildlife refuge including one (1) caretaker's cottage per refuge, on permanent skirted foundation, having a pitched and shingled roof, and meeting Southern Standard Building Code's Seal of Approval, for a person directly employed to protect and maintain the refuge.

(6) Activities related to soil and water conservation, measurement, and control.

(7) Water retention ponds.

(8) Shoreline protection areas.

(9) Sites or structures acknowledged by the town council to be of historical significance.

(10) Open space, to meet open space requirements under other sections of this chapter.

(c) *Conditions.* No use or activity, including those set forth above, shall be permitted in a CP district that would disturb, destroy or impair the natural fauna, flora, water courses, water regimen or topography.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in CP zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: None

(2) Minimum lot width, measured at the building line: None

(3) Minimum front yard, measured from the nearest abutting street right-of-way line: None

(4) Minimum side yard: None

(5) Minimum rear yard: None

(6) Additional requirements: Uses permitted in CP zoning districts shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(7) Signs: Signs permitted in CP zoning districts, including the conditions under which they may be located, are set forth in article V.

(Ord. No. 78-14, § 500, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87)

Sec. 22-62. R-17 low density one-family residential district.

(a) *Intent of district.* It is the intent of this section that the zoning district be developed and reserved for 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 of seventeen thousand (17,000) 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.

(b) *Permitted uses.* The following uses shall be permitted in any R-17 zoning district:

(1) All uses permitted in a CP conservation preservation district as shown in section 22-61(b), except boat marinas and bait houses.

(2) a. One-family dwelling, other than a mobile home, having a pitched and shingled roof, and being placed on a permanent skirted foundation, containing a footer;

b. Such skirting materials are to be of construction grade materials of a durable nature, such as wood, brick, stone, wood, lattice, or painted concrete block.

(3) Publicly owned building, facility or land.

(4) Unlighted, regulation-size or par three golf courses.

(5) Noncommercial horticulture or agriculture, but not including the keeping of poultry or livestock.

(6) Customary home occupation established under the provisions of section 22-130.

(7) Accessory use in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted in any R-17 zoning district on a conditional basis, subject to conditions set forth in article VII, section 22-165:

(1) Church, synagogue, temple and other places of worship provided that:

a. Such use is housed in a permanent structure;

b. Such use is located on a lot not less than forty thousand (40,000) square feet in area; and

c. No structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

(2) Public and private schools engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

(3) Public utility substation or sub-installation including water tower, provided that:

a. Such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finish grade;

b. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and

c. A landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

d. No communication antennas may be attached to any tower not specifically intended to be a communication tower (ex: water tower, telephone pole or roof).

(4) Cemetery provided that such use:

a. Consists of a site of at least one (1) acre;

b. Includes no crematorium or dwelling unit other than a caretaker;

c. Has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further; and

d. Maintains a non-illuminated sign no greater than thirty (30) square feet and ten (10) feet in height.

(5) Child day care centers provided that:

a. Structures are placed not less than thirty (30) feet from any residential property line;

b. That on-site off-street parking spaces are provided in the amount of at least one (1) for each employee working on the premises and one (1) additional space for each five (5) children enrolled at the center;

c. That playgrounds, if any, be enclosed by an attractive fence or wall of finished building materials at least five (5) feet in height above finish grade;

d. That adequate ingress and egress be provided for vehicles bringing and picking up children so as not to cause disruption of normal traffic on adjacent streets; and

e. Signs must be non-illuminated, placed flat against the wall of the principal structure and not exceed one and one-half (1½) square feet in area.

(6) Temporary use in compliance with the provisions of article VII, section 22-165.

(7) Bed and breakfast: A dwelling may be involved in the rental of five (5) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent. The parking space provision shall be confirmed by the planning administrator and the building official prior to the issuance of a business license for this purpose and use.

(d) *Other requirements.* Uses permitted in R-17 zoning districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to whatever relief is provided by article V, section 22-43 of this chapter.

(1) Minimum lot area: Seventeen thousand (17,000) square feet. The state department of health and environmental control requires a minimum lot area of twelve thousand five hundred (12,500) square feet when septic tanks are built in conjunction with community water systems.

(2) Minimum land area per dwelling unit: Seventeen thousand (17,000) square feet.

(3) Minimum lot width measured on the building line: Seventy-five (75) feet.

(4) Minimum front yard depth measured from the nearest street right-of-way line: Thirty-five (35) feet. For exceptions to this requirement, see section 22-125 and 22-126.

(5) Minimum side yard: No less than fifteen (15) feet for each side. For side yard requirements pertaining to corner lots, see section 22-123 and 22-125.

(6) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(7) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations, see section 22-142.

(8) Minimum floor area requirement: One thousand four hundred and fifty (1,450) square feet.

(9) Additional requirements: Uses permitted in R-17 zoning districts shall meet all standards set forth in article VI, pertaining to off-street parking, loading and other requirements.

(10) Signs: Signs permitted in R-17 zoning districts, including the conditions under which they may be located, are set forth in article V.

(Ord. No. 78-14, § 501, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 94-2, § 1, 3-9-94; Ord. No. 97-25, 12-3-97; Ord. No. 05-30, § 1, 9-14-05; Ord. No. 10-3, 3-10-10)

Sec. 22-63. R-12 single-family residential district.

(a) *Intent of district.* It is the intent of this section that the R-12 zoning district be developed and reserved for 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 of twelve thousand five hundred (12,500) 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.

(b) *Permitted uses.* The following uses shall be permitted in any R-12 zoning district.

(1) All uses permitted in a CP conservation preservation district, as shown in section 22-61(b), except boat marinas and bait houses.

(2) Same as 22-62(b)(2).

(3) Publicly owned building, facility or land.

(4) Unlighted, regulation-size or par three golf courses.

(5) Noncommercial horticulture or agriculture, but not including the keeping of poultry or livestock.

(6) Customary home occupation established under the provisions of section 22-130.

(7) Accessory use in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted in any R-12 zoning district on a conditional basis, subject to conditions set forth in article VII, section 22-165.

(1) Church, synagogue, temple and other places of worship provided that:

a. Such use is housed in a permanent structure;

b. Use is located on a lot not less than twenty thousand (20,000) square feet in area; and

c. No structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

(2) Public and private schools engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

(3) Public utility substation or sub-installation including water tower, provided that:

a. Such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finish grade;

b. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and

c. A landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

d. No communication antennas may be attached to any tower not specifically intended to be a communication tower (ex: water tower, telephone pole or roof).

(4) Cemetery, provided that such use:

a. Consists of a site of at least one (1) acre;

b. Includes no crematorium or dwelling unit other than for a caretaker;

c. Has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further; and

d. Maintains a non-illuminated sign no greater than thirty (30) square feet and ten (10) feet in height.

(5) Child day care centers provided that:

a. Structures are placed not less than thirty (30) feet from any residential property line;

b. That on-site off-street parking spaces are provided in the amount of at least one (1) for each employee working on the premises and one (1) additional space for each five (5) children enrolled at the center;

c. That playgrounds, if any, be enclosed by an attractive fence or wall of finished building materials at least five (5) feet in height above finish grade;

d. That adequate ingress and egress be provided for vehicles bringing and picking up children so as not to cause disruption of normal traffic on adjacent streets; and

e. Signs must be non-illuminated, placed flat against the wall of the principal structure and not exceed one and one half (1½) square feet in area.

(6) Temporary use in compliance with the provisions of article VII, section 22-165.

(d) *Other requirements.* Uses permitted in R-12 zoning districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to whatever relief is provided by article V, section 22-43 of this chapter.

(1) Minimum lot area: Twelve thousand five hundred (12,500) square feet. The state department of health and environmental control requires a minimum lot area of twelve thousand five hundred (12,500) square feet when septic tanks are built in conjunction with community water systems.

(2) Minimum land area per dwelling unit: Twelve thousand five hundred (12,500) square feet.

(3) Minimum lot width measured on the building line: Seventy-five (75) feet.

(4) Minimum front yard depth measured from the nearest street right-of-way line: Thirty-five (35) feet. For exceptions to this requirement, see sections 22-125 and 22-126.

(5) Minimum side yard: No less than fifteen (15) feet for each side. For side yard requirements pertaining to corner lots, see section 22-123 and 22-125.

(6) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(7) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations, see section 22-142.

(8) Minimum floor area requirement: One thousand two hundred (1,200) square feet.

(9) Additional requirements: Uses permitted in R-12 zoning districts shall meet all standards set forth in article VI, pertaining to off-street parking, loading and other requirements.

(10) Signs: Signs permitted in R-12 zoning districts, including the conditions under which they may be located, are set forth in article V.

(Ord. No. 78-14, § 502, 1-10-79; Ord. No. 87-59, 6-24-87; Ord. No. 05-30, § 2, 9-14-05)

Sec. 22-64. R-10 medium density one-family residential district.

(a) *Intent of district.* It is the intent of this section that the R-10 zoning district be developed and reserved for medium-density one-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 on ten thousand (10,000) square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any R-10 zoning district:

(1) All uses permitted in the R-17 one-family residential district as shown in section 22-62(b).

(c) *Conditional uses.* The following uses shall be permitted in any R-10 zoning district subject to conditions set forth in article VII, section 22-165:

(1) All conditional uses permitted in the R-17 one-family residential district, as shown in section 22-62(b).

(d) *Other requirements.* Uses permitted in R-10 zoning districts shall be required to conform to the following standards, except that the uses of substandard lots of record as of the effective date of this chapter may be subject to whatever relief is provided by section 22-43 of this chapter.

(1) Minimum lot area: Ten thousand (10,000) square feet. For lots under twelve thousand five hundred (12,500) square feet, the state department of health and environmental control requires the installation of community water and sewer systems when lots are developed of a size less than twelve thousand five hundred (12,500) square feet.

(2) Minimum land area per dwelling unit: Ten thousand (10,000) square feet.

(3) Minimum lot width measured at the building line: Seventy-five (75) feet.

(4) Minimum front yard depth measured from the nearest street right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see section 22-125 and 22-126.

(5) Minimum side yard: No less than twelve (12) feet for each side. For side yard requirements pertaining to corner lots, see section 22-123 and 22-125.

(6) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 822.

(7) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations, see section 22-142.

(8) Minimum floor area requirement: One thousand (1,000) square feet.

(9) Additional requirements: Uses permitted in R-10 zoning districts shall meet all standards set forth in article VI, pertaining to off-street parking, loading and other requirements.

(10) Signs: Signs permitted in R-10 zoning districts, including the conditions under which they may be located, are set forth in article V.

(Ord. No. 78-14, § 503, 1-10-79; Ord. No. 86-54, 12-1-86)

Sec. 22-65. R-5 high density one-family residential district.

(a) *Intent of district.* It is the intent of this section that the R-5 zoning district be developed and reserved for high-density one-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 and duplex dwellings situated on lots of five thousand (5,000) square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any R-5 zoning district:

(1) One-family dwellings having a pitched and shingled roof, and being placed on a permanent skirted foundation containing a footer. Skirting materials are to be of construction grade durable material, such as wood, brick, stone, wood, lattice, or painted concrete blocks.

(2) Home occupation as established under section 22-130.

(3) Private docks or boat houses.

(4) Publicly owned or operated buildings, facilities and land.

(5) Historic sites as acknowledged by the town council.

(6) Non-commercial horticultural/agricultural uses, excluding poultry and livestock rearing.

(7) Community centers.

(c) *Conditional uses.* The following uses shall be permitted in any R-5 high density one-family residential district subject to conditions set forth in section 22-165.

(1) Church, synagogue, temple and other places of worship if the use is housed within a permanent structure, is constructed on a lot no less than twenty thousand (20,000) feet and no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

(2) Public and private schools. Provided the structures are placed not less than fifty (50) feet from any residential property line.

(3) Public utilities provided that a painted fence or wall at least six (6) feet in height encloses such use. This use does not include office/commercial operations or vehicle or equipment storage. A ten-foot landscape strip is required along the perimeter of the use.

(4) Child daycare center provided that the following conditions are met:

a. Structures are placed not less than thirty (30) feet from any residential property line.

b. Parking is provided in accordance to section 22-133: Schools.

c. Signs are non-illuminated, placed flat against the wall of the principal structure and do not exceed one and one-half (1½) square feet in size.

(5) Cemeteries.

(d) *Other requirements.* Uses permitted in R-5 zoning districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this section may be subject to whatever relief is provided by section 22-43.

(1) *Minimum lot area:* Five thousand (5,000) square feet. The South Carolina Department of Health and Environmental Control requires the installation of community water and sewer systems when lots are developed of a size less than twelve thousand five hundred (12,500) square feet.

(2) *Minimum land area per dwelling unit:* The minimum area per dwelling unit on a lot shall not be less than indicated by dwelling unit type on the following schedule:

One family dwelling: Five thousand (5,000) square feet per unit.

(3) *Minimum lot width measured at the building line:*

One family dwelling: Fifty (50) linear feet.

(4) *Variable street yard depth measured from the street right-of-way line:* Five (5) feet to twenty (20) feet.

(5) *Minimum side yard:* No less than ten (10) feet for each non-street side yard side.

(6) *Minimum rear yard:* Fifteen (15) feet.

(7) *Maximum building height:* Thirty-five (35) feet, not to exceed two (2) stories.

(8) *Minimum floor area requirement:* As required by HUD standards.

(9) *Garage, carport and parking pad placement:* No less than ten (10) feet behind the frontline of the principal structure.

(10) *Additional requirements:* Uses permitted in R-5 zoning districts shall meet all standards set forth in article VII, pertaining to off-street parking, loading and other requirements.

(11) *Signs:* Signs permitted in R-5 zoning districts, including the conditions under which they may be located, are set forth in article V.

(12) *First floor height.* The residential finished first floor height will be raised a minimum of two (2) feet from the average adjacent sidewalk grade.

(13) *Front porch or stoop.* An eight-foot front porch or four-foot front stoop is required on all residential development.

a. Porches shall have a minimum depth of eight (8) feet from building face to inside of column face and shall have a minimum length of twenty-five (25) percent and are allowed to be up to one hundred (100) percent of the building front. Porches may occur forward of the build-to line, but shall not extend into the right-of-way. Porches must be covered structures. Front porches may be screened; however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen.

b. Stoops shall have a minimum depth of four (4) feet and shall have a minimum length of ten (10) percent and up to a maximum of twenty-five (25) percent of the building front, not including the stairs. Stoops may occur forward of the build-to line, but shall not extend into the right-of-way. Stoop stairs may run to the front or to the side. Stoops must be covered.

(Ord. No. 78-14, § 504, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 00-36, 10-11-00; Ord. No. 05-47, §§ 1, 2, 12-14-05; Ord. No. 09-14, 1-13-10)

Sec. 22-66. GR general residential district.

(a) *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. 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 five thousand (5,000) or more square feet, and to discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

(b) Permitted uses. The following uses shall be permitted in any GR zoning district.

(1) All uses permitted in the R-17 low density one-family residential district as shown in section 22-62(b).

(2) a. Two-family dwelling having a pitched and shingled roof, and being placed on a permanent skirted foundation, containing a footer;

b. Such skirting materials are to be of construction grade materials of a durable nature, such as wood, brick, stone, lattice, or painted concrete block.

(3) a. Multi-family dwelling having a pitched and shingled roof, and being placed on a permanent skirted foundation, containing a footer;

b. Such skirting materials are to be of construction grade materials of a durable nature, such as wood, brick, stone, lattice, or painted concrete block.

(4) a. Group dwelling having a pitched and shingled roof, and being placed on a permanent skirted foundation containing a footer;

b. Such skirting materials are to be of construction grade materials of a durable nature, such as wood, brick, stone, lattice, or painted concrete block.

(5) a. Manufactured housing meeting the Southern Standard Building Code's Seal of Approval/HUD;

b. Having wheels, tongues and axles removed;

c. Having pitched and shingled roof; and

d. Being placed on a permanent skirted foundation containing a footer;

e. Such skirting materials are to be of construction grade materials of a durable nature, such as wood lattice or painted concrete block.

(c) *Conditional uses.* The following uses may be permitted in any GR zoning district subject to the provisions set forth in section 22-165.

(1) All conditional uses permitted in the R-17 low-density one-family residential district as shown in section 22-62(c).

(2) Public or private care homes, provided such facilities conform with the requirements of the state department of health and environmental control, and provided plans for such facilities receive the written approval of the county health department prior to the issuance of any permits for construction and operation, copies of such approval to be attached to the building permit and to be retained in the files of the planning administrator and the building official.

(3) Townhouses provided that such use conforms to special requirements set forth in section 22-66(d) pertaining to multi-family dwellings.

(4) Condominiums provided that such use conforms to requirements set forth in section 22-66(d) pertaining to multi-family dwellings.

(5) Storage of commercial vehicles as provided in section 22-131(1)b.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, or unless subject to relief under conditions set forth in section 22-43, uses permitted in GR zoning districts shall be required to conform to the following standards:

(1) Minimum lot area:

a. One-family dwellings: Five thousand (5,000) square feet.

b. Two-family dwellings: Five thousand (5,000) square feet.

c. Group dwelling: Twelve thousand (12,000) square feet.

d. Multi-family dwelling: Five thousand (5,000) square feet.

e. Other principal uses: Five thousand (5,000) square feet.

(2) Minimum lot area per dwelling unit: The minimum area per dwelling unit on a lot shall not be less than indicated by dwelling unit type on the following schedule:

a. One-family dwellings: Five thousand (5,000) square feet per unit.

b. Two-family dwellings: Two thousand five hundred (2,500) square feet per unit.

c. Group dwelling: Not applicable.

d. Multi-family dwelling: According to the following table:

Table A. Lot area square footage per unit required for multiple-family dwelling units.

	Stories			
Unit type	*1*	*2*	*3*	*4*
Efficiency units	2,000	1,435	1,410	1,240
1 Bedroom	2,000	1,775	1,625	1,438
2 Bedroom	2,650	2,475	2,125	1,825
3 Bedroom	3,525	3,175	2,653	2,200
4 Bedroom	4,375	3,975	3,492	2,725

Example: Developer desires to construct twenty (20) two-bedroom apartments two (2) stories in height. How much lot area will be required?

Table A indicates that for two-story, two-bedroom units, each unit is required to have two thousand four hundred seventy-five (2,475) square feet of lot area. Therefore, the total land area requirement for twenty (20) units would be 20 × 2,475 feet, or forty-nine thousand five hundred (49,500) square feet.

Other principal uses: Not applicable.

(3) Maximum dwelling units per net acre: The maximum number of dwelling units per 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:

a. One-family dwelling: Six (6) dwelling units.

b. Two-family dwelling: Thirteen (13) dwelling units.

c. Group dwelling: Not applicable.

d. Multi-family dwelling: According to the following table:

Table B. Permitted multiple-family dwelling units per net acre by unit type.

	(Floor area)	*Stories*			
Unit type	*Minimum*	*1*	*2*	*3*	*4*
Efficiency units	500	21	24	30	35
1 Bedroom (HUD standards)	As required by HUD	21	24	30	35
Current HUD standards for floor area same as above					
2 Bedroom	800	16	20	24	23
3 Bedroom	1,000	12	13	16	19
4 Bedroom	1,200	9	10	12	15

Example: Developer has a 20-acre tract of land on which he desires to construct one-bedroom apartments three (3) stories high. How many such units can he erect?

By referring to Table B under three (3) stories on the one-bedroom line, we see he is allowed twenty-six (26) units per net acre. Therefore, the maximum number allowed on the proposed site would be 26 units × 20 acres or five hundred twenty (520) units. The table also indicates that each unit must have at least six hundred fifty (650) square feet of floor area.

Other principal uses: Not applicable.

(4) Minimum lot width, measured at the building line:

a. One-family dwelling: Fifty (50) linear feet.

b. Two-family dwelling: Seventy-five (75) linear feet.

c. Group dwelling: Seventy-five (75) linear feet.

d. Multiple-family dwelling: Seventy-five (75) linear feet.

(5) Minimum front yard depth, measured from the nearest street right-of-way line: Twenty-five (25) feet. For other exceptions to this requirement, see section 22-125 and 22-126.

(6) Minimum side yard: No less than ten (10) feet on each side except that group dwellings and private or public care homes shall be required to provide fifteen (15) feet on each side. For side yard requirements pertaining to corner lots, see section 22-123.

(7) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(8) Minimum floor area requirements, as required by HUD standard:

	Square feet
Efficiency units	500
1 Bedroom	650
2 Bedrooms	800

3 Bedrooms	1,000
4 Bedrooms	1,200
Manufactured home	720

(9) Maximum building height:

a. One-family dwelling: Thirty-five (35) feet.

b. Two-family dwelling: Thirty-five (35) feet.

c. Group dwelling and multiple-family dwelling: Fifty (50) feet.

d. Other principal uses: Fifty (50) feet.

e. All rooftop appurtenances, and more particularly, but not limited to, air conditioners and elevator shafts, shall be included in the maximum building height. For exceptions to the height regulations, see section 22-142.

(10) Additional requirements: Uses permitted in GR zoning districts shall meet all standards set forth in article VI, pertaining to off-street parking, loading and other requirements.

(11) Signs: Signs permitted in GR zoning districts, including the conditions under which they may be located, are set forth in article V.

(12) The provisions of subsection 22-78(c)(4) bufferyards shall apply to the general residential zoning district.

(e) *Townhouses—special requirements.*

(1) The regulations, as contained in this subsection, shall be applied to townhouses where permitted in any district.

(2) Site plan and design criteria, general: Townhouses, in areas where they are or may be permitted:

a. May be appropriately intermingled with other types of housing;

b. The front shall not form long, unbroken lines of row housing but shall be staggered at the front building line, singularly, in pairs, or in threes, by at least five (5) feet.

(3) Site plan and design criteria, details: In line with the general considerations above:

a. Not more than eight (8) contiguous townhouses nor fewer than three (3) shall be built on a row with the front line conforming to the requirements of 22-66(e)(2)b. above.

b. Minimum width for the portion of the lot on which the townhouse is to be constructed shall be eighteen (18) feet. The minimum average width of a group of five (5) or more units shall be twenty (20) feet.

c. Lot area shall average no less than two thousand (2,000) square feet, and the minimum of any single lot shall be one thousand eight hundred (1,800) square feet.

d. Separation requirements: No portion of a townhouse or accessory structure in or related to one (1) group of contiguous townhouses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area.

e. Yards: No front, side or rear yard as such is required in connection with any townhouse, except that the nearest point of each building shall be at least twenty (20) feet from the nearest right-of-way line of abutting streets. Each townhouse shall have on its own lot one (1) rear or side yard, private or reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for any accessory building.

f. Grouped parking facilities: Off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks.

g. Open space: In all townhouse projects where more than ten (10) units are to be constructed, a landscaped common area amounting to at least ten (10) percent of a single townhouse project area shall be provided on the same or adjacent block. No building, parking, storage or other use shall be made of this open space.

(Ord. No. 78-14, § 505, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 98-2, 5-13-98; Ord. No. 98-14, 7-8-98; Ord. No. 02-29, 7-10-02; Ord. No. 10-3, 3-10-10)

Sec. 22-67. CC core commercial district.

(a) *Intent of district.* It is the intent of this section that the CC core commercial district be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the maintenance of a centrally located trade and commercial service area and the gradual transition of adjacent land uses into more stringently regulated commercial activity district.

(b) *Permitted uses.* The following uses shall be permitted in any CC core commercial district.

(1) Any use permitted in any general commercial zoning district subject to the conditions of subsection 22-68(b).

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any CC core commercial district.

(1) Any use permitted on a conditional basis in any general commercial district, subject to the conditions of subsection 22-68(c).

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in CC core commercial districts shall be required to meet all standards set forth in this chapter for uses permitted in GC zoning districts, except that all front yard requirements, as well as all off-street parking and loading requirements shall be waived.

(Ord. No. 78-14, § 506, 1-10-79)

Sec. 22-68. GC general commercial district.

(a) *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 economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any GC zoning district.

(1) Any use permitted in any general residential district, except manufactured mobile homes, in compliance with the provisions of section 22-66 unless otherwise set forth herein.

(2) Retail, wholesale or storage business involving the sale of merchandise on the premises, except those uses which involve open yard storage of junk, salvage, used auto parts or building materials. Open storage shall be permitted under conditions set forth in subsection 22-68(c)(7).

(3) Business involving the rendering of personal services other than an automobile laundry, or an automobile repair garage which shall be permitted under conditions set forth in subsection 22-68(c)(2) and (5).

(4) Private or semi-private club, lodge, union hall or social center.

(5) Church.

(6) Off-street commercial parking or garage.

(7) Hotel, tourist home and motel.

(8) Commercial recreation facility, specifically including:

a. Billiard parlor;

b. Theater, but not including drive-in type of facility.

(9) Commercial trade or vocational school.

(10) Eating and/or drinking establishment excluding drive-in or curb service.

(11) Radio and/or television station and/or transmission tower in compliance with section 22-148.

(12) Public utility installation or sub-installation, including water towers.

(13) Office building and/or office for governmental, business, profession or general purposes.

(14) Accessory uses in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any GC zoning district, subject to conditions set forth in section 22-165:

(1) Fuel sales provided that:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two (2) fuel sales facilities are permitted at an intersection of any U.S. or state numbered roadway. No more than one (1) fuel sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the design review board may permit pumps to be located to one (1) side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen (15) feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the design standards set out in chapter 15.5, articles II, IV and VI.

(2) Garage for the repair and servicing of vehicles provided:

a. All operations are conducted within a fully enclosed building.

b. There is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.

(3) Combination of residential structure with any use permitted herein provided that all dwelling units have direct access to the street.

(4) Newspaper publishing plant provided that the requirements for parking, loading and unloading conform to those for industrial buildings, as set forth in sections 22-133 through 22-139.

(5) Automobile laundry or washateria provided:

a. An off-street paved parking area capable of accommodating not less than one-half (½) 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

b. No safety hazard or impediment to traffic movement is created by the operation of such an establishment.

(6) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum.

(7) 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 adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height above finish grade.

(8) Community hospitals or clinics including any functions which relate directly to the operation of 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 22-75(c)(9).

(9) Public or private care homes provided:

a. Such facilities conform with the requirements of the state department of health and environmental control;

b. Plans for such facilities receive the written approval of the county health department and the state fire marshal prior to the issuance of any permits for construction and operation; copies of such approval to be attached to the building permit and to be retained in the files of the planning administrator and the building official.

c. Such use conforms with the provisions of section 22-66(c)(2) pertaining to care homes.

(10) Permitted uses:

a. New or existing businesses which contain or install certain coin operated devices, machines and electronic gaming devices, including video poker machines, which provide a monetary return such as a cash payoff, as defined and contained in S.C. Code of Laws, 1976, as amended, section 12-21-2720(3), shall be permitted as a conditional use within the general commercial district (GCD) and only if all of the following conditions are met:

1. No such business may operate in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building;

2. That if there is a monetary return (cash paid) as a result of a winning combination on the coin operated device, machine or electronic gaming device, the building in which such machine(s) exist shall not be located within one thousand (1,000) feet of any church, school, educational institution, or publicly or privately owned/operated youth-oriented grounds or facilities; nor within five hundred (500) feet of any residential zoning district. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from

the GCD property to the nearest point of the grounds in use as part of such church, school, educational institution, residential zoning district, or publicly or privately owned/operated youth-oriented grounds or facilities.

3. Minors under eighteen (18) years of age shall not be permitted to operate, play, or observe the operation of such devices or machines.

4. No person who maintains for use or permits the use of, on any place or premise occupied by him/her, any coin operated machine, device or electronic gaming device to be operated between the hours of 12:01 a.m. and 7:59 a.m.

(11) Temporary use in compliance with provisions of section 22-165.

(12) Self-service storage provided that the following conditions are met:

a. Self-service storage frontage will be prohibited on Ribaut Road, Parris Island Gateway, Savannah Highway and Robert Smalls Parkway. Limiting frontage on major commercial corridors prevents large sections of the street from being developed with uses which have low activity levels thereby detracting from the vitality of the street.

b. The maximum size of individual storage areas is 300 square feet.

c. Internal circulation: As regulated by the building code.

d. Parking: A minimum of two (2) parking spaces. If on-site parking is planned, it should be located to the rear or the side of the building, including rental trucks.

e. Design review for self-storage facilities are processed through staff review; uses which require design review because of an overlay district code will be processed as provided in those regulations. Design review required for new buildings to ensure that the development has a high design quality appropriate to the scale and character of the surrounding area.

1. Building and roof design: The building and roof are designed to be compatible with surrounding development, especially nearby residential uses. Long, monotonous wall and roof lines are prohibited and should be broken up through appropriate design elements. Street facing elevations shall have a minimum pitch of 4:12.

2. Building materials: Approved building materials for street-facing facades are: concrete masonry units with stucco, reinforced concrete with stucco, ornamental block, clapboard, Hardiplank, brick and wood (natural or painted)

3. Building elements: Each habitable building facade facing the street shall contain a minimum of 50 percent transparent materials on the first story. The primary entrance to be building shall be located on the street facing facade.

4. Fencing: Perimeter fencing is allowed. Fences made of barbed wire, chain link or wire mesh are prohibited.
5. Front build-to line: Five (5) to fifteen (15) from property line; corner lots build-to-line is five (5) to fifteen (15) from side street and front property line.
6. Side and rear set back: Ten (10) feet from side and rear property line.
7. Buffers: Landscaped buffers are not required on street-facing facades but all other facades and fences will contain a landscaped buffer yard, using the buffer yard specifications found in subsection 22-78(e)(4), buffer yards.
8. Height: Building height shall be restricted to thirty-five (35) feet or less.
9. Lighting:
   i. Light glare and trespass: With exception of streetlights, all lighting fixtures shall be designed, located and installed to avoid casting direct light onto adjacent properties and streets or creating glare in the eyes of motorist and pedestrian.
   ii. Floodlights: Floodlighting is discouraged and if used, must be shielded to prevent disabling glare to drivers or pedestrians, light trespass beyond the property line, and light above a ninety-degree, horizontal plane. (Unshielded wallpack type fixtures are not permitted.)
   iii. Height: The height of the light shall not exceed twenty-five (25) feet above grade.

(13) Tattoo facility provided that the following conditions are met:

a. The facility is limited to business hours of 8:00 a.m. to 10:00 p.m.

b. Parking for the facility will be provided off street. There will be a minimum of three (3) spaces provided for each licensed artist.

c. No neon signage will be allowed at a tattoo facility.

d. All tattoo facilities must be licensed by the state department of health and environmental control.

e. No tattoo facility shall exist, be established or operate within one thousand (1,000) feet of another tattoo facility.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in GC general commercial zoning districts shall be required to conform to the following standards.

(1) Minimum lot area: 2,500 square feet.

(2) Minimum lot width, measured at the building line: Twenty-five (25) feet.

(3) Minimum front yard measured on the nearest abutting street right-of-way line: Ten (10) feet.

(4) Minimum side yard: No side yards are required. However, the provisions of section 22-123 pertaining to corner lots shall apply to GC zoning districts.

(5) Minimum rear yard: None. The provisions of section 22-125, pertaining to double frontage lots, shall apply in GC zoning districts.

(6) Maximum building height: Fifty (50) feet, subject to the approval of the fire chief. For exceptions to height regulations see section 22-142.

(7) Additional requirements: Uses permitted in GC zoning districts shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(8) Signs: Signs permitted in GC zoning districts, including the conditions under which they may be located, are set forth in article V.

(9) The provisions of section 22-78(e)(4) Bufferyard shall apply to GC zoning districts.

(Ord. No. 78-14, § 507, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 00-1, 6-14-00; Ord. No. 00-9, 5-10-00; Ord. No. 04-22, 9-8-04; Ord. No. 05-23, 6-8-05; Ord. No. 10-3, 3-10-10; Ord. No. 10-13, 12-8-10)

Sec. 22-69. OC office commercial.

(a) *Intent of district.* The intent of the OC zoning district is to develop and reserve land for business office, institutional, specified public, semi-public and residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms intermingled with dwellings and certain public or semipublic uses; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other uses capable of adversely affecting the specialized commercial, institutional and housing character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any OC zoning district:

(1) Business involving the rendering of a personal service, specifically including:

a. Barber shop, beauty shop or combination thereof;

b. Business school or college;

c. Dress maker, seamstress, tailor;

d. Funeral home or mortuary;

e. Insurance agency;

f. Jewelry and watch repair shop;

g. Medical, dental or chiropractic or other medically oriented office, clinic and/or laboratory;

h. Office building and office for governmental, business, professional or general purposes, but not including any storage, sale, rental, or servicing of goods in or on the premises;

i. Photographic studio;

j. Radio and/or television studio;

k. Real estate agency;

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

m. Shoe repair shop.

(2) Any use permitted in a general residential district under the conditions and requirements set forth in section 22-66, except manufactured mobile homes.

(3) Hotel, tourist home and motel.

(4) Private or semi-private club, lodge, union hall or social center.

(5) Church.

(6) Community hospitals and clinics involving any functions which relate directly to the operation of the hospitals or clinics.

(7) Accessory use in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted on a conditional use basis in any office commercial district, subject to the conditions as set forth in section 22-165.

(1) Pharmacy, apothecary, drug store, book, cigar, and/or magazine shop, florist shop, gift shop and restaurant other than a drive-in, provided:

a. Such businesses are located and operated so as to serve primarily nearby offices, tourist homes, apartment buildings and other permitted uses;

b. No outside loud speaker systems are utilized; and

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

(2) All conditional uses permitted in the general residential zoning district as set forth in section 22-66(c) and subject to all requirements pertaining to that district.

(3) Temporary use in compliance with the provisions of section 22-165.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the OC office commercial zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Five thousand (5,000) square feet.

(2) Minimum lot width, measured at the building line: Fifty (50) feet.

(3) Minimum front yard measured on the nearest abutting street right-of-way line: Twenty-five (25) feet.

(4) Minimum side yard: Ten (10) feet on each side. For side yard requirements pertaining to corner lots, see section 22-126.

(5) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(6) Maximum building height: Fifty (50) feet. For exceptions to height regulations see section 22-142.

(7) Additional requirements: Uses permitted in office commercial zoning districts shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(8) Signs: Signs permitted in office commercial zoning district, including the conditions under which they may be located, are set forth in article V.

(9) The provisions of section 22-78(e)(4) Bufferyard shall apply to OC zoning districts.

(Ord. No. 78-14, § 508, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 00-9, 5-10-00)

Sec. 22-70. NC neighborhood commercial district.

(a) *Intent of district.* It is the intent of this section that the NC zoning district be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district 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; avoid the development of strip business districts; and to discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

(b) *Permitted uses.* The following uses shall be permitted in the NC zoning district:

(1) All uses permitted in a CP conservation preservation district, as shown in section 22-61(b).

(2) Retail business involving the sale of merchandise on the premises in stores provided no outside loud speaker systems are utilized, specifically including:

a. Antique store.

b. Appliance, radio, television store.

c. Art supply store.

d. Book, magazine, newspaper shop.

e. Candy store.

f. Clothing store.

g. Drug store or pharmacy.

h. Florist shop.

i. Fruit, nut and/or vegetable store.

j. Gift or curio shop.

k. Grocery store.

l. Hardware store.

m. Hobby and/or toy shop.

n. Household furnishing store.

o. Millinery or hat store.

p. Music store and/or record shop.

q. 5 and 10 cent general or variety store.

r. Office supply and equipment store.

s. Package liquor store.

t. Paint store.

u. Photographic and camera supply and service store and studio.

v. Shoe store.

w. Sporting goods store.

(3) Business involving the rendering of a personal service or the repair and servicing of small equipment specifically including:

a. Appliance, radio, television repair shop.

b. Bank, savings and loan association, personal loan agency and branches.

c. Barber shop, beauty shop, or combination thereof.

d. Bicycle repair and sales shop.

e. Dressmaker, seamstress, tailor.

f. Dry cleaning self-service and/or laundry self-service facility.

g. Insurance agency.

h. Jewelry and watch repair shop.

i. Locksmith or gunsmith.

j. Medical, dental or chiropractic office, clinic and/or laboratory.

k. Office for governmental business, professional or general purposes.

l. Photographic studio.

m. Public utility business office.

n. Real estate agency.

o. School offering instruction in art, music, dancing, drama or similar cultural activity.

p. Telegraph office.

q. Telephone exchange.

(4) Radio and/or television station.

(5) Private or semi-private club, lodge, union hall or social center.

(6) Church.

(7) Residential use lawfully existing within the district at the time of adoption of this chapter.

(8) Off-street commercial parking lot.

(9) Publicly owned and operated building, facility, or land.

(10) Accessory use in compliance with the provisions of section 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any NC zoning district, subject to the conditions set forth in section 22-165:

(1) Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.

(2) Fuel sales provided that:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two (2) fuel sales facilities are permitted at an intersection of any U.S. or state numbered roadway. No more than one (1) fuel sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the design review board may permit pumps to be located to one (1) side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen (15) feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the design standards set out in chapter 15.5, articles II, IV and VI.

(3) Bakery provided that goods baked on the premises are sold as retail only.

(4) Contractor's office provided there is no storage of vehicles, equipment, or materials on the premises.

(5) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments (other than drive-in establishments) provided no outside loud speaker systems are utilized; provided all lights or lighting arrangements used for purposes of

advertising or night operations are directed away from adjoining or nearby residential properties by a suitable planting screen, fence or wall at least six (6) feet in height above finished grade.

(6) Dry cleaning or laundry pickup agency provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.

(7) 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.

(8) Pet shop, provided all animals are housed within the principal building so that no sound is perceptible beyond the premises.

(9) Public utility substation or sub-installation, including water towers or fire towers, provided such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finished grade, provided there is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and provided a landscaped strip not less than five (5) feet in width is planted and suitably maintained.

No communication antennas may be attached to any tower not specifically intended to be a communication tower (ex: water tower, telephone pole or roof).

(10) Combination of residential structure with any use herein this neighborhood commercial district permitted, provided that all dwelling units have direct access to an abutting street.

(11) Temporary use in compliance with the provisions of section 22-165.

(12) Eleemosynary (supported by charity), religious, public or semi-public and philanthropic institutions.

(13) Consumer oriented storage/warehouse facility, provided that same is not located on abutting streets, a landscape buffer shall be established on each boundary with a residential zone, that the landscape strip not less than ten (10) feet in width is planted and maintained for each one hundred (100) feet of buffer in the following manner:

2	6-foot trees
5	4-foot understory trees
8	12—15-inch shrubs
5	3-foot evergreens/conifers
20	Total

And further that the primary operation and any gating or fencing be one hundred (100) feet from the highway ingress/egress.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in NC zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Five thousand (5,000) square feet.

(2) Minimum lot width, measured at the building line: Fifty (50) linear feet.

(3) Minimum front yard measured from the nearest abutting street right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see sections 22-125 and 22-126.

(4) Minimum side yard: Not less than ten (10) feet from each side where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen fence, or wall at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see sections 22-123 and 22-125.

(5) Minimum rear yard: Fifteen (15) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence or wall at least six (6) feet in height above finished grade shall be required. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(6) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations see section 22-142.

(7) Additional requirements: Uses permitted in NC zoning districts shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(8) Signs: Signs permitted in NC zoning district, including the conditions under which they may be located, are set forth in article V.

(9) The provisions of section 22-78(e)(4) Bufferyard shall apply to NC zoning districts.

(Ord. No. 78-14, § 509, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 94-1, 7-13-94; Ord. No. 97-25, 12-3-97; Ord. No. 00-9, 5-10-00; Ord. No. 10-13, 12-8-10)

Sec. 22-71. HC highway commercial district.

(a) *Intent of district.* It is the intent of this section that the HC zoning district be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along the town's roadways. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any HC zoning district:

(1) Any commercial use permitted in the GC general commercial district in compliance with the provisions of section 22-68, unless otherwise set forth herein.

(2) Any retail or wholesale business involving the sale of merchandise on premises, as set forth for NC districts except those uses which involve open yard storage of junk,

salvage, used auto parts or building materials. Additionally, any storage as an accessory to permitted retail businesses, if within such business or directly adjacent, providing that such storage is not sold to the public.

(3) Business involving the rendering of personal services as set forth in NC districts other than an automobile laundry or an automobile repair garage which shall be permitted under conditions set forth in subsections 22-71(c)(2) and (4).

(4) Private or semi-private club, lodge, union hall or social center.

(5) Church.

(6) Residential use lawfully existing within the district at the time of adoption of this chapter.

(7) Off-street commercial parking lot or garage.

(8) Hotel, tourist home or motel.

(9) Publicly owned and operated building, facility or land.

(10) Commercial recreation facility, specifically including:

a. Billiard parlor;

b. Theater, including drive-in type of facility;

c. Bowling alley;

d. Golf course (including driving range or Par 3 operation).

(11) Commercial trade or vocational school.

(12) Eating and/or drinking establishment including drive-in or curb service.

(13) Radio and/or television station and/or transmission tower in compliance with section 22-148.

(14) Public utility installation or sub-installation, including water towers.

(15) Office building and/or office for governmental, business, professional or general purposes.

(16) Private airfield, together with incidental uses.

(c) *Conditional uses.* The following uses shall be permitted on a condition basis in any HC zoning district, subject to the conditions set forth section 22-165.

(1) Fuel sales provided that:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two (2) fuel sales facilities are permitted at an intersection of any U.S. or state numbered roadway. No more than one (1) fuel sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the design review board may permit pumps to be located to one (1) side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen (15) feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the design standards set out in chapter 15.5, articles II, IV and VI.

(2) 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.

(3) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for industrial buildings, as set forth in article VI.

(4) Automobile laundry or washateria provided an offstreet paved parking area capable of accommodating not less than one-half (½) of hourly vehicle 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 providing no safety hazard or impediment to traffic movement is created by the operation of such an establishment.

(5) 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.

(6) Open yard use for the sale or rental of materials or equipment, excluding junk or other salvage, provided that such uses are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade.

(7) Community hospitals or clinics, 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 22-75(c).

(8) Truck terminal, provided 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 hazards or impediment to traffic movement is produced as a result of such operation; and provided sites for such facilities have direct access to major streets.

(9) Recreational vehicle parks (en route type) provided that:

a. Adequate water and sewer facilities as well as bathing and other requirements are met in the opinion of the county health department; and

b. Such parks are used only for recreational equipment: i.e., campers, and not for permanent mobile homes.

(10) Temporary use in compliance with the provisions of section 22-165.

(11) Eleemosynary (supported by charity), religious, public or semi-public and philanthropic institutions.

(12) Uses permitted in general commercial district 22-68(c)(10), except number 1, letter d.

a. No person who maintains for use or permits the use of, on any place or premise occupied by him/her, any coin operated machine, device or electronic gaming device to be operated between the hours of 4:01 a.m. and 7:59 a.m.

(13) Self-service storage provided that the following conditions are met:

a. Self-service storage frontage will be prohibited on Ribaut Road, Parris Island Gateway, Savannah Highway and Robert Smalls Parkway. Limiting frontage on major commercial corridors prevents large sections of the street from being developed with uses which have low activity levels thereby detracting from the vitality of the street.

b. The maximum size of individual storage areas is 300 square feet.

c. Internal circulation: As regulated by the building code.

d. Parking: A minimum of two (2) parking spaces. If on-site parking is planned, it should be located to the rear or the side of the building, including rental trucks.

e. Design review for self-storage facilities are processed through staff review; uses which require design review because of an overlay district code will be processed as provided in those regulations. Design review required for new buildings to ensure that the development has a high design quality appropriate to the scale and character of the surrounding area.

1. Building and roof design: The building and roof are designed to be compatible with surrounding development, especially nearby residential uses. Long, monotonous wall and roof lines are prohibited and should be broken up through appropriate design elements. Street facing elevations shall have a minimum pitch of 4:12.

2. Building materials: Approved building materials for street-facing facades are: concrete masonry units with stucco, reinforced concrete with stucco, ornamental block, clapboard, Hardiplank, brick and wood (natural or painted)
3. Building elements: Each habitable building facade facing the street shall contain a minimum of 50 percent transparent materials on the first story. The primary entrance to be building shall be located on the street facing facade.
4. Fencing: Perimeter fencing is allowed. Fences made of barbed wire, chain link or wire mesh are prohibited.
5. Front build-to line: Five (5) to fifteen (15) from property line; corner lots build-to-line is five (5) to fifteen (15) from side street and front property line.
6. Side and rear set back: Ten (10) feet from side and rear property line.
7. Buffers: Landscaped buffers are not required on street-facing facades but all other facades and fences will contain a landscaped buffer yard, using the buffer yard specifications found in subsection 22-78(e)(4), buffer yard 2.
8. Height: Building height shall be restricted to thirty-five (35) feet or less.
9. Lighting:
    i. Light glare and trespass: With exception of streetlights, all lighting fixtures shall be designed, located and installed to avoid casting direct light onto adjacent properties and streets or creating glare in the eyes of motorist and pedestrian.
    ii. Floodlights: Floodlighting is discouraged and if used, must be shielded to prevent disabling glare to drivers or pedestrians, light trespass beyond the property line, and light above a ninety-degree, horizontal plane. (Unshielded wallpack type fixtures are not permitted.)
    iii. Height: The height of the light shall not exceed twenty-five (25) feet above grade.

(14) Tattoo facility provided that the following conditions are met:

a. The facility is limited to business hours of 8:00 a.m. to 10:00 p.m.

b. Parking for the facility will be provided off street. There will be a minimum of three (3) spaces provided for each licensed artist.

c. No neon signage will be allowed at a tattoo facility.

d. All tattoo facilities must be licensed by the state department of health and environmental control.

e. No tattoo facility shall exist, be established or operate within one thousand (1,000) feet of another tattoo facility.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in HC highway commercial zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Five thousand (5,000) square feet.

(2) Minimum lot width, as measured at the building line: Fifty (50) linear feet.

(3) Minimum front yard measured from the nearest abutting street right-of-way line: Twenty-five (25) feet.

(4) Minimum side yard: Not less than ten (10) 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 planting screen, fence, or wall at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see sections 22-123 and 22-125.

(5) Minimum rear yard: Fifteen (15) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence or wall at least six (6) feet shall be required. The provisions of section 22-125, pertaining to double frontage lots, shall apply in HC zoning districts.

(6) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations, see section 22-142.

(7) Additional requirements: Uses permitted in HC zoning district shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(8) Signs: Signs permitted in HC zoning district, including the conditions under which they may be located, are set forth in article V.

(9) The provisions of section 22-78(e)(4) Bufferyard shall apply to HC zoning districts.

(Ord. No. 78-14, § 510, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 96-1, 5-8-96; Ord. No. 00-1, 6-14-00; Ord. No. 00-9, 5-10-00; Ord. No. 04-22, 9-8-04; Ord. No. 05-23, 6-8-05; Ord. No. 10-13, 12-8-10)

Sec. 22-72. LI limited industrial district.

(a) *Intent of district.* The intent of the LI zoning district is to provide areas for light 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 light industrial in nature; protect and reserve undeveloped areas in the town, 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.

(b) *Permitted uses.* The following uses shall be permitted in any LI zoning district:

(1) Any commercial use permitted in the GC general commercial district in compliance with the provisions of section 22-68, unless otherwise set forth herein.

(2) Research or experimental laboratory.

(3) Transportation terminal facilities, such as deep or shallow water ports or airfields together with incidental operations, but excluding truck terminals which shall be permitted as conditional uses subject to the requirements of section 22-72(c)(7).

(4) Public building, facility or land other than a school, playground, hospital, clinic, care home, or cultural facility.

(5) Public utility installation.

(6) Agricultural farm.

(7) Horticultural nursery.

(8) Radio and/or television station and/or transmission tower.

(9) Office building and/or offices for governmental, business, professional or general purposes.

(10) Commercial trade or vocational school.

(11) Off-street commercial parking lot or garage, as well as off-street parking or storage areas for customer, client, or employee owned vehicles.

(12) Communications towers for cellular/digital telephone transmissions, radio communications, and any other communications technology in compliance with section 22-148.

(c) *Conditional uses.* The following uses shall be permitted on conditional basis in any LI zoning district, subject to the conditions set forth in section 22-165.

(1) Any industrial use, plus operations incidental to such use, which involves manufacturing, processing, assembly, storage operations, provided said manufacturing, processing, assembly or storage in no way involves any junk or salvage operations, provided that there is no open storage of junk or salvage materials, and provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.

(2) 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.

(3) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

(4) Fuel sales provided that:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two (2) fuel sales facilities are permitted at an intersection of any U.S. or state numbered roadway. No more than one (1) fuel sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the design review board may permit pumps to be located to one (1) side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen (15) feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the design standards set out in chapter 15.5, articles II, IV and VI.

(5) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum.

(6) Retail business 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 of any type in conjunction with the operation.

(7) 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 streets, provided no safety hazard or impediment to traffic movement is produced on any access road, and provided no open storage of any type is conducted in connection with the operation.

(8) Watchman or caretaker's one-family or two-family dwelling or modular home, except mobile home or travel trailer, provided such dwelling is located on the premises of a permitted use, and provided that a member of the household is employed by the industry as a watchman or caretaker.

(9) Dwelling incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied only by persons employed directly on the premises.

(10) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts provided any open yard storage incidental to such an operation conforms to the provisions of subsection 511.3(f), and provided no objectionable sound, vibration, heat, glare or electrical disturbance is created which is perceptible beyond the premises.

(11) Temporary use in compliance with the provisions of section 22-165.

(12) Retail storage facilities that sell rental storage space to the public, provided that it does not involve open storage space of junk or salvage material of any type in conjunction with this operation.

(13) Adult bookstore, adult video store, adult arcade as described in article III, section 12-46 of this Code. All activities must be inside and no inside activities shall be visible from outside the premise and parcel shall be large enough so that all opposing boundaries are no less than three hundred (300) feet apart. Furthermore, where LI abuts a residential district a buffer yard shall be established in accordance with section 22-78(e)(4), labeled special requirements—bufferyard, table I, class of the town zoning ordinances. In no circumstance shall a sexually-oriented business be allowed, regardless of district, within three hundred (300) feet of schools, religious instruction, public park or recreation area, youth activity center, or another sexually oriented business.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the LI limited industrial zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Ten thousand (10,000) square feet.

(2) Minimum lot width, measured at the building line: One hundred (100) feet.

(3) Minimum front yard measured from the nearest abutting street right-of-way line: Twenty-five (25) feet.

(4) Minimum side yard: No less than ten (10) feet on each side except when the property abuts another zoning district at least twenty-five (25) feet on that particular side should be required. Where the district abuts any residential zoning district not separated by a right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade will be required. For side yard requirements pertaining to corner lots, see sections 22-123 and 22-125.

(5) Minimum rear yard: Thirty-five (35) feet, except that when the property abuts another zoning district, fifty (50) feet is required. The provisions of Section 705, pertaining to double frontage lots, shall apply in limited industrial zoning district.

(6) Maximum building height: Fifty (50) feet, subject to the approval of the fire chief for exceptions to height regulations see Section 722.

(7) Additional requirements: Uses permitted in limited zoning districts shall meet all standards set forth in Article VI pertaining to off street parking, loading and other requirements.

(8) Signs: Signs permitted in limited industrial zoning districts, including the condition[s] under which they located, are set forth in Article V.

(Ord. No. 78-14, § 511, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 98-1, 5-13-98; Ord. No. 00-1, 6-14-00; Ord. No. 10-13, 12-8-10)

Sec. 22-73. MH mobile home district.

(a) *Intent of district.* The intent of the MH mobile home district is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in mobile homes, to protect mobile home parks from encroachment by incompatible uses, and to encourage the consolidation of mobile homes into mobile home parks. Any mobile home park within the town shall henceforth be located in conformance with the regulations set forth herein.

(b) *Reserved.*

(c) *Definitions.* For definitions of the terms "mobile home," "mobile home park," "mobile home space," "camper," "trailer" and "house trailer," see article XI.

(d) *Administrative procedures with regard to MH zoning districts.* Any street pertaining to establishment of a MH zoning district shall be considered an amendment of the zoning ordinance and shall be administered and processed in accordance with the regulations set forth in article IX, entitled Amendments, of this chapter. All data set forth in subsection 22-73(d) shall be submitted to the planning commission and subsequently forwarded to the town council with the recommendations of the planning commission. If approved by the town council, all information pertaining to the proposal shall be adopted as an amendment to the zoning ordinance, to be the standards of development for that particular mobile home district.

All further development shall conform to the standards adopted for the district, regardless of any changes in ownership. Any proposed changes in the district shall be treated as amendments to the zoning ordinance and must be considered in accordance with procedures set forth in article IX of this chapter. Appeals based on hardship or an alleged misinterpretation of the ordinance by the planning administrator or the building official shall be processed in accordance with procedures set forth in article IX, entitled zoning board of adjustment and appeals.

In any event where it is determined by the town council that development in the mobile home district is not in accordance with the standards adopted for that district, the council shall be empowered to amend the ordinance to place parts or all of the property in the mobile home district in another zoning classification deemed by the council to be more appropriate. The violation of any provision of the plans, as submitted under the provisions provided herein, shall constitute a violation of this chapter.

(e) *Mobile home subdivision.* If spaces for mobile homes are to be offered for sale, lots proposed for sale must be recorded according to the requirements of the town subdivision regulations at such time as they become enacted.

Application for subdivision may be processed in conjunction with the administrative review procedure required under this chapter to obtain authorization of this development, within an MH zoning district. Whether spaces are proposed for sale, rental or lease, the design of the park shall comply with the standards set forth in this section.

(f) *Mobile home park permit.* Upon authorization for a mobile home district, the planning administrator and the town building inspector shall issue a mobile home park permit to the person seeking to operate and maintain such a facility. The permit shall be conspicuously posted in the office or on the premises of the mobile home district.

(g) *Revocation of permit.* The town council may revoke any permit to maintain and operate a mobile home park where the operator has been found guilty by a court of competent jurisdiction of violation any provisions of this chapter. After such conviction, the permit may be reissued if the circumstances leading to the conviction have been remedied and the park is being maintained and operated in full compliance with the law.

(h) *Park plan.* In order to qualify for a MH mobile home zoning classification, a proposed park must first meet the following specific requirements:

(1) The site to be utilized for the park shall contain an area of not less than three (3) acres, and be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

(2) The site must have a minimum lot width measured at the building line of one hundred and fifty (150) feet.

(3) The mobile home park shall not contain more than seven (7) mobile home units per acre. Units shall be numbered sequentially commencing with the numeral one (1).

(4) Each individual mobile home space shall not be less than forty (40) feet in width, and four thousand (4,000) square feet of area which shall be clearly defined.

(5) Mobile homes shall be so situated on each space so as to provide:

a. A minimum of fifteen (15) feet of clearance between mobile homes and any property line bordering the park, subject to special conditions which may be imposed by 22-73(h)(7) below.

(6) Each mobile home park shall have a minimum total area of four thousand (4,000) square feet set aside for common recreational open space, or at least five (5) percent, whichever is greater. Each outdoor recreational area shall contain a minimum of two thousand (2,000) square feet.

(7) Other requirements for mobile home parks:

a. Minimum front yard depth measured from the nearest street right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see sections 22-125 and 22-126.

b. Minimum side yard: No less than fifteen (15) feet for each side. When the side lot line of the park abuts any residential zoning district not separated by a street right-of-way, a minimum side yard or thirty (30) feet on the side abutting said residential district, together with a suitable planting screen, fence or wall of at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see sections 22-123 and 22-125.

c. Minimum rear yard: Fifteen (15) feet. Where the rear lot line of the park abuts any residential district not separated by a street right-of-way, a minimum rear yard of thirty (30) feet, together with a suitable planting screen, fence or wall at least six (6) feet in height above finished grade shall be required. The provisions of section 22-126 pertaining to double frontage lots, shall apply to mobile home parks in MH districts.

d. Maximum building height: Thirty-five (35) feet.

(8) Off-street parking, loading, and other requirements shall conform to the standards set forth in article VI.

(9) The area proposed shall be in one (1) ownership, or if in several ownerships the application for amendment to the zoning ordinance shall be filed jointly by all of the owners of the properties included in the plan.

(10) A mobile home park in a MH district must conform to the department of health and environmental control requirements, and the site plan must be reviewed by the county department of health and other appropriate health agencies, which shall advise the

planning commission of its findings in writing or by stamped approval on the plan itself prior to the commission's making a recommendation on the proposal. The planning commission shall be restricted from making a favorable recommendation unless the county department of health determines that all local and state codes pertaining to health and environmental sanitation in mobile home parks have been met by the applicants.

(11) Signs: Signs permitted in MH zoning districts, including the conditions under which they may be located, are set forth in article V.

(12) A suitable plot plan shall be submitted by the developers for review and recommendations by the planning commission and consideration for approval by the town council. Specifically, such plan shall include the following elements where applicable:

a. The plot plan drawn to scale by a registered civil engineer, registered land surveyor, registered landscape architect, or registered architect showing the exact dimensions of the parcel or parcels of land under consideration. The plan shall include the following elements:

1. All property dimensions;
2. All mobile home space dimensions;
3. Street systems and dimensions;
4. Means of ingress and egress;
5. Off-street parking facilities;
6. Open spaces including recreational spaces together with dimensions;
7. Provisions of utilities; including water, sewer and drainage facilities approved by the state department of health and environmental control;
8. Park front, side and rear yard setback dimensions as described in part (7);

(13) A written report shall be submitted by the developers which shall define the manner in which the town council is to be assured that all improvements and protective devices, such as buffers, and waste disposal systems, such as oxidation stabilization ponds or mechanical treatment plants, where applicable, are to be maintained.

(i) *Mobile home communities.*

(1) All mobile homes/modular housing units within a mobile home community must:

a. Meet Southern Building Codes Seal of Approval/HUD;

b. Have tongues, wheels, and axles removed;

c. Have a pitched and shingled roof;

d. Be placed on permanent skirted foundation containing a footer;

e. Such skirting materials are to be of construction grade materials of a durable nature such as wood, brick, stone, wood lattice, or painted concrete block.

(2) The site must have a minimum lot width, as measured at the building line, of two hundred (200) linear feet.

(3) The mobile home park shall not contain more than seven (7) mobile home units per acre. Units shall be numbered sequentially commencing with the numeral one (1).

(4) Each mobile home space shall not be less than fifty (50) linear feet in width or five thousand (5,000) square feet in area. Each space shall be clearly marked and defined.

(5) Mobile homes shall be so situated on each space so as to provide:

a. A minimum of twenty (20) linear feet of clearance between mobile homes and property lines bounding the community, subject to special conditions which may be imposed by 22-73(h)(7) below.

b. A minimum of twenty-five (25) linear feet clearance between only those mobile homes parked end to end, and any building located within the park, except in the cases of zero-lot-line development (subject to joint municipal planning commission and town council approval).

(6) Each mobile home community shall have a minimum total area of ten thousand (10,000) square feet set aside for common open space or five (5) percent, whichever is greater. Each outdoor recreational area provided shall contain a minimum of two thousand (2,000) square feet.

(7) Same as in 22-73(h)(7), except in the case of zero-lot-line development, in which case front, side and rear yard requirements would be at joint municipal planning commission's and town council's discretion.

(8) Off-street parking, loading and other requirements shall conform to the standards set forth in article VI.

(9) The area proposed shall be in one (1) ownership, or if in several ownerships the application for amendment to the zoning ordinance shall be filed jointly by all of the owners of the properties included in the plan.

(10) A mobile home park in a MH District must conform to the department of health and environmental control requirements, and the site plan must be reviewed by the county department of health and other appropriate health agencies, which shall advise the planning commission of its findings in writing or by stamped approval on the plan itself prior to the commission's making a recommendation on the proposal. The planning commission shall be restricted from making a favorable recommendation unless the county department of health determines that all local and state codes pertaining to health and environmental sanitation in mobile home parks have been met by the applicants.

(11) Signs: Signs permitted in MH zoning districts, including the conditions under which they may be located, are set forth in article V.

(12) A suitable plot plan shall be submitted by the developers for review and recommendations by the planning commission and consideration for approval by the town council. Specifically, such plan shall include the following elements where applicable:

a. The plot plan drawn to scale by a registered civil engineer, registered land surveyor, registered landscape architect, or registered architect showing the exact dimensions of the parcel or parcels of land under consideration. The plan shall include the following elements:

1. All property dimensions;
2. All mobile home space dimensions;
3. Street systems and dimensions;
4. Means of ingress and egress;
5. Off-street parking facilities;
6. Open spaces including recreational spaces together with dimensions;
7. Provisions of utilities; including water, sewer and drainage facilities approved by the state department of health and environmental control;
8. Park front, side and rear yard setback dimensions as described in part (7);

(13) All mobile homes/modular housing units within a mobile home community must be placed on permanent foundations, have pitched and shingled roofs, and have wheels, axles and tongue removed.

(14) Conditional uses for mobile home communities:

a. Children's playhouse and play equipment.

b. Private swimming pool and bathhouse or cabana provided they are at least fifty (50) linear feet from property line.

c. Private dock or boat house.

d. Nursery for care of children.

e. Off-street parking, without charge, for residents or guests provided parking areas are at least fifty (50) linear feet from property line.

f. Accessory retail businesses for the convenience of residents such as small laundromats, neighborhood grocery, etc., provided parking and other requirements are met as listed in zoning ordinances, and provided that such convenience businesses are located in one (1) general contiguous area within mobile home community and get council approval.

g. TV satellite-earth antennas (see section 22-131(a)).

(15) 22-73(i) to be the same as 22-73(h)(13).

(Ord. No. 78-14, § 512, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 10-3, 3-10-10)

Sec. 22-74. G governmental district.

(a) *Intent of district.* It is the intent of this section that the G governmental district be applied to major land reservations and holdings under the ownership of the federal, state, municipality or county government, or appropriate agencies thereof, such as military installations or recreational areas, which are devoted to purposes not readily adaptable to regulations under any other district set forth in this chapter.

(b) *Permitted uses.* Any use which is integral or compatible to the principal operation located within the G district, provided that such use is authorized and under the control of the responsible governmental agency owning the land or operating the facility or installation, and provided that such use is determined by the responsible governmental agency not to be contrary to the public welfare.

(c) *Other requirements.* Permitted uses may be located in G district subject to such requirements and regulations as deemed necessary by the governmental agency responsible for their operation to assure their most effective utilization in terms of the overall functioning of the installation or facility and in terms of insuring the best interests of the general public. (Ord. No. 78-14, § 513, 1-10-79)

Sec. 22-75. FA forest agricultural district.

(a) *Intent of 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 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, dairies, forest management area, horticultural nurseries and other agricultural uses which involve the growing of crops, livestock and animals and/or trees; and

(2) To discourage any encroachment by premature housing development, scattered commercial and/or industrial operations, or other uses capable of adversely affecting the basic agricultural or open character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any FA zoning district:

(1) All uses permitted in a CP conservation preservation district, as shown in section 22-61(b).

(2) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees, poultry, and/or animals and livestock.

(3) Tree farm and/or forest management area.

(4) Horticultural nursery.

(5) Church with minimum forty thousand (40,000) square foot lot.

(6) Private or semi-private club, lodge, grange or union hall or social center.

(7) Animal hospital and/or boarding facility.

(8) Any publicly owned and operated building, facility or land.

(9) Eleemosynary (supported by charity), religious, public or semi-public and philanthropic camps.

(10) Golf course.

(11) One-family dwellings, accessory to farm operation on same property with farm and occupied by full time owners and laborers on said farm.

(12) One-family dwelling located on a lot containing not less than 30,000 feet of land.

(13) Private dock.

(14) Boat marina.

(15) Bait house.

(16) Wildlife refuge, including one-family or two-family dwelling units of caretakers employed to maintain and protect the refuge.

(17) Swimming beach.

(18) Airfield, together with subordinate uses.

(19) Dredging, land fill or the excavation of natural materials.

(20) Radio and television station or transmission tower.

(21) Customary home occupation established under the regulations of section 22-130.

(22) Accessory use in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any FA zoning district:

(1) Stand or shelter for the selling and/or display of seasonal agricultural produce provided that:

a. All setback and yard requirements are maintained; and

b. At least four (4) off-street parking spaces are provided and suitably maintained.

(2) Commercial riding stable provided that:

a. Such use is located on a lot of not less than one (1) acre; and

b. No building or enclosure for animals is located closer than fifty (50) feet from any property line.

(3) Dwellings for migrating laborers provided that:

a. All standards set forth for lot, areas, minimum lot area per dwelling unit, maximum dwelling units per acre, minimum lot width, front yard, side yards, and maximum building height as required for multi-family dwellings in section 22-66, GR general residential district;

b. When such dwellings are located on property immediately abutting any type of residential or dwelling district, they shall be located no closer than thirty (30) feet to any property line immediately contiguous to said residential or dwelling district, and

c. That such dwellings are built in conformity with appropriate building standards.

(4) Cemetery, when accessory to and on the same property as a permitted use in the FA district.

(5) Individual mobile homes provided that:

a. Such use conforms to requirements set forth in section 22-62(d);

b. No more than one (1) mobile home be located on a given lot;

c. Such uses are the principal uses located on said lot;

d. No other residences or other principal structures are located on said lot;

e. Such mobile home shall be deemed to have adequate water, sewer, and other service facilities by appropriate officials.

(6) Temporary use in compliance with the provisions of section 22-165.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, structures permitted in FA zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Thirty thousand (30,000) feet.

(2) Minimum land area per dwelling unit: Thirty thousand (30,000) feet.

(3) Minimum lot width, measured at the building line: One hundred (100) feet.

(Ord. No. 78-14, § 514, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87)

Sec. 22-76. PUD planned unit development district.

Upon the expiration of the time period specified by the town council or a period not to exceed five (5) years, whichever shall occur first, that the development has not been satisfactorily completed in accordance with the approved master plan, the site shall revert back to the previous zoning district in existence prior to approval of the PUD master plan, or to an appropriate zoning district to be compatible with the town land use plan for town council action upon the town's official request.

(1) *Intent of district.* It is the intent of this section that the PUD zoning district be reserved for the establishment and continuance of shopping centers, group housing projects, planned industrial developments, medical centers, resort areas, and similar types of large-scale compatible use developments.

The regulations which apply within this district are designed to encourage the formation of such planned developments when and as appropriate and to permit the greatest latitude possible with respect to:

a. Internal site planning consideration.

b. The location of these developments within the incorporated portions of the town in the best interest of the long-range development plans for the town.

(2) *Specific requirements.* In order to qualify for a planned unit development zoning classification, a proposed planned unit development must first meet the following specific requirements:

a. The site to be utilized for a planned unit development must be well drained, properly graded to insure rapid drainage, and free from stagnant pools of water.

b. The site must have a minimum width between any two (2) opposite boundary lines of three hundred (300) linear feet and must adjoin or have direct access to at least one (1) arterial street.

c. The area proposed shall be in one (1) ownership, or if in several ownerships, the application for amendment to the zoning ordinance shall be filed jointly by all of the owners of the properties included in the plan; and

d. A suitable plot plan shall be submitted by the developers for review and approval by the planning commission and the town council. Specifically, such plan shall include the following elements, where applicable:

1. The plot plan drawn to scale by a registered civil engineer, registered land surveyor, registered landscape architect or registered architect showing the exact dimensions of the parcel of land under consideration. The plan shall include the following elements:

(i) All property dimensions, plotting and street systems, proposed building sites and sizes, types of use proposed for buildings, plans for the screening and protection of abutting properties, means of ingress and egress, access and circulation arrangement off-street parking and loading facilities, proposed reservation or dedications for streets, open spaces and other public facilities. And, if requested, two (2) foot vertical contour intervals shall be provided on the site plan. The plot plan shall also include the name of the development and the developer, a north arrow, the date of field survey, tract boundary lines, dimensions, hearings, angles and reference points to at least two (2) permanent monuments.

(ii) If the proposal includes the subdivision of land for any purpose of the provision of new public streets, the information required above and any additional information which may be required under procedures regarding the processing and recording of subdivision plots in the town shall be included. The plot plan may then be processed simultaneously for recording and as a part of the application for a planned unit development district classification as provided for in this chapter.

2. A written report shall be submitted by the developers for review and approval by the planning commission and the town council; such report shall explain the type, nature, intent, and characteristics of the proposed development, and shall specifically include, where applicable:
   (i) A general description of the proposal;
   (ii) A detailed legal description of the location of the site;
   (iii) Proposed standards for development, including restrictions on the use of the property, density standards and yard requirements and restrictive covenants;
   (iv) Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites;
   (v) Exceptions or variations from the requirements of the zoning ordinance if any are being requested;
   (vi) Plan for the provision of utilities; including water, sewer and drainage facilities;
   (vii) Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;
   (viii) Plans for parking, loading access ways, signs and means of protecting adjacent areas from lighting and other potentially adverse effects;
   (ix) A statement defining the manner in which the town council is to be assured that all improvements and protective devices, such as buffers, are to be installed and maintained; and tabulations showing the number of dwelling units by type, if any, and other data that the planning commission and the town council may require.
3. In all PUD projects, the general provisions, as set forth in article VI shall govern, unless relief is granted by the planning commission and the town council.

(3) *Administrative procedures with regard to PUD zoning districts.* Any request pertaining to the establishment of a PUD zoning district shall be considered an amendment to the zoning ordinance and shall be administered and processed in accordance with the regulations set forth in article IX, entitled Amendments of this chapter. All data set forth in subsection 22-76(2) shall be submitted to the planning commission and subsequently forwarded to the town council with the recommendation of the planning commission. If approved by the town council, all information pertaining to the proposal shall be adopted as an amendment to the zoning ordinance, to be the standards of development for that particular planned unit development district.

All further development shall conform to the standards adopted for the district regardless of any changes in ownership. Any proposed major amendments in the district shall be treated as changes to the zoning ordinance and must be considered in accordance with procedures set forth in article IX of this chapter.

1. If not specifically addressed within the PUD document, changes to a final PUD document shall be classified as minor changes or major amendments by the zoning administrator. A major amendment is one that will have significant impacts on the development in the PUD, or on the site surrounding the PUD.
2. Minor changes being required by engineering, circumstances not foreseen at the time of adoption, or in the interest of providing superior and harmonious design, may be authorized by:
   a) The reviewing design board established by the PUD,
   b) The town's design review board, if the PUD is zoned within an established overlay district.

If neither of these provisions applies, minor changes may be authorized by the zoning administrator. No change authorized as a minor change may cause any of the following:

i. A change in the use or character of the development;
ii. An increase in overall density;
iii. An increase in the amount of land in nonresidential uses;
iv. A reduction in approved open space of two (2) percent or more;
v. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways;
vi. Changes to the vehicular system which result in a significant change in the amount or location of sidewalks and paths;
vii. Changes to the vehicular system which result in a significant change in the amount or location of common parking areas;
viii. Changes to the vehicular system which result in a significant change in the circulation patterns;
ix. Changes to the vehicular system which result in a change in the amount or location of connectivity or access points;
x. A change in traffic counts generated by the PUD;
xi. A change in a specific condition set by town council at the time of adoption of the PUD.
xii. A re-positioning of dissimilar residential uses.

Appeals based on hardship or an alleged misinterpretation of the ordinance by the zoning administrator or the building official shall be processed in accordance with procedures set forth in article VIII, entitled Zoning Board of Adjustment and Appeals.

In any event where it is determined by the town council that development in the planned unit development district is not in accordance with the standards adopted, or as amended above, for that district, the council shall be empowered to amend the ordinance to place parts or all of the property in the planned unit development district in another zoning classification deemed by the council to be more appropriate.

Before approval of a planned unit development district, the town council may require a contract with safeguards satisfactory to the town attorney guaranteeing completion of the development plan in a period to be specified by the town council, but which period shall not exceed five (5) years unless extended by the town council for due cause shown. Such guarantee may include the submission of a performance bond in an amount as set by the town council.

The violation of any provisions of the plans, as submitted under the provisions provided herein, shall constitute a violation of this chapter.

(4) *Permitted developments.* Any planned large-scale development which meets the provisions of this chapter and which is considered by the planning commission and the town council for a PUD classification may be so classified.

Examples might include areas proposed principally for large-scale development in industry, commerce, housing, areas proposed for preservation for recreational, historical, conservation, agricultural or flood control purposes; areas to be utilized for specialized purposes such as recreational resorts, as well as educational, civic, governmental, transportation or military complexes.

Approved PUD districts may be areas of mixed land use so long as the land use patterns conform to the plans adopted as the zoning regulations for that particular district and to the provisions of 22-76(5) below.

(5) *Permitted uses.* Any use proposed by the developer and considered by the planning commission and the town council as being compatible to other nearby uses within and without the district in keeping with the intent of the particular PUD district may be permitted in such district upon approval by the planning commission and town council. A listing of permitted uses within a particular PUD district shall be adopted as part of the regulations applying to that district. The developer shall prepare a list of proposed uses for submission with his application. After approval by the planning commission and the town council, the list of portions thereof approved by the aforementioned bodies shall be adopted as part of regulations applying to that particular PUD district. Thereafter, the uses permitted in the district shall be restricted to those listed, approved, and adopted according to procedures set forth herein.

(6) *General design criteria and development standards.*

a. Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

b. Densities per acre for residential dwelling units and yard and other dimensional requirements for each PUD district may be set by the town council, upon recommendation of the planning commission.

c. Parking, loading and other requirements for each PUD district may be set by the town council upon recommendation of the planning commission. The standards of article VI, sections 22-133 and 22-139 shall serve as a general guide to such requirements for uses proposed for location in a PUD district.

d. Where development abuts at separate single-family residential district, buildings and activities, other than single-family dwellings and two-family dwellings, must be set back a sufficient distance from the separating property line or district boundary line, not less than thirty (30) feet for multi-family residential, public or institutional uses the distance separating all buildings and activities from surrounding residential districts should in fact be great enough to constitute a reasonable buffer. Loading docks and truck maneuvering areas and terminals, where possible, should be further removed from residential lot lines than buildings. Property lines abutting residential districts must be screened by a permanent attractive planting screen, wall or fence in a buffer strip not less than six (6) feet in height and sufficient to screen out excessive sound and view from the residential areas, except in the following instances:

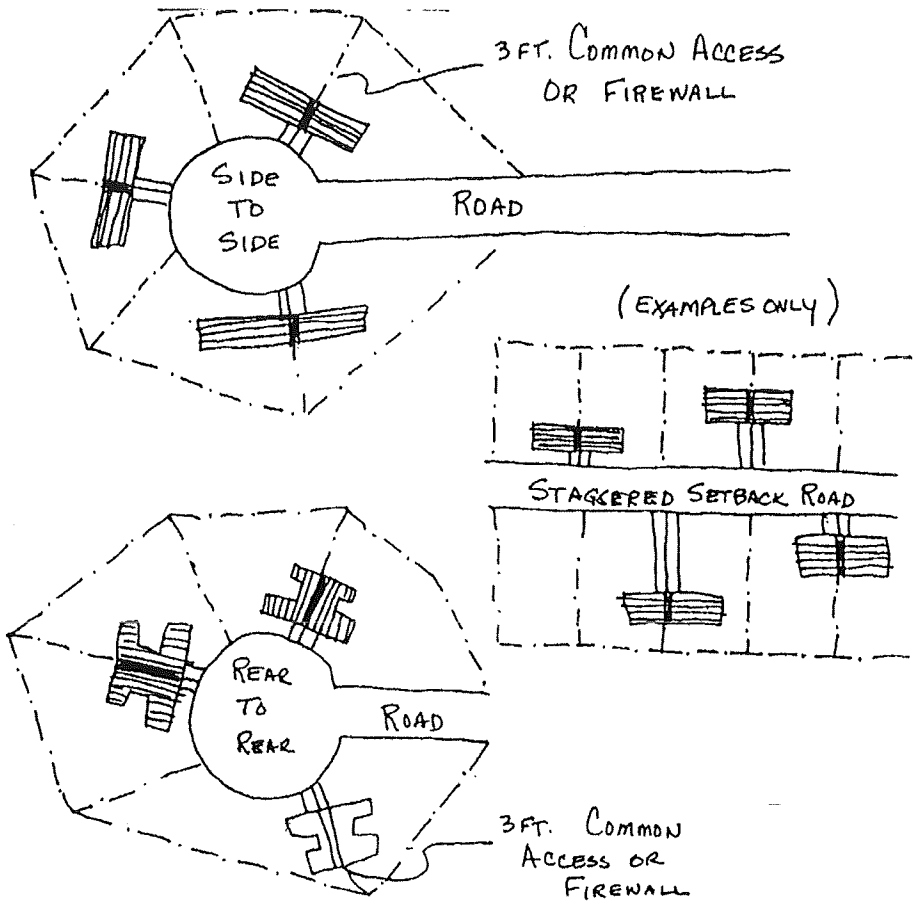
Where, one- and two-family dwellings within the PUD district are on property immediately adjoining a residential district, then no buffer shall be required.

Where multi-family dwellings and townhouses within the PUD district are on property immediately adjoining multi-family dwellings or townhouses in a residential district, then no buffer shall be required.

In addition, all storage yards or outdoor display spaces must be enclosed with a planting screen, wall or fence to a height of at least six (6) feet, including gates or exit points.

Zero-lot-line development permitted as follows:

Where dwelling structures within a designated area are placed on individual lots so as to be separated only by a minimum three (3) foot common/shared service access between exterior rear or side walls, so as to maximize usable open space surrounding dwelling unit. Zero-lot-line development may incorporate concept of staggered setbacks, approval of which is at joint municipal planning commission's and town council's discretion. Zero-lot-line design development may be utilized in all residential zones as mobile home parks or mobile home communities in the following manner, (no more than two (2) units attached per two (2) lots):



Minimum Setbacks

Note: Minimum setbacks (unless granted variance, in case of staggered setbacks), buffers and all other requirements within subsection 22-76(6)d. must still be met unless granted a variance by B.O.A. All zero-lot-line plans are subject to joint municipal planning commission and town council approval; zero-lot-line plans and changes are at their discretion.

e. Within a PUD district, the design should include buffers suitable for screening residential areas from institutional, commercial, industrial uses when a danger of incompatibility appears to exist.

f. Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

g. Sign requirements may be set by the town council, following recommendation by the Planning Commission.

h. In PUD districts, areas used for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress or egress. Access-ways shall generally conform to standards set forth in article VI, section 22-145, with the following exceptions:

Shopping centers, other individual commercial, industrial, institutional and multi-family uses shall have not more than two (2) access points to any one (1) public street, unless unusual circumstances demonstrate the need for additional access points.

Where possible, all access points to a public street from shopping centers, other individual commercial, industrial, institutional and multi-family uses shall be located at least one hundred (100) feet from the intersection of any street lines and shall be designed in a manner conducive to safe ingress and egress.

(Ord. No. 78-14, § 515, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 94-2, § 2, 3-9-94; Ord. No. 01-41, 6-13-01; Ord. No. 09-12, 12-9-09)

Sec. 22-77. Reserved.

Editor's note—Ord. No. 10-12, adopted November 10, 2010, repealed § 22-77, which pertained to the FH flood hazard district and derived from Ord. No. 78-14, adopted January 10, 1979 and Ord. No. 10-3, adopted March 10, 2010)

Sec. 22-78. MU-1 mixed use district.

(a) *Intent of district.* It is of special and substantial public interest to encourage residential and economic redevelopment of the older section of the town known as "The Village" situated south of 16th Street. It is, therefore, the intent of the MU-1 mixed use district to encourage the formation of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other. Such general business purposes are encouraged in this section to combine compatibly with residential uses. Residential occupancy in this district is to be promoted and encouraged, either in separate buildings or in combination with office, retail, and service uses, and that such uses, in combination or not, shall be scaled and designed to serve both the livability and economic restructuring of the area. The MU-1 mixed-use district, thus, anticipates the desirability of mixing land uses and imposes standards to resolve problems associated with mixing, and eliminates the negative aspects of juxtaposing unlike land uses.

(b) *Permitted uses.* The following uses shall be permitted in a MU-1 zoning district subject to the special requirements as set forth in subsection 22-78(e).

(1) Any use, with the exception of manufactured housing (mobile homes, see sections 22-128, 22-129 of this chapter) permitted in a GR general residential district, in compliance with the provisions of section 22-66, and unless otherwise set forth in this section.

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

(3) Retail business specifically including:

a. Antique shops;

b. Art shops and galleries;

c. Book and stationery shops;

d. Candy and confectionery shops;

e. China and crockery shops;

f. Drug stores or pharmacies;

g. Floor covering, paint and wallpaper stores;

h. Florist shops;

i. Food stores, and fruit and vegetable markets;

j. Furniture stores;

k. Television, radio, sales and service;

l. Gift, card and curio shops;

m. Hardware stores;

n. Hobby and toy shops;

o. Ice cream shops;

p. Jewelry shops;

q. Leather goods and luggage shops;

r. Marine and fishing supply shops;

s. Millinery or hat shops;

t. Music and record shops;

u. Newsstands;

v. Office supply store;

w. Package liquor stores;

x. Photographic and camera supply shops;

y. Shoe stores;

z. Sporting goods and bicycle shops;

aa. Towel and linen shops;

bb. Video/small appliance rental and sales;

cc. Variety and sundry shops;

dd. Wearing apparel shops.

The above retail establishments may provide incidental repair, maintenance, alteration, or adjustment services as appropriate, but facilities, operation and storage for such services shall not be visible from any street or pedestrian walkway.

(4) Service business specifically including:

a. Banks, savings and loan associations, and similar financial institutions;

b. Barber and beauty shops;

c. Bicycle repair and sales shops;

d. Dressmaking, seamstress, tailoring and millinery shops, except where products are made for off premise sales;

e. Health studios and spas;

f. Jewelry and watch repair shops;

g. Locksmith and gunsmith;

h. Medical, dental, or chiropractic office, clinic and/or laboratory;

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

j. Photographic studios;

k. Shoe repair shops;

l. Travel and ticket agencies.

m. Utilities and public facilities.

(5) Churches, and similar places of worship including associated uses.

(6) Private or semiprivate lodge, or social center;

(7) Hotels, bed and breakfast inns and other facilities for dwelling or lodging;

(8) Art galleries, museums and libraries;

(9) Theaters, other than drive-in;

(10) Radio and television stations;

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

(12) Commercial marinas;

(13) Accessory use in compliance with the provisions of sections 22-131, 22-132 and subsection 22-78(e).

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any MU-1 zoning district subject to the conditions set forth is section 22-165 and subsection 22-78(e).

(1) Bakeries provided that goods baked on the premises are sold on the premises at retail only;

(2) Coin operated dry cleaning facilities and laundry with rated capacity limited to ten (10) pounds per machine, forty (40) pounds total for dry cleaning, and twenty five (25) pounds per machine, five hundred (500) pounds total for laundry; provided the establishment closes by 9:30 p.m.;

(3) Dry cleaning and laundry cleaning establishment with total capacity limited as for coin operated facilities and provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers; provided the establishment closes by 9:30 p.m.;

(4) Duplicating centers including letter and photostat services with work area for such services not visible from adjacent pedestrians walkway;

(5) Meat, fish and/or poultry shop providing that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises;

(6) Restaurants (except those that include drive-in, or drive-up window service or curb service), supper clubs, delicatessens, tea rooms and cafes, including those with live entertainment and/or outdoor table service where sound or noise that may be perceptible beyond the premises is in compliance with town noise ordinance, and provided all lights or lighting arrangements used for the purpose of advertising or night operations are directed away from adjoining or nearby residential properties;

(7) Tavern and nightclubs including those with dancing or live entertainment where sound or noise that may be perceptible beyond the premises is in compliance with town noise ordinance, and provided all lights or lighting arrangements used for the purpose of advertising or night operations are directed away from adjoining or nearby residential properties;

(8) Combination of residential structure with any use permitted within this classification, provided that all dwelling units have direct access to street;

(9) Temporary use in compliance with the provisions of sections 22-78(e) and 22-165.

(10) Bed and breakfast. A dwelling may be involved in the rental of five (5) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent. The parking space provision shall be confirmed by the planning administrator and the building official prior to the issuance of a business license for this purpose and use.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MU-1 zoning district shall be required to conform to the following standards:

(1) Minimum Lot Area: Two thousand five hundred (2,500) square feet.

(2) Minimum lot width, measured at the building line: Twenty-five (25) feet.

(3) Minimum front yard measured from the nearest abutting street right-of-way line: Ten (10) feet. This front yard minimum shall also apply to residential.

(4) Minimum side yard: No side yards are required. However, the provisions of section 22-123 pertaining to corner lots, shall apply to MU-1 zoning districts and provided structures are built in accordance with the Standard Building Codes and, further, where a permitted use other than residential abuts any existing residential use not separated by a street right-of-way, the special requirements as set forth in section 22-78(e) shall apply.

(5) Minimum rear yard: None; however, where a permitted use other than residential abuts any existing residential use not separated by a street right-of-way, the special requirements as set forth in section 22-125, pertaining to double frontage lots, shall apply in MU-1 zoning districts.

(6) Maximum building height: Thirty-five (35) feet, subject to the approval of the fire chief. For exceptions to height regulations, see section 22-142.

(7) Additional requirements: Use permitted in MU-1 zoning districts shall meet all standards set forth in article VI pertaining to off street parking, loading and other requirements. Required front yard setbacks within MU-1 zoning districts which are adjacent to public right-of-way shall not be used for off street parking or loading.

Except for portions authorized for vehicular access, all required front yard setbacks and sidewalk/road shoulder areas within the public right-of-way shall be appropriately landscaped and provided with pedestrian ways assigned so as to not inhibit vehicular mail delivery.

(8) Signs. Signs permitted in MU-1 zoning districts including the conditions under which they may be located, are set forth in article V.

(e) *Special requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MU-1 and MU-2 zoning districts shall be required to conform to the following:

(1) *Permissible accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses approved by the planning admin-

istrator and the building official, and initiated or completed within any time limits established generally or in relation to a special permit, shall be permitted subjected to limitations. The following special limitations or exceptions shall apply to accessory uses and structures in this district:

a. Outdoor displays, exhibits, sales, service of food and drinks, or other activities may be conducted in pedestrian open spaces whether or not such activities are customarily accessory to the adjacent principal use, provided that such exhibits and displays must be moved inside by the close of the business day. Areas, activities, and facilities so approved may be used for regular, intermittent, or temporary special events without further permitting which might otherwise be required under these zoning regulations, but shall not be exempted from requirements for other permits.

b. Temporary shelters, bulletin boards, kiosks, signs, exhibit and display stands, and facilities for service and display stands, and facilities for service of food and drink may be permitted in appropriate locations in pedestrian open space. If so approved, such structures shall be exempted from limitations generally applying to yards and pedestrian open space.

c. Also, see sections 22-131 and 22-132 re, accessory use and section 22-165 re, temporary uses.

(2) *Limitations on use.* Except for outdoor dining places, exhibits of arts and crafts, flowers and plants, parking lots or parking garages, and other uses as authorized by special permit, all activities shall be conducted within completely enclosed buildings.

(3) *Pedestrians through block connections; requirements and limitations.* Whenever a development includes a pedestrian through block connection, it shall be open and accessible to the public during normal business hours. The walkway shall have a minimum width of eight (8) feet and a minimum height clearance of eight (8) feet. The walkway shall be appropriately improved and maintained for pedestrian safety, comfort and convenience.

(4) *Bufferyards.*

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

1. What is proposed;

2. What is existing on the adjacent property; and

3. The type of bufferyard selected.

b. *Definition.* A bufferyard is a unit of yard, together with planting, fences, walls, and other screening devices required thereon.

c. *Location of bufferyards.* Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public right-of-way; however, they may occupy part of all of any side or rear yard setback required by this chapter.

Where required, bufferyards and/or bufferyard structures shall be designed as an integral part of the proposed use.

d. *Determination of bufferyard requirements.* To determine the bufferyard required between two adjacent parcels, the following procedure shall be followed:

1. Identify the proposed land use.
2. Identify the use of land adjacent to the proposed use.
3. Determine the bufferyard required on each boundary (or segment thereof) of the proposed land use by referring to table I, bufferyard requirements, and illustrations contained herein which specify the bufferyard options between a proposed use and the existing adjacent use.
4. Any of the several options contained in the illustrations shall satisfy the requirements of this section.

e. *Bufferyard specifications.* The accompanying illustrations specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of the width of the bufferyard and the number of plants required per one hundred (100) feet of bufferyard. The requirements of a bufferyard may be satisfied by any one of the factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. Each illustration depicts the total bufferyard required between two (2) uses.

Whenever a wall or fence is required within a bufferyard, these are shown as "structure" in the following illustrations wherein their respective specifications are also shown.

The exact placement of required plants shall be the decision of developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order maximize their chances of survival.

The following table shall serve as a guide for determining minimum plant size.

Plant material type	*Planting in bufferyards*
Canopy tree	
Single Stem	1½ inch caliper
Multi-stem clump	6 feet (height)
Understory tree	4 feet (height)
Evergreen tree	3 feet (height)
Shrub	
Deciduous	15 inches (height)
Evergreen	12 inches (height)

f. *Use of bufferyards.* In addition to the planting and fence structure type required, a bufferyard may be used for passive recreation with plans approved by the planning administrator and the building official. Further, the bufferyard may utilized to meet off-street parking requirements. Plans for such use must be approved by the planning administrator and the building official to assure the bufferyard purpose is carried forth.

g. *Required maintenance.* The maintenance of required bufferyards shall be the responsibility of the property owner, and all such yards shall be properly maintained so as to assure continued buffering. Dead trees shall be removed; suitable ground cover provided, debris and litter shall be cleaned; and fences, and walls shall be maintained at all times. Failure to do so is a violation of this chapter, and maybe remedied in the manner prescribed for other violations.

h. *Clear cutting of bufferyards prohibited.* Clear cutting of trees and natural vegetation occupying a bufferyard at the time of construction shall be prohibited. In that the bufferyard shall remain in its natural state to the extent that the natural vegetation provides equal or better "buffering" than the requirements of this article, the town's tree ordinance shall apply and the vegetation thus retained shall be taken into account by the planning administrator and the building official upon determining the planting requirements by bufferyard type.

Table I. MU Bufferyard Requirements

Legend:

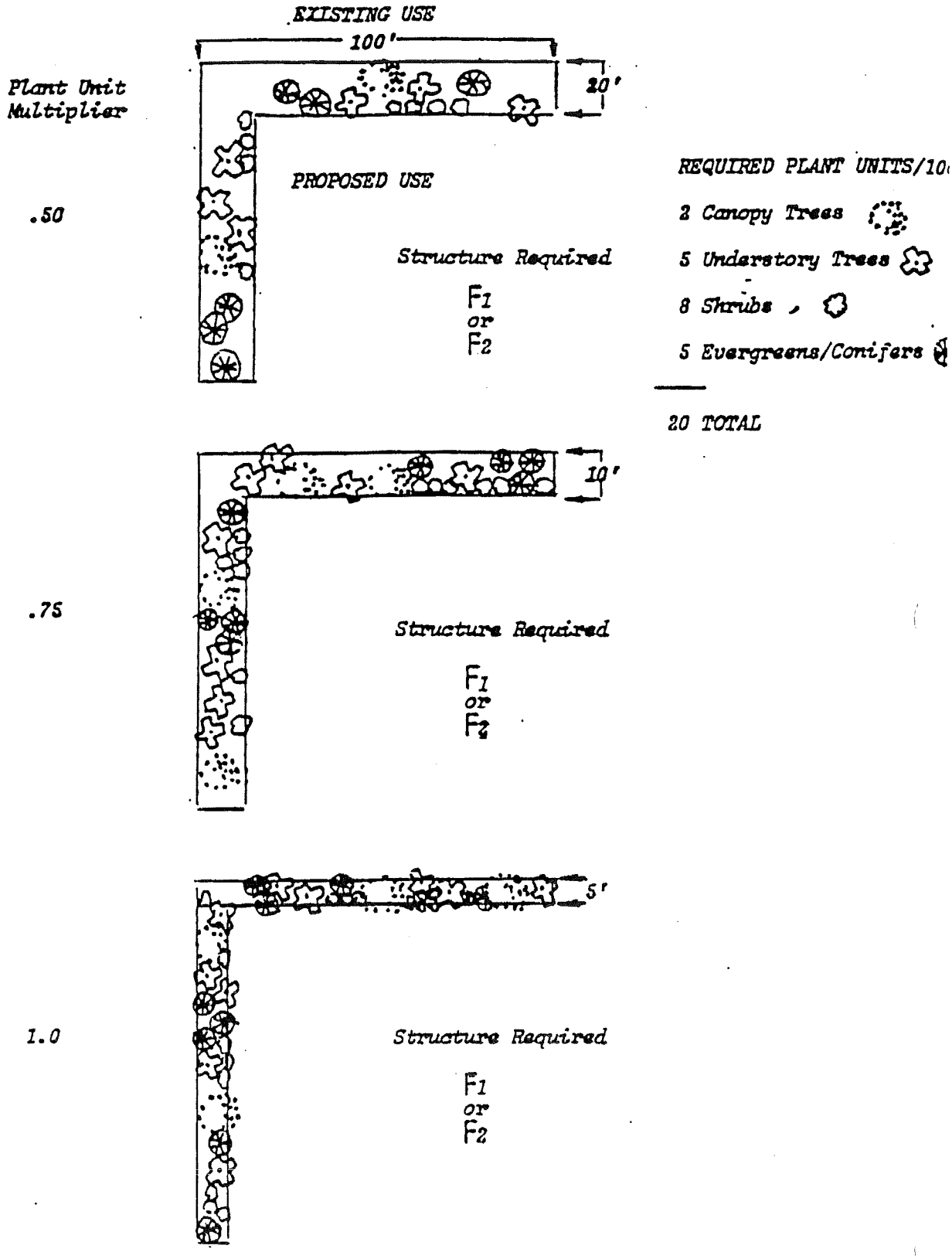
0—No bufferyard required

1—Class 1 bufferyard

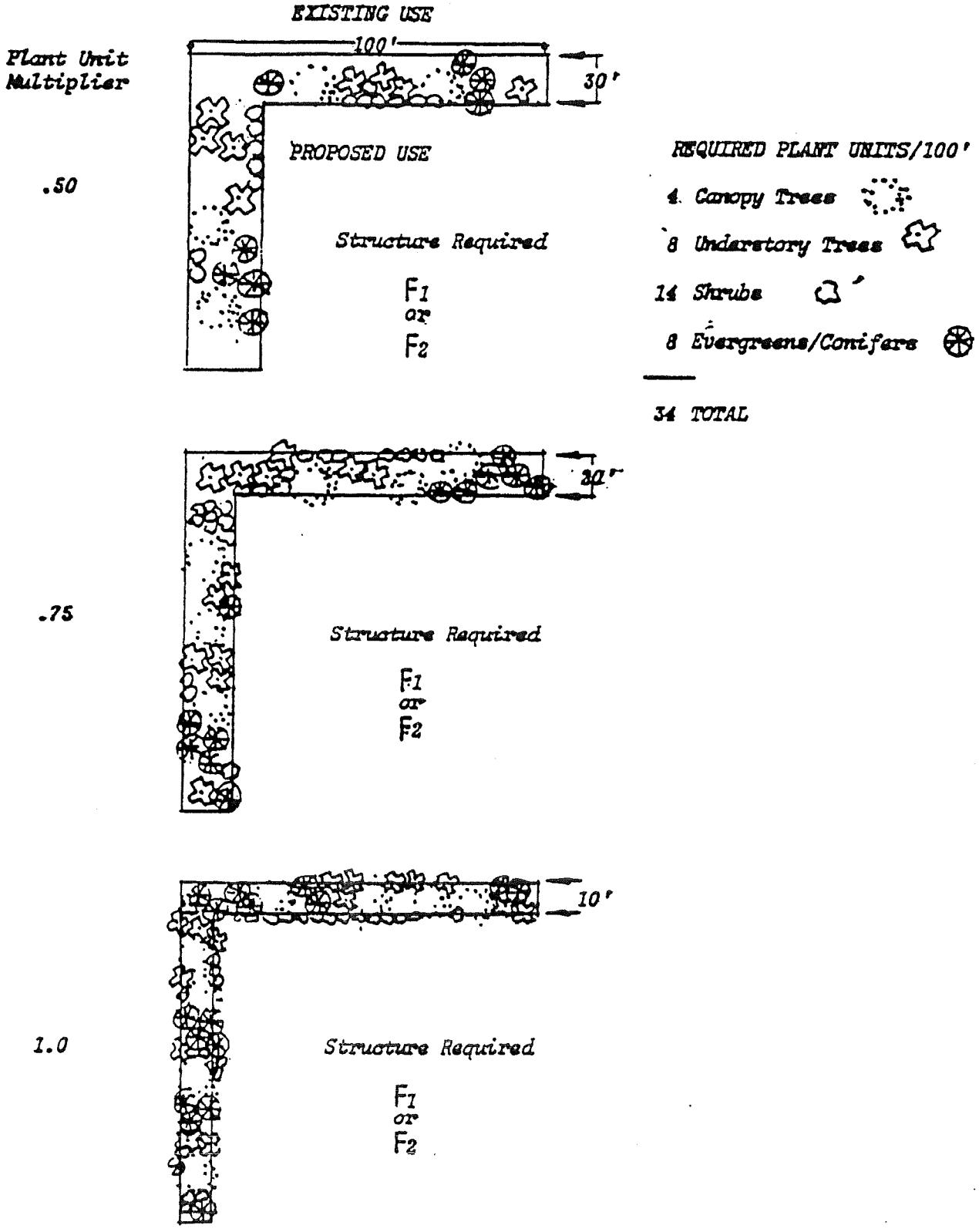
2—Class 2 bufferyard

3—Class 3 bufferyard

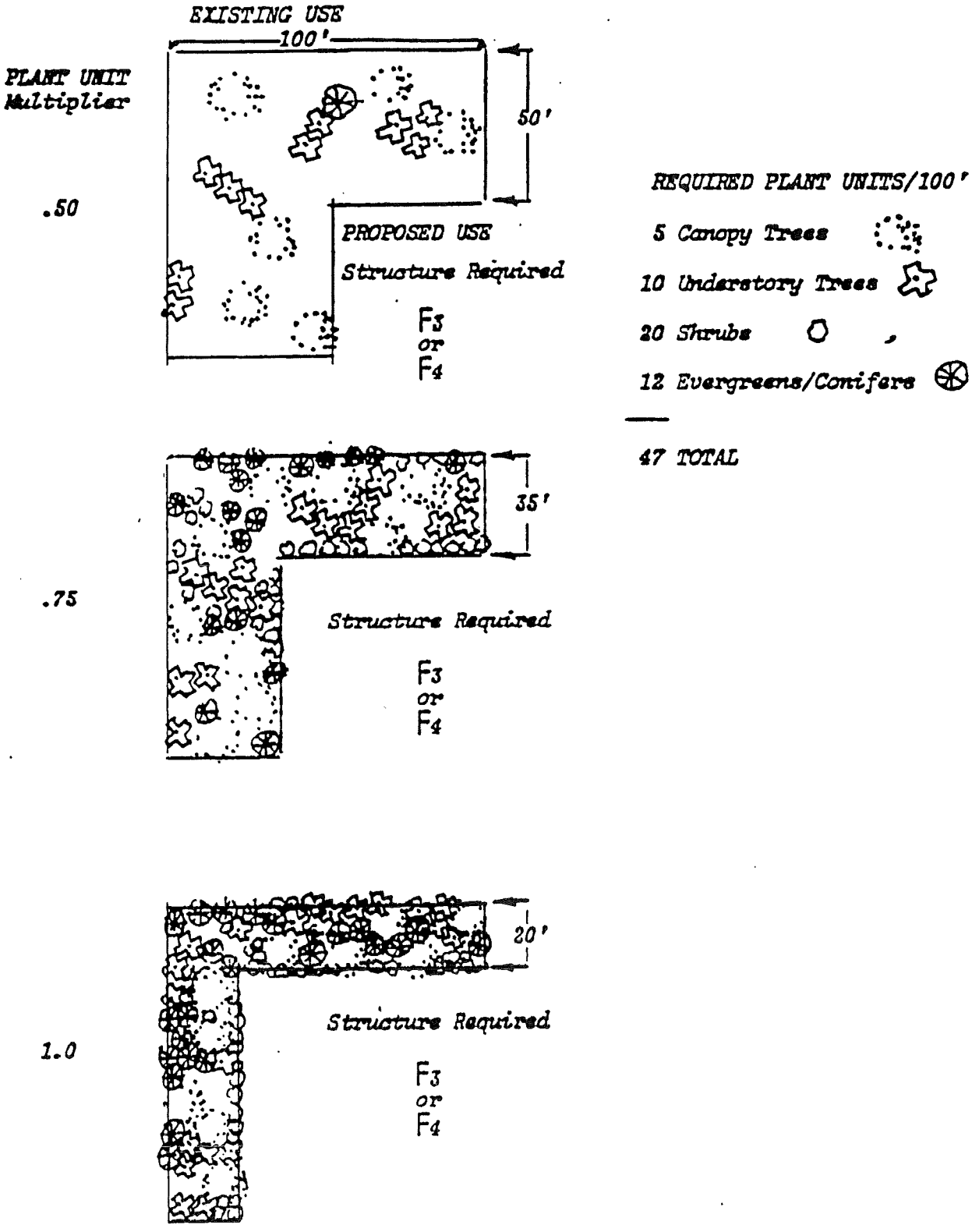
Proposed land use	*Exist adjacent uses*			
	All residential and vacant land	*Residential multi-family*	*Office and commercial*	*Institutional*
Res, Single-family detached	0	0	0	0
Res, Single-family attached and duplexes:	1	0	0	0
Res, Multi-family uses				
1—3 units (per gross acre)	1	0-	1	1
3—11 units (per gross acre)	2	0	1	1
12 or more units (per gross acre)	3	0	1	1
Office and commercial uses				
Less than .50 floor area ratio	1	1	0	1
.50 to 1.00 floor area ratio	2	2	0	2
1.00 floor area ratio or greater and shopping centers or office parks exceeding 40,000 sq. ft.	3	3	0	2



Bufferyard 1

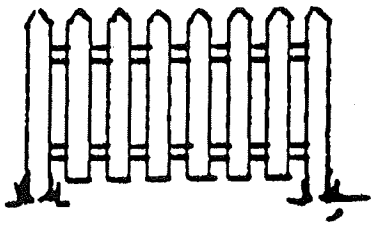
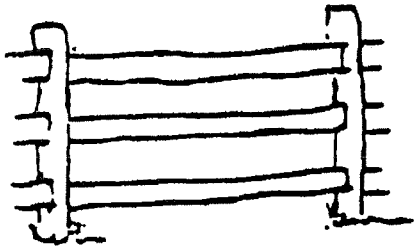
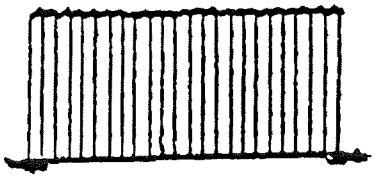
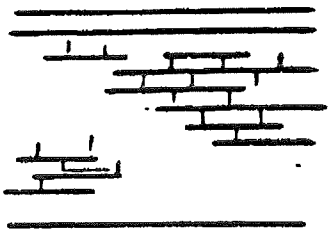


Bufferyard 2



Bufferyard 3

FENCES

SYMBOL	HEIGHT	MATERIAL
F1	44"	 Wood Picket
F2	48"	 Wood Rail
F3	6'	 Wood Stockade
F4	6'	 Wall Brick or Stucco Covered (poured concrete) cement block

(Ord. No. 78-14, § 517, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 94-2, § 1, 3-9-94; Ord. No. 10-3, 3-10-10)

Sec. 22-79. MU-2 use district.

(a) *Intent of district.* It is of special and substantial public interest to encourage residential and economic development of the sections of the town suited to a "village model." It is, therefore, the intent of the MU-2 mixed use district to encourage the formation of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other. Such general business purposes are encouraged in these sections to combine compatibility with residential uses. Residential occupancy in this district is to be promoted and encouraged, either in separate buildings or in combination with office, retail and service uses, in combination or not, shall be scaled and designed to serve both the livability and economic restructuring of the area. The MU-2 mixed use district, thus, anticipates the desirability of mixing land uses and imposes standards to resolve problems associated with mixing, and eliminates the negative aspects of juxtaposing unlike land uses.

(b) *Permitted uses.* The following uses shall be permitted in a MU-2 zoning district subject to the special requirements as set forth in subsection 22-78(e). Multifamily dwelling units per net acre will not exceed seventy-five (75) percent of the unit values in table A section 22-66(d)(2)d, and table B section 22-66(d)(3)d.

(1) Any use, with the exception of manufactured housing (mobile homes, see sections 22-128, 22-129 of this chapter), permitted in a GR general residential district, in compliance with the provisions of section 22-66, and unless otherwise set forth in this section.

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

(3) Retail business specifically including:

a. Antique shops;

b. Art shops and galleries;

c. Book and stationary shops;

d. Candy and confectionery shops;

e. China and crockery shops;

f. Florist shops;

g. Gift, card and curio shops;

h. Hobby and toy shops;

i. Ice cream shops;

j. Jewelry shops;

k. Leather goods and luggage shops;

l. Millinery or hat shops;

m. Newsstand;

n. Office supply stores;

o. Photographic and camera supply shops;

p. Shoe stores;

q. Sporting goods and bicycle shops with no outside display;

r. Towel and linen shops;

s. [*Reserved.*]

t. Wearing apparel shops.

The above retail establishments may provide incidental repair, maintenance, alteration, or adjustment services as appropriate, but facilities, operation and storage for such services shall not be visible from any street or pedestrian walkway.

(4) Service business specifically including:

a. Barber and beauty shops;

b. Dressmaking, seamstress, tailoring and millinery shops, except where products are made for off premises sales;

c. Health studios and spas;

d. Jewelry and watch repair shops;

e. Locksmith and gunsmith;

f. Medical, dental, or chiropractic office, clinic and/or laboratory;

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

h. Photographic studios;

i. Travel and ticket agencies;

j. Utilities and public building facilities.

(5) [*Reserved;*]

(6) Art galleries, museums and libraries;

(7) Educational institutions of a business, professional or scientific nature;

(8) [*Reserved;*]

(9) Accessory use in compliance with the provisions of sections 22-131, 22-132 and subsection 22-78(e).

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any MU-2 zoning district subject to the conditions set forth in section 22-165 and subsection 22-78(e).

(1) Bakeries, provided that goods baked on the premises are sold on the premises at retail only;

(2) Duplicating centers including letters and photostat services with work areas for such services not visible from adjacent pedestrian walkway;

(3) Delicatessens, and tea houses. A delicatessen is an establishment where food is sold for consumption off-premises and no counters or tables for on-premises consumption of food are provided, but excludes groceries and supermarkets. A tea house is a public house or restaurant where tea and light refreshments are served, generally during midday.

(4) Combination of residential structure with any use permitted within this classification provided that all dwelling units have direct access to street.

(5) Temporary use in compliance with the provisions of sections 22-78(e) and 22-165.

(6) Bed and breakfast. A dwelling may be involved in the rental of five (5) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent. The parking space provision shall be confirmed by the planning administrator and the building official prior to the issuance of a business license for this purpose and use.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MU-2 zoning district shall be required to conform to the following standards.

(1) Minimum lot area: Four thousand (4,000) square feet.

(2) Minimum lot width, measured at the building line: Forty (40) feet.

(3) Minimum front yard, measured from the nearest abutting street right-of-way line: Five (5) to twenty (20) feet variable street yard depth. This front yard minimum shall also apply to residential.

(4) Minimum side yard: Not less than three (3) feet on each side. Where the MU-2 district abuts any residential zoning district not separated by a right-of-way, the planting minimums as found in bufferyard 1 in subsection 22-78(e) is required. The provisions of section 22-123 pertaining to corner lots shall apply to MU-2 zoning districts and where a permitted use other than residential abuts any existing street right-of-way, the special requirements as set forth in section 22-78(e) shall apply.

(5) Minimum rear yard: Ten (10) feet; however, where a permitted use other than residential abuts any existing residential use not separated by a street right-of-way, the special requirements as set forth in subsection 22-78(e) shall apply. The provisions of section 22-125, pertaining to double frontage lots, shall apply in MU-2 zoning districts.

(6) Maximum building height: Thirty-five (35) feet; subject to the approval of the fire chief. For exceptions to height regulations, see section 22-142.

(7) Additional requirements. Use permitted in MU-2 zoning districts shall meet all standards set forth in article VI pertaining to off street parking, loading and other requirements. Required front yard setbacks within MU-2 zoning districts which are adjacent to public right-of-way shall not be used for off street parking or loading. Except for portions authorized for vehicular access, all required front yard setbacks and sidewalk/road shoulder areas within the public right-of-way shall be appropriately landscaped and provided with pedestrian ways designed so as to not inhibit vehicular mail delivery.

(8) Signs: Signs permitted in MU-2 zoning districts, including the conditions under which they may be located, are set forth in article V.

(9) Commercial buildings shall not exceed a three thousand (3,000) square feet footprint.

(10) All nonresidential uses in Mixed Use 2 will conduct business between the hours of 8:00 a.m. and 10:00 p.m.

(e) *Special requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MU-2 zoning districts shall be required to conform to special requirements as set forth in subsection 22-78(e) under MU-1 district.
(Ord. No. 78-14, § 518, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 94-2, § 1, 3-9-94; Ord. No. 00-57, §§ 1—3, 1-10-01; Ord. No. 01-4, §§ 1, 2, 3-14-01; Ord. No. 05-18, § 1, 4-13-05; Ord. No. 05-38, §§ 1, 2, 11-9-05; Ord. No. 05-48, 12-14-05; Ord. No. 10-3, 3-10-10)

Sec. 22-80. WI waterborne industrial district.

(a) Intent of district. Properties in the town abutting the waterfront are of unique importance because of the role of the waterfront in the history of the town, and due to such properties providing opportunities for visual, vehicular and pedestrian access to Port Royal Sound. It is imperative that improvements on properties abutting the waterfront be undertaken in a manner and at a scale that is complimentary and in keeping with the scale of development in historic Port Royal and that is respectful to the waterfront environs. It is the intent of this district to promote the public health, safety and welfare by prescribing development standards for properties subject to the waterborne industrial district so as to assure that the development of and improvements to such properties are undertaken in a manner that is sensitive and is respectful to their location and to historic Port Royal.

(b) *Land to which this district applies.* This district shall apply to all lands in the town that abut the waterfront and that are depicted on the official zoning map as being in the waterborne industrial district. The waterborne industrial district shall be considered an overlay district to existing zoning districts. Uses permitted within the underlying zoning district shall be permitted in the waterborne industrial district, provided they are designed in accordance with the requirements of the waterborne industrial district.

(c) *Administration.* Interpretation of these standards shall be the responsibility of the town's supervising planning team as put forth in chapter 15.5 of the Code of Ordinance of the Town of Port Royal (Overlay Districts), article II, section 15.5-28. The supervising planning team shall review all improvements to properties within the district to assure that such improvements comply with the requirements of subsection (d) hereof.

Sec. 22-81. Implementation of districts.

Implementation. Each of the above districts and their requirements are declared official elements of this chapter. If any of the districts do not appear on the official zoning map at any given time, their inclusion in the text of this chapter affirms them as official districts, which may be utilized to amend the official zoning map under the procedures outlined in article IX.
(Ord. No. 78-14, § 519, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 03-12, § 2, 10-8-03)

Editor's note—Ord. No. 03-12, § 2, adopted October 8, 2003, amended the Code by adding a new § 22-80, and renumbering the existing § 22-80 as a new § 22-81.

Secs. 22-82—22-90. Reserved.

ARTICLE V. SIGN REGULATIONS*

Sec. 22-91. Purposes.

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the town; to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign ordinance is adopted under the zoning authority of the town in furtherance of the more general purposes set forth in the zoning ordinance.
(Ord. No. 00-2, § 1.1, 4-12-00)

Sec. 22-92. Applicability; effect.

A sign may be erected, placed, established, painted, created, or maintained in the town only in conformance with the standards, procedures, exemptions, and other requirements of this article.

The effect of this article as more specifically set forth herein, is:

- To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this article;
- To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits;
- To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
- To prohibit all signs not expressly permitted by this article; and

*__Editor's note__—Ord. No. 00-2, §§ 1.1—1.18, adopted April 12, 2000, amended Art. V, in its entirety, to read as herein set out in §§ 22-91—22-108. Prior to inclusion of said ordinance, Art. V pertained to similar subject matter. See the Code Comparative Table.

- To provide for the enforcement of the provisions of this article.

(Ord. No. 00-2, § 1.2, 4-12-00)

Sec. 22-93. Definitions and interpretation.

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the town shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in section 22-94. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon means any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.

Building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building sign means any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this article. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this article.

Commercial message means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Freestanding sign means any sign supported by structures or supports, of standard geometric shape, that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Illumination (internal) means the surface of the sign is lit from behind. The light source is concealed.

Illumination (external) means the surface of the sign is lit from without.

Illumination (exposed bulb or neon) means the light source is the sign.

LED video display sign means an advertising sign, display or device that changes the message or copy on the sign by means of a light emitting diode and features full color, video quality imagery. LED video display signs may only be used as wall signs. In no instance will an LED sign be permitted as a freestanding or monument sign. LED video display signs may not incorporate animation in the copy. LED video display signs will produce static images that are changed via computer on a secure network. The LED video display sign must contain a default design that will freeze the sign in the off position if a malfunction occurs. LED video display signs will not scroll, flash, feature motion pictures or emit intermittent light. Frequency of each message change will be limited to ten (10) seconds minimum display time with a two-second maximum change time. Every sign must be equipped with a dimming mechanism that adjusts display brightness to accommodate varying ambient light conditions.

This function can be performed manually or automatically with the use of a light sensing device. The display may be illuminated at one hundred (100) percent in full sunlight, but must be reduced proportionately to a maximum of twenty-five (25) percent in total darkness.

Lot means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign means any sign attached to, in any manner, or made a part of a marquee.

Nonconforming sign means any sign that does not conform to the requirements of this article.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Person means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (current registration, insurance, and used at least three (3) times a week) of the business.

Principal building means the building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign means any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Setback means the distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Street means a strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Street frontage means the distance for which a lot line of a zone lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign means any sign that is used only temporarily and is not permanently mounted.

Wall sign means any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window sign means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Zone lot means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.
(Ord. No. 00-2, § 1.3, 4-12-00; Ord. No. 07-60, 10-10-07)

Sec. 22-94. Computations.

The following principles shall control the computation of sign area and sign height.

(1) *Computation of area of individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(2) *Computation of area of multi-faced signs.* The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

(3) *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the

sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(4) *Computation of maximum total permitted sign area for a zone lot.* The permitted sum of the area of all individual signs on a zone lot shall be computed by, applying the formula contained in Table 1.5B, the Maximum Total Sign Area, the lot frontage, the building frontage, or the wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage, applying the following stipulations. On the primary street, one hundred (100) percent of the allowable signage can be used, on the secondary street, fifty (50) percent of the allowable signage, calculated for that street may used. Signage will only be allowed on two (2) streets, and must be split at the ratio described above.

(Ord. No. 00-2, § 1.4, 4-12-00)

Sec. 22-95. Signs allowed on private property with and without permits.

Signs shall be allowed on private property in the town in accordance with, and only in accordance with, Table 1.5A. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 1.5A shall be allowed only if:

The sum of the area of all building and freestanding signs on the zone lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 1.5B;

The size, location, and number of signs on the lot conform with the requirements of Tables 1.5C and 1.5D, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 1.5A;

The characteristics of the sign conform with the limitations of Table 1.5E, Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table 1.5A.

Example 1.5 Sign Calculation of Maximum and Total Sign Area

Maximum and total sign areas computed here are based on the example of a typical MU1 zone lot and are in reference to Figures 1.5a and b, and the example Sign Area Calculations Chart.

I. Determine the type signs allowed on zone lot using Chart 1.5A.

II. Determine the maximum total sign allowed using Chart 1.5B.

A. Maximum number of total sign area for a MU1 zone lot = 80 sq. ft.

B. Two (2) percent of ground floor area of principal building (.02)(4500) = 90 sq. ft.

C. Three (3) sq. ft. of signage per linear ft. of lot street frontage = 3(100′) = 300 sq. ft.

The total sign area shall not exceed the smallest of the preceding formulas. Therefore the maximum sign area allowed is 80 sq. ft.

III. Determine the maximum area allowed for individual signs per the MU1 zone lot using Chart 1.5C and Chart 1.5D.

A. *Freestanding sign* = 40 sq. ft.

B. *Building sign* = 10 percent of the wall area of the street elevation = (.10)(75)(10) = 75 sq. ft.

C. *Window sign* = 25 percent of the total window area per window.

IV. Compute area of individual signs and their sum to be used on zone lot.

A. *Freestanding sign* = 4′ – 0″ × 8′ – 0″—32 sq. ft.

B. *Building sign* = 1′ – 6″ × 20′ – 0″—30 sq. ft.

C. *Window signs* = (size)(quantity) = (1′ – 6″ × 1′ – 6″)(2) = 6 sq. ft.

The sum of individual sign areas is 68 sq. ft.

V. Verify that individual sign areas and their sums do no exceed area maximums configured in steps II and III.

A KEY TO TABLES 1.5A THROUGH 1.5E

On the tables in the model ordinance, which are organized by zoning district, the headings have the following meanings.

R-17	Low Density One-Family Residential District
R-12	Low Density One-Family Residential District
R-10	Medium Density One-Family Residential District
R-5	High Density One-Family Residential District
GR	General Residential District
CC	Core Commercial District
GC	General Commercial District
OC	Office Commercial
NC	Neighborhood Commercial District

HC	Highway Commercial
LI	Limited Industrial District
MHD	Mobile Home District
MU1	Mixed Used District
MU2	Mixed Used District

TABLE 1.5A. PERMITTED SIGNS BY TYPE AND ZONING DISTRICT

SIGN TYPE	*R-17*	*R-12*	*R-10*	*R-5*	*GR*	*CC*	*GC*	*OC*	*NC*	*HC*	*LI*	*MHD*	*MU1*	*MU2*
Freestanding														
Residential [d]	P	P	P	P	P	N	N	N	N	N	N	S	N	N
Other	N	N	N	N	S	S	S	S	S	S	S	N	S	S
Incidental [b]	N	N	N	N	Pc	P	P	P	P	P	P	Pc	Pc	Pc
Building														
Banner	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Marker														
Canopy	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Identification[c]	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Incidental[b]	N	N	N	N	P	P	P	P	Pb	P	P	Pe	P	P
Marquee	N	N	N	N	N	S	S	S	N	S	N	N	N	N
Projecting	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Residential[a]	P	P	P	P	P	N	N	N	N	N	N	P	N	N
Roof	N	N	N	N	N	S	N	S	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Suspended	N	N	N	N	N	P	P	P	P	P	N	N	P	P
Temporary[f]	N	N	N	N	N	S	S	S	S	S	N	N	S	S
Wall	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Window	N	N	N	N	N	S	S	S	S	S	N	N	S	S
Miscellaneous														
Banner[b]	N	N	N	N	N	S	S	S	S	S	N	N	S	S
Flag[g]	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable[h]	N	N	N	N	N	N	N	N	N	N	N	N	N	N
LED	N	N	N	N	N	N	S	N	N	S	N	N	N	N

P = Allowed

S = Allowed only with sign permit

N = Not allowed

a. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.

b. No commercial message of any kind allowed on sign if such is legible from any location off the zone lot on which the sign is located.

c. Only address and name of occupant allowed on sign.

d. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.

e. No commercial message of any kind allowed on sign.

f. The conditions of section 22-105 of this article apply.

g. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one (1) of more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

h. One sandwich board or similar sign is permitted per business during that business's operating hours.

TABLE 1.5B. MAXIMUM TOTAL SIGN AREA PER ZONE LOT BY ZONING DISTRICT[b, c]

	R-17	*R-12*	*R-10*	*R-5*	*GR*	*CC*	*GC*	*OC*	*NC*	*HC*	*LI*	*MHD*	*MU1*	*MU2*
The maximum total area of all signs on a zone lot (except incidental, building marker, and identification signs, and flags) shall not exceed the lesser of the following														
Maximum Number of Total Square Feet	8	8	8	8	38	100	200	200	100	800	300	8	80	50
Percentage of Ground Floor Area of Principal Building	N/A	N/A	N/A	N/A	N/A	2	4	4	4	6	2	N/A	2	2
Square Feet of Signage Per Linear Foot of Frontage	N/A	N/A	N/A	N/A	N/A	3	3	3	3	3	5	N/A	3	3

a. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one (1) of more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

b. Master Signage Plan can increase total by twenty-five (25) percent.

c. Consult Overlay District Code.

d. Vending machines will be calculated (all sides) as signs and included in total signage allowed, if such machine is legible from any location of the zone lot on which the machine is located.

TABLE 1.5C. NUMBER, DIMENSIONS, AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

	R-17	*R-12*	*R-10*	*R-5*	*GR*	*CC*	*GC*	*OC*	*NC*	*HC*	*LI*	*MHD*	*MU1*	*MU2*
Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and on Table 1.5D.														
Freestanding														
Area (sq. ft)[d]	6	6	6	6	6	40	60	60	60	75	80	6	40	40
Height (feet)	5	5	5	5	5	5	12	12	5	12	12	5	12	12
Setback	2	2	2	2	2	0	5	5	2	10	10	2	0	0
LED percent of wall area	N/A	N/A	N/A	N/A	N/A	N/A	10	N/A	N/A	10	N/A	N/A	N/A	N/A
Number Permitted														
Per Zone Lot	1	1	1	1	1	N/A	N/A	N/A	N/A	N/A	N/A	1	N/A	N/A
Per Feet of Street Frontage[b]	N/A	N/A	N/A	N/A	N/A	1 per 200	1 per 200	1 per 200	1 per 200	1 per 200	1 per 800	N/A	1 per 200	1 per 200
Building (wall)														
Area (max. sq. ft.)	2	2	2	2	2	N/A	N/A	N/A	N/A	N/A	N/A	2	N/A	N/A
Well Area (percent)[c]	N/A	N/A	N/A	N/A	N/A	10	10	10	10	10	5	N/A	10	10

a. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three (3) feet and ten (10) feet in a triangle formed by the corner and points on the curb thirty (30) feet from the intersection or entranceway.

b. Lots fronting on two (2) or more streets refer to section 22-94(4).

c. The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part of to which each sign is most nearly parallel.

d. Internally lit calculate all horizontal planes.

TABLE 1.5D. NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS BY SIGN TYPE

			Vertical Clearance	
	Number Allowed	*Maximum Sign Area*	*From Sidewalk or Private Drive or Parking*	*From Public Street*
No sign shall exceed any applicable maximum numbers or dimensions, or encroach on any applicable minimum clearance shown on this table.				
Freestanding				
Residential, Other, and Incidental	See Table 1.5C	See Table 1.5C	N/A	N/A
Building				
Banner	N/A	N/A	9 ft.	12 ft.
Building Marker	1 per bldg.	4 sq. ft.	N/A	N/A
Canopy	1 per bldg.	33% of vertical surface of canopy	9 ft.	12 ft.
Identification	1 per bldg.	N/A	N/A	N/A
Incidental	N/A	N/A	N/A	N/A
Marquee	1 per bldg.	N/A	9 ft.	12 ft.
Projecting	1 per bldg.	40 sq. ft.	9 ft.	12 ft.
Residential	1 per zone lot	N/A	N/A	N/A
Roof	1 per principal bldg.	N/A	N/A	N/A
Roof, Integral	2 per principal bldg.	N/A	N/A	N/A
Suspended	1 per entrance	N/A	9 ft.	N/A
Temporary	See Section 1.14	N/A	N/A	N/A
Wall	N/A	N/A	N/A	N/A
Window	N/A	25% of total window area per window	N/A	N/A
Miscellaneous				
Banner	N/A	N/A	9 ft.	12 ft.
Flag	N/A	60 sq. ft.	9 ft.	12 ft.
Portable[a]	1 where allowed	12 sq. ft.	N/A	N/A

a. Permitted on the same terms as temporary sign, in accordance with section 22-105, except that it may be freestanding.

TABLE 1.5E. PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT

	R-17	*R-12*	*R-10*	*R-5*	*GR*	*CC*	*GO*	*OC*	*NC*	*HC*	*LI*	*MHD*	*MU1*	*MU2*
Animated	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Changeable Copy	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Illumination (Internal)	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Illumination (External)	N	N	N	N	N	S[b]	S[b]	S[b]	S[b]	S[b]	S[b]	N	S[b]	S[b]
Illumination (Exposed Bulb or Neon)[a]	N	N	N	N	N	S	S	S	S	S	S	N	S	N

P = Allowed

S = Allowed only with sign permit

N = Not allowed

a. Not to exceed twenty-five (25) percent of total permitted signage reference 22-105(b).

b. Placement of light source will be established by the building official at the time of application.

(Ord. No. 00-2, § 1.5, 4-12-00; Ord. No. 01-60, 11-7-01; Ord. No. 06-16, § 1, 5-10-06; Ord. No. 07-60, 10-10-07)

Sec. 22-96. Permits required.

If a sign requiring a permit under the provision of this article is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of section 22-103.

No signs shall be erected in the public right-of-way except in accordance with section 22-99 and the permit requirements of section 22-106.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this article (including those protecting existing signs) in every respect and with the master signage plan in effect for the property.
(Ord. No. 00-2, § 1.6, 4-12-00)

Sec. 22-97. Design, construction, and maintenance.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

(1) All signs shall comply with applicable provisions of the Uniform Building Code and the electrical code of the town at all times.

(2) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(3) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.

(Ord. No. 00-2, § 1.7, 4-12-00)

Sec. 22-98. Master signage plan.

For any zone lot on which the owner proposes to erect two (2) or more signs requiring a permit, the owner shall submit to the zoning administrator a master signage plan. If the owners file with the zoning administrator for such zone lots a master signage plan conforming with the provisions of this section, a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each included zone lot. This bonus shall be allocated within each zone lot as the owner(s) elects.

(1) *Master signage plan.* A master signage plan shall contain the following:

- An accurate plot plan of the zone lot, at such scale as the zoning administrator may reasonably require;
- Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;

- Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this article; and
- An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

(2) *Provisions of a master signage plan.* The master signage plan shall also specify standards for consistency among all signs on the zone lots affected by the plan with regard to:

- Color scheme;
- Lettering or graphic style;
- Lighting;
- Location of each sign on the buildings;
- Material; and
- Sign proportions.

(3) *Showing window signs on master signage plan.* A master signage plan including window signs must indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window).

(4) *Limit on number of freestanding signs under master signage plan.* The master signage plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(5) *Other provisions of master signage plans.* The master signage plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

(6) *Consent.* the master signage plan shall be signed by all owners or their authorized agents in such form as the zoning administrator shall require.

(7) *Procedures.* A master signage plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the town for the proposed development and shall be submitted with such other plan.

(8) *Amendment.* A master signage plan may be amended by filing a new master signage plan that conforms with all requirements of the ordinance then in effect.

(9) *Existing signs not conforming to master signage plan.* If any new or amended master signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this article in effect on the date of submission.

(10) *Binding effect.* After approval of a master signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this article. In case of any conflict between the provisions of such a plan and any other provision of this article, the ordinance shall control.

(Ord. No. 00-2, § 1.8, 4-12-00)

Sec. 22-99. Signs in the public right-of-way.

No signs shall be allowed in the public right-of-way, except for the following:

(1) *Permanent signs.* Permanent signs, including: public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

- Bus stop signs erected by a public transit company;
- Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
- Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table 1.5A of this article.

(2) *Temporary signs.* Temporary signs for which a permit has been issued in accordance with section 22-105, which shall be issued only for signs meeting the following requirements:

- Such signs shall contain no commercial message; and
- Such signs shall be no more than two (2) square feet in area each.

One real estate sign per street frontage pertaining to the sale or lease of the premises is permitted. The sign 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, which ever time period is less. Refer to Table 1.5A Freestanding/Residential of Other/ for permit requirements. Refer to Table 1.5C for Dimension and Location.

One construction sign per street frontage may be displayed from issue of building permit to final inspection or certificate of occupancy. The sign shall have a maximum of six (6) square feet in surface area per side, and be a maximum of three and one-half (3.5) feet high.

(3) *Emergency signs.* Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(4) *Other signs forfeited.* Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and

subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

(Ord. No. 00-2, § 1.9, 4-12-00)

Sec. 22-100. Signs exempt from regulation.

Under this article the following signs shall be exempt from regulation under this article:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- Any sign inside a building, not attached to a window or door, and more than ten (10) feet from any window
- Works of art that do not include a commercial message;
- Holiday lights and decorations with no commercial message, but only between November 15 and January 15; and
- Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet department of transportation or other government authority standards and which contain no commercial message of any sort.

(Ord. No. 00-2, § 1.10, 4-12-00)

Sec. 22-101. Signs prohibited under this article.

All signs not expressly permitted under this article or exempt from regulation hereunder in accordance with the previous section are prohibited in the town. Such signs include, but are not limited to:

- Beacons;
- Pennants;
- Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
- Inflatable signs and tethered balloons.

(Ord. No. 00-2, § 1.11, 4-12-00)

Sec. 22-102. General permit procedures.

The following procedures shall govern the application for, and issuance of, all sign permits under this article, and the submission and review of a master signage plan.

(1) *Applications.* All applications for sign permits of any kind and for approval of a master signage plan shall be submitted to the zoning administrator on an application form or in accordance with application specifications published by the zoning administrator.

(2) *Fees.* Each application for a sign permit or for approval of a master signage plan shall be accompanied by the applicable fees, which shall be established by the governing body of the town from time to time by resolution.

(3) *Completeness.* Within ten (10) days of receiving an application for a sign permit or for master signage plan, the zoning administrator shall review it for completeness. If the zoning administrator finds that it is complete, the application shall then be processed. If the zoning administrator finds that it is incomplete, the zoning administrator shall, within such ten-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this article.

(4) *Action.* Within fifteen (15) days of the submission of a complete application for a sign permit, the zoning administrator shall either:

- Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this article and of the applicable master signage plan; or
- Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this article and of the applicable master signage plan. In case of a rejection, the zoning administrator shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.
- Forward the application to the supervising planning team if the sign is in the traditional town overlay district.

(5) *Action on plan.* On any application for approval of a master signage plan, the zoning administrator shall take action on the applicable one (1) of the following dates:

- Fourteen (14) days after the submission of a complete application if the application is for signs for existing buildings; or
- On the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.
- On or before such applicable date, the zoning administrator shall either:
- Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this article; or
- Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirements of this article. In case of a rejection, the zoning administrator shall specify in the rejection the section or sections of the ordinance with which the plan is inconsistent.

(Ord. No. 00-2, § 1.12, 4-12-00)

Sec. 22-103. Permits to construct or modify signs.

Signs identified as "P" or "S" on Table 1.5A shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the zoning administrator. Such permits shall be issued only in accordance with the following requirements and procedures.

(1) *Permit for new sign or for sign modification.* An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a master signage plan then in effect for the zone lot. One (1) application and permit may include multiple signs on the same zone lot.

(2) *Inspection.* The zoning administrator shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this article and with the building and electrical codes, the zoning administrator shall approve the sign(s). If the construction is substantially complete but not in full compliance with this article and applicable codes, the zoning administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional fifteen (15) days from the date of inspection for the deficiencies to be corrected. If the construction is then complete, the zoning administrator shall approve the sign(s). If the deficiencies are not corrected by such date, the permit shall lapse.

(Ord. No. 00-2, § 1.13, 4-12-00)

Sec. 22-104. Temporary sign permits (private property).

Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:

(1) *Term.* A temporary sign permit shall allow the use of a temporary sign for a specified thirty-day period.

(2) *Number.* Only four (4) temporary sign permits shall be issued to the same business license holder on the same zone lot in any calendar year.

(3) *Other conditions.* A temporary sign shall be allowed only in districts with a letter "S" for "Temporary Signs" on Table 1.5A and subject to all of the requirements for temporary signs as noted therein.

(Ord. No. 00-2, § 1.14, 4-12-00)

Sec. 22-105. Permits for signs in the public right-of-way.

Permits for temporary private signs in the public right-of-way shall be issued in accordance with the following conditions:

(1) *Term and number of permits.* The term of such a permit shall be forty (40) days. For any sign containing the name of a political candidate, the candidate shall be deemed to be the applicant.

(2) *Number of signs.* No more than twenty (20) signs may be erected under one (1) permit.

(3) *Identification of permitted signs.* Each sign erected under such a permit shall contain an official stamp of the zoning administrator, authenticating the sign and giving the number of the permit and the date of issuance.

(4) *Other conditions.* In addition to applicable fees otherwise payable, the applicant shall post a bond of ten dollars ($10.00) for each sign authorized by the zoning administrator's stamp, which bond shall be held to ensure the removal of the signs and shall be refundable upon the presentation to the zoning administrator of the actual sign(s). The bond, on any sign not presented within fifty-five (55) days of the issuance of the permit or actually removed by the town because it is located on public property on a day more than forty (40) days after the date of permit issuance, shall be forfeited.

(Ord. No. 00-2, § 1.15, 4-12-00)

Sec. 22-106. Time of compliance; nonconforming signs and signs without permits.

Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this article or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring it into conformity with the requirements of this article.

(1) *Signs existing on effective date.* For any sign existing in the town on (date of the ordinance), an application for a sign permit must be submitted to the zoning administrator before (date 2, thirty (30) days later). For any sign on property annexed at a later date, applications for sign permits shall be submitted within six (6) months of the effective date of the annexation or within such period as may be established in an annexation agreement between the town and the landowner. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this article and shall not be entitled to the protection of section 22-107(2).

Applications for permits for existing signs submitted before (date 2) shall be exempt from the initial fees adopted under authority of this article, but not from renewal and subsequent fees.

(2) *Nonconforming existing signs, permits and terms.* A sign that would be permitted under this article only with a sign permit, but which was in existence on (date 1) or on a later date when the property is annexed to the town, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this article, shall be issued a nonconforming sign permit if an application in accordance with section 22-106(1) of this article is timely filed.

Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this article, to remain in place and be maintained for a period ending no

later than seven (7) years, (three (3) years for banners or temporary signs) provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this section when repair, or maintenance would constitute an expense of more than twenty-five (25) percent of the lesser of the original value or replacement value of the sign. Further any change, except for those repairs which are necessary to keep the sign in good working order, will cause any existing, nonconforming sign to be either, eliminated or made to conform with the requirements of this article. Changing the face of a nonconforming sign will cause the sign to be either eliminated or made to conform to the requirements of this article.
(Ord. No. 00-2, § 1.16, 4-12-00)

Sec. 22-107. Violations.

Any of the following shall be a violation of this article and shall be subject to the enforcement, remedies and penalties provided by this article, by the zoning ordinance, and by state law:

- To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
- To install, create, erect, or maintain any sign requiring a permit without such a permit;
- To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;
- To fail to remove any sign that is installed, created, created, or maintained in violation of this article, or
- To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this article.

Each sign installed, created, erected, or maintained in violation of this article shall be considered a separate violation when applying the penalty portions of this article.
(Ord. No. 00-2, § 1.17, 4-12-00)

Sec. 22-108. Enforcement and remedies.

Any violation or attempted violation of this article or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this article shall be considered a violation of the zoning ordinance of the town. The remedies of the town shall include the following:

- Issuing a stop-work order for any and all work on any signs on the same zone lot;
- Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

- Imposing any penalties that can be imposed directly by the town under the zoning ordinance;
- Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and
- In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the town under the applicable provisions of the zoning ordinance and building code for such circumstances.

The town shall have such other remedies as are and as may from time to time be provided for, or allowed by, state law for the violation of the zoning ordinance.

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

FEE SCHEDULE

The fees for sign permits and plans for the period beginning (date 4) shall be:

Sign Permit, or Master Signage Plan	$50.00
Re-inspection Fee	35.00
Temporary Sign Permit, Private Property, per sign	10.00
Temporary Sign Permit, Public Property	10.00
Non-Profit Organization	No Fee

(Ord. No. 00-2, § 1.18, 4-12-00)

Secs. 22-109—22-120. Reserved.

ARTICLE VI. GENERAL PROVISIONS

Sec. 22-121. Street access.

No building shall hereafter be erected, constructed, moved, or relocated on a lot unless there is access by a dedicated easement, or located on a publicly dedicated, publicly accepted, or publicly maintained street.
(Ord. No. 78-14, § 701, 1-10-79; Ord. No. 86-54, 12-1-86)

Sec. 22-122. Classification of streets.

For the purpose of this chapter, all public streets in the town are hereby classified as being either major or minor streets. Each major street in the town is designated on the zoning map. All other streets shall be considered as minor streets.
(Ord. No. 78-14, § 702, 1-10-79)

Sec. 22-123. 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 (½) 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 of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this chapter for the district in which the lot is located.
(Ord. No. 78-14, § 703, 1-10-79)

Sec. 22-124. Location of buildings on lots and residential limitations.

Every building or use hereafter erected or established shall be located on a lot of record, and every one- and two-family residential structures, except as herein provided, shall be located on an individual lot of record. 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.
(Ord. No. 78-14, § 704, 1-10-79)

Sec. 22-125. Double frontage lots.

On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this chapter. On lots having frontage on more than two (2) streets, the minimum front yard shall be provided in accordance with the regulations set forth in this chapter 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 section 22-123 above.
(Ord. No. 78-14, § 705, 1-10-79)

Sec. 22-126. Front yard requirements.

The setback requirements of this chapter shall not apply to any lot where the average setback on already built-upon-lots, located wholly or in part within one hundred (100) feet on each side of such lot, may be less than the requirement setback, but not less than the average of the existing setbacks on the developed lots. However, setbacks shall be no less than fifteen (15) feet.
(Ord. No. 78-14, § 706, 1-10-79)

Sec. 22-127. 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 remaining area of the lot which is not included in any required front, side or rear lot shall be known as the buildable area.
(Ord. No. 78-14, § 707, 1-10-79)

Sec. 22-128. Nonconforming building or uses.

Nonconforming buildings, mobile homes, or land uses are declared by this chapter to be incompatible with permitted uses in the districts involved. Certain nonconforming buildings, mobile homes, or land uses are determined to be so clearly incompatible with the intent and purpose of this chapter that a schedule for their discontinuance is set forth in section 22-129. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this chapter other than those specified in section 22-129 may be continued even though such does not conform with the provisions of this chapter except that the nonconforming building or land use or portions thereof, shall not be:

(1) Changed to another nonconforming use.

(2) Re-used after discontinuance.

(3) Re-established, re-occupied or replaced with the same or similar building or land use after physical removal or relocation.

(4) Repaired, rebuilt, or altered after damage exceeding sixty (60) percent of its replacement cost at the time of destruction. Reconstruction of repair, when legal, must begin within six (6) months after damage is incurred. The provisions of this subsection shall not apply to any bona fide residence.

(5) Enlarged or altered in a way which increases its nonconformity.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
(Ord. No. 78-14, § 708, 1-10-79; Ord. No. 94-27, 11-9-94)

Sec. 22-129. Discontinuance of non-conforming use(s).

(a) Damage, as a result of any peril, to any non-conforming use structure; or

(b) Repairs required to business property as a result of a health, safety and welfare inspection.

The cost of repairs and/or replacement of damaged structures; as described above, which are whole or in part deemed to be non-conforming shall be calculated prior to the issuance of a building permit. If the estimated cost exceeds sixty (60) percent of the fair market value of the structure, then the structure shall be considered demolished and vacated. Therefore, replacement or rebuilding shall be in complete conformity with the current zoning ordinance and building codes.

Notwithstanding other provisions of this chapter, certain nonconforming building or land uses, after this chapter is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform with this chapter within the periods of time set forth below. Upon application to the zoning board of adjustment and 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 below.

Notice shall be sent by the planning administrator and the building inspector to all nonconforming users stating wherein they do not conform to said ordinance and stating the date by which they must either comply or cease to exist.

The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment of this chapter and shall be observed regardless of whether notice on nonconformity is sent by the planning administrator and the building inspector received by the affected owner.

Nonconformities	*To be discontinued within*	*Extension permitted*
All outdoor operations involving storage or display of wrecking, junk, scrap, salvage, building materials and contractor's equipment, automotive storage and sales lots and abandoned automobiles in a state of disrepair or incapable of moving under their own power.	One year	Six months
Nonconforming fences and hedges impeding vision at intersections.	180 days	30 days
Nonconforming signs.	See section 22-97	
Non-conforming use of existing building for housing electronic gaming devices.	Ten days of enactment of this chapter as same pertains to hours of operation, age of persons allowed to play and observe.	

(Ord. No. 78-14, § 709, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 93-15, § 4, 11-10-93; Ord. No. 10-3, 3-10-10)

Sec. 22-130. Home occupation.

(a) The following regulations shall apply to the conduct of a home occupation in any permitted zoning district:

(1) The home occupation shall be clearly incidental to the residential use of the dwelling, but in no case exceed twenty-five(25) percent of the floor area of the principle dwelling, and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.

(2) Use of the dwelling for this purpose shall be limited to twenty-five (25) percent of one floor of the principal building.

(3) No external addition, alteration, or remodeling of the dwelling is permitted and no accessory building of outside storage shall be used in connection with the home occupation.

(4) Products, materials, or equipment that creates odor, light emission, noises or interference in radio or television reception detectable outside of the dwelling shall be prohibited.

(5) No display of products, materials, or equipment shall be visible from the street.

(6) Instruction in music, dancing and similar subjects shall be limited to two (2) students at a time.

(7) Vehicles having passenger vehicle characteristics only shall be permitted in connection with the conduct of the customary home occupation.

(8) The activity carried on as a home occupation shall be limited to the hours between 8 a.m. and 8 p.m.

(9) One (1) professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed four (4) square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be illuminated.

a. Customary home occupations shall not include, among others, the following:

1. Uses which do not meet the provisions listed above.

2. Reserved.

3. Restaurants.

4. Uses which entails the harboring, training, raising or treatment of dogs, cats, birds, or other animals.

(b) Conditional uses. The following uses shall be permitted on a conditional basis as home occupations, subject to the conditions set forth in section 22-165.

(1) Barber shops and beauty shops, provided that

a. Off-street customer parking places are provided in the amount of at least two (2) for each employee working on the premises and one additional space.

b. Signs must be non-illuminated, placed flat against the wall of the principal structure and not exceed one and one-half (1½) square feet in area.

(2) Repair and maintenance of motorboats, canoes, sailboats and other recreational boats, provided that:

a. All repair and maintenance, and the storage of associated equipment, tools, and parts, be done in an enclosed building.

b. No more than two (2) boats be parked outside the structure overnight.

c. All other conditions of section 22-130.

(3) Repair and maintenance of vehicles with passenger vehicle characteristics only shall be permitted in connection with the conduct of the customary home occupation

a. All repair and maintenance, and the storage of associated equipment, tools, and parts, be done in an enclosed building.

b. No more than two (2) vehicles be parked outside the structure overnight.

c. All other conditions of section 22-130.

(Ord. No. 78-14, § 710, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 01-56, § 1, 10-10-01; Ord. No. 02-14, §§ 1, 2, 6-12-02)

Sec. 22-131. Accessory uses.

In addition to the principal uses, 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.

(1) *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 dwelling—Two (2) automobiles per dwelling unit;

3. Group dwelling—One and one-half (1½) 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 22-131(1) 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.

As in the case of general residential district (GRD), open storage or parking area for commercial vehicle licensed as one and one-half (1½) ton or more in capacity is authorized if all of the following conditions are met:

1. Said parcel must be at least one (1) acre.

2. Only one (1) licensed commercial vehicle per parcel.

3. A fence of at least twenty-five (25) percent opaqueness and of a height of no less than six (6) feet shall be so situated as to screen the vehicle from visibility of any public right of way.

4. Commercial trailers of all types with tandem wheels containing hazardous or explosive materials are prohibited.

5. Prior approval is required meeting the elements of subsection 22-131(1)b. A letter of approval showing evidence of met requirements must be issued by the official planning administrator stating approval.

c. Shed or tool room for the storage of equipment used on grounds or for building maintenance.

d. Children's playhouse and play equipment.

e. No more than three (3) dogs or three (3) cats, four (4) months of age or older.

f. Private swimming pool and bath house or cabana.

g. Private dock or boat house.

h. Non-commercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

i. TV earth satellite dishes:

1. The location of which shall be placed in the rear yard, to include on the rear of the structure, so as not to be visible from the roadway in the front, or, if the dish (eighteen (18) inch maximum) can not be situated in the rear yard;

2. So suitable reception can be received, a planting screen/fence/garden ornament(s)/fountain or other appropriate means for disguise shall be placed so that the satellite dish is not visible in the front and side yard. All locations and screening must be approved by the planning administrator and the building official before any installation.

j. Accessory dwelling units:

1. Accessory dwelling units are permitted subject to the following standards:

a. The lot area meets the minimum lot area requirement for the district in which the lot is located;

b. The lot is currently served with public water and sewer;

c. Both the primary dwelling and the accessory dwelling unit will be in the same ownership;

d. There is one (1) single-family detached dwelling located in the lot, i.e., accessory dwelling units are not permitted on lots developed for duplexes, townhouses or multifamily dwellings;

e. All accessory dwelling units, attached, detached or located in an existing accessory structure, shall meet all required setbacks of the zoning district in which they are located;

f. The accessory dwelling unit is a minimum of four hundred (400) square feet in total areas (including any porches);

g. The accessory unit will not exceed fifty (50) percent of the gross floor area of the primary structure (excluding any porches);

h. The accessory dwelling unit may be attached to, or detached form the principal unit;

i. A detached accessory dwelling unit will be sited to the rear of the primary residence or to the side as a secondary option. An exception to this standard may be made in situations where the front of the primary

residences is not the street and the residence has clearly been designed to take advantage of unique site amenities such as location on the water;

j. There will be at least one (1) on-site, off-street parking space for the accessory dwelling unit in addition to the spaces required for existing uses;

k. An accessory dwelling unit may be developed in either an existing or new residence;

l. In order to encourage the development of housing units for people with disabilities, the planning administrator may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the International Building Code;

m. Home occupations shall be allowed, subject to existing regulations, in either the accessory dwelling unit or the main building, but not both; and

n. There will be only one (1) accessory dwelling unit per lot.

(2) *Uses customarily accessory to church buildings.*

a. Religious education buildings.

b. Nurseries and kindergartens.

c. Parsonage, pastorium or parish house, together with any use accessory to a dwelling as listed under Subsection 22-131(1) above.

d. Off-street parking area for the use, without charge, of members and visitors to the church.

e. Cemeteries.

f. Satellite dish antenna (for churches).

(3) *Uses customarily accessory to retail business, office uses and commercial recreational facilities.*

a. Off-street parking areas or parking structures for customers, clients or employee-owned vehicles.

b. Completely enclosed building for the storage of supplies, stock or merchandise provided such storage is used for the permitted business, office, commercial or recreational facilities; such storage is within or directly adjacent to said permitted business, and such storage is not for sale to public.

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 or 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. Sheds or tool rooms for the storage of equipment used in operations or maintenance.

e. Boat marina.

f. Private docks, boat houses.

g. Public port and docking facilities.

h. Private swimming pools, bath houses, cabanas.

i. Bait house.

j. Satellite dish antenna (for commercial, office and recreational).

k. Outdoor display of merchandise provide that:

1. Except as provided in paragraph 2 below, only merchandise typically used and stored outdoors may be displayed outdoors. Such merchandise shall include automobiles, trucks, boats, trailers, outdoor landscape structures (garden sheds, arbors, gazebos, etc.), plant materials, agricultural products, lawn maintenance equipment and outdoor furniture.

A. For the purposes of this section, merchandise is defined as any item that is for sale on the premises or is representative of an item that is for sale on the premises, regardless of whether or not that particular item is available for purchase; and

2. "Indoor" merchandise (merchandise other than that typically used and stored outdoors) may be displayed outdoors only within five (5) feet of the building to include porches and only in front of the building or the tenant space, and shall only be displayed during business hours. Merchandise shall be arranged and spaced so as not to clutter the front of the property, as determined by the administrator.

A. For the purposes of this section, merchandise is defined as any item that is for sale on the premises or is representative of an item that is for sale on the premises, regardless of whether or not that particular item is available for purchase; and

3. All merchandise displayed outdoors shall be set back from the property lines, the distance required by the zoning designation.

4. Areas designated for vehicular parking may not be used as outdoor display areas.

5. If merchandise is displayed on any sidewalk, a minimum of forty-two (42) inches of the sidewalk as measured from the curb must remain open and unobstructed to facilitate safe pedestrian circulation.

6. Plans for new developments shall clearly designate any areas for outdoor display of indoor or outdoor merchandise. Outdoor display of merchandise shall only occur in areas designated for such display on the approved plan.
7. Any use or premises not conforming to the requirements of this section shall be brought into compliance with these requirements within thirty (30) days of the adoption date of the ordinance from which this section derives.

(4) *Uses customarily accessory to public uses, buildings, or activities.* There shall be no limitations regarding accessory uses to any use, building or activity operated within the public domain except that such uses, buildings or activities must be directly related and subordinate to the principal public use.

(Ord. No. 78-14, § 711, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 93-2, 5-12-93; Ord. No. 98-2, 5-13-98; Ord. No. 99-1, 4-14-99; Ord. No. 03-17, 12-10-03; Ord. No. 07-20, 4-11-07; Ord. No. 07-54, 9-12-07; Ord. No. 10-3, 3-10-10)

Sec. 22-132. Setback and other yard requirements for accessory uses.

All accessory uses operated in structures above ground level shall observe all setbacks, yard and other requirements set forth for the district within which they are located, except those

water-oriented facilities such as docks, marinas, boat houses, etc., which shall be allowed to infringe into required setback areas along shorelines and into rivers, lakes, streams, and other waterways.
(Ord. No. 78-14, § 712, 1-10-79)

Sec. 22-133. Off-street parking.

(a) The required number of off-street parking spaces shall remain the same as is presently in the town zoning ordinance for the commercial, highway commercial, and neighborhood commercial zoning districts. However, in the mixed use 1 (MU-1) zoning district, six (6) on-street parking (known as shared parking) spaces shall be provided for each one (1) block area (three hundred thirty (330) linear feet) of frontage properties. This requirement will relieve the off-street parking requirement.

(b) Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all districts, except in the CC, commercial core area, at the time of the initial construction of any principal building; or when a structural alteration or other changes in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bud 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:

Any residential use consisting of one (1) or more dwelling units	Two (2) spaces for each dwelling unit
Group dwellings	One and one-half (1½) spaces for each dwelling unit
Mobile home parks	Two (2) spaces for each mobile home space
Hotels, motels, tourist homes and boarding houses	One (1) space for each guest room and employee
Hospitals, clinics and nursing homes	One (1) space for each two (2) beds plus (1) space for each two (2) employees
Doctors' and dentists' offices	Five (5) spaces for each doctor or dentist
Funeral homes	One (1) space for each employee plus five (5) spaces for each parlor
Churches, spiritual institutions and places of public assembly	One (1) space for each four (4) seats in the principal assembly room
Places of assembly or indoor recreation without fixed seats	One (1) space for each two hundred (200) square feet of gross floor area of the principal assembly room
Bowling alley	Five (5) spaces for each bowling lane, plus requirements for any other associated use
Swimming and skating facilities	One (1) per thirty (30) square feet water or skating areas, plus requirements for any other associated use

Golf courses	Four (4) spaces for each green, plus requirements for any other associated use
Schools: Nurseries, kindergartens, elementary and junior high	One (1) space for each classroom plus one and one-half (1½) space for each administrative office
Schools: Senior high	Four (4) spaces for each classroom and administrative office
Colleges and other institutions of higher learning	Five (5) spaces for each classroom and administrative office
Office buildings: Business, governmental and professional offices, banks and post offices	One (1) space for each two hundred (200) square feet of gross floor area
Libraries and museums	One (1) space for each two hundred (200) square feet of gross floor area
Barber shops and beauty parlors	Three (3) spaces for each barber or beautician
Service and repair establishments not otherwise specifically mentioned	One (1) space for each two hundred fifty (250) square feet of floor area not used for storage
Restaurants	One (1) space for each table plus one (1) space for each two (2) employees
Night clubs and bars	One (1) space for each table plus one (1) space for each two (2) stools at a bar plus one (1) space for each two (2) employees
Retail businesses, not otherwise specifically mentioned	One (1) space for each two hundred (200) square feet of retail floor space
Marinas	One (1) space for each employee plus one (1) space for each boat storage facility
Wholesale, industrial use, warehouse, freight and trucking terminals	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 the premises
Transport terminals or ports	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 the premises, plus one (1) space for each one hundred (100) square feet of waiting area
Public utility	One (1) space for each employment at maximum employment on a single shift

(Ord. No. 78-14, § 713, 1-10-79; Ord. No. 93-15, § 1, 11-10-93; Ord. No. 94-2, § 3, 3-9-94)

Sec. 22-134. Parking space area requirements.

Including aisles, entrances and exits, each required off-street parking area, lot or other facility shall obtain a minimum of three hundred (300) square feet of space for each automobile to be accommodated.
(Ord. No. 78-14, § 714, 1-10-79)

Sec. 22-135. Location on other property.

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, up to seventy-five (75) percent of the total of such spaces may be provided on other off-street property, provided such property lies within two hundred (200) linear feet of the main entrance to such principal use and that the total number of individual spaces available is not less than the number of spaces required for the individual use without granted variance and such parking spaces shall not thereafter be reduced or encroached upon in any manner.
(Ord. No. 78-14, § 715, 1-10-79; Ord. No. 86-54, 12-1-86)

Sec. 22-136. Common off-street parking areas.

A single use encompassing more than one (1) of the activities, as specified in section 22-133, 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 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 section 22-133, and provided that the owner of said lot relinquishes his development rights over the property until such time as parking space is provided elsewhere.
(Ord. No. 78-14, § 716, 1-10-79)

Sec. 22-137. Use of public rights-of-way for maneuvering.

When determining parking area requirements for individual uses, portions of the public rights-of-way on minor streets may be considered as permissible for maneuvering incidental to parking. On major streets, parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.
(Ord. No. 78-14, § 717, 1-10-79)

Sec. 22-138. Extension of parking space into a residential district.

Required parking space may extend up to one hundred twenty (120) feet into 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; and

(3) Is separated from abutting properties in the residential district by an evergreen buffer strip, provided according to the specifications set forth in section 22-139(6) below.

(Ord. No. 78-14, § 718, 1-10-79)

Sec. 22-139. Off-street loading and unloading spaces.

Except in CC commercial core area, every lot on which a business, trade, industry, residential use or mobile 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 public rights-of-way. Such space shall have access to an alley or if there is no alley, to a street. 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 clear and free of obstructions at all times. Required space shall be considered as follows:

(1) Transportation, park, wholesale, industrial, governmental, institutional use including all public assembly places, hospitals and educational institutions, and public or private outdoor and indoor recreational areas or activities. Loading berths and parking areas for waiting vehicles shall be designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

Square feet of gross floor area in structure	*Number of berths or parking spaces*
0—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
320,000—400,000	7
Each 90,000 above 400,000	1

All retail uses and office buildings with a total floor area of twenty thousand (20,000) square feet shall have one (1) loading berth or parking space for each twenty thousand (20,000) square feet of floor area.

Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

(2) Any residential use or mobile park consisting of ten (10) or more dwelling units: one (1) space.

(3) All uses, whether specified in this chapter 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.

(4) 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.

(5) When situated adjacent to a residential district or a residential property, an institutional, commercial or industrial use, all off-street loading and unloading area, or an off-street parking area for five (5) or more automobiles 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, if planted, shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact planting screen not less than six (6) feet in height; or if in wood, stone, block or brick shall be no less than six (6) feet high.

(Ord. No. 78-14, § 719, 1-10-79)

Sec. 22-140. Visibility at street intersections.

In all districts established by this chapter, no fence, wall, terrace, sign, shrubbery, planting 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.

(Ord. No. 78-14, § 720, 1-10-79)

Sec. 22-141. Visibility at private drives, and entrances intersecting with public streets.

At the intersection of any private drive or entrance or exit with public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility over a height of two and one-half (2½) feet shall be erected, planted, placed or maintained.

(Ord. No. 78-14, § 721, 1-10-79)

Sec. 22-142. Exceptions to height limits.

The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

(Ord. No. 78-14, § 722, 1-10-79)

Sec. 22-143. Parking, storage, or use of campers or other major recreational equipment.

Such equipment shall observe all setbacks, yard and other requirements set forth within the residential district in which they are located. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

(Ord. No. 78-14, § 723, 1-10-79)

Sec. 22-144. Parking and storage of certain vehicles.

(a) Automotive vehicles or trailers of any kind of type, requiring licenses, but without current plates, shall not be parked other than in completely enclosed buildings;

(b) However, in residential districts, on premise vehicle restoration is permitted, provided the vehicles undergoing restoration, or used for parts, shall either be covered by a commercially manufactured opaque automobile cover in serviceable condition or stored in an enclosed building. No more than one (1) vehicle per premise for either renovation or parts may be screened by use of a cover. The other vehicle must be in an enclosed building. The cover shall be securely fastened to the vehicle. The vehicle screened by use of a cover must be registered to the resident of the restoration-site, and receive a permit for a one-year period from the business license department. If an individual needs to extend the permit for an additional year to finish, a town council majority vote for approval shall be required prior to renewal. Renewals of the permit shall be limited to two (2). Commercial repairs and/or restoration of vehicles shall only be conducted in the appropriate zoning districts.
(Ord. No. 78-14, § 724, 1-10-79)

Sec. 22-145. Curb cuts and access points.

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as curb cuts, as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this chapter in accordance with the following requirements.

(1) *Size and spacing of curb cuts and other access points.* In no case shall a curb cut or other access point be less than nine (9) feet or more than fifty (50) feet in length. No two (2) curb cuts or other access points shall be closer than twenty (20) feet from each other except in residential zoning districts.

(2) Location of curb cuts and other access points. At street intersections, no curb or other access point shall be located closer than:

   a. Twenty (20) feet from the intersecting point of the two (2) street right-of-way property lines involved (or such lines extended in case of a rounded corner);

   b. Twenty-five (25) feet from the intersection of the two (2) curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

(3) *Access points in the vicinity of interchanges.* In no case shall any curb cut, point of access, or other means of vehicular ingress and egress from private property onto a public street be permitted closer than two hundred (200) feet to the intersecting point of that street's right-of-way line with the right-of-way line of any portion of an interchange, involving grade separations with that road and any limited access

highway; said interchange to include all portions of all ramps, accelerating and decelerating lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off of the limited access highway.

(Ord. No. 78-14, § 725, 1-10-79)

Sec. 22-146. Water and air pollution.

Runoff by disturbance of land (i.e. land clearing, new construction, etc.) must be avoided as much as possible by the installation of a silt fence or appropriate, approved fence at the property line or as designated by the building official to avoid the transfer of foreign debris to adjacent property.

(Ord. No. 78-14, § 726, 1-10-79; Ord. No. 99-41, 2-8-00)

Sec. 22-147. Minimum residential floor area required.

The minimum residential floor area shall be seven hundred twenty (720) square feet.

(Ord. No. 78-14, § 727, 1-10-79; Ord. No. 87-59, 6-24-87)

Sec. 22-148. Communications towers.

(a) *Definitions.* In additions to the definitions contained in Article VII, the following shall apply to this section:

Antenna means a devise, 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, 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:

(1) Lighting. Lighting shall be in accordance with FAA Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345- 43E (and all future updates) and shall be red strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. All towers one hundred fifty (150) feet or taller shall be lighted. All commercial communication towers approved by the town and by the state historic preservation office prior to the adoption of this amendment and operating in conformance with those approvals shall be deemed to be

lawful nonconforming uses and structures. Status as a lawful nonconforming use or structure under this section shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification the height of the tower.

(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 Beaufort County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the appropriate town 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 one co-location.

(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 twice the applicant's antennae.

(7) The tower shall be appropriately secured by means of a wall, fence, or other device at least seven (7) feet high; however, razor wire shall not be permitted. Fencing shall either be painted or PVC-coated dark green, brown, black or gray. 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 (3) gallon container plants or twenty-four (24) 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 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.

(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. Removal costs shall be the responsibility of the communication tower owner. The Town of Port Royal reserves the right to dismantle any abandoned communications structure and associated equipment which has not been removed within the allotted time period. In that event, the Town of Port Royal may retain any and all materials, and dispose, use, or sell said materials unless reimbursed by the communications tower owner within thirty (30) days of being sent an invoice.

(d) *Roof-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 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 notarize 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 Town of Port Royal 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 Standard Building Code and the co-location requirements of this chapter. The engineer shall certify that the tower can withstand ANSI 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 Town of Port Royal and proof of liability insurance or financial ability to respond to claims up to one million dollars ($1,000,000.00) in the aggregate which may arise from operation of the facility during its life, at no cost to the Town of Port Royal in form approved by the town 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.

(Ord. No. 00-1, 6-14-00; Ord. No. 07-12, 3-14-07)

Secs. 22-149—22-160. Reserved.

ARTICLE VII. ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

Sec. 22-161. Administration and enforcement.

The town council shall appoint the planning administrator and the building inspector and they, as such, will be assigned the duty and authority to administer and enforce the respective provisions of this chapter.

If the planning administrator or the building inspector shall find that any of the provisions of this chapter 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 discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with, or to prevent violation of, its provisions.

(Ord. No. 78-14, § 800, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-162. Building and sign permits required.

No building, sign or other structure shall hereafter be erected, established, moved, added to, or structurally altered without a permit therefore, issued by the planning administrator or the building inspector except in conformity with the provisions of this chapter, unless he is so

directed by the zoning board of adjustment and appeals as provided by this chapter. No building permit issued under the provisions of this chapter for land use or construction in the town shall be considered valid unless signed by the building inspector.
(Ord. No. 78-14, § 801, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-163. Application for building permit.

All applications for building permits 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 existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the building inspector, including existing or proposed building or alteration, existing or proposed uses of the building and land, the number of families, housekeeping 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 conformance with, and provide for the enforcement of, this chapter. One (1) copy of the plans shall be returned to the applicant by the building inspector, after he shall have marked such, 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 building inspector.
(Ord. No. 78-14, § 802, 1-10-79)

Sec. 22-164. Certificate of occupancy for new, altered, or non-conforming uses.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises or both, or parts thereof thereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the building inspector stating that the proposed use of the building or land conforms to the requirements of this chapter as determined by the planning administrator and the building inspector.

Failure to obtain a certificate of occupancy shall be a violation of this chapter, and punishable under section 22-169 of this chapter.
(Ord. No. 78-14, § 803, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-165. Conditional and temporary uses.

Conditional uses, as set forth in article IV of this chapter, and temporary uses as set forth below, 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.

(1) *General requirements.* Conditional uses shall be permitted subject to a determination by the building official that they conform to all regulations set forth herein and elsewhere in this chapter, with particular reference to those requirements established for those districts in which they are proposed for location.

(2) *Conditional use administration and duration.* Application 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.

(3) *Temporary uses.* The planning administrator and the building inspector are authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:

a. Carnival, circus or fair for a period not to exceed twenty-one (21) days, subject to the approval of the town council.

b. Religious meeting in a tent or other temporary structure in HC district, for a period not to exceed sixty (60) days.

c. Open lot sale of Christmas trees, in the CC, GC, OC, NC, HC and LI districts for a period not to exceed forty-five (45) days.

d. Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

e. 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.

f. 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.

g. Yard/garage sales: For a period not to exceed two (2), eight (8) hour periods in one (1) week (seven (7) days).

(Ord. No. 78-14, § 804, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 10-3, 3-10-10)

Sec. 22-166. Expiration of building permit.

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the building inspector and written notice thereof shall be given to the persons affected.
(Ord. No. 78-14, § 805, 1-10-79)

Sec. 22-167. Complaints regarding violations and remedies.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the planning administrator and/or the building inspector. He shall record properly such complaint, immediately investigate, and take whatever action is necessary to assure compliance with the ordinance.
(Ord. No. 78-14, § 806, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-168. Remedies.

In case any building or structure is proposed to be or is erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be or is used in violation of this chapter,

the planning administrator, the building official, the town council, the town 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.
(Ord. No. 78-14, § 807, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-169. Penalties for violation.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor, shall be prosecuted according to procedures established for misdemeanors, and, upon conviction, shall be fined as determined by the court for each offense.

Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. No. 78-14, § 808, 1-10-79)

Sec. 22-170. Appeal from the decision of the planning administrator and/or the building inspector.

It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented first to the planning administrator and/or the building inspector and that such questions shall be presented to the zoning board of adjustment and appeals, only on appeal from decisions of the planning administrator and/or the building inspector as provided for in article VIII.
(Ord. No. 78-14, § 809, 1-10-79; Ord. No. 10-3, 3-10-10)

Editor's note—Ord. No. 10-3, adopted March 10, 2010, changed the title of section 22-170 from "Appeal from the decision of the building inspector" to "Appeal from the decision of the planning administrator and/or the building inspector." The historical notation has been preserved for reference purposes.

Secs. 22-171—22-185. Reserved.

ARTICLE VIII. ZONING BOARD OF ADJUSTMENT AND APPEALS

Sec. 22-186. Establishment of zoning board of adjustment and appeals.

A zoning board of adjustment and appeals is hereby established. Said board shall consist of five (5) members who shall be citizens of the town and shall be appointed by the town council for overlapping terms of three (3) years. Initial appointment shall be as follows: One (1) member for a term of three (3) years; two (2) members for a term of two (2) years, and two (2) members for a term of one (1) year. Zoning board of adjustment and appeals members shall not be elected officials of the town. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board.
(Ord. No. 78-14, § 900, 1-10-79)

Sec. 22-187. Proceedings of the zoning board of adjustment and appeals.

The zoning board of adjustment and appeals shall elect a chairman and vice-chairman from its members who shall serve for one (1) year or until reelected, or until their successors are elected. The board shall appoint a secretary, who may be an employee of the town, a member of the planning commission or a member of the zoning board of adjustment and appeals. The board shall adopt rules and by-laws in accordance with the provisions of this chapter and of S.C. Code 1976, Tit. 6, Ch. 29, Art. 5. Meeting of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public.
(Ord. No. 78-14, § 901, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-188. Decisions of the zoning board of adjustment and appeals.

The concurring vote of three (3) members of the zoning board of adjustment and appeals shall be necessary to reverse by order, requirement, decision or determination of the planning administrator and/or building inspector to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation of this chapter. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. On all appeals, applications and matters brought before the zoning board of adjustment and appeals, the board shall inform in writing all the parties involved of its decisions and reasons therefor.
(Ord. No. 78-14, § 902, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-189. Appeals, hearing and notice.

Appeals to the board may be made by any person aggrieved or by any officer, department, board or bureau of the town or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the planning administrator and with the zoning board of adjustment and appeals, notice of said appeal specifying the grounds thereof. The planning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board, after the notice of appeal shall have 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 such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be

published in a newspaper of general circulation in the county at least fifteen (15) days in advance of the scheduled hearing date. At the hearing any party may appear in person or by agent or by attorney.
(Ord. No. 78-14, § 903, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-190. Powers and duties of the zoning board of adjustment and appeals.

The zoning board of adjustment and appeals shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the planning administrator or the building inspector in the enforcement of this act.

(2) To authorize upon appeal in specific cases a variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance, will in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the zoning board of adjustment and appeals that:

   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

   b. The application of the ordinance on this particular piece of property would create an unnecessary hardship;

   c. Such conditions are peculiar to the particular piece of property involved; and

   d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the ordinance or the comprehensive plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

(3) To decide on other matters where a decision of the zoning board of adjustment and appeals may be specifically required by the provisions of this chapter.

If exercising the above powers, the zoning board of adjustment and appeals may, in conformity with the provisions of this act, 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 planning administrator or the building inspector from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the case of contempt may certify such fact to the court of appropriate jurisdiction.
(Ord. No. 78-14, § 904, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-191. Appeals from decisions of zoning board of adjustment and appeals.

Any person who may have a substantial interest in any decision of the zoning board of adjustment and appeals may appeal from any decision of the board to the court of appropriate

jurisdiction in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.
(Ord. No. 78-14, § 905, 1-10-79)

Secs. 22-192—22-200. Reserved.

ARTICLE IX. AMENDMENTS

Sec. 22-201. Authority.

This chapter, including the official zoning map, may be amended from time to time by the town council as herein specified, but no 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 thirty (30) days within which to submit its report. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.
(Ord. No. 78-14, § 1000, 1-10-79)

Sec. 22-202. Requirements for change.

When the public necessity, convenience, general welfare or good zoning practice justify such action, and after the required review and report by the planning commission, the town council may undertake the necessary steps to amend the zoning ordinance.
(Ord. No. 78-14, § 1001, 1-10-79)

Sec. 22-203. Procedure for amendments.

Request to amend the zoning ordinance shall be processed in accordance with the following requirements:

(1) *Initiation of amendments.* A proposed amendment to the zoning ordinance may be initiated by the town council, the planning commission, or by application filed with the planning commission staff by the owners of the property proposed to be changed. 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 classifications by a property owner or owners more often than once in a twelve (12) month period.

(2) *Application procedure.* Application forms for amendment requests shall be obtained from the town manager. Completed forms, plus any additional information the applicant feels to be pertinent, will be accompanied by a filing fee as established by town council. Any communication purporting to be an application for an amendment shall be regarded as a mere notice to seek relief until it is made in the form required.

(3) *Hearing by the planning commission.* 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 regular meetings, shall review and prepare a report, including its recommendation, for transmittal to the town council. 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.

No member of the planning commission shall participate in a matter in which he has any pecuniary or special interest.

Following action by the planning commission, all papers and data pertinent to the application shall be transmitted to the town council for final action.

(4) *Public hearing by the town council.* Before enacting an amendment to this section, the town council shall hold a public hearing thereon; notice of the time and place of which shall be published in a newspaper of general circulation in the county at least fifteen (15) days in advance of the scheduled public hearing date.

(5) *Changes in the zoning map.* Following final action by the town council, any necessary changes shall be made in the zoning map. A written record of the type and date of such change shall be maintained by the town manager. Until such change is made, no action by the town council on amendments to the zoning ordinance shall be considered official, unless the town manager fails to make the change within seven (7) days after formal action by the town council. In the latter event, action by the town council shall be considered official seven (7) days after the date of the action even if the town manager has failed to make the appropriate changes.

(Ord. No. 78-14, § 1002, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 99-41, 2-8-00)

Secs. 22-204—22-215. Reserved.

ARTICLE X. LEGAL STATUS PROVISIONS

Sec. 22-216. Conflict with other laws.

Whenever the regulations of this chapter 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 chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

(Ord. No. 78-14, § 1100, 1-10-79)

Sec. 22-217. Validity.

Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

(Ord. No. 78-14, § 1101, 1-10-79)

Sec. 22-218. Repeal of conflicting ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this chapter full force and effect.
(Ord. No. 78-14, § 1102, 1-10-79)

Sec. 22-219. Fee structure and cost schedules.

The following is the official policy of the town concerning distribution of this chapter.

(1) *Zoning text.* The text will be published and maintained in loose leaf or similar format to facilitate correcting and updating. Page changes will be made rather than pen and ink corrections. A mailing list of all textbook purchasers will also be maintained. Automatic distribution of page changes as they occur will be made to holders of record through the fifth year after adoption or until a major revision is made. A small fee will be established by town council.

(2) *Zoning maps.* Copies of the complete zoning map will be available for individual issue at a scale of two hundred (200) feet to the inch. A small fee to cover administrative costs will be charged. This fee will be established by town council.

(Ord. No. 78-14, § 1103, 1-10-79)

Sec. 22-220. Effective date.

This chapter shall take effect and be in force from and after the date of its adoption by the town council.
(Ord. No. 78-14, § 1104, 1-10-79)

Secs. 22-221—22-230. Reserved.

ARTICLE XI. DEFINITION OF TERMS USED IN THIS CHAPTER

Sec. 22-231. Interpretation of certain terms or words.

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 herein are defined as follows:

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.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "building" includes the word structure.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The words "map," "zoning map," or "official zoning map" shall mean the official zoning map of the town, and refers to all maps so titled and bearing the seal of the town together with the signatures of the mayor and town manager, as well as the date of adoption of the ordinance.

The term "planning commission" refers to the joint municipal planning commission.

The terms "council" or "town council" refer to the town council of the Town of Port Royal.

The term "building inspector" refers to the person subsequently and specifically designated by the council and so employed and empowered as the building official for the town.

The term "planning administrator" refers to the person subsequently and specifically designated by the council and so employed and empowered as the planning administrator for the town.

Accessory. A use or building subordinate to the principle building or lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

Acre. A unit of measure in the United States and England equal to one hundred sixty (160) square rods or forty-three thousand five hundred sixty (43,560) square feet.

Acre, net. That portion of an acre as defined above remaining after conformance with front, rear, and side yard setback requirements.

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 (1) location or position to another.

Apartment, Garage. A part of a garage consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family.

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), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered, and none other:

(1) Sale and servicing of spark plugs, batteries and distributors;

(2) Tire repair and servicing, but no recapping;

(3) Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings;

(4) Washing and polishing;

(5) Greasing and lubrication;

(6) Exchanging fuel oil pumps and installing fuel lines;

(7) Minor servicing and replacing of carburetors;

(8) Emergency wiring repairs;

(9) Adjusting and repair of brakes;

(10) Minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor;

(11) Sale of cold drinks and packaged foods, as accessory only to principal operation.

Bait house. Establishment where live or artificial lures and accessories for the purpose of hooking and trapping fish and game are sold.

Boardinghouse. A dwelling in which at least four (4) persons are provided with meals for compensation.

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 22-127.

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 or a street right-of-way line or a street centerline according to the terms of this chapter. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines or other lot boundary lines.

Camper. A tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two (2) or more wheels and either self-propelled or rigged for towing provided such vehicle is thirty-five (35) feet or less in length and is not used for residential purposes within the town.

Care home. A rest home, nursing home, convalescent home, home for the aged, similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons.

Certificate of occupancy. Document issued by the planning administrator and/or the building inspector authorizing permission to occupy a building or premises, or both which has been found to be in conformance with all applicable construction and zoning ordinances.

Clinic. An establishment where medical and dental patients, who are not lodged overnight, are admitted for examination or treatment.

Condominium. See "Dwelling, condominium."

Density. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre, that is per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses.

District. The term applied to various geographical areas of the town for purposes of interpreting the provisions of this chapter. The districts are designated with the use of symbols on the official zoning map. Regulations controlling land use in the various districts within the town are set forth in article IV of this chapter. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this chapter.

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. A detached dwelling other than a mobile home designed to be occupied exclusively by one (1) family on a single lot.

Dwelling, two-family. A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other 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, each unit under individual 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 persons or families. The term "group dwelling" includes, but is not limited to, the terms rooming house, apartment, hotel, fraternity house, or sorority house, YMCA or YWCA. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling, multi-family for multiple-family. A building or series of buildings on the same lot or portions thereof 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; and

(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, independently 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 sleeping and physically set apart from any other 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 unless all members are related by blood or marriage, no such family shall contain over five (5) persons but further provided that domestic servants employed on the premises may be housed on the premises.

Floor area. Sum of gross of several floors of a building as measured from the exterior faces of exterior walls or from centerlines of walls separating two (2) buildings.

Garage, private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory.

Garage, public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobile or other vehicles.

Garage, repair. Building and premises designed or used for purposes indicated under automobile service station and/or major commercial repairs; provided that bodywork and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.

Guest house. Living quarters situated within a detached or semi-detached building located on the same premises with the principal building; such quarters shall

(1) Contain no cooking facilities;

(2) Be used only by a bona fide nonpaying guest(s) or relative(s) or the occupants of the premises; and

(3) Not be rented or otherwise occupied as a separate dwelling.

Home occupation. Any use conducted entirely within 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, and no person, not a resident of the premises, is employed specifically in connection with the activity, except that not more than one (1) assistant may be employed by the following occupation: lawyer, physician, dentist and chiropractor. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, and that not over twenty-five (25) percent of the total floor space of any structure is used for home occupations.

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" and "tourist 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 vehicle, machinery, equipment or parts thereof.

Loading space, off-street. Space logically and conveniently located for pickup and deliveries off public right-of-ways scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the office records of the county.

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."

Lot width. The distance between side lot lines measured at the front building line.

Mobile home. Any vehicle or portable structure in excess of thirty-five (35) feet in length having chassis, wheels, jacks, axles and so designed as to permit single-family occupancy for dwelling or sleeping purposes. The term mobile home includes the term house trailers.

Mobile home communities. Premise where two (2) or more mobile homes are parked for living and/or sleeping purposes, or where spaces are set aside, or offered for sale, or rent for mobile home living or sleeping purposes, including any land, building, structure, or facility used by occupants on such premises.

Mobile home park. Same as "mobile home community."

Mobile home space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Modular homes. Anything constructed or manufactured, either as individual elements, or as a module for combination with other elements, having the Southern Standard Building Code's Seal of Approval/HUD, to form a unified whole, designed and constructed for and transported to the site for installation, and the use of which requires permanent location in the ground, or being attached to something having permanent location on the ground, and is so designed to permit single-family or multi-family occupancy for dwelling or sleeping purposes.

Manufactured homes. The term includes mobile homes meeting the Southern Standard Building Code's Seal of Approval/HUD, having pitched and shingled roofs, placed on permanent foundations and from which the wheels, axles and tongues have been removed.

Motel. 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 "motel" includes the terms "hotel" and "tourist court."

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 effective date of this chapter or as the result of subsequent amendments to this chapter.

Parcel. See "lot."

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 on a given lot or an accessory use to the principal use on a given lot.

Parking space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.

Planned unit development (PUD). For purposes of these regulations,:planned unit development (PUD)" is defined as:

(1) Land under unified control to be planned and developed in a single development operation or a definitely programmed series of development operations; such development may include a program for establishment, operation and maintenance of common open spaces, areas, facilities and improvements available for common use by occupants of the district; and

(2) A development consisting of principal and accessory structures and uses substantially related to the character of the district, which will be developed according to comprehensive and detailed plans for streets, utilities, lots or building sites and the like.

Planning commission. The joint municipal planning commission.

Plot. See "lot."

Premises. A lot or other tract of land including the buildings or structures thereon.

Property. See "lot."

Residence. A building or portion of a building arranged or designed to provide living quarters for one (1) or more families.

Service station. See "automobile service station."

Sign. The term "sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window, marquee, awning or canopy and shall include any announcement, declaration,

demonstration, display, flag, ribbon, banner, balloon, illustration, insignia, or the like, used to advertise, or promote the interests of any person when the same is placed in view of the general public traveling along a public right-of-way.

(1) *Abandoned sign.* A sign which was erected on property in conjunction with a particular use which has been discontinued for a period of ninety (90) days or more, or a sign the contents of which pertains to a time, event or purpose which no longer applies.

(2) *Back-to-back sign.* Any sign constructed on a single set of supports which may have two (2) messages visible on either side provided double message boards are physically contiguous.

(3) *Business identification sign.* A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

(4) *Business identification pylon sign.* A business identification pylon sign is a sign erected on a single pole or multiple poles which contain only the name or the nature of the business conducted on the premises on which it is located.

(5) *Detached sign.* Any sign that is not attached to a building in any manner and is structurally freestanding (see "freestanding sign structure").

(6) *Directional sign.* An off-premise sign whose content is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

(7) *Dilapidated sign.* Any sign which is insecure or otherwise structurally unsound, has defective parts or is in need of painting or maintenance.

(8) *Flashing sign.* Any lighted or electrical sign which emits light in sudden transitory bursts. On/off time and temperature signs and message boards are not considered flashing signs for the purpose of this chapter.

(9) *Free-standing sign structure.* A freestanding sign structure may contain a sign or signs on one (1) side only or it may be a V-shaped structure or one (1) containing signs back to back. A freestanding sign structure is one (1) sign (see "detached sign").

(10) *Height.* As pertains to signs, ["height"] shall be measured as the vertical distance between the highest part of a sign or its supporting structure and the existing ground upon which the sign is supported.

(11) *Illuminated sign.* Any sign which is directly lighted by an electrical source, internal or external.

(12) *Moving message board.* An electrical sign having a continuous message flow across its face by utilization of lights forming various words.

(13) *Non-conforming sign.* Any sign erected or displayed prior to the effective date of this chapter or subsequent amendments thereto which does not conform with the standards of this chapter.

(14) *Off-premise sign.* Any sign which is located on property and transmits a message pertaining to a product, use, occupancy or function which is not located on the same property as the sign.

(15) *On-premise sign.* Any sign, the context of which relates to use, occupancy, function or product manufactured on the same property which the sign is located.

(16) *Political sign.* A temporary off-premise sign which refers only to a political candidate or the issues involved in an upcoming political election.

(17) *Portable sign.* Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

(18) *Roof sign.* A sign which is located upon or over the roof of a structure.

(19) *Rotating sign.* Any sign which revolves around one (1) or more fixed axles.

(20) *Sign area.* That portion of a sign used for the message, exclusive of the frame, border or supports.

(21) *Temporary sign.* Any sign or information transmitting structure intended to be erected or displayed for a period of sixty (60) days or less.

(22) *Time and temperature sign.* An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

(23) *Vehicular sign.* Any sign painted on, attached to or pulled by any vehicle moving or parked.

(24) *V-sign.* Any sign which has two (2) sets of supports, sharing at least one (1) common support and capable of displaying two (2) message boards in different directions provided such double message boards are physically contiguous.

(25) *Wall sign.* Any sign painted or otherwise attached to the wall of a building or structure.

Site. See "lot."

Special exception. A use so specifically designated in this chapter that would not be appropriate for location generally or without restriction throughout a given zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the zoning board of adjustment and appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or general welfare.

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 be no floor above it, then the space between the floor and ceiling.

Story, half. A story in which one (1) or more exterior walls 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 mounted by the governing body shall be the centerline of a street, or 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, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building" as defined above is a structure.

Subdivision. A tract parceled into two (2) or three (3) lots for purposes of resale where persons reside and any lot is less than two (2) acres in size.

Tattoo or *tattooing.* To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigment.

Tattoo facility. Any room, space, location, area, structure or business, or any part of these places, where tattooing is practiced or where the business of tattooing is conducted.

Town engineer designee. A person or agency designated by the town council to act as the town engineer in the absence of an official town engineer.

Townhouse. See "dwelling, townhouse."

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 a dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.

Tract. See "lot."

Trailer or mobile commercial structure. 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 conducting of business, profession, trade or occupation;

(2) Serve as 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 chapter, shall be interchangeable with the term "mobile home."

Use, accessory. See "Accessory."

Use, principal. The primary purpose for which a lot is occupied and/or used.

Variance. A modification of the strict terms of this chapter granted by the zoning board of adjustment and appeals where such modification won't 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 this chapter 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.

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.

Yard, rear. A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

Yard, side. A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

Zoning district. See "district."
(Ord. No. 78-14, § 1200, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 05-23, 6-8-05; Ord. No. 10-3, 3-10-10)

Secs. 22-232—22-235. Reserved.

ARTICLE XII. HISTORIC PRESERVATION

Sec. 22-236. Title.

The title of this article shall be "The Town of Port Royal Historic Preservation Ordinance."
(Ord. No. 07-66, § 5.0.0, 12-12-07)

Sec. 22-237. Purpose.

The purpose of this article is:

(1) To protect, preserve and enhance the distinctive architectural and cultural heritage of the town;

(2) To promote the educational, cultural, economic and general welfare of the people of the town;

(3) To foster civic pride;

(4) To encourage harmonious, orderly and efficient growth and development of the town;

(5) To strengthen the local economy;

(6) To improve property values; and

(7) To support the goals of the town's comprehensive plan.
(Ord. No. 07-66, § 5.0.1, 12-12-07)

Sec. 22-238. Applicability.

This article is part of the zoning ordinance of the town, and is enacted pursuant to the S.C. Code 1976, §§ 6-29-710 and 6-29-870. The district standards and other specific provisions of this article shall apply within historic districts and to landmarks. Whenever there is conflict between the regulations of the remainder of this article and this chapter, the more restrictive shall apply.
(Ord. No. 07-66, § 5.1.1, 12-12-07)

Sec. 22-239. Defined terms.

Many of the terms used in this article may have additional specific meaning in this zoning ordinance, including, but not limited to, the following terms:

Alteration means any change in the external architectural features of any structure list in the registry or any interior changes to structures listed in the National Registry, if and only if that interior feature is specifically included in the national registry.

Certificate of appropriateness means the document issued by the HPC following the review proscribed that certifies that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property. A CA will only be required for those activities which require a building permit or for demolition.

Demolition means the destruction of a building or structure. Demolition of structures listed in the district requires a certificate of appropriateness and a 180-day waiting period before demolition.

Exterior architectural appearance means architectural character, general composition, and general arrangement of the exterior of the structure, including the kind, color and texture of the building material, type, and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from the street.

Hardship means any unreasonable hardship caused by unusual and compelling circumstances.

Historic preservation commission-HPC means the appointed board that maintains the list of landmarks, oversees the development of the preservation ordinance, holds hearings and issues certificates of appropriateness.

Historic preservation district/landmark list means an area along with individual sites designated by the town council upon recommendations of the town HPC as being worthy of preservation.

Port Royal historic landmark register means a validated listing of all properties/trees/landmarks that meet the criteria set forth in this article.

Restoration means the act or process of accurately recovering the form and details of a property which are significant to its historical, architectural and cultural values.

Rehabilitation means the act or process of returning a property to a state of utility through repair or alteration which makes possible and efficient contemporary use while preserving those features of the property which are significant to historical, architectural and cultural values.

Town park means any designated "green space" maintained by the town for the benefit of the community.
(Ord. No. 07-66, § 5.1.2, 12-12-07)

Sec. 22-240. Historic preservation commission.

(a) *Creation.* The historic preservation commission of the town is hereby established.

(b) *Number.* The commission shall be composed of seven (7) members appointed by council, four (4) of which shall be for a term of two (2) years, three (3) of which shall be for a term of one (1) year. The commission shall elect a chairman and co-chairman. No member shall serve more than eight (8) consecutive years. After the initial appointment, terms shall be of a two-year term.

(c) *Appointment.* The members of the commission shall be appointed by town council, which shall allow the public an adequate and reasonable opportunity to comment on all such appointments. Members of the commission shall be installed and assume their duties at the first regular meeting of the commission following their appointment.

(d) *Qualifications.* All members appointed to the commission must be residents of Beaufort County and must have demonstrated their civic interest, have general knowledge of and interest in historic landmark and district preservation, and be available to attend meetings. Members cannot hold any other public office or position in the town. Town council shall endeavor to appoint persons with diverse, relevant qualifications. At least three (3) members shall be persons who are knowledgeable in one (1) or more of the following disciplines: archeology, architecture and construction, American, South Carolina and local history, urban planning and design, structural engineering, law, or real estate. To the extent that they are available, an historian and a licensed architect shall serve as members of the commission at all times. At least three (3) of the commissioners must be residents of the town and at least two (2) of the commissioners must be members of Historic Port Royal Foundation-HPRF.

(e) *Terms of office.*

(1) The term of office of each member of the commission (after the initial appointment) shall be two (2) years.

(2) The term of office of each commission member shall commence January 1 and shall expire on December 31 of the final year of the term, or until a replacement is approved. The terms of each member of the commission shall expire on December 31 of the final year of the term, regardless of the date of appointment.

(f) *Appointment to fill a vacancy.* Any vacancy on the commission due to death, resignation, or any other cause shall be filled by appointment by the town council within sixty (60) days of the occurrence of the vacancy. The person appointed to fill a vacancy shall serve the remainder of the unexpired term of the member being replaced.

(g) *Meetings, quorum, voting.* The commission shall hold an annual meeting in January to elect officers and to conduct other pending business. The commission shall meet at least monthly to hear applications and conduct business under its jurisdiction, unless there are no pending requests to be considered. Special meetings may be called by the chairman, a majority of the members of the commission, or upon request by town council. A majority of the members of the full commission [four (4)] shall constitute a quorum for the conducting of business, and a majority vote of those members eligible to vote shall be necessary for approval of any action by the commission. Meetings shall be conducted under the rules established and identified under the latest version of "Robert's Rules of Order."

(h) *Officers.* The commission shall elect from its membership a chairman and vice chairman who shall serve for one (1) year or until their successors are elected. A staff member of the town's department of planning shall serve as secretary but shall not be a member of the commission.

(i) *Compensation.* Members shall serve without compensation except for reimbursement of authorized expenses related to the performance of their duties.

(j) *Jurisdiction.* The commission may exercise the powers granted it pursuant to this article and S.C. Code 1976 §§ 5-23-310—5-23-340, and successor provisions, within the corporate limits of the town.

(k) *Powers and duties.* The historic preservation commission shall have the following powers:

(1) Adopt its own bylaws not inconsistent with this article or applicable statutes of the state and appoint subcommittees as needed.

(2) Accept such gifts, grants, and money as may be appropriate for the purposes of this article. Such money may be expended only for advancing the purposes of this article and must be appropriated by town council as part of the regular town budget.

(3) Recommend for designation, or removal of designation, subject to approval by town council, historic districts and landmarks and the expansion of existing historic districts or landmarks.

(4) Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, renovation, rehabilitation, and adaptive usage and such outside expertise it deems necessary for assistance or advice on matters pending before it.

(5) Conduct meetings.

(6) Hold public hearings, investigate, review, place conditions on, and make decisions on:

a. Applications, plans, certificates of appropriateness, or other permits for alteration, construction, demolition, or relocation of landmarks or structures within historic districts or which affect landmarks or historic districts;

b. Recommendations on designations of historic districts and landmarks;

(7) Issue cease-and-desist orders restraining any violation of this article or a certificate of appropriateness.

(8) Review and evaluate relevant surveys and studies of structures, sites, districts, and landmarks performed by any unit of government or private organization, and compile appropriate descriptions, facts, photographs, and summaries of such surveys.

(9) Provide for periodic updated surveys and research efforts to identify neighborhoods, areas, sites, structures, and objects that have historic, archeological, community, architectural, or aesthetic importance, interest, or value.

(10) Compile and maintain the town historic register and maintain a local inventory of historic places and landmarks.

(11) Review and make recommendations to town council and other town boards, commissions, and departments on projects involving historic properties or structures, projects in historic districts, or related matters not subject to the certificate of appropriateness requirements of this article.

(12) Discharge all other powers and duties as set forth in this article or necessarily implied therefrom.

(l) *Conflict of interest.* Any member of the commission who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the commission shall be disqualified from participating in the decision of the commission concerning the property.

(m) *Liability of members.* Any member of the commission acting within powers granted by the ordinance shall be relieved from personal liability for any damage and held harmless by the town. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the town until termination of the proceedings.
(Ord. No. 07-66, § 5.1.3, 12-12-07)

Sec. 22-241. Designation to the port royal historic register.

(a) *Initiation of designations.* Initiation of the proposed designation of landmarks or historic districts to the town historic register may be made by any member of the commission, any member of town council, or a board or commission appointed by town council, the petition of any ten (10) residents of the town, or an owner thereof. A request for designation shall be made on the appropriate application form provided by the commission and submitted to the commission for review and public hearing.

(b) *Designation criteria.* For a landmark or district to be designated to the town historic register, town council must conclude that it:

(1) Is significant in American, state, or town history, architecture, archeology, engineering, or culture.

(2) Has integrity of location, design, setting, materials, or workmanship that need to be protected or preserved and meets one (1) or more of the following criteria:

a. It is associated with events that have made a significant contribution to history;

b. It is associated with the lives of persons significant in history;

c. It has distinctive characteristics of a type, period, or method of architecture or construction; represents the work of a master; possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;

d. It has yielded or is likely to yield information important in prehistory or history; or

e. It is listed on the national register of historic places.

f. Is seventy-five (75) years old or older.

(c) *Public notice.*

(1) The commission shall give the owners of properties proposed for designation as a historic district or as a landmark written notice of the hearing by the commission on the application for such designation by mail sent to the address for the property listed on the most current town real property tax records, unless another address is known by the commission, no fewer than thirty (30) days prior to the scheduled date of the hearing. Such notice shall state the date, time, place and purpose of the hearing. The notice shall be considered given when placed in the U. S. Post Office at Port Royal, South Carolina with proper postage affixed.

(2) In addition, one (1) public notice sign shall be posted on each street frontage of the subject property stating the date, time, place, and purpose of the public hearing. Where more than one (1) property is proposed for designation, the number and location of required public notice signs shall be determined by the planning director.

(d) *Consideration by town council.* Within fifteen (15) days after the meeting at which a designation is considered, the commission shall forward its recommendation on the designation to the town council. The proposed designation shall not become effective unless approved by town council by adoption of an ordinance to include a public hearing.

(e) *Opposition to designation.* Any property owner may object to the decision by the town council, to designate his/her property as historic by filing suit against the town before the courts of the state.

(f) *Nominations to the national register of historic places.* The commission may conduct first review and evaluation of all proposed national register nominations within the town, including any which may have been submitted to the state historic preservation office (SHPO), and forward all reviewed nominations to the SHPO with recommendations for consideration by the state board of review.

(g) *Re-filing for designation.* If a request for designation is denied, the request may not be filed again for one (1) year from the date of that denial unless the applicant can demonstrate to the commission a substantial change in circumstances relevant to the request.

(h) *Procedure for removing designation.* The procedure followed for removing a designation shall be the same as that for initial designation.
(Ord. No. 07-66, § 5.1.4, 12-12-07)

Sec. 22-242. Certificate of appropriateness.

(a) *Activities requiring a certificate.*

(1) *On property not in a street or town park.*

a. A certificate of appropriateness may be required for alteration, construction, demolition, or relocation on property listed on the town historic register visible from a public street right-of-way except that any change to a landmark may require a certificate even if not visible.

b. For the purposes of this article, an activity shall be considered visible even if hidden by vegetation or a fence. An alteration requires a certificate even if the color, texture, and composition of the material (excluding paint) is not discernible from a street right-of-way.

c. The commission may authorize the planning director to approve a certificate for certain types of work with the concurrence of the chairman.

d. Either the chairman or planning director may require approval by the commission of any certificate for an activity not specifically covered.

(2) *In a street (including a parkway).* A certificate of appropriateness may be required for the following:

a. In a street (including a parkway) individually designated as a landmark; widening a street or the improved surface of a street or paving an unpaved street; or eliminating the parkway or providing parking areas thereon.

b. In a street (including a parkway) within a historic district or individually designated as a landmark; alteration, construction, demolition, or relocation of buildings, walls, fences, gates, and stone curbs.

(3) *In a town park individually designated as a landmark.* A certificate of appropriateness shall be required for alteration, construction, demolition, or relocation of buildings, walls, fences, and gates.

(4) *Vegetation.* For plant materials or trees individually designated as landmarks or required as a condition of approval of a certificate of appropriateness, a certificate shall be required for cutting down, destroying, relocating, or eliminating plant materials or trees.

(b) *Activities exempt from certificate of appropriateness.* A certificate of appropriateness shall not be required for the following:

(1) Interior renovations.

(2) Alteration, construction, demolition, relocation, or other work on a property not in a street or town park not visible from a street.

(3) Exterior painting of previously painted structures.

(4) Repairs, replacements, and routine maintenance that do not constitute alteration.

(5) Installing, cutting down, destroying, relocating, pruning, or eliminating plant materials or trees not designated as landmarks or required as a condition of a certificate of appropriateness.

(6) Any work in a street that does not involve an activity listed in subsection (a)(2) or any work in a town park that does not involve an activity listed in subsection (a)(3).

(7) Any work on objects that the planning director determines are not structures because of their insignificance.

(c) *Application for certificate of appropriateness.*

(1) Applications for certificates of appropriateness are available at the department of planning, and completed applications shall be submitted to the department. An application for a certificate of appropriateness must be made by an owner-of-record of the property or by an agent with written authorization to make such application.

(2) Applications for a certificate shall be accompanied by the following unless waived by the secretary or otherwise specified on the application form provided by the commission.

a. Drawings, including plans and exterior elevations, drawn to scale, with sufficient detail to show the exterior architectural design of the structure.

b. Specifications or other information describing proposed materials and textures; samples of materials may be required by the commission.

c. Plot plan or site layout showing all existing structures and any improvements affecting appearances such as walls, walks, terraces, accessory buildings, signs, lights, plantings, and other elements.

d. Photographs of the site location, showing contiguous properties and streetscapes.

e. All other information requested by the commission.

(3) Applications for a certificate of appropriateness shall pay the standard fee set by the town council, which fee shall be subject to review and approval by the commission, to cover the reasonable administrative costs of processing such applications.

(4) Where a variance or other approval is required for a project from the zoning board of adjustments and appeals, such approval shall be obtained prior to consideration of a request for a certificate of appropriateness by the commission.

(d) *Public hearing and public notice.* For any certificate of appropriateness application that it must consider, the HPC shall conduct a public hearing not later than thirty (30) days following receipt of a completed application form accompanied by all required information and documents. Public notice of each such public hearing shall be given at least seven (7) days prior to the hearing by the posting of a sign by the town on each street frontage of the subject property clearly visible to the public stating the date, time, and place of the public hearing.

(e) *Notice to applicants and owners.*

(1) The HPC shall give the applicant written notice of the public hearing on his application. This notice shall be sent by certified mail to the address listed on the application and shall be considered given when placed in the U. S. Post Office at Port Royal, South Carolina with proper postage affixed.

(2) If the applicant is not the owner, a copy of the letter providing notice shall be sent by certified mail to the owner-of-record. This notice shall be considered given when placed in the U.S. Post Office at Port Royal, South Carolina with proper postage affixed.

(3) The notices required by this section shall state the identity, address, and telephone number of the applicant and property owner; the address or location of the subject property; and the time, place, and purpose of the hearing.

(f) *Approval by the planning director.* With the concurrence of the chairman, the planning director may approve or amend certificates of appropriateness for the following activities on sites not owned by the town or may refer them to the commission for a decision:

(1) Activities expressly authorized by the commission.

(2) Minor design changes to projects for which a certificate of appropriateness has been issued by the HPC or increasing the expiration date of a certificate of appropriateness for an additional period not to exceed six (6) months.

(3) Anything not specifically covered by this article that the planning director determines is not so significant as to impair or affect historic, architectural, or aesthetic character.

Such an application shall be considered by the planning director as soon as possible but not later than fifteen (15) days following receipt of a completed application form accompanied by all required information and documents. A public hearing or public notice shall not be required unless the application is referred to the HPC. Applications referred to the HPC by the planning director must be considered within thirty (30) days following receipt of the completed application form accompanied by all required information and documents.

(g) *Procedures following approval.* If an application for a certificate of appropriateness is approved, the following apply:

(1) The decision shall be filed with the secretary and a certificate of appropriateness issued to the applicant. Specific conditions upon which the certificate is issued and with which the applicant must comply shall be listed on the certificate.

(2) If an application is approved by the HPC, the certificate shall be signed by the chairman, vice chairman, or presiding member of the HPC; if approved by the planning director, he/she shall sign the certificate and shall notify the HPC of the decision.

(3) A copy of the certificate and the approved application shall be provided to the building official and the zoning official who shall periodically inspect the work and report any violation of the certificate or this article to the planning director.

(4) The certificate shall expire two (2) years from the date of issuance unless the work allowed there under has been substantially completed or unless another expiration date is specified by the HPC or by the planning director pursuant to subsection (f)(2).

(h) *Denial of application.*

(1) *By the planning director.* If an application is denied by the planning director, the director shall file his/her written decision with the HPC chairman including the reasons for denial, send a copy to the applicant by certified mail, and provide a copy to the building official and the zoning official and each HPC member.

(2) *By the HPC.* If an application is denied by the HPC, the following apply:

a. The HPC shall file its written decision, which shall include a statement of the reasons for denial, and shall provide a copy of the statement to the applicant and to the building official, the zoning official, and each HPC member within fifteen (15) days of the public hearing thereon.

b. The HPC in its decision may make recommendations to the applicant concerning changes in the proposed action that may cause it to reconsider denial. The applicant may submit an amended application to the secretary incorporating those recommendations. Such an amended application shall be subject to the same procedures as an initial application but is exempted from the limitations in subsections (i) and (j).

c. The applicant may apply under section 22-244 for an exemption.

(i) *Reconsideration.* Upon good cause being shown by any person aggrieved by a final decision of the HPC or an application for a certificate of appropriateness, the HPC may reconsider its decision. In the event of such reconsideration, the HPC shall conduct a public hearing giving the public notice required by subsection (d). The request for reconsideration will not be reviewed unless submitted to the secretary within ten (10) days of the date on which the written decision is mailed to the applicant.

(j) *Appeal.*

(1) *From the planning director.* Any property owner, town official, or other person aggrieved by and seeking relief from any final decision of the planning director on an application for a certificate of appropriateness or interpretation of this article and related provisions may appeal the decision of the planning director to the historic preservation commission by submitting to the secretary a written request stating the grounds for the appeal. The appeal request must be submitted to the secretary within twenty (20) days of the date on which the written decision is mailed to the applicant. The appeal shall meet the public notice requirements under subsection (d), and it shall be placed on the next HPC meeting agenda for which public notice requirements can be met. An appeal must be decided within forty-five (45) days of submission of the written appeal request.

(2) *From the HPC.* Any property owner, town official, or other person aggrieved by and seeking relief from any final decision of the HPC on an application for a certificate of appropriateness may appeal that decision to the circuit court pursuant to S.C. Code 1976 § 6-29-900, by filing a petition with the court within thirty (30) days of the filing of the written decision of the HPC with the secretary.

(k) *Review standards.*

(1) *General.* In reviewing applications, the HPC and the planning director shall consider the standards stated in this article for the purpose of determining whether alterations, construction, demolitions, or relocations are in harmony with the prevailing historical, architectural, archeological, or aesthetic character of the historic district, a structure in a historic district, or landmark.

(2) *Construction and alteration.* In reviewing an application for construction or alteration, the HPC and the planning director shall consider general design, character and appropriateness of design, scale of buildings, texture and materials, relationship of such elements to similar features of structures in the immediate area, and the extent to which the alteration or construction would be harmonious with the historic district in which it is located or with the landmark. The HPC and the planning director also shall consider the relevant standards and guidelines in the most current edition of the U.S. secretary of the interior's standards for rehabilitation.

(3) *Demolition.* In reviewing an application for demolition, the HPC and the planning director shall consider the historical, archeological, and aesthetic character of the structure (or portion thereof) proposed for demolition. They shall also consider: (1) the structural integrity (i.e. condition) of the structure and (2) the integrity of materials, location, and design of the structure. No application for demolition shall be approved solely on the basis of a structure's deteriorated condition where the commission determines that the applicant is primarily responsible for the deteriorated condition. Finally, the HPC shall consider the extent to which demolition would, in the judgment

of the HPC, produce a detrimental effect upon the character of the structure or property affected or upon the surrounding properties, or upon the district in which the structure is located. No application for demolition of a Landmark shall be approved.

(4) *Specific guidelines.* The commission shall adopt additional guidelines, subject to review and approval by town council, consistent with this article for reviewing applications for a certificate of appropriateness.

(l) *Re-filing of an application.* If an application of a certificate of appropriateness is denied, the application may not be considered by the HPC again for one (1) year unless the applicant can demonstrate to the HPC a substantial change in circumstances relevant to the application. (Ord. No. 07-66, § 5.1.5, 12-12-07)

Sec. 22-243. Demolition or relocation.

(a) *Certificate of appropriateness required.*

(1) No structure within a historic district or landmark shall be demolished or relocated until he owner thereof has applied for and received a certificate of appropriateness from the HPC.

(2) The HPC may delay the granting of the certificate for a period of up to one hundred eighty (180) days from the time of the filing of the application. The HPC may extend this postponement for another one hundred eighty (180) days after a public hearing and finding by the HPC that the structure or landmark is of historical, architectural, or archeological importance to the public or town. Within any period of postponement, the commission shall endeavor to ascertain what may be done to preserve the structure or landmark. Such steps shall include, but are not limited to, consultation with civic groups, interested citizens, public interest groups, and public boards and agencies.

(3) After the postponement period has ended and the commission has been unable to determine a reasonable alternative to demolition or relocation, the certificate shall be granted after a public hearing, with the notice required by subsection 22-242(d) being given. However, if the commission finds that the structure contributes to the character of the historic district or that the landmark is of historical, archeological, or architectural significance or that, for any other reason, preservation in the public interest is warranted, the application shall be denied. In the event of such denial, the owner may apply for an exception under section 22-244.

(b) *Demolition by neglect.*

(1) *Prevention of demolition by neglect of exterior.* No owner or person with an interest in real property which is designated a landmark in any part of the town or any property in an historic district, whether that property is occupied or not, shall permit the structure or property to fall into a serious state of disrepair or to remain in a serious state of disrepair so as to result in the deterioration of any exterior architectural

feature which would, in the judgment of the HPC, produce a detrimental effect upon the character of the structure or property, or, if the structure or property is in an historic district, upon the district. Examples of such deterioration include:

a. Deterioration of exterior walls or other vertical supports;

b. Deterioration of roofs or other horizontal members;

c. Deterioration of exterior chimneys;

d. Deterioration of crumbling of exterior stucco or mortar;

e. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;

f. Deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety; or

g. Deterioration or removal of any unique exterior architectural feature which would detract from the original architectural style.

(2) *Prevention of demolition by neglect of interior.* No owner or person with an interest in real property which is designated a landmark in any part of the town, or any property in an historic district, whether that property is occupied or not, shall permit the interior portions of such structure or property to fall into a serious state of disrepair which, in the judgment of the HPC, produces a detrimental effect upon the structural integrity of such structure or property which could make demolition necessary for the public safety.

(Ord. No. 07-66, § 5.1.6, 12-12-07)

Sec. 22-244. Determination of economic hardship.

(a) *Submission requirements.* If an application for a certificate of appropriateness is denied by the HPC, the applicant may request that the application be reviewed for economic hardship pursuant to this section. The commission may obtain expert testimony and require the applicant make submissions concerning the following information before the commission makes a final determination on the application.

(1) Estimate the cost of the proposed construction, alteration, demolition, or relocation and an estimate of any additional cost that would be incurred to comply with the recommendations or directives of the commission for changes necessary for issuance of a certificate.

(2) A report from a licensed engineer or architect with experience in rehabilitation on the structural soundness of any structures and their suitability for rehabilitation.

(3) Estimated market value of the property under the following conditions: in its current condition; after completion of the proposed construction, alteration, demolition, or relocation; after any changes recommended or directed by the commission; and, in the

case of a proposed demolition, or relocation, after renovation of the existing property for continued use. The commission may require that these estimates be prepared by a qualified expert.

(4) In the case of a proposed demolition or relocation, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of continued use, rehabilitation, or reuse of the existing structure at its current location.

(5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, in any, between the owner-of-record or applicant and the person from whom the property was or is to be purchased, and the terms of financing.

(6) If the property is income-producing, the annual gross income from the property for the previous two (2) calendar or fiscal years; itemized operating and maintenance expenses during the same period; and depreciation, deduction, and annual cash flow before and after debt service, if any, during the same period.

(7) Any other information requested by the commission in its discretion to reach a determination as to whether the property does yield or may yield a reasonable return to the owners.

(b) *Review.* The commission shall review all of the evidence and information required from the applicant, hold a public hearing, and make a determination thereon within thirty (30) days after receipt of all required information of whether the denial of a certificate of appropriateness will result in economic hardship to the owner because he will be deprived of all reasonable use of the property. If the commission makes a determination that, in its discretion, economic hardship has not been proven by the applicant, the application for a certificate of appropriateness based upon economic hardship shall be denied. If the commission determines, in its discretion, that economic hardship would occur to the owner, the commission may issue a certificate of appropriateness based upon economic hardship or delay action on the application for a period of ninety (90) days If at the end of the 90-day period, the commission finds, after a public hearing with the notice required by subsection 22-242(d) being given, that without issuance of the certificate of appropriateness, an economic hardship would still occur, then the commission shall issue a certificate of appropriateness based upon economic hardship.
(Ord. No. 07-66, § 5.1.7, 12-12-07)

Sec. 22-245. Interpretation and enforcement.

(a) *Interpretation.* The planning director shall interpret the provisions of this article. Any final interpretation by the planning director may be appealed pursuant to the procedures at subsection 22-242(j).

(b) *Enforcement.*

(1) The zoning official shall periodically inspect work in progress under a certificate of appropriateness.

(2) In the event that this article or a certificate of appropriateness is violated, the HPC, zoning official, or building official may issue an order requiring the person or persons committing the violation to cease and desist immediately there from. The cease-and-desist order shall remain in effect until any certificate of appropriateness required for the work is approved.

(3) A violation of a cease-and-desist order issued by the HPC or the zoning official or building official is hereby declared unlawful and shall be punished as set forth in subsection (c).

(c) *Violations and penalties.* It shall be unlawful for any person to violate any provisions of this article, and any person violating these provisions shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding five hundred dollars ($500.00) per day. Each day that the violation of any provision hereof continues shall constitute a separate offense.

(Ord. No. 07-66, § 5.1.8, 12-12-07; Ord. No. 08-34, 12-12-08)

[The next page is 1507]

Chapter 15.5

OVERLAY DISTRICTS

Art. I. In General, §§ 15.5-1—15.5-25
Art. II. Traditional Town Overlay District, §§ 15.5-26—15.5-44
Art. III. Waterborne Industrial District, §§ 15.5-45—15.5-49
Art. IV. Shell Point Neighborhood Overlay District, §§ 15.5-50—15.5-60
Art. V. Airport Overlay District/MCAS-Beaufort, §§ 15.5-61—15.5-80
Art. VI. Robert Smalls Parkway Overlay District, §§ 15.5-81—15.5-85

ARTICLE I. IN GENERAL

Secs. 15.5-1—15.5-25. Reserved.

ARTICLE II. TRADITIONAL TOWN OVERLAY DISTRICT

Sec. 15.5-26. Intent.

Port Royal seeks to promote and control preservation, infill development and revitalization in its traditional town 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 town, those conventions have been applied at the scale in the master plan; this Code applies those lessons at the scale of the individual. This Code 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;

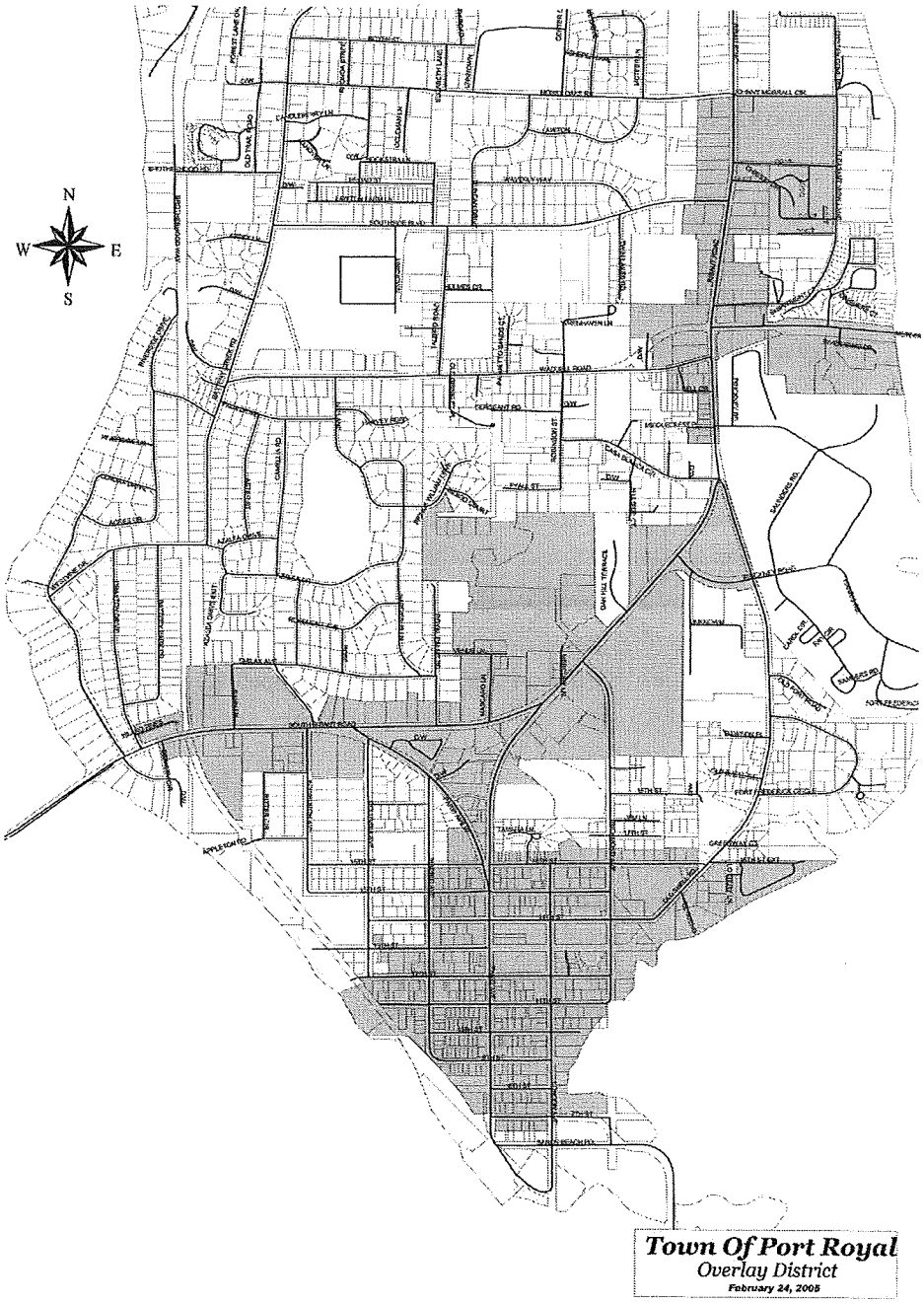
(4) Provide a measure of predictability to property owners and occupants about what may be built on their land or that of their neighbors, yet allow for a market-driven mixture of land uses; and

(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 change over time.

These design conventions come from a study of traditional buildings found in South Carolina, particularly in the Port Royal 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.
(Ord. No. 97-9, § 518.1, 10-8-97; Ord. No. 00-11, 5-10-00)

Sec. 15.5-27. Traditional town overlay district boundary map.



Traditional town overlay district boundary map

(Ord. No. 97-9, § 518.2, 10-8-97; Ord. No. 04-19, 7-14-04)

Sec. 15.5-28. Administration.

Interpretation of these standards shall be the responsibility of the town's design review board, as appointed annually by the town council. The idealized buildout map shall serve as guidance to the design review board regarding the town's intent for land development in any given area.

Note: As the code changes from time to time, so shall the map. The current boundary map is available from the zoning administrator.

(1) Review process.

a. The design 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 section 15.5-29

3. All other applications will be reviewed and approved by town staff. Staff review will include, but is not limited to, the planning staff and the building official.

4. Staff is not bound by the parameters set forth above. Staff may refer any application to the design review board at the staff's discretion.

b. Applications are subject to a discretionary review by the design review board. The design 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 design review board shall have authority to waive architectural guidelines in specific instances where compliance would create undue hardship such as: additions in which new portions would be incompatible with the existing structure, or in the application of roofing materials that are consistent with the goals of preservation, but are not expressly permitted. The design review board may also grant special exceptions to 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 15.5-28(b) for final approval.

e. Any person who may have a substantial interest in any decision of the design review board may appeal from any decision of the board to the court of appropriate jurisdiction in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law is rendered. Such appeal shall be filed within thirty (30) days after the decision of the board.

Appeal may be brought by the applicant, town administration or interested citizens.

(2) 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 design review board.

Zoning administrator will include a paragraph in any "rejection" letter stating that an appeal is possible and the notification requirements.

(3) *Relief parameters.* Section 22-128 of the Town of Port Royal Zoning Ordinance prohibits any non-conforming building from being enlarged by more than twenty (20) percent and further should same be destroyed, one cannot re-establish a nonconforming structure. However, this section establishes relief with respect to the sixty (60) percent demolition rule.

a. Owner-occupied residential structures existing at the time of adoption of the Traditional Town Overlay District Code (October 8, 1997) shall not be required to conform to the overlay district standards for twenty (20) years from the date of adoption. These structures may be repaired or modified without conforming to the overlay district standards, provided they conform to the underlying zoning.

b. After twenty (20) years following the adoption of the Traditional Town Overlay District Code (October 8, 1997), owner-occupied residential structures shall not be required to conform to the overlay district standards, provided they conform to the "grandfather clause" in the underlying zoning (section 22-128).

(Ord. No. 97-9, § 518.3, 10-8-97; Ord. No. 00-11, 5-10-00; Ord. No. 01-48, § 1, 8-8-01; Ord. No. 05-32, § 3, 9-14-05; Ord. No. 07-09, 3-14-07; Ord. No. 07-10, 3-14-07)

Sec. 15.5-29. 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 with all 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 columns on 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 design 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.

Design review board. A committee consisting of five (5) members appointed by council, three (3) of which shall be for a term of two (2) years, two (2) of which shall be for a term of one (1) year. The design review board members shall elect a chairman and co-chairman. No member shall serve more than eight (8) consecutive years. After the initial appointment, terms shall be of a two-year term. An effort should be made to indicate individuals from the following professions; architects, planners, builders, engineers, or citizens. The town manager, zoning administrator, building official, and town engineer may also be included in the presentation, coordination, and facilitation of the team's work.

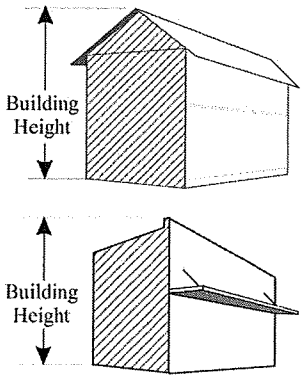
Dwelling area. The total internal useable space on all floors of a structure, not including porches, balconies, terraces, stoops, patios or garages.

Front porch. A roofed area, attached at the ground floor level or first floor level, and to the front of a 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: Any building features above 35 ft in height which include habitable area must incorporate sprinkler systems or fire-retardant construction as defined in the *Standard Building Code.*

Building Height

Note: Any building features above thirty-five (35) feet in height which include habitable area must incorporate sprinkler systems or fire-retardant construction as defined in the Standard Building Code.

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 exception. Approval wherein one (1) or more of the standards set forth in this Code may be waived, on the basis of architectural merit only, as determined by the design review board. A special exception does not constitute a variance, and does not require proof of legal hardship.

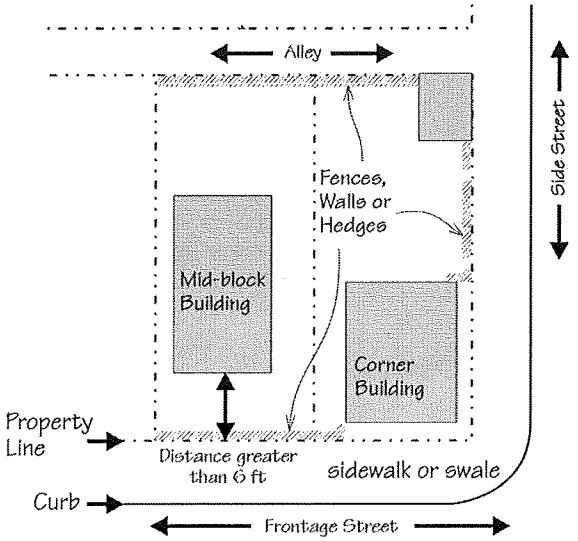
Stoop. A small platform and/or entrance stairway at a house door, commonly covered by a secondary roof or awning.
(Ord. No. 97-9, § 518.4, 10-8-97; Ord. No. 99-26, § I, 7-14-99; Ord. No. 99-30, § I, 8-11-99; Ord. No. 00-11, 5-10-00; Ord. No. 01-48, § 1, 8-8-01; Ord. No. 05-32, §§ 1—3, 9-14-05; Ord. No. 05-37, §§ 1, 2, 11-9-05)

Sec. 15.5-30. 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 un-built rights-of-way which abut streets and alleys as shown in the diagram below. 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.



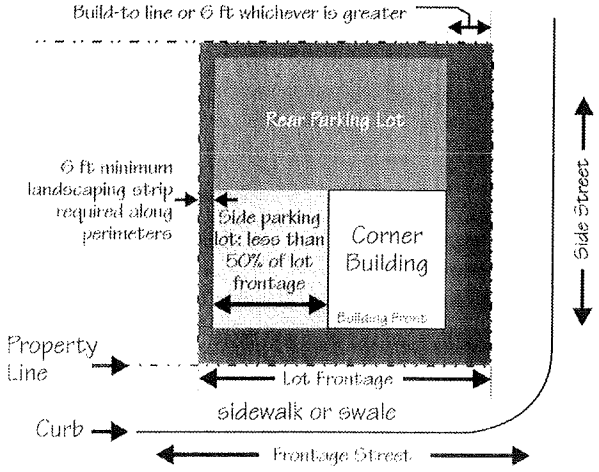
Fences, Garden Walls and Hedges

Fences and garden walls shall be a minimum of twenty-five (25) percent opaque. Fences made of chain-link (wholly or in part) are prohibited along all right of way lines which abut streets.

(2) *Parking.* Parking shall be placed along streets and in small, strategically located on-site lots.

a. *Off-street parking lot location and design.*

1. Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking can be located to the side of a 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.



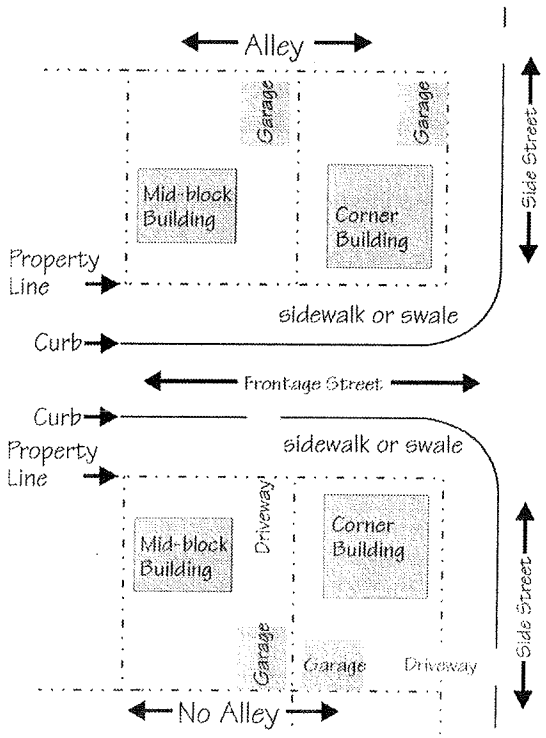
Areas Where . . .

. . .Parking is not permitted

. . .Parking is permitted

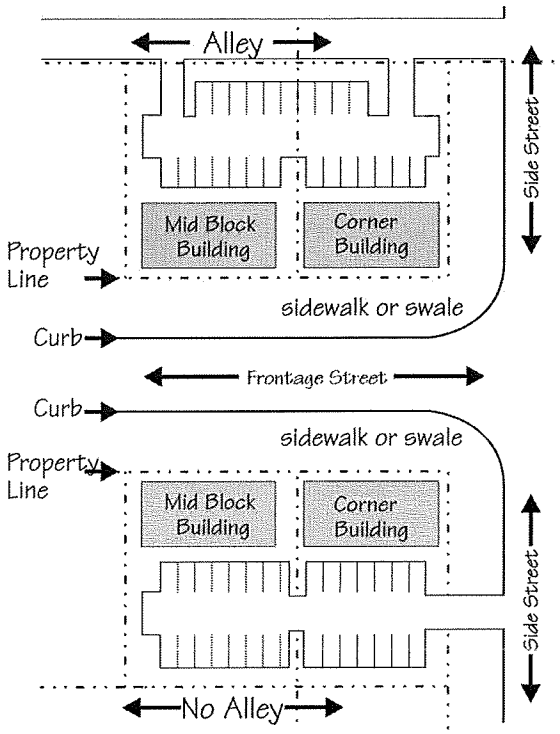
. . .Parking is conditional. Parking is permitted only if rear parking area is not possible or is unsuitable for parking; or if rear parking area has reached its parking capacity.

2. Buildings that have both rear and side access shall access parking through the rear (see diagram below).



3. Front driveways to rear parking areas are permitted only where rear or side street access is unavailable (see diagram above).

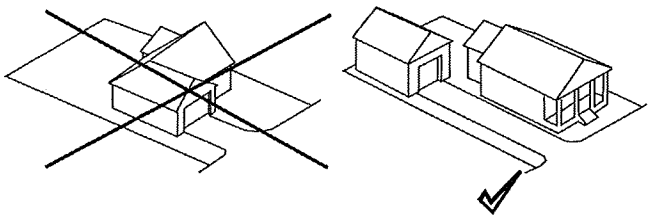
4. Access through parking lots across property lines should be encouraged, especially when there is no alley (see diagram below).



Parking Diagram 3

5. Circular drives must be approved on a case by case basis by the design 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.



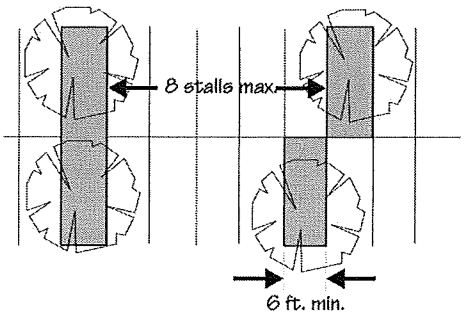
Garage Doors Diagram

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:

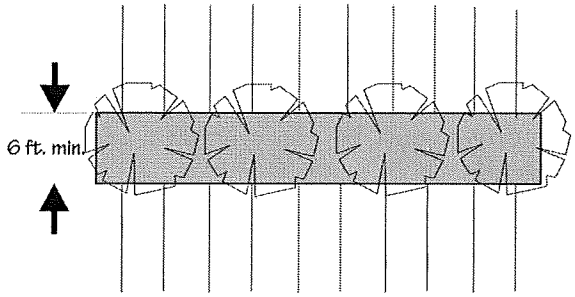
No more than eight (8) consecutive parking stalls are permitted without a landscape break of at least six (6) feet in width and extending the entire

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.



Landscaped Islands Diagram 1

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.



Landscaped Islands Diagram 2

c. *Parking requirements.* The number of parking spaces provided for new commercial uses shall be no less than one (1) space per one thousand (1000) 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 design review board.

A residential parking plan shall be presented at the time of submittal and shall be approved and deemed appropriate by the design review board.

(3) *Accessory structures.* Accessory structures are permitted and may contain parking, storage space, and/or accessory dwelling units.

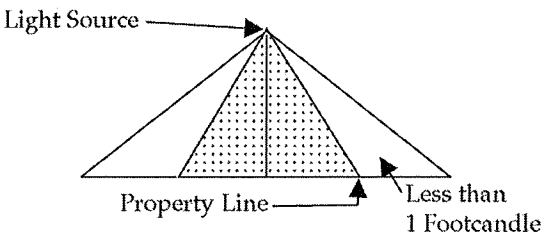
Accessory dwelling units shall not be greater than six hundred twenty-five (625) square feet in living area.

(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 maybe established by the design 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) footcandle 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 international candle on a square foot of surface every part of which is one (1) foot away.



Light Source Diagram

Note: An encroachment authorization letter must be obtained from the town (or state as applicable) when building elements shown below encroach into the right-of-way.

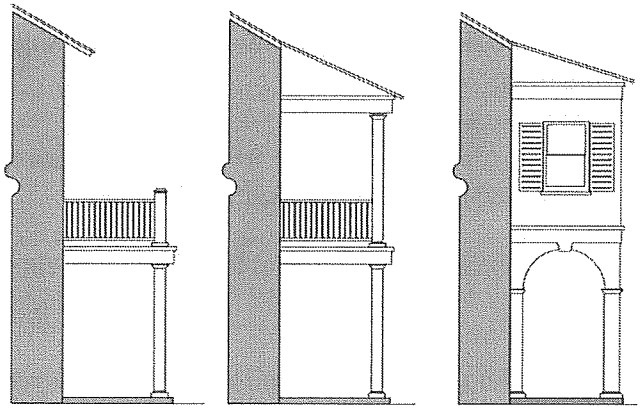
(6) *Building elements.*

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, semi-circular, 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 roof line.

b. *Colonnades / arcades.*



Colonnades/Arcades

Depth= Ten (10) foot minimum from the build-to line to the inside column face.

Height= Ten (10) foot minimum clear.

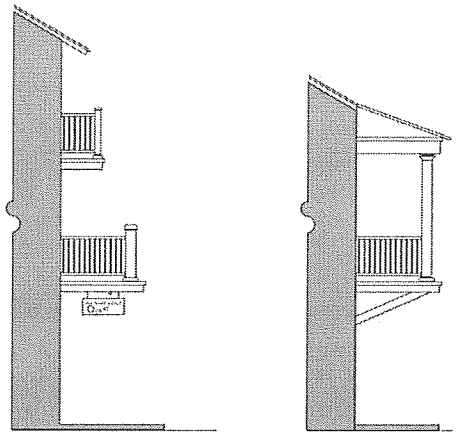
Length= Seventy-five (75)—one hundred (100) percent of building front.

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.*



Balconies

Depth= Five (5) foot minimum for second floor balconies.

Height= Ten (10) foot minimum clear.

Length= Up to one hundred (100) percent of building front.

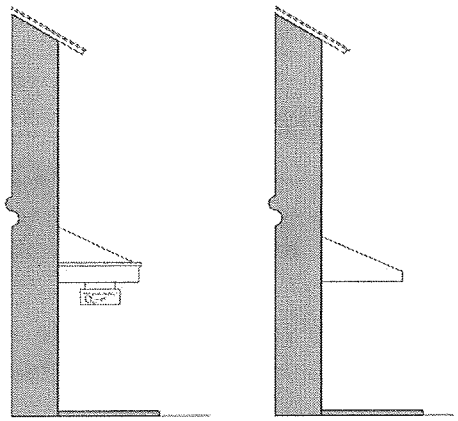
Balconies may differ in length and width.

Balconies shall occur forward of the build-to line and may encroach over the right-of-way.

Balconies may have roofs, but are required to be open, un-airconditioned parts of the buildings.

On corners, balconies may wrap around the side of the building facing the side street.

d. *Marquees and awnings.*



Marquees and Awnings

Depth= Five (5) foot minimum.

Height= Ten (10) foot minimum clear.

Length= Twenty-five (25)—one hundred (100) percent of building front.

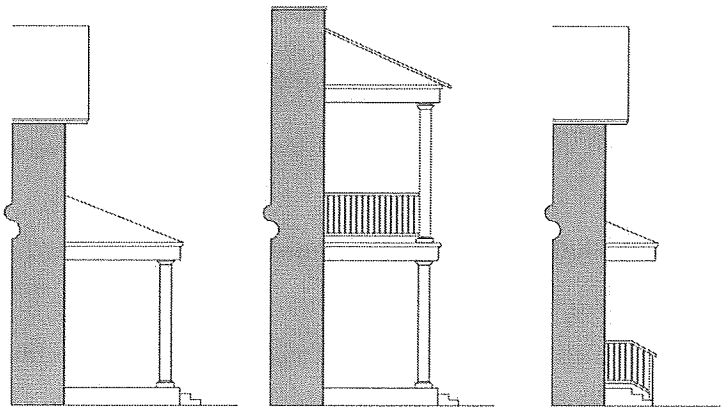
The above requirements apply to first-floor awnings.

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 and Stoops

Porches:

Depth= Six (6) foot minimum.

Length= Twenty-five (25)—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 design review board. Sidewalks shall have clear access for pedestrians.

Porches and stoops are required to be open unairconditioned, parts of the buildings. Screens on front 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 design review board shall have authority to approve substitute materials for those listed as options under the architectural guidelines.

a. *General requirements.* The following shall be located in rear yards or sideyards 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 a 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) "Hardie-Plank" siding;
   (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," section 15.5-29);
   (viii) Aluminum siding (shall be approved on a case by case basis as defined in "special exception," section 15.5-29);
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 shopfront 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 a 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 design 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 (5/8) inch minimum dimension, four (4) to six (6) 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 (48) inch maximum.

Height along rear property lines and side property lines not abutting the street: Up to seventy-two (72) inch maximum.

d. *Columns, arches, piers, and porches.*

1. *Permitted finish materials.*

(i) Columns:

(A) Wood, painted or natural (cypress and cedar preferred);

(B) Cast iron;

(C) 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);

(B) Wrought iron;

2. *Permitted configurations.*

(i) Columns:

(A) Square: Six (6) inch minimum, with or without capitals and bases;

(B) Round: Six (6) inch minimum outer diameter, with or without capitals and bases;

(C) Classical orders;

(ii) Arches: Semi-circular, carried on piers only;

(iii) Piers: Sixteen (16) inch minimum dimension;

(iv) Porches:

(A) Railings: Two and three-fourths (2¾) inches minimum diameter;

(B) Balustrades: Four (4) inch minimum spacing, six (6) 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 design review board).

(ii) Gutters:

(A) Copper;

(B) Aluminum;

(C) Galvanized steel;

(D) Other materials as approved by the design review board;

2. *Configurations.*

(i) Roofs:

(A) Metal: Standing seam or "five-vee," twenty-four (24) inch maximum spacing, panel ends exposed at overhang;

(B) Shingles: Square, rectangular, fishscale, 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 dripline exceed the property line.

f. *Windows, skylights, storefronts and doors.*

1. *Finish materials.*

(i) Windows, skylights, storefronts, frames;

(A) Wood;

(B) Aluminum;

(C) Copper;

(D) Steel;

(E) Vinyl clad wood;

(ii) Doors: Wood, metal or fiberglass;

Note: Aluminum and steel as authorized in commercial applications only.

1.1. Glass:

(i) Clear and low E glass;

(ii) Tinting above fifty (50) percent of light transmission factor is authorized but shall be approved on a case by case basis.

(iii) Reflective, reflective coating and mirror glazing is prohibited.

2. *Configurations.*

(i) Windows:

(A) Rectangular;

(B) Square;

(C) Round (eighteen-inch maximum outer diameter)

(ii) Window operations:

(A) Casement;

(B) Single- and double-hung;

(C) Industrial;

(D) Fixed frame (thirty-six (36) square feet maximum);

(iii) Skylights: Flat to the pitch of the roof

(iv) Door operations:

(A) Casement;

(B) Sliding (not facing streets);

3. *General requirements.* Rectangular windows facing streets shall have vertical orientation.

The following accessories are permitted:

(i) Shutters (standard or Bahama types);

(ii) Wooden window boxes;

(iii) Real muntins 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 unshuttered 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 free-standing on-premise signs per individual business property shall in no case exceed: (MU-1) thirty-two (32) square feet; (MU-2) twenty-four (24) square feet.

3. *General requirements.* Signs shall be externally lit.

Signage in the overlay district must comply with the underlying zoning as same refers to size except that table (1.5B) the maximum square footage will be reduced by fifty (50) percent in the overlay district. Variable multipliers will remain at full value. (for example MU-1 outside the district is eighty (80) square feet, within the district is forty

(40) square feet two (2) percent of ground floor area and three (3) square feet per linear foot of frontage will remain valid.) Window signs shall not exceed twenty-five (25) percent of total window area per window.

(Ord. No. 97-9, § 518.5, 10-8-97; Ord. No. 99-26, § II, 7-14-99; Ord. No. 00-11, 5-10-00; Ord. No. 01-66, 12-12-01; Ord. No. 05-32, § 3, 9-14-05)

Sec. 15.5-31. Building types.

New buildings under this Code are regulated by building type. They are mandatory for areas in the district as delineated in the map in section 15.5-26. Permitted uses are all those indicated in the town zoning ordinance.

The following building types are described in this code:

(1) Cottage;

(2) House;

(3) Sideyard house;

(4) Large house or apartment house;

(5) Duplex;

(6) Rowhouse;

(7) Main Street shopfront building;

(8) Corner store;

(9) Boulevard building;

(10) Industrial and workshop building;

(11) Civic building;

(12) "Exceptional types" require special design review board approval for site planning and building design.

All above listed building types shall not exceed thirty-seven (37) feet (not to include appurtenances) in height when located between 17th Street and the South Carolina State Ports Authority south of 7th Street, with the exception of buildings located on or within the first fifty (50) feet east or west of Paris Avenue. All building types on Paris Avenue or within fifty (50) feet east or west of Paris Avenue, when located between 17th Street and the South Carolina State Ports Authority south of 7th Street, shall not exceed forty (40) feet (not to include appurtenances) in height.

All building types described herein are permitted throughout the Traditional Town Overlay District, except:

(1) Boulevard buildings are permitted on Ribaut Road only.

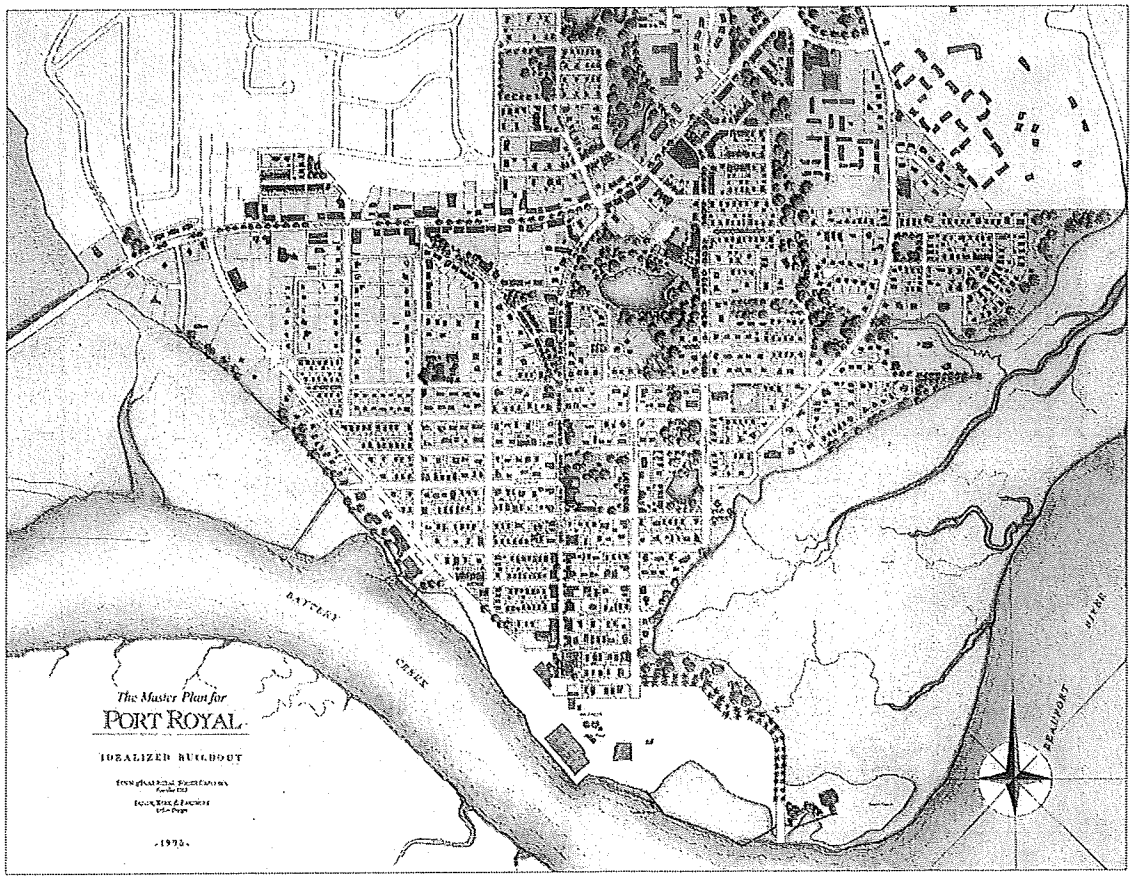
(2) Main Street shopfront and corner store buildings are permitted only on Paris Ave.

(3) Industrial, workshop buildings, and "exceptional types" require design review board approval for specific locations.

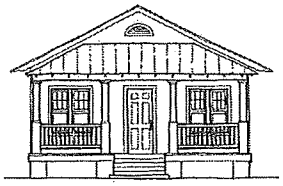
(4) When the traditional overlay district is applied to the R-17, R-12 or R-10 zoning districts only the cottage, the house, and the sideyard house will be permitted.

On the following pages, diagrammatic examples are used to illustrate example building locations, configurations, and dimensions.

THE ACCOMPANYING NUMBERS AND TEXT ARE RULES: THE GRAPHICS ARE ILLUSTRATION ONLY.



Idealized Buildout Map



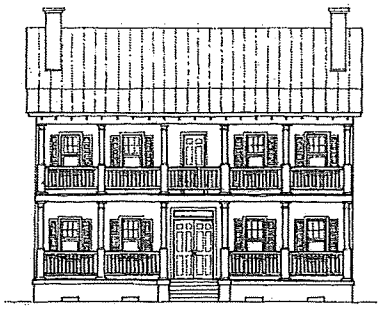
Cottage



Sideyard House



House



Large House or Apartment House



House



Duplex

Building Types Encouraged by this Code



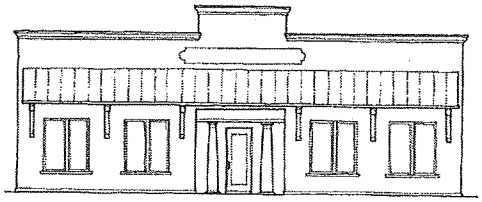
Rowhouse



Corner Store



Main Street Shopfront Building



Industrial or Workshop Building



Boulevard Building

Building Types Encouraged by this Code

(Ord. No. 97-9, § 518.6, 10-8-97; Ord. No. 99-26, §§ III, IV, 7-14-99; Ord. No. 00-11, 5-10-00; Ord. No. 05-32, § 3, 9-14-05; Ord. No. 06-44, 1-10-07; Ord. No. 06-76, 1-10-07)

Sec. 15.5-32. Cottage

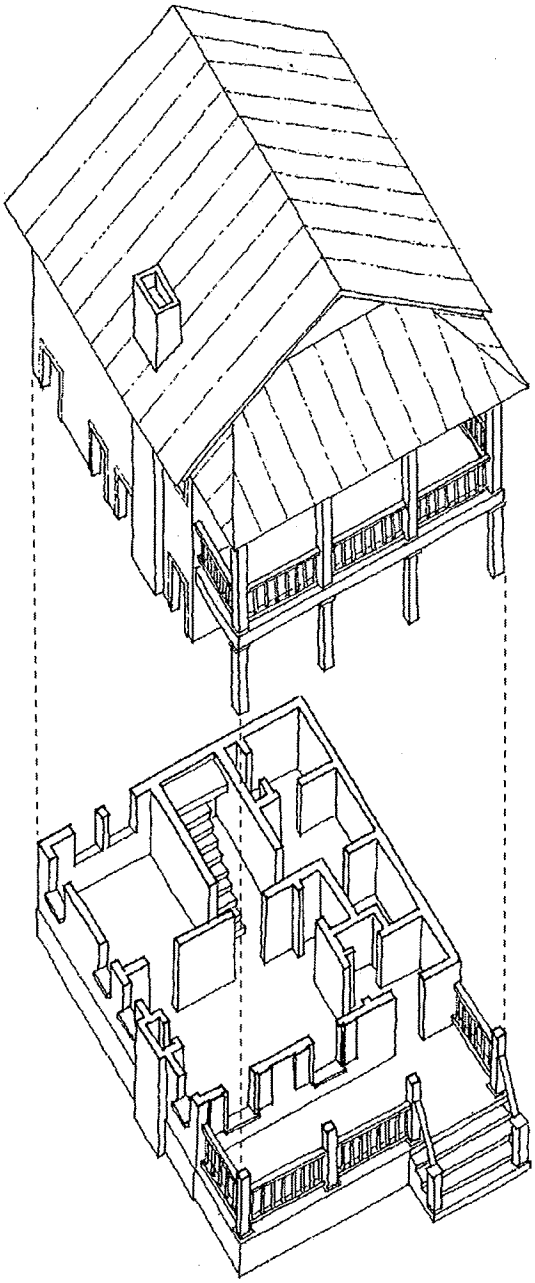
A cottage is a single residential unit with yard on all four sides, well suited for shallow or narrow lots.

Building placement:	
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	75 percent maximum
Dwelling area	400 square feet minimum
Height:	
Maximum height	38 feet above grade
First floor elevation	2 feet above grade, minimum

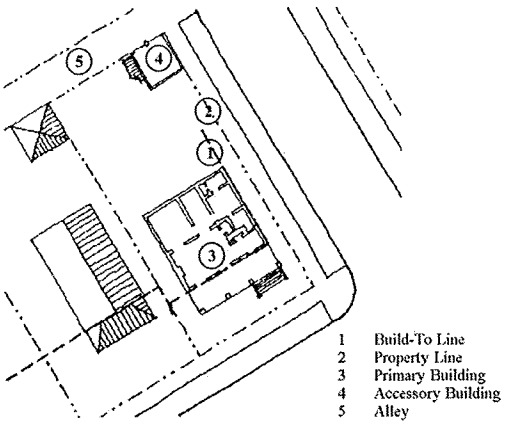
Note:

(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 design review board approval).



Example



Cottage

(Ord. No. 97-9, § 518.6(c), 10-8-97; Ord. No. 2005-32, § 3, 9-14-05)

Sec. 15.5-33. House—25-foot minimum lot width.

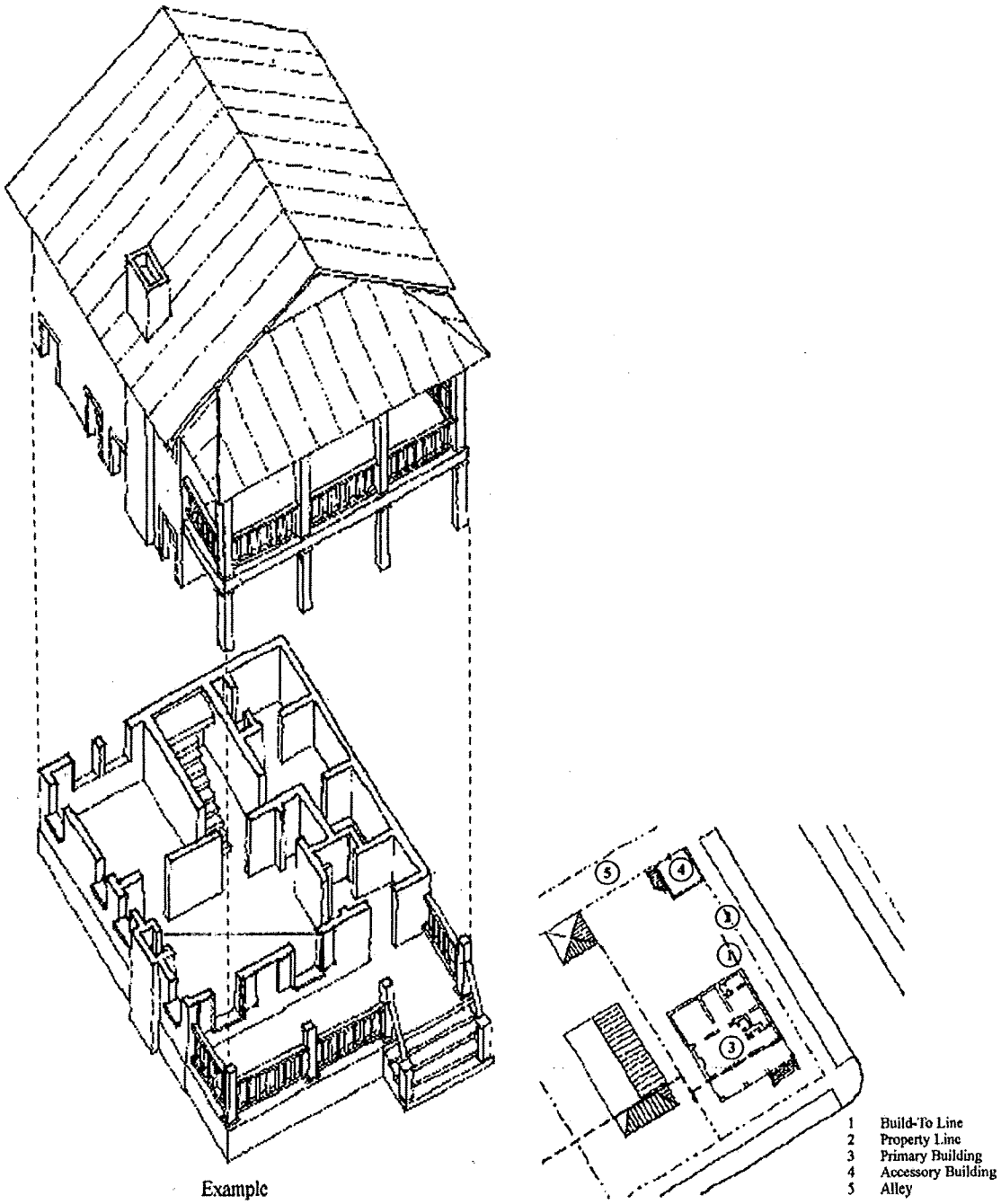
A house is a single residential unit with yard on all four (4) sides, suited to small and medium sized lots.

Building placement:	
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 design review board approval).



House—25-foot minimum lot width

(Ord. No. 97-9, § 518.6(d), 10-8-97; Ord. No. 05-32, § 3, 9-14-05)

Sec. 15.5-34. House—30-foot minimum lot width.

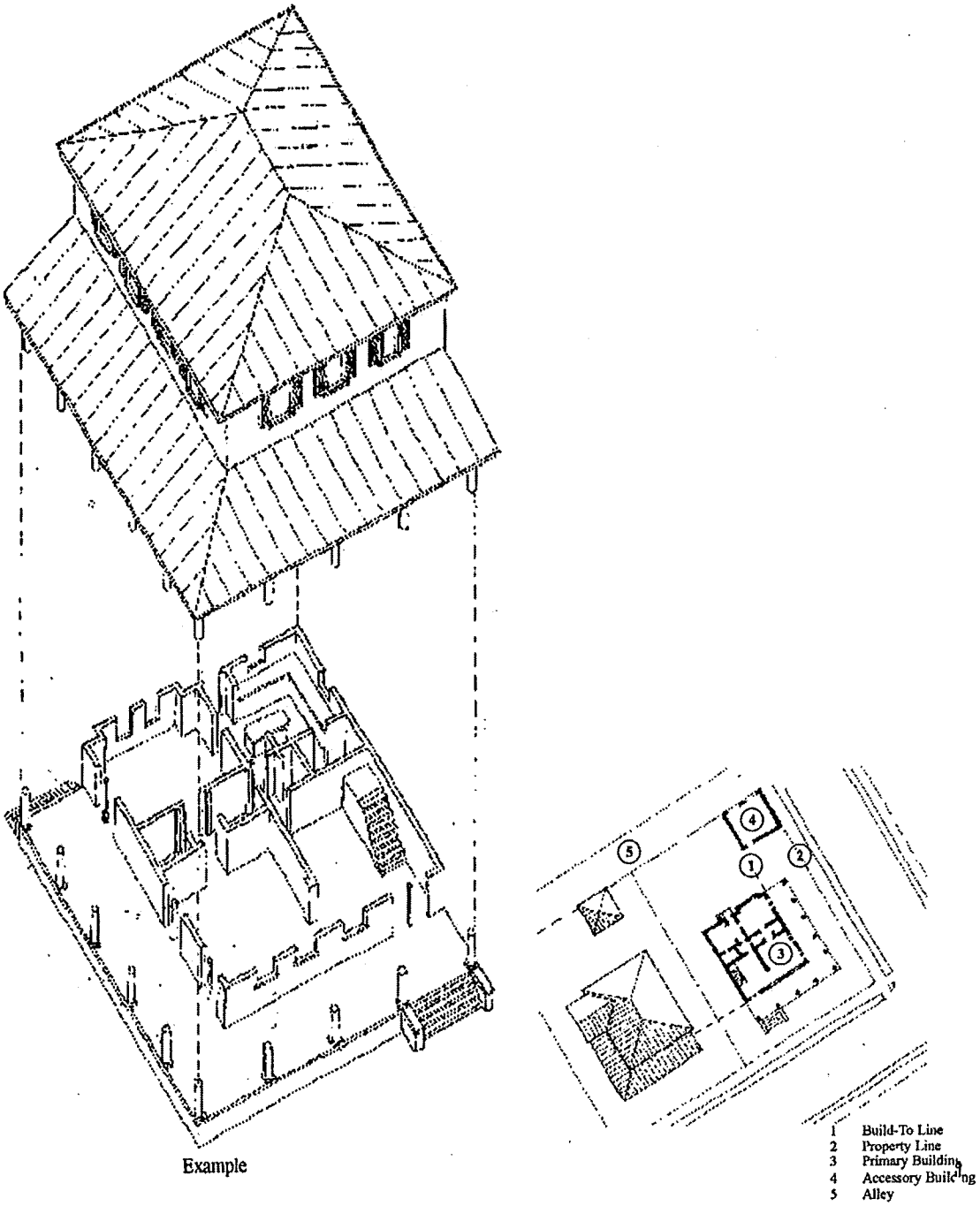
A house is a single residential unit with yard on all four (4) sides suited to small and medium sized lots.

Building placement:	
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 design review board approval).



House—30-foot minimum lot width

(Ord. No. 97-9, § 518.6(e), 10-8-97; Ord. No. 05-32, § 3, 9-14-05)

Sec. 15.5-35. Sideyard house.

A sideyard 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.

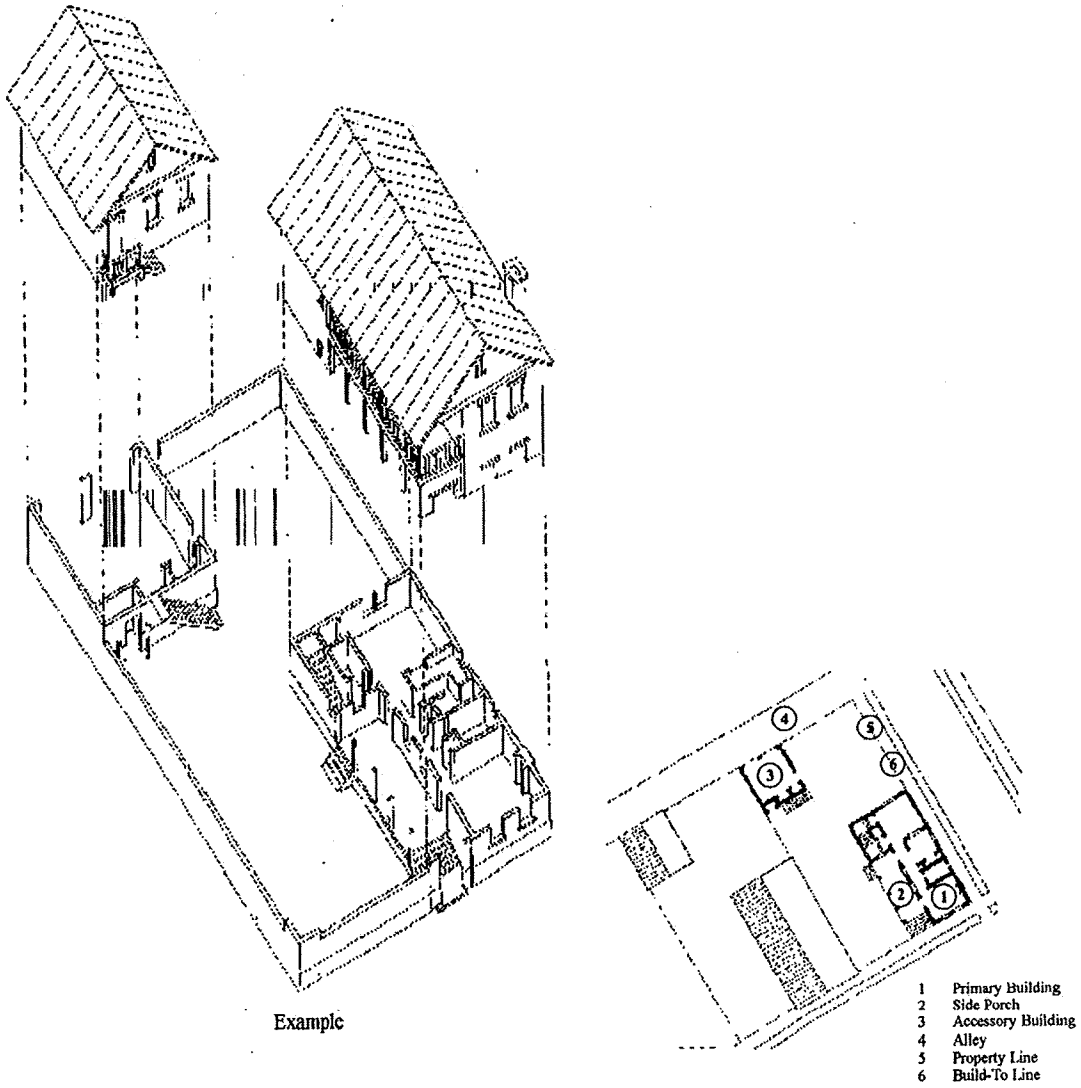
Building placement:	
Lot widths	30 foot minimum;
Build-to line locations	Corner lots: 0—10 feet from front property line 0—10 feet from side street property line
	Interior lots: 5—15 feet from front property line
Side setback	0 feet for primary structure 0 feet for accessory structure
Building frontage	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.



Sideyard house

(Ord. No. 97-9, § 518.6(f), 10-8-97)

Sec. 15.5-36. Large house or apartment house.

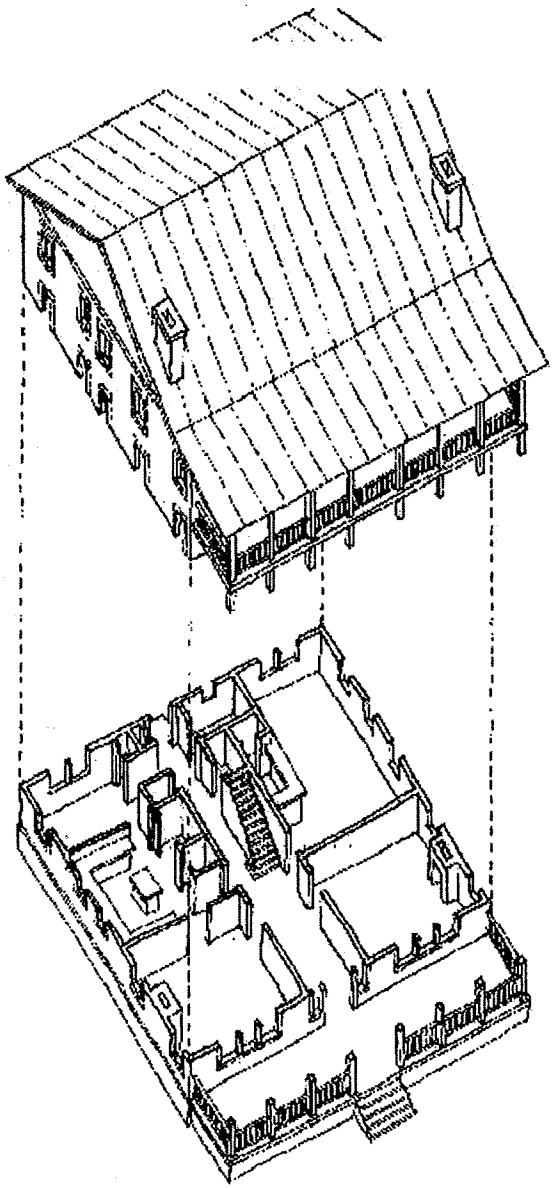
A large house or apartment house has yard on all four (4) sides. It is large enough to be subdivided into two (2) or more complete, separate dwelling units. It is suited to larger lots.

Building placement:	
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

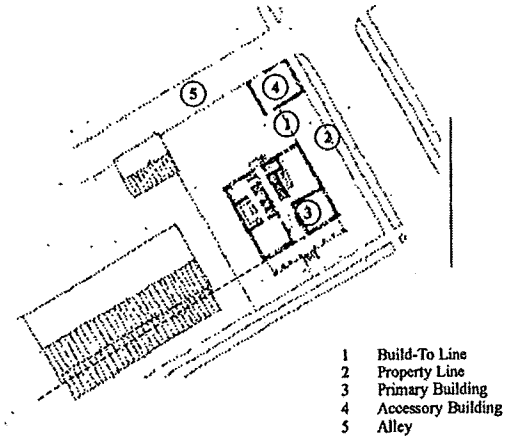
Note:

(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 design review board approval).



Example



Large house or apartment house

(Ord. No. 97-9, § 518.6(g), 10-8-97; Ord. No. 05-32, § 3, 9-14-05)

Sec. 15.5-37. 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.

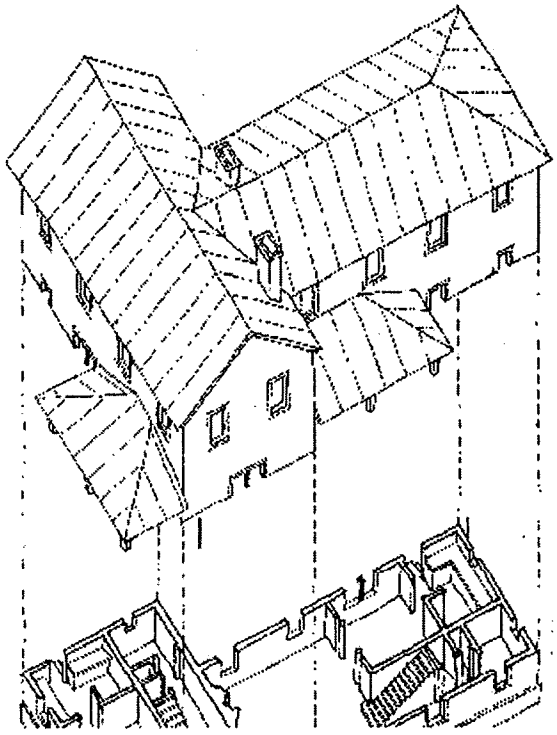
Building placement:	
Lot widths	30 foot minimum;
Build-to line locations	Corner lots: 5—15 feet from front property line 5—15 feet from side street property line
	Interior lots: 10—20 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	40—70 percent of lot frontage
Building coverage	40 percent maximum
Dwelling area	600 square feet minimum
Height:	
Maximum height	48 feet above grade
First floor elevation	2 feet above grade, minimum

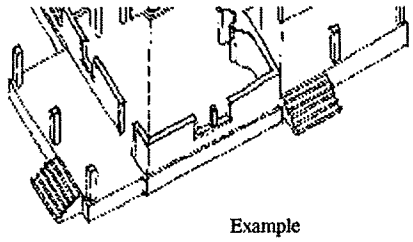
Note:

(1) Appurtenances may extend beyond the height limit.

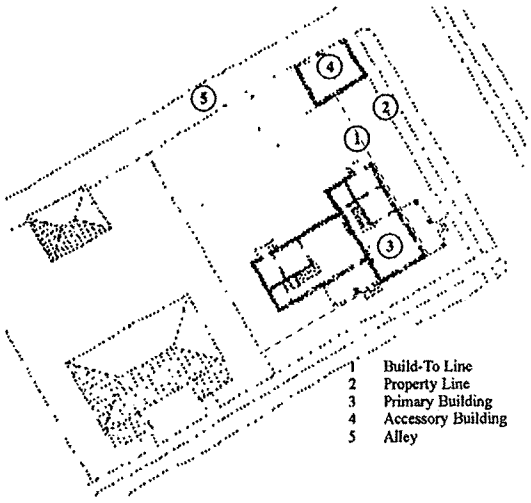
(2) Building fronts are required to have at least one (1) front porch.

(3) A front porch may be shared.





Example



Duplex

(Ord. No. 97-9, § 518.6(h), 10-8-97)

Sec. 15.5-38. Rowhouse.

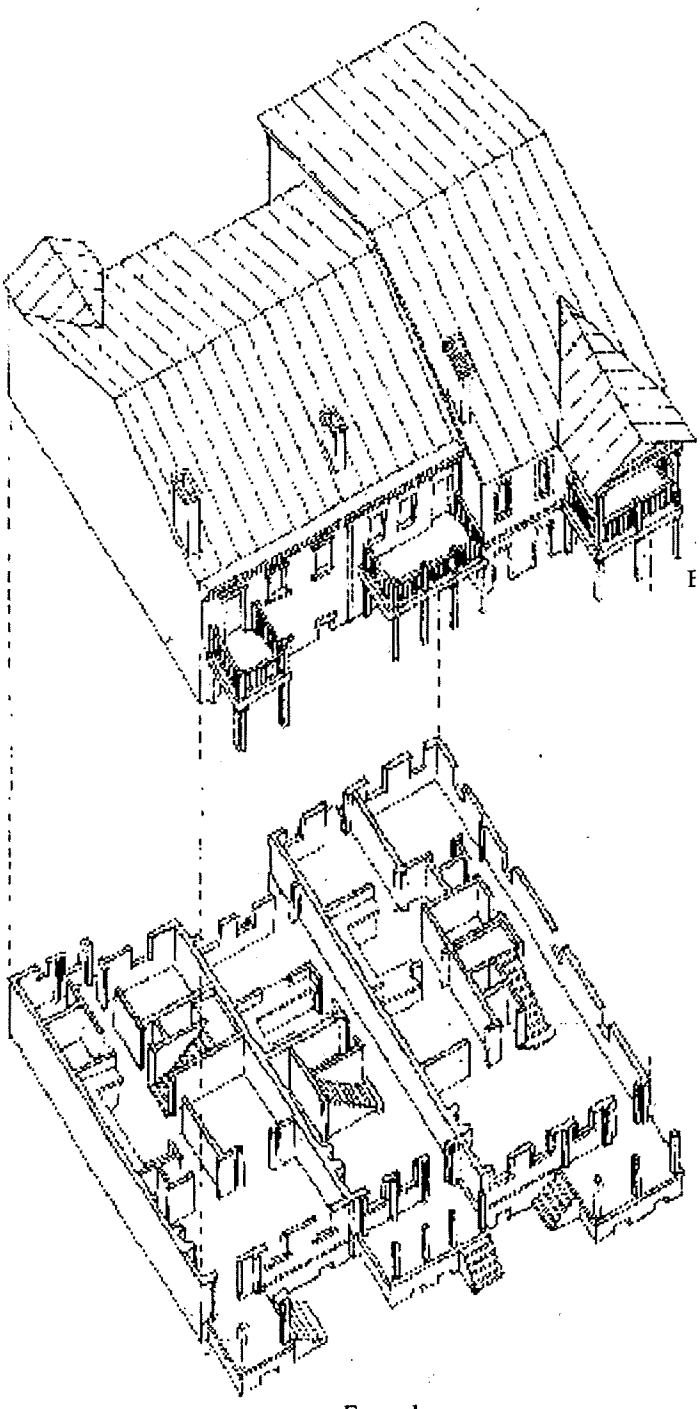
A rowhouse is pushed to the front of its narrow lot and shares one (1) or more common walls with its neighboring units. Entry is usually through a covered stoop.

Building placement:	
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)

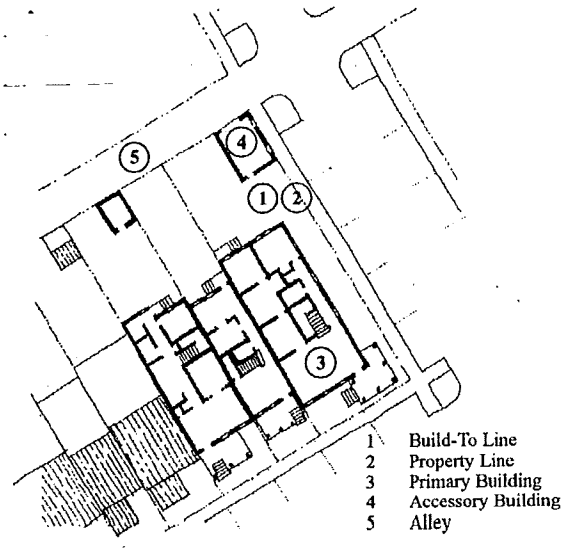
Note:

(1) Appurtenances may extend beyond the height limit.

(2) Building fronts are required to have either a front porch or a stoop.



Example



Rowhouse

(Ord. No. 97-9, § 518.6(i), 10-8-97)

Sec. 15.5-39. Main Street shopfront building.

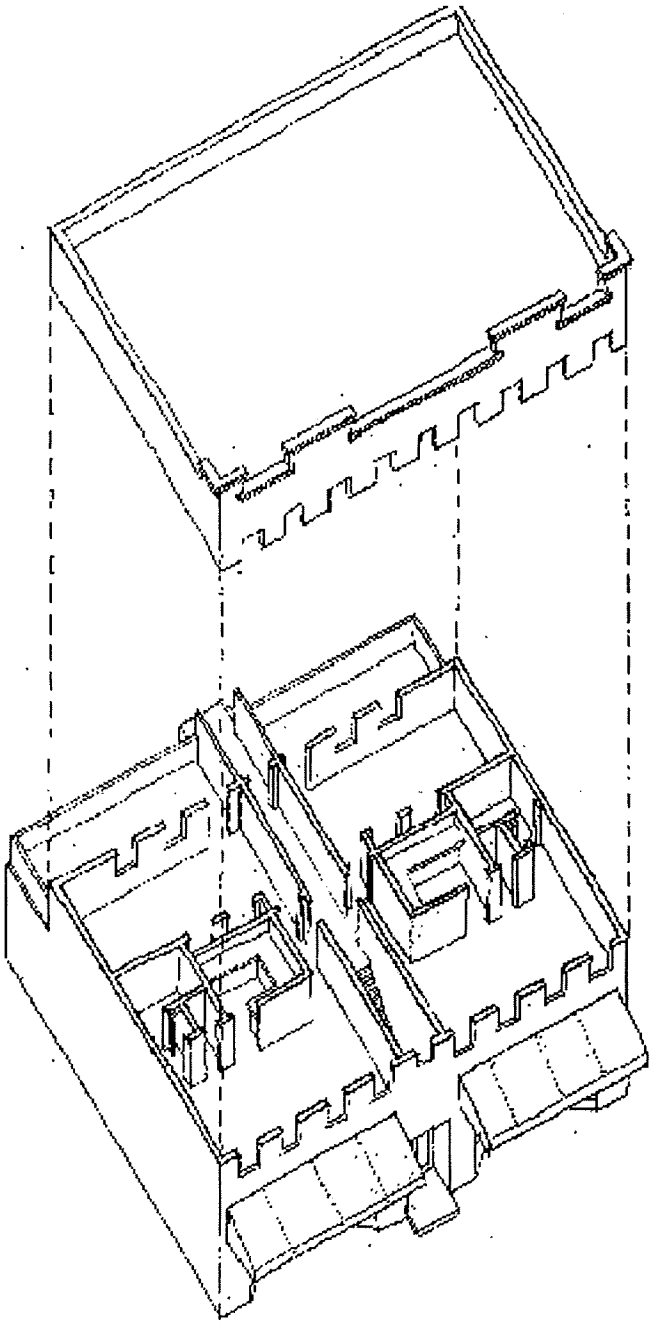
A shopfront building is the basic unit of a traditional mixed-use street. It is pushed to the front of its lot and features a ground floor that is roughly level with the sidewalk. The ground floor facade on the street side has a substantial amount of transparent window and door openings.

Building placement:	
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	58 feet above grade
Minimum height	2 stories
First floor elevation	None

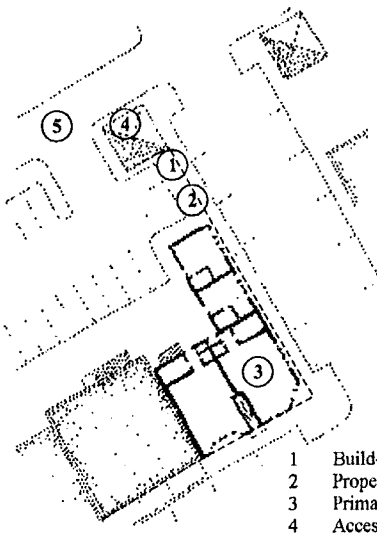
Note:

(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.



Example



1 Build-To Line
2 Property Line
3 Primary Building
4 Accessory Building
5 Alley

Main Street shopfront building

(Ord. No. 97-9, § 518.6(j), 10-8-97)

Sec. 15.5-40. Corner store.

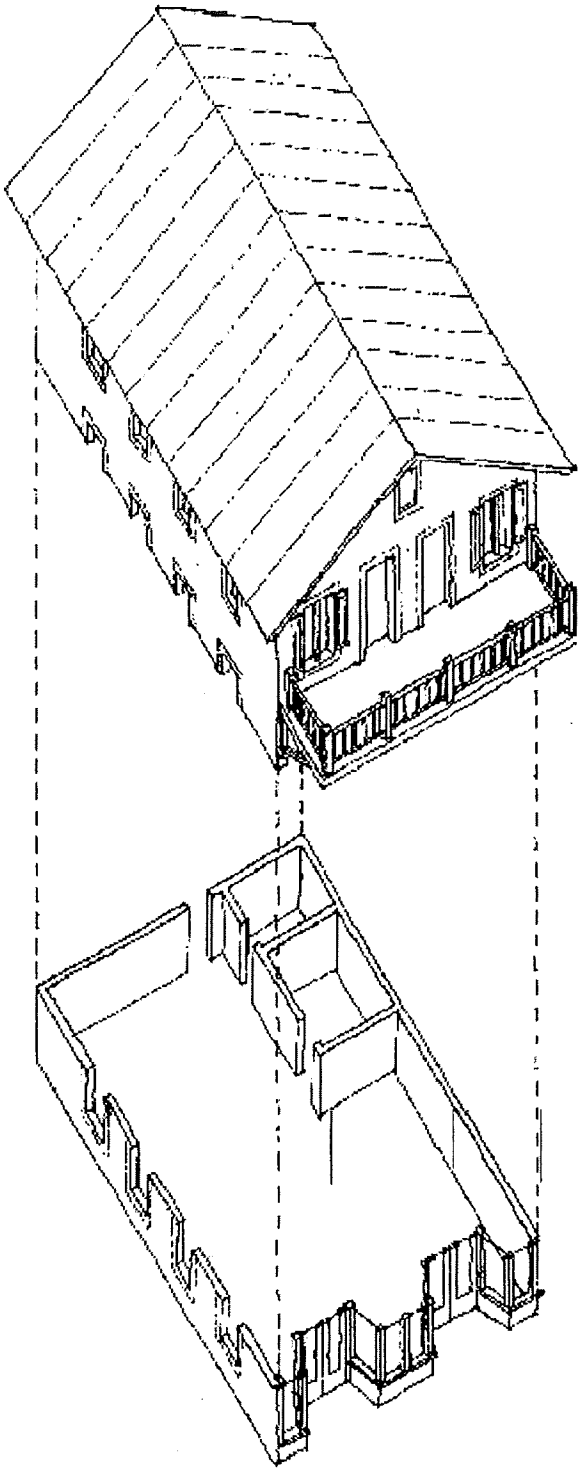
A corner store is well suited for intimate neighborhood center commercial applications. It is pushed to the front of its lot and features a ground floor roughly level with the sidewalk and a highly transparent ground floor facade.

Building placement:	
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	58 feet above grade
Minimum height	2 stories
First floor elevation	None

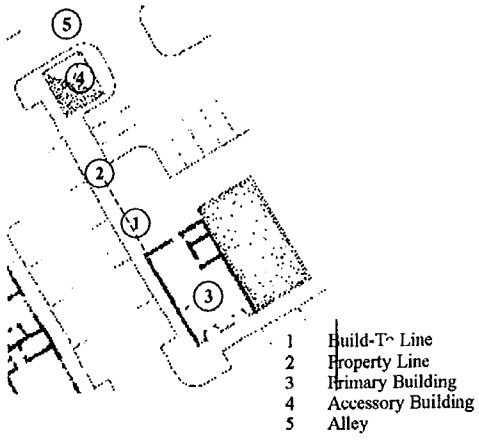
Note:

(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.



Example



Corner store

(Ord. No. 97-9, § 518.6(k), 10-8-97)

Sec. 15.5-41. Boulevard building.

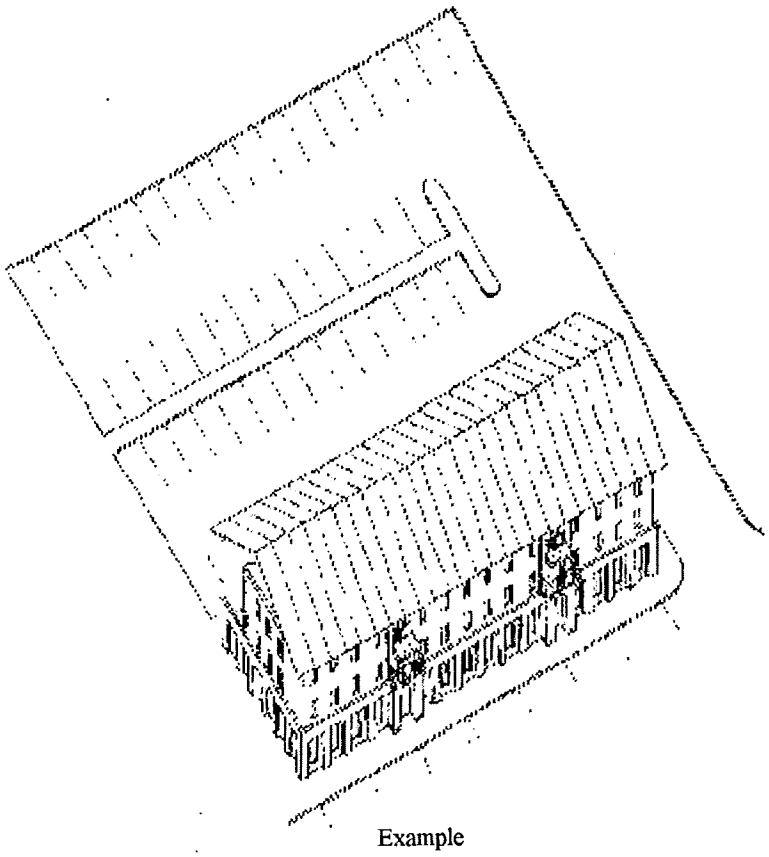
A boulevard building is configured to line wider, more heavily traveled thoroughfares. It is pushed to the front of its lot and features a ground floor roughly level with the sidewalk.

Building placement:	
Lot widths	25 foot minimum 200 foot maximum
Build-to line locations	Corner lots: 0 feet from front property line 0—5 feet from side street property line
	Interior lots: 0—5 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	70—100 percent of lot frontage
Building coverage	60 percent maximum
Height:	
Maximum height	58 feet above grade
Minimum height	2 stories
First floor elevation	None

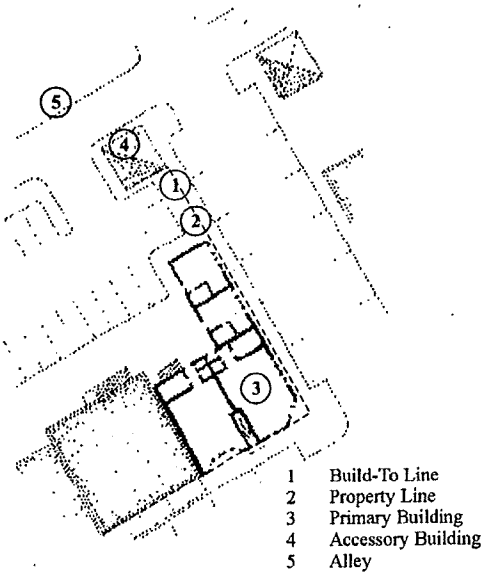
Note:

(1) Appurtenances may extend beyond the height limit.

(2) Buildings are required to have at least one (1) of the following per one hundred (100) feet: front porch, arcade, colonnade, second floor balcony, marquee, or awning.



Example



Boulevard building

(Ord. No. 97-9, § 518.6(l), 10-8-97)

Sec. 15.5-42. 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.

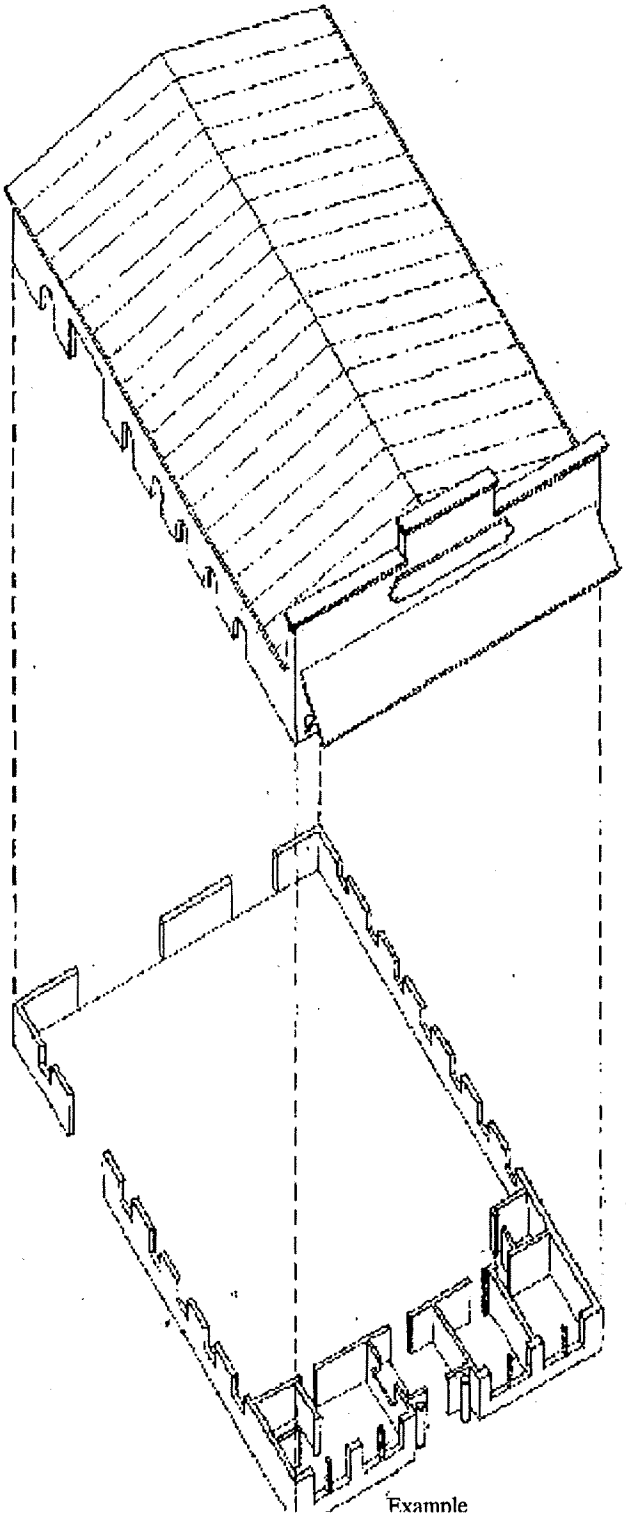
Building placement:	
Lot widths	50 foot minimum 200 foot maximum

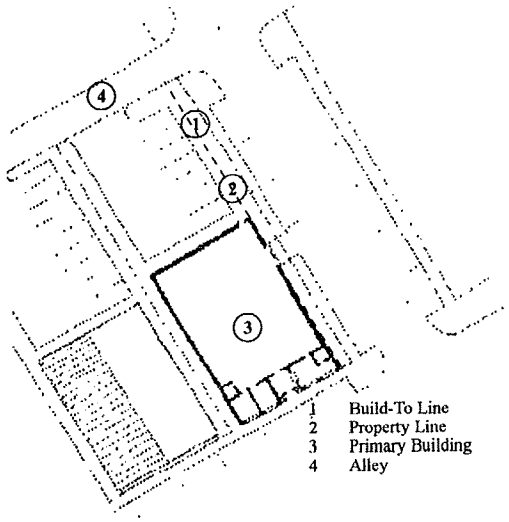
Build-to line locations	Corner lots: 0—5 feet from front property line 0—5 feet from side street property line
	Interior lots: 0—5 feet from front property line
Side setback	0—5 feet for primary structure 0 feet for accessory structure
Building frontage	50—100 percent of lot frontage
Building coverage	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.





Industrial and workshop building

(Ord. No. 97-9, § 518.6(m), 10-8-97)

Sec. 15.5-43. Civic buildings.

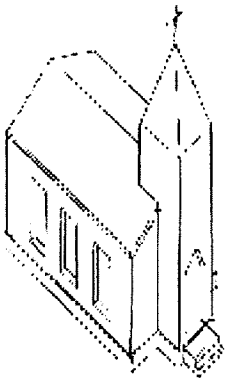
Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, daycare centers, recreation facilities, and places of assembly.

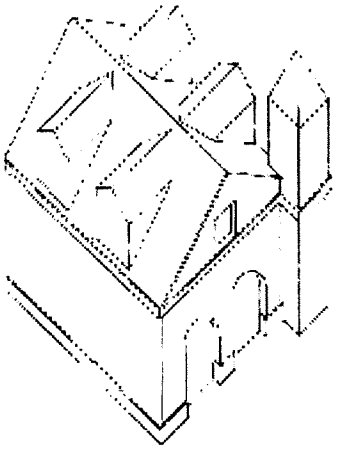
Building placement:	
Lot widths	Negotiated
Build-to line locations	Negotiated
Side setback	Negotiated
Building frontage	Negotiated
Building coverage	75 percent maximum
Height:	
Maximum height	58 feet above grade

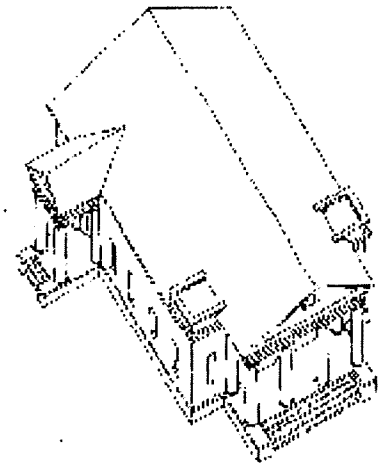
Note:

(1) Appurtenances may extend beyond the height limit

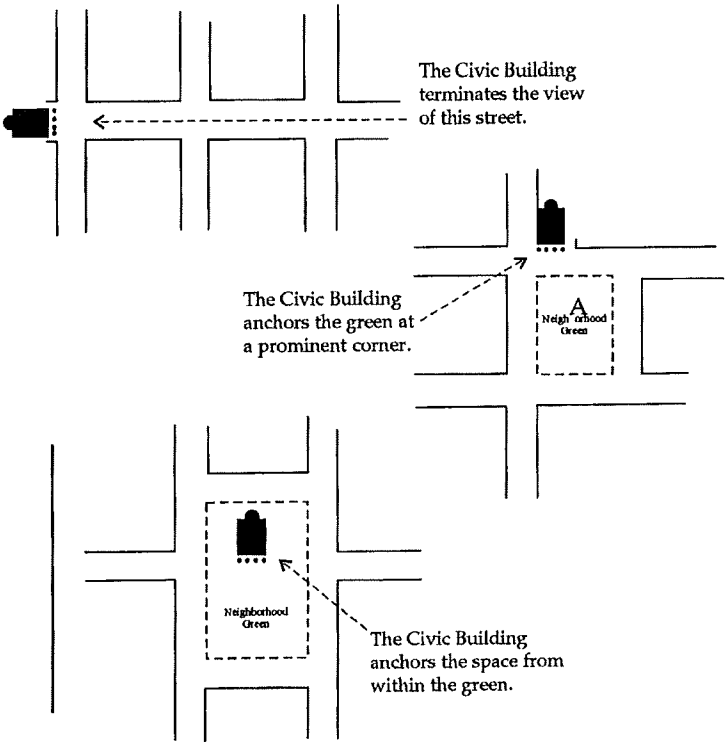
(2) Building placement requirements for civic buildings shall be established by the supervising planner at the time of application. Civic buildings should be sited in locations of particular geometric importance, such as anchoring a major public space or green, or terminating a street vista.







Examples



Civic buildings

(Ord. No. 97-9, § 518.6(n), 10-8-97)

Sec. 15.5-44. Exceptional types.

Exceptional building types are those which require special design review board approval for location, site planning and building design. The design review board shall take additional guidance from P.A.S. report #452.

Exceptional types include:

(1) Gas stations;

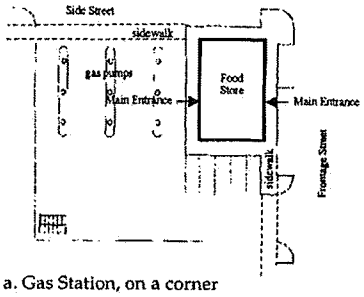
(2) Drive-through restaurants and banks;

(3) Convenience stores;

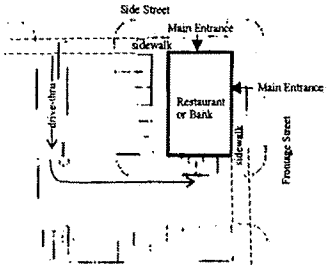
(4) Anchor stores (greater than twenty thousand (20,000) square feet);

(5) Parking structures;

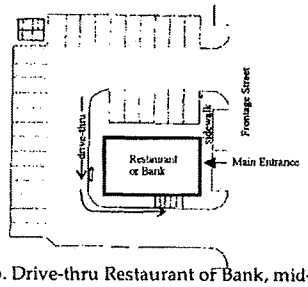
(6) Cinemas.



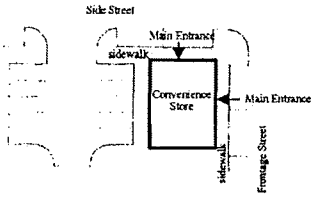
a. Gas Station, on a corner



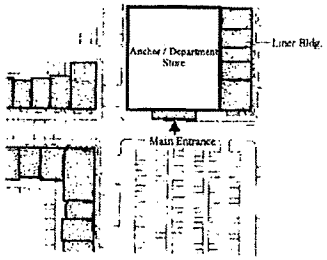
b. Drive-thru Restaurant or Bank, on a corner



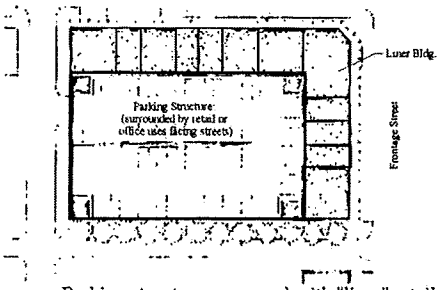
b. Drive-thru Restaurant or Bank, mid-block



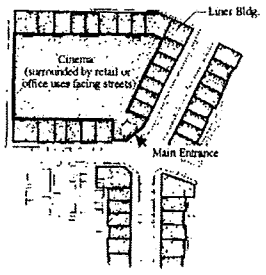
c. Convenience store, on a corner



d. Anchor store, larger than 20,000 sq. ft.



e. Parking structure, wrapped with "liner" retail and/or office uses along streets



f. Cinema

Exceptional types

(Ord. No. 97-9, § 518.6(o), 10-8-97; Ord. No. 05-34, 10-12-05)

Chapter 17.5

SUBDIVISION REGULATIONS

Art. I. General, §§ 17.5-1—17.5-30
Art. II. Definitions, §§ 17.5-31—17.5-40
Art. III. Plat Submission and Review Procedures, §§ 17.5-41—17.5-60
Art. IV. Design Standards, §§ 17.5-61—17.5-80
Art. V. Improvements, §§ 17.5-81—17.5-85

ARTICLE I. GENERAL

Sec. 17.5-1. Title.

This chapter shall be known as the "Subdivision Regulations of Port Royal, South Carolina". (Ord. No. 78-15, Art. I, § 1, 1-10-79)

Sec. 17.5-2. Authority.

This chapter is adopted pursuant to the authority granted under the General Statutes of South Carolina, 1962 Code of Laws (1968 Cumulative Supplement, Vol. 3, Chapter 7.1, Article 3, Section 14.350, otherwise known as Act 487, South Carolina Acts of 1967).
(Ord. No. 78-15, Art. I, § 2, 1-10-79)

Sec. 17.5-3. Purpose.

The purpose of this chapter is to provide for the orderly development of the town and its environs through the control and regulation of the subdivision of land and to protect and promote preservation of the unique natural environment that distinguishes this area.

The standards contained herein are intended to encourage economically sound and stable development; to assure the timely provision of required streets, utilities, and other facilities and services to new land developments; to assure the adequate provision of safe and convenient access and circulation, both vehicular and pedestrian, in and through new development; to assure the provision of needed open spaces in new land developments through the reservation of land for active and passive recreational purposes; to assure the coordination of and compatibility of new developments with the comprehensive plans of the county; to assure adequate design of new developments in order to prevent excessive maintenance costs for home owners, subdividers, and local governments, and to encourage developers to use designs which will enhance the overall appeal of the town.
(Ord. No. 78-15, Art. I, § 3, 1-10-79)

Sec. 17.5-4. Application of chapter.

No plat of the subdivision of land within the incorporated area of the town shall be filed with or recorded by the county register of mesne conveyances until such plat shall have been submitted to and approved by the county joint planning board according to the procedures set

forth in this chapter except as provided for in section 17.5-41(5), which allows a special exception of this, with conditions, for developers who are required to register their subdivision with the office of interstate land sales registration of the department of housing and urban development. 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 that has not been approved by the county joint planning board. No permit for construction of any building or other improvement in any subdivision established hereafter shall be issued which has not been approved by the county joint planning board and such notice of approval affixed to the plat.

All subdivision plats which have not been recorded with the register of mesne conveyances (office of the clerk of court) of the county, prior to the effective date of these regulations, shall be submitted to the planning board according to the submission requirements as follows:

(1) Subdivision plans begun prior to the effective date of these regulations in which it can be shown that significant design investment has been made by the developer shall be submitted to the planning board within sixty (60) days after the effective date of these regulations and shall be received as information only by the planning board and 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, masterplans, 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 by phases upon approval of the town prior to the sale or transfer of any or all lots with the register of mesne conveyance of the county.

All subdivision plans receiving such exemption shall be exempt as submitted only. Any significant deviation from the exempt masterplan, as determined by the planning board, shall void such exemption and the amended plan will be subject to the requirements of these regulations.

(2) All other subdivision plans not exempted as determined in (1) above shall be submitted according to the standard submission procedures outlined in article III of these regulations and subject to all requirements of these regulations.

(Ord. No. 78-15, Art. I, § 4, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-5. Jurisdiction.

The standards and provisions contained herein shall hereafter govern all land subdivision within the incorporated areas of the town as now or hereafter established.

(Ord. No. 78-15, Art. I, § 5, 1-10-79)

Sec. 17.5-6. Variances.

Whenever, in the opinion of the planning board, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the planning board may modify such requirements as are necessary so that the subdivider is allowed to develop his property in a reasonable manner, provided that the public interests of the community and its citizens are protected and the general intent and spirit of the regulations are preserved.

The planning board shall grant such a variance or modification only upon determination that:

(1) The variance will not be detrimental to the public health, safety, and general welfare of the community.

(2) The variance will not adversely affect the reasonable development of adjacent property.

(3) The variance is justified because of topographic, or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.

(4) The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan.

(5) Such variance will not conflict with the requirements of the town zoning ordinance.

(Ord. No. 78-15, Art. I, § 6, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-7. Amendments.

From time to time this chapter may be amended by the town council after receiving a recommendation from the joint municipal planning commission and 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 thirty (30) days prior to said hearing.

(Ord. No. 78-15, Art. I, § 7, 1-10-79; Ord. No. 10-4, 3-10-10)

Sec. 17.5-8. Violations and penalties.

Any person, firm or corporation who violates the provisions of this chapter, or the owner or agent of the owner of any land to be subdivided within the jurisdiction of this chapter 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 of such land before such plat has been approved by the planning board 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 not to exceed two hundred dollars ($200.00) or thirty (30) days imprisonment, or both at the discretion of the court, for each violation. Furthermore, any violation of the provisions of this chapter by any person, firm, corporation, owner or agents

of owners of any land to be subdivided within the jurisdiction of this chapter 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.
(Ord. No. 78-15, Art. I, § 8, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-9. 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.
(Ord. No. 78-15, Art. I, § 9, 1-10-79)

Sec. 17.5-10. Separability and validity.

Should any section, paragraph, clause, phrase, or provisions of this chapter be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part or provision thereof.
(Ord. No. 78-15, Art. I, § 10, 1-10-79)

Sec. 17.5-11. Repeal of conflicting ordinances.

All ordinances or parts of ordinances which are in conflict with this chapter, with the exception of the town zoning ordinance, are herewith repealed to the extent necessary to give this chapter full force and effect.
(Ord. No. 78-15, Art. I, § 11, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-12. Appeals from the decision of the planning board.

Any person who may have a substantial interest in any decision of the planning board may file with the circuit court a written appeal petition or a notice of appeal accompanied by a request for pre-litigation mediation. An appeal to the circuit court shall be filed within thirty (30) days after the notice of the decision.
(Ord. No. 78-15, Art. I, § 12, 1-10-79; Ord. No. 98-12, 6-3-98; Ord. No. 10-4, 3-10-10)

Sec. 17.5-13. Effective date.

This chapter shall be in effect and be enforced from and after the date of its adoption by the town council.
(Ord. No. 78-15, Art. I, § 13, 1-10-79)

Secs. 17.5-14—17.5-30. Reserved.

ARTICLE II. DEFINITIONS

Sec. 17.5-31. Interpretation of certain terms or words.

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. For the purpose of this chapter, certain words or terms used are herein defined as follows:

(1) The word "shall" is mandatory not directive.

(2) The word "may" is permissive.

(3) The word "lot" includes the words "plot" or "parcel".

(4) The word "structure" includes the word "building".

(5) The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

(6) The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

(7) The term "planning board" refers to the joint municipal planning commission.

(8) The term "town council" refers to the legally constituted and elected governing body of Port Royal.

(9) *Town engineer, designee:* A person designated by town council to serve as town engineer in the absence of a town 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) *Flood plain:* Also "flood prone area", means a land area adjoining a river, stream, ocean or water course which is likely to be flooded. The flood plain for the town is duly designated on officially adopted town flood plain maps available at the town hall.

(15) *Governing authority:* The town 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 flood plain maps:* A map or series of maps, officially adopted by the town council, delineating the flood prone areas and coastal high hazard areas of the town.

(21) *One hundred (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 type of land use comprising detached, some-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 joint municipal planning commission.

(24) *Plat:* A map or drawing of the subdivider's plan of subdivision.

(25) *Private street:* Any newly created street is a private street unless:

a. Its right-of-way has been dedicated to the state, the county or a county municipality; and

b. The appropriate public body has accepted the street for the purpose of maintaining it.

(26) *Street:* A dedicated public way or private way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley or any other public or private way.

(27) *Subdivider:* Any person, firm, corporation, or other legal entity subdividing land within the jurisdiction of this chapter.

(28) *Subdivision:* The division of a tract or parcel of land for the purpose of sale or transfer into four (4) or more lots or building sites and includes a re-subdivision.

(29) *Surveyor:* A registered land surveyor in good standing with the state board of engineering examiners.

(Ord. No. 78-15, Art. II, 1-10-79; Ord. No. 98-12, 6-3-98; Ord. No. 10-4, 3-10-10)

Secs. 17.5-32—17.5-40. Reserved.

ARTICLE III. PLAT SUBMISSION AND REVIEW PROCEDURES

Sec. 17.5-41. Plans exempted from standard procedure.

The following exceptions are exempted from the standard plat submission and review procedure:

(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 of land into four or more 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.

(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, is exempt from the standard submission and review procedures.

(5) The division of land into lot(s) which meets the town zoning ordinance in the zoning district in which the land exist.

(6) A transfer of title to land not involving the division of land into parcels.

(7) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

A written statement of the occurrence of such divisions as stated in (1), (2), (4) and (5) above shall be submitted by the owner of the property being divided to the planning board for information only.
(Ord. No. 78-15, Art. III, § 1, 1-10-79; Ord. No. 98-12, 6-3-98; Ord. No. 00-32, 10-11-00; Ord. No. 10-4, 3-10-10)

Sec. 17.5-42. General.

The following sections are an outline of the procedure for obtaining review and approval of the subdivision of land within the territorial jurisdiction of the town.

The review and approval procedure may consist of three separate steps. The first step is optional, steps 2 and 3 are mandatory.

Step 1: Review of optional sketch plan.

Step 2: Review and approval of preliminary plat.

Step 3: Review and approval of final plat.
(Ord. No. 78-15, Art. III, § 2, 1-10-79)

Sec. 17.5-43. Optional sketch plan review.

Although not required, prior to the preparation and filing of a preliminary plat the subdivider is encouraged to and may submit to the planning board a simple sketch plan of the proposed subdivision. The sketch plan may be a simple free hand drawing and should show the relationship of the proposed subdivision to the surrounding area and the general subdivision 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 planning board shall review the sketch plan and advise the subdivider, or authorize an agent of the planning board 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.
(Ord. No. 78-15, Art. III, § 3, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-44. Preliminary plat review.

(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 planning board at least fourteen (14) days prior to a regularly scheduled meeting date of the planning board. A conference between the subdivider and the planning board will be held in order that the commission might advise the subdivider of the extent to which the proposed subdivision 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 commission members, its staff and necessary agencies involved in the review process.

(b) *Fees.* There will be no filing fees.

(c) *Planning board procedure.* Following submission of a preliminary plat meeting the plat requirements as stated in section 17.5-44(e), the planning board may, at the request of the subdivider, forward relative data to the various local, state, and federal agencies for which review is required. The planning board shall notify the subdivider of any conferences requested by any of these affected agencies which should be held prior to the planning board acting on the preliminary plat. However, it shall be the responsibility of the subdivider to obtain all necessary permits or approvals for such agencies.

The planning board shall act on a preliminary plat within twenty (20) days after the next regular commission meeting following submission unless required conferences between the subdivider and other review agencies are not completed within the time frame and the planning board duly notified of the remarks of the affected agency.

Upon approval of the preliminary plat, the planning board shall indicate in writing:

(1) The conditions of such approval, if any;

(2) Certification on the plat by the director of the planning board; and

(3) The date on which the planning board granted approval; or if disapproving, shall express in writing reasons for disapproval. The action of the planning board shall be recorded in the minutes of the commission meeting and the subdivider shall be duly notified. Failure by the planning board to act on the preliminary plat within the time frame specified shall result in automatic approval of the preliminary plan.

Approval of the preliminary plan by the planning board authorizes the subdivider to proceed with the installation of improvements such as streets, drainage system, water and sewer system, utilities, recreation areas and any amenities. Approval of a preliminary plat or plan shall not constitute approval of the final subdivision plat and shall not authorize the sale and other transfer of lots.

(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 planning board of such official plans prior to or within fourteen (14) days after the presentation of the preliminary subdivision plan to the planning board for approval, the subdivider shall reserve the proposed site or right-of-way for a period of not more than sixty (60) days from the date of approval of the preliminary plan in order to afford the agency involved the opportunity to act on the site or right-of-way as provided for a Chapter 7.1, Article 3, Subdivision IV, S.C. Code of Laws, 1968 Cumulative Supplement. Such reservation would be stated as a condition of preliminary approval by the planning board.

(e) *Preliminary plat requirements.* In order for the planning board to properly review the preliminary plat, the following information shall be submitted unless the planning board determines and notifies the subdivider that certain information is not necessary.

(1) Name and address of owner of record.

(2) Proposed name of subdivision, date, north point, and graphic scale.

(3) Name and seal of registered surveyor.

(4) Vicinity map showing location of proposed subdivision.

(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 storm water drainage system.

(12) Existing and proposed covenants.

(13) Proposed time schedule of development if to be done in stages.

(14) Designated zoning classification of the property.

(Ord. No. 78-15, Art. III, § 4, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-45. 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 office of the county joint planning board 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 at least fourteen (14) days prior to a regularly scheduled meeting of the planning board. The number of prints required may vary at the discretion of the planning board.

b. The plat shall be reviewed by the planning board for conformance with the approved preliminary plat and with the requirements of these regulations.

The planning board may, at the request of the subdivider, 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 town engineer designee for review and approval of the proposed drainage plan. The planning board 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 requested conferences with the subdivider by the health department, town engineer or other affected agency. However, it shall be the responsibility of the subdivider to obtain all necessary permits or approval from such agencies.

If the planning board fails to act on the final plat within the time period specified above, other than for the reason that approval of water, sewer, or drainage systems has been delayed, it shall be deemed to have approved the final plat.

The planning board shall submit a report to the town 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 planning board shall not be deemed to constitute or effect an acceptance by the town, 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 street, rights-of-way, public parks and other public lands, the town council shall

determine the acceptance or non-acceptance of the dedications. If accepted by the town 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 reproducibles 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 town 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 town engineer, designee.
6. One (1) print shall be retained by the county joint planning board.

e. The approved final plat shall be recorded with the register of deeds within six (6) months after final approval by the planning board. Should the six (6) months time period expire before recording, the plat must be resubmitted to the planning board for reprocessing. It shall be unlawful to sell or transfer property (lots) within the approved subdivision until after the approved final plat is recorded with the register of mesne conveyances.

(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, 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 (1/100) 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 (1/100) 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, water courses, 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, 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, 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 as provided for in section 17.5-67.
8. No subdivision or land development plat, portion, or phase thereof shall be accepted for filing by the register of mesne conveyances office until it has been signed by the town. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted the appropriate performance bond(s), letter-of-credit, or other financial security acceptable to the town, as stipulated in section 17.5-85 (guarantees), and a letter of approval from town council has been issued. This plat, marked as "Final Plat with Security Bond," will be recorded in the Beaufort County register of mesne conveyances office upon the approval of the bond by the town.

(Ord. No. 78-15, Art. III, § 5, 1-10-79; Ord. No. 98-12, 6-3-98; Ord. No. 09-11, 11-4-09)

Secs. 17.5-46—17.5-60. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 17.5-61. General provisions.

The design standards contained herein shall be considered minimum standards and subject to the provisions of section 17.5-6.

(Ord. No. 78-15, Art. IV, § 1, 1-10-79)

Sec. 17.5-62. Streets.

(a) *Layout and alignment.*

(1) While it is the intent of this section to provide ample flexibility in the layout of streets in subdivisions, and most design standards are not specifically required herein, the planning board will review the street system as to its design, safety, and convenience of users as well as adjacent property owners; provided, such review shall be conducted in accordance with reasonable standards and with generally accepted engineering and development practices. Emphasis shall be placed on safety at curves and intersections.

To this end, the following criteria shall apply to the subdivision of land within the designated flood hazard areas of the town:

(1) Plats of subdivisions 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 one hundred (100) year flood elevation shown on official town flood plain maps.

(2) Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the extent possible that:

a. Water supply systems will be constructed to preclude infiltration by flood waters;

b. Waste water disposal systems, including septic tanks will be constructed to preclude infiltration by flood waters;

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 shall be placed in the deeds to all lots of a subdivision 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) on that lot lying within a flood hazard area, shall have a minimum first floor elevation the level of the one hundred (100) year flood or above as designated on official town flood plain maps.

b. All other requirements of the town 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 percent (1%) 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 Town of Port Royal 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."

(Ord. No. 78-15, Art. IV, § 8, 1-10-79)

Sec. 17.5-69. 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.

(Ord. No. 78-15, Art. IV, § 9, 1-10-79)

Sec. 17.5-70. Traffic impact analysis.

(a) *Traffic impact analysis required.*

(1) Except as outlined below, a traffic impact analysis (TIA) shall be required for any development that would generate more than fifty (50) trips during the peak hour of the adjacent street. A second phase, second subdivision, or addition that takes a property over the trip limitation when taken as a whole shall also require a TIA even though that development does not qualify on its own. The town staff shall determine whether a TIA is complete. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan. A use shall not be changed to another use permitted in the district without conducting a new TIA, if required.

(2) Development on lots in the downtown districts defined as south of Ribaut Road, bounded by Richmond Avenue on the east and The Battery Creek on the west extending all the way south on the peninsula to and including the Port Redevelopment Property as well as "The Sands," shall not be subject to the requirements of this section.

(b) *Traffic impact analysis plan preparation.*

(1) The TIA shall be conducted by an engineer registered in the state that is experienced in the conduct of traffic analysis, and approved by the town's reviewing staff.

(2) Prior to beginning the traffic impact analysis plan, the applicant shall supply the town with the following:

a. A written narrative describing the proposed land use(s), size and projected opening date of the project and all subsequent phases;

b. A site location map showing surrounding development within one-half (½) mile of the property under development consideration; and

c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.

(3) Town reviewing staff will rely upon the most current edition ITE trip generation manual or any alternative acceptable to the engineering department, and available information on land use, travel patterns and traffic conditions, and after consulting with the SCDOT will supply in writing to the applicant and/or his engineer the parameters to be followed in the study including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any associated turning movement counts which are available or discussed and approved by the reviewing staff.

(c) *Plan content.*

(1) All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact

analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.

(2) The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made. The relative share of the capacity created shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.

(3) Residential development, residential care facilities, hospitals, hotels and resort-oriented developments shall submit an emergency evacuation analysis (EEA), as part of the TIA. The EEA shall indicate how the proposed development utilizes the county's prescribed evacuation routes, as shown in the Beaufort County Comprehensive Plan. The transportation planner or traffic engineer preparing the report shall indicate the effect of the proposed development upon existing evacuation times for that portion of the county. The EEA shall be reviewed by the Beaufort County Director of Public Safety prior to submittal as part of the TIA.

(4) The following elements shall be included in a traffic impact analysis plan:

a. A site plan or subdivision plat identifying accesses to and from existing or proposed streets and intersections.

b. Description of the proposed development, including the type of proposed land use, the number of residential units by type, the number of existing and proposed lots, the type of proposed nonresidential development and the amount of such development measured by gross floor area or other appropriate unit of measurement, the general size and type of accessory development or facilities, and, for nonresidential development, adequate information to identify the appropriate land use category for trip generation. The traffic impact analysis plan will be projected to a date mutually agreed upon by the applicant and staff.

c. Projected vehicular trips to and from the completed development during a.m. and p.m. peak hour. Trip rates shall be taken from ITE manual, provided, however an applicant may elect to perform, at his own expense, a trip generation study which may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the town reviewing staff. For proposed uses not specifically listed in the ITE manual, and for which a trip generation study has not been performed, the town engineer, in consultation with the traffic engineer, shall determine the most appropriate trip generation rate. The town reviewing staff shall make the determination of the appropriate trip generation rate, from whatever the source. The percentage of pass-by trips, if used in the plan, shall be included, as well as the source of the percentage of pass-by trip information.

d. A written narrative setting forth the assumptions upon which any projection, made in developing the traffic impact analysis plan, shall be included in the

analysis. If the assumptions are derived from the ITE manual, the materials shall be referenced and properly cited. If the assumptions are not from the ITE manual, appropriate excerpts from other reliable transportation planning resources shall be included in the study and reasons underlying the assumptions shall be stated in the narrative.

e. The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated and recommendations made of acceleration and deceleration lanes, left turn lanes, or signalizations shall be part of the TIA.

f. The TIA shall review the number and types of curb cuts that are permitted. In particular, the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed use and the other properties the TIA shall make recommendation on interconnections. The TIA shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads rather than major roads for short trips.

g. The traffic impact analysis shall be based on intersection analysis procedures for signalized intersections as identified in the most current edition of the transportation research board's highway capacity manual and/or the last update that analyzes and emulates these procedures by means of computer software if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the traffic goals in subsection (j). The traffic impact analysis plan will be projected to a date mutually agreed upon by the applicant and staff.

h. The intersections that must be analyzed in the study are identified to be as follows:

1. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.

2. The first major intersection as identified by the town's designated traffic engineer on both sides of the development's point of access.

3. Other intersections on major arterials if development generates more than fifty (50) a.m. or p.m. peak hour trips to that intersection or when in the opinion of the TRC there is a potential for a significant impact to the intersection's level of service from site related traffic, or intersection demand critical.

4. Unsignalized intersections and access drives shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the concept plan. The analysis shall reflect the

projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development if they can be reasonably determined shall be considered as well.

(d) *Mitigation plan required.* If the initial analysis indicates that the town's adopted traffic service level goals will be exceeded, a mitigation plan must be prepared based on additional analysis. The mitigation plan must show how the town's service level goals are addressed as mitigated. Applicants will be responsible to mitigate the traffic impacts at any intersection effected by a proposed development.

(1) If a traffic signal is recommended, the analysis shall provide information that does the following:

a. Clearly indicates the need for a traffic signal.

b. Assesses the ability of other existing or planned or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.

c. Describes in detail how a specific development will affect the study area transportation system.

d. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices (SCMUTCD) signal warrant satisfaction.

e. Gives design geometry of the private road that is consistent with that of public road intersections including curbs, appropriate lane widths, pavement markings and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.

f. Provides an approach throat length for the road to guarantee the movement of vehicles entering the site will not be impeded by on-site conditions, and insure that all signal spacing requirements are adequately met.

(2) A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards given the presence of existing signals or the possible existence of future signals proposed as part of a highway signal system.

(3) The desirable spacing of signalized intersections on principal arterials is the SCDOT, county, or town standards. The town's reviewing staff may recommend to SCDOT the installation of a traffic signal at locations where using SCDOT standards spacing is inappropriate due to: topography, existing or proposed road layout; documented accident history; unique physical constraints; existing or proposed land use patterns; or requirements to achieve specific objectives for highway segment designations as shown in any locally adopted land use or transportation plan or approved town or county transportation plan or approved transportation policy.

(4) Signal spacing concerns may be ameliorated in the following ways:

a. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an onsite route or a frontage road that directs traffic to or from a nearby public road;

b. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties;

c. An existing or proposed intersection may be relocated; or

d. A shared private road may be required to serve the needs of the multiple properties.

(5) A traffic signal progression analysis for all new, revised or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the town's reviewing staff. The roadway segment, analyzed to the extent possible, shall include all traffic signals in the existing or future traffic signal system. The progression analysis shall:

a. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week adjusted for peak season, for cycle lengths and travel speeds approved by the town's reviewing staff;

b. Provide for a progressed traffic band speed no more than five (5) mph (eight (8) km/h) below the existing posted speed for both directions of travel during the off-peak periods, nor more than ten (10) mph (sixteen (16) km/h) below the existing posted speed during peak periods. Approval by the town's reviewing staff is required where speeds deviate more than the above;

c. Demonstrate sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the town's reviewing staff based on existing or projected conditions;

d. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections; and

e. Provide a progression bandwidth as large as that required, or as presently existing, for through traffic on the federal or state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane on the federal or state highway.

(6) The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry and lane balance considered at

all locations shall be appropriate for the present and future conditions. Present and future conditions are usually considered to include the year of completion, and five (5) years into the future.

(7) A clear and concise summary of recommended improvements that can serve as an executive summary is required.

(e) *Traffic impact analysis plan review.* The town's reviewing staff shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.

(f) *Application.* A traffic impact analysis plan shall be submitted to the town's reviewing staff. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the town.

(g) *Action on traffic impact analysis plan.* The town's reviewing staff must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, reviewing staff shall recommend action as follows:

(1) Approval of the traffic impact analysis as submitted;

(2) Approval of the traffic impact analysis plan with conditions or modifications as part of the development review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county-programmed transportation improvements; applicant provided transportation improvements; fees in lieu of construction, or any other reasonable measures to insure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from the town.

(h) *Timing of implementation.* If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.

(i) *Responsibility for costs of improvements.* The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.

(j) *Traffic goals.* The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the town's adopted traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.
(Ord. No. 10-4, 3-10-10)

Secs. 17.5-71—17.5-80. Reserved.

ARTICLE V. IMPROVEMENTS

Sec. 17.5-81. Required improvements.

(a) *Water systems.* Water supply systems shall be installed according to plans approved by the state department of health and environmental control and the town and subject to specifications set forth by those agencies. Where applicable, water supply systems will meet the requirements of section 17.5-66, of this chapter.

(b) *Sewage disposal system.* The sanitary waste disposal systems shall be installed according to plans approved by the state department of health and environmental control and the town and subject to specifications set forth by those agencies. Where applicable, sewage disposal systems will meet the requirements of section 17.5-66, of this chapter.

(c) *Drainage system.* A drainage system shall be designed and constructed by the subdivision consistent with the design principles and standards contained in section 17.5-67, of this chapter and adequate to provide proper drainage of the surface water of the subdivision and the drainage area of which it is a part. Drainage systems shall be installed according to plans approved by the town engineer designee and subject to the specifications set forth by the agency.

(d) *Streets.* A street system shall be designed and constructed consistent with the design standards contained in section 17.5-62 of this chapter.

All public streets shall have shoulders, side slopes ditches, and pavement prepared in conformance with the latest edition of the Standard Specifications for Highway Construction, state highway department. All private streets shall conform to section 17.5-62 contained herein.

(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 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, off-set 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 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 other permanent marker of the type commonly used in the area.

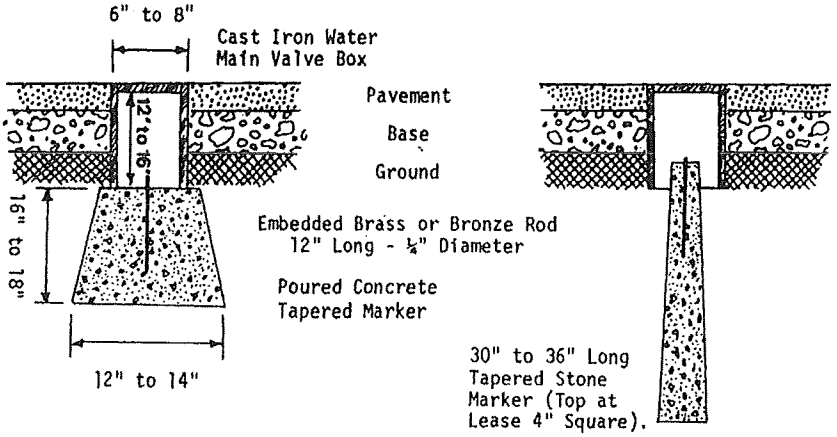
(f) *Other utilities.*

(1) All other utilities such as electrical, telephone and gas service, in the proposed subdivision, shall be installed according to the plans and installation schedule properly reviewed and approved by the respective utility companies.

(2) All subdivision utilities in the town 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.

(g) *Open space/recreation areas.* Open space not required.

DESIGN GUIDE FOR CONTROL MONUMENTS
(Reference Article VI. Section 1-6, pg. 39)



Design guide for control monuments

(Ord. No. 78-15, Art. V, § 1, 1-10-79; Ord. No. 98-11, 3-18-98; Ord. No. 98-12, 6-3-98)

Sec. 17.5-82. Installation of required improvements.

Installation of required improvements may not begin until after preliminary plat approval is given by the planning board. Installation shall be made according to the approved design on the preliminary plat.
(Ord. No. 78-15, Art. V, § 2, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-83. 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 planning board, 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.
(Ord. No. 78-15, Art. V, § 3, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-84. Maintenance of improvements.

The town council shall maintain only those improvements offered by public dedication and accepted for public maintenance by the town.

For those improvements where public dedication and public acceptance for maintenance has not been made, the subdivider shall maintain the required improvements or provide satisfactory guarantee to the town council of the maintenance of required improvements as stated in section 17.5-85.
(Ord. No. 78-15, Art. V, § 4, 1-10-79)

Sec. 17.5-85. Guarantees.

To assure the complete installation and maintenance of required improvements, prior to final plat approval, an applicant/developer who wishes to acquire building permits, construct any infrastructure of any type or sell lots before final plat approval may do so through bonding, an irrevocable letter-of-credit and agreement, or other financial security acceptable to the town. The developer shall provide the town with an itemized estimate of all necessary improvements in the subdivision as may be needed (i.e. roads, drainage, water, sewer, etc.). If a portion of the improvements have been installed and accepted and/or approved by the town or other governmental agency having authority over that infrastructure component (i.e. water and sewer), the itemized estimate will be for the improvements from that point to completion of the subdivision. Once the estimates have been approved by the town, the developer will then present the town with a bond, surety or other acceptable means of credit for the total of the improvements plus twenty-five (25) percent in a form acceptable to the town. The town will allow separate bonds to be issued to cover specific infrastructure components for water and sewer and/or for other infrastructure that may be operated and maintained by another governmental entity other than the town. However, the total of all bonds posted must total, at a minimum, one hundred twenty-five (125) percent of the total cost of all infrastructure required to complete the intended improvements.

Prior to issuance of a building or construction permit by the town for the construction of any infrastructure of any type within the property or development, a bond or legal surety, acceptable to the town, guaranteeing the completed installation of all required public and infrastructure improvements to the development and other such improvements shown on the engineering drawings for the development or represented in the application [is required]. Such bonds or other surety shall be payable to the town and equal one hundred twenty-five (125) percent of a registered engineer estimate of construction costs or contractors' executed contracts for subdivision public and infrastructure improvements, whichever is greater. The applicant shall complete, in a manner acceptable to the town, all improvements including

required mechanisms guaranteeing perpetual ownership and maintenance, within twelve (12) months of the date of issuance of a building or construction permit(s) by the town. Failure to do so will constitute a violation of such permit(s) and terminate the right to continue development, and shall entitle the town to act on the posted bond, surety or other guarantee(s) and cause the public and infrastructure improvements to be completed by the town on behalf of the lot purchasers in the development. Extension to the 12-month time period afforded for completion of improvements may be granted one (1) time at the sole discretion of the town. Such requests must be submitted prior to the expiration date of such permit(s) and accompanied by:

(1) A detailed explanation of why the extension is necessary;

(2) Signed/dated agreement to the extension by all affected lot owners in the development to date;

(3) A detailed description of the amount of work completed, cost remaining for incomplete work and time frame for completion of work; all must be certified by a state professional registered engineer;

(4) Amended bond, or other such 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.

The town is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. To assure the complete installation and maintenance of required improvements, prior to final plat approval, the town council may require a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the town the actual construction, installation and maintenance of such improvements with a period of time specified by the town and expressed in the bond. The town is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. The town may accept other means of securing the actual installation and/or maintenance of required improvements.
(Ord. No. 78-15, Art. V, § 5, 1-10-79; Ord. No. 09-11, 11-4-09; Ord. No. 10-4, 3-10-10)

[The next page is 1005]

EXHIBIT D

DEVELOPMENT SCHEDULE

The Project's initial build-out program is 5 years. The rate and timing of Development within the Development Project and adjoining lands will be very much affected by the health of the national and local economies, as well as the demand for various housing types and commercial uses for the region. Recognizing the difficulty of accurately projecting timing of Development and demand for residential and/or commercial and retail product, Owner has provided the following estimates which are based on information believed to be reasonable at this time.

Years 2012 – 2013 – Construction of infrastructure will begin. Various mixed uses of land parcels and buildings are anticipated to be available for sale by the middle to latter part of 2013. The Park Sites and Boardwalk system will begin and be designed to time to accommodate and link future phases of Development. The Seafood Processing Facility and dock will be conveyed.
Estimated population: 0

Years 2013 – 20015 – As much as 50% of various land uses should come under Development during this period. The Park Sites and Boardwalk will be completed and conveyed to the Town..
Estimated population: 499.375

Years 2015 – 2016 – This period should be the close-out period where a majority of the Property will l be available and major infrastructure complete.
Estimated population: 998.75

EXHIBIT E
TO DEVELOPMENT AGREEMENT

PLANNED UNIT DEVELOPMENT AND REGULATING PLAN

The Planned Unit Development, as approved by the Town Council on November 9, 2011, is hereby incorporated herein by reference, to include all drawings, plans, narratives and documentation submitted therewith, as fully as if attached hereto. The parties hereto may elect to physically attach said documents hereto, or may rely upon the above stated incorporation by reference, at their discretion.

PLANNED UNIT DEVELOPMENT
for
SC SPA
Port of Port Royal Tract

PLANNED UNIT DEVELOPMENT &
REGULATING PLAN
Port Royal, South Carolina

Prepared for:
PORT ROYAL REDEVELOPMENT GROUP LLC

Submitted to:
TOWN OF PORT ROYAL
Port Royal, South Carolina

NOVEMBER 9, 2011

PLANNED UNIT DEVELOPMENT SC SPA PORT OF PORT ROYAL TRACT

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Exhibit H	Chapter 17.5 – Town of Port Royal Code of Ordinances
Exhibit I	Street and Pedestrian Waterfront Boardwalk/Promenade/Trail Sections

ARTICLE 1.0 Introduction and Background

Sec. 1.1 Description of Property

The Port Royal Tract is the existing South Carolina State Ports Authority Port of Port Royal property totaling approximately 317 acres located at the end of Paris Avenue and bordered by Battery Creek to the south, the "Sands" to the East, Ribaut Road (HWY 802) to the north and west, and the South Carolina Rail Road Easement to the north and east with tracts of property beyond the easement as seen in Exhibit A.

Sec. 1.2 Principles of the PUD

Redevelopment of the Port of Port Royal property represents an opportunity to redefine a major connection to the water within the Town of Port Royal and Beaufort County. The Planned Unit Development (PUD) designation will allow for development that introduces design principles from traditional neighborhood design practice, the State of South Carolina State Ports Authority *Redevelopment Study* by Wood+Partners Inc. dated September 2006, the Town of Port Royal's *A New Vision for the Port* study by Design Collective, Inc. dated July 2004, and the Traditional Town Overlay District within the Town of Port Royal Code of Ordinances. These documents defined a vision for preserving and extending the Town's traditional character into the Port site through promoting a mix of land uses and residential types to support a variety of choices in lifestyles and needs of the citizens of Port Royal.

The purpose of the Port of Port Royal Tract PUD is to provide a process to evaluate and allow for the redevelopment opportunity within the Town of Port Royal. The governing documents of the PUD in order of precedence shall be the Development Agreement, the PUD text (this text), the Regulating Plan (Exhibit E) and the Town of Port Royal Code of Ordnances at the time of adoption of the PUD. The standards and procedures of this PUD are intended to promote flexibility in design and allow planned diversification, while at the same time providing the Town of Port Royal with limitations and regulations deemed necessary to protect the health, safety and welfare of its citizens.

Sec. 1.3 Environmental Assessment & Protection

As part of the redevelopment study of the property, a phase I Environmental Site Assessment (ESA) was undertaken. The letter (Exhibit D) and subsequent report dated April 27, 2005 from S&ME listed recognized environmental conditions. Based on the conclusions from the Phase I ESA, a preliminary Phase II ESA was conducted and is attached as Exhibit D-1. From the results of the preliminary Phase II ESA, SDHEC requested a follow-up Phase II ESA be conducted at the Seafood Processing Facility and is seen in Exhibit D-2. No further assessments were deemed necessary

The Port Royal Tract includes approximately 266 acres of critical area wetlands abutting Battery Creek. The wetlands boundary has been surveyed and submitted to the U.S. Army Corps of Engineers for certification and is included as Exhibit C.

Sec. 1.4 Water and Sewer Service

Preliminary discussions with Beaufort Jasper Water and Sewer Authority (BJWSA) indicate a willingness to serve (Exhibit B) the property. Planning for the water and sewer systems will commence at the time of the Development Agreement and Planned Unit Development approval by the Town of Port Royal.

Sec. 1.5 Utility Services

Preliminary Discussions with South Carolina Electric and Gas (SCE&G) indicate a

willingness to provide electrical power and gas to the property (Exhibit B).

Sec. 1.6 Storm Water Management

The Port Royal Tract PUD shall conform to all of the current and future Storm Water Management Provisions of the Town of Port Royal, and all applicable state and federal requirements.

Sec. 1.7 Transportation Network

The vehicular access point locations shown on the Regulating Plan are preliminary and may be adjusted prior to final development tract master plan(s) approval. Planning, design and construction of these accesses, as well as roadways and transportation elements, shall be in accordance with SCDOT standards, Town of Port Royal Ordinances, and PUD standards. Typical road sections shall be submitted for review prior to final tract master plan(s) approval.

Notwithstanding other provisions of this document and subject to approval by the Town of Port Royal, roadway design standards may be modified to reduce environmental impacts and increase tree preservation provided safety concerns are not compromised. Preservation of street vistas to the waterfront is encouraged wherever possible. Within the road right-of-way and/or easements, sidewalks and connections to the waterfront shall be required to provide many opportunities to connect to the public waterfront. Roadway widths and right-of-way widths narrower than allowed by Town Code may occur to achieve traditional neighborhood design principles and shall be submitted to the Port Redevelopment Design Review Staff (PRDRS) for review and approval.

Sec. 1.8 Deeded Open Spaces and Access

Unless otherwise mentioned, all public walkways, access, sidewalks, roads and parks shall be conveyed to the Town of Port Royal at the time of substantial completion of each element.

Sec. 1.9 Restricted Access Communities

The Master Developer and/or its successors in title shall not be allowed to create restricted access communities within the Property.

ARTICLE 2.0 General Provisions

Sec. 2.1 Unified Control

The applicant for this PUD shall also be known as the Master Developer. The Master Developer shall furnish the Town Attorney with sufficient evidence that it is in complete, unified, and otherwise unencumbered control of the entire area of the proposed PUD whether the Master Developer is an individual, partnership, corporation, other entity, group or agency. The Master Developer shall provide all the necessary documents and information that may be required by the Town Attorney to assure the Port Royal Town Council that the development will be lawfully completed according to the plan sought to be approved. No development application shall be considered until compliance with this requirement has been achieved.

Sec. 2.2 Phasing

Each phase of the development shall be so planned and related to the previous development, surrounding property, and availability of public facilities and services so that a failure to proceed with subsequent phases of the development will have no adverse impact on the completed phase(s) or surrounding properties.

Sec. 2.3 Variances to the Approved Regulating Plan

Because the general development standards of the PUD are contained in the approved Regulating Plan, and because the Regulating Plan normally takes into account those matters that might otherwise be the subject of variance review by the Zoning Board of Adjustment and Appeals (ZBA), modifications (major changes) to the approved general development standards, with the exception of non-substantial modifications (minor changes) as identified in Sec. 2.5.2, shall not be allowed. Such variances, or major changes, shall follow the procedures set forth in Chapter 22 Article IX of the Town of Port Royal Zoning Ordinances.

Sec. 2.4 Administration

Interpretation of the standards of the PUD shall be the responsibility of the Town.
Town shall engage the services of qualified design professionals, including, but not limited to, an architect, and an engineer, for the purpose of reviewing plans for compliance with the standards of the PUD. These design professionals along with the Town's planner and building codes staff will comprise the Port Redevelopment Design Review Staff (PRDRS). Appeals to decisions of PRDRS will go to the Town of Port Royal's Traditional Overlay Design Review Board.

Sec. 2.5 Modifications to Approved Regulating Plan

Whenever an application is made to modify the approved Regulating Plan, the modification shall be classified as either a substantial or non-substantial modification.

2.5.1 Substantial Modification (Major Changes). Substantial modifications require approval of the Town Council. Notification of such modification shall follow the notification procedure in Section 22-203 of the Town of Port Royal Zoning Ordinances. The Planning Commission shall make a recommendation to the Town Council.

The following criteria shall be used to identify a substantial modification:

a. A change that would alter an approved land use classification except when there is a reduction in density, intensity, or a conversion as allowed within this PUD.

b. A change that would include a use not previously permitted.

c. A change that would require an amendment to the PUD conditions approved by the Town Council.

d. A change to the phasing, if adopted, that would propose a land use in advance of the development it was designed to support.

e. Zoning District Boundaries provided that the allowed base densities and conversions are not exceeded.

2.5.2 Non-substantial Modification (Minor Changes). Non-substantial amendments to district and community development standards approved for the PUD may be allowed. Specified staff is authorized to approve the following modifications:

a. Location of roadways and access points and the Pedestrian Waterfront Boardwalk/Promenade/Trail provided there is no reduction in public access. Responsible Staff: PRDRS.

b. Conversion of Land-Uses as outlined below and density exchange between zoning districts provided that density within the district is not exceeded. Responsible Staff: PRDRS.

Sec. 2.6 General Provisions

2.6.1 Introduction. Within the PUD, five zoning districts have been established. Each district corresponds to a land use classification which has been assigned to various tracts within the approved PUD Regulating Plan (Exhibit E). Each zoning district has designated land uses and development standards (Article 3.0) which are based on the intended character of each district. In addition to those land uses and standards, development shall comply with general community development requirements and standards in Article 5.0. Refer to Table 1.0 for Zoning Districts.

2.6.2 Master Plans. Once the PUD has been approved by the Port Royal Town Council, a developer of a tract or tracts within the PUD shall be required to submit a Master Plan for approval by the Planning Staff prior to submission of a subdivision plat or a site development plan. Subsequent subdivision of land and site development plans will be reviewed by applicable departments, commissions, and agencies.

Master Plan submittal for the tract(s) shall contain the following:

a. Zoning district classification.

b. Total tract acreage.

c. Number of proposed residential dwelling units and gross upland density, if applicable.

d. Plan illustrating single family detached lots and building footprints for attached residential, multifamily residential and non-residential land-uses.

e. Proposed non–residential square footages and land uses.

f. Buffers and setbacks.

g. Curb cut locations on primary roads, internal road systems (if applicable), and connectivity to adjacent tracts (if applicable).

h. Sidewalks, boardwalks and pathways, and public access easements, including widths.

i. Phasing for the development of the tract.

j. Any development condition(s) that may be part of a development order and/or design directives.

k. Open space, including identification of passive and active recreational areas, pedestrian access ways, easements, storm water drainage ponds and wetland areas.

l. A Concept Master Plan for storm water, water and sewer, site lighting and landscape areas shall also be submitted. A traffic study for the tract shall be required if requested by the PRDRS.

m. A disclosure of the applicant's conversion rights assigned by the Master Developer.

Sec. 2.7 Enforcement

See Chapter 22 Article VII of the Zoning Ordinance in the event that there are discrepancies.

ARTICLE 3.0 Zoning Districts

Sec. 3.1 Establishment of Districts

The following zoning districts are hereby established. Each district corresponds to land use classifications and encompass specified tracts of land as shown on the approved Regulating Plan (Exhibit E). Each district has designated and allowed land uses (Sec. 3.3) and development standards (Sec. 3.5), which are based upon the character of each development area.

Table 1.0 Zoning Districts

Zoning District Names	Zoning District	Land Use Classification	Tracts Encompassed
Ribaut Village	RV	Residential Mixed Use Village	RV
Bluff Neighborhood	BN	Residential Mixed Use	BN
Marina Village	MV	Marina Mixed Use Village	MV
Port Village	PV	Hotel Mixed Use Village	PV-1 through PV-6
Civic Open Space	COS	Civic Open Space	COS

Sec. 3.2 Measurement of Standards

All measurements in this section shall be computed as follows.

3.2.1 Area

Area shall be measured in gross square feet and/or acres.

3.2.2 Setbacks and Yards

All setbacks and yards shall be measured from the property line, unless otherwise identified herein, and are development setbacks.

3.2.3 Density

Density shall be measured in gross upland acres minus critical area wetlands. Upland and fresh water wetland areas (if applicable) shall be included in the gross upland acre density calculations.

3.2.4 Non-Residential Land Uses

The areas of non-residential land uses shall be calculated as the gross floor area of the first floor.

Sec. 3.3 Permitted Land Uses

Land uses permitted within each zoning district are located Table 2.0. A use permitted as a matter of right is identified with the symbol "●". Where there is no symbol, the use is not permitted. If a use has development conditions, the section where the conditions are located is also provided within the table. Use definitions are located in Article 6.0.

Table 2.0 Permitted Land Use Matrix

Key: Ribaut Village = **RV**; Bluff Neighborhood Residential Tract = **BN**; Marina Mixed Use Village = **MV**; Port Hotel Mixed Use Village = **PV1** through **PV6**; **;** Civic Open Space = **COS;** ● = Permitted land use within district.

Land Use	Planning Districts										Use Standards
	RV	BN	MV	PV1	PV2	PV3	PV4	PV5	PV6	COS	
Accessory Dwelling	●	●	●	●	●	●	●	●	●		4.2
Accessory Structure	●	●	●	●	●	●	●	●	●	●	
Accessory Use	●	●	●	●	●	●	●	●	●		
Amusement or Recreation Activities - Carried on Wholly in a Bldg.	●		●	●	●	●	●	●	●		
Animal Hospital, Veterinary Clinic, Grooming (No Boarding)	●		●		●	●	●	●	●		
Antique Shops	●	●	●	●	●	●	●	●	●		
Artist Studio and/or Gallery	●	●	●	●	●	●	●	●	●		
Assisted Living (Care Home)	●				●	●	●	●	●		
Auto Parking Lot or Garage (No Gas, Hourly & Daily)	●		●	●	●	●	●	●	●		
Auto Parking Lot or Garage (Gas, Hourly & Daily)	●		●	●	●	●	●	●	●		
Auto Service Station (minor repairs allowed)	●										
Banks	●		●	●	●	●	●	●	●		
Bicycle Shop &Sporting Goods	●	●	●	●	●	●	●	●	●		
Bed and Breakfast	●	●	●	●	●	●	●	●	●		
Book and/or Stationary Store	●	●	●	●	●	●	●	●			
Boat Repair and Garage	●		●	●		●	●	●	●		
Boat storage and Recreation vehicle storage			●		●	●					
Ceramic Studio and/or Shop	●		●	●	●	●	●	●	●		
Child Care Center	●			●	●	●	●	●	●		
Clothing Stores and Dry Goods	●		●	●	●	●	●	●	●		
Churches and Places of Worship	●		●	●	●	●	●	●			
Club or Lodge	●	●	●	●	●	●	●	●	●		
Community Recreation	●	●	●	●	●	●	●	●	●	●	
Convenience Store	●		●	●	●	●	●	●	●		
Craft Shops	●		●	●	●	●	●	●	●		
Cruise Ship			●	●							
Dwelling, Multi-Family	●	●	●	●	●	●	●	●	●		
Dwelling, Single Family Detached (excludes mobile homes)	●	●	●	●	●	●	●	●	●		
Dwelling, Single Family Attached	●	●	●	●	●	●	●	●	●		
Eleemosynary or Philanthropic Institutions	●		●	●	●	●	●	●	●		
Electronic Sales and Service	●		●	●	●	●	●	●	●		
Florist Shops	●	●	●	●	●	●	●	●	●		
Food Stores & Drug Stores	●		●	●	●	●	●	●	●		
Funeral Homes	●				●	●	●				
Golf cart Rental / Sales	●		●	●	●	●	●	●	●		
Grocery, Bakery, Pastry Shop, Coffee Shop, & Similar Neighborhood Facilities	●	●	●	●	●	●	●	●	●		
Hobby and Toy stores	●	●	●	●	●	●	●	●	●		
Home Furnishing and/or Hardware Stores	●	●	●		●	●	●	●	●		
Home-based Business	●	●	●	●	●	●	●	●	●		
Hospital & Care Homes					●	●	●	●	●		
Hotel, Motel	●		●	●	●	●	●	●	●		3.5.4 c.
Inn (up to15 Rooms)	●	●	●	●	●	●	●	●	●		
Interior Decorating Business	●		●	●	●	●	●	●	●		
Jewelry Stores	●		●	●	●	●	●	●	●		
Laundromats / Dry Cleaning	●		●	●	●	●	●		●		
Leather Goods and Luggage Shops	●		●	●	●	●	●	●	●		
Light Industry (Boat Building, Woodworking, Assembly, Etc.)	●		●	●	●	●	●		●		
Limited Use Retail Shop	●	●	●	●	●	●	●	●	●		
Model Homes/Sales Center	●	●	●	●	●	●	●	●	●		
Marina			●	●		●	●	●	●		
Marine Store and Fishing Supply Store	●		●	●	●	●	●	●	●		
Music Store	●		●	●	●	●	●	●	●		
Museum and Library	●	●	●	●	●	●	●	●	●	●	limited 3.5.5 a.
Neighborhood Commercial Use Retail & Service	●	●	●	●	●	●	●	●	●		
Newsstand	●	●	●	●	●	●	●	●	●		
Office General	●		●	●	●	●	●	●	●		
Office Medical	●		●	●	●	●	●	●	●		
Office Professional	●		●	●	●	●	●	●	●		
Photography Stores and Studios	●		●	●	●	●	●	●	●		
Post Office	●	●	●	●	●	●	●	●	●		
Public Use	●	●	●	●	●	●	●	●	●	●	
Public Utilities	●	●	●	●	●	●	●	●	●	●	
Public Parking	●	●	●	●	●	●	●	●	●	●	
Salon and Health Spa	●	●	●	●	●	●	●	●	●		

Table 2.0 Permitted Land Use Matrix (Continued)

Key: Ribaut Village = **RV**; Bluff Neighborhood Residential Tract = **BN**; Marina Mixed Use Village = **MV**; Port Hotel Mixed Use Village = **PV1** through **PV6**; Civic Open Space = **COS;** ● = Permitted land use within district.

Land Use	Planning Districts										Use Standards
	RV	BN	MV	PV1	PV2	PV3	PV4	PV5	PV6	COS	
School and Institution											
Seafood Processing	●		●	●	●	●	●	●	●		
Restaurants (Alcohol Service Allowed)	●	●	●	●	●	●	●	●	●		
Tailor Shop	●		●	●	●	●	●	●	●		
Temporary Uses	●	●	●	●	●	●	●	●	●	●	
Theater (other than Drive-in)	●		●	●	●	●	●	●	●		
Travel Agency	●		●	●	●	●	●	●	●		
Tour Boat or Ferry			●	●							
Wireless Communication Towers and Facilities	●		●	●	●	●	●	●	●	●	4.1

Sec. 3.3.1 Drystack Facility

Notwithstanding anything in this PUD to the contrary, no drystack use is permitted in the building on the Property that formerly housed this use unless, within five (5) years from the effective date of this PUD, such use has been commenced within said building; provided however, such use shall cease if, within five (5) years from the effective date of this PUD, the building has not been aesthetically improved in a manner that adheres to the guidelines of the Town's Traditional Overly district; and provided further, if the use of the building as a drystack facility is ever abandoned, then such use shall no longer be permitted and cannot be reestablished in said building. For purposes of this PUD, "abandoned" shall mean the failure to operate a drystack facility in the building for a period of three (3) consecutive months or for a period of six (6) months over a period of twelve (12) consecutive months.

Sec. 3.4 Master Development Summary

A. Overall Redevelopment Plan

Total Acreage:	317.51 Ac of Upland and Marsh Area 51.60 Ac of Upland 265.91 Ac of Marsh Area
Total Dwelling Units:	+/- 425 DU's
Upland Density:	8.20 DU/AC
Total Dedicated Civic Open Space:	+/- 10.8 AC
Pedestrian Waterfront Boardwalk/Promenade/Trail	+/- 2.9 AC
Additional Open Space at 5%:	+/- 2.04 AC
Total Non-Residential Land Use: (Includes 130,000 SF of existing space)	+/- 250,000 SF

1. Dwelling Units:

   Each PUD zoning district must contain a minimum of at least two of the following residential building types: single-family detached, single-family attached, or multi-family. In each PUD zoning district, except Ribaut Village (RV), no single residential building type shall exceed 85% of the residential building types in the district.

Single Family Detached, Single Family Attached and Multifamily	+/- 425 DU's

2. Non-Residential Land Uses:

Commercial, Retail, Office, Light Industrial, Hotel (Inn and/or Condo Hotel)	+/- 250,000 SF

3. Marina:

Boat Slips *(with 10 slips to be provided for public use)*	+/-225 Slip Marina
Large vessel portage dock adjacent to hotel	+/-600 LF
Existing Pier *(existing dock at end of London Ave may remain)*	+/-600 Existing LF

4. Parks and Open Space:

Paris Avenue Civic Open Space	+/-1.0 AC
London Avenue Civic Open Space	+/- 9.8 AC
Pedestrian Waterfront Boardwalk/Promenade/Trail	+/- 2.9 AC
Plus Additional Pedestrian Easements, Landscape Areas and Open Spaces at 5% of Remaining Upland Area at	+/- 2.04 AC

5. Dwelling Unit Conversions:

   Total dwelling units and upland densities listed in this development summary, and subsequent sections, establish the base densities from which land use conversions will be applied as outlined in Article 3.5.6. Notwithstanding conversion, residential density is capped at a maximum of 10 units per acre averaged within the PUD.

Commercial density will be a minimum of 130, 000 square feet within the PUD.

B. Ribaut Neighborhood

Total Upland Acreage: +/ 3.66 AC

1. Land Use:
   See Table 2.0 Permitted Land Use Matrix for permitted land uses.

2 Parks and Open Space:
Plus Additional Pedestrian Easements, Landscape Areas and Open Spaces at 5% of Remaining Upland Area at +/-0.18 AC

C. Bluff Neighborhood
Total Upland Acreage: +/- 15.50 Ac

1. Land Use:
   See Table 2.0 Permitted Land Use Matrix for permitted land uses.

2 Parks and Open Space:
Pedestrian Easements, Landscape Areas and Open Spaces at 5% of Remaining Upland Area at +/- 0.78 AC

D. Marina Village
Total Upland Acreage: +/- 6.80 AC

1. Land Use:
   See Table 2.0 Permitted Land Use Matrix for permitted land uses.

2. Parks and Open Space:
Pedestrian Easements, Landscape Areas and Open Spaces at 5% of Remaining Upland Area at +/- 0.34 AC

E. Port Village
Total Upland Acreage: +/- 25.64 AC

1. Land Use:
   See Table 2.0 Permitted Land Use Matrix for permitted land uses.

2 Parks and Open Space:
London Avenue Neighborhood Civic Open Space +/- 9.8 AC
Paris Avenue Civic Open Space: +/- 1.0 AC
Plus Additional Pedestrian Easements, Landscape Areas and Open Spaces at 5% of Remaining Upland Area at +/- 0.74 AC

Sec. 3.5 District Development Standards

The type of development and associated standards required within each district are as follows:

Table 3.0 Zoning Districts

Zoning District	Type of Development Character
RV	Ribaut Mixed Use Village
BN	Residential Mixed Use
MV	Marina Mixed Use Village
PV	Hotel Mixed Use Village
COS	Civic Open Space

3.5.1 Ribaut Village (RV) Development Standards:

a. Building Heights: A variety of building heights can occur within a block and the height limits shall be as follows:
1. Two (2) story height limit (2 ½ stories with dormers), not to exceed 48 ft. for single family detached and single family attached.
2. Three (3) story height limit (3 ½ stories with dormers), not to exceed 58 ft. for multi-family condominiums.
3. Four (4) story height limit (4 ½ stories with dormers), not to exceed 58 ft. for condominiums over non-residential.
4. Four (4) story height limit (4 ½ stories with dormers), not to exceed 58 ft. for Hotel.
5. Hotels or other significant buildings may exceed height limits if no taller than 4 ½ stories and if approved by PRDRS. All other applicable definitions and standards under Chapter 15 Article II of the Port Royal Zoning Ordinance shall apply unless otherwise stated within the PUD.

b. All other applicable development standards per the Town of Port Royal's Traditional Town Overlay District, Chapter 15.5 Article II shall apply.

3.5.2 Bluff Neighborhood (BN) Development Standards:

a. Building Heights: (see definition)
A variety of building heights can occur within a block and height limits shall be as follows:

1. Two (2) story limit (2 ½ stories with dormers), not to exceed 38 ft. for single family detached and single family attached.
2. Four (4) story height limit (4 ½ stories with dormers), not to exceed 50 ft. for large home and multi-family condominiums. All other applicable definitions and standards under Chapter 15.5 Article II of the Port Royal Code of Ordnances shall apply unless otherwise stated within the PUD.

b. Lot Standards: Required development standards shall be determined by the type of dwelling unit and or building type proposed. Refer to Chapter 15.5 Article II of the Port Royal Code of Ordinances.

c. All other applicable development standards per the Town of Port Royal's Traditional Town Overlay District, Chapter 15.5 Article II shall apply.

3.5.3 Marina Village (MV) Development Standards:

a. Building Heights: (see definition)

1. Two (2) story height limit (2 ½ stories with dormers), not to exceed 38 ft. for restaurant and light industrial buildings not including dry stack storage.
2. Two (2) to three (3) story height limit (3 ½ stories with dormers) not to exceed 48 ft. measured from grade, for multi-use buildings and dry stack storage.

b. All other applicable development standards per the Town of Port Royal's Traditional Town Overlay District, Chapter 15.5 Article II shall apply.

3.5.4 Port Village (PV) Development Standards:

a. Building Heights: (see definition)
A variety of building heights can occur within a block and the height limits shall be as follows:

1.Two (2) story height limit (2 ½ stories with dormers), not to exceed 38 ft. for single family detached and single family attached.
2. Three (3) story height limit (3 ½ stories with dormers), not to exceed 50 ft. for multi-family condominiums.
3. Four (4) story height limit (4 ½ stories with dormers), not to exceed 50 ft. for condominiums over non-residential.
4. Four (4) story height limit (4 ½ stories with dormers), not to exceed 58 ft. for Hotel.
5. Hotels or other significant buildings may exceed height limits if no taller than 4 ½ stories and if approved by PRDRS. All other applicable definitions and standards under Chapter 15 Article II of the Port Royal Zoning Ordinance shall apply unless otherwise stated within the PUD.

b. Lot Standards: Required development standards shall be determined by the type of dwelling unit or building type proposed unless otherwise stated within the PUD. Refer to Chapter 15 Article II of the Port Royal Zoning Ordinances.

c. Hotel/Motel/Condominium Hotel: Hotel shall include but not be limited to Commercial Housing, Hotel/Motel, and Condominium Hotel.

	Hotel Development Standards:
Lot Widths	Negotiated
Build-to Line locations	Negotiated
Side Setback	Negotiated
Building Frontage	Negotiated
Building Coverage	75 Percent Maximum
Maximum Height	4 Story (4 ½ stories with dormers) not to exceed 58 feet

1. Appurtenances may extend beyond the prescribed height limit with prior PRDRS approval.
2. Hotel buildings shall be sited in locations of particular geometric importance, such as anchoring a major civic open space at the existing pier, or termination of Paris Avenue.

d. All other applicable development standards per the Town of Port Royal's Traditional Town Overlay District, Chapter 15.5, Article II shall apply.

3.5.5 Open Space (OS) Development Standards:

a. Density and Development Program: Within the Port Village and the Bluff Neighborhood, there shall be a total of 10.8 acres dedicated to Civic Open Space. This dedicated land shall be considered a recreation area and be dedicated as follows:

   i. The Port Village shall include the London Avenue Park consisting of +/-9.8 acrea as a park and recreation space. The park may include but is not limited to plazas, fountains, landscape, pavilions, gazebos, shelters, boardwalks/promenades, open lawn for community events, parking, and other recreational facilities. A 0.24 AC parcel located within London Ave Park may be developed as an interpretive museum. The design and elements of the London Avenue Park shall be approved by the PRDRS. Upon substantial completion, this Park shall be conveyed to the Town

   ii. The Port Village shall include a +/-1.0 acre civic open space located at the convergence of Paris Avenue and Battery Creek Avenue between PV1 and PV4 (Paris Avenue Park). The park may include but not be limited to plazas, fountains, landscape, pavilions, gazebos, shelters, boardwalks/promenades and open lawn for community events, parking and other recreational facilities. The design and elements of the Paris Avenue Park shall be approved by the PRDRS. Upon substantial completion, this Park shall be conveyed to the Town.

b. Public Waterfront: There shall be a minimum 20 ft wide waterfront public access located along the edge of Battery Creek as indicated on the Regulating Plan (Pedestrian Waterfront Boardwalk/Promenade/Trail). The Pedestrian Waterfront Boardwalk will be 10 feet wide as it crosses beyond the critical line and runs the length of the front edge of the existing pier. This property may include accessory structures, bike trails, boardwalks, promenades, fishing piers, community docks and sidewalks. Upon substantial completion, the Pedestrian Waterfront Boardwalk/Promenade/Trail shall be conveyed to the Town. At its election, the Town may accept title to portions of the access that may be completed prior to the completion of the entire access.

c. The 2.04 AC of Additional Open Space as required by Sec. 3.4 shall be dedicated for public use or transferred to the Town, at the election of the Town. The design and elements of this Additional Open Space shall be subject to the approval of the PRDRS.

d. The construction and transfers contemplated by subparts (a) and (b) of this Section shall be completed within three (3) years of the effective date of this PUD. If such construction and transfer is not completed within this timeframe, the Town, at its election, may revoke outstanding permits applicable to property subject to this PUD and/or refuse to process any permit, development or subdivision applications for property subject to this PUD until such time as arrangements satisfactory to the Town have been made to assure the completion of construction and consummation of the transfers.

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3.5.6 Commercial and Residential Conversions: Master Developer and Developer shall have the right to (i) convert commercial density into residential density and exceed the base density of units as set forth in section 3.4 as described below.. and (ii) convert residential density into commercial density and exceed the base density of square feet as set forth in section 3.4 plus any residential density allowed below.

The conversion factor shall be an acre for acre exchange. For each acre converted from commercial land to residential land, eight and two tenths (8.2) residential units per upland acre will be assigned to each acre or pro-rated portion thereof being converted, and five thousand (5,000) square feet or pro-rated portion thereof of commercial square feet will be deducted from the maximum commercial square footage permitted under section 3.4. For each acre converted from residential to commercial use, five thousand (5,000) additional square feet of commercial will be assigned to each acre or pro-rated portion thereof being converted and eight and two tenths (8.2) residential units will be deducted from the maximum residential density permitted under section 3.4.
Notwithstanding the foregoing, residential density is capped at a maximum of 10 units per acre averaged within the PUD and commercial density will be a minimum of 130, 000 square feet within the PUD.
All converted uses are subject to the uses outlined in Table 2.0.

ARTICLE 4.0 Use Regulations

The following use standards shall apply to all permitted uses, as set forth in the district regulations of Article 3.0.

Sec. 4.1 Wireless Telecommunications Facilities

All wireless telecommunications facilities shall comply with Section 22-148 of the Zoning Ordinance. In addition, the following criteria shall also apply:

a. All wireless facilities, including ground equipment, shall be of stealth design.

b. Within MV and PV, a wireless facility shall be incorporated into the architecture of building within the district containing a use or uses other than equipment supporting the telecommunications facility.

Sec. 4.2 Accessory Dwelling

Accessory dwellings shall be limited to one for each principal Single Family Detached dwelling. An accessory dwelling shall not be included in the density calculation.

Sec. 4.3 Marina

4.3.1 Criteria for Creation of a Marina:

The following criteria shall apply to the creation of a marina in any district.

a. General Standards

i. A new marina facility may be constructed with up to 225 slips and may generally be placed in Battery Creek from 11th street to 6 ½ street; provided however, it shall not impede navigation to the existing dock at 11th street in front of Dockside Restaurant and will comply with existing USACE and OCRM Permit Conditions. Within the marina, the developer will maintain 10 slips for public use at a location to be determined at his sole discretion. The existing pier #601 may remain and an additional 600 LF of large boat dockage may be added as allowed by the regulations set forth by the applicable governing agencies. All necessary reviews and permits shall be the responsibility of the marina and/or dock developer.

ii. Parking requirements for the Marina shall be one (1) space per five (5) slips which can be a part of an overall shared parking plan much of which could be placed as either on street perpendicular or parallel parking on Battery Creek Avenue and other streets.

iii. Marina and associated uses could be located in either the Port Village or the Marina Village and could include full service marina operations, fuel sales, a marina store, and other associated marina support facilities and activities.

iv. In 5 years, if the drystack marina building is not improved aesthetically, or if its use is abandoned, the building will be removed. (See 3.3.1)

ARTICLE 5.0 Community General Development Requirements

Sec. 5.1 General

The standards in this section are intended to apply to all development, except as expressly set forth below. These standards supplement those found elsewhere in the Town of Port Royal Code of Ordinances. Where there is a conflict in regulations, the standards of this PUD shall apply.

Sec. 5.2 Subdivision Plats, Site Plans, Architecture and Street Section Review.

5.2.1 Subdivision Plats. All subdivision of land shall comply with the Town of Port Royal Code of Ordinances. No subdivision of a tract shall be allowed until a Master Plan for such tract has been approved by PRDRS and applicable departments and agencies.

5.2.2 Site Development Plans. A Master Plan for a tract shall have been approved by the Town Staff and/or applicable departments and agencies prior to submittal of a general site development plan.

5.2.3 Architecture Review. Building elevations and massing are subject to approval by PRDRS.

5.2.4 Street Sections: Street sections for each street within the PUD shall be submitted for review and approval by PRDRS.

Sec. 5.3 Open Space

The PUD shall not have less than five (5) percent community open space in addition to the civic open spaces. Community open space includes greenways, sidewalks, riverfront boardwalks/promenades, parks, wetlands and wetland buffers, landscape areas, pier, storm water drainage areas, and shall be based on net upland acreage minus civic open spaces.

5.3.1 Ribaut Village Standards

Open space shall be provided as follows:

a. A total of 5% of net upland acres.

5.3.2 Bluff Neighborhood Standards

Open space shall be provided as follows:

a. A total of 5% of net upland acres.

b. A public connection from 13th Street to Ribaut Road along Battery Creek Avenue (See Regulating Plan)

c. Fishing Piers and Community Docks, up to two, are allowed within this district, and shall require the appropriate review and approvals of the applicable governing agencies prior to construction.

5.3.3 Marina Village Standards

Open space shall be provided as follows:

a. A total of 5% of net upland acres.

b. A deeded waterfront public walkway shall be extended from the Bluff Neighborhood to the Port Village along and paralleling Battery Creek. If there is a conflict between any future dry stack storage/marina facility and the promenade, the developer shall be responsible for adequate resolution of conflicts between pedestrians and marina functions.

5.3.4 Port Village Standards

Open Space shall be provided as follows:

a. A total of 5% of net upland acres.

b. A deeded waterfront public walkway/promenade shall extend from the Marina Village to the London Avenue Park and connect to the Sands area beach access boardwalk.

Sec. 5.4 Streetscapes, Landscaping and Tree Preservation

5.4.1 General Requirements. Streetscapes shall include the planting of trees and shrubs at entries, intersections and focal points. Within the Right-of-Way, minimum 5' wide sidewalks on both sides of the street shall be provided with a minimum 6' wide tree lawn in Residential areas. Within residential districts, street trees shall have an average spacing of 50 feet on center on both sides of the road and within the tree lawn area. Lanes and alleys shall be exempt from this requirement. All required canopy trees (hardwoods) shall be a minimum of 10 feet tall with a minimum 2½" caliper. Where possible, drought resistant plant materials are encouraged.

5.4.2 Port Village Guidelines.

a. Street trees shall average 50' on center along both sides of all roads within the Port Village. Lanes and alleys may be considered for exemption with prior PRDRS approval.
b. Landscaping plans for open spaces and parks shall be submitted to and approved by PRDRS.

5.4.3 General Landscape Guidelines. There shall be a conscious intent to preserve existing trees where practical. Concept landscape plans submitted for review shall include the size, species and location of all new plantings, existing trees to be saved, and all grasses and mulched areas. All commercial landscapes and neighborhood entries are to be irrigated and landscaped for approval by PRDRS. Landscape designs are to address three main concerns: (1) they must be complementary to the architectural style of the building or entry, (2) they must screen all service, utility and equipment areas and, (3) they must provide shade for and screening of parking areas. Plant material is encouraged to be native to the region.

Sec. 5.5 Service Areas and Loading Docks.

5.5.1 Location. Refuse areas, storage, loading and truck parking shall be located so as to minimize visibility from streets, sidewalks and leisure trails. Loading docks shall be limited to commercial parcels and village parcels. Location and aesthetic treatment shall require PRDRS approval.

5.5.2 Screening. All exterior trash receptacles shall be screened from public view on three sides and on the fourth side by a gate that screens the receptacles from view. The enclosure and gate should be made of materials compatible to that of the primary structure.

5.5.3 Loading Docks. Loading docks and truck parking shall be screened from public view using building mass, screen walls and/or landscaping.

Sec. 5.6 Utilities and Utility Screening

5.6.1 Location. The following utilities shall be located underground to the extent possible: potable water supply, distribution systems and backflow preventers; wastewater collection, treatment, and disposal; irrigation, power, cable television, telephone, broadband multi-use transmission; and other utility services. Temporary overhead power lines shall be allowed during construction.

Sec. 5.7 Streets and Traffic Impact

5.7.1 Road and Street Design Standards. All roads and streets shall be public and constructed to all applicable standards except where otherwise modified herein.

a. Modifications. A modification to Town standards not identified herein shall require the approval of the Town Engineer and/or PRDRS.

b. Road and Street Pattern. All streets shall be in a grid or broken grid pattern and alleys shall be encouraged.

c. Cross Sections. Typical street sections for the new avenue depicted on the Regulating Plan running generally from Ribaut Road through the length of the property are shown on Exhibit I.

5.7.2 Vehicular Access Points. Vehicular access points on primary roads shall be determined at the time of Master Plan submittal for individual tracts. The following criteria shall apply:

a. Access points shall be planned to minimize the number of intersections while providing adequate ingress and egress.

b. Access points shall be planned so that centerlines align with the access point on the opposite side of the road where possible, to form a four-way perpendicular intersection

Sec. 5.8 Sidewalks and Pedestrian Leisure Trails

5.8.1 General Requirements. All tracts within the PUD shall be linked by a system of pedestrian sidewalks. The use of pervious paving is encouraged where appropriate.

a. Residential Standards.

i. Residential neighborhoods shall be required to have sidewalks (5' min. width) along both sides of all streets with a minimum 6 foot wide tree lawn between the sidewalk and back of curb. The sidewalk system shall link to the community open space system, public waterfront and adjacent streets and sidewalks.

b. Mixed Use Village Standards.

i. Entry plazas will be along the entire front of all buildings. Entry plazas shall consist of both paving and landscape.

ii. All buildings in Mixed Use Villages shall meet the following criteria:

a. Sidewalk widths shall be as follows: 10' wide (minimum and including tree openings in approved locations) along the storefronts of retail shops and restaurants; 5' wide for pedestrian connections from shops/restaurants to parking areas; and 5' wide sidewalks adjacent to streets, with 6 foot tree planting areas.

b. Whenever sidewalks cross drives, a highly visible crosswalk is required. The crosswalk shall utilize materials that provide strong contrasts with the vehicular surface and may be set apart by concrete in asphalt, pavers, or other approved materials.

c. Sidewalks or sidewalk connections shall tie to the community wide open space, public waterfront easement and adjacent streets and sidewalks.

c. Cross Sections of Pedestrian Waterfront Boardwalk/Promenade/Trail.

Typical cross section of the Pedestrian Boardwalk/Promenade/Trail are shown on Exhibit I.

Sec. 5.9 Parking

5.9.1 General Standards. All parking shall comply with Sec 15.5-30 of the Traditional Town Overlay District unless otherwise identified herein.

5.9.2 Location. In non-residential areas, no parking area or structure shall be allowed within a required buffer or setback.

5.9.3 Parking Spaces Required by Type of Development

a. Table 4.0 Residential

Type of Dwelling Unit	No. of Off-street Spaces Required per Type of Dwelling Unit
Single family detached and attached	2.0
Accessory Dwelling	1.0
Multi-Family Studio	1.0
Multi-Family One-bedroom	1.25
Multi-Family Two-bedrooms	1.50
Multi-Family Three or more bedrooms	1.75

b. Table 4.1 Villages

i. The requirements of the Town of Port Royal's Code of Ordinances shall apply with the following exceptions:

ii.

Type of Dwelling Unit	No. of Off-street Spaces Required Per Type of Dwelling Unit
Single family attached and detached	2.0
Accessory Dwelling	1.0
Dwelling above Commercial or: Multi-Family (Studio)	1.0
Multi-Family (One-bedroom)	1.25
Multi-Family (Two-bedrooms)	1.50
Multi-Family (Three or more bedrooms)	1.75

iii For non-residential uses there shall be no more than 3 spaces per 1000 square feet and no less than 1 space per 1000 square feet

iv A 5% reduction in the total number of required parking spaces may be allowed with approval by the PRDRS when a building is used or occupied by two or more uses which typically do not experience peak parking demands at the same time.

v. A reduction greater than 5% requires shared parking analysis based on the guidelines of Shared Parking, Second Edition, Mary S. Smith, Urban Land Institute, 2005 and must receive approval by PRDRS.

vi. Parking lots shall be located behind buildings or within the interior of a block whenever possible. Parking under residential condominium buildings within the Ribaut Village (RV) Bluff Neighborhood (BN) and the Port Village (PV) is allowed. Parking under multi-use buildings behind non-residential street frontage is allowed within the Port Village (PV).

vii. Parking island dimensions shall be in accordance with the Section 15.5-30.

viii. Parking areas located along primary routes of travel shall be screened from adjacent roads and sidewalks.

ix. On-street parking will be provided where possible in accordance with the Town of Port Royal Code of Ordinances and may be used to supplement off-street parking requirements with approval by the PRDRS.

Sec. 5.10 Lighting

5.10.1 Lighting by Type of Development.

Street lights, including posts and fixtures, can vary to work aesthetically with the neighborhood theme and signage program, but shall require approval from the PRDRS. Full cut-off fixtures shall be encouraged.

Sec. 5.11 Signage

Refer to Article II Traditional Town Overlay District General Provisions for approved signage ordinances and references to Chapter 22 Article V.

ARTICLE 6.0 Definitions.

Sec. 6.1 General

Where this section specifies a defined term that includes the phrase, “any similar use,” such interpretation shall be made by the Zoning Administrator. The definitions herein pertain only to the PUD. Definitions included within the Zoning Ordinance but not herein shall also apply.

Sec. 6.2 Defined Terms

1. **Accessory Dwelling:** A building that is subordinate to and attached or detached from the principal dwelling. The accessory dwelling shall be no more than 30% of the principal dwelling unit gross square feet or 900 gross square feet, whichever is less. Manufactured/mobile housing units, shipping containers, and recreational vehicles are not accessory dwellings.

2. **Accessory Structure:** A detached building or structure which is subordinate to the principal building/facility on a lot and used for a purpose customarily incidental to the principal use, including but not limited to garages, greenhouses, swimming pools, tennis courts, cable satellite antenna or other non-commercial radio transmitting/receiving antenna. Manufactured/mobile housing units, shipping containers, and recreational vehicles are not accessory structures.

3. **Accessory Use:** An incidental and subordinate use that is customarily associated with the principal use of the lot or building located on the same lot as the principal use.

4. **Amusement or Recreation Activities (carried on wholly in a building):** Establishments offering amusement or recreational activities for families or groups such as roller skating, video arcades and the like. No amusement or recreation activities shall be permitted outside of the building.

5. **Animal Hospital, Veterinary Clinic, Grooming (no boarding):** A veterinary clinic ran by a licensed veterinarian. No animal boarding shall be allowed

6. **Antique Shop:** Establishments offering the sale of antiques. All products for sale must be located within the principle building.

7. **Studio and/or Gallery:** A studio that may offer education in or be used for the creation and/or sale of works of art.

8. **Assisted Living Unit (Care Home):** A rest home, nursing home, convalescent home, boarding home for the aged or similar use established to render domiciliary care for chronic or convalescent patients, but not including facilities for the care of patients with mental illness or alcohol or drug addiction.

9. **Auto Parking Lot or Garage (no gas):** A secured area or structure used for the commercial operation of long or short term auto parking and/or storage.

10. **Auto Service Station (minor repairs allowed):** A building in which the business of general motor vehicle repair and service is conducted, but excluding a junk or auto wrecking business.

11. **Banks and Offices:** Establishments associated with banking both walk in and/or drive up and office space for use by business and/or professional services, consultants, agents, and the like.

12. **Bicycle Shop and or Sporting Goods:** Establishments associated with the sale and repair of bicycles and sporting goods. All bicycle or sporting goods display and repair must be carried on wholly in a building.

13. **Block:** A division or parcel of land entirely surrounded by rights of ways, natural features or dedicated open space**.**

14. **Book and/or Stationary Store:** Establishments associated with the sale and/or rental of new and used books, stationary and other sundry products. Associated uses within the store may include coffee bars.

15. **Build to Line:** A prescribed location to which a building's façade must be placed.

16. **Building Height:** Building height shall be measured using the average grade of the site. The height of a building shall be measured to:
    a. The average height level between the eaves and ridge line of a gable, shed, hip or gambrel roof;
    b. The highest point of a mansard roof; or
    c. The highest point of the coping of a flat roof.

17. **Ceramic Studio and/or Shop:** Establishments offering training, lessons, and sales of ceramic ornaments for painting and firing.

18. **Child Care Center:** A building and an outdoor area designed or altered and used for the care and instruction of two or more children (excluding members of the family occupying the premises) for any part of any day and operated on a regular basis

19. **Clothing Stores and Dry Goods:** Establishments offering the sale of clothing, dry goods and accessories.

20. **Churches and Places of Worship:** A building used for the primary purpose of religious worship.

21. **Club or Lodge:** An incorporated or unincorporated association of civic, social, cultural, religious, literary, political, and recreational or like activities, but not including shooting clubs operated for the benefit of their members and not open to the general public.

22. **Commercial Wireless Communication Towers and Facilities:** [Reserved.]

23. **Community Recreation:** Any premise (private or public) where the principle use is the provision of outdoor recreation such as athletic facilities, sports, and games.

24. **Civic Open Space:** An area that provides public gathering space and includes open space (plazas, parks) for social activity.

25. **Craft Shops:** Establishment associated with the sale and/or instruction of crafts and hobbies such as sewing, stamping, model building and the like.

26. **Convenience Store:** Establishment associated with the sale of convenience goods such as soft drinks, beer, water, chips, candy, gum and the like.

27. **Cruise Ship:** Cruise Ship shall mean a deep sea worthy vessel with overnight accommodations for more than one hundred – fifty (150) passengers. Cruise Ships do not include tour boats, water taxis, car ferries, or marine cargo vessels.

28. **Dwelling:** One or more rooms designed as a unit, including a kitchen, bathroom and sleeping area, to provide complete housekeeping facilities for one family.

29. **Dwelling, Above Commercial:** A single family dwelling that is located above a commercial property and contains its own separate entry.

30. **Dwelling, Detached:** A dwelling which does not share party or lot-line walls with any adjacent building.

31. **Dwelling, Multi-Family:** A building with multiple dwelling units. Units may have either private or shared access. Units may be arranged in a variety of configurations including back to back, side to side, vertical or any combination thereof.

32. **Dwelling, Single Family Attached:** A building containing attached dwellings, each of which are located on a fee simple lot and have their own private entrance.

33. **Dwelling, Single Family Detached:** A stand-alone building containing only one dwelling unit.

34. **Eleemosynary or Philanthropic Institutions:** A not-for-profit organization that provides a variety of services to its members or the community but does not provide sleeping accommodations or daily meals. Institutions included under this definition are those which promote the safety, health, and general welfare of the community.

35. **Electronic Sales and Service Stores:** Establishments offering the sale and or service of electronic equipment and devices.

36. **Evergreen Buffer Hedge:** A grouping of evergreen shrubs planted in close proximity to one another in order to provide a barrier or screen.

37. **Facilities for Fishing, Boating and Swimming:** Establishments offering the use of fishing, boating and/or swimming equipment and faculties. The facilities may be either indoor or outdoor and may be either for profit or non-profit.

38. **Florist Shops:** Establishments offering the sale and delivery of ornamental flowers, wreaths, plants and garden ornaments.

39. **Food Stores and Drug Stores:** Grocery stores offering the sale of general groceries, bakery goods, delicatessen goods, floral goods, photo shops and the like. Drug store may be within the food store or separate. Drug stores/pharmacy are a building or part of a building used or intended to be used for the specific purpose of preparing, compounding and dispensing medicines, medications and personal hygienic needs. The drug store shall be allowed to have drive up facilities.

40. **Funeral Homes:** Establishments offering assistance and sales of materials associated with funerals excluding crematories.

41. **Grocery, Confectionary, Bakery, Pastry Shop and Similar Neighborhood Facilities:** Neighborhood scale, boutique style shops offering the sale of specialty groceries, confections, bakery goods, and the like.

42. **Hobby and Toy Stores**: Establishments offering the sale of hobby, craft, toys, and games. The establishments may offer craft and or hobby related classes.

43. **Home Furnishing and/or Hardware Stores:** Establishments offering the sale of new or used furniture, hardware goods, power tools and interior home improvement materials.

44. **Care Homes:** Any institution receiving inpatients or a public institution receiving outpatients and authorized under state law to render medical, surgical or obstetrical care.

45. **Hotel, Motel:** A lodging establishment consisting of one or more attached or detached buildings containing more than 15 bedrooms or suites to transient guests. No extended stay facilities will be allowed. Ancillary (accessory use) uses may include restaurants, newsstands, gift shops, snack bars or lounges catering primarily to guests, meeting or conference facilities within or adjacent to the primary building, but designed to cater primarily to guests of the facility, and service facilities.

46. **Inn:** This designation is for establishments providing for an Inn with short term occupancy, including but not limited to, hotels, motels, bed and breakfast inns, inns and apartment accommodations up to 15 rooms. Ancillary (accessory use) uses may include restaurants, newsstands, gift shops, snack bars or lounges catering primarily to guests, meeting or conference facilities within or adjacent to the primary building, but designed to cater primarily to guests of the facility, and service facilities. Additional accessory uses may include campgrounds and recreation and vacation camps, parking lots, swimming pools, tennis courts, playgrounds, laundry rooms and the like designed to serve guests of the establishment.

47. **Institutional:**
    - Education establishments providing for mental development and enlightenment of the individual, including universities and colleges, kindergartens, primary and secondary schools, music, dance, craft and art schools, business and other specialized training schools.
    - Cultural and arts establishments providing for the mental development and enlightenment of the individual and the development of the display and the performing arts, including museums, libraries, art galleries when non-profit and rehearsal and administrative activities associated with orchestral, choral, opera, ballet, dance, theatrical and other performing arts, but not including theaters or other structures and their associated activities when operated as commercial establishments; also including private and semi-private clubs, lodges, union halls, social centers, and similar establishments.
    - Religion establishments providing for religious services and development, including churches, temples, synagogues, and educational buildings.

48. **Interior Decorating Business:** Professional consulting firm associated with the design and sales of home, office, club and the like interior decorating.

49. **Jewelry Stores**: Establishments associated with the sale and or service of new and used jewelry and other fine gifts.

50. **Laundromats/Dry Cleaning:** Establishments offering the use of on premise washing

and drying machines. Ancillary uses may include the sale of laundry goods, beverages and other convenience items associated with the permitted use.

51. **Leather Goods and Luggage Stores:** Establishments offering for sale of luggage and or leather good items such as belts, purses and baggage, and other clothing items.

52. **Limited Use Retail Shop:** Establishments offering limited use retail items such as specialty products which are not produced or manufactured on the premises and are limited to or associated with a single product line of merchandise directed to a specific consumer market. Includes pet stores, specialty food stores, bicycle shops, personal micro and/or mini computer sales or similar uses does not include the sale, service or repair of motorized vehicles, including automotive parts, repair or service stores, tire shops, gasoline sales, package stores or similar uses nor any outdoor display or storage of materials, supplies or products.

53. **Marina:** A dock or basin (public and or private) providing secure moorings for pleasure boats and may offer supply, repair and other facilities.

54. **Marine and Fishing Supply Store:** Establishments offering the sale of marine and fishing related items. Service can be allowed if within the building the establishment occupies. Live Bait may be allowed with required permits and regulations followed.

55. **Master Developer:** The Port Royal Redevelopment Group, LLC or a successor or assignee thereof that is approved in writing by the Town.

56. **Minor Developer:** A developer who owns only one tract within the PUD.

57. **Mixed Use Residential:** A building designed to accommodate a mix of conforming residential and nonresidential uses consisting of retail sales, personal services or offices.

58. **Model Homes/Sales Center:** This designation allows for the model homes and office/administrative facilities (including temporary trailer facilities) that shall be considered an accessory use associated with the primary sales of onsite residential lots and homes within the Port Royal PUD. 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.

59. **Music Stores**: Establishments offering for sale music new or used and other related items. Associated uses within the store may include coffee bars and cafes.

60. **Museums and Libraries:** an institution (public and or private) devoted to the procurement, care, study and display of objects. Associated uses may occur such as coffee bars and gift shops within the square footage of the establishment.

61. **Newsstand:** Establishments offering newspapers and periodicals for sale.

62. **Office, General:** A facility generally focusing on business, government, professional or financial services.

63. **Office, Medical:** A medical facility in which a doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medial provider treats or counsels patients.

64. **Office, Professional:** Offices of recognized professions, including accountants, architects, dentists, doctors, engineers, lawyers, or other related occupations which are located in the same structure.

65. **Photography stores and Photographic Studios:** Establishments offering the professional services of photography sessions and or developing and sales of photographic equipment.

66. **Post Office:** Office established by United States Postal Service.

67. **Private or Parochial Schools:** Schools run privately or by a religious organization. Tuition payments are generally required for students to attend. Accessory uses may include ball fields, playgrounds, stadiums and the like.

68. **Public Parking:** Parking either on street or off street provided for the public.

69. **Public Schools:** Education facilities provided by local government for use by the general public.

70. **Public Use:** Buildings, structures and uses of land operated by a government unit or government agency, including but not restricted to public schools, fire stations, recreation sites and facilities and public utilities.

71. **Public Uses:** Uses of a public or government nature, including, but not restricted to, fire and police stations, and public park and recreational facilities.

72. **Public Utilities (subject to proof of need):** As used in this chapter, a public utility shall only be defined to include pipelines, power transmission lines, telephone and telegraph lines, railroad tracks but not a railroad yard, and such related public utility structure or station necessary for the installation and maintenance of utility services.

73. **Recreational Vehicle and Boat Storage (subject to screening requirements):** Areas or structures used for long term storage of recreational vehicles or boats. Security fencing with opaque landscape screening is required.

74. **Restaurants (alcohol service allowed):** An establishment in which customers purchase meals and/or beverages.

75. **Salon and Health Spa:** An establishment, which can provide hairdressing, facials, manicures and other related items as allowed within town and state regulations.

76. **Shrub:** A woody and fibrous perennial plant of small stature having multiple permanent stems and displaying an upright growth habit.

77. **Tailor Shop:** Establishment offering the alteration, repair and custom making of clothing.

78. **Theater (other than Drive-in):** An establishment for dramatic performances or for showing motion pictures.

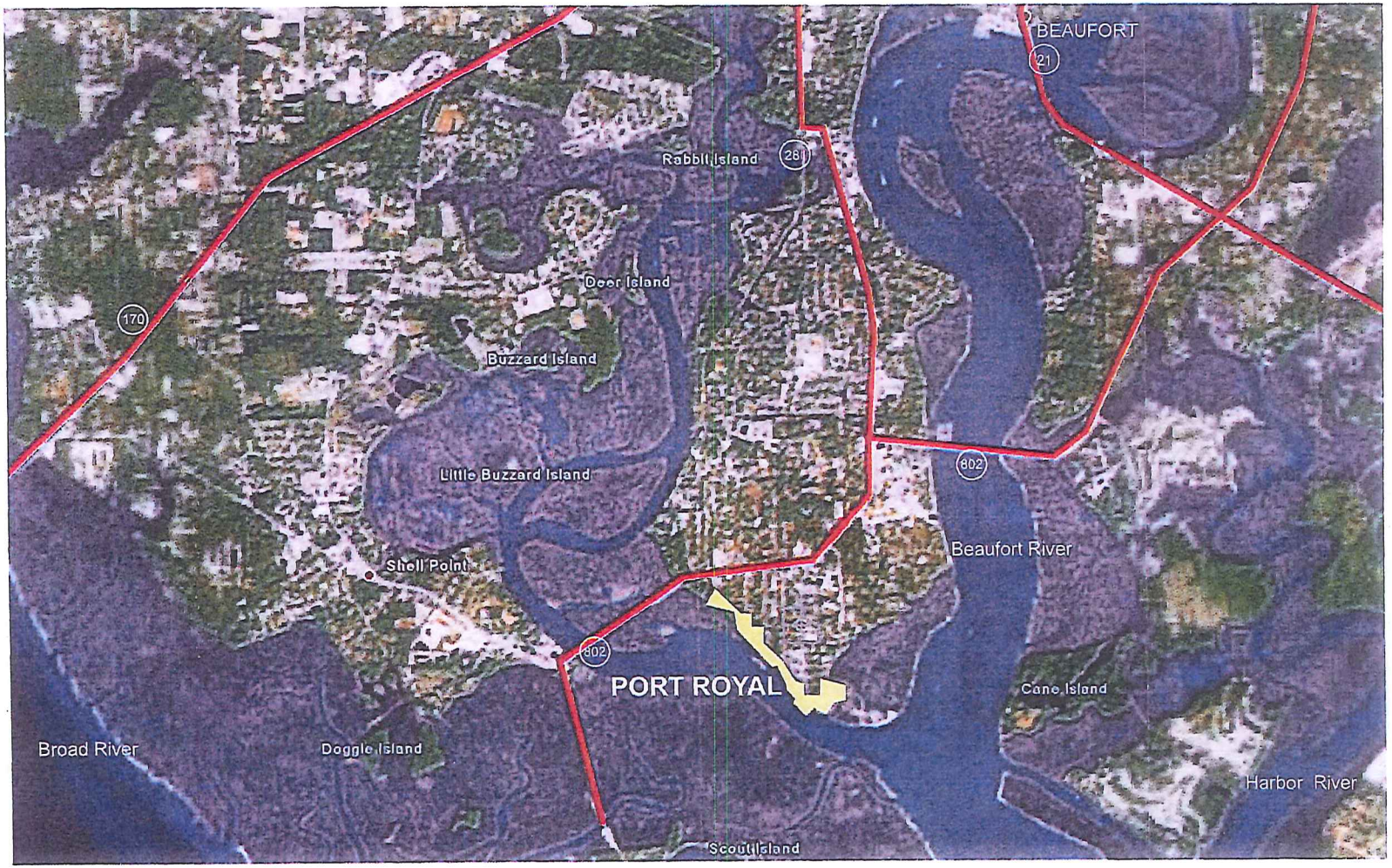
79. **Travel Agency**: An establishment engaged in selling and arranging transportation, accommodations, tours, and trips for travelers.

80. **Utility Corral:** An area consisting of a cluster or grouping of above ground utility components such as but not limited to transformers, backflow preventions, utility

boxes or large pieces of mechanical equipment.

81. Village: An area that allows retail sites, personal services, office use, public use, and residential uses. Uniform site development standards shall be applied throughout the village.

Exhibit A
Port Royal Vicinity Map



Prepared For:
SOUTH CAROLINA STATE PORTS AUTHORITY

VICINITY MAP

SC SPA PORT OF PORT ROYAL, PLANNED UNIT DEVELOPMENT

September 25, 2006

LSaP Architects | Robert Charles Lesser & Co., LLC | Moser Design Group | Thomas & Hutton Engineering Co. | SRS Engineering, LLC

Prepared By:
Wood+Partners Inc.
Landscape Architects
Land Planners

Exhibit B
Letters of Intent to Serve

September 9, 2006

Cindy Ackerman
Sprint
P. O. Box 1659
Beaufort, SC 29901

RE: Port Royal SPA Terminal PUD
J-17652.300

Dear name,

The subject property was the SPA Terminal located within Port Royal, South Carolina. We will be submitting a planned unit development (PUD) for this site to the planning department for their review process. The proposed PUD will be a traditional neighborhood development approximately 50.88 acres to include +/- 500 residential units and +/-84,000 sf of retail/commercial space. As part of the PUD documents that set forth the governing regulations for this property we are required to submit letters of availability and willingness to serve the property from the local utilities.

By way of this letter, I would like to request a letter of availability and willingness to serve this property with phone service. If you have any questions or comments, please contact me.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.

M. L. Jason Brawley

September 9, 2006

Mr. Jeff Coppinger
Public Works
P. O. Drawer 9
Port Royal, SC 29935

RE: Port Royal SPA Terminal PUD
J-17652.300

Dear name,

The subject property was the SPA Terminal located within Port Royal, South Carolina. We will be submitting a planned unit development (PUD) for this site to the planning department for their review process. The proposed PUD will be a traditional neighborhood development approximately 50.88 acres to include +/- 500 residential units and +/-84,000 sf of retail/commercial space. As part of the PUD documents that set forth the governing regulations for this property we are required to submit letters of availability and willingness to serve the property from the local utilities.

By way of this letter, I would like to request a letter of availability and willingness to serve this property with design criteria for road construction and drainage requirements, plan review, and final construction plan approval. If you have any questions or comments, please contact me.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.

M. L. Jason Brawley

September 9, 2006

Paula Bragg
Charter Communications
60 Robert Smalls Parkway
Beaufort, SC 29906

RE: Port Royal SPA Terminal PUD
J-17652.300

Dear name,

The subject property was the SPA Terminal located within Port Royal, South Carolina. We will be submitting a planned unit development (PUD) for this site to the planning department for their review process. The proposed PUD will be a traditional neighborhood development approximately 50.88 acres to include +/- 500 residential units and +/-84,000 sf of retail/commercial space. As part of the PUD documents that set forth the governing regulations for this property we are required to submit letters of availability and willingness to serve the property from the local utilities.

By way of this letter, I would like to request a letter of availability and willingness to serve this property with cable communication service. If you have any questions or comments, please contact me.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.

M. L. Jason Brawley

September 9, 2006

Fire Chief Wendell Wiburn
City of Beaufort Fire Department
135 Ribaut Road
Beaufort, SC 29902

RE: Port Royal SPA Terminal PUD
J-17652.300

Dear name,

The subject property was the SPA Terminal located within Port Royal, South Carolina. We will be submitting a planned unit development (PUD) for this site to the planning department for their review process. The proposed PUD will be a traditional neighborhood development approximately 50.88 acres to include +/- 500 residential units and +/-84,000 sf of retail/commercial space. As part of the PUD documents that set forth the governing regulations for this property we are required to submit letters of availability and willingness to serve the property from the local utilities.

By way of this letter, I would like to request a letter of availability and willingness to serve this property with fire protection services. If you have any questions or comments, please contact me.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.

M. L. Jason Brawley

September 9, 2006

Police Chief Jim Cadien
P. O. Box 576
Port Royal, SC 29935

RE: Port Royal SPA Terminal PUD
J-17652.300

Dear name,

The subject property was the SPA Terminal located within Port Royal, South Carolina. We will be submitting a planned unit development (PUD) for this site to the planning department for their review process. The proposed PUD will be a traditional neighborhood development approximately 50.88 acres to include +/- 500 residential units and +/-84,000 sf of retail/commercial space. As part of the PUD documents that set forth the governing regulations for this property we are required to submit letters of availability and willingness to serve the property from the local utilities.

By way of this letter, I would like to request a letter of availability and willingness to serve this property with police protection services. If you have any questions or comments, please contact me.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.

M. L. Jason Brawley

17652.320

SCE&G
A SCANA COMPANY

Customer Service Engineering - P. O. Box 839, 81 May River Road, Bluffton, SC 29910

September 18, 2006

Mr. M. L. Jason Brawley
Thomas & Hutton Engineering Company
Post Office Box 1522
Mount Pleasant, South Carolina 29465-1522

Re: Port Royal SPA Terminal PUD
J-17652.300

Dear Mr. Brawley:

I am pleased to inform you that South Carolina Electric & Gas Company (SCE&G) will be able to provide electric and gas service to the above referenced development. Electric and gas service can be provided in accordance with SCE&G's General Terms and Conditions, other documents on file with the South Carolina Public Service Commission, and the company's standard operating policies and procedures.

In order to begin the design process for the project, the following information will need to be provided:

1.) **A signed copy of this letter acknowledging its receipt and responsibility for its contents and the contents of its enclosures.**
2.) **Finalized and approved detailed site plan (hard copy and electronic AutoCAD file) showing barricade plan, all "wet" utilities, buffer zones, and any existing or additional easements. These plans must be received by SCE&G at least two months prior to the issuing of electric design and conduit layouts.**
3.) **Approved premise addresses including street names for the development.**
4.) **Copy of Army Corps of Engineers approved wetlands delineation letter including referenced site map, or letter from Army Corps of Engineers stating no wetlands exist on site.**
5.) **Anticipated timeline for each phase of the development.**

For more information or questions, contact me by phone at (843)815-8831 or by email at kackerman@scana.com.

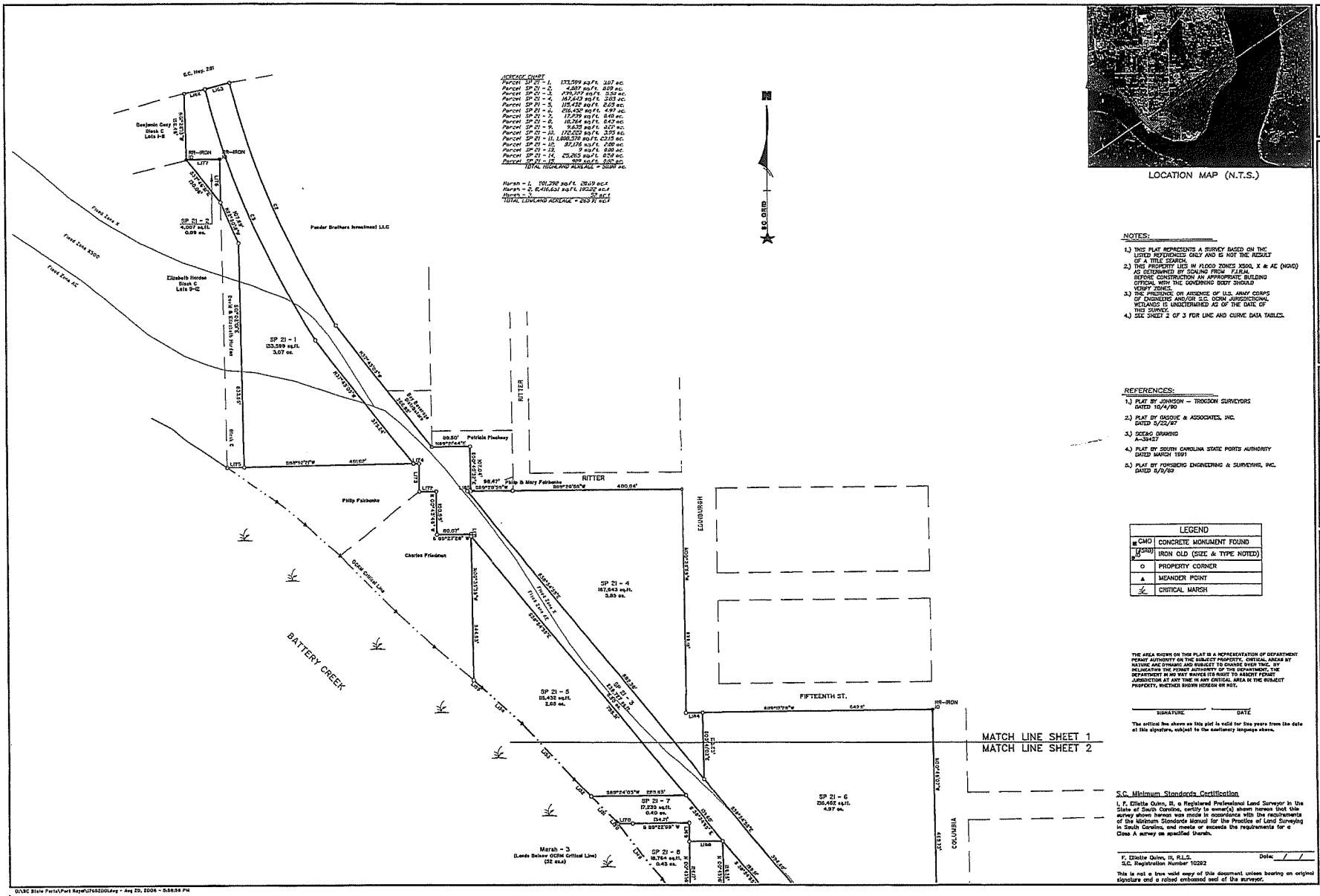
Sincerely,

Kenneth L. Ackerman, III
Account Manager - Projects

AUTHORIZED SIGNATURE: _____ DATE: _____

TITLE: PHONE:

Exhibit C
Boundary Survey



ACREAGE CHART

Parcel SP 21 - 1	133,599 sq.ft.	3.07 ac.
Parcel SP 21 - 2	4,007 sq.ft.	0.09 ac.
Parcel SP 21 - 3	199,277 sq.ft.	3.50 ac.
Parcel SP 21 - 4	187,643 sq.ft.	3.83 ac.
Parcel SP 21 - 5	115,432 sq.ft.	2.65 ac.
Parcel SP 21 - 6	216,452 sq.ft.	4.97 ac.
Parcel SP 21 - 7	17,239 sq.ft.	0.40 ac.
Parcel SP 21 - 8	16,764 sq.ft.	0.42 ac.
Parcel SP 21 - 9	9,635 sq.ft.	0.21 ac.
Parcel SP 21 - 10	172,020 sq.ft.	3.95 ac.
Parcel SP 21 - 11	1,888,376 sq.ft.	0.015 ac.
Parcel SP 21 - 12	87,176 sq.ft.	2.00 ac.
Parcel SP 21 - 13	9 sq.ft.	0.00 ac.
Parcel SP 21 - 14	23,265 sq.ft.	0.54 ac.
Parcel SP 21 - 15	909 sq.ft.	0.02 ac.

TOTAL HIGHLAND ACREAGE = 50.08 ac.

Marsh - 1 701,298 sq.ft. 26.69 ac.±
Marsh - 2 5,416,631 sq.ft. 192.20 ac.±
Marsh - 3 SP 21-6 4.97 ac.±
TOTAL LOWLAND ACREAGE = 223.91 ac.±

LOCATION MAP (N.T.S.)

NOTES:

1.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
2.) THIS PROPERTY LIES IN FLOOD ZONES X500, X & AE (NAVD) AS DETERMINED BY SCALING FROM F.I.R.M. BEFORE CONSTRUCTION AN APPROPRIATE BUILDING OFFICIAL WITH THE GOVERNING BODY SHOULD VERIFY ZONES.
3.) THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS AND/OR S.C. OCRM JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.
4.) SEE SHEET 2 OF 3 FOR LINE AND CURVE DATA TABLES.

REFERENCES:

1.) PLAT BY JOHNSON — TROGDON SURVEYORS DATED 10/4/90
2.) PLAT BY GASQUE & ASSOCIATES, INC. DATED 5/22/97
3.) SCDAG DRAWING A-39427
4.) PLAT BY SOUTH CAROLINA STATE PORTS AUTHORITY DATED MARCH 1991
5.) PLAT BY FORSBERG ENGINEERING & SURVEYING, INC. DATED 8/8/89

LEGEND	
■ CMO	CONCRETE MONUMENT FOUND
○ IRON	IRON OLD (SIZE & TYPE NOTED)
○	PROPERTY CORNER
▲	MEANDER POINT
⚓	CRITICAL MARSH

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY NATURE ARE DYNAMIC AND SUBJECT TO CHANGE. CONSEQUENTLY, DELINEATION SHOWN HEREON IS CURRENT AS OF THE DEPARTMENT, THE DEPARTMENT RESERVES THE RIGHT TO ASSERT ITS PERMIT AUTHORITY JURISDICTION AT ANY TIME IN ANY CRITICAL AREA IN THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

SIGNATURE _____ DATE _____

The critical line shown on this plat is valid for five years from the date of this signature, subject to the continuity language above.

S.C. Minimum Standards Certification

I, F. Elliotte Quinn, III, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.

F. Elliotte Quinn, III, R.L.S. Date: / /
S.C. Registration Number 10292

This is not a true valid copy of this document unless bearing an original signature and a raised embossed seal of the surveyor.

PORT ROYAL
PORT ROYAL
BEAUFORT COUNTY, S.C.

THOMAS & HUTTON ENGINEERING CO.
333 HOUSTON NORTHCUTT BOULEVARD
MOUNT PLEASANT, SC 29464 (843)849-0200
SAVANNAH, GA • MYRTLE BEACH, SC

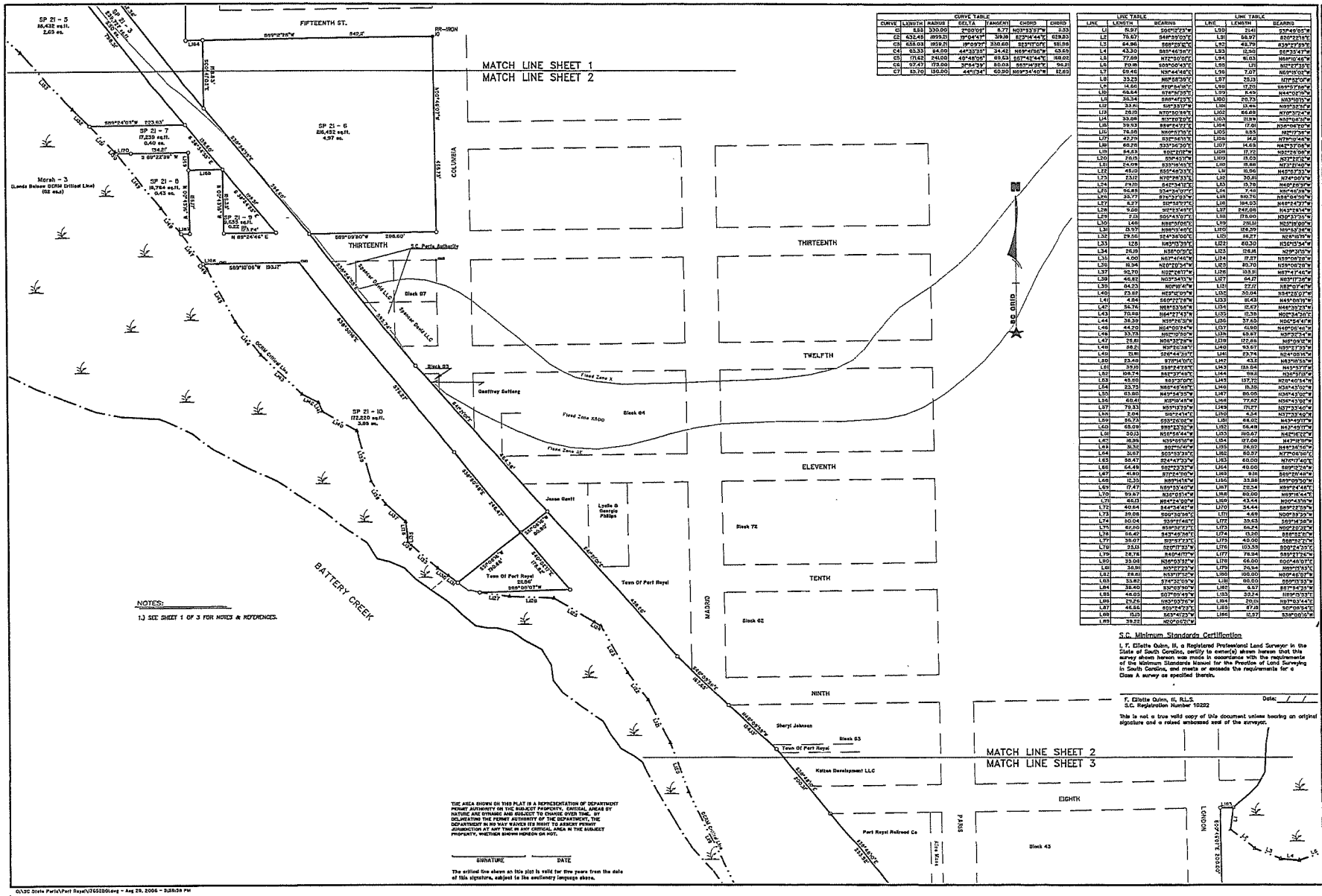
PLAT OF
50.08 ACRES OF HIGHLAND AT
SOUTH CAROLINA STATE
PORTS AUTHORITY
PORT ROYAL

© COPYRIGHT 2005, THOMAS & HUTTON ENGINEERING CO. All rights reserved.

JOB NO: J= 17052
DATE: 05/11/06
DRAWN: JMT
REVIEWED:
CHECKED:
SCALE: 1" = 100'

SHEET 1 OF 3
DRAWING NO: D- 2005

G:\SC State Ports\Port Royal\17052100.dwg - Aug 29, 2006 - 8:58:36 PM



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD
C2	8.53	330.00	2°00'09"	8.77	N03°33'27"W	8.53
C3	432.46	3893.21	6°21'41"	39.01	S27°14'44"E	619.53
C4	638.03	3859.21	9°28'22"	320.60	S23°17'06"E	181.98
C4	63.33	94.00	44°33'35"	34.42	N59°46'06"E	63.60
C5	171.62	240.00	40°48'05"	89.53	S67°41'44"E	168.02
C6	97.47	173.00	3°04'29"	80.05	S57°14'25"E	96.21
C7	53.70	150.00	44°11'34"	60.20	N59°54'40"E	52.83

LINE TABLE		
LINE	LENGTH	BEARING
L1	8.97	S06°11'23"W
L2	78.67	S69°39'03"E
L3	64.96	S68°22'26"E
L4	43.30	S85°46'39"E
L5	77.09	N72°10'09"E
L6	70.81	S05°00'43"E
L7	59.46	N3°44'46"E
L8	33.23	N87°58'39"E
L9	14.60	N70°58'30"E
L10	66.64	S74°19'33"E
L11	36.34	S86°44'23"E
L12	33.81	S09°31'17"W
L13	28.15	N70°20'49"E
L14	33.28	N12°00'30"E
L15	39.93	S89°24'42"E
L16	76.35	N89°07'16"E
L17	47.79	S88°56'13"E
L18	60.28	S35°36'39"E
L19	64.53	S20°23'18"W
L20	78.15	S5°43'1"W
L21	24.09	S35°16'43"E
L22	45.10	S55°46'33"E
L23	23.12	N70°28'33"E
L24	29.10	S42°34'12"E
L25	96.85	S74°36'07"E
L26	33.77	S76°32'03"W
L27	8.27	S09°58'27"E
L28	9.20	S12°53'49"E
L29	7.51	S05°44'07"E
L30	1.66	N89°15'49"E
L31	13.57	N88°13'49"E
L32	29.56	S24°36'00"E
L33	12.6	N13°35'12"E
L34	26.9	N38°09'5"E
L35	4.00	N63°41'46"W
L36	18.34	N20°20'54"E
L37	92.70	N02°26'17"E
L38	46.82	N03°34'13"W
L39	64.03	N0°16'4"W
L40	73.89	N3°2'05"W
L41	4.84	S60°22'28"W
L42	54.74	N24°39'8"W
L43	70.86	N64°27'43"W
L44	38.39	N39°26'3"W
L45	44.20	N24°00'24"W
L46	33.73	N01°10'30"W
L47	25.81	N06°32'28"W
L48	28.2	N32°16'38"E
L49	21.8	S26°44'30"E
L50	23.48	S79°41'00"E
L51	39.10	S39°24'18"E
L52	108.74	S82°27'48"E
L53	45.66	S83°37'00"E
L54	23.73	N88°48'48"E
L55	63.80	N41°54'33"W
L56	60.41	N3°18'41"W
L57	79.33	N35°13'33"W
L58	2.04	S10°24'14"E
L59	56.73	S53°26'06"W
L60	65.09	S88°23'32"W
L61	50.03	N51°58'44"W
L62	18.29	N35°01'6"W
L63	31.32	S0°44'46"W
L64	39.67	S05°53'31"W
L65	38.47	S24°47'33"W
L66	64.49	S82°23'33"W
L67	41.62	S7°24'14"E
L68	12.35	N89°41'6"W
L69	17.47	N59°33'40"W
L70	99.87	N31°01'4"W
L71	86.13	N84°24'00"W
L72	40.64	S44°34'42"W
L73	29.08	S00°38'36"E
L74	30.04	S39°27'46"E
L75	62.60	S34°31'21"E
L76	56.42	S43°49'36"E
L77	39.07	S0°57'23"E
L78	23.0	S0°0'18"E
L79	28.78	S40°41'17"E
L80	35.06	N36°03'33"W
L81	34.8	N5°17'3"W
L82	28.81	N53°17'32"W
L83	33.82	S74°32'05"W
L84	38.40	S30°11'37"W
L85	46.03	S07°09'49"W
L86	25.26	N83°03'26"W
L87	46.56	S03°24'23"E
L88	15.15	S63°41'23"W
L89	39.22	N20°00'01"W

LINE TABLE		
LINE	LENGTH	BEARING
L90	21.41	S2°49'05"W
L91	58.97	S30°23'01"E
L92	48.79	S29°32'39"E
L93	12.90	S0°33'47"W
L94	61.03	N88°10'46"W
L95	1.75	N11°2'30"W
L96	7.07	N65°15'01"W
L97	23.13	N7°52'0"W
L98	17.20	N84°53'19"W
L99	8.45	N44°06'25"W
L100	20.73	N83°10'1"W
L101	13.44	N09°39'3"W
L102	64.68	N79°37'4"W
L103	21.89	N52°16'8"W
L104	17.01	N58°06'0"W
L105	8.53	N8°1'36"W
L106	14.8	N78°10'46"W
L107	14.63	N43°37'06"W
L108	17.72	N21°24'09"W
L109	13.03	N37°25'2"W
L110	13.88	N73°21'40"W
L111	11.56	N42°5'7"W
L112	30.81	N74°09'5"W
L113	13.79	N49°29'3"W
L114	7.16	N56°46'39"W
L115	510.76	N84°24'50"W
L116	184.53	N69°47'27"W
L117	245.08	N43°28'4"W
L118	178.00	N39°37'35"W
L119	291.34	N0°5'46"W
L120	126.29	N9°53'36"W
L121	36.27	N25°09'9"W
L122	80.30	N3°0'54"W
L123	128.16	N7°9'35"W
L124	17.27	N59°08'28"W
L125	80.70	N59°08'28"W
L126	103.31	N87°47'46"W
L127	64.27	N85°17'36"W
L128	27.01	N0°8'47"W
L129	30.04	N34°28'07"W
L130	81.43	N46°09'9"W
L131	21.67	N46°53'23"W
L132	11.38	N0°8'36"W
L133	57.65	N0°5'44"E
L134	41.90	N46°45'46"W
L135	69.67	N3°3'24"W
L136	122.68	N6°09'8"W
L137	93.67	N0°1'7"W
L138	23.74	N24°0'6"W
L139	43.8	N83°9'5"W
L140	135.04	N45°57'7"W
L141	99.8	N36°9'8"W
L142	137.72	N26°48'54"W
L143	18.38	N36°45'0"W
L144	86.05	N36°45'0"W
L145	77.62	N36°45'0"W
L146	171.27	N37°33'40"W
L147	4.54	N37°33'40"W
L148	68.02	N43°49'7"W
L149	56.48	N43°49'7"W
L150	260.67	N42°16'2"W
L151	127.08	N47°16'0"W
L152	26.82	N46°36'0"W
L153	80.57	N72°06'30"E
L154	60.00	N76°0'40"E
L155	40.00	S89°0'28"E
L156	9.96	S89°28'48"E
L157	33.88	S89°09'30"E
L158	20.54	N89°24'48"E
L159	80.06	N89°16'44"E
L160	43.44	N00°43'56"W
L161	34.44	S89°2'59"E
L162	4.88	N0°58'39"W
L163	39.63	S89°14'36"E
L164	64.24	N0°2'30"W
L165	13.20	S88°52'3"E
L166	40.00	S88°52'21"E
L167	103.35	S0°2'4"E
L168	78.34	S89°21'26"E
L169	66.00	S0°46'09"E
L170	76.94	N89°13'51"E
L171	100.00	N0°46'09"E
L172	80.00	S89°13'51"W
L173	6.27	S1°54'31"W
L174	30.24	N89°53'33"E
L175	47.18	N87°43'44"E
L176	47.18	S0°09'5"E
L177	76.34	S38°0'0"W

S.C. Minimum Standards Certification

I, F. Elliotte Quinn, III, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.

F. Elliotte Quinn, III, R.L.S.
S.C. Registration Number 19292

Date: / /

This is not a true valid copy of this document unless bearing an original signature and a raised embossed seal of the surveyor.

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SAVANNAH, GA • MYRTLE BEACH, SC

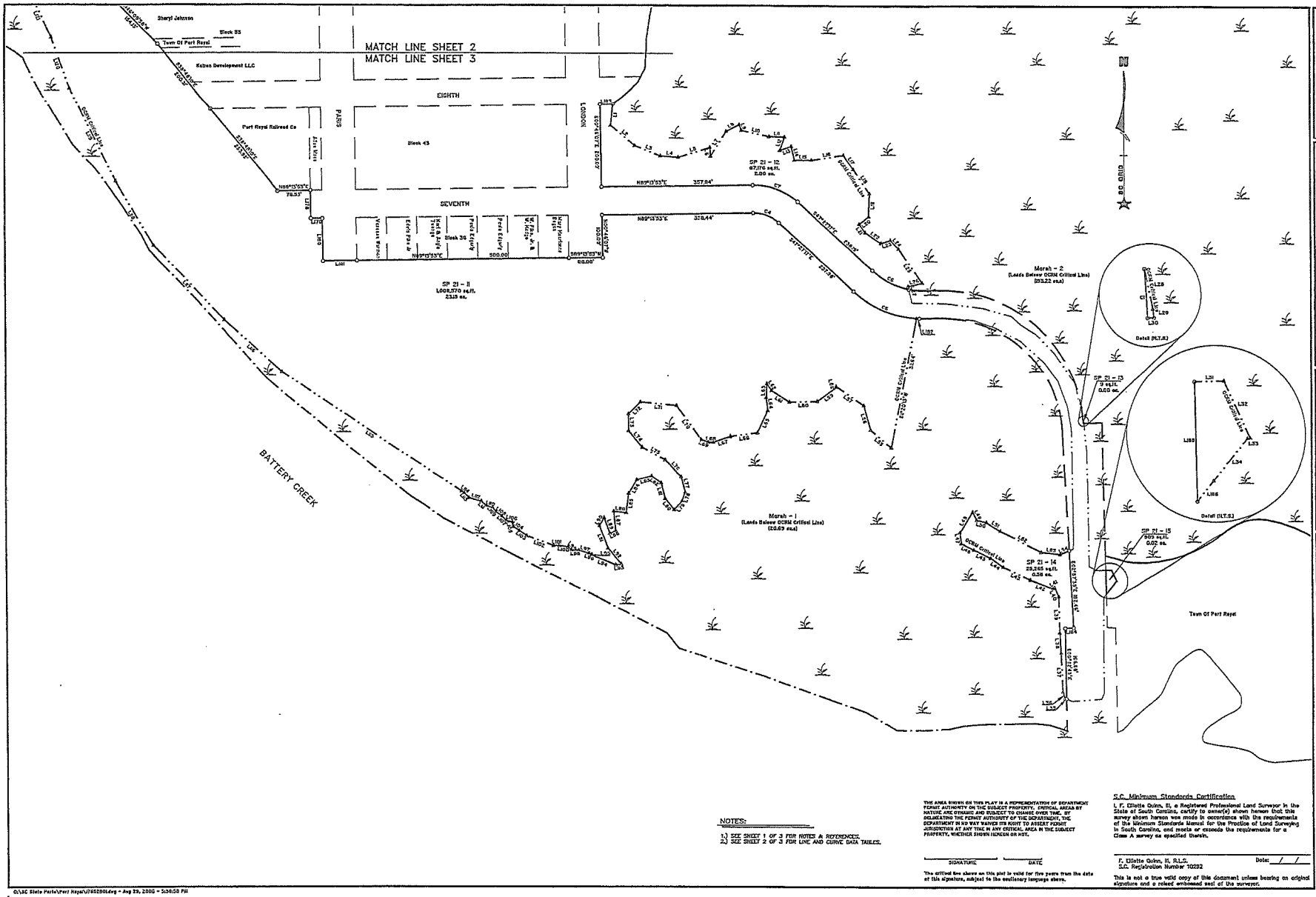
PLAT OF
50.88 ACRES OF HIGHLAND AT
SOUTH CAROLINA STATE
PORTS AUTHORITY
PORT ROYAL

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SCALE: 1" = 100'

SHEET 2 OF 3
DRAWING NO: 0- 2005

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NOTES:

1.) SEE SHEET 1 OF 3 FOR NOTES & REFERENCES.
2.) SEE SHEET 2 OF 3 FOR LINE AND CURVE DATA TABLES.

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA IN THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

SIGNATURE DATE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the conditions language above.

S.C. Minimum Standards Certification

I, F. Elliotte Oakes, II, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.

Date: / /

F. Elliotte Oakes, II, R.L.S.
S.C. Registration Number 10292

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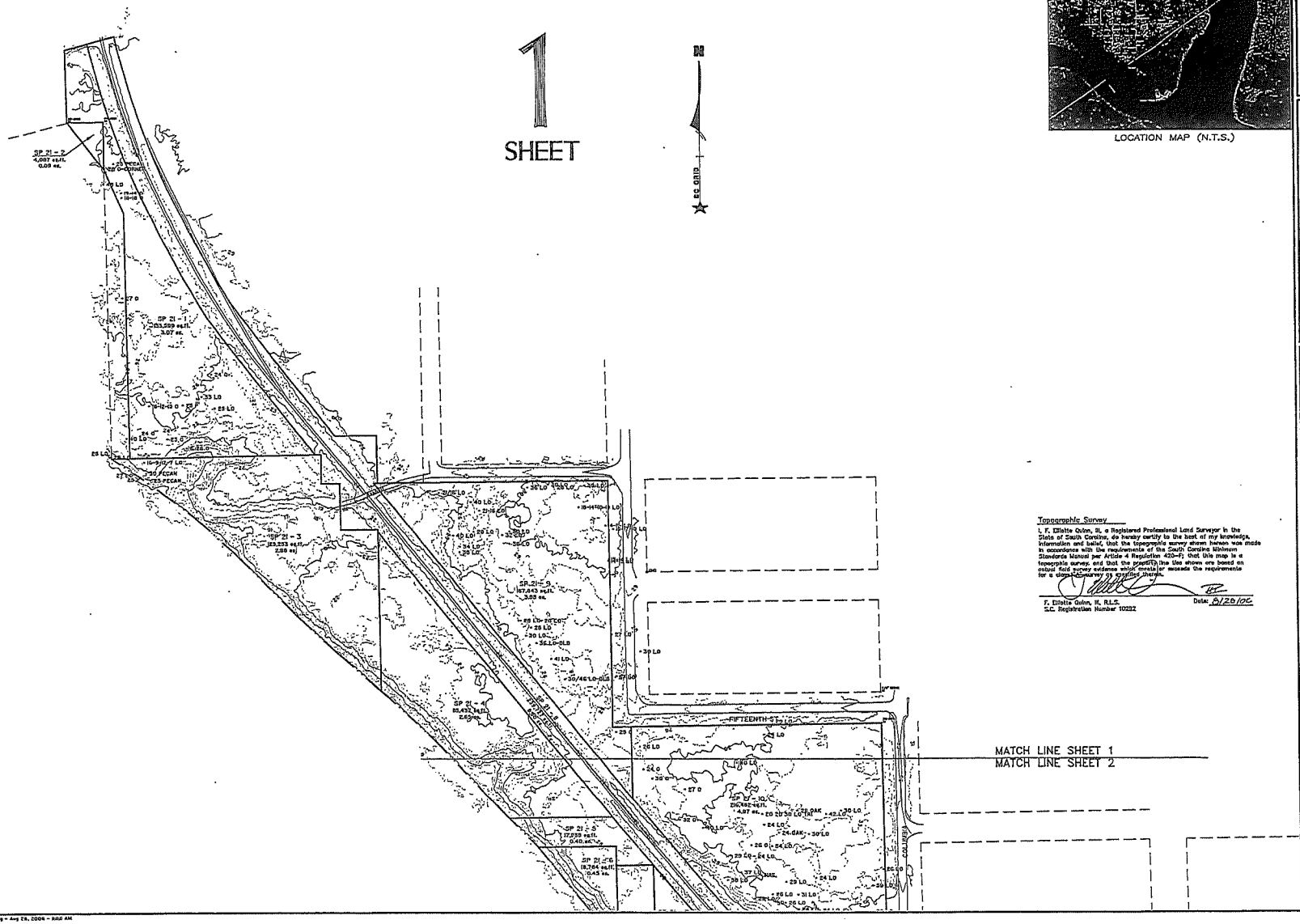
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DATE: 8/29/05
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SHEET
3 OF 3
DRAWING NO: D- 2005

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Exhibit C-1
Topography and FEMA Survey





LOCATION MAP (N.T.S.)

Topographic Survey

I, F. Elliotte Quinn, III, a Registered Professional Land Surveyor in the State of South Carolina, do hereby certify to the best of my knowledge, information and belief, that the topographic survey shown hereon was made in accordance with the requirements of the South Carolina Minimum Standards Manual per Article 4 Regulation 420-F; that this map is a topographic survey, and that the property line lines shown are based on actual field survey evidence which meets or exceeds the requirements for a class C survey as specified therein.

F. Elliotte Quinn, III, R.L.S.
S.C. Registration Number 10232

Date: 5/26/06

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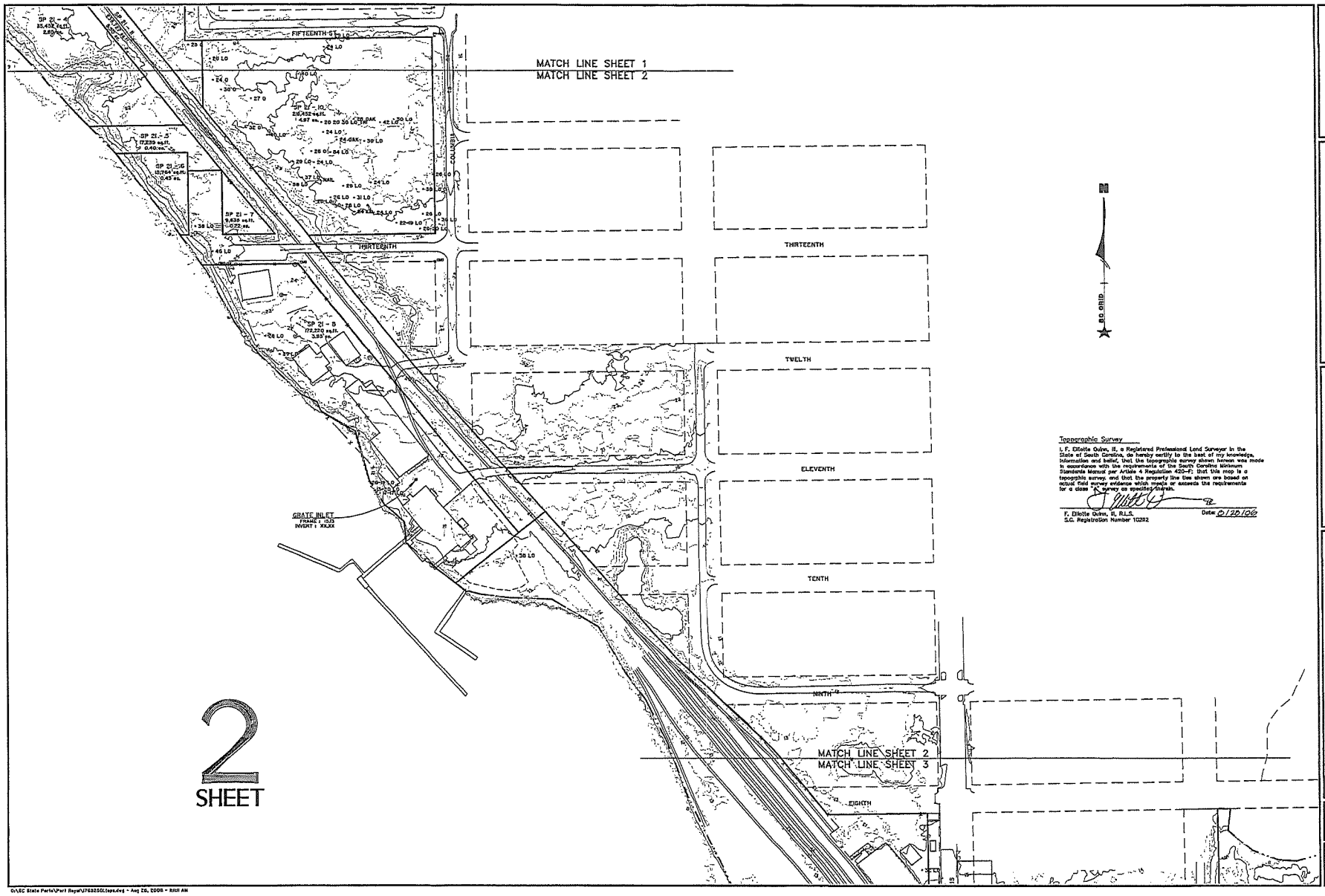
TOPOGRAPHICAL SURVEY OF
5495 ACRES OF HIGHLAND AT
SOUTH CAROLINA STATE
PORTS AUTHORITY
PORT ROYAL

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JOB NO: 5-17652
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SHEET 1 OF 3
DRAWING NO: D- 2005

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2
SHEET

Topographic Survey

I, F. Elliotte Quinn, II, a Registered Professional Land Surveyor in the State of South Carolina, do hereby certify to the best of my knowledge, information and belief, that the topographic survey shown hereon was made in accordance with the requirements of the South Carolina Minimum Standards Manual per Article 4 Regulation 420-F; that this map is a topographic survey, and that the property line lines shown are based on actual field survey evidence which meets or exceeds the requirements for a class ___ survey as specified therein.

F. Elliotte Quinn, II, R.L.S.
S.C. Registration Number 10282

Date: 5/20/06

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BEAUFORT COUNTY, S.C.

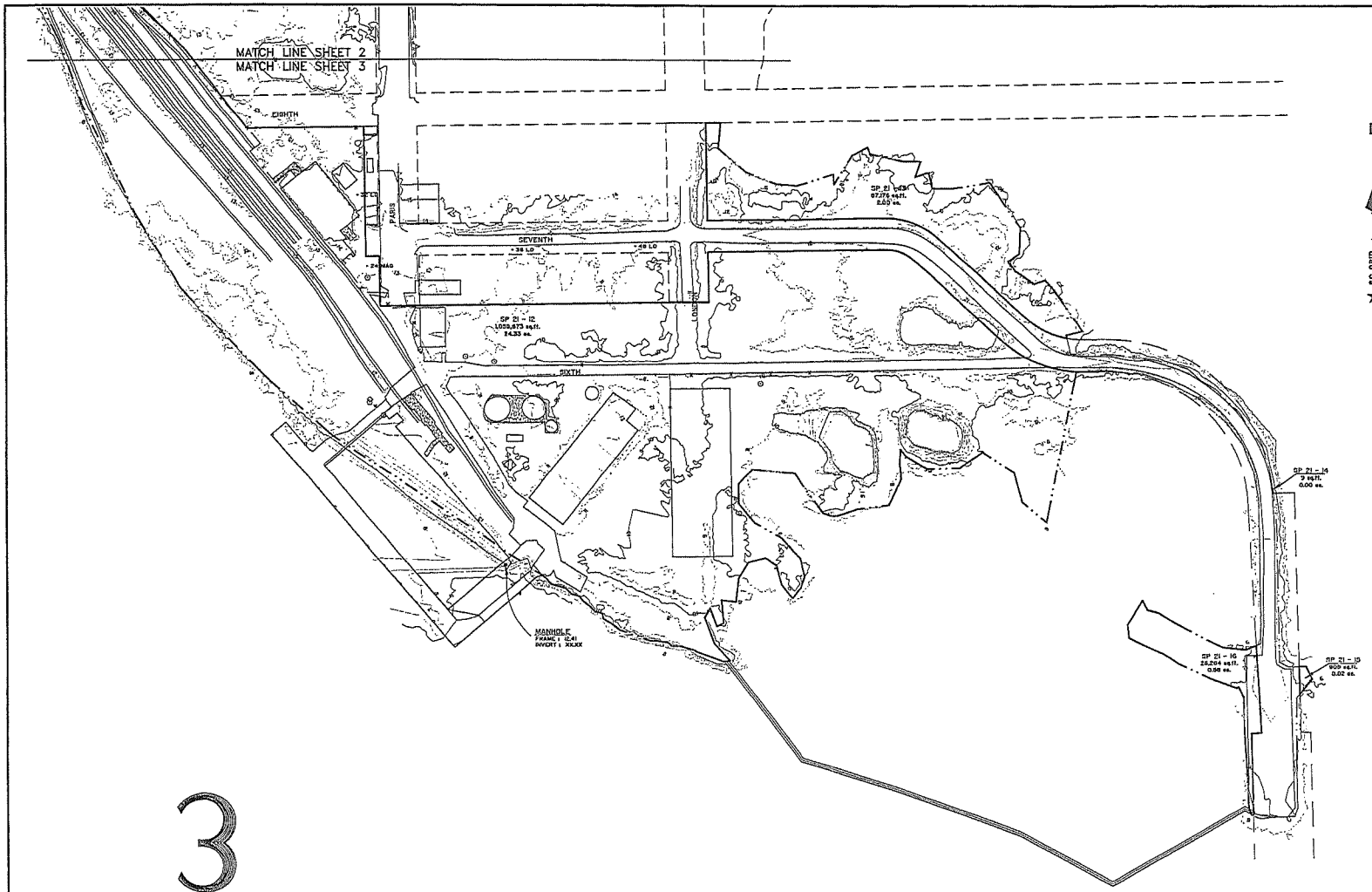
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SHEET	2 OF 3
DRAWING NO:	D- 2005

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3
SHEET

Topographic Survey

I, F. Elliotte Coker, II, a Registered Professional Land Surveyor in the State of South Carolina, do hereby certify to the best of my knowledge, information and belief, that the topographic survey shown hereon was made in accordance with the requirements of the South Carolina Minimum Standards Manual per Article 4 Regulation 420-F; that this map is a topographic survey, and that the property lines shown are based on actual field survey evidence which meets or exceeds the requirements for a class "A" survey as specified therein.

F. Elliotte Coker, II, R.L.S.
S.C. Registration Number 19282

Date: 8/20/06

SOUTH CAROLINA REGISTERED LAND SURVEYOR
F. ELLIOTTE COKER, II
No. 19282
GENERAL SURVEYOR
THOMAS & HUTTON ENGINEERING CO.
No. 000288

PORT ROYAL
PORT ROYAL
BEAUFORT COUNTY, S.C.

0 1 2 3 4

THOMAS & HUTTON ENGINEERING CO.
5353 NORTHERN BOULEVARD
POST OFFICE BOX 31465
CHARLESTON, SC 29417-1465
(843) 554-1500
FAX (843) 554-2049

TOPOGRAPHICAL SURVEY OF
54.95 ACRES OF HIGHLAND AT
SOUTH CAROLINA STATE
PORTS AUTHORITY
PORT ROYAL

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JOB NO:	J-17632
DATE:	8/9/06
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SCALE:	1" = 100'

SHEET
3 OF 3
DRAWING NO: 0- 2005

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Exhibit D
Phase I and Letter from S&ME

S&ME

April 27, 2005

Mr. Todd Theodore
Wood and Partners, Inc.
P.O. Box 23949
Hilton Head, South Carolina 29925

Reference: **Phase I Environmental Site Assessment**
Port Royal Port Facility
Port Royal, South Carolina
S&ME Project No. 1134-05-201

Dear Mr. Theodore:

S&ME, Inc. (S&ME) has completed a Phase I Environmental Site Assessment (ESA) for the referenced property located in Port Royal, South Carolina. Our services were authorized by your acceptance of our proposal No. 34-04-145 dated October 11, 2004. The attached report includes the results of our review of the public record for the site, our observations of site conditions and a summary of environmental conditions based on this information and these observations.

This report presents an assessment of existing and past environmental conditions at the site based on available information reviewed and site conditions identified at the time of our evaluation. Should conditions at the site change or differ from the conditions detailed in this report, we should be contacted to review the changes and amend our report as needed.

Based on this Phase I ESA, S&ME found evidence of *recognized environmental conditions* in connection with the subject property.

- Based on the historical presence of an oil house located adjacent to the railroad depot and an office, it is considered a *recognized environmental condition.* The building is no longer present, but spills and leaks of the oil may have occurred during its existence.

- The 1912 Sanborn Map identified the Tidewater Fertilizer and Storage Co. located in the location of Building 601. A 25 horsepower gas engine was used at the facility. It is unknown if any fertilizer products were produced or stored at the facility and if any spills

S&ME, Inc.
620 Wando Park Boulevard
Mt. Pleasant, South Carolina 29464

(843) 884-0005
(843) 881-6149 fax
www.smeinc.com

or leaks of gas used by the engine occurred. Based on the historical use of the site, it is considered a *recognized environmental condition.*

- The 1924 Sanborn Map identified a portion of the wooden dock located adjacent to what is now Building 601 was labeled oil dock. As it is unknown if any spills or leaks occurred while operated as an oil dock, it is considered a *recognized environmental condition.*

- The small shed containing a used oil tank, miscellaneous 55-gallon drums and 5-gallon buckets of oil/lubricants. Stains and spills were observed within the concrete bermed containment. Based on the exposure to the elements on one side of the shed, the containment could fill up with water and spill over onto the surrounding soils and for this reason it is considered a *recognized environmental condition.*

- Two monitoring wells were observed on the terminal property. It is unknown the reason for the monitoring wells; however, the monitoring wells would not likely exist if there were not reason for concern to the environment; therefore, they are considered *recognized environmental conditions.*

- Two 280-gallon ASTs containing used oil were observed on the seafood facility. Pans situated underneath or adjacent to the ASTs catch leaks associated with ASTs. Additionally, a 55-gallon drum of an unknown substance was observed adjacent to this AST. Staining was observed near the 55-gallon drum. Based on the ease of the pans to overflow during inclement weather conditions and the staining near the 55-gallon drum, the ASTs and 55-gallon drum are considered *recognized environmental conditions.*

- A 10,000-gallon diesel AST fuels a dispenser on the dock located on the seafood processing property. Based on interviews with the Port Royal Fire Department, minor incidents have occurred while fueling the boats at the dock. Based on the presence of the AST and its proximity to Battery Creek, it is considered a *recognized environmental condition.*

- In Building 630, the seafood processing structure, two forklifts were observed with minimal staining beneath them on the concrete surface near a trench drain within the building. Due to the proximity of the leaking petroleum products from the forklifts to the trench drains, the forklifts are considered *recognized environmental conditions.*

We appreciate the opportunity to be of service on this project. Please contact us if you have any questions or need any further information regarding the information contained in this report.

Sincerely,

S&ME, Inc.

Jill A. Bishop
Environmental Scientist

Chuck Black
Senior Reviewer

Phase I Environmental Site Assessment

Port Royal Port Facility
Port Royal, South Carolina
S&ME Project No. 1134-05-201

Prepared For:



Wood + Partners, Inc.
P.O. Box 23949
Hilton Head, South Carolina 29925

Prepared By:

S&ME
ENGINEERING TESTING ENVIRONMENTAL SERVICES

S&ME, Inc.
620 Wando Park Boulevard
Mt. Pleasant, SC 29464

April 27, 2005

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1.0 Summary

S&ME, Inc. has completed a Phase I Environmental Site Assessment (ESA) for the site located in Port Royal in Beaufort County, South Carolina. Our services were authorized by Wood and Partners, Inc. through acceptance of our proposal No. 34-04-145 dated October 11, 2004. This Summary is intended as an overview of the Phase I ESA, for the convenience of the reader. The complete report must be reviewed in its entirety prior to making decisions regarding this site.

The subject property is located on the southwestern portion of Port Royal bordering Battery Creek, in Beaufort County, South Carolina. The site is generally comprised of light industrial, commercial and vacant properties.

We contracted Environmental Data Resources, Inc. (EDR) to conduct an environmental database search of the subject property and the surrounding area. A portion of the subject property (Port Royal Seafood, Inc.) was listed on the databases reviewed. Seven additional sites were listed on state or federal environmental databases within the ASTM-specified search distances. However, based on their proximity to the subject property and their current regulatory status, they are not considered *recognized environmental conditions.*

Interviews with government officials (Fire Department) revealed that they have record of multiple ammonia gas leaks and reacted to the fire that occurred at the ice manufacturing facility at the seafood processing property. Minor incidents have been reported for minor fuel spills (overflowing gas tanks) at the dock located at the seafood processing property.

Based on this Phase I ESA, S&ME found evidence of *recognized environmental conditions* in connection with the subject property.

- Based on the historical presence of an oil house located adjacent to the railroad depot and an office, it is considered a *recognized environmental condition.* The building is no longer present, but spills and leaks of the oil may have occurred during its existence.

- The 1912 Sanborn Map identified the Tidewater Fertilizer and Storage Co. located in the location of Building 601. A 25 horsepower gas engine was used at the facility. It is unknown if any fertilizer products were produced or stored at the facility and if any spills or leaks of gas used by the engine occurred. Based on the historical use of the site, it is considered a *recognized environmental condition.*

- The 1924 Sanborn Map identified a portion of the wooden dock located adjacent to what is now Building 601 was labeled oil dock. As it is unknown if any spills or leaks occurred while operated as an oil dock, it is considered a *recognized environmental condition.*

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containment. Based on the exposure to the elements on one side of the shed, the containment could fill up with water and spill over onto the surrounding soils and for this reason it is considered a *recognized environmental condition.*

- Two monitoring wells were observed on the terminal property. It is unknown the reason for the monitoring wells; however, the monitoring wells would not likely exist if there were not reason for concern to the environment; therefore, they are considered *recognized environmental conditions.*

- Two 280-gallon ASTs containing used oil were observed on the seafood facility. Pans situated underneath or adjacent to the ASTs catch leaks associated with ASTs. Additionally, a 55-gallon drum of an unknown substance was observed adjacent to this AST. Staining was observed near the 55-gallon drum. Based on the ease of the pans to overflow during inclement weather conditions and the staining near the 55-gallon drum, the ASTs and 55-gallon drum are considered *recognized environmental conditions.*

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- In Building 630, the seafood processing structure, two forklifts were observed with minimal staining beneath them on the concrete surface near a trench drain within the building. Due to the proximity of the leaking petroleum products from the forklifts to the trench drains, the forklifts are considered *recognized environmental conditions.*

2.0 Introduction

2.1 Purpose

The purpose of this Phase I ESA was to identify, to the extent feasible following the processes described herein, *recognized environmental conditions* in connection with the subject property. This Phase I ESA was completed in accordance with our understanding of the guidelines set forth in ASTM E 1527-00 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.*

ASTM defines a *recognized environmental condition* as the "presence or likely presence of hazardous substances or petroleum products on the property under conditions that indicate an existing release, a past release, or a material threat of a release of hazardous substances or petroleum products into the structures on the property or into the ground, groundwater, or surface water of the property." The term does not include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of enforcement action if brought to the attention of appropriate governmental agencies.

2.2 Scope of Services

This Phase I ESA consists of four components; records review, site reconnaissance, interviews and report preparation.

Task 1 - A review of reasonably ascertainable and practically reviewable public records for the site and the immediate vicinity was conducted to characterize environmental features of the site and to identify past and present land use activities, on or in the vicinity of the site, which may indicate a potential for *recognized environmental conditions*. The review of the public record included:

1. Examination of available regulatory records regarding past, present, and pending enforcement actions and investigations at the subject property and within the immediate vicinity.

2. Examination of one or more of the following resources: aerial photographs, fire insurance maps, street directories and topographic maps of the site and vicinity for evidence suggesting past uses that might have involved hazardous substances or petroleum products.

Task 2 - A site reconnaissance was performed to identify visual signs of past or existing contamination on or adjacent to the site, and to evaluate any evidence found in the review of public records that might be indicative of activities resulting in hazardous substances or petroleum products being used or deposited on the site. The site reconnaissance included the following activities:

1. A visual reconnaissance of the site was performed to observe signs of spills, stressed vegetation, buried waste, underground or above ground storage tanks, subsidence, transformers, or unusual soil discoloration which may indicate the possible presence of contaminants on the properties. Adjacent properties were observed from the subject property.

2. The periphery of the property was viewed and a drive-by survey of areas within an approximate one-mile radius of the subject site was conducted.

3. Areas of the site were photographed to document the current use(s) of the property as well as significant conditions such as unusually discolored soil, stressed vegetation, or other significant features associated with the property.

Task 3 - Interviews with appropriate local officials were conducted to consider any local knowledge of hazardous substances or petroleum products on the subject property or on adjacent properties. In addition, the current property owner was interviewed regarding his knowledge of any hazardous substances or petroleum products on the subject property or on adjacent properties.

Task 4 - The collected data were evaluated, and this report was prepared.

This assessment did not include sampling of any materials, or address specific regulatory programs such as asbestos, lead-based paint, regulatory compliance, industrial hygiene, health/safety, ecological resources, wetland determination or indoor air quality.

2.3 Significant Assumption

The slope of the water table under static conditions (no pumping interference) often approximates the land surface topography in the geologic province in which the subject property is located. Thus, the movement of groundwater is assumed to be in approximately the same direction as that of the topographic slope.

2.4 Limitations and Exceptions

The findings of this report are applicable and representative of conditions encountered at the subject property on the date of this evaluation, and may not represent conditions at a later date. Materials and information used for this project were obtained by S&ME from "reasonably ascertainable" and "practically reviewable" sources in compliance with our understanding of the standards set forth by ASTM E 1527-00. The review of public records was limited to information that was available to us at the time this report was prepared. Interviews with knowledgeable people and local and state government authorities were limited to those people whom we were able to contact during the preparation of this report. We presume information obtained from the public records and from interviews is reliable. However, S&ME cannot warrant or guarantee that the information provided is complete or accurate. In the event responses requested from public agencies are provided to us following the submittal of our report, they will be forwarded to the client in the form received for evaluation by the client. Portions of the site are asphalt paved and developed with structures preventing the observation of the underlying soils in those areas. Several areas of the subject property (including the interior of Building 632) could not be accessed and are considered limiting conditions. The user did not provide a chain-of-title for the property.

Although this report generally satisfies ASTM E 1527-00, these results are not a guarantee or warranty that no environmental conditions exist, or that the property is free from all contamination. The opinions presented in this report are based on findings derived from a site reconnaissance, a review of specified regulatory records and historical sources, and comments made by interviewees.

2.5 Special Terms, Conditions and Reliance

This report is provided for the use of our client, Wood and Partners, Inc. Use of and reliance on the report by any additional parties will be such parties' risk, and S&ME disclaims liability for any use or reliance by other parties. The client may request, in writing, additional reports naming another party or parties as addressee(s), or otherwise entitling the party or parties to rely on this report. Such requests for additional addressees shall include the name and addresses of the additional addressee and any suggested wording the additional addressee wishes S&ME to consider for inclusion in the report. S&ME shall have sole discretion in (1) approving client's request for issuance of reports to additional addressees, and (2) incorporating in our report any additional wording or deletions requested by the additional addressees.

Any additional addressees' use and reliance on the report will be subject to the same rights, obligations, and limitations imposed on the client by our Agreement for Services. However, the total liability of S&ME to all addressees of the Phase I ESA shall be limited to the remedies and amounts as provided in the Agreement for Services Form (AS-931) as a single contract. The additional addressees' use and reliance on the report shall signify the additional addressees' agreement to be bound by the proposal and contract that make up the agreement between S&ME and the client.

3.0 Site Description

3.1 Location and Description

The subject property is located on the southwestern portion of Port Royal, in Beaufort County, South Carolina. The subject property is comprised of multiple parcels of land currently identified by the Beaufort County Assessor's Office. The approximate location of the site (Figure 1) and a portion of the tax map (Figure 2) are included in Appendix I.

3.2 Site and Vicinity Characteristics

The subject property is located in an area generally comprised of light industrial, commercial and residential properties.

3.3 Current Uses of Subject Property

Portions of the subject property are developed as a port facility, warehouse, seafood processing facility, vacant building and vacant properties.

3.4 Structures, Roads and Other Improvements On-Site

The Port Royal Terminal Property can be accessed through a gate via Paris Avenue; however, the roads did not appear to be labeled on the terminal property. The terminal property is surrounded by chain link fence. Two large single-story concrete warehouses are located on the property as well as a dry-stack boat storage building. Additionally, three large above ground storage tanks (ASTs) and associated electrical buildings are situated on the property. Battery Creek is located directly adjacent to the subject property to the south and southwest. A private water supply well is situated adjacent to the dry stack storage building and a small marina area is located on Battery Creek for the dry stack storage services. The subject property has municipal water and a pump station located northeast of the subject property provides sewer service.

The one-story warehouse property located just northwest of the gated area of the terminal property can be accessed by 8th Street. The warehouse is separated from the railroad tracks adjacent to the property to the southwest by a chain link fence. The subject property has municipal water and sewer service.

The seafood processing facility can be accessed via 11th Street. The facility has an open parking area for a restaurant and retail seafood store located on the property. Portions of the property are surrounded by a chain link fence. A gravel driveway accesses the remaining buildings located on the northern portion of the property. Multiple one-story buildings are located on the property. A large building (Building 627) housing the restaurant, warehouse and retail seafood store is located on the southernmost portion of the property. A former ice production building and processing building (Building 630) are located north of Building 627. Further north are buildings 629, 631 and 632. A dock accessing Battery Creek is located adjacent to the facility. The subject property has municipal water and sewer service.

The former South Carolina Department of Health and Environmental Control (SCDHEC) building can be accessed by 13th Street. Battery Creek and associated marshland border the property to the west. The property can only be accessed through a locked chain link fence.

Decommissioned railroad tracks extend northwest across the undeveloped sites. Several foot paths are located on the undeveloped parcels. A paved parking area is located on the southern portion of the undeveloped parcels.

3.5 Current Uses of Adjoining Properties

The Port Royal terminal property is bordered to the north by vacant, residential and light commercial properties. Saltwater marshland border the property to the east and Battery Creek borders the property to the south and west.

The warehouse property is bordered to the north and east by commercial properties. Railroad tracks border the property to the south and west with the port terminal beyond.

The seafood facility property is bordered to the north by residential properties and the former SCDHEC building property. Residential properties border the subject property to the east and southeast. Battery Creek and associated marshland border the seafood facility to the south and west.

The former SCDHEC building property is bordered to the north by a vacant property, to the east by residential properties, south by the seafood processing facility and west by Battery Creek and associated marshland.

The undeveloped subject parcels are bound to the north by Highway 802. The Pender Brothers, Inc. Plumbing, Welding, and HVAC Company (Pender Brothers) is located east of the northern most undeveloped parcel. Penske Truck Rental operates in conjunction with the Pender Brothers Facility. A cellular communications tower owned by American Tower is located south of the Pender Brothers facility and east of the northern most undeveloped parcel. Private residences border the parcels to the east as well. The Port Royal Port Facility is located adjacent to the south of the undeveloped parcels. Battery Creek and associated marshlands border the subject parcels to the west. Two residential parcels are located between two of the undeveloped parcels.

4.0 User Provided Information

4.1 Title Records

Chain-of Title for the subject property was not provided to S&ME. According to information reviewed from the Beaufort County Courthouse, South Carolina States Ports Authority currently owns the subject parcels. General property ownership information obtained from the Beaufort County Assessors Office is located in Appendix I.

4.2 Environmental Liens

The user of this report (Wood and Partners, Inc.) did not indicate that there were any environmental liens or use restrictions for the subject property.

4.3 Specialized Knowledge

The user provided no specialized knowledge regarding the subject property.

4.4 Valuation Reduction for Environmental Issues

The user did not indicate that there was a valuation reduction for environmental issues.

4.5 Owner, Property Manager, and Occupant Information

Interviews are included in Section 7.

4.6 Reason for Performing Phase I

The purpose of this Phase I ESA is to identify, to the extent feasible pursuant to ASTM E 1527-00, *recognized environmental conditions* in connection with the property. The ASTM Standard Practice E 1527-00 defines "good commercial and customary practice for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and to petroleum products." This practice is intended to satisfy one of the requirements to qualify for the "innocent landowner defense" to CERCLA liability.

4.7 Other

The user provided Redevelopment Study Base Maps and a South Carolina Ports Authority (SCPA) Port Royal Terminal Base Map of the subject property.

5.0 Records Review

5.1 Standard Environmental Record Sources

S&ME contracted Environmental Data Resources, Inc. (EDR) to conduct an environmental search and prepare a Site Assessment Report compiling federal and state environmental database information from the regulatory records of the United States Environmental Protection Agency (USEPA) and the State of South Carolina. The purpose of the EDR Field Check™ Report was to identify environmental sites and activities within a radius of potential concern from the subject property, as outlined by ASTM E 1527-00. The following table lists databases included in the search. The EDR report, including detailed descriptions of the databases, is included in Appendix III.

Regulatory Databases Searched

DATABASE	AGENCY	RELEASE DATE	SEARCH RADIUS
FEDERAL ASTM STANDARD			
NPL	US EPA	2-3-05	1 mile
Proposed NPL	US EPA	2-3-05	1 mile
CERCLIS	US EPA	4-6-05	½ mile
CERC-NFRAP	US EPA	4-6-05	¼ mile
CORRACTS	US EPA	2-25-05	1 mile
RCRIS-TSD	US EPA	4-1-05	½ mile
RCRA-Generators	US EPA	4-1-05	¼ mile
ERNS	US EPA	3-24-05	Target Property
STATE ASTM STANDARD			
SHWS	SCDHEC	12-10-05	1 mile
SWLF	SCDHEC	3-24-05	½ mile
LUST	SCDHEC	4-13-05	½ mile
UST	SCDHEC	4-14-05	¼ mile
VCP	SCDHEC	8-9-04	½ mile

**ASTM Supplemental* databases searched are listed in the attached EDR report

The subject property (Pier 21) was identified on the orphan summary of databases reviewed. A total of eight separate sites were identified in the EDR report within the specified search distances on the federal and state databases reviewed. The following table identifies the recorded sites:

Database Listed Facility

Facility Name	Location, Distance & Direction	Database Listing	Comments
Parris Island Marine Corps	Parris Island 0.83 miles southeast	DOD	Department of Defense.
Port Royal Seafood Inc.	1111 11th Street Target Property	LUST, UST	A total of three USTs have been abandoned at the site. Two releases have been associated with this site. Release #1 – confirmed on 5/12/92 and received NFA status on 9/1/92. Release #2 – confirmed on 2/13/97 and received NFA status on 6/30/98.
Charleston Coca Cola Bottling	2301 S. Ribaut Road 0.39 miles north	GWCI, UST	Three USTs have been abandoned at the site. A petroleum release was confirmed at the site on 3/25/92 and is currently ranked a 3BA by the SCDHEC.
Bay Beverage Distributers	2310 Ribaut Road 0.40 miles north-northeast	UST	A single gasoline UST was abandoned.
Vera P. Gollihugh Dev	2415 S. Ribaut Road 0.41 miles north-northeast	UST	Three USTs have been abandoned. No petroleum release appears to be associated with this site.
Port Royal Exxon Service	2002 Ribaut Road 0.48 miles north-northeast	UST	Three USTs are currently in use. Kerosene and used oil USTS have been abandoned. No petroleum release appears to be associated with this site.
Pantry 295	1810 S. Ribaut Road 0.48 miles north	UST	Three 10,000-gallon gasoline USTs are registered at this facility. No petroleum release appears to be associated with this site.
Battery Marina Village	102 Marina Boulevard 0.89 miles northeast	LUST	A petroleum release was confirmed on 8/4/93 and is currently ranked a 3AC by the SCDHEC.

*NFA = "no further action" status issued by the SCDHEC

The South Carolina Department of Health and Environmental Control (SCDHEC) prioritizes active LUST sites using a Risk Based Corrective Action (RBCA) Site Priority Classification System. Sites are ranked on a scale of 1 to 5, with 1 being the highest. The letters following ranking (e.g., 3BF) give additional information (depth to groundwater, locations of sensitive receptors, etc.).

5.2 Additional Environmental Record Sources

We also reviewed state and federal environmental databases available on the internet and on our in-house copies of SCDHEC UST and LUST databases. The following site was discovered during review:

- Bay Beverage Distributors – A petroleum release was confirmed at this site (off site property) on 11/10/94 and no further action granted on 10/20/98.

A search of the Environmental Protection Agency (EPA) Envirofacts database (http://maps.epa.gov/enviromapper) was conducted. Review of the Envirofacts database resulted in the identification of additional facilities of potential concern in the immediate vicinity of the proposed project.

- Port Royal Oil Company, Inc. – Underground storage tanks have been registered at this site.
- Ribaut Road Site – Underground storage tanks have been registered at this site.
- General Warehouse Company, Inc. - Underground storage tanks have been registered at this site.
- Hammond Hull Company – A voluntary clean-up contract has been established for this site.
- Port Royal Terminal property designated as Port of Port Royal, Inc., Coastal Aggregate Port Royal, Hydro Agri North America, Inc., and SC States Port Authority Port Royal – Multiple air permits and 401 certifications for wetland permits have been completed for the subject property.

5.3 Physical Setting Sources

5.3.1 Review of Topographic Map

S&ME reviewed the United States Geological Survey (USGS) 7.5-minute series topographic map (Beaufort and Parris Island Quadrangles dated 1958 and 1956, respectively and photo revised 1979) to examine the topography and drainage of the subject property and vicinity. Structures and railroad tracks located on the subject property are depicted on the map. The surface elevation of the site is approximately 5 to 15 feet above mean sea level (MSL). The surrounding area is generally developed land with commercial and residential properties. Based on a review of this map, the

groundwater flow in the direct vicinity of the subject property appears to flow in a southwesterly direction toward Battery Creek.

5.3.2 Regional Hydrogeology and Geology

Beaufort County is located in the lower coastal plain Physiographic province of South Carolina. Pliocene and Pleistocene age units consisting of sands, silts and clays, to a depth of 30 feet below land surface (bls), overlie the Parachucla and Marks Head marls of the Hawthorne Formation which extend to a depth of approximately 80 feet below existing grade. Beneath the Hawthorne Group lies the Cooper Group of the Oligocene Age. The Cooper group acts as the primary confining layer to the surficial aquifer. The groundwater in the surficial aquifer normally occurs in unconfined (water table) conditions, as is the case at the subject site. Topographic features such as tidal creek tributaries, wetlands and marshes control the surface contours and flow directions of the surficial aquifer.

The major source of groundwater recharge to the surficial aquifer is the infiltration of surface water, which leaves this aquifer exposed to contamination from surficial spills. The overall water quality of this aquifer is considered poor and is generally used for irrigation and sewage purposes, and not human consumption. The Cooper Group serves as the confining layer between the surficial aquifer and the Floridian Aquifer that underlies the Hawthorne Formation. The Floridian Aquifer system is composed of an upper unit of fossiliferous, calcitized, moderately indurated limestone, argillaceous limestone, and marl (Hussein, 1985). This aquifer is one of the principal sources of drinking water in the region.

The EPA action level for radon is four picocuries per liter (4 pCi/L). The action level is the concentration at which occupants may be affected by radon and building owners must initiate appropriate measures to decrease radon levels. The subject property is located in an area predicted to have average indoor radon levels of less than 2pCi/L (picocuries per liter) based on USEPA data for Beaufort County; however, local phosphate rock (once stored on the property) contains naturally occurring uranium-238 and radium-226, according to the Florida Institute of Phosphate Research. The decay of radium-226 produces radon gas.

5.4 Historical Use Information on the Property

5.4.1 Review of Aerial Photographs

Aerial photographs were reviewed to observe previous conditions and development of the subject property, as well as immediately adjacent properties. We reviewed aerial photographs from the University of South Carolina, the South Carolina Department of Natural Resources (www.dnr.state.sc.us/), and the United States Geological Survey (USGS) aerial photos (www.terraserver.com) dated 1951, 1965, 1972, 1979, 1994 and 1999. The aerial photographs were reviewed to examine past land use of the subject property and vicinity. The following is a summary of the aerial photograph review:

- In the 1951 aerial photograph, a large warehouse appears to be located on the subject property adjacent to Battery Creek on the terminal property. It appears that marshland is located northeast of the building. The railroad tracks which border the subject properties are visible. The Blue Channel Corporation seafood packing facility is located where what is currently the Port Royal Seafood Inc. facility. Portions of what are currently the vacant properties to the north appear to be cleared of some vegetation. The adjacent properties to the south appear to be developed while the properties to the north of the subject property appear to be primarily wooded.

- In the 1965 aerial photograph, the terminal property appears to have expanded and portions of the marshland filled to the east and northeast. The seafood packing facility appears relatively unchanged and the northern vacant properties appear primarily vegetated. Additional development of the adjacent properties appears to have been completed north and northwest of the terminal property.

- In the 1972 aerial photograph, it appears that an access road (Sands Beach Road) has been constructed to the northeast of the terminal property to access what is now the

Sands recreational area. The remainder of the subject property appears relatively unchanged.

- In the 1979 aerial photograph, it appears that the warehouse located northwest of the gated entrance to the terminal property is present.

- In the 1994 aerial photograph, the terminal property appears to be more developed with the construction of a building to the east of the main warehouse on the property. Additionally, the large ASTs appear to be located on the property. The boardwalk at the Sands beach area is present to the east of the terminal property.

- In the 1999 aerial photograph, the second large warehouse is now located on the terminal property northeast of the large warehouse. The smaller building observed in the 1994 aerial photograph remains present and the dry stack building is not constructed as of yet. The remainder of the subject property appears somewhat similar to current conditions.

Copies of the aerial photographs are located in Appendix II.

5.4.2 Sanborn Fire Insurance Maps

Available Sanborn Fire Insurance Maps were ordered from EDR. Based on their research, Sanborn Map coverage of the area comprising the subject property is available in maps dated 1924, 1942 and 1958; however, additional maps dated 1899, 1905 and 1912 were identified on the Charleston County Public Library website www.ccpl.org. The following is a summary of the Sanborn Map review:

- The 1899 Sanborn map showed only what is known today at the Port Royal Terminal property of the entire subject property. The map depicts the Charleston and Western Carolina (C&WC) Railroad and the C&WC Railroad warehouse and shipping dock. It appears that in addition to the warehouse, a shipping shed was located adjacent to

Battery Creek (Beaufort River). Evidently hoists were used to load and off-load ships. It appears that coal was used as the fuel for the hoists. North of the warehouse was an additional warehouse which stored coal and phosphate. It appears that the coal was loaded onto a conveyor to be used by the hoists. Northeast of the coal and phosphate warehouse was the location of the railroad depot and offices. An oil house appears to be located just north of the offices.

- The 1905 Sanborn map appears similar to the 1899 Sanborn map with the exception of the warehouse which stored coal and phosphate now only stores coal.

- In the 1912 Sanborn map, the Tidewater Fertilizer and Storage Co. is now located in the southern portion of the C&WC Railroad warehouse. Based on the map, it appears that a 25 horsepower engine fueled by gas was used at the facility. The coal storage warehouse to the north now is labeled a coal platform.

- In the 1924 Sanborn map, the Tidewater Fertilizer and Storage Co. is not depicted on the map. A portion of the wooden dock located adjacent to the C&WC Railroad warehouse is labeled oil dock. The building formerly labeled oil house located adjacent to the railroad depot and offices is no longer present. The coal platform is now labeled coal pile.

- In the 1942 Sanborn map, the C&WC Railroad warehouse and dock appears to be a significantly smaller building. No additional changes were apparent at the terminal property; however, the seafood processing property is now developed and called the Blue Channel Corporation – Crab Meat Packers. A dock was constructed to access Battery Creek. Multiple buildings are associated with the facility. A boiler room is designated, but based on the information provided, it appears that coal is used for fuel.

- In the 1958 Sanborn map, the Port Royal terminal property appears generally the same as the 1942 map. An additional dock was constructed at the seafood processing facility

to the north. Based on the scale of the map (closer views could not be obtained), it could not be determined if any additional fuel was used on the premises other than coal.

5.4.3 Other Historical Resources

The SC Ports Authority provided a copy of a book called the History of the South Carolina State Ports Authority. This book provided an entire chapter including the history of the Port Royal Port facility. In addition, the Port Royal website www.portroyal.org history.htm provided supplementary historical information. Evidently, in 1514, the first landing to Port Royal was by a Spanish explorer Pedro de Salazar. The French (Jean Ribaut) were next to land in 1562 followed by more Spaniards, English, Dutch and Scots. During the colonial period, although an official port of entry was established, the planters found it more advantageous to ship their goods through Charleston. The port received its first railroad in 1869, when the Port Royal Railroad was established and as a result the town was incorporated in 1874. When phosphate deposits were found in the 1870s and 1880s, a booming phosphate trade began.

The SC Port Authority's (SCPA) involvement officially began in 1942, when the SCPA's legislation authorized the development of the Beaufort-Port Royal harbor as one of the state's three official ports. Beginning in 1945, multiple requests were made to the U.S. Army Corps of Engineers (USACOE) to dredge the channel to the port to a deeper depth (24-30 feet). After multiple denials, in 1955, the dredging of the channel was approved and began in 1956 and called for a 500-foot wide channel at 27 feet deep. Facility construction at the terminal commenced in 1957 and was officially dedicated in October 1958.

In July 1960, the Port Royal Shipping Company opened for business to load and discharge cargoes at the new port; however, the port was not able to attract significant business during the first decade of operation. In 1963, the SCPA leased a portion of the property to the Home Building Corporation of Sedalia, Missouri for the construction of prefabricated houses for export. The growth of the port was hindered by the channel depth and lack of navigational facilities. In 1968, the SCPA leased the facility and Pier 21 to the Port Royal Clay Company to export kaolin clay which was mainly used for the production of clay coated (glossy) paper.

Additionally, the warehouse adjacent to the terminal was leased to the Seaboard Coast Line. After 15 years of operation, the SCPA leased the property to the Port of Port Royal, Inc. in 1984 for the shipping of pulp, paper products and kaolin clay. In 1984, the Seaboard Line System, Inc. received permission from the Federal Railroad Administration to abandon the 25-mile spur from Port Royal to Yemassee. This decision impacted the terminal operations, since most of the cargo was moved by rail.

In 1987, the SCPA provided the town of Port Royal with a portion of land to the east for public waterfront access including a park, beach and recreational area known as the Sands. In return, a portion of four streets was to be turned over to the SCPA to provide the port with a fenced property line and an area for the port to add another warehouse and floating dock.

In 1988, the SCPA purchased approximately 5.6 acres from the Blue Channel Corporation to create a tourist-oriented section of the waterfront near 11th Street.

Multiple photographs were included in the book provided by the SCPA. One of the photographs dated in 1987 depicted a water tower on the terminal property located north of Building 601, the main warehouse adjacent to Pier 21.

The historical information is included in Appendix II.

5.5 Historical Use of Adjoining Properties

Adjoining properties have generally been comprised of residential properties, woodlands and light commercial tracts. Commercial businesses have been constructed throughout the years on Paris Avenue.

6.0 Site Reconnaissance

A site reconnaissance was conducted on April 18, 2005 to observe the current uses of the subject property, adjoining properties and properties in the surrounding area, as well as the topographic conditions of the property and the surrounding area. Photographs were taken of various portions of the subject property to document existing conditions. Copies of these photographs are included in Appendix IV of this report.

6.1 Methodology and Limiting Conditions

The subject property was observed by walking accessible areas of the site and visually observing adjacent properties. At the time of the site visit, S&ME could not access the interior of one of the buildings (Building 632) on the seafood processing property. Portions of the site are developed by structures preventing the observation of the underlying soils in those areas.

6.2 General Site Setting

The subject property is located in an area generally comprised of residential and commercial areas.

6.2.1 Current Uses of the Property

Portions of the subject property are developed as a port facility, warehouse, seafood processing facility, vacant building and vacant properties.

6.2.2 Past Uses of the Property

The past uses of the subject property have primarily been vacant, marshland, commercial or light industrial uses.

6.2.3 Current Uses of Adjoining and Surrounding Properties

The Port Royal terminal property is bordered to the north by vacant, residential and light commercial properties. Saltwater marshlands border the property to the east and Battery Creek borders the property to the south and west.

The warehouse property is bordered to the north and east by commercial properties. Railroad tracks border the property to the south and west with the port terminal beyond.

The seafood facility property is bordered to the north by residential properties and the former SCDHEC building property. Residential properties border the subject property to the east and southeast. Battery Creek and associated marshlands border the seafood facility to the south and west.

The former SCDHEC building property is bordered to the north by a vacant property, to the east by residential properties, south by the seafood processing facility and west by Battery Creek and associated marshlands.

The undeveloped subject parcels are bounded to the north by Highway 802. The Pender Brothers, Inc. Plumbing, Welding, and HVAC Company (Pender Brothers) is located east of the northern most undeveloped parcel. Penske Truck Rental operates in conjunction with the Pender Brothers Facility. A cellular communications tower owned by American Tower is located south of the Pender Brothers facility and east of the northern most undeveloped parcel. Private residences border the parcels to the east as well. The Port Royal Port Facility is located adjacent to the south of the undeveloped parcels. Battery Creek and associated marshlands border the subject parcels to the west. Two residential parcels are located between two of the undeveloped parcels.

6.2.4 Past Uses of Adjoining and Surrounding Properties

Site observations did not reveal previous operations of adjoining properties that are different from their current uses (see Section 5.5 for historical use of adjoining properties).

6.2.5 Hydrologic and Topographic Conditions

Topographic information was not provided by the user. However, the topography of the subject property is relatively level, with a mild, downward slope to the southwest towards Battery Creek. Based on this topographic relationship, it appears groundwater in the direct vicinity of the subject property would migrate towards the Battery Creek. Area hydrogeologic conditions were not confirmed during the site reconnaissance. No confirmation of groundwater conditions was made during the site visit.

6.2.6 General Description of Roads and Structures

The Port Royal Terminal Property can be accessed through a gate via Paris Avenue; however, the roads did not appear to be labeled on the terminal property. The terminal property is surrounded by chain link fence. Two large single-story concrete warehouses are located on the property as well as a dry-stack boat storage building. Additionally, three large above ground storage tanks (ASTs) and associated electrical buildings are situated on the property. Battery Creek is located directly adjacent to the subject property to the south and southwest. A private water supply well is situated adjacent to the dry stack storage building and a small marina area is located on Battery Creek for the dry stack storage services. The subject property has municipal water and a pump station located northeast of the subject property provides sewer service. The one-story warehouse property located just northwest of the gated area of the terminal property can be accessed by 8th Street. The warehouse is separated from the railroad tracks adjacent to the property to the southwest by a chain link fence. The subject property has municipal water and sewer service.

The seafood processing facility can be accessed via 11th Street. The facility has an open parking area for a restaurant and retail seafood store located on the property. Portions of the property are surrounded by a chain link fence. A gravel driveway accesses the remaining buildings located on the northern portion of the property. Multiple one-story buildings are located on the property. A large building (Building 627) housing the restaurant, warehouse and retail seafood store is located on the southernmost portion of the property. A former ice production building and processing building (Building 630) are located north of building 627. Further north are Buildings 629, 631 and 632. A dock accessing Battery Creek is located adjacent to the facility. The subject property has municipal water and sewer service.

The former South Carolina Department of Health and Environmental Control (SCDHEC) building can be accessed by 13th Street. Battery Creek and associated marshland border the property to the west. The property can only be accessed through a locked chain link fence.

Decommissioned railroad tracks extend northwest across the undeveloped sites. Several foot paths are located on the undeveloped parcels. A paved parking area is located on the southern portion of the undeveloped parcels.

6.2.7 Potable Water Supply and Sewage Disposal System

A water supply well is located south of the dry-stack storage building located on the terminal property. Municipal water and sewer service are available to the subject property.

6.3 Site Observations

Port Royal Port Terminal

S&ME walked the Port Royal Terminal property with Mr. Tony Pesavento, the Terminal Operations Supervisor. S&ME met Mr. Pesavento at Building 609, the terminal office. This building is the second building on the left after entering the gates of the terminal. This building is used for administrative purposes.

Adjacent to Building 609 is Building 607, a maintenance shed. The maintenance shed houses materials used for the general upkeep of the terminal. Multiple drums of used oil and oil filters are located within the maintenance shed. Additional 55-gallon drums and 5-gallon buckets of miscellaneous substances were located within the shed. No evidence of staining was noted at the time of the site visit. A forklift was observed in the shed with minimal staining on the concrete surface beneath. An above ground oil/water separator is located adjacent to the structure to the west. A 5-gallon bucket of oil skimmed from the surface is located underneath the OWS. The water from the OWS drains to the sanitary sewer.

A wooded area is located adjacent to Building 609 to the east. Based on interviews with site personnel, surface water drains to this area and also acts as a buffer area between the residential properties to the north of the site.

Multiple railroad tracks enter the property from the northwest. The western portion of the terminal property is the former location of a building. Based on interviews with site personnel, the building stored urea, an additive in fertilizer. The building has since been removed and the vacant area is used as a staging area for granite and limestone. To the south is the location of Building 601 and Pier 21. At the time of the site visit, a McAllister's Towing tug boat was moored at the pier. The pier is used for the shipping and receiving of cement which is piped from the ship directly to Building 601, a cement warehouse, and railroad tracks parallel the building to the south and north. Calcium nitrate is piped from the ships via underground piping into two large 900,000-gallon above ground storage tanks (ASTs) situated north-northeast of Building 601. In addition, a 240-gallon diesel fuel AST is located on the elevated concrete area located adjacent to Building 601 on the northeastern side. The AST is used to fuel the front end loaders which load the cement into hoppers that distribute the cement into trucks leaving the facility. A drum of grease for the front end loaders was located adjacent to the AST. No leaks or staining associated with the AST or drum were observed at the time of the site visit. In addition, a fenced area housing an additional 240-gallon diesel fuel AST is located at the northern corner of Building 601. No leaks or staining were noted at the time of the site visit.

A marina is located southeast of Building 601. This marina is associated with the Port Royal Dry Stack Marina. Approximately 150 boats are stored in the dry-stack building located on the eastern portion of the subject property. According to site personnel, no petroleum products (gas/diesel) are located on the premises. Oil changes are conducted on the premises by a a third-party company that removes and disposes of the used oil. A hydraulic forklift used to transport the boats from the storage area to the marina is located on the property; however, no staining or leaks were observed at the time of the site visit. A water supply well was observed near the southwestern corner of the building. A vacant area is located to the east of the dry stack building for customer parking.

The area to the north of the dry stack building and associated parking is a vacant gravel area. Miscellaneous metal scraps and pieces were noted on the vacant area. A sewer pump station was located beyond to the north.

An additional concrete warehouse, similar to Building 601, is centrally located (northeast of Building 601) on the terminal property. This building serves the same function as Building 601. An additional 240-gallon diesel fuel AST is located near the northeastern corner of the building. No leaks or staining were noted at the time of the site visit. A trailer is located adjacent to the southwestern portion of the warehouse. This trailer is used for office purposes. Additionally, a former building pad was observed between the concrete warehouse and the dry stack building.

Just west of the northwestern corner of the second concrete warehouse is a large storage bin that according to site personnel has never been used. South of this bin is a small shed which houses a used oil tank and miscellaneous drums and buckets of oil/lubricants. The foundation of the shed is a concreted bermed containment. Stains and spills were located within the containment, but no evidence of spills or leaks were observed outside the containment area.

Three large ASTs are located northwest of the concrete warehouse. Calcium nitrate is housed in the two larger 900,000-gallon ASTs. Calcium nitrate is a common substance used in fertilizer. A smaller 89,000-gallon AST contains water. The two small concrete buildings (Building 602) located adjacent to the ASTs house electrical equipment for the mixing and pumping of the

liquids. A monitoring well is located west-northwest of the two larger ASTs. This well was installed in 1990; however, site personnel confirmed that the wells are periodically sampled, but were not aware of any additional information concerning the reason fir the wells or sampling. An additional monitoring well is located in the vacant area northwest of Building 601.

The adjacent properties appear to be primarily residential, vacant, Battery Creek or marshland associated with Battery Creek.

Charter Communications Warehouse

S&ME viewed the warehouse structure currently occupied by Charter Communications, Inc. a cable company. The southern portion of the warehouse is used for office purposes and the northern warehouse area is used for the storage of cable supplies including wire, cable, boxes and miscellaneous items. A forklift and a 5-gallon bucket of hydraulic fluid were observed within the facility. No leaks were observed at the time of the site visit.

Seafood Processing Area

Port Royal Seafood, Inc. and Seafood Market can be accessed by 11th Street and borders Battery Creek. A marina is located at the facility. Multiple fishing vessels can access the facility via the dock located southwest of the property. The vessels can be fueled at the dock with a dispenser located on the central portion of the dock. No apparent leaks or stains were noted at the time of the site visit.

Multiple buildings are associated with this facility. The southern portion of the southern-most building (Building 627) is used as a restaurant. The remaining portion is used for seafood sales and warehouse/storage purposes. Multiple cookers and propane tanks were located within the storage area. Additionally, multiple gas cans and batteries were located near the northern entrance door. Minimal staining from the gas cans was observed on the concrete surface. No additional leaks or stains were noted throughout the remaining warehouse. The northern-most portion of the building is used for retail sales of seafood.

Two semi-trailers, stationed northwest of the warehouse, are used for the production of ice. The ice

is piped to the dock for the fishing vessels to pack the fish. Ice was not being produced at the time of the site visit. A 55-gallon drum of an unknown substance was located underneath the ice-production trailers lying on its side and tied to a pallet. No apparent leaks or stains were noted at the time of the site visit.

North of the retail sales area is an approximate 280-gallon used oil AST for oil changes conducted on the boats and miscellaneous machinery. Beyond to the north is a 10,000-gallon diesel fuel AST located within a chain link fenced area. Petroleum is piped from the AST to the dock to fuel the vessels. No evidence of stains or leaks were observed at the time of the site visit. Additionally, a propane tank is located directly adjacent to the 10,000-gallon AST.

Directly adjacent to the AST to the east is the former ice production building. This building was previously damaged by fire and has since been vacant. A large ice storage structure is located within as well as ropes, old engine blocks, and multiple 55-gallon drums of lubricants. No evidence of staining was noted at the time of the site visit.

Adjacent to the former ice production building is the seafood processing building (Building 630). This building is divided into two areas. The southern-most area contains multiple tables set up for shrimp de-heading and other seafood processes. Two forklifts were observed in this area and minimal leaks were observed on the concrete surface beneath the forklifts located adjacent to a trench drain. A cooler area is located in this facility as well.

The southern portion of this processing building is used for softshell crab processing. Multiple tiers of pools are set up in this area housing the crabs. A 280-gallon used oil AST is located adjacent to the softshell crab processing area to the east. It appears that a pan catches leaks associated with the piping leading to the AST from an air compressor located within the processing area. An additional 55-gallon drum of an unknown substance was located adjacent to the AST lying on its side and tied to a pallet. Minimal staining was noted surrounding the drum.

Directly north of the processing building (Building 630) is Building 629, a maintenance shed. Multiple lubricants, aerosols, and miscellaneous items are located within the shed. It appears

that this building is used for the maintenance of the delivery vehicles. Staining was noted on the concrete surface of the shed. An unlabeled drum was located west of this building. No evidence of stains or leaks were observed at the time of the site visit.

An additional structure, Building 631, is located northwest of Building 630, the processing building. Building 631 is used for the packaging of the seafood. This building appeared very clean and included an office and freezer area. No evidence of environmental conditions were observed in association with this building.

Building 632, located west of Building 631, is the former cooler building. This building is no longer in use. The interior of the building could not be accessed at the time of the site visit, so it is unknown of any environmental conditions associated with the interior.

Multiple miscellaneous items including metal debris, an old forklift, netting and additional assorted items were located around the facility.

Former SCDHEC Building

The former South Carolina Department of Health and Environmental (SCDHEC) building is located on 13th Street and Battery Creek. The building was vacant and surrounded by a chain link fence. No apparent environmental conditions were noted at the time of the site visit.

Undeveloped Properties

The site is currently undeveloped and primarily wooded. S&ME did not observe any evidence of above ground or underground storage tanks on the undeveloped parcels. Some miscellaneous trash items (bottles, cans, scrap wood) were observed during the site reconnaissance. No stained or discolored soils, stressed or dying vegetation or other conditions of concern were observed onsite.

An abandoned monitoring well was observed on the Penske Brothers property. Additionally, several pole-mounted transformers are scattered about the residential neighborhood to the east of the undeveloped parcels.

7.0 Interviews

7.1 Interview with Owners

S&ME contacted a representative of the owner, Mr. David Shronce (843-745-6548). Mr. Schronce is the SCPA director of the Port Royal Terminal, Port of Georgetown and the Veterans Terminal in Charleston, SC. He has worked for the SCPA for approximately 10 years. Mr. Shronce was not aware of any significant environmental conditions with the site. He stated that the Port Royal terminal property was leased to Mr. Frank Peeples, the president of the Port Royal Clay Company, in 1968. He stated in 1968, the SCPA terminal property was leased to Peter Cotter, who operated the Port of Port Royal, Inc.

S&ME contacted Mr. Steve Connor, Director of Risk Management and Human Resources with the SCPA. Mr. Connor stated that the Port Royal Terminal facility operates approximately 2 diesel ASTs. He stated that there is a 280-gallon AST which holds waste oil in a containment area. He stated that there are large ASTs containing non-hazardous liquid fertilizer. He also stated that there are monitoring wells located on the property, but he was not aware as to why the monitoring wells were located on the property. He was not sure if the dry-stack boat storage facility housed any ASTs or USTs. He was not aware of any spills of any significance on the terminal property.

Additionally, Mr. Connor noted multiple tanks have been associated with the seafood property. Two 4,000-gallon diesel underground storage tanks (USTs) were excavated in May 1991 and received a no further action (NFA) in 1992 on the seafood property. Mr. Connor stated that a 10,000-gallon diesel AST was removed in December 1996 and received an NFA in 1998. Additionally, he stated that there is an active 10,000-gallon diesel double walled AST located on the property. He stated that he did not know of any spills associated with the tank. He noted that there are two 280-gallon ASTs housing used oil and multiple 55-gallon drums located on the property.

7.2 Interview with Site Manager

S&ME spoke with Mr. Tony Pesavento, the SCPA Port Royal Operations Supervisor. Mr. Pesavento stated that the Port Royal terminal began operations in 1958. Mr. Pesavento worked for the Port of Port Royal, Inc. for Mr. Peter Cotter from 1992 until 1995, when the SCPA took back the property. He stated that currently, the facility is used for bulk storage of cement that is brought in by ship and distributed by truck. The railroad on the terminal property was used for distribution until it was officially terminated in November 2003. Historically, the facility has handled lumber, paper products and kaolin clay which was mixed into a kaolin slurry which was used to make glossy paper.

Mr. Pesavento stated that oil changes are conducted on the site and the oil is either pumped out or transported for disposal when the 55-gallon drums are filled. He stated that multiple 240-gallon diesel ASTs are located on the property for the fueling of front-end loaders, forklifts and trucks.

He stated that the dry-stack storage area houses approximately 150 boats and they do not have any tanks associated with the property. He stated that there is a water supply well located at the facility, but the water is brackish.

Mr. Pesavento noted that the vacant portions of the terminal property located near London Street were formerly used for the storage of scrap metal, micah, feldspar, granite and limestone. Additionally, it was the former location of a concrete batch plant.

Mr. Pesavento noted that a gantry crane was formerly located on Pier 21 for lifting products from and to the ships docking at Pier 21. The gantry crane is no longer located at the pier.

He stated that the company operating the fertilizer storage area is called Yarra North America, Inc. based out of Tampa, Florida.

7.3 Interview with Occupants

Same as owner.

7.4 Interview with Local Government Officials

We contacted Chief Wilburn with the Port Royal District Fire department (843-525-7055), who has been with the Department for approximately 20 years. Chief Wilburn stated that they have record of multiple ammonia gas leaks and responded to a fire that occurred at the ice manufacturing facility at the seafood processing property. Minor incidents have been reported for minor fuel spills (overflowing gas tanks) at the dock located at the seafood processing property. Additionally, Chief Wilburn noted that no incidents of significance have occurred at the terminal property.

7.5 Interview with Others

S&ME spoke with Mr. Pete Smith, a manager for Charter Communications, Inc. (Charter). He gave S&ME a tour of the warehouse currently occupied by Charter. He stated that cable, boxes, and miscellaneous cable items are stored in the warehouse. He said that they have MSDS sheets for any chemicals they store including the hydraulic fluid observed in the warehouse. He was not aware of any spills associated with forklifts or hydraulic fluid.

S&ME spoke with Mr. Jim Pender of Pender Brothers. Mr. Pender stated that there are no aboveground storage tanks (ASTs) or underground storage tanks (USTs) currently located at his facility. Prior to his ownership of the property, fuel oil ASTs were located by the main building which have been removed.

8.0 Findings

The following findings of an environmental nature were identified during the Phase I ESA for the subject property:

1. The Port of Port of Port Royal, Inc., Coastal Aggregate Port Royal, Hydro Agri North America, Inc. and SC States Port Authority Port Royal were all identified while searching the EPA Envirosearch database.

2. The subject site is located in an area predicted to have average indoor radon levels of less than 2pCi/L (picocuries per liter) based on USEPA data for Beaufort County. Historical information indicate that phosphate rock was stored on the site. Locally mined phosphate rock contains naturally-occurring uranium-238 and radium-226 (which can produce radon gas).

3. The 1899 Sanborn Fire Insurance Map identified a warehouse which stored coal and phosphate located north of the current building labeled Building 601. An oil house was located adjacent to the railroad depot and an office located adjacent to what is now the warehouse used by Charter.

4. The 1912 Sanborn Map identified the Tidewater Fertilizer and Storage Co. located in the location of Building 601. A 25 horsepower gas engine was used at the facility.

5. The 1924 Sanborn Map identified a portion of the wooden dock located adjacent to what is now Building 601 was labeled oil dock.

6. The interior of Building 632 on the seafood processing building could not be accessed at the time of the site visit.

7. Multiple drums of oil and oil filters were observed within the maintenance shed (Building 607) on the terminal property. Additional 5-gallon buckets and 55-gallon drums of miscellaneous substances were observed. A forklift with minimal staining on the concrete surface beneath was observed. An above ground oil water separator is located adjacent to the structure to the west with a 5-gallon bucket of oil skimmed from the surface below.

8. Three 240-gallon diesel fuel ASTs were observed on the terminal property. A drum of lubricant grease was located adjacent to the AST located at Building 601.

9. The dry-stack facility conducts oil changes on the premises.

10. A small shed located west of the smaller concrete warehouse and near the three large ASTs on the terminal property contains a used oil tank, miscellaneous 55-gallon drums

and 5-gallon buckets of oil/lubricants. Stains and spills were observed within the concrete bermed containment.

11. Three large ASTs (2-900,000-gallon and 1-89,000-gallon) containing calcium nitrate and water are located on the terminal property.

12. Two monitoring wells were observed on the terminal property.

13. A hydraulic forklift and 5-gallon bucket of hydraulic fluid were observed within the Charter Communications warehouse.

14. The warehouse portion of Building 627 on the seafood processing facility houses multiple gas cans and batteries. Minimal staining from the gas cans was observed on the concrete surface.

15. A 55-gallon drum of an unknown substance was observed beneath the ice production trailers located on the seafood processing property.

16. Two 280-gallon ASTs containing used oil were observed on the seafood facility. Pans situated underneath or adjacent to the ASTs catch eaks associated with ASTs. Additionally, a 55-gallon drum of an unknown substance was observed adjacent to this AST. Staining was observed near the 55-gallon drum.

17. A 10,000-gallon diesel AST fuels a dispenser on the dock located on the seafood processing property. Based on the Port Royal Fire Department, minor incidents have occurred while fueling the boats at the dock.

18. An old engine block and multiple 55-gallon drums were observed within the former ice production building on the seafood processing property.

19. In Building 630, the seafood processing structure, two forklifts were observed with minimal staining beneath them on the concrete surface near a trench drain within the building.

20. In Building 629, the maintenance shed, multiple lubricants, aerosols, and miscellaneous items were stored. An unlabeled drum was located west of the building.

21. An old forklift and other miscellaneous items were observed on the seafood processing facility.

22. The Port Royal Seafood, Inc. was identified on the EDR report. A total of three USTs have been abandoned at the property. Two releases have been associated with this site and both have received NFA status.

23. Hammond Hull Company noted on the EDR orphan summary located on Lenore Drive is being addressed through the voluntary clean-up program through the SCDHEC.

24. Seven additional sites were identified on the regulatory databases within the specified search distances as noted in Section 5.1.

9.0 Opinions

S&ME offers the following opinions concerning our finding of potential environmental concern:

1. Based on the historical presence of an oil house located adjacent to the railroad depot and an office, it is considered a *recognized environmental condition.* The building is no longer present, but spills and leaks of the oil may have occurred during its existence.

2. The 1912 Sanborn Map identified the Tidewater Fertilizer and Storage Co. located in the location of Building 601. A 25 horsepower gas engine was used at the facility. It is unknown if any fertilizer products were produced or stored at the facility and if any spills or leaks of gas used by the engine occurred. Based on the historical use of the site, it is considered a *recognized environmental condition.*

3. The 1924 Sanborn Map identified a portion of the wooden dock located adjacent to what is now Building 601 was labeled oil dock. As it is unknown if any spills or leaks occurred while operated as an oil dock, it is considered a *recognized environmental condition.*

4. The small shed containing a used oil tank, miscellaneous 55-gallon drums and 5-gallon buckets of oil/lubricants. Stains and spills were observed within the concrete bermed containment. Based on the exposure to the elements on one side of the shed, the containment could fill up with water and spill over onto the surrounding soils and for this reason it is considered a *recognized environmental condition.*

5. Two monitoring wells were observed on the terminal property. It is unknown the reason for the monitoring wells; however, the monitoring wells would not likely exist if there were not reason for concern to the environment; therefore, they are considered *recognized environmental conditions.*

6. Two 280-gallon ASTs containing used oil were observed on the seafood facility. Pans situated underneath or adjacent to the ASTs catch leaks associated with ASTs. Additionally, a 55-gallon drum of an unknown substance was observed adjacent to this AST. Staining was observed near the 55-gallon drum. Based on the ease of the pans to overflow during inclement weather conditions and the staining near the 55-gallon drum, the ASTs and 55-gallon drum are considered *recognized environmental conditions.*

7. A 10,000-gallon diesel AST fuels a dispenser on the dock located on the seafood processing property. Based on interviews with the Port Royal Fire Department, minor incidents have occurred while fueling the boats at the dock. Based on the presence of the AST and its proximity to Battery Creek, it is considered a *recognized environmental condition.*

8. In Building 630, the seafood processing structure, two forklifts were observed with minimal staining beneath them on the concrete surface near a trench drain within the

building. Due to the proximity of the leaking petroleum products from the forklifts to the trench drains, the forklifts are considered *recognized environmental conditions.*

The following are not considered to be *recognized environmental conditions.*

1. The Port of Port of Port Royal, Inc., Coastal Aggregate Port Royal, Hydro Agri North America, Inc. and SC States Port Authority Port Royal were all identified while searching the EPA Envirosearch database. As these sites were listed as having 401 Certifications and air permits, these sites are considered findings.

2. While locally mined phosphate rock contains naturally-occurring uranium-238 and radium-226 which can produce radon gas, the warehouse that the phosphate was stored is no longer present; therefore, it is considered a finding.

3. The interior of Building 632 on the seafood processing building could not be accessed at the time of the site visit. As the building could not be accessed, it is considered a limiting condition.

4. The multiple drums of oil and oil filters, miscellaneous substances and staining beneath the hydraulic forklift were observed within the maintenance shed (Building 607) on the terminal property do not appear to pose a significant environmental threat to the site. Therefore, it is our opinion that these materials are considered a finding provided they are used, stored and disposed of properly.

5. Three 240-gallon diesel fuel ASTs were observed on the terminal property. A drum of lubricant grease was located adjacent to the AST located at Building 601. As no stains were observed surrounding the ASTs and drum of grease, the ASTs are considered a finding.

6. The dry-stack facility conducts oil changes on the premises; however, the company that performs the oil changes on site transports the oil for disposal. As oil is not stored on the premises, the site is considered a finding.

7. Three large ASTs (2-900,000-gallon and 1-89,000-gallon) containing calcium nitrate and water are located on the terminal property. As calcium nitrate is a common fertilizer ingredient, these ASTs are considered findings.

8. No spills or staining was observed in association with the hydraulic forklift and 5-gallon bucket of hydraulic fluid observed within the Charter Communications warehouse. The hydraulic fluid does not appear to pose a significant environmental threat to the site. Therefore, it is our opinion that this material is considered a finding provided it is used, stored and disposed of properly.

9. The gas cans and batteries observed in Building 627 do not appear to pose a significant environmental threat to the site. Therefore, it is our opinion that these materials are considered a finding provided they are used, stored and disposed of properly.

10. The 55-gallon drum of an unknown substance observed beneath the ice production trailers located on the seafood processing property does not appear to pose a significant environmental threat to the site. Therefore, it is our opinion that this material is considered a finding provided it is used, stored and disposed of properly.

11. The old engine block and multiple 55-gallon drums observed within the former ice production building on the seafood processing property do not appear to pose a significant environmental threat to the site. Therefore, it is our opinion that these materials are considered a finding provided they are used, stored and disposed of properly.

12. In Building 629, the maintenance shed, multiple lubricants, aerosols, and miscellaneous items do not appear to pose a significant environmental threat to the site. Therefore, it is our opinion that these materials are considered a finding provided they are used, stored and disposed of properly.

13. An old forklift and other miscellaneous items at the seafood processing area do not appear to pose a significant environmental threat to the site. Therefore, it is our opinion that these materials are considered a finding provided they are used, stored and disposed of properly.

14. Hammond Hull Company noted on the EDR orphan summary located on Lenore Drive is being addressed through the voluntary clean-up program through the SCDHEC. As this facility is located on Battery Creek, groundwater flow would most likely flow towards the creek and not in a southern direction toward the subject property. Based on its proximity, Hammond Hull Company is considered a finding.

15. The Port Royal Seafood, Inc. was identified on the EDR report. A total of three USTs have been abandoned at the property. Two releases have been associated with this site and both have received NFA status. Based on the current regulatory status, this site is considered a finding.

16. Based on their proximity to the subject property, the remaining sites listed on the regulatory databases are considered findings.

10.0 Conclusions

S&ME has performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM E 1527-00 of the referenced site located inside the city limits of Port Royal in Beaufort County, South Carolina. Any exceptions to or deletions from this practice are described in Section 2.4 of this report.

Based on this Phase I ESA, S&ME found evidence of *recognized environmental conditions* in connection with the subject property.

- Based on the historical presence of an oil house located adjacent to the railroad depot and an office, it is considered a *recognized environmental condition.* The building is no longer present, but spills and leaks of the oil may have occurred during its existence.

- The 1912 Sanborn Map identified the Tidewater Fertilizer and Storage Co. located in the location of Building 601. A 25 horsepower gas engine was used at the facility. It is unknown if any fertilizer products were produced or stored at the facility and if any spills or leaks of gas used by the engine occurred. Based on the historical use of the site, it is considered a *recognized environmental condition.*

- The 1924 Sanborn Map identified a portion of the wooden dock located adjacent to what is now Building 601 was labeled oil dock. As it is unknown if any spills or leaks occurred while operated as an oil dock, it is considered a *recognized environmental condition.*

- The small shed containing a used oil tank, miscellaneous 55-gallon drums and 5-gallon buckets of oil/lubricants. Stains and spills were observed within the concrete bermed containment. Based on the exposure to the elements on one side of the shed, the containment could fill up with water and spill over onto the surrounding soils and for this reason it is considered a *recognized environmental condition.*

- Two monitoring wells were observed on the terminal property. It is unknown the reason for the monitoring wells; however, the monitoring wells would not likely exist if there were not reason for concern to the environment; therefore, they are considered *recognized environmental conditions.*

- Two 280-gallon ASTs containing used oil were observed on the seafood facility. Pans situated underneath or adjacent to the ASTs catch leaks associated with ASTs. Additionally, a 55-gallon drum of an unknown substance was observed adjacent to this AST. Staining was observed near the 55-gallon drum. Based on the ease of the pans to

overflow during inclement weather conditions and the staining near the 55-gallon drum, the ASTs and 55-gallon drum are considered *recognized environmental conditions.*

- A 10,000-gallon diesel AST fuels a dispenser on the dock located on the seafood processing property. Based on interviews with the Port Royal Fire Department, minor incidents have occurred while fueling the boats at the dock. Based on the presence of the AST and its proximity to Battery Creek, it is considered a *recognized environmental condition.*

- In Building 630, the seafood processing structure, two forklifts were observed with minimal staining beneath them on the concrete surface near a trench drain within the building. Due to the proximity of the leaking petroleum products from the forklifts to the trench drains, the forklifts are considered *recognized environmental conditions.*

11.0 Deviations

S&ME has endeavored to perform this Phase I ESA in substantial conformance with the scope and limitations of ASTM Standard Practice E1527-00, without significant deviation.

12.0 Additional Services

S&ME performed no additional services during this assessment.

13.0 References

ASTM, 2000. *ASTM Standards on Environmental Site Assessments for Commercial Real Estate. E 1527-00, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.* American Society for Testing and Materials, Philadelphia, PA.

U.S.G.S. Topographical Map, Charleston, *South Carolina Quadrangle*, 1958 (revised 1979 and 1983).

Sanborn Fire Insurance Maps, EDR Collection.

ProQuest Information and Learning "Digital Sanborn Maps, 1867-1970." Http://www.ccpl.org (April 20, 2005).

User-provided references are listed in Section 4.3.

University of South Carolina, 1983. *Surface and Subsurface Stratigraphy, Structure and Aquifers of the South Carolina Coastal Plain*; Colquhoun, Woollen, Van Nieuwenhuise, Padgett, Oldham, Boylan, Bishop and Howell.

History of the South Carolina State Ports Authority. Columbia: R.L. Bryan Company, 1991.

14.0 Qualifications of Environmental Professionals

The environmental professionals for this project are Ms. Jill A. Bishop and Mr. Chuck Black. Ms. Bishop has over 6 years experience in environmental consulting. Ms. Bishop has completed ASTM training for performing Phase I ESAs.

Mr. Black is a Senior Reviewer with 12 years of engineering and environmental consulting experience. Mr. Black has also completed ASTM training for performing Phase I ESAs.

15.0 Signatures of Environmental Professionals

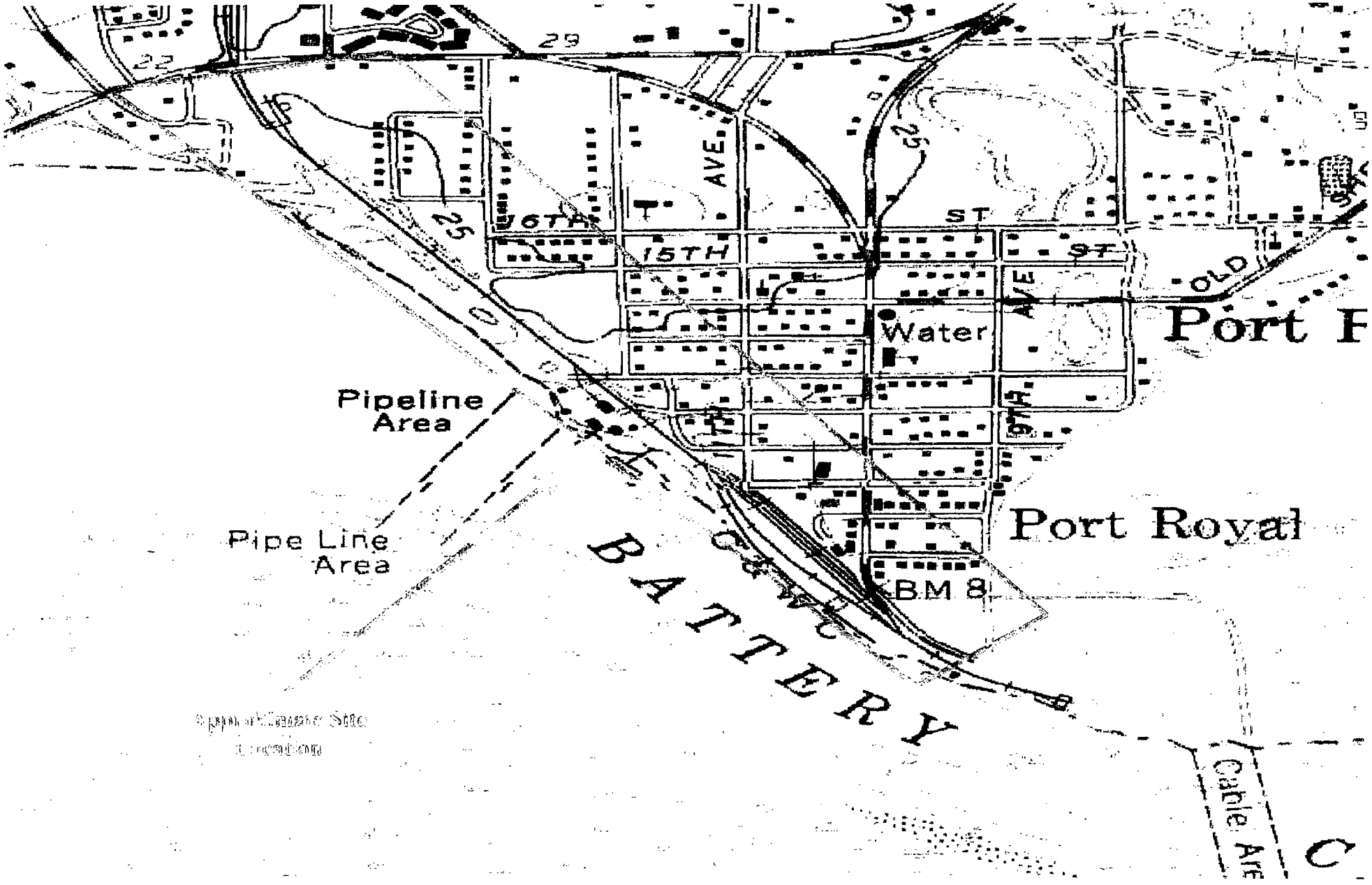
Jill A. Bishop
Environmental Scientist

Chuck Black
Senior Reviewer

APPENDIX I

FIGURES

OWNERSHIP INFORMATION



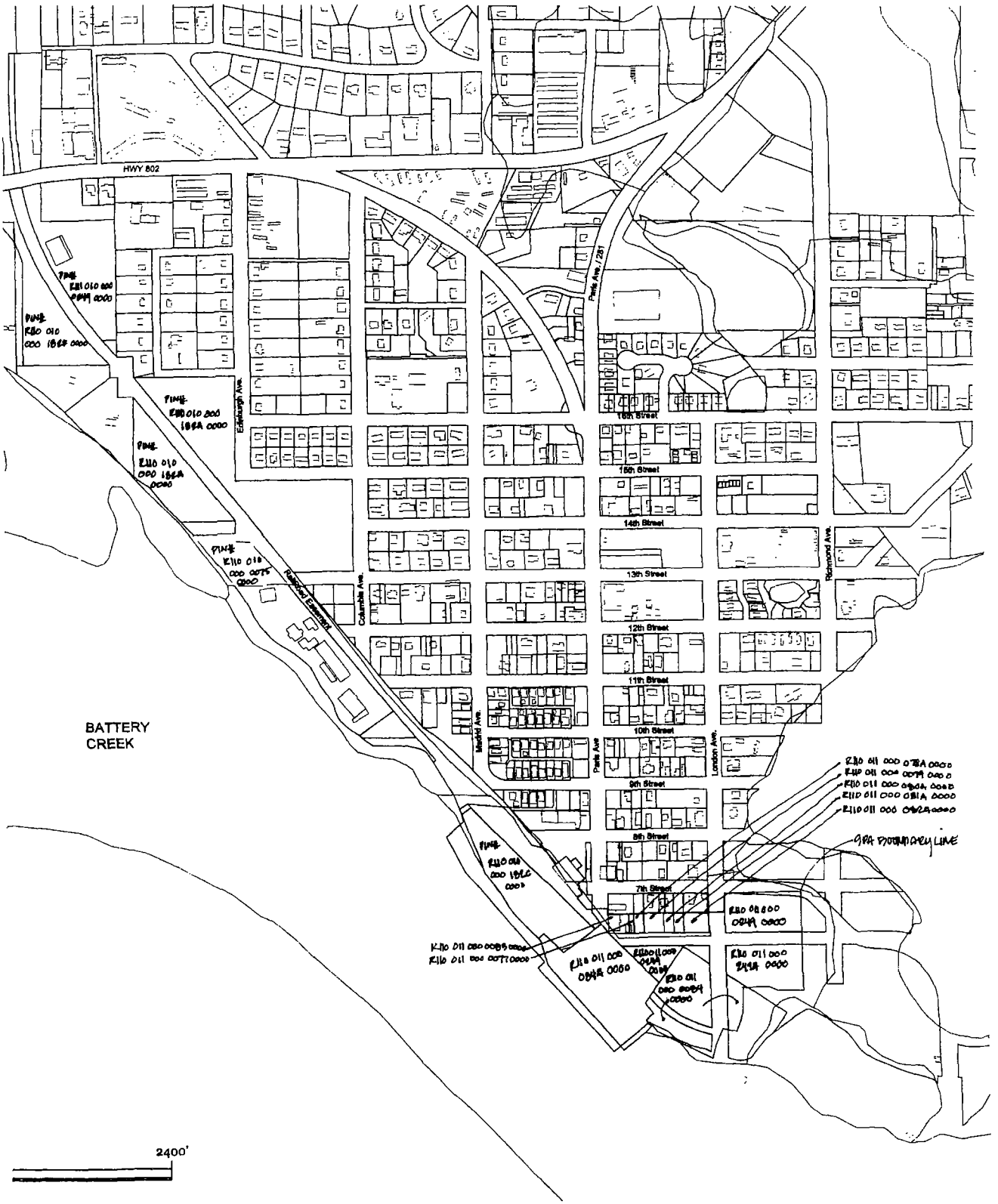
Site Topographic Map

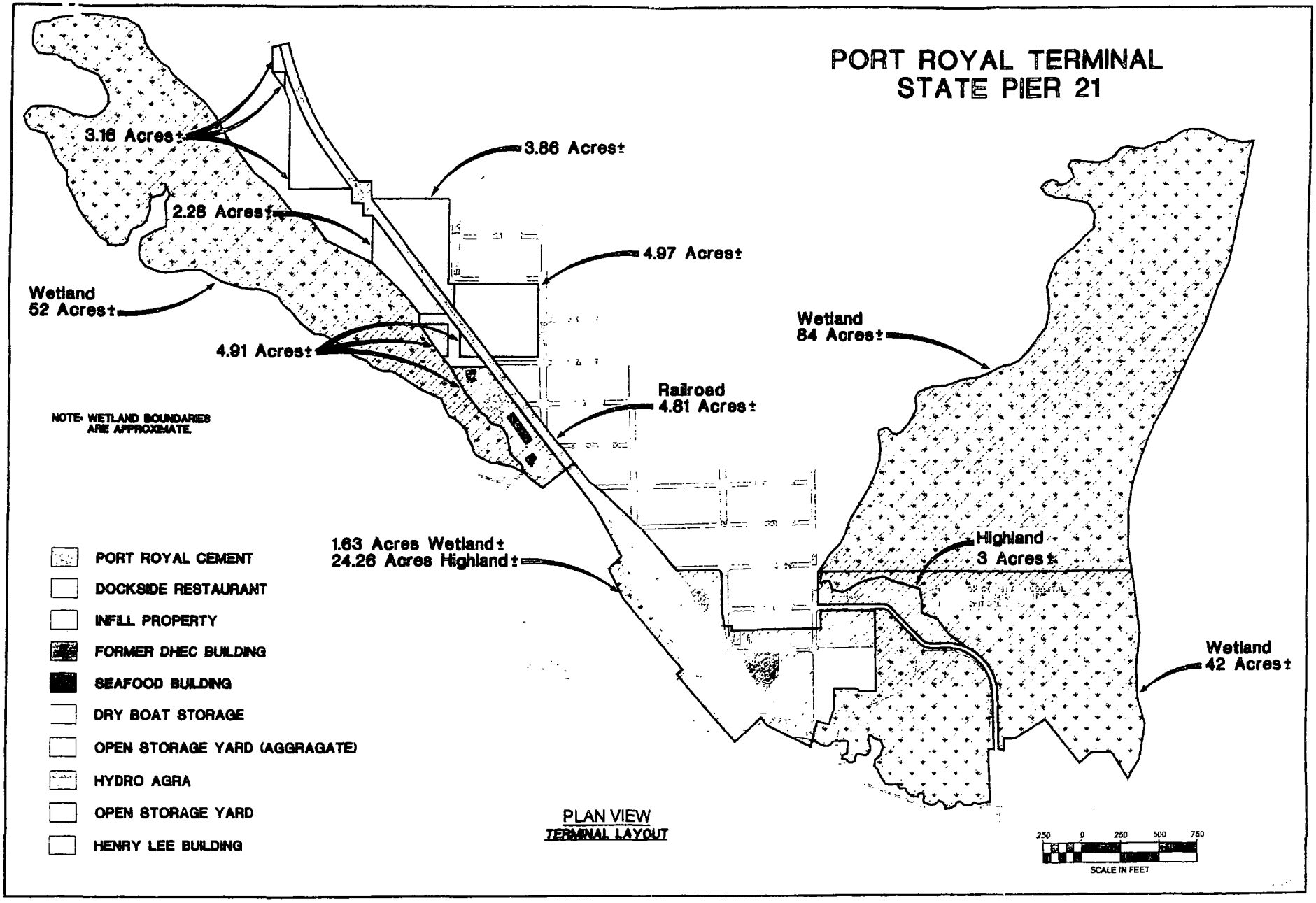
Port Royal Port Facility

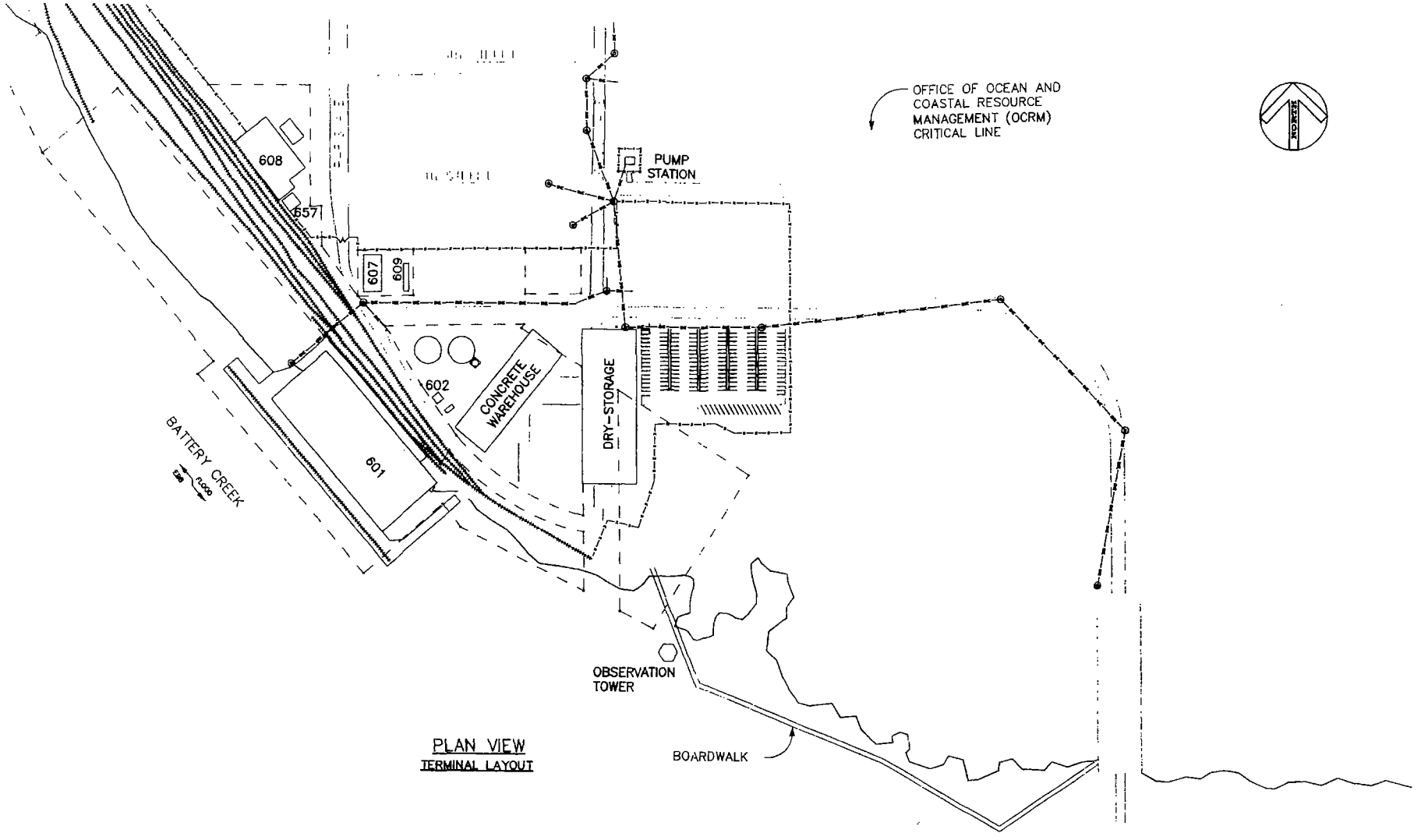
Port Royal, South Carolina

S&ME Job No. 1134-05-201

Figure 1
Topographic Map
Beaufort and Parris Island, SC
Quadrangle


HWY 802
Parris Ave. / 281
Edinburgh Ave.
16th Street
15th Street
14th Street
13th Street
12th Street
11th Street
10th Street
9th Street
8th Street
7th Street
Columbia Ave.
Madrid Ave.
Paris Ave.
London Ave.
Richmond Ave.
Railroad Easement
BATTERY
CREEK
2400'


PORT ROYAL TERMINAL
STATE PIER 21
3.16 Acres±
2.28 Acres±
3.86 Acres±
4.97 Acres±
Wetland
52 Acres±
4.91 Acres±
Railroad
4.81 Acres±
Wetland
84 Acres±
NOTE: WETLAND BOUNDARIES ARE APPROXIMATE.
1.63 Acres Wetland±
24.26 Acres Highland±
Highland
3 Acres±
Wetland
42 Acres±
PORT ROYAL CEMENT
DOCKSIDE RESTAURANT
INFILL PROPERTY
FORMER DHEC BUILDING
SEAFOOD BUILDING
DRY BOAT STORAGE
OPEN STORAGE YARD (AGGRAGATE)
HYDRO AGRA
OPEN STORAGE YARD
HENRY LEE BUILDING
PLAN VIEW
TERMINAL LAYOUT
250 0 250 500 750
SCALE IN FEET



PLAN VIEW
TERMINAL LAYOUT

NO.	DESCRIPTION	DATE	APP'D. BY
	REVISIONS		

Prelimap

SOUTH CAROLINA STATE PORTS AUTHORITY

DRAWN BY: PTJ	PORT ROYAL TERMINAL – STATE PIER 21	DATE: JULY 2004
CHECKED BY: DNS	TERMINAL MAP EXISTING BASE MAP	SHEET NO.: 00
APP'D BY: DNS	PROJECT NO.: PRT-00 SCALE: GRAPHIC	REVISION NO.:

Print This Page

Today's Date: Apr 19, 2005

Beaufort County Assessor's Office

The Beaufort County Assessor's office makes every effort to produce the most accurate information possible.
No warranties, expressed or implied are provided for the data herein, its use or interpretation. All data is subject to change.

Key #	4474358	**PCA**	6001
PID #	R110 011 000 078A 0000	**PCS**	40
Owner Name	SOUTH CAROLINA STATES PORTS		
Owner Name/Address 1	AUTHORITY		
Owner Address 2	PO BOX 817		
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	0		
Legal	LOTS 14 15		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$100,000	$0	$0	$0	$0.00	$0.00
2003	$100,000	$0	$0	$0	$0.00	$0.00
2002	$100,000	$0	$0	$0	$0.00	$0.00
2001	$100,000	$0	$0	$0	$0.00	$0.00
2000	$100,000	$0	$0	$0	$0.00	$0.00
1999	$100,000	$0	$0	$0	$0.00	$0.00
1998	$100,000	$0	$0	$0	$0.00	$0.00
1997	$4,800	$0	$0	$0	$0.00	$0.00
1996	$4,800	$0	$0	$0	$0.00	$0.00

Exemptions	
Year:	**Amount:**
2005	$100,000.00
2004	$100,000.00
2003	$100,000.00

2002	$100,000.00
2001	$100,000.00
2000	$100,000.00
1999	$100,000.00
1998	$100,000.00
1997	$4,800.00
1996	$4,800.00

SALES INFORMATION

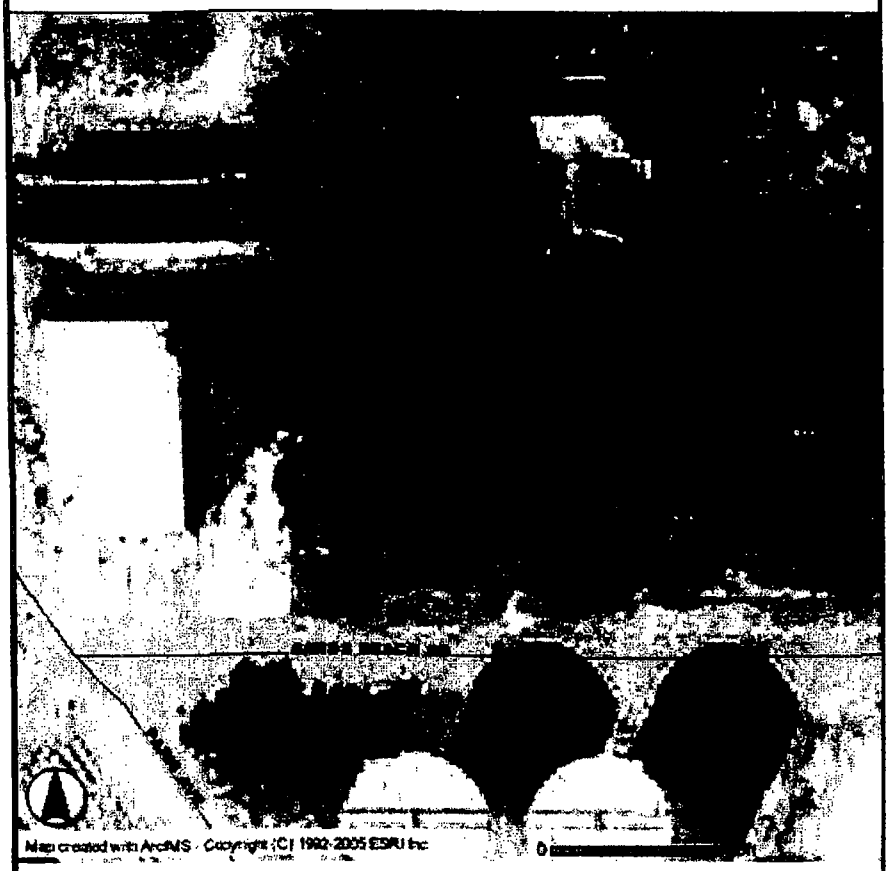
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
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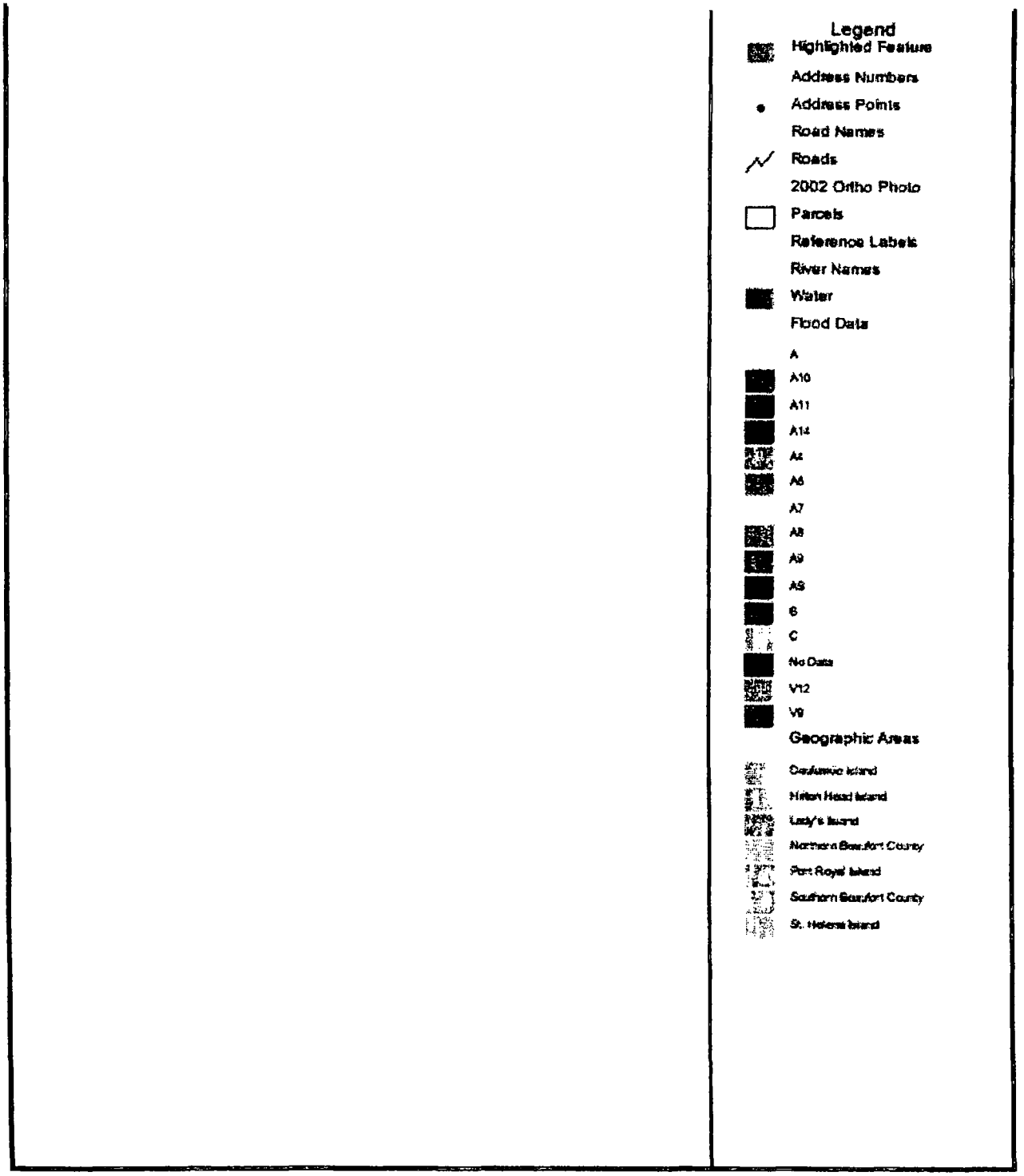
LAND DATA

Year	2005
NEIGHBORHOOD CODE	B003
ACRES	0.00
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 011 000 078A 0000




Legend
Highlighted Feature
Address Numbers
Address Points
Road Names
Roads
2002 Ortho Photo
Parcels
Reference Labels
River Names
Water
Flood Data
A
A10
A11
A14
A4
A6
A7
A8
A9
AS
B
C
No Data
V12
V9
Geographic Areas
Daufuskie Island
Hilton Head Island
Lady's Island
Northern Beaufort County
Port Royal Island
Southern Beaufort County
St. Helena Island

Print This Page

Today's Date:
Apr 19, 2005

Beaufort County Assessor's Office

The Beaufort County Assessor's office makes every effort to produce the most accurate information possible.
No warranties, expressed or implied are provided for the data herein, its use or interpretation. All data is subject to change.

Key #	197227	**PCA**	6101
PID #	R110 011 000 0079 0000	**PCS**	11
Owner Name	S C STATE PORTS AUTHORITY		
Owner Name/Address 1	PO BOX 817		
Owner Address 2			
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	913 SEVENTH ST		
Legal	LOTS 10-12 36 TOWN OF		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$200,000	$0	$0	$0	$0.00	$0.00
2003	$200,000	$0	$0	$0	$0.00	$0.00
2002	$200,000	$0	$0	$0	$0.00	$0.00
2001	$200,000	$0	$0	$0	$0.00	$0.00
2000	$200,000	$0	$0	$0	$0.00	$0.00
1999	$200,000	$0	$0	$0	$0.00	$0.00
1998	$200,000	$0	$0	$0	$0.00	$0.00
1997	$9,600	$0	$0	$0	$0.00	$0.00
1996	$9,600	$0	$0	$0	$0.00	$0.00

Exemptions

Year:	Amount:
2005	$200,000.00
2004	$200,000.00
2003	$200,000.00

2002	$200,000.00
2001	$200,000.00
2000	$200,000.00
1999	$200,000.00
1998	$200,000.00
1997	$9,600.00
1996	$9,600.00

SALES INFORMATION

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
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1	575	2369	19910521	GW	H	I	19600

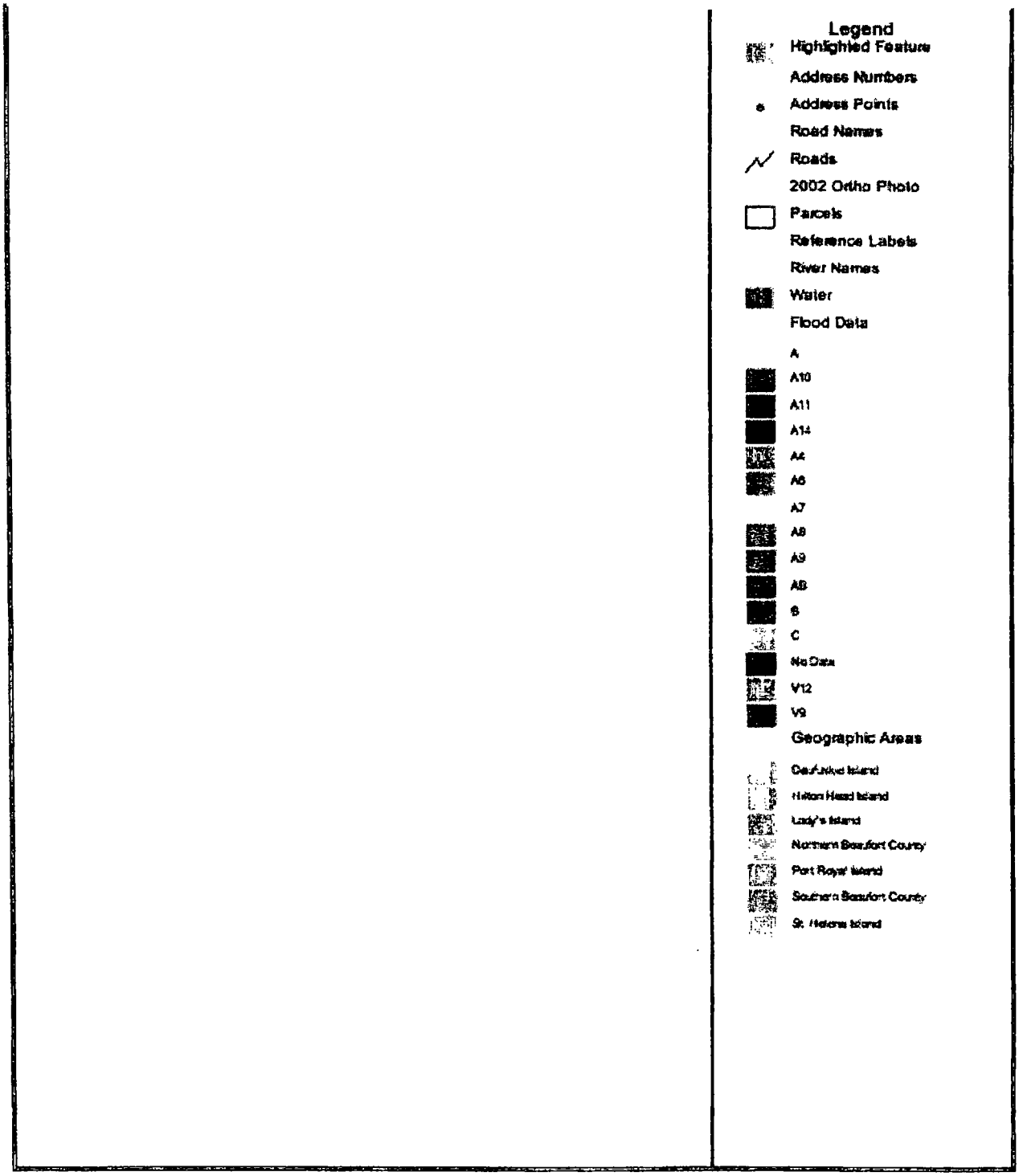
LAND DATA

Year	2005
NEIGHBORHOOD CODE	B003
ACRES	0.00
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 011 000 0079 000




Legend
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Beaufort County Assessor's Office

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Key #	198583	**PCA**	6101
PID #	R110 011 000 080A 0000	**PCS**	11
Owner Name	S C STATE PORTS AUTHORITY		
Owner Name/Address 1	PO BOX 817		
Owner Address 2			
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	0		
Legal	LOTS 8 9		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$100,000	$0	$0	$0	$0.00	$0.00
2003	$100,000	$0	$0	$0	$0.00	$0.00
2002	$100,000	$0	$0	$0	$0.00	$0.00
2001	$100,000	$0	$0	$0	$0.00	$0.00
2000	$100,000	$0	$0	$0	$0.00	$0.00
1999	$100,000	$0	$0	$0	$0.00	$0.00
1998	$100,000	$0	$0	$0	$0.00	$0.00
1997	$4,800	$0	$0	$0	$0.00	$0.00
1996	$4,800	$0	$0	$0	$0.00	$0.00

Exemptions

Year:	Amount:
2005	$100,000.00
2004	$100,000.00
2003	$100,000.00

2002	$100,000.00
2001	$100,000.00
2000	$100,000.00
1999	$100,000.00
1998	$100,000.00
1997	$4,800.00
1996	$4,800.00

SALES INFORMATION

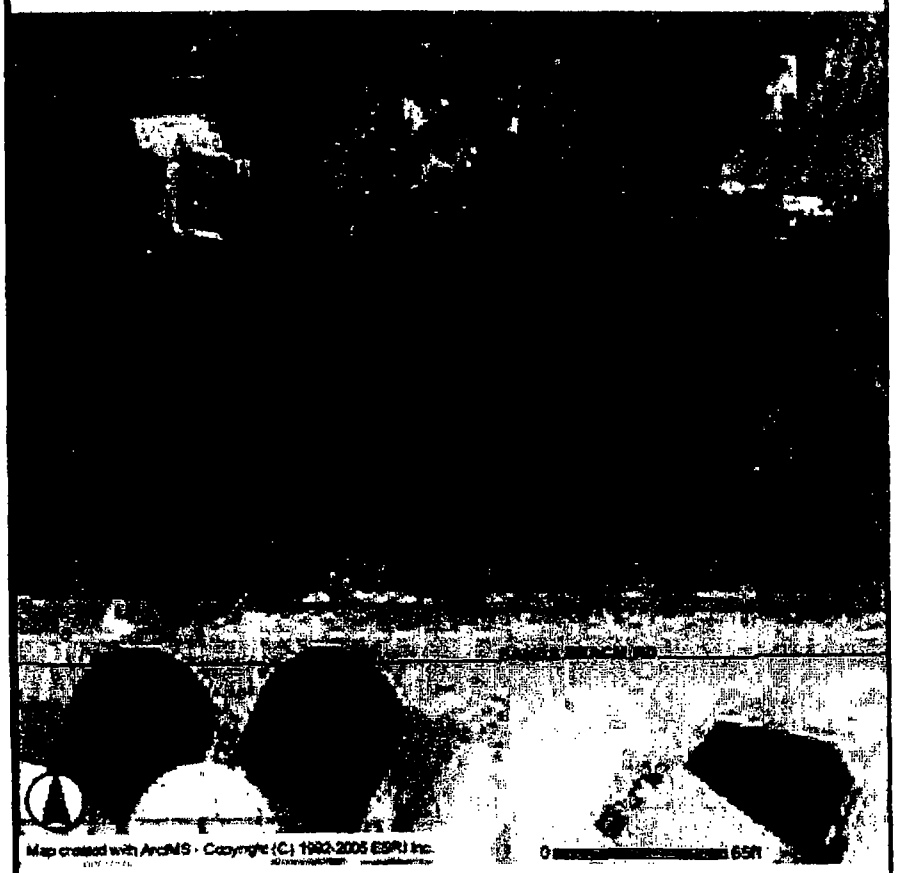
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
1	116	80	19800101	GW	U	V	0
1	568	1345	19910110	GW	U	V	8000

LAND DATA

Year	2005
NEIGHBORHOOD CODE	B003
ACRES	0.00
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 011 000 080A 0000



2002	$100,000.00
2001	$100,000.00
2000	$100,000.00
1999	$100,000.00
1998	$100,000.00
1997	$4,800.00
1996	$4,800.00

SALES INFORMATION

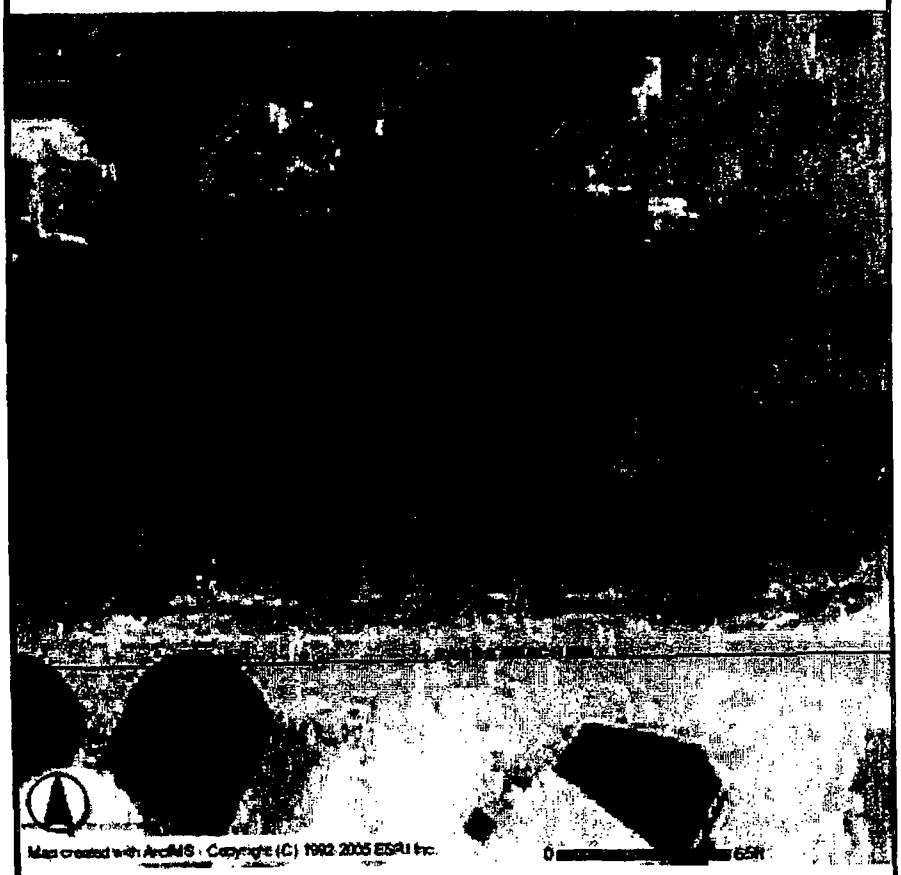
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
1	116	69	19800101	GW	U	V	0
1	568	1353	19910110	GW	U	V	8000

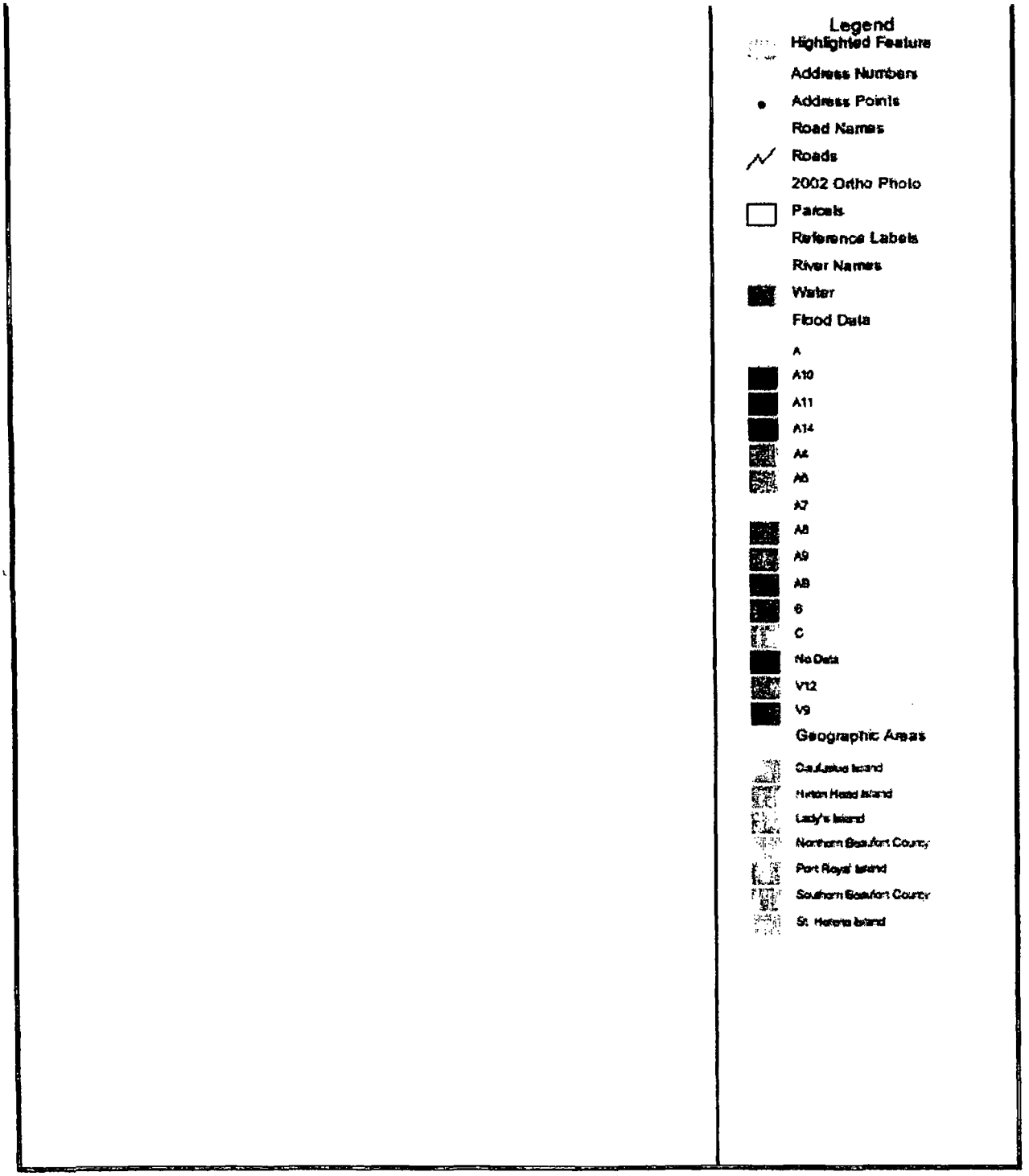
LAND DATA

Year	2005
NEIGHBORHOOD CODE	B003
ACRES	0.00
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 011 000 081A 0000




Legend
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Key #	198609	**PCA**	6101
PID #	R110 011 000 082A 0000	**PCS**	11
Owner Name	SOUTH CAROLINA STATE PORTS		
Owner Name/Address 1	AUTHORITY		
Owner Address 2	PO BOX 817		
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	0		
Legal	LOTS 1 THRU 5		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$175,000	$0	$0	$0	$0.00	$0.00
2003	$21,000	$0	$0	$0	$0.00	$0.00
2002	$21,000	$0	$0	$0	$0.00	$0.00
2001	$21,000	$0	$0	$0	$0.00	$0.00
2000	$21,000	$0	$0	$0	$0.00	$0.00
1999	$21,000	$0	$0	$0	$0.00	$0.00
1998	$21,000	$0	$0	$0	$0.00	$0.00
1997	$12,000	$0	$0	$0	$0.00	$0.00
1996	$12,000	$0	$0	$0	$0.00	$0.00

Exemptions

Year:	Amount:
2005	$175,000.00
2004	$175,000.00
2003	$21,000.00

2002	$21,000.00
2001	$21,000.00
2000	$21,000.00
1999	$21,000.00
1998	$21,000.00
1997	$12,000.00
1996	$12,000.00

SALES INFORMATION

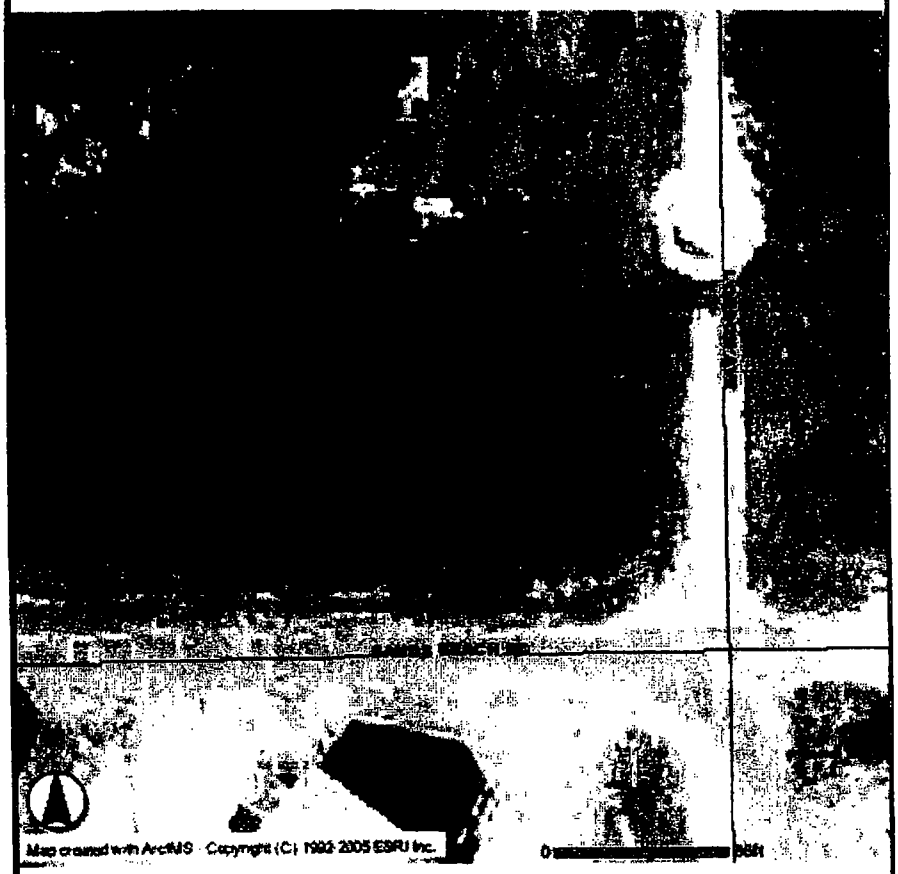
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1	231	52	19800101	GW	U	V	0
1	434	1854	19851001	GW	E	V	0
1	564	129	19901102	GW	Q	V	20000

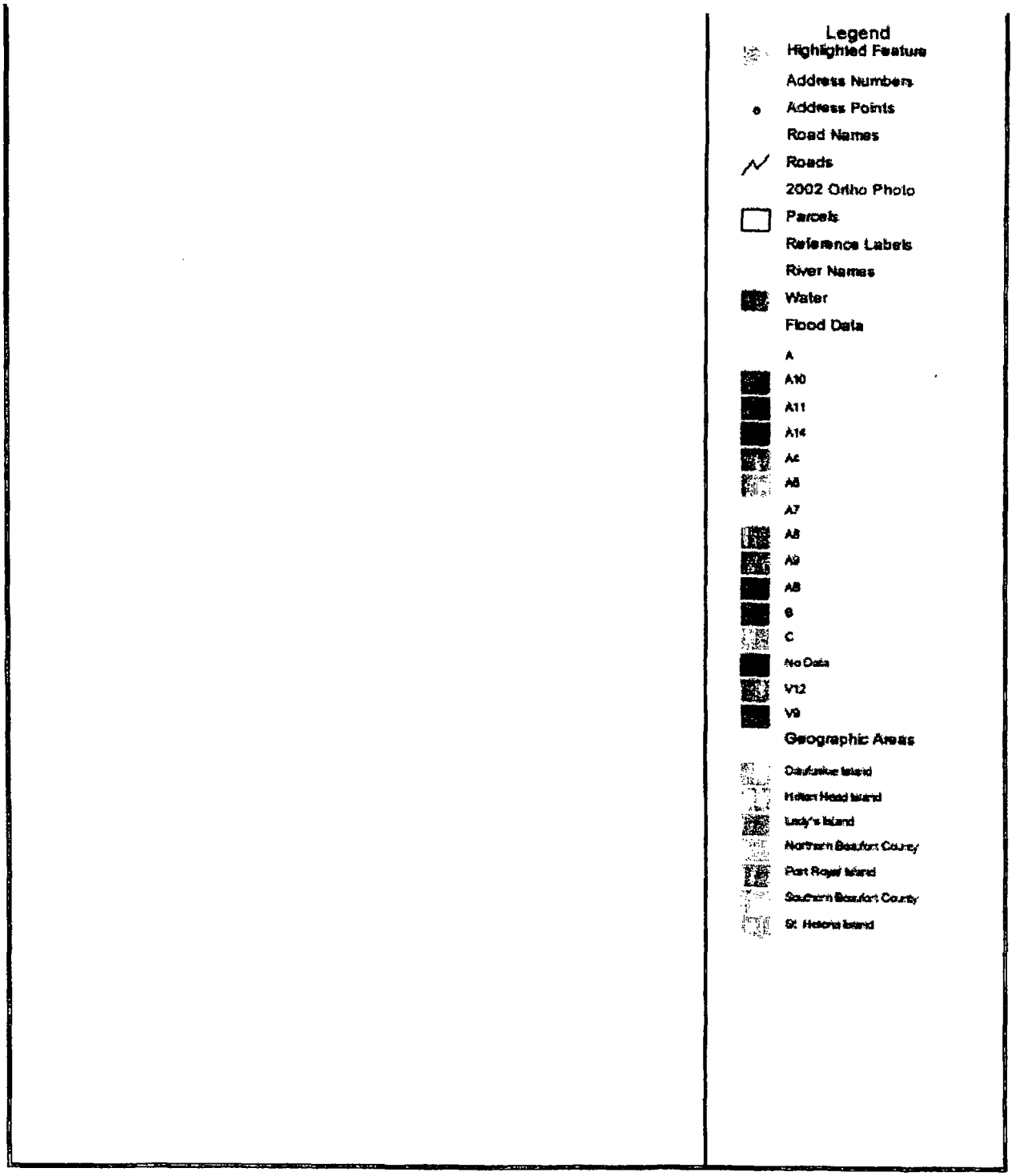
LAND DATA

Year	2005
NEIGHBORHOOD CODE	B003
ACRES	0.00
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 011 000 081A 0000




Legend
Highlighted Feature
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Key #	81173	**PCA**	6001
PID #	*R110 011 000 0249 0000*	**PCS**	*40*
Owner Name	SOUTH CAROLINA PORTS AUTHORITY		
Owner Name/Address 1	PO BOX 817		
Owner Address 2			
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	602 LONDON AVE		
Legal	BLK 35 POR BLK 42 TOWN		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$400,000	$0	$0	$0	$0.00	$0.00
2003	$200,000	$0	$0	$0	$0.00	$0.00
2002	$200,000	$0	$0	$0	$0.00	$0.00
2001	$200,000	$0	$0	$0	$0.00	$0.00
2000	$200,000	$0	$0	$0	$0.00	$0.00
1999	$200,000	$0	$0	$0	$0.00	$0.00
1998	$200,000	$0	$0	$0	$0.00	$0.00
1997	$90,000	$0	$0	$0	$0.00	$0.00
1996	$90,000	$0	$0	$0	$0.00	$0.00

Exemptions	
Year:	**Amount:**
2005	$400,000.00
2004	$400,000.00
2003	$200,000.00

2002	$200,000.00
2001	$200,000.00
2000	$200,000.00
1999	$200,000.00
1998	$200,000.00
1997	$90,000.00
1996	$90,000.00

SALES INFORMATION

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
1	232	1165	19800101	GW	U	V	0
1	547	1356	19900223	GW	Q	V	600000
1	568	853	19901213	GW	S	V	5

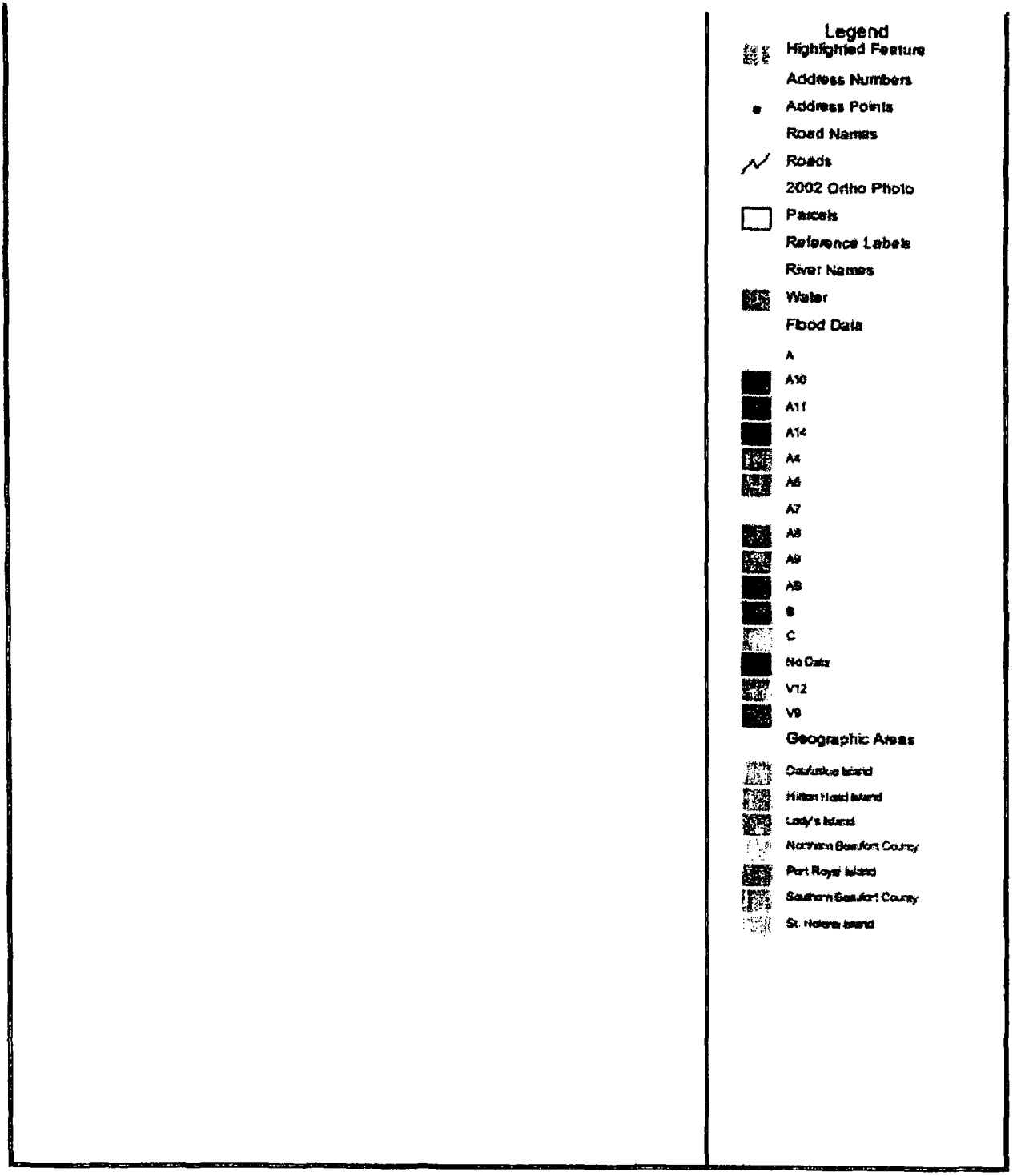
LAND DATA

Year	2005
NEIGHBORHOOD CODE	B003
ACRES	4.00
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 011 000 0249 0000




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Key #	197272	**PCA**	6011
PID #	R110 011 000 0084 0000	**PCS**	40
Owner Name	S C STATES PORTS AUTHORITY		
Owner Name/Address 1	% MR WILLIAM VAUGHAN		
Owner Address 2	PO BOX 576		
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	0		
Legal	PB29 P109 PB31 P131		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$440,000	$162,600	$2,770	$0	$0.00	$0.00
2003	$1,377,200	$184,500	$2,770	$0	$0.00	$0.00
2002	$1,377,200	$184,500	$2,770	$0	$0.00	$0.00
2001	$1,377,200	$184,500	$2,770	$0	$0.00	$0.00
2000	$1,377,200	$184,500	$2,770	$0	$0.00	$0.00
1999	$1,377,200	$184,500	$2,770	$0	$0.00	$0.00
1998	$1,377,200	$184,500	$2,770	$0	$0.00	$0.00
1997	$219,600	$58,700	$0	$0	$0.00	$0.00
1996	$219,600	$58,700	$0	$0	$0.00	$0.00

Exemptions	
Year:	**Amount:**
2005	$605,370.00
2004	$605,370.00
2003	$1,564,470.00

2002	$1,564,470.00
2001	$1,564,470.00
2000	$1,564,470.00
1999	$1,564,470.00
1998	$1,564,470.00
1997	$278,300.00
1996	$278,300.00

SALES INFORMATION

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
1	320	1883	19801201	GW	Q	V	88580
1	8	2167	19870115	JR	M	V	10
1	579	1553	19910719	MT	E	V	400000

LAND DATA

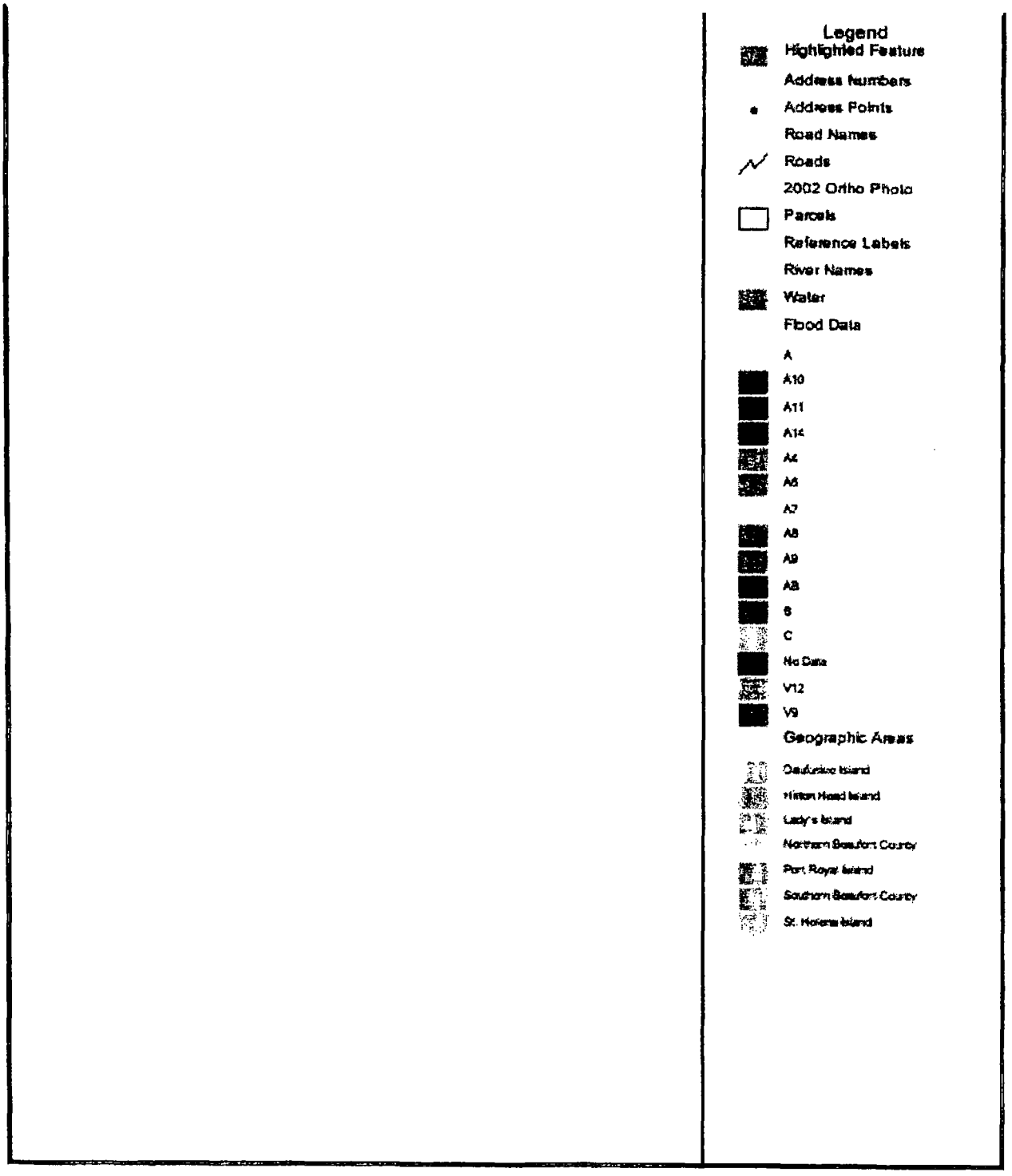
Year	2005
NEIGHBORHOOD CODE	B010
ACRES	4.40
Agriculture Use	0

BUILDING CHARACTERISTICS

Improvement Type	Year Built	Number of Stories	Total Rooms	Total Square Feet	Living Area
CWH00S		1.0	1	15730	14300

R110 011 000 0084 0000




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Key #	198618	**PCA**	6011
PID #	R110 011 000 084A 0000	**PCS**	40
Owner Name	S C STATE PORTS AUTHORITY		
Owner Name/Address 1	PO BOX 817		
Owner Address 2			
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	601 PARIS AVE		
Legal	WAREHOUSE" 1996 THRU 2003		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$330,000	$275,800	$24,500	$0	$0.00	$0.00
2003	$772,200	$381,500	$24,500	$0	$0.00	$0.00
2002	$772,200	$381,500	$24,500	$0	$0.00	$0.00
2001	$772,200	$381,500	$24,500	$0	$0.00	$0.00
2000	$772,200	$381,500	$24,500	$0	$0.00	$0.00
1999	$772,200	$381,500	$24,500	$0	$0.00	$0.00
1998	$772,200	$381,500	$24,500	$0	$0.00	$0.00
1997	$164,700	$579,300	$0	$0	$0.00	$0.00
1996	$164,700	$579,300	$0	$0	$0.00	$0.00

Exemptions	
Year:	**Amount:**
2005	$630,300.00
2004	$630,300.00
2003	$1,178,200.00

2002	$1,178,200.00
2001	$1,178,200.00
2000	$1,178,200.00
1999	$1,178,200.00
1998	$1,178,200.00
1997	$744,000.00
1996	$744,000.00

SALES INFORMATION

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
1	84	250	19800101	GW	U	I	0

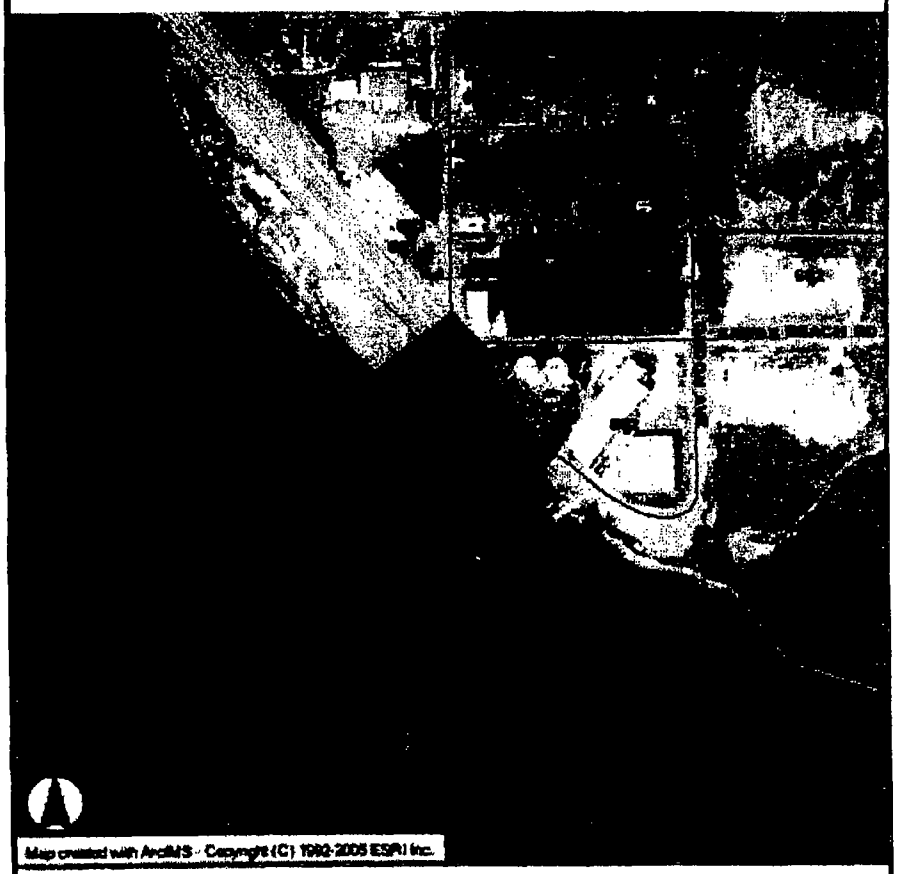
LAND DATA

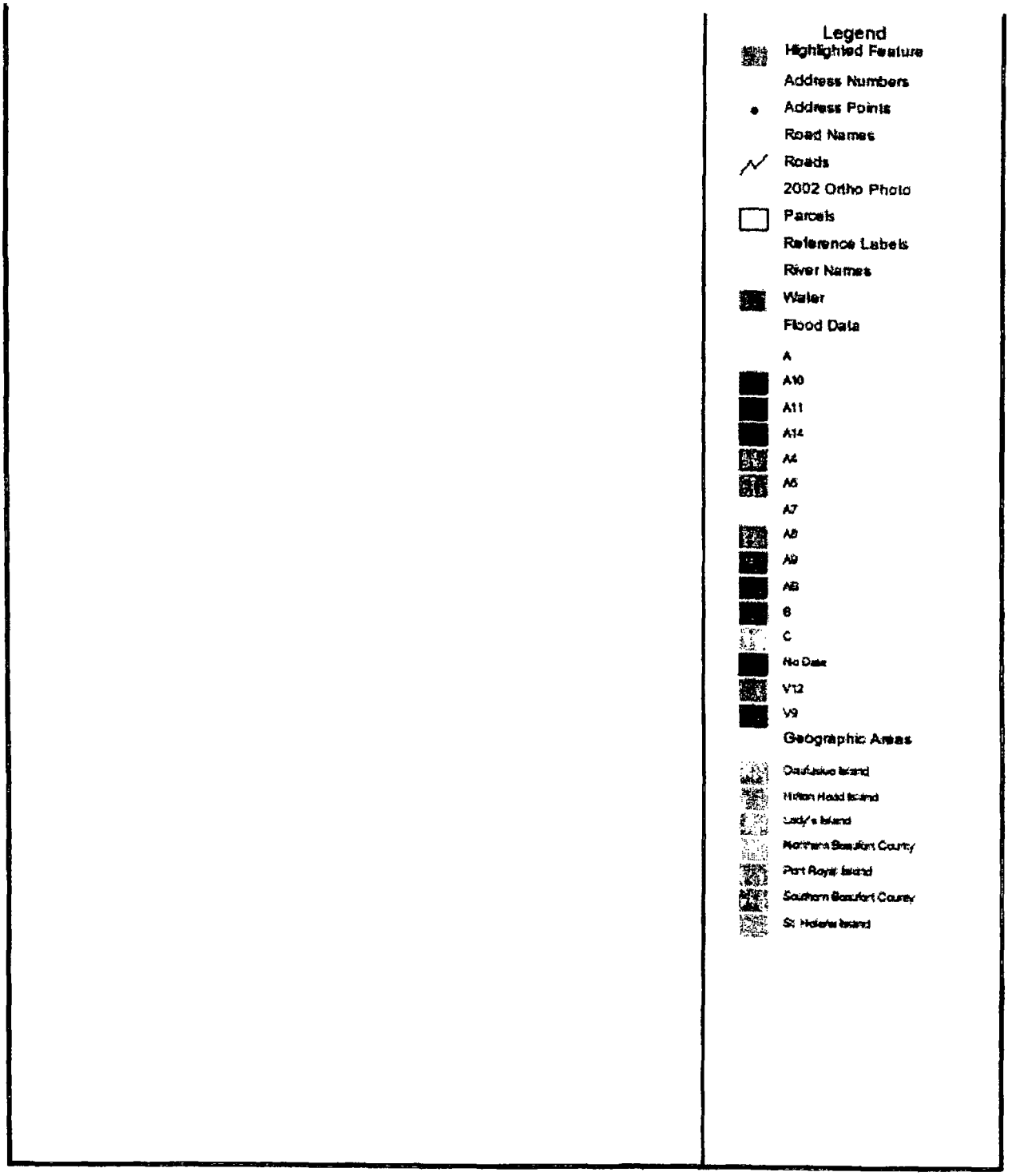
Year	2005
NEIGHBORHOOD CODE	B010
ACRES	3.30
Agriculture Use	0

BUILDING CHARACTERISTICS

Improvement Type	Year Built	Number of Stories	Total Rooms	Total Square Feet	Living Area
CWH00C	1958	1.0	1	74190	61560

R110 011 000 084A 0000




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Key #	197263	**PCA**	6011
PID #	R110 011 000 0083 0000	**PCS**	40
Owner Name	S C STATES PORTS AUTHORITY		
Owner Name/Address 1	% MR WILLIAM VAUGHAN		
Owner Address 2	PO BOX 576		
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	0		
Legal	LOT 17 18 19 20		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$200,000	$51,500	$0	$0	$0.00	$0.00
2003	$200,000	$57,300	$0	$0	$0.00	$0.00
2002	$200,000	$57,300	$0	$0	$0.00	$0.00
2001	$200,000	$57,300	$0	$0	$0.00	$0.00
2000	$200,000	$57,300	$0	$0	$0.00	$0.00
1999	$200,000	$57,300	$0	$0	$0.00	$0.00
1998	$200,000	$57,300	$0	$0	$0.00	$0.00
1997	$30,000	$57,300	$0	$0	$0.00	$0.00
1996	$30,000	$57,300	$0	$0	$0.00	$0.00

Exemptions

Year:	Amount:
2005	$251,500.00
2004	$251,500.00
2003	$257,300.00

2002	$257,300.00
2001	$257,300.00
2000	$257,300.00
1999	$257,300.00
1998	$257,300.00
1997	$87,300.00
1996	$87,300.00

SALES INFORMATION

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
1	156	263	19800101			I	0
1	8	2167	19870115	JR	M	I	10
1	579	1553	19910719	MT	E	I	400000

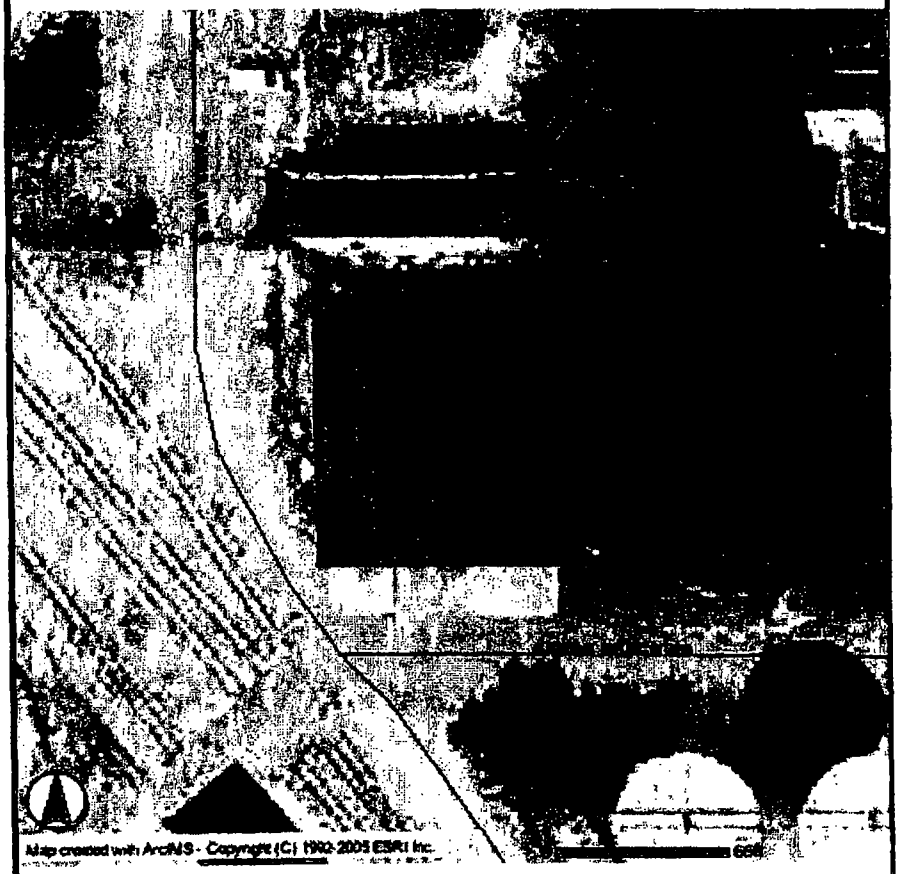
LAND DATA

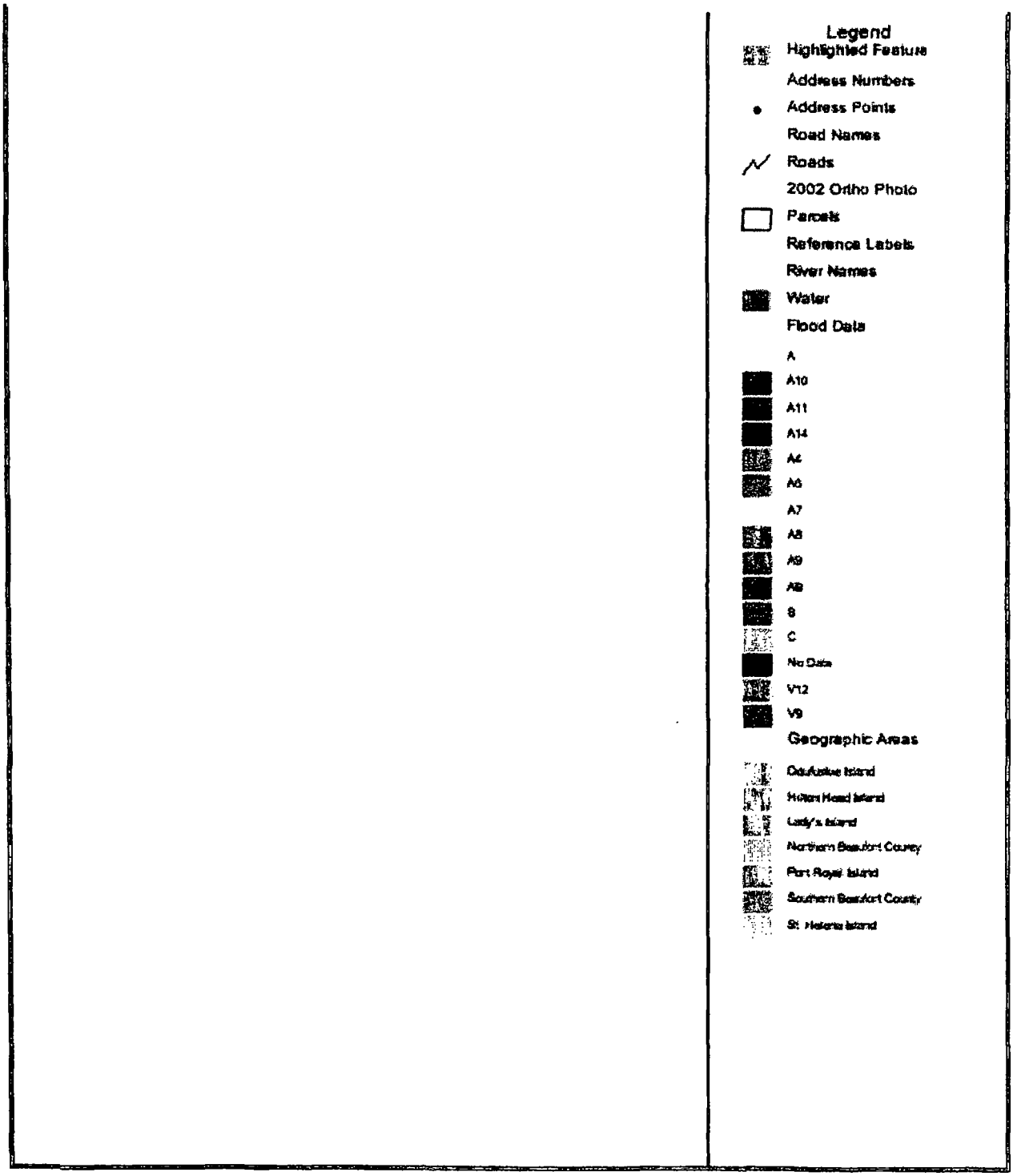
Year	2005
NEIGHBORHOOD CODE	B003
ACRES	0.00
Agriculture Use	0

BUILDING CHARACTERISTICS

Improvement Type	Year Built	Number of Stories	Total Rooms	Total Square Feet	Living Area
CWH00S	1976	1.0	1	4050	4050

R110 011 000 0083 0000




Legend
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Key #	197209	**PCA**	6301
PID #	R110 011 000 0077 0000	**PCS**	39
Owner Name	S C STATES PORTS AUTHORITY		
Owner Name/Address 1	% MR WILLIAM VAUGHAN		
Owner Address 2	PO BOX 576		
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	0		
Legal	LOT 16 BLK 36		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$50,000	$0	$0	$0	$0.00	$0.00
2003	$50,000	$0	$0	$0	$0.00	$0.00
2002	$50,000	$0	$0	$0	$0.00	$0.00
2001	$50,000	$0	$0	$0	$0.00	$0.00
2000	$50,000	$0	$0	$0	$0.00	$0.00
1999	$50,000	$0	$0	$0	$0.00	$0.00
1998	$50,000	$0	$0	$0	$0.00	$0.00
1997	$2,400	$0	$0	$0	$0.00	$0.00
1996	$2,400	$0	$0	$0	$0.00	$0.00

Exemptions	
Year:	**Amount:**
2005	$50,000.00
2004	$50,000.00
2003	$50,000.00

2002	$50,000.00
2001	$50,000.00
2000	$50,000.00
1999	$50,000.00
1998	$50,000.00
1997	$2,400.00
1996	$2,400.00

SALES INFORMATION

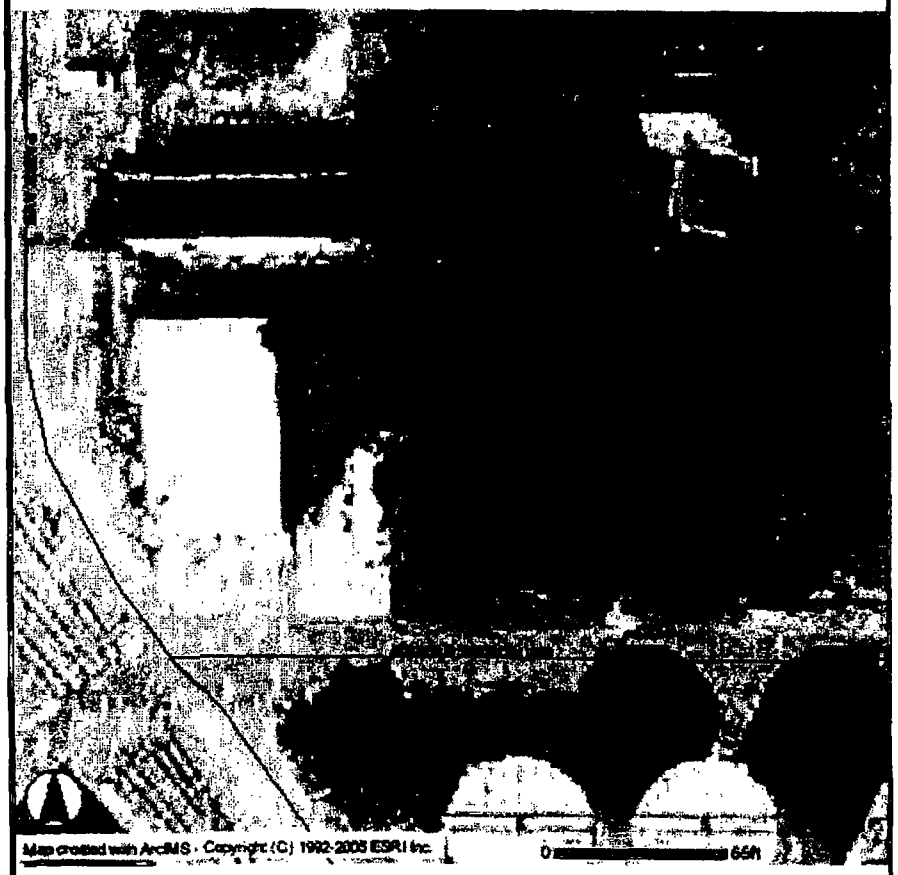
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
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1	8	2167	19870115	JR	M	V	10
1	579	1553	19910719	MT	E	V	400000

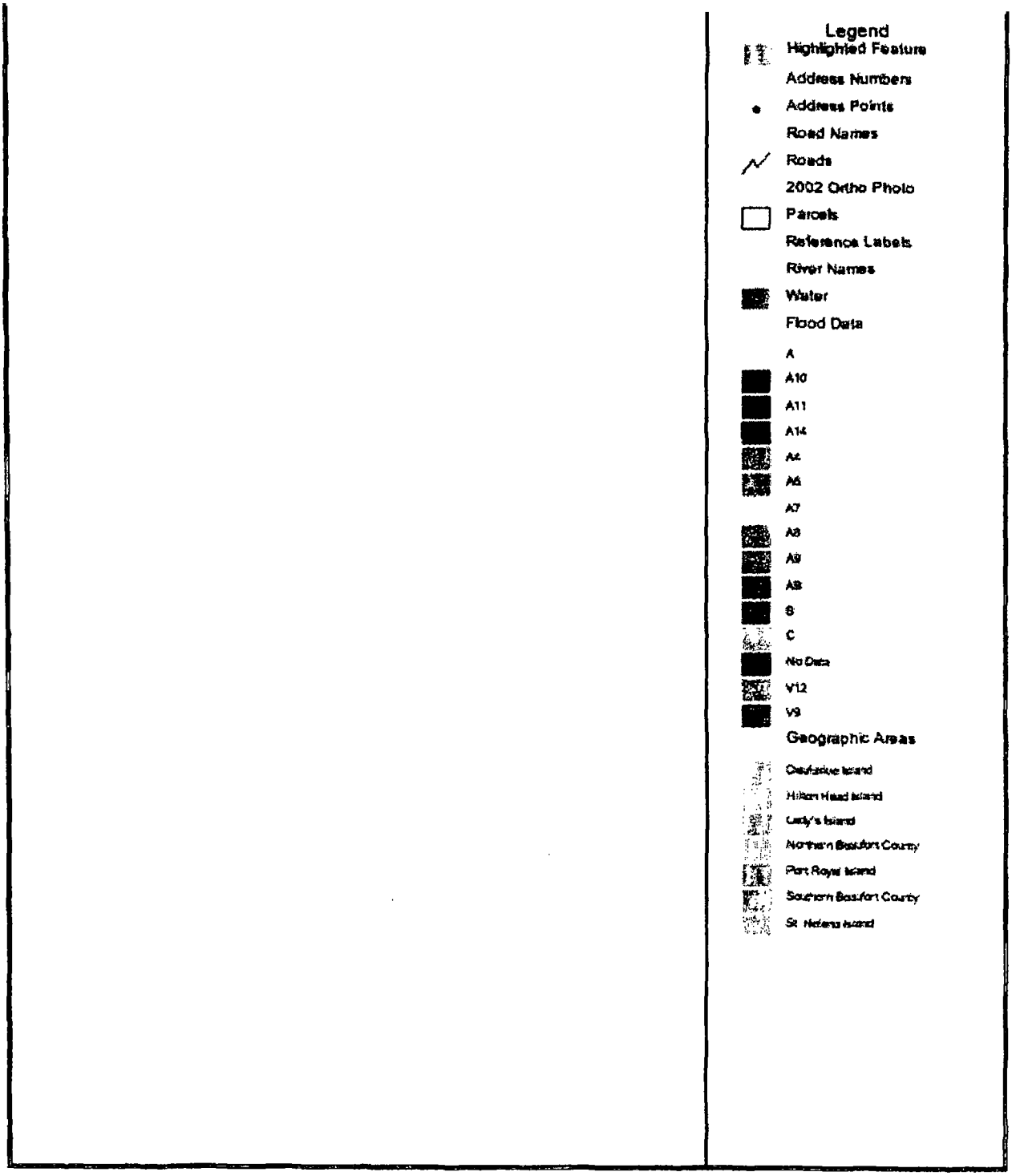
LAND DATA

Year	2005
NEIGHBORHOOD CODE	B003
ACRES	0.00
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 011 000 077 0000




Legend
Highlighted Feature
Address Numbers
Address Points
Road Names
Roads
2002 Ortho Photo
Parcels
Reference Labels
River Names
Water
Flood Data
A
A10
A11
A14
A4
A5
A7
A8
A9
AE
B
C
No Data
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Geographic Areas
Daufuskie Island
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Lady's Island
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Today's Date:
Apr 19, 2005

Beaufort County Assessor's Office

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Key #	196362	**PCA**	6001
PID #	R110 010 000 182C 0000	**PCS**	40
Owner Name	S C STATES PORTS AUTHORITY		
Owner Name/Address 1	% MR WILLIAM VAUGHAN		
Owner Address 2	PO BOX 576		
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	0		
Legal			

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$350,000	$0	$0	$0	$0.00	$0.00
2003	$1,414,000	$0	$0	$0	$0.00	$0.00
2002	$1,414,000	$0	$0	$0	$0.00	$0.00
2001	$1,414,000	$0	$0	$0	$0.00	$0.00
2000	$1,414,000	$0	$0	$0	$0.00	$0.00
1999	$1,414,000	$0	$0	$0	$0.00	$0.00
1998	$1,414,000	$0	$0	$0	$0.00	$0.00
1997	$283,500	$0	$0	$0	$0.00	$0.00
1996	$283,500	$0	$0	$0	$0.00	$0.00

Exemptions

Year:	Amount:
2005	$350,000.00
2004	$350,000.00
2003	$1,414,000.00

2002	$1,414,000.00
2001	$1,414,000.00
2000	$1,414,000.00
1999	$1,414,000.00
1998	$1,414,000.00
1997	$283,500.00
1996	$283,500.00

SALES INFORMATION

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
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1	579	1553	19910719	MT	E	I	400000

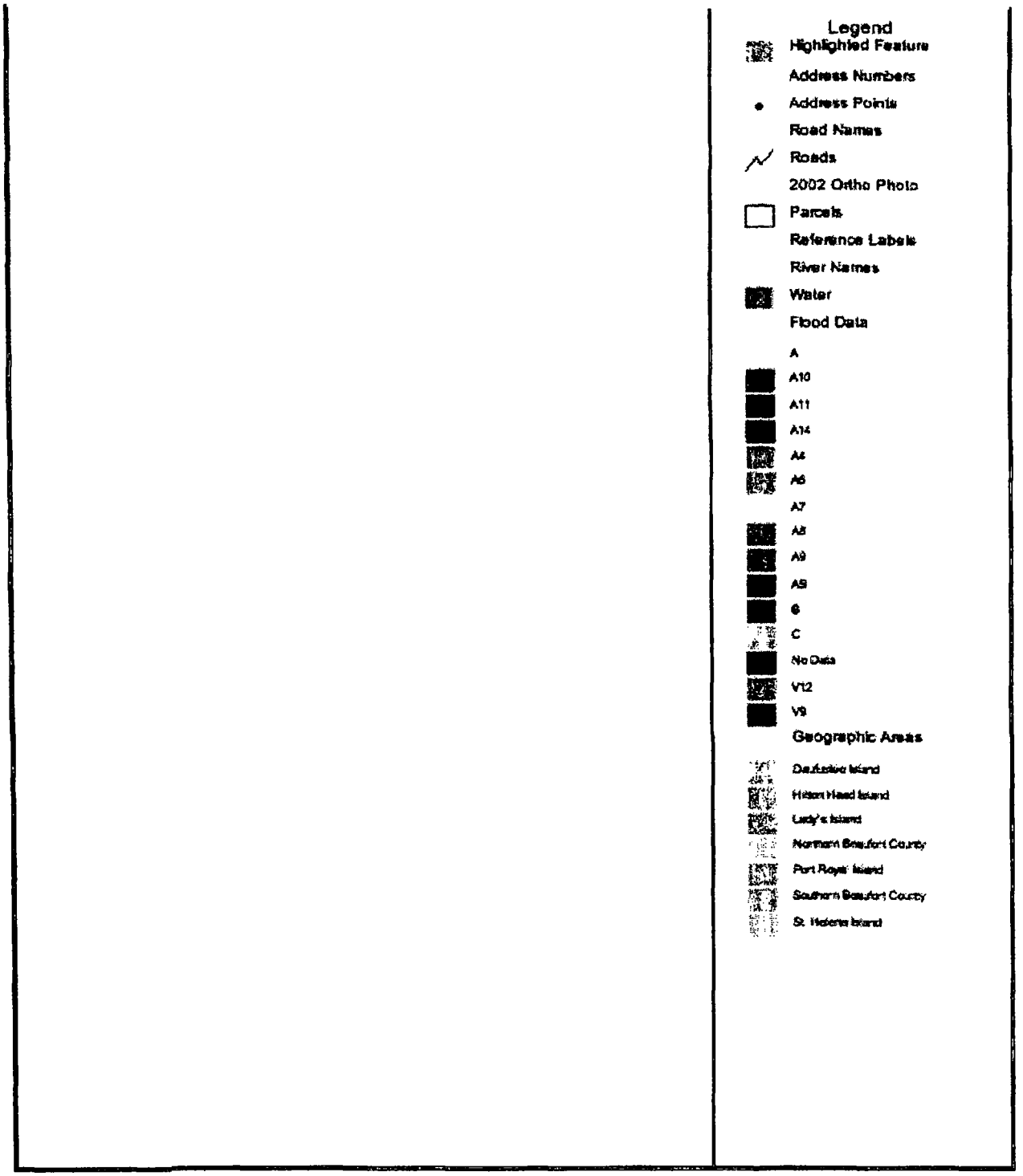
LAND DATA

Year	2005
NEIGHBORHOOD CODE	B010
ACRES	3.50
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 010 000 182C 0000




Legend
Highlighted Feature
Address Numbers
Address Points
Road Names
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Lady's Island
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Key #	194435	**PCA**	6611
PID #	R110 010 000 0075 0000	**PCS**	40
Owner Name	SOUTH CAROLINA STATE PORTS		
Owner Name/Address 1	AUTHORITY (THE)		
Owner Address 2	PO BOX 22287		
Owner City, State, Zip	CHARLESTON,SC , 29413		
Location Address	0		
Legal	ASSESSED BY DOR		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$978,300	$216,000	$12,000	$0	$0.00	$0.00
2003	$419,300	$192,600	$12,000	$0	$0.00	$0.00
2002	$419,300	$192,600	$12,000	$0	$0.00	$0.00
2001	$419,300	$192,600	$12,000	$0	$0.00	$0.00
2000	$419,300	$192,600	$12,000	$0	$0.00	$0.00
1999	$419,300	$192,600	$12,000	$0	$0.00	$0.00
1998	$419,300	$192,600	$12,000	$0	$0.00	$0.00
1997	$234,800	$264,700	$39,850	$0	$0.00	$0.00
1996	$234,800	$264,700	$39,850	$0	$0.00	$0.00

Exemptions	
Year:	**Amount:**
2005	$1,206,300.00
2004	$1,206,300.00
2003	$623,900.00

2002	$623,900.00
2001	$623,900.00
2000	$623,900.00
1999	$623,900.00
1998	$623,900.00
1997	$539,350.00
1996	$539,350.00

SALES INFORMATION

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	Vacant/ Improved	SALE PRICE
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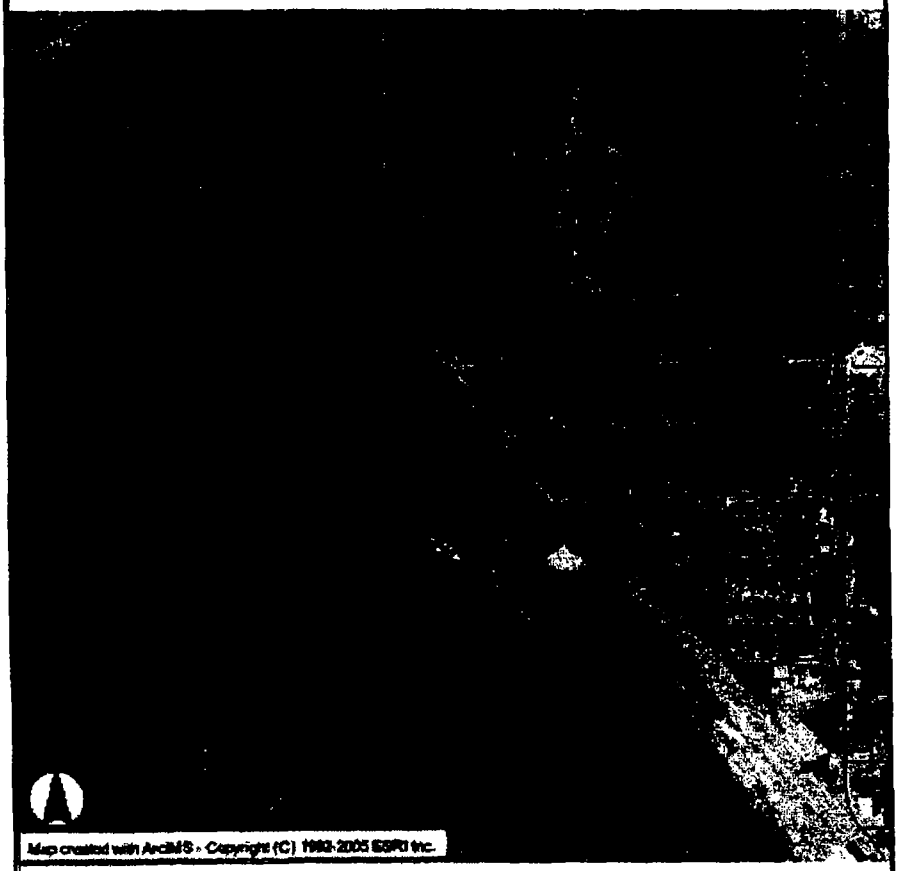
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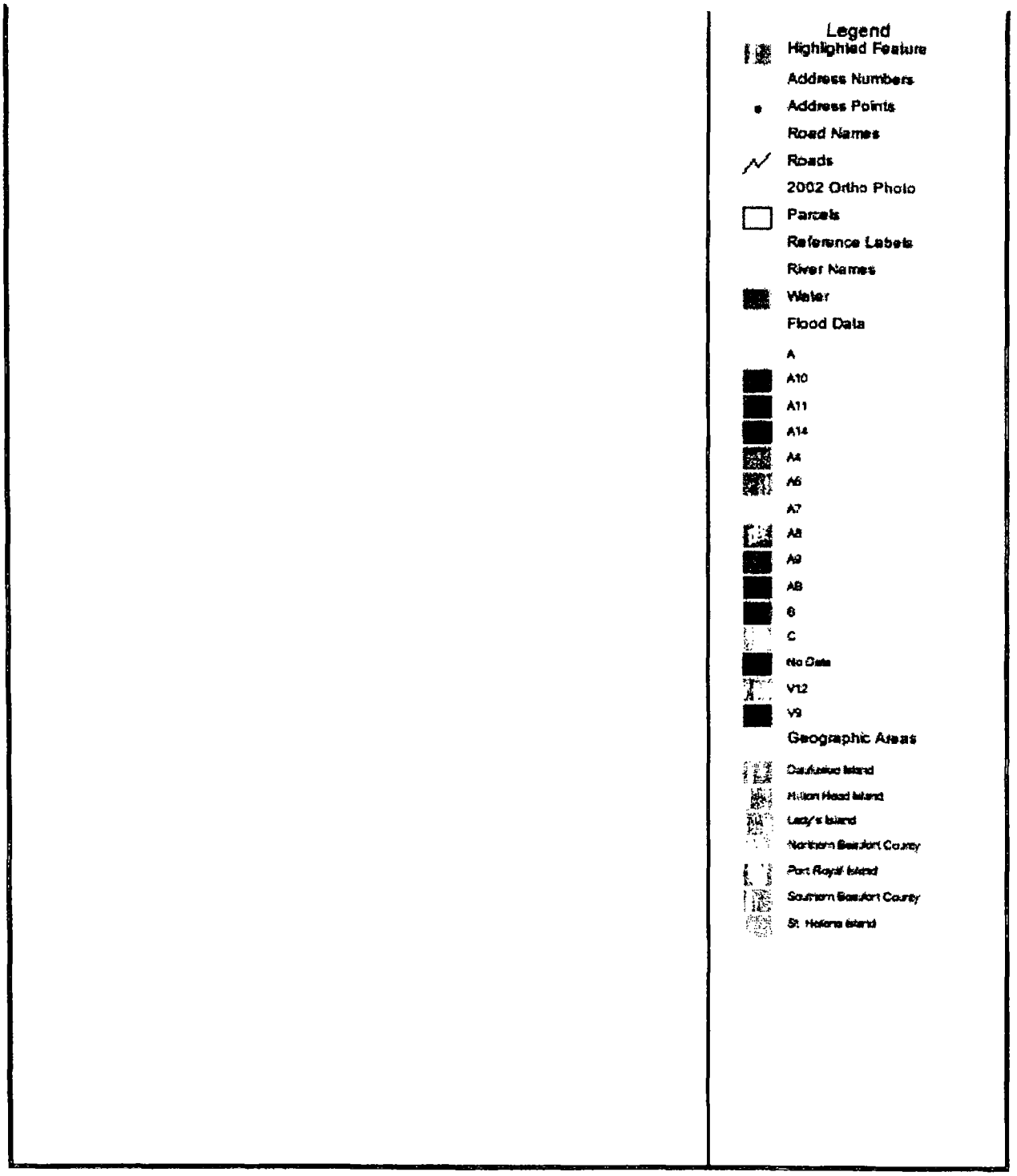
Year	2005
NEIGHBORHOOD CODE	B003
ACRES	5.59
Agriculture Use	0

BUILDING CHARACTERISTICS

Improvement Type	Year Built	Number of Stories	Total Rooms	Total Square Feet	Living Area
CWS00S	1958	1.0	1	9176	1394

R110 010 000 0075 0000




Legend
Highlighted Feature
Address Numbers
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Key #	196344	**PCA**	6001
PID #	R110 010 000 182A 0000	**PCS**	40
Owner Name	SOUTH CAROLINA STATE PORTS		
Owner Name/Address 1	AUTHORITY CHEMICAL BANK		
Owner Address 2	(TRUSTEE) PO BOX 817		
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	0		
Legal	PARCELS 1 2 3		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$680,900	$0	$0	$0	$0.00	$0.00
2003	$619,000	$0	$0	$0	$0.00	$0.00
2002	$619,000	$0	$0	$0	$0.00	$0.00
2001	$619,000	$0	$0	$0	$0.00	$0.00
2000	$619,000	$0	$0	$0	$0.00	$0.00
1999	$619,000	$0	$0	$0	$0.00	$0.00
1998	$619,000	$0	$0	$0	$0.00	$0.00
1997	$147,100	$0	$0	$0	$0.00	$0.00
1996	$147,100	$0	$0	$0	$0.00	$0.00

Exemptions

Year:	Amount:
2005	$680,900.00
2004	$680,900.00

2003	$619,000.00
2002	$619,000.00
2001	$619,000.00
2000	$619,000.00
1999	$619,000.00
1998	$619,000.00
1997	$147,100.00
1996	$147,100.00

SALES INFORMATION

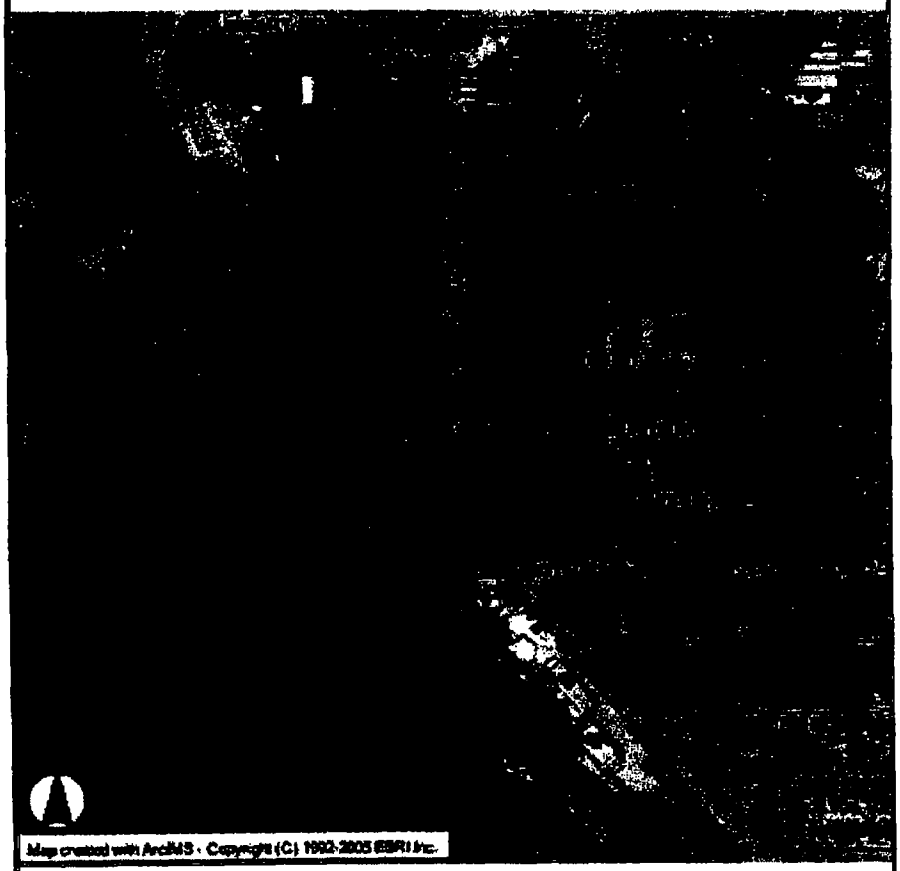
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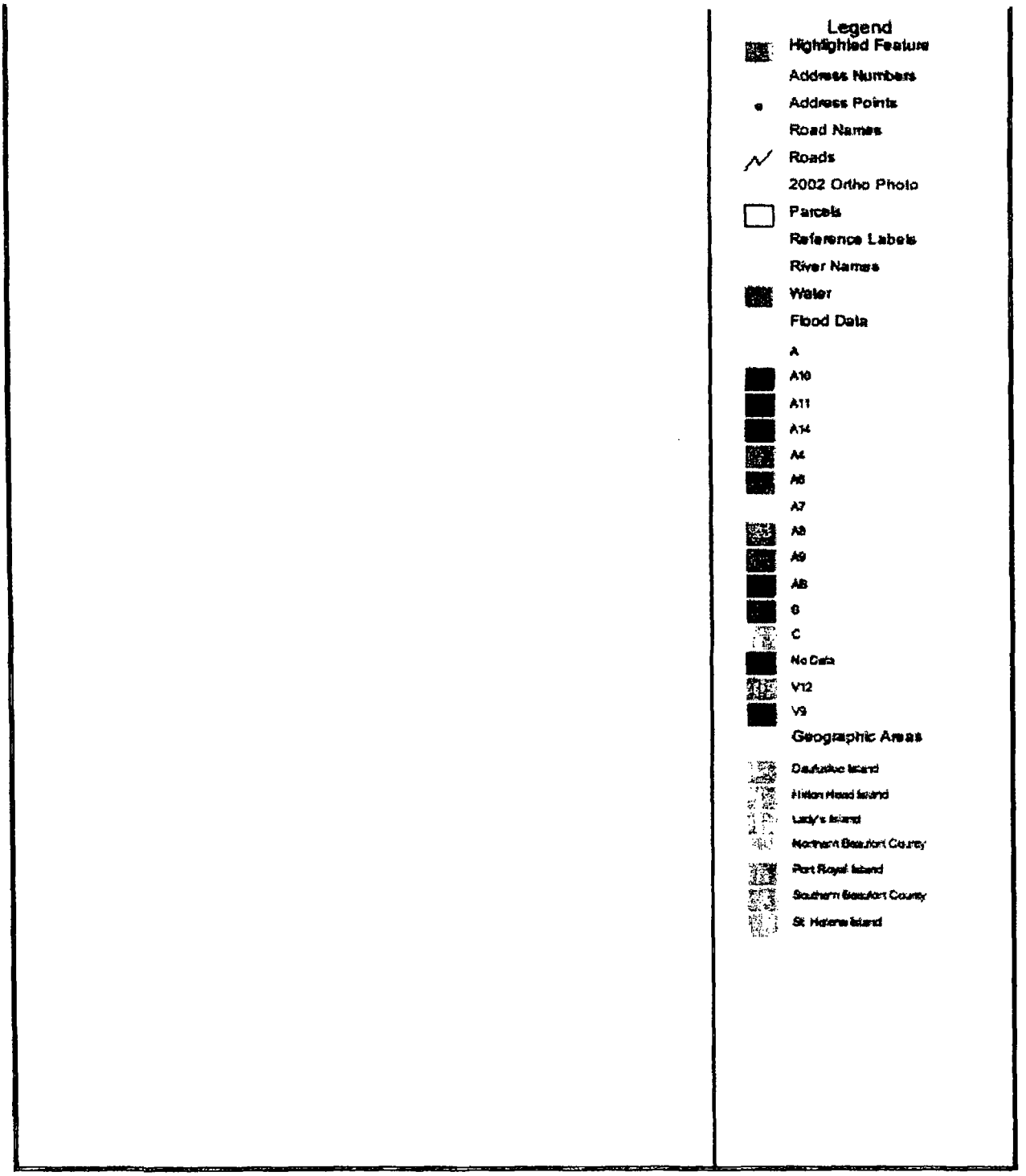
LAND DATA

Year	2005
NEIGHBORHOOD CODE	B012
ACRES	12.38
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 010 000 182A 0000




Legend
Highlighted Feature
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Key #	4418678	**PCA**	6001
PID #	R110 010 000 182F 0000	**PCS**	40
Owner Name	SOUTH CAROLINA STATE PORTS		
Owner Name/Address 1	AUTHORITY CHEMICAL BANK		
Owner Address 2	(TRUSTEE) PO BOX 817		
Owner City, State, Zip	CHARLESTON,SC , 29402		
Location Address	1855 RIBAUT RD		
Legal	PARCELS 4 5		

HISTORICAL ASSESSMENT INFORMATION

YEAR	LAND	BUILDING	Features	ASSESSED	TAXES	PAYMENT
2004	$108,500	$0	$0	$0	$0.00	$0.00
2003	$93,000	$0	$0	$0	$0.00	$0.00
2002	$93,000	$0	$0	$0	$0.00	$0.00
2001	$93,000	$0	$0	$0	$0.00	$0.00
2000	$108,300	$0	$0	$0	$0.00	$0.00
1999	$108,300	$0	$0	$0	$0.00	$0.00
1998	$108,300	$0	$0	$0	$0.00	$0.00
1997	$43,000	$0	$0	$0	$0.00	$0.00
1996	$43,000	$0	$0	$0	$0.00	$0.00

Exemptions

Year:	Amount:
2005	$108,500.00
2004	$108,500.00

2003	$93,000.00
2002	$93,000.00
2001	$93,000.00
2000	$108,300.00
1999	$108,300.00
1998	$108,300.00
1997	$43,000.00
1996	$43,000.00

SALES INFORMATION

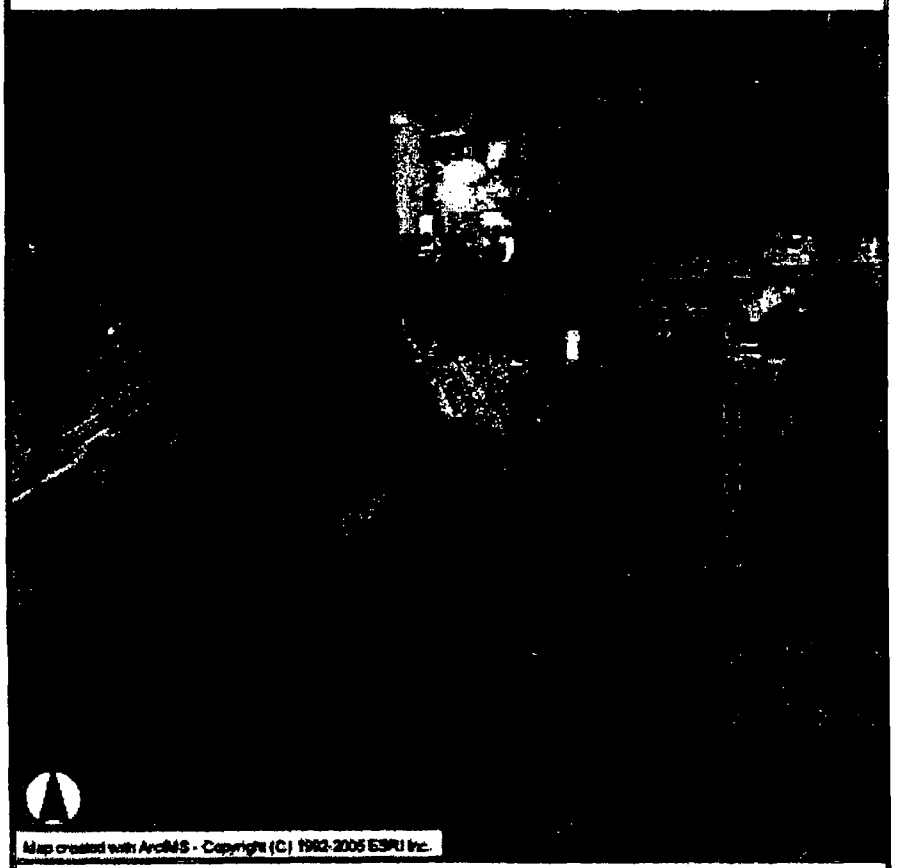
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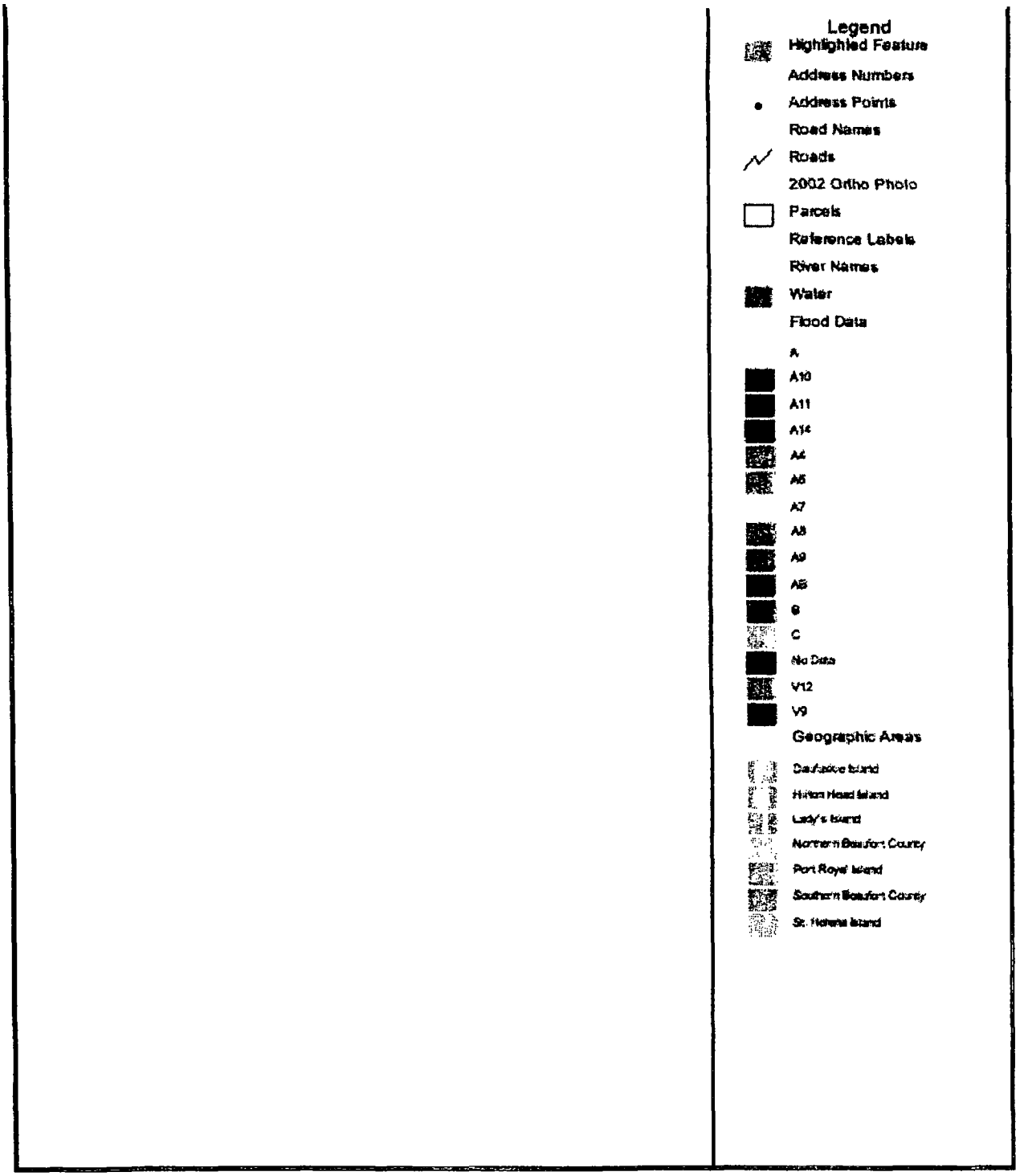
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Year	2005
NEIGHBORHOOD CODE	B012
ACRES	3.10
Agriculture Use	0

NO BUILDING CHARACTERISTICS ARE AVAILABLE FOR THIS RECORD

R110 010 000 182F 0000




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Highlighted Feature
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Address Points
Road Names
Roads
2002 Ortho Photo
Parcels
Reference Labels
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Geographic Areas
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Northern Beaufort County
Port Royal Island
Southern Beaufort County
St. Helena Island

APPENDIX II

HISTORICAL RESEARCH DOCUMENTATION

EDR Environmental
Data Resources Inc

"Linking Technology with Tradition"®

Sanborn® Map Report

Ship To: Jill Bishop
S&ME
620 Wando Park
Mount Pleasant, SC 29464

Order Date: 4/14/2005 **Completion Date:** 4/15/2005
Inquiry #: 1400137.2S
P.O. #: 23196
Site Name: Port Royal Port Facility
Address: Paris Avenue
City/State: Port Royal, SC 29935
Cross Streets:

Customer Project: 1134-05-201
1041635ERN 803-884-0005

Based on client-supplied information, fire insurance maps for the following years were identified

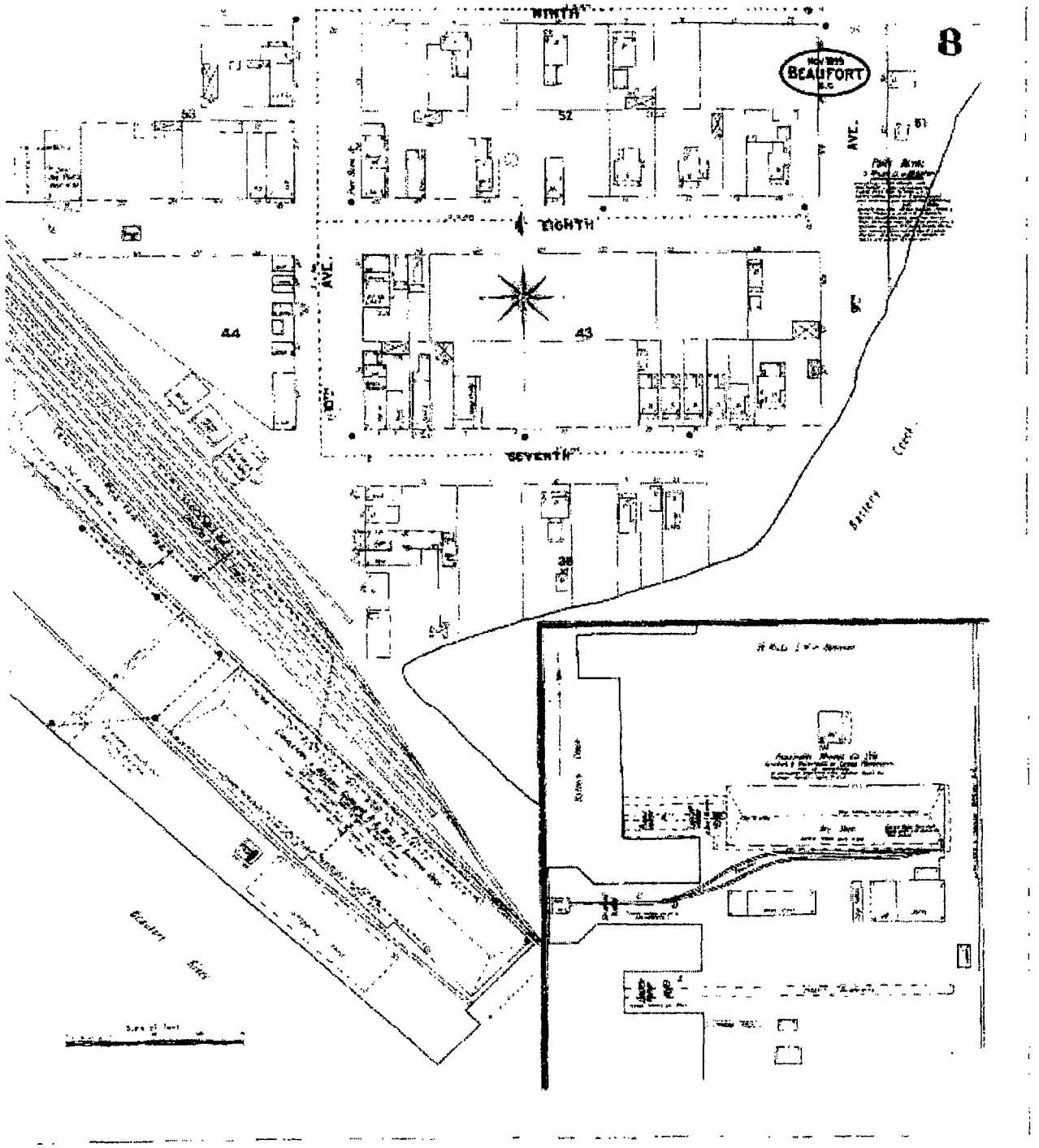
1924 - 1 Map
1942 - 1 Map
1958 - 1 Map

Limited Permission to Photocopy Total Maps: 3

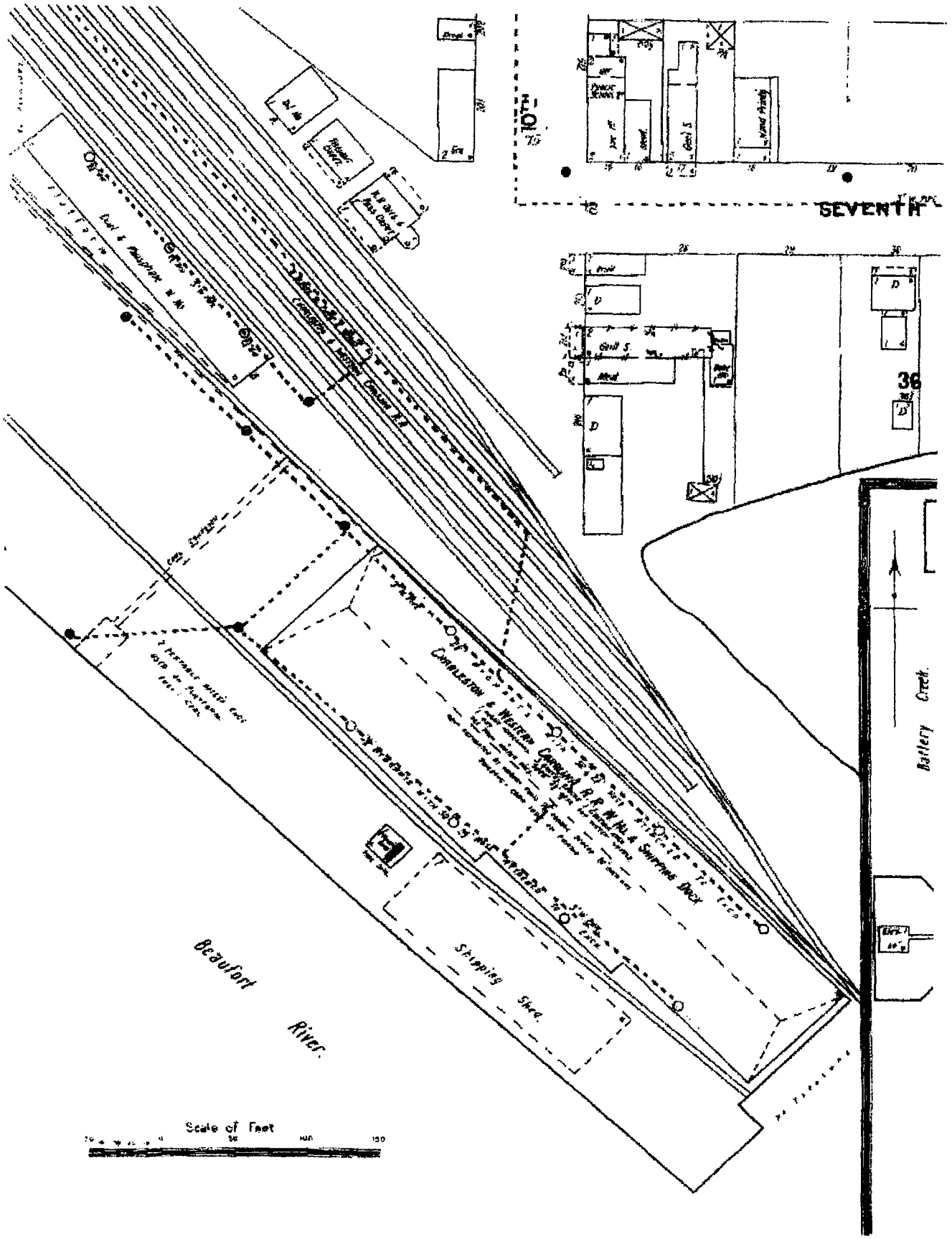
S&ME (the client) is permitted to make up to THREE photocopies of this Sanborn Map transmittal and each fire insurance map accompanying this report solely for the limited use of its customer. No one other than the client is authorized to make copies. Upon request made directly to an EDR Account Executive, the client may be permitted to make a limited number of additional photocopies. This permission is conditioned upon compliance by the client, its customer and their agents with EDR's copyright policy; a copy of which is available upon request.

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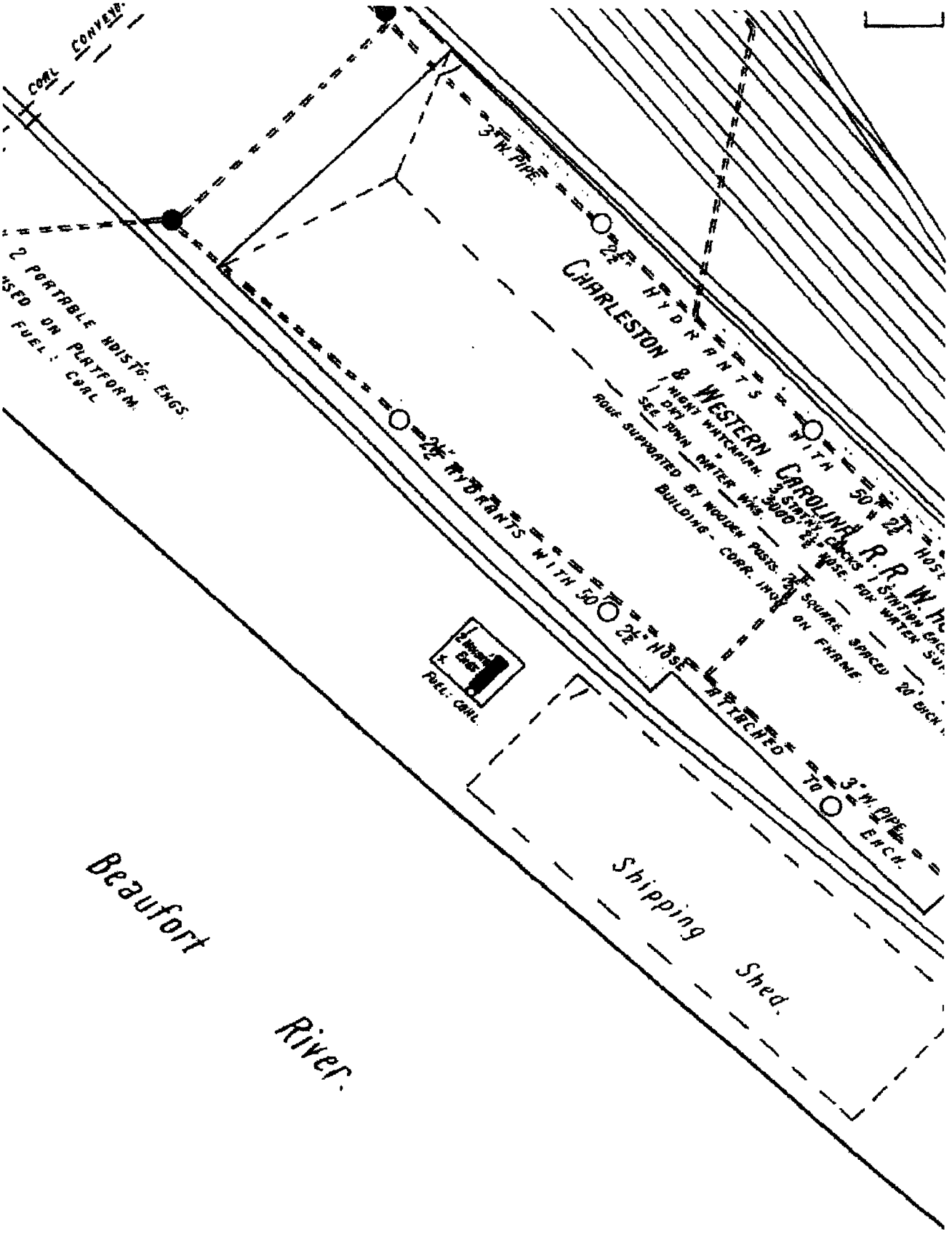
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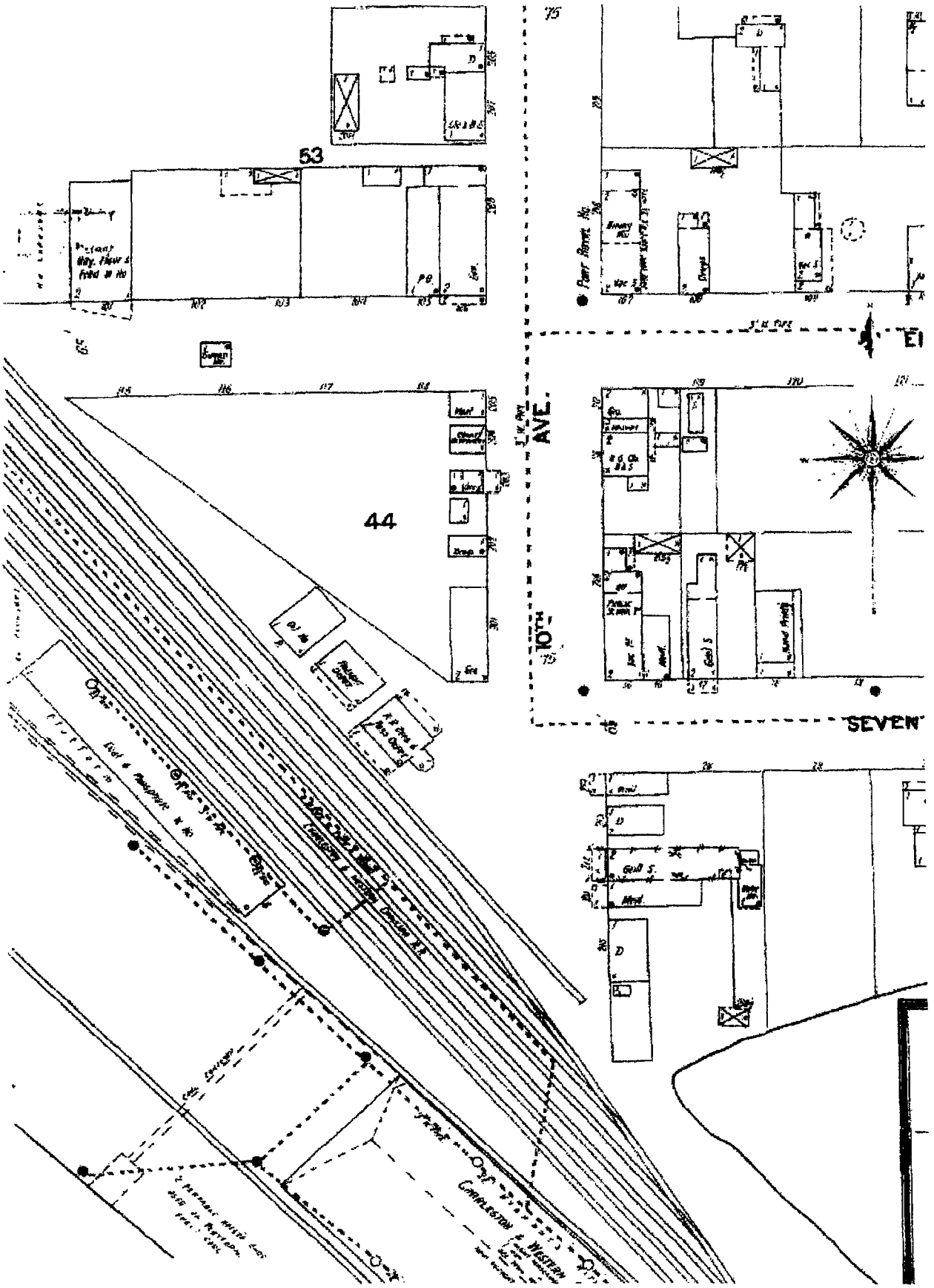
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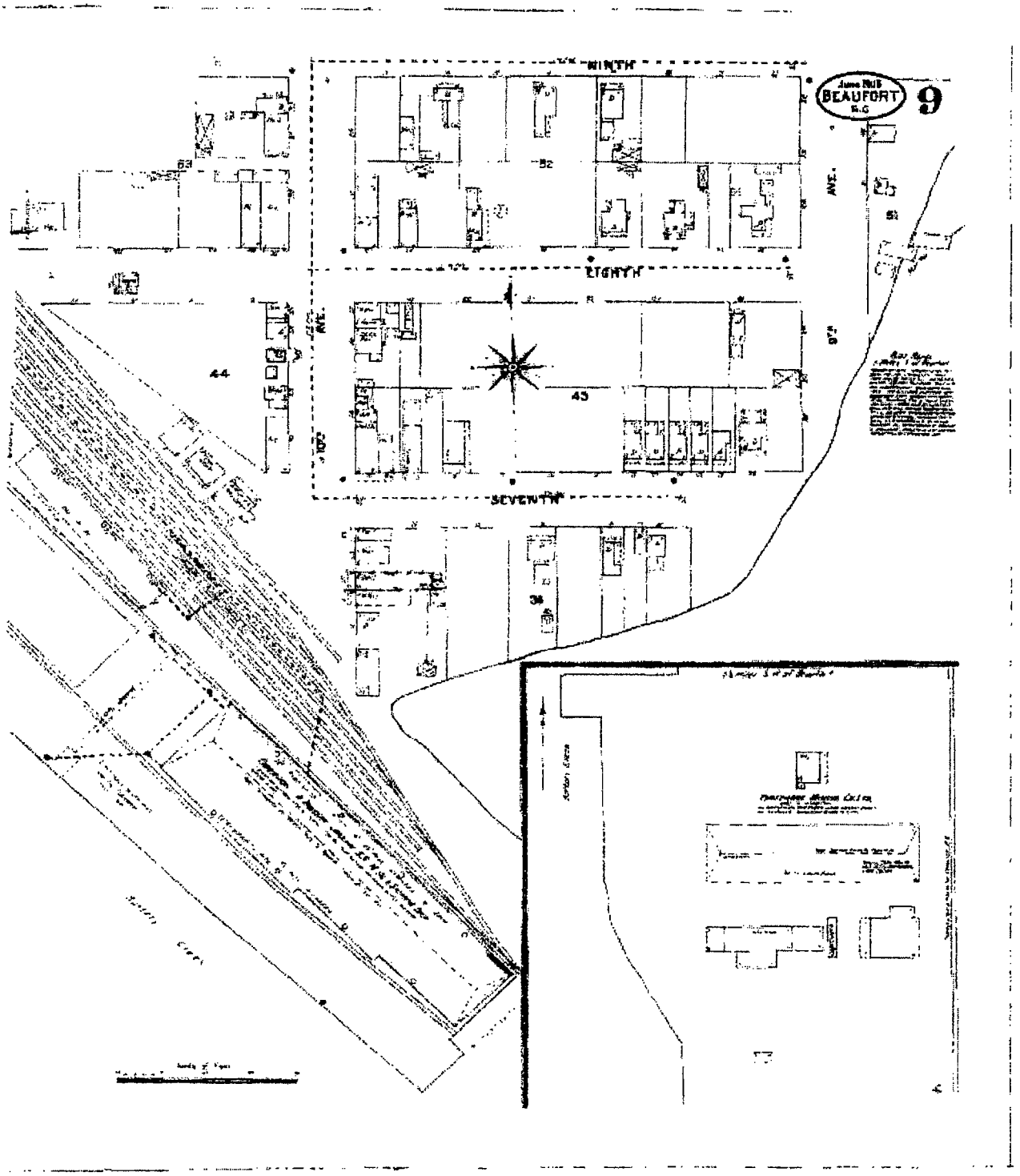
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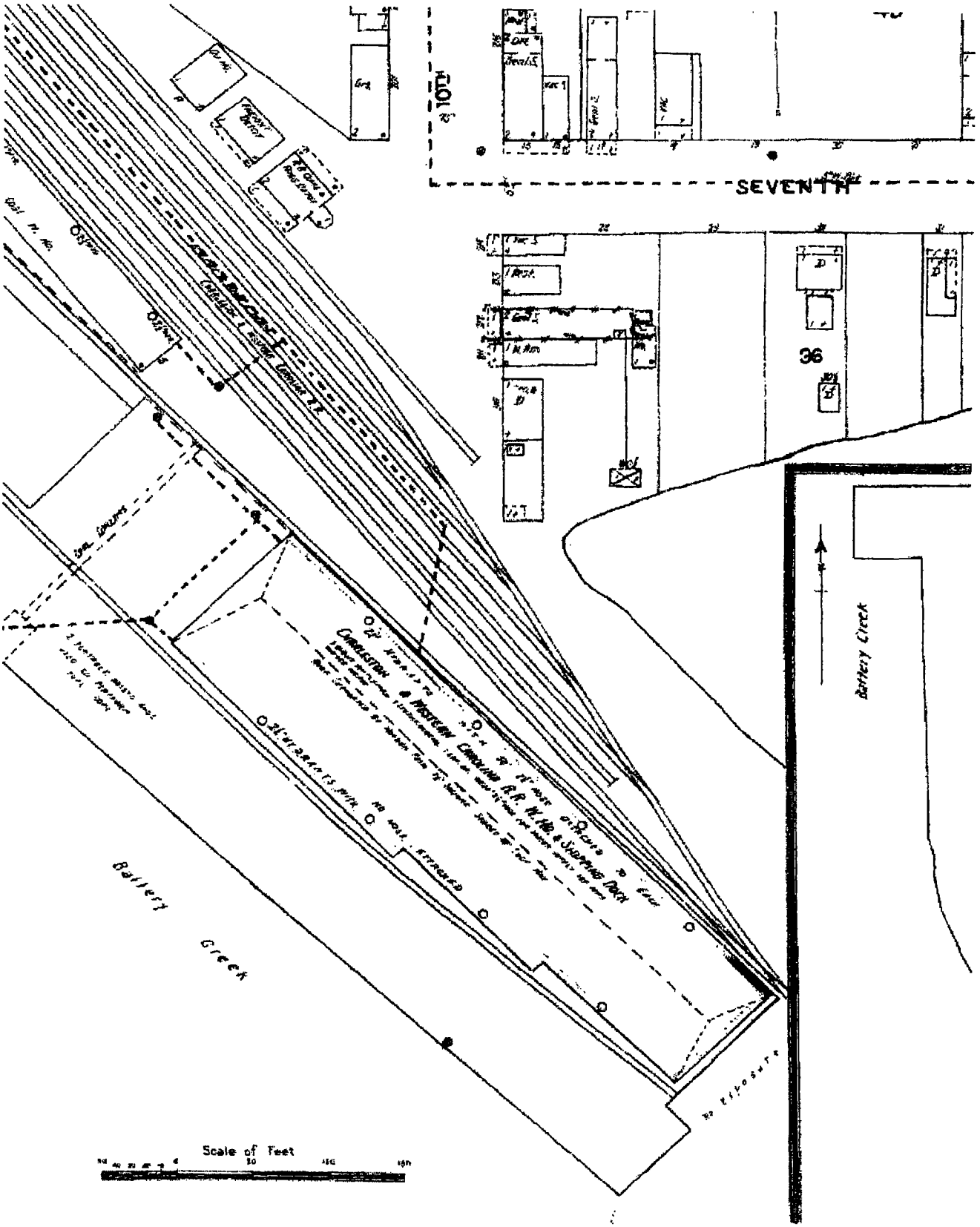
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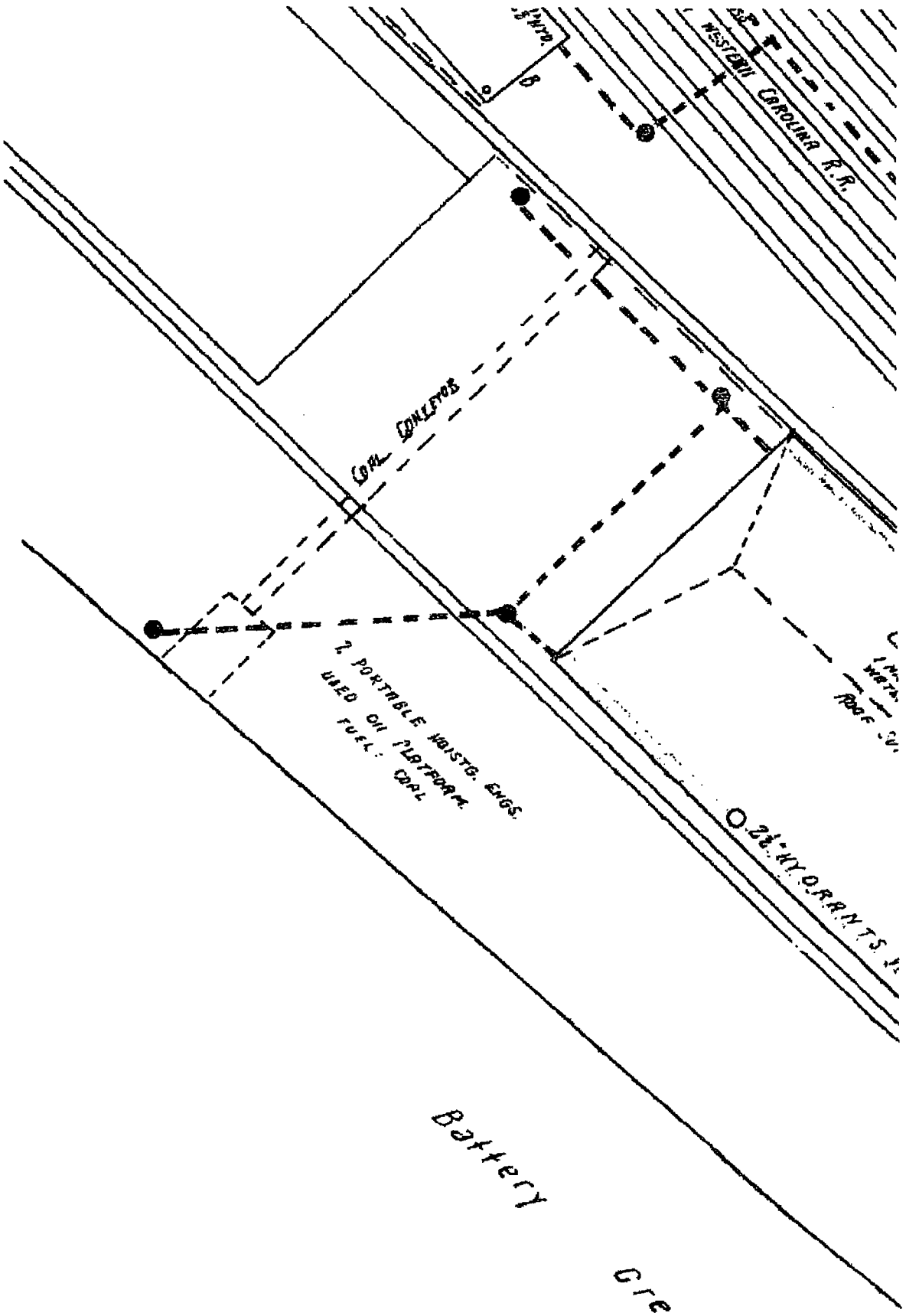
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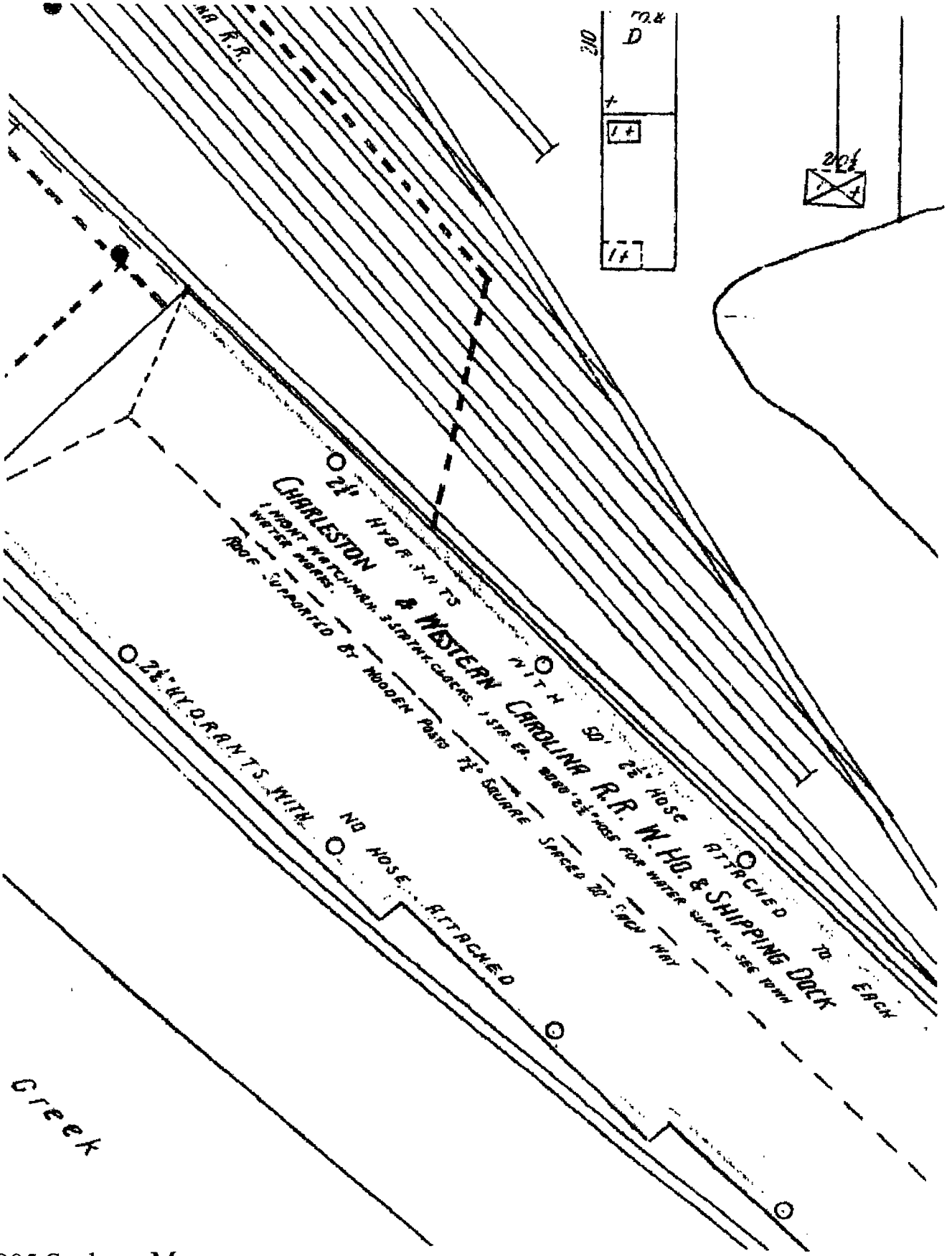
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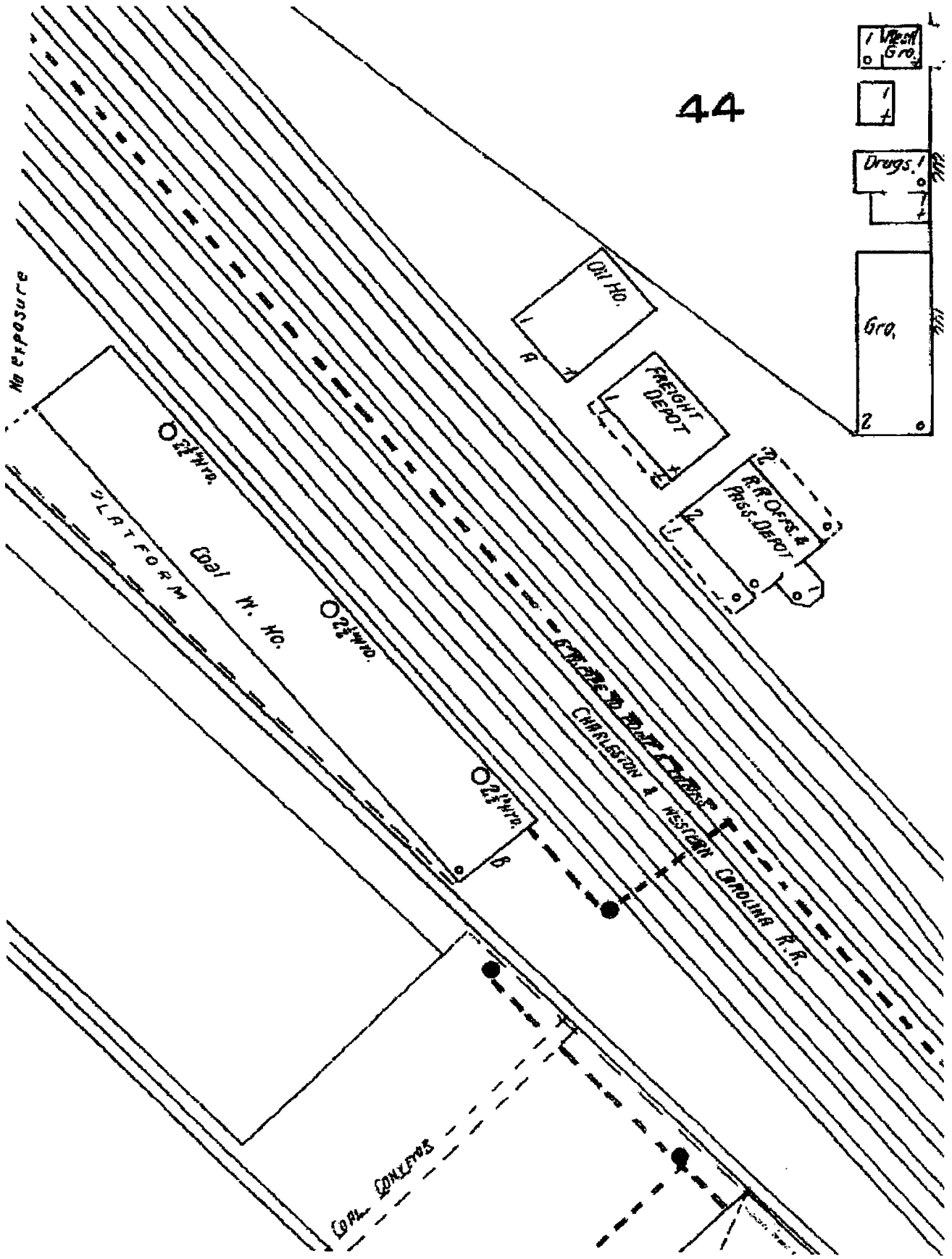
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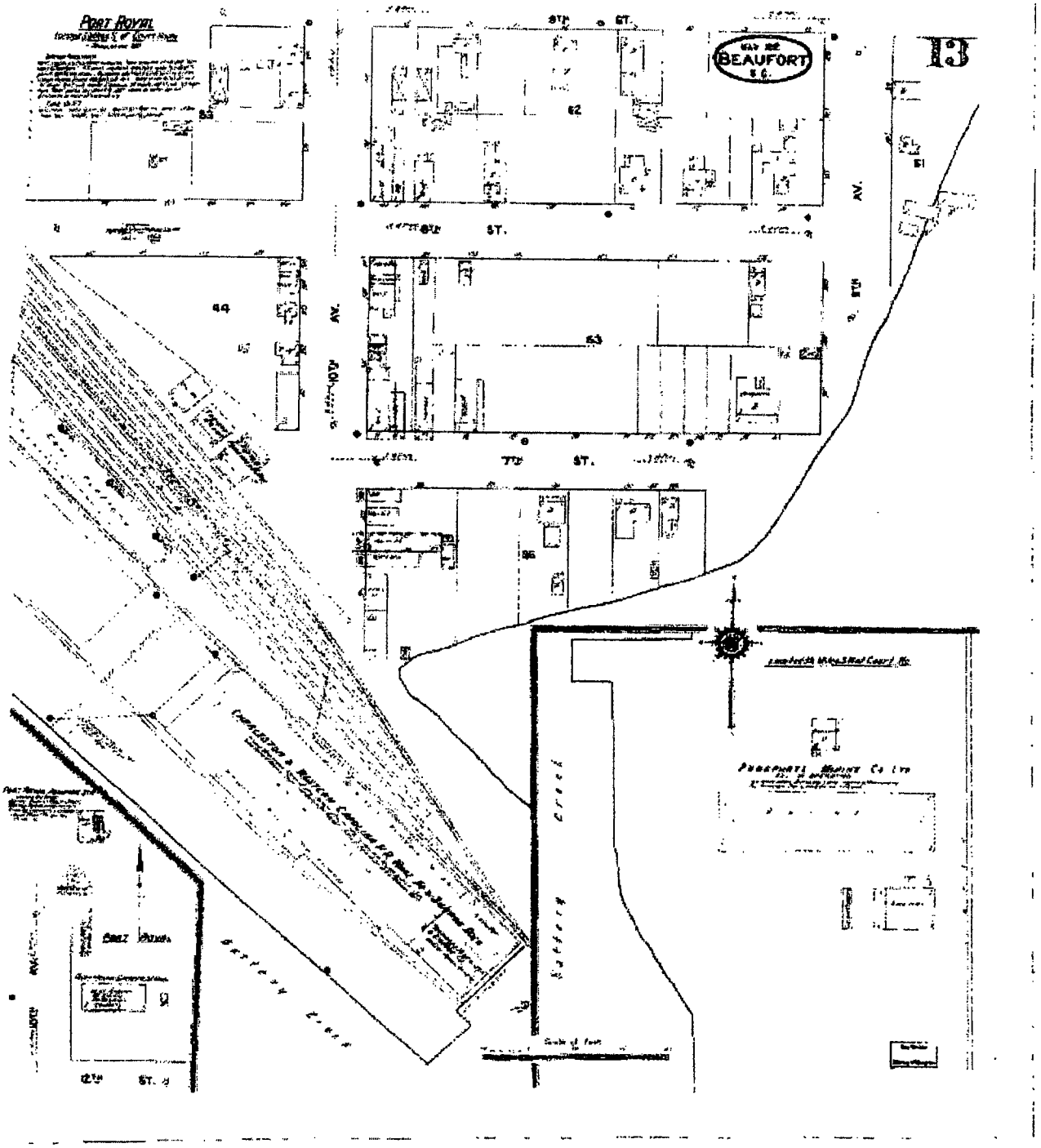
1905 Sanborn Map



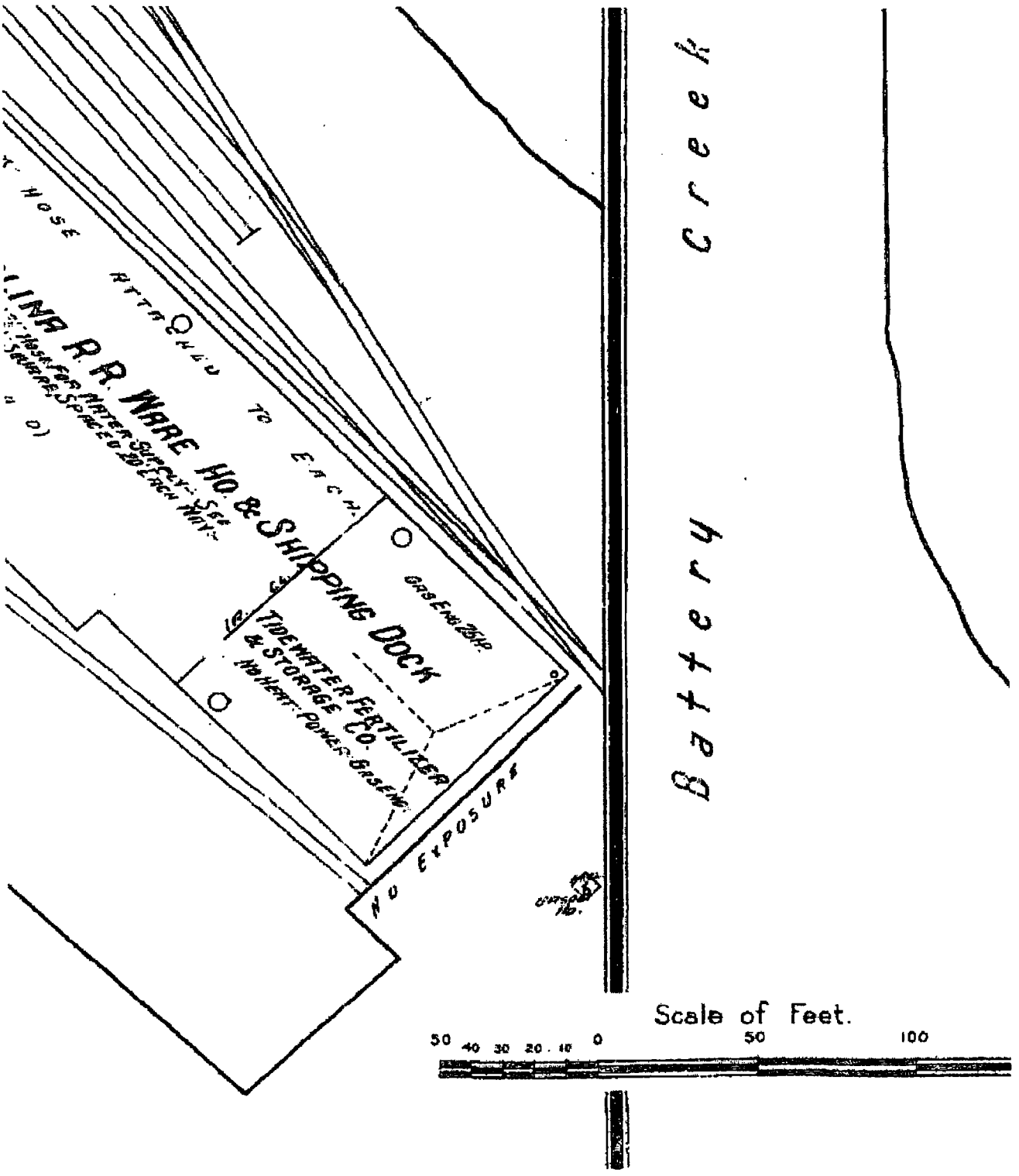
1905 Sanborn Map



1905 Sanborn Map



1912 Sanborn Map



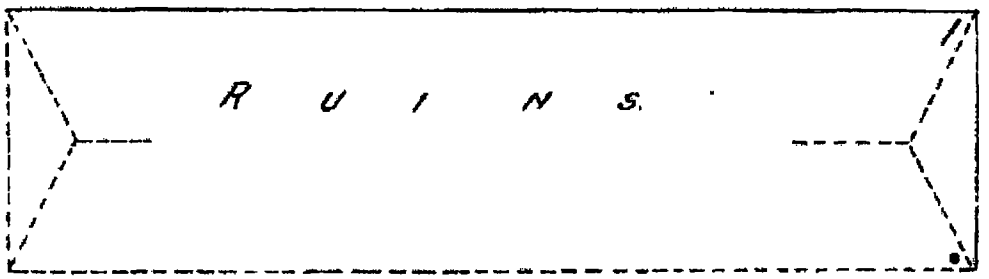
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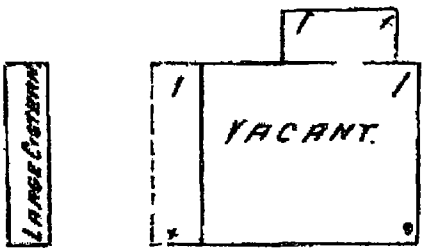


PHOSPHATE MINING CO. LTD.

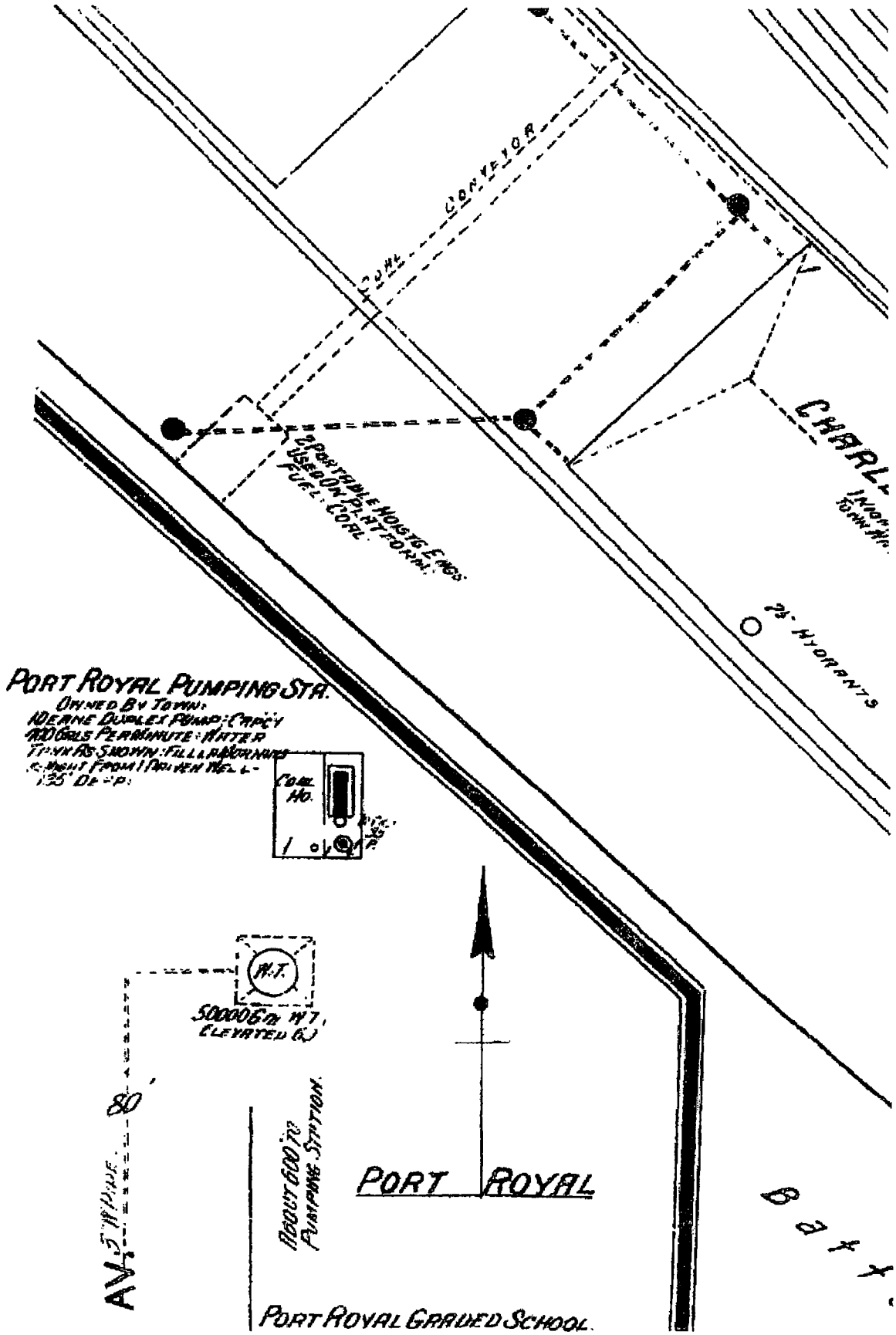
NOT IN OPERATION

NO WATCHMAN: OVERSEER LIVES NEARBY. MACHINERY: ALL REMOVED - BUILDINGS GOING TO RUIN.

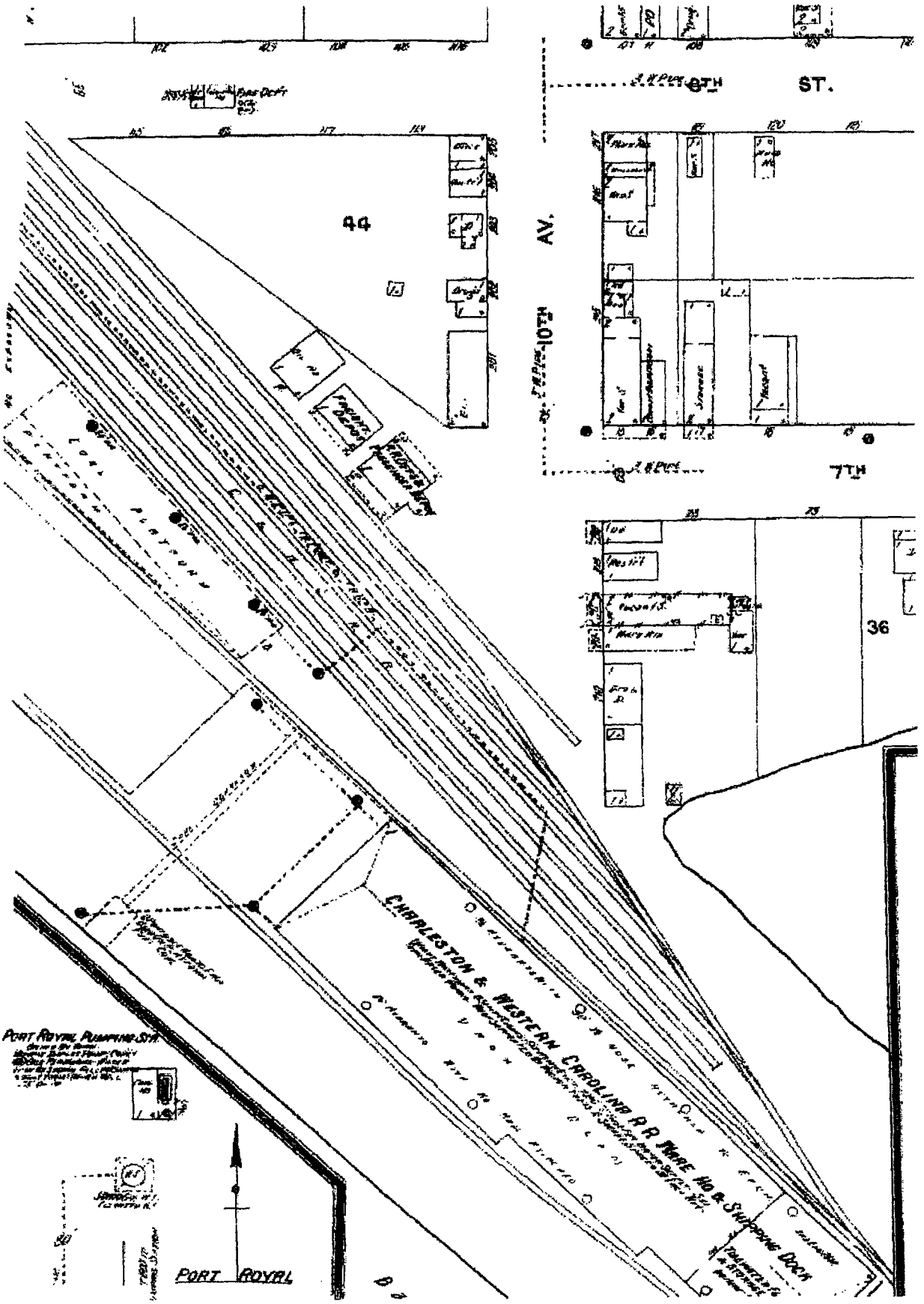




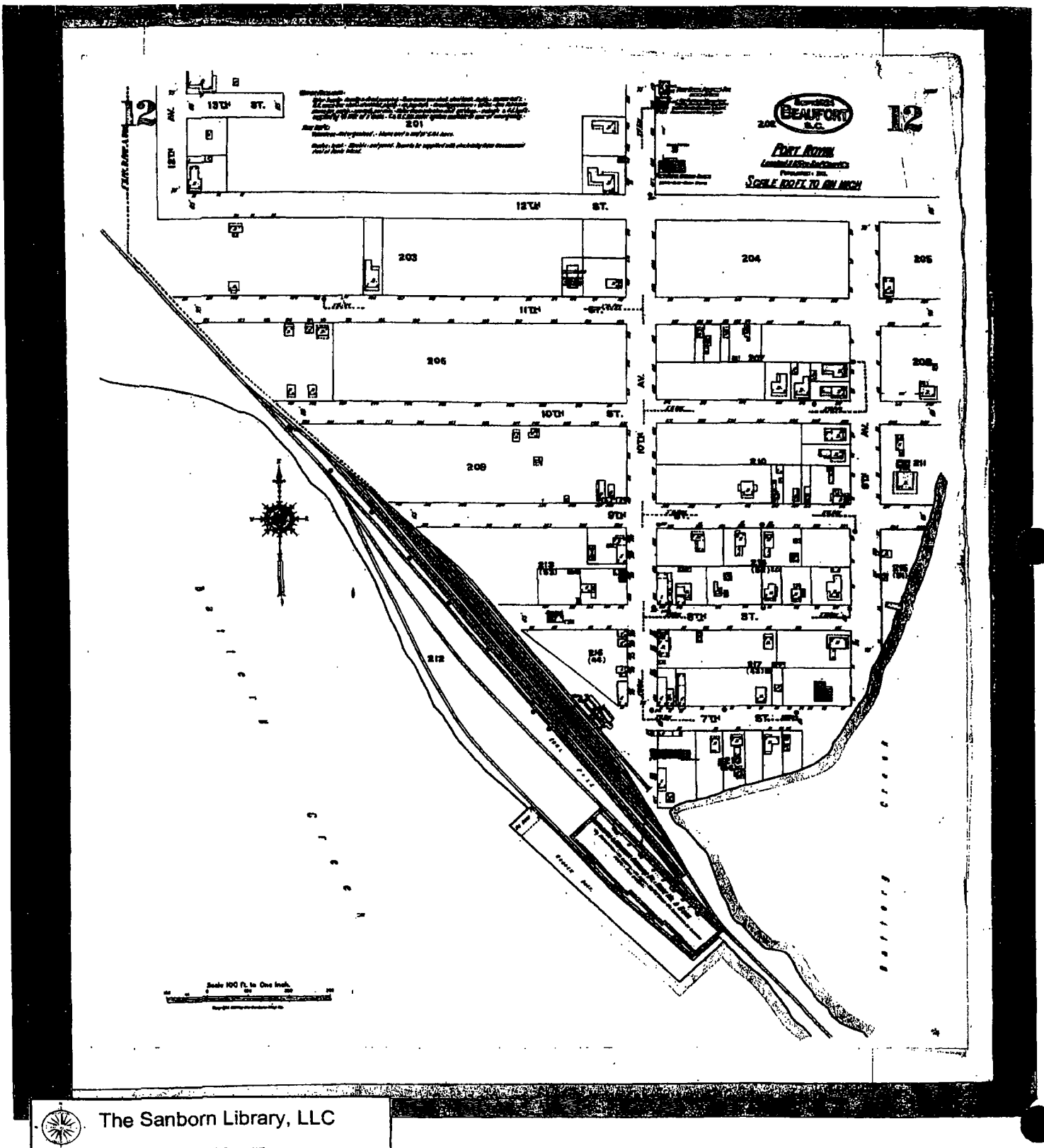
1912 Sanborn Map



1912 Sanborn Map



1912 Sanborn Map



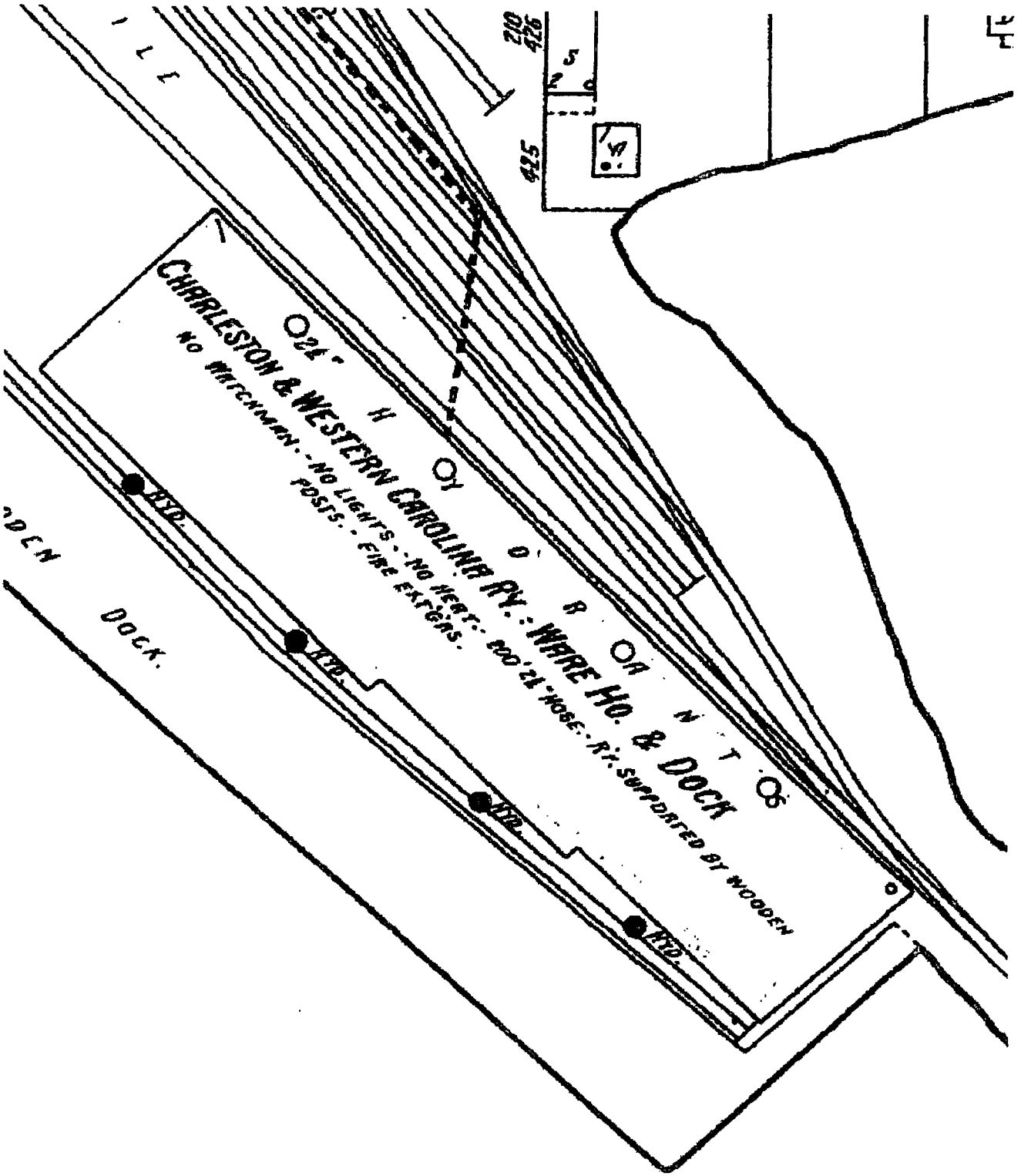
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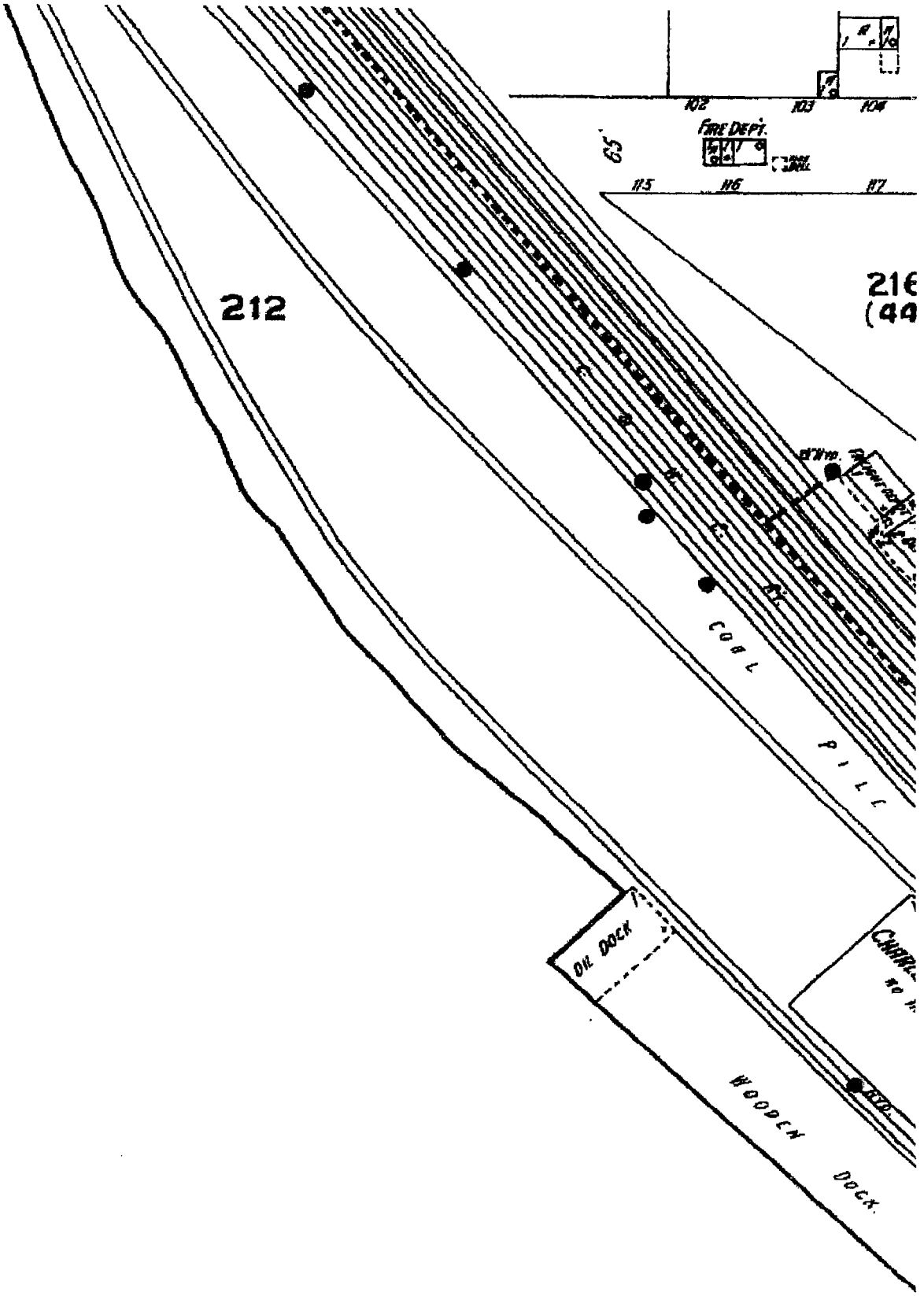
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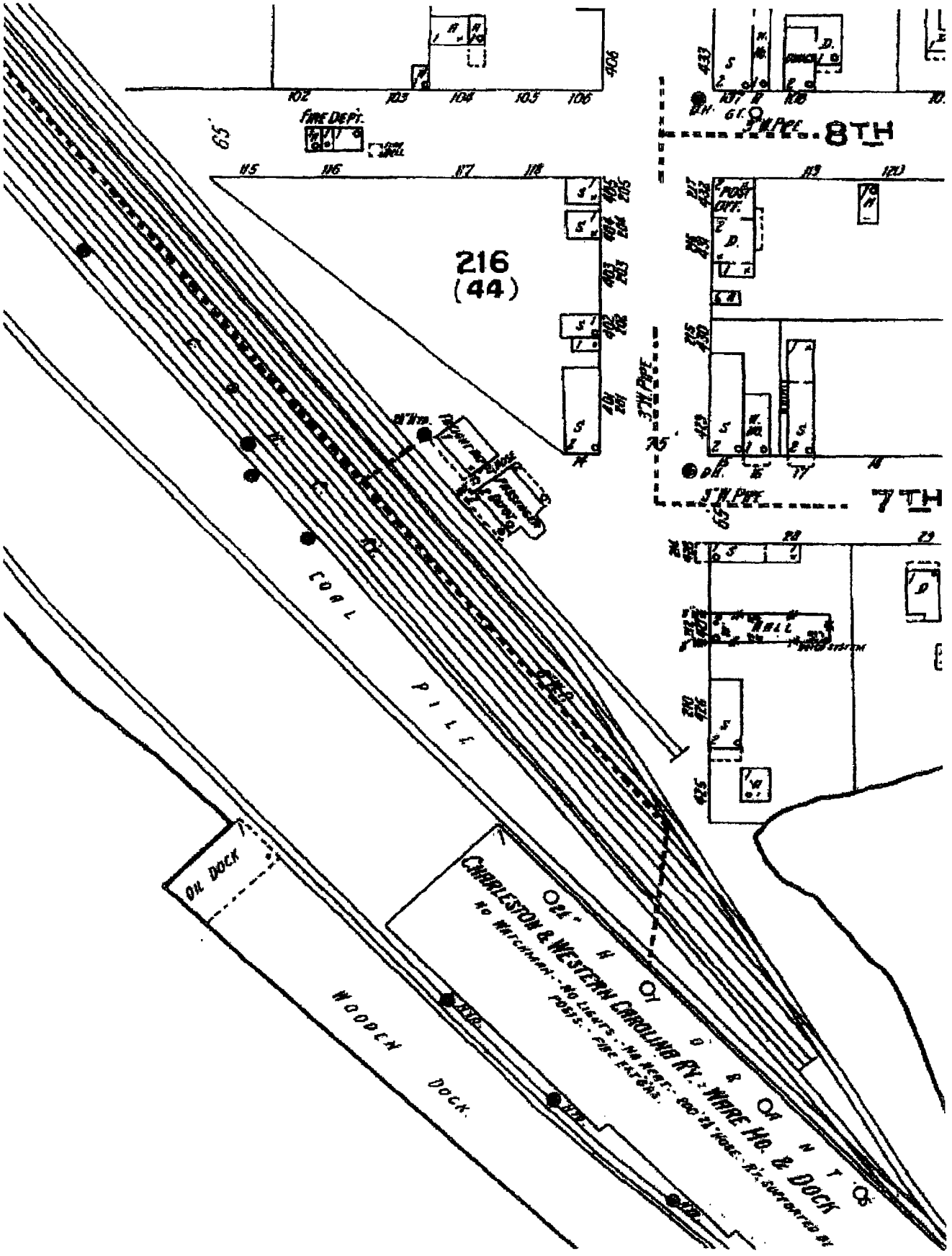
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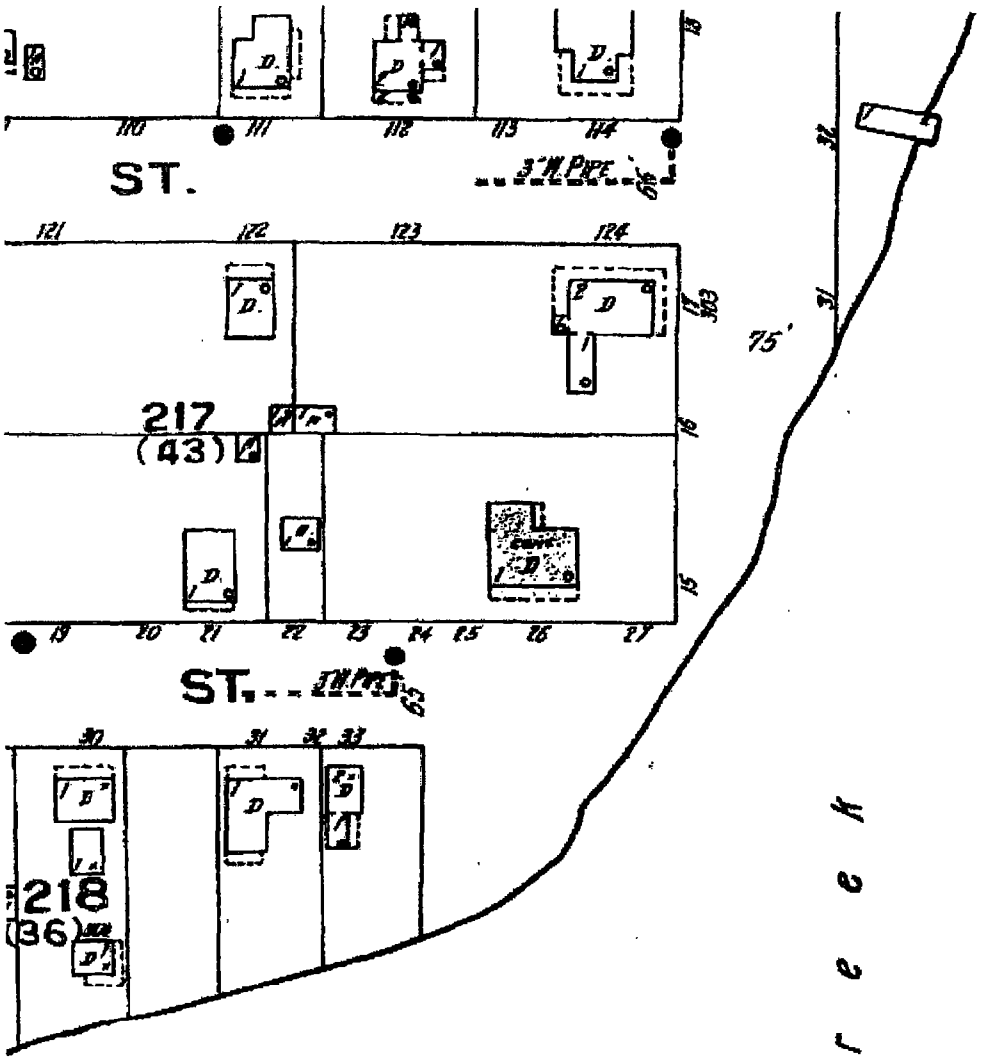
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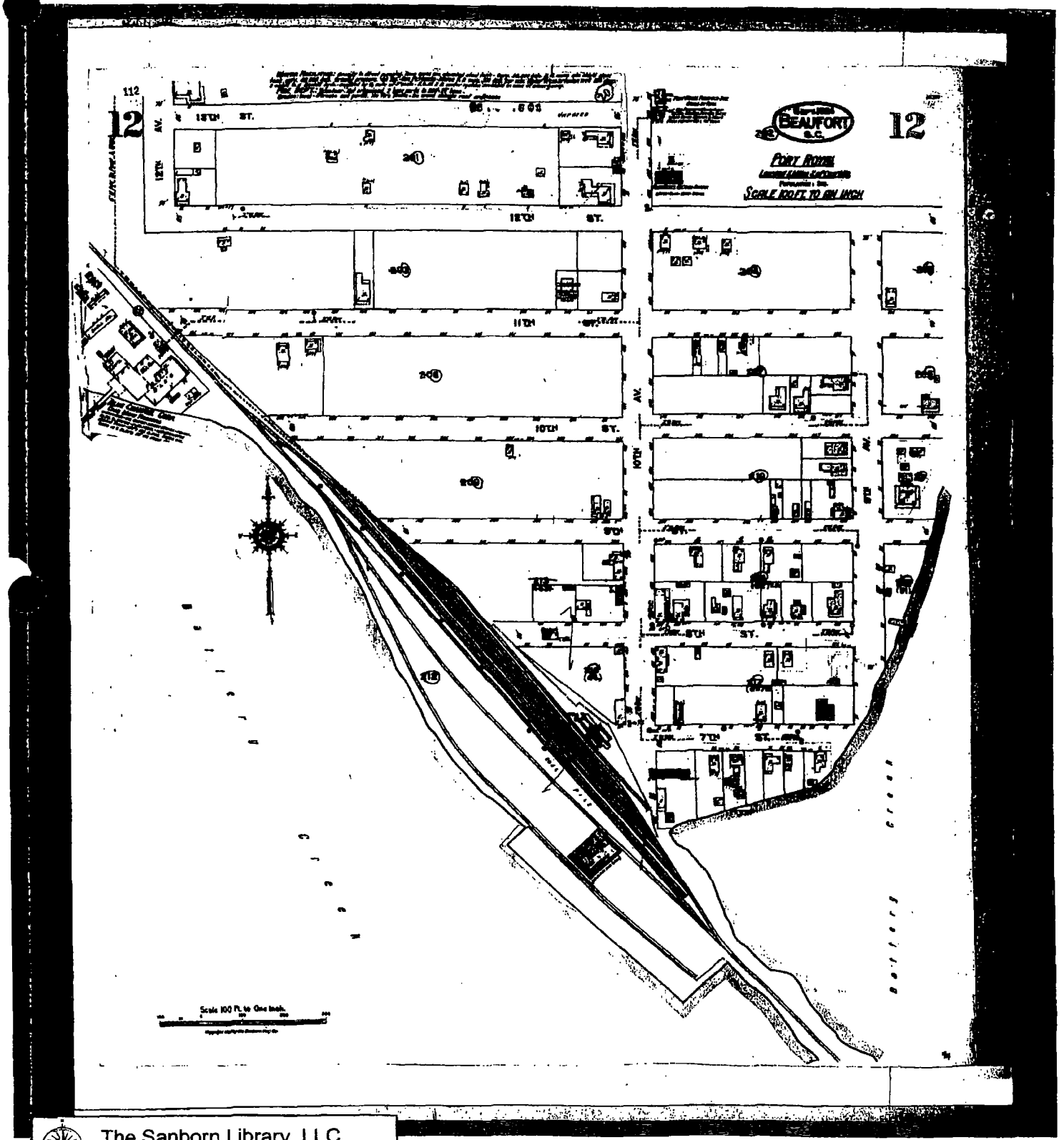
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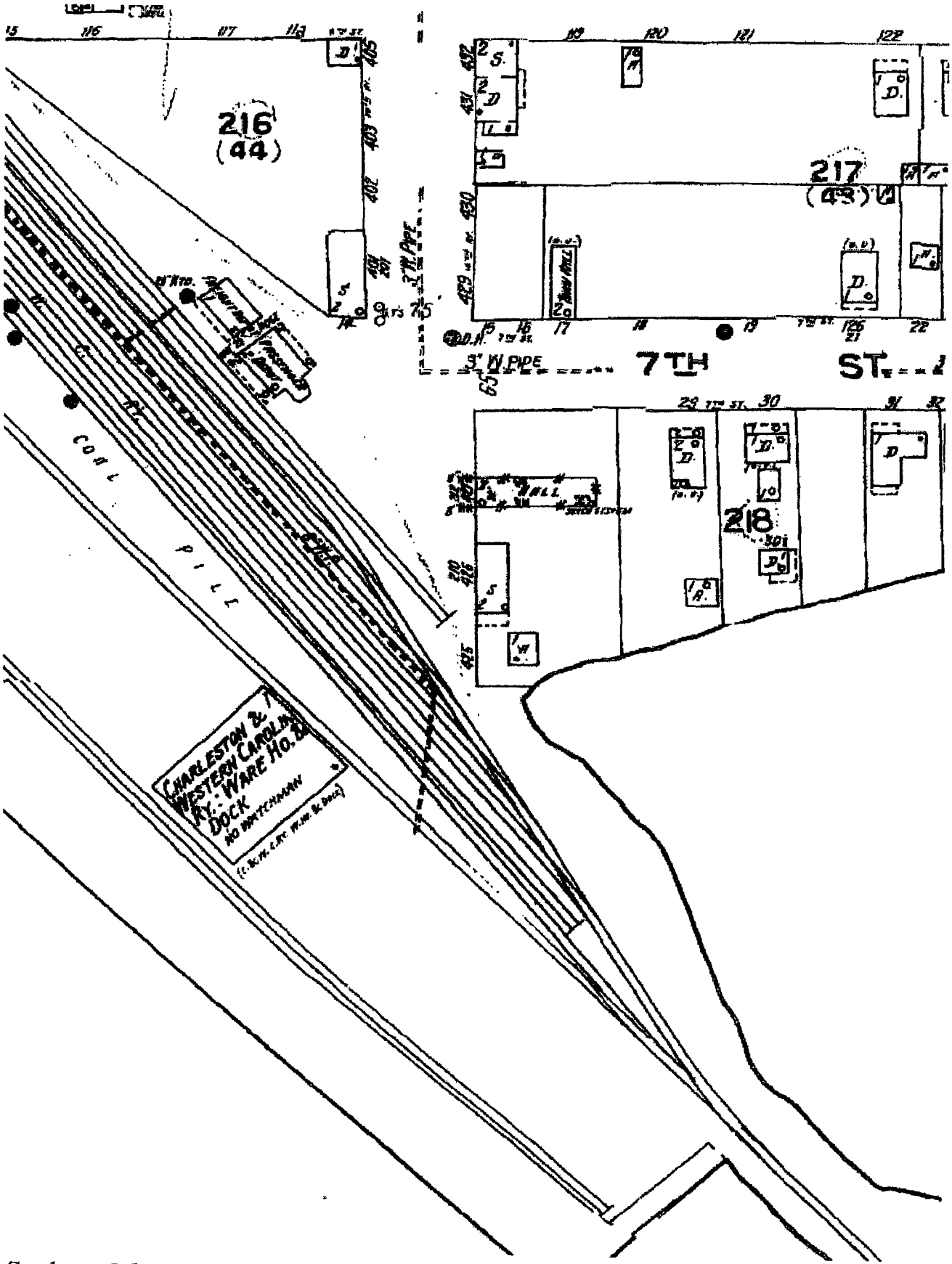


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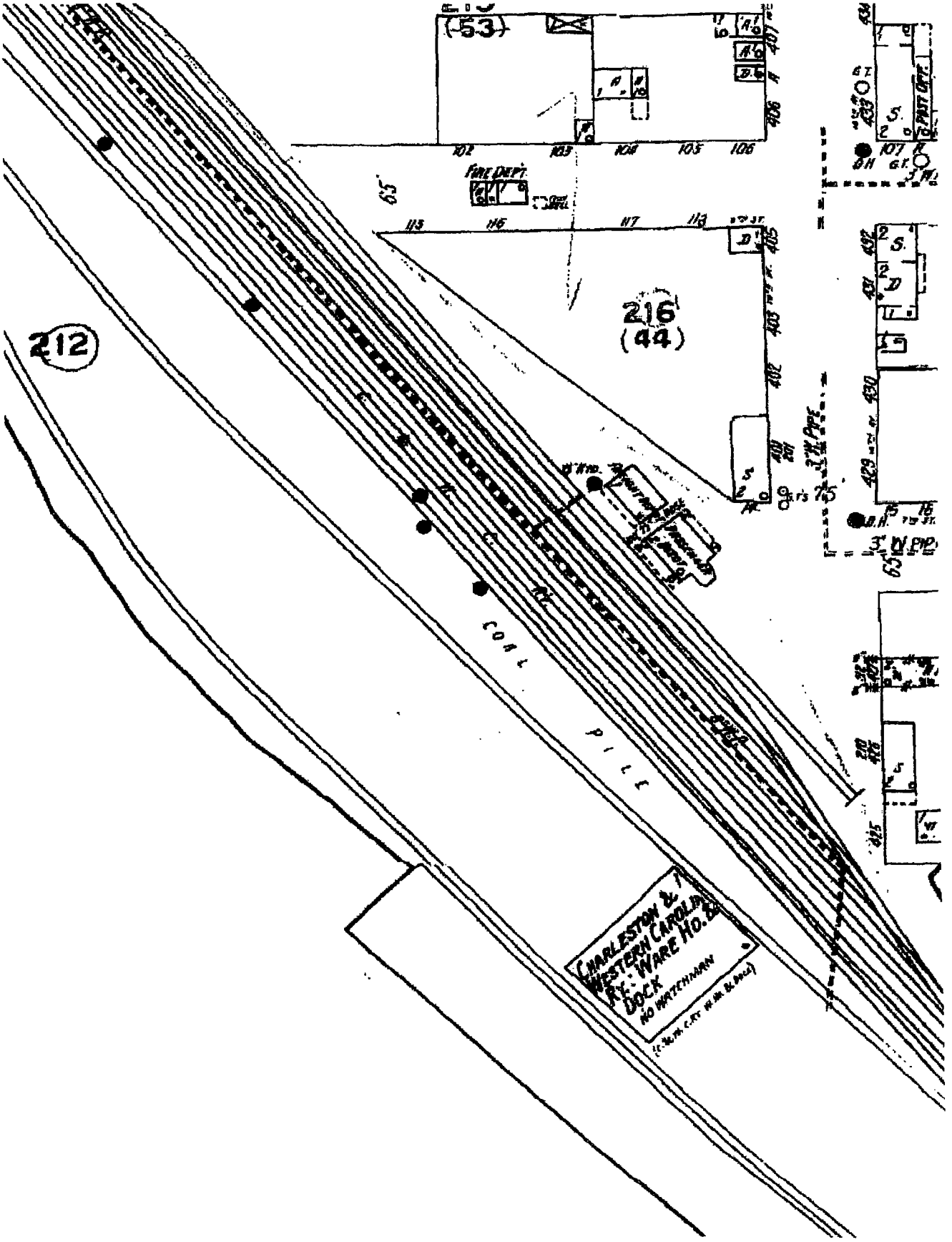
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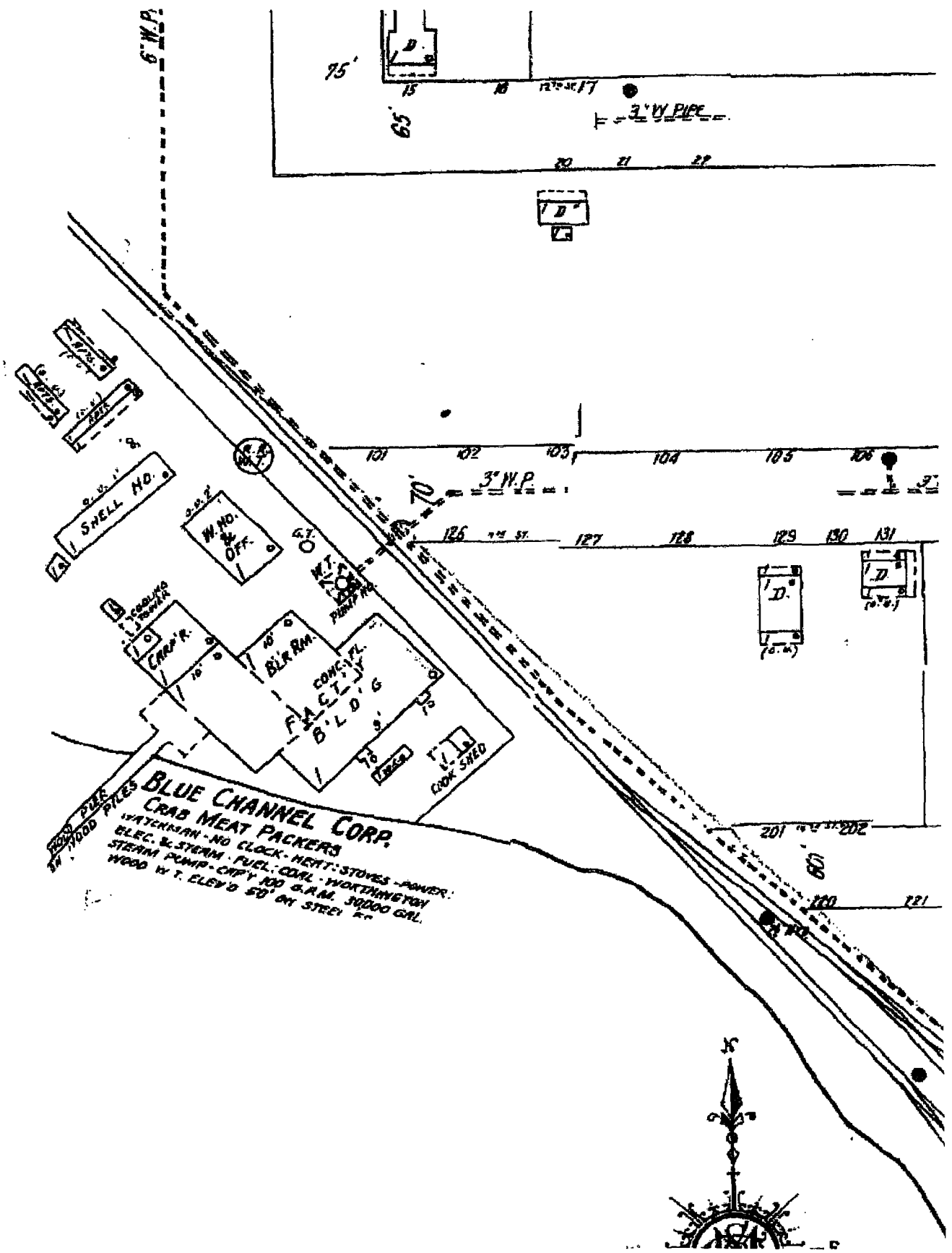
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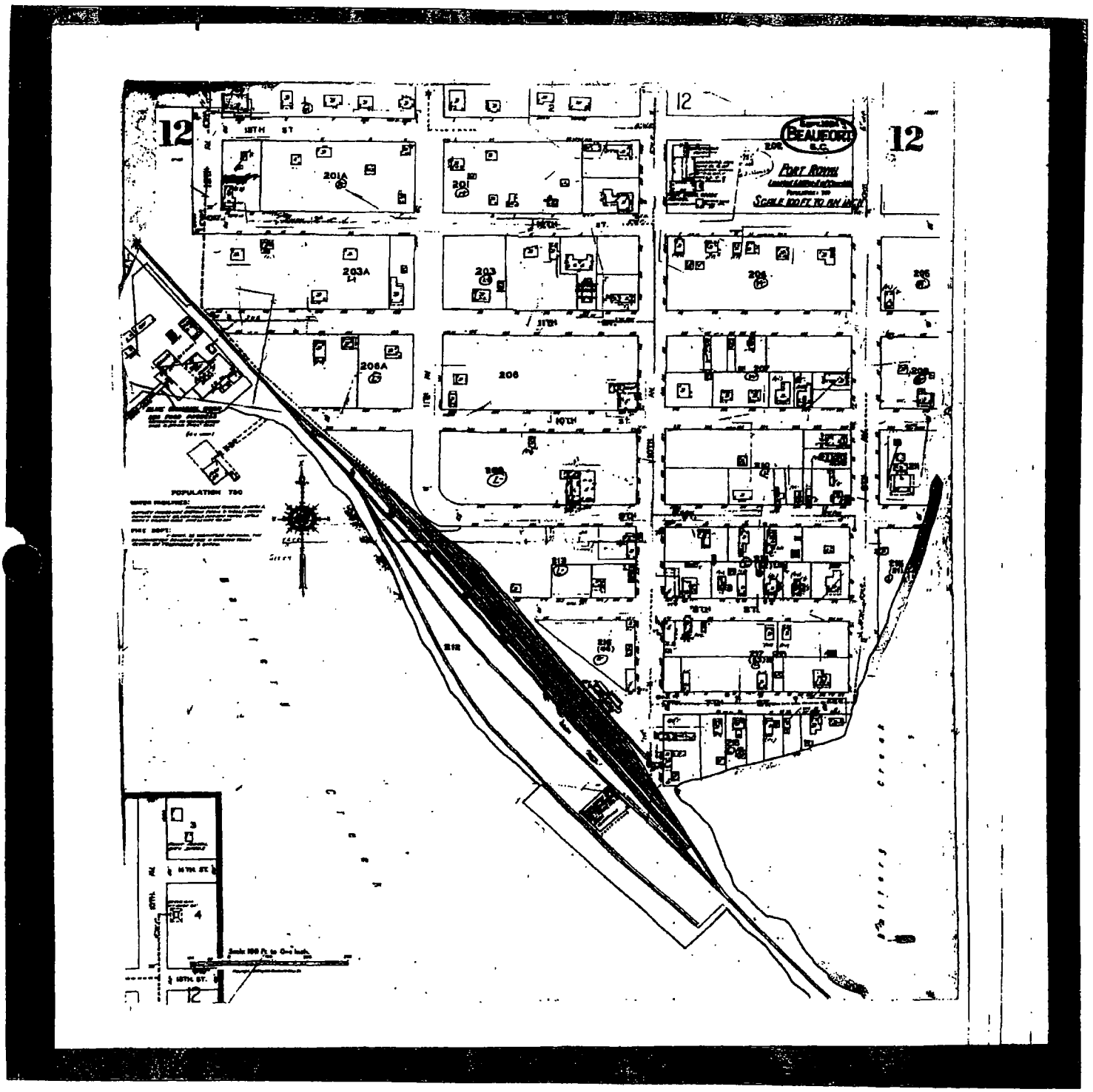
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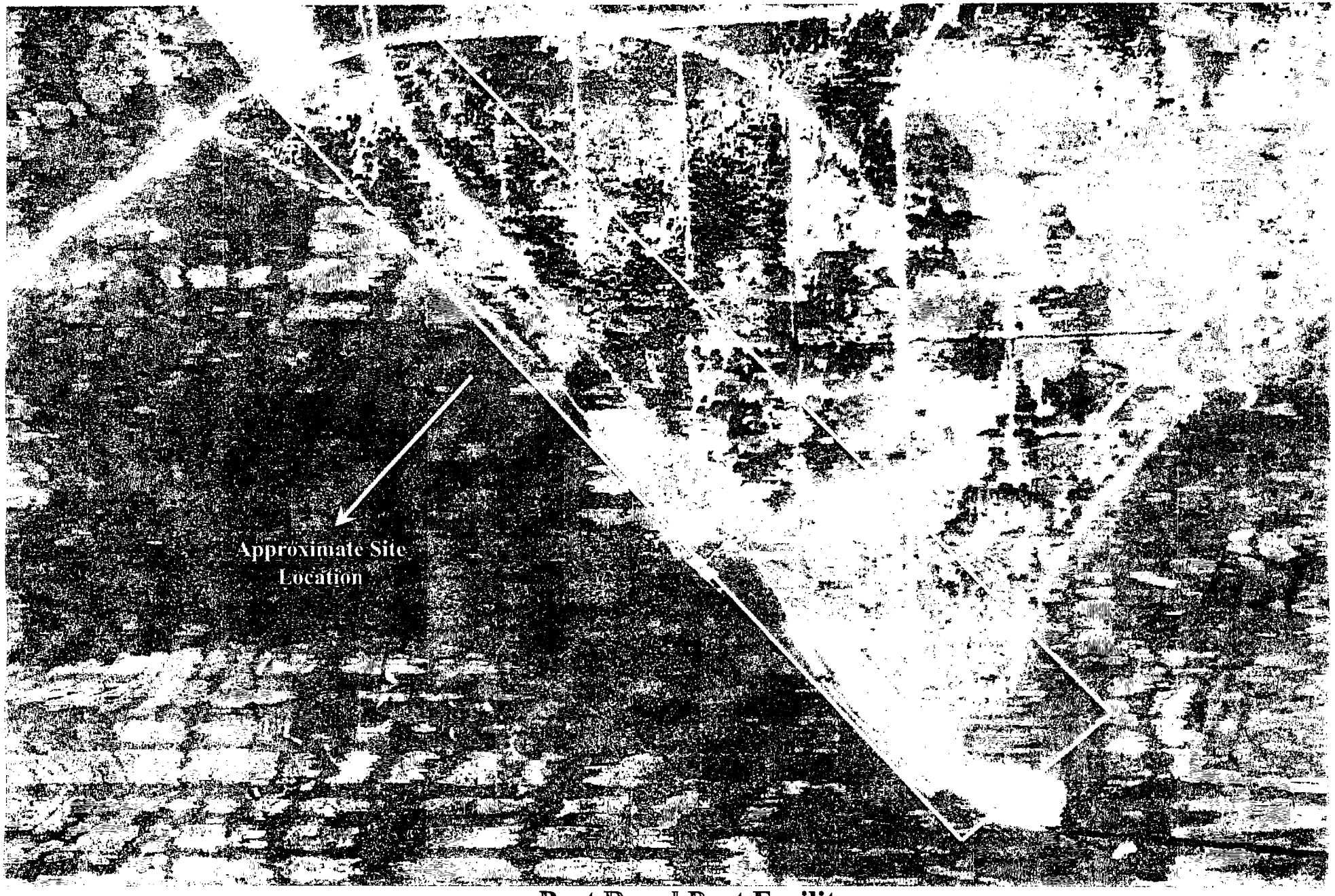


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Port Royal Port Facility

Port Royal, South Carolina

S&ME Job #1134-05-201

1951 Aerial Photograph



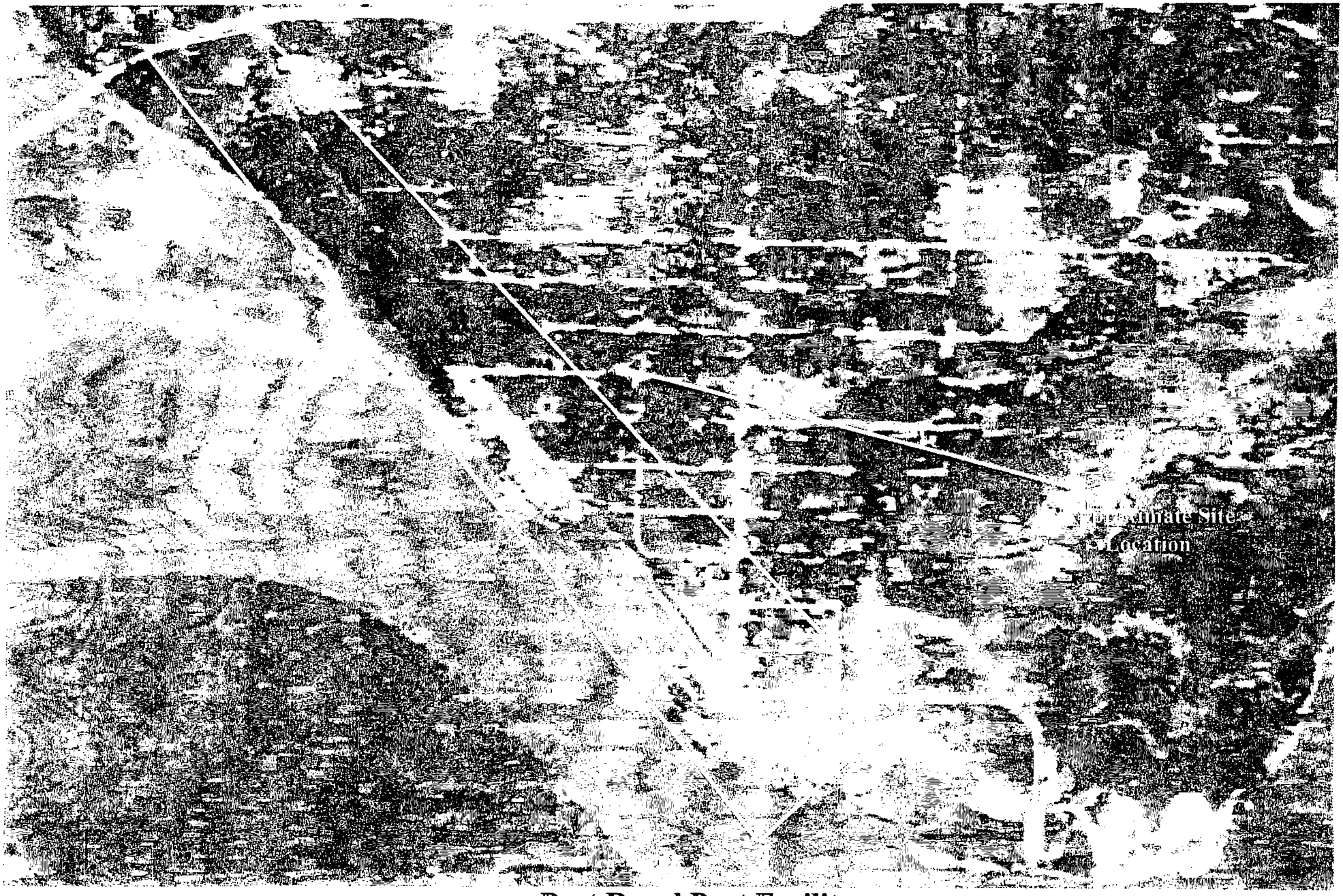
S&ME

Port Royal Port Facility

Port Royal, South Carolina

S&ME Job #1134-05-201

1965 Aerial Photograph



Port Royal Port Facility

Port Royal, South Carolina

S&ME Job #1134-05-201

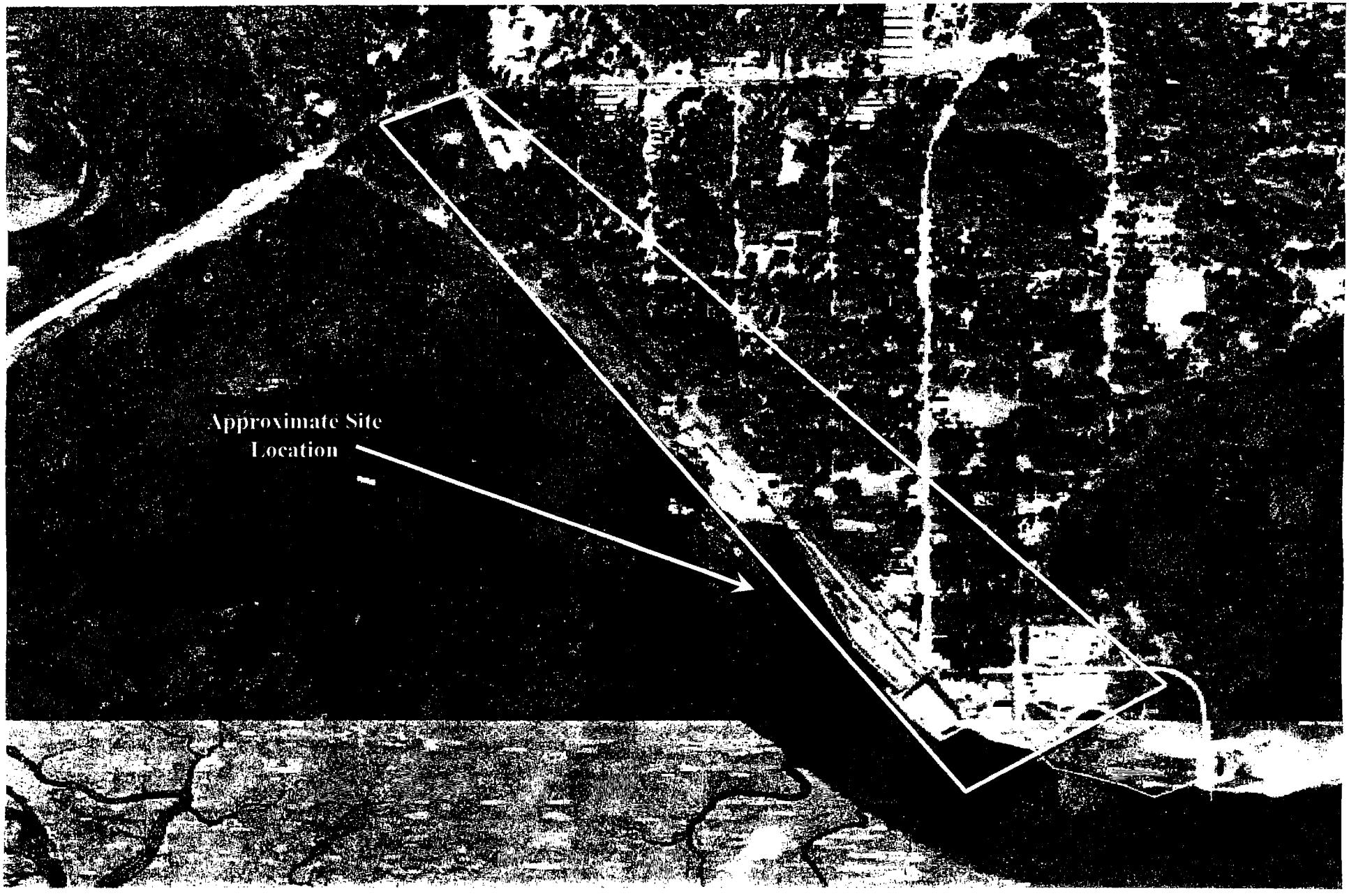
1972 Aerial Photograph



S&ME

Port Royal Port Facility
Port Royal, South Carolina
S&ME Job #1134-05-201

1979 Aerial Photograph



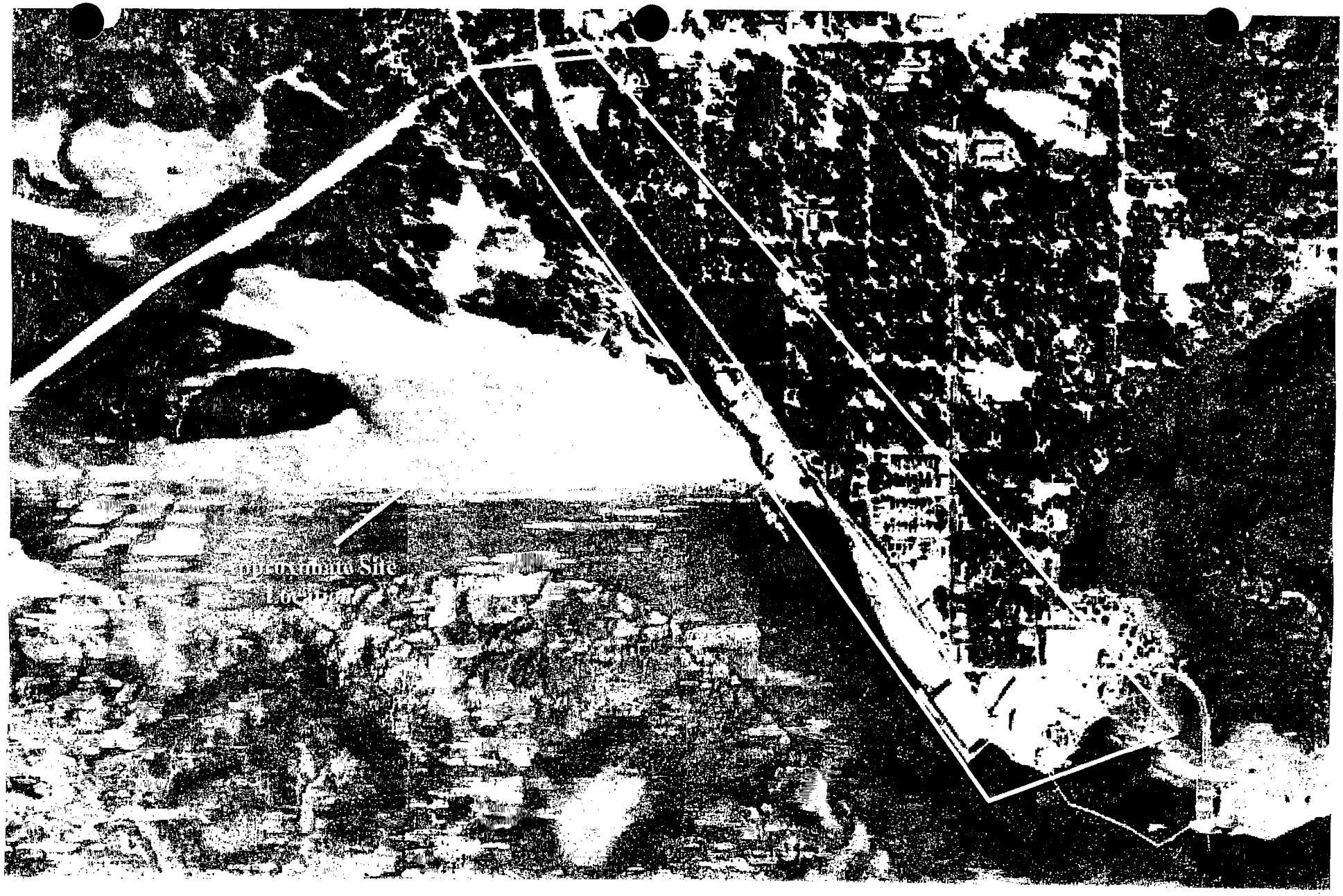
S&ME

Port Royal Port Facility

Port Royal, South Carolina

S&ME Job #1134-05-201

1994 Aerial Photograph



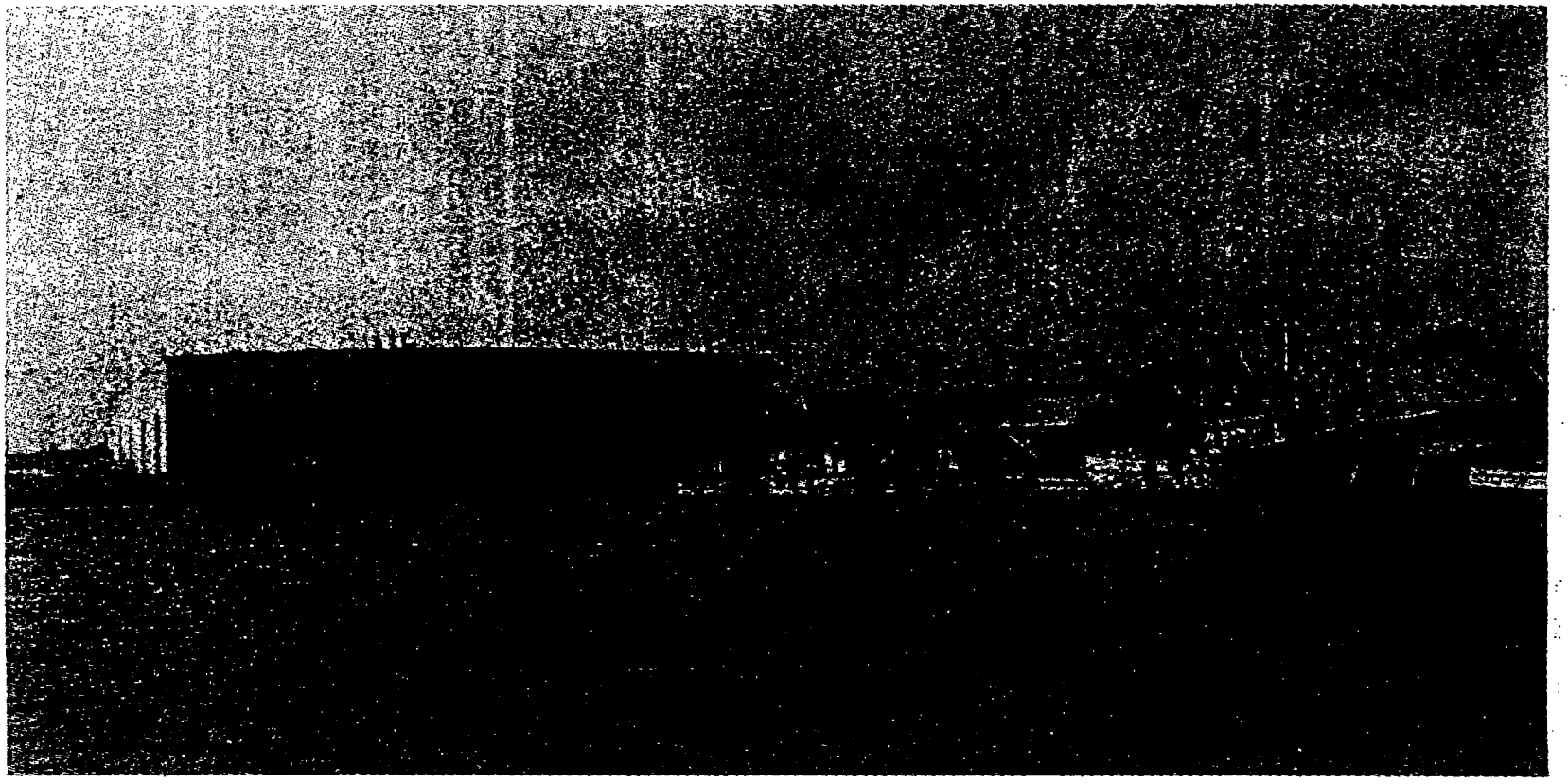
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Port Royal Port Facility

Port Royal, South Carolina

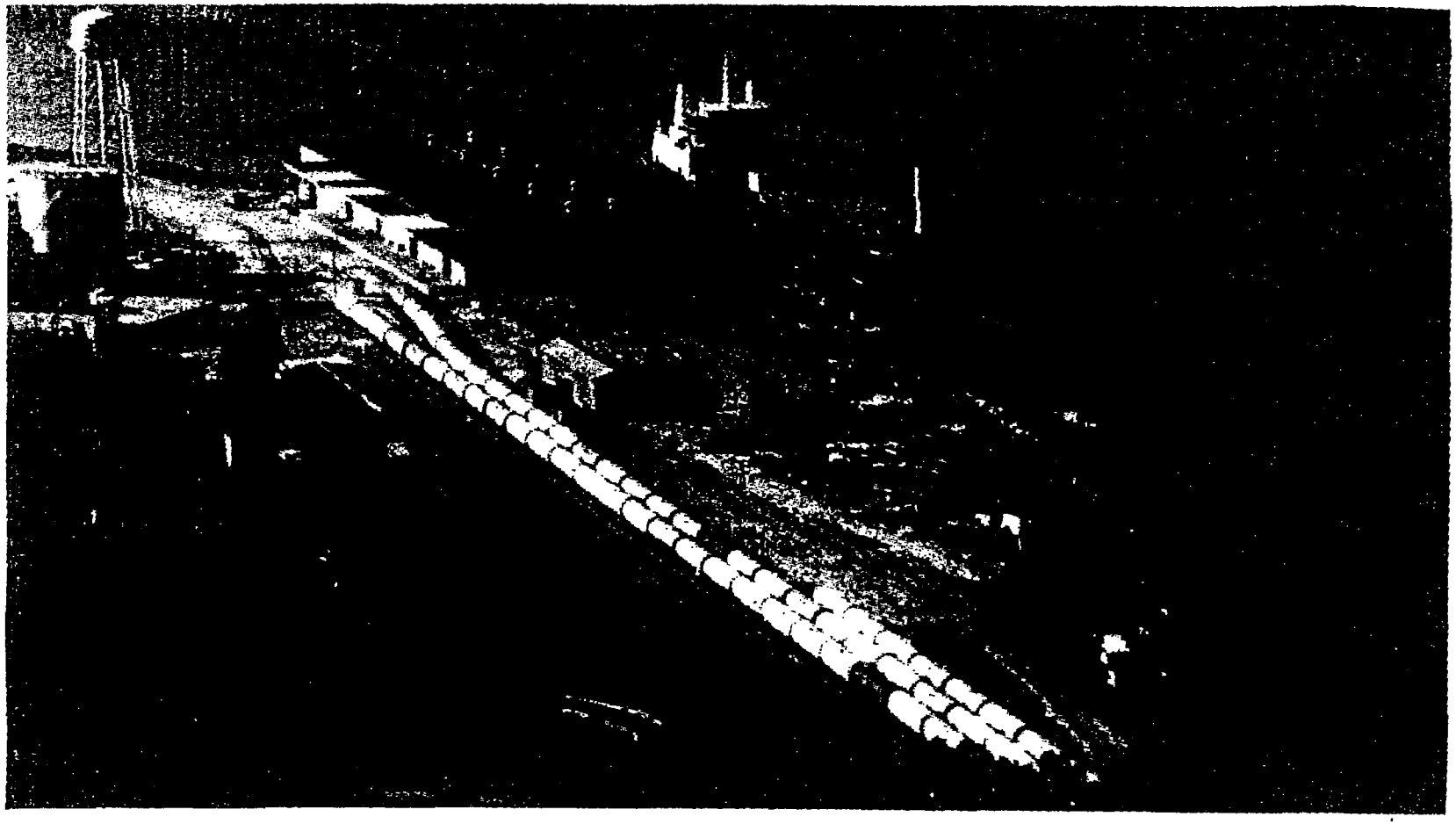
S&ME Job #1134-05-201

1999 Aerial Photograph



State Pier 2l at Port Royal while under construction

Job No : 1134-05-201	S&ME	**1958 Photograph of Port Royal Terminal**
Date: April 19, 2005		Port Royal, South Carolina
Scale: NTS		



Port Royal Terminal with a Repap vessel in 1987

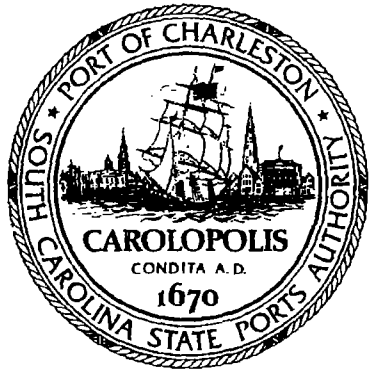
Job No : 1134-05-201	S&ME	**1987 Photograph of Port Royal Terminal**
Date: April 19, 2005		Port Royal, South Carolina
Scale: NTS		



Battery Creek Seafood dock and facilities, part of the SPA's effort to meet the town's wishes for a seafood-tourist oriented section of the waterfront.

Job No : 1134-05-201	S&ME	**1988 Photograph of Port Royal Terminal**
Date: April 19, 2005		Port Royal, South Carolina
Scale: NTS		

HISTORY OF THE SOUTH CAROLINA



STATE PORTS AUTHORITY

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DEDICATION

This history is dedicated to Dean Robert McCormick Figg, Jr., who wrote the Authority's Founding Legislation and who worked throughout his life to make the South Carolina State Ports Authority one of the outstanding port systems in the world. Special thanks are extended to James B. Moore, and Thomas H. Pope, who along with Dean Figg contributed a great deal of time to provide information and perspective to the manuscript. The Authority also dedicates this book and the history it covers to all those who contributed to establishing the Port and furthering its interest. With deep appreciation.

The South Carolina State Ports Authority

1991

ninimum 5,000 tons of salt per year through Georgetown.

The vel structure started as a plastic-covered nylon skin which was inflated by blowers. Once inflated, the interior was insulated with a two-inch layer of polyurethane foam blown against the wall into which were placed metal reinforcing rods. Over the rods, concrete was blown, coating the wall to a thickness of ten inches at the base and about four inches at the top. The dome was then outfitted with conveyor systems for loading and unloading the salt. The facility was open and operating at full capacity by July of 1988.

The Port of Georgetown welcomed another new customer in the fall of 1987 when Delta Cement Corporation announced plans to establish a bulk cement storage and distribution terminal at the port. The facility was planned to have a capacity of 20,000 tons and a peak discharge rate of 700 tons per hour.

The contractor for the facility was Dome Systems, Inc., the same firm that built the International Salt Company plant the year before. The dome was inflated on January 31, 1988, and stood twelve stories high and ninety-six feet in diameter. It opened for business in the fall of 1988 under new ownership. It was purchased in May of that year by Santee Portland Cement Corporation of Holly Hill, S.C., a subsidiary of Dundee Cement Company of Dundee, Michigan. The first shipload of cement arrived on November 25, 1988, and off-loaded approximately 13,500 metric tons of cement.

The Port of Georgetown has been through several cycles of activity. From its founding in the early eighteenth century through the Civil War, it was a bustling coastal and international port, but, like Charleston, went into a sixty-year hibernation after the war was over. Next, it became an industrial port serving three major industries, but because it was tied almost exclusively to those three industries, it suffered along with them as they went through their peaks and valleys. Now a more diversified bulk and breakbulk port, catering to wood, salt, and cement imports as well as to paper and steel, the Port of Georgetown is in an excellent competitive position. At the close of Fiscal Year 1990, the Port of Georgetown handled more than a million tons at State Piers 31, 31B and 32 for the first time in its history. In Fiscal Year 1990, Georgetown had a total of 76 vessel calls.

Chapter Seven:

THE PORT OF PORT ROYAL

Of South Carolina's three ports, the Port of Port Royal was the first to be visited by European colonial powers, but it was the last of the three to decide just what kind of port it was suited to be. Located just eighteen miles from the entrance to the Savannah River and competing port facilities, it did not have Charleston's location infrastructure and favorable business connections to become a major general cargo port. Yet, unlike Georgetown, it was not destined to become an industrial port. In the mid-1980s careful analysis of the port and the community's commercial future set Port Royal on a different path than the Ports of Georgetown and Charleston.

The exploration of what was to become South Carolina started long before its colonization by the English in 1670. According to historian Lewis Jones, most of the pre-English activity in South Carolina was in the Port Royal or St. Helena area. In 1562, Jean Ribaut established the Charlesfort colony on Parris Island, but, in 1563 the survivors abandoned the small colony, took to a small boat, and were picked up by an English ship. In 1566, Pedro Menendez de Avilez established "the third European settlement within the bounds of the state by building Fort San Felipe on Parris Island, or, to the Spanish, Santa Elena, and for twenty-one years (1566-1587), Parris Island was destined to be Spain's northernmost position in the New World."[1]

From 1587 until the settlement of the Beaufort area in the late seventeenth century, the region was wholly without Europeans.

During most of the colonial period, the Beaufort-Port Royal planters were in a position not unlike those of Georgetown: although they had an official port of entry, it was still more advantageous to ship their export goods through Charleston. For this reason, the port of Beaufort - Port Royal developed very slowly as compared to Charleston.

The British Army attacked Beaufort in 1779, shortly after Savannah was captured and occupied. The H.M.S. VIGILANT landed 250 men at Laurel Bay and marched toward Beaufort, but they were intercepted and repulsed near the present-day site of the Beaufort Naval Air Station. The British returned to their ships, but frustrated the American defenses by blowing up Fort Lyttleton, the fort that guarded Beaufort, on their way back to their ship.[2] The port suffered a similar fate the next time it was invaded. When the Civil War broke out, the port's usefulness to the Confederacy was short-lived, for on November 7, 1861, Commodore Samuel Dupont led a flotilla of U. S. Navy warships into Port Royal Sound and "pummeled the half-finished Confederate forts."[3] During the federal occupation which followed, the handsome antebellum houses which lined the waterfront were used as hospitals, offices, and quarters for the Union Army and therefore escaped destruction.

The port got its first railroad in 1869, when Stephen Caldwell Millet started the Port Royal Railroad. "The company published an ambitious map, showing how the Port Royal - Augusta Railroad would connect to other railroad lines serving the vast midwestern hinterland of the United States. Broad, colored lines from all directions converged on Port Royal."[4] The company ran into financial difficulties in the early 1870s, however, and the only track actually laid ran from Port Royal to Yemassee, S. C., where it connected with a major Charleston-Savannah rail line. This railroad, in addition to the natural harbor, was one of the two key factors in making Port Royal a viable commercial port. The line eventually became part of the Seaboard Line, which operated it until 1984.

Port Royal became an incorporated town in 1874, due largely to the completion of the Port Royal Railroad. Extensive phosphate deposits were found in the area in the 1870s and 1880s, and, like Charleston, a booming phosphate export trade developed. "Ships

from foreign countries anchored at Port Royal and in St. Helena Sound to load the processed phosphate. There was even regular passenger service between the Port of Port Royal, Liverpool, and Bremen. Until the hurricane of 1893 damaged the phosphate industry to a considerable extent, it is said that there were more ships loading phosphate in and near Port Royal than in the combined Ports of Charleston and Savannah. One man recalled seeing up to ninety ships at one time in Port Royal harbor, ready to load lumber and phosphate."[5]

Parris Island was the site of a major navy yard in the post-bellum years, and its drydock was large enough to contain the largest battleship in the U. S. fleet. However, in 1900 a board of naval officers recommended that the facility be moved to Charleston harbor, where it has been located ever since.

The Navy retained ownership of Parris Island, which became home to the Marine Training Depot during the First World War. Just as quickly as it opened, the Marine Corps facility dwindled after the war, and "Port Royal became just another small coastal town, depending precariously on fishing and shrimping."[6] Not until the outbreak of the Second World War in Europe did Port Royal see a new dawn. At that time, the Parris Island Marine facility was rebuilt, expanded, and became a permanent part of the community.

The Authority's involvement with the port officially began in 1942, when the SPA's enabling legislation specifically mandated the development of the Beaufort-Port Royal harbor as one of the state's three official ports. In 1944, the Authority commissioned the State Planning Board to do a study of the commercial potential of the three ports, and as soon as the Second World War ended, the Authority prepared economic and traffic studies to demonstrate the justification for a proposed deepening of the natural channel at Port Royal.

The Authority sought a thirty-two foot channel from the ocean into Port Royal Sound, and then thirty feet from the sound to the terminal at Port Royal. The Authority and its supporters appeared before a hearing held by the Corps of Engineers at Savannah on September 11, 1945, and presented their data concerning the location, length, width, and depth of the proposed channel, the size and types of vessels to use it, the benefits to be expected and to whom they

ould acc[illegible]ad the extent of local cooperation that was available.

In 1945, and again in 1947, the Authority's Traffic Bureau epared extensive freight traffic surveys showing the benefits which ould accrue to the tributary area served by Port Royal. The wildly otimistic survey projected heavy use of the port if the channel were edged to a depth of thirty feet, and pledged that if the dredging were one by the Corps of Engineers, the Authority would build the ecessary terminal facilities.

On November 3, 1947, the U. S. Army Engineers announced that ley would not recommend approval of the channel dredging request. his was not the first time they had decided against it. The Corps had reviously turned down eight other requests over the seventy-four ear period starting in 1880, doing so each time because they saw isufficient benefit in relation to the cost involved. This time was no ifferent. In their findings, the Corps stated that the benefits to be ecrued would not be matched by the cost of a thirty-foot channel; that shallower twenty-four or twenty-seven foot channel would be iadequate for most shipping; that the chief existing beneficiary of a ew terminal would be one firm, the Plywood-Plastics Corp. of lampton; that the site being 18 miles from the entrance to the avannah River and 57 miles from Charleston harbor, was subject to itense competition; and, that railroad terminal facilities (then owned y the C. & W. C. Railroad) were inadequate and privately owned.[7]

The Authority responded immediately and vigorously. On lovember 18, 1947, it told the Corps that it would accept a twenty- our foot channel, and that this depth would permit all but a handful f vessels to use the new port so long as they came and left on the high ide. It reiterated that numerous industries not currently shipping via 'ort Royal would do so if the harbor was dredged and the state dock vas built, and asked for another hearing. After considering the reap- plication, the Savannah District Engineer reported to Washington hat there had been no change in their position, and that the Corps of Engineers still opposed the Port Royal channel project. However, hey did approve the Authority's request for another hearing.

During this period, the Authority asked for and secured transfer of the Port Royal-Beaufort area from the jurisdiction of the Savannah District Corps of Engineers office to the Charleston District office.

Means was convinced that Savannah's commercial interests [illegible] actively frustrating efforts to develop Port Royal, which, if [illegible]el- oped, would compete directly with the Port of Savannah. After vigorous and sometimes delicate negotiations, the transfer was achieved in 1947, and, for the first time, the control of the harbor maintenance of all three state ports was centered within South Carolina.

On March 4, 1948, a determined South Carolina delegation descended on the Engineers' District Office. U. S. Senator Burnet Maybank; U. S. Congressman L. Mendel Rivers; Governor Strom Thurmond S. C.; Senators Edgar Brown and Brantley Harvey; Cotesworth Means; Robert Figg; and W. S. Evans, Traffic Manager of the C. & W. C. Railroad, all made strong presentations and eventually the Engineers gave in.

In 1949, the twenty-four foot channel was approved by the Engineers and the recommendation was sent to Congress for inclusion in the next River and Harbor authorization bill. Again, it hit a snag when the Bureau of the Budget turned down the project in 1950 on the grounds that the only important industry the port would serve would be the Plywood-Plastics Corporation plant located at Hampton, S. C.

Citing a raft of new evidence, anticipated freight savings, and new businesses in the area, the Authority in 1955 again restated its request. New witnesses were quoted who estimated that the cost of the dredging would be equaled every year by savings in freight costs. New commodities such as black strap molasses were found which would benefit by the new port. The Naval Hospital and jet fighter base at Beaufort, the Atomic Energy Commission site at Barnwell, and the Marine base at Parris Island were all cited as potential users of the new port. These arguments notwithstanding, the project was stalled in Congressional committees for some time before its final approval and funding.[8]



South Carolina's Congressional delegation meets with Ports Authority officials in Washington to hear new economic facts (standing, left to right): Senator Olin D. Johnston; Rep. J. L. McMillan, Sixth district; Rep. W. J. Dorn, Third district; Rep. R. T. Ashmore, Fourth district; Rep. L. Mendel Rivers, First district; Senator Burnet R. Maybank; Rep. John J. Riley, Second District; and Rep. J. P. Richards, Fifth district; Ports Authority officials (seated, left to right): S. W. Pilgrim, SPA Rock Hill representative; Chairman Cotesworth P. Means; Authority member Cecil D. McDaniel, of Beaufort; and T. Carlisle Crump, SPA Washington representative.

In 1955, the Congressional appropriation finally passed and work on dredging a deep-water channel to Port Royal began in January of 1956 under the direction of the Charleston District, U. S. Army Corps of Engineers. The plan for improvement called for a channel twenty-seven feet deep and five hundred feet wide from the ocean across the bar to Port Royal Sound in the sound for about thirteen miles, then twenty-four feet deep and three hundred feet wide in Beaufort River and Battery Creek for about seven and one-half miles. The channel would lead to a turning basin twenty-seven feet deep and six hundred feet wide opposite the wharf of the Charleston & Western Carolina Railroad Terminal at Port Royal.



Howard Ellis Danner

Two men from Beaufort were chiefly responsible for the persistent efforts of the Authority to turn Port Royal into a modern international port. They were Howard Ellis Danner and Cecil D. McDaniel, both of whom served on the SPA's board.

Howard Danner was a member of the Authority's original board and served as its first treasurer until 1949, when his term expired. One of the founders of the Beaufort Museum, Danner was a treasurer of Beaufort College and served as the first president of the Historic Beaufort Foundation.

Cecil D. McDaniel



Cecil D. McDaniel took Howard Danner's place on the board and held his chair until he retired in June of 1970. He was originally appointed on March 30, 1949, by Governor Strom Thurmond, and was reappointed in 1956 and 1963. McDaniel served the board as Treasurer from 1949 to 1961 and as vice chairman from 1961 to 1968. He was a Beaufort businessman, a former manager of the Beaufort Coca-Cola Bottling Company, past-president of the Rotary Club, and chairman of the

State Advi[illegible] Committee on State Parks. Cecil McDaniel retired in 1970 at the expiration of his third term. He died in 1972.

Actual facilities construction at Port Royal got underway in 1957, after the $21 million bond issue was passed. State Senator E. B. Rogers of Beaufort County chaired a committee to negotiate with the C. & W. C. Railroad for their terminal site, and Authority member Cecil McDaniel of Beaufort also played a major role. In March of 1957, the SPA acquired the Port Royal Terminal site from the Charleston & Western Carolina Railway Co., and located the new dock at the terminus of the C. & W. C.'s spur, adjacent to the newly-dredged turning basin.



State Pier 21 at Port Royal while under construction

The Atlantic States Construction Company of Atlanta started work in October of 1957. Based on their winning bid of $2,275,776, they were awarded the contract to build a 500 foot marginal concrete wharf with a forty-foot apron and 64,000 square feet of transit shed space. The addition of a ramp in the early 1980s added 65 feet to the east end of the dock.

In February of 1958, T. Carlisle Crump, the Authority's administrative assistant, started staffing the developing port's office one day a week on Wednesdays, and, at about the same time, the Authority's Traffic Department scheduled a survey of potential shipping. To manage the actual operation on the docks, Edward Rogers, Jr., was named pier superintendent.

Dedication ceremonies for the new facility were scheduled for September 27, 1958, but Hurricane Helene forced the dedication back to October 4. U. S. Senator Olin D. Johnston delivered the dedication address to several hundred dignitaries and guests inside the new transit facility. The destroyer, USS GREENWOOD, rode at the pier, demonstrating the new port's deep-draft capability.

The first cargoes for the port had already been arranged: the export of 3,274,000 pounds of dried milk, and the import of 300,000 board feet of cativo, a quality hardwood from Barraquillo, Colombia. A freighter of the Transjug Rijeka Line carried off the first 500-ton consignment of dry milk from Port Royal for Church World Services, which distributed it to Protestant church groups in Yugoslavia. The milk export was sponsored by the U. S. Department of Agriculture. The incoming shipment of wood arrived at Port Royal on October 1, 1958, consigned to the Joe Virgeson Lumber Company of Columbia, S.C.

Also in 1958, the Authority announced that it had purchased an 867-acre tract of land in Beaufort County near the new terminal at Port Royal as the site of future deep water port and industrial expansion. Known as the Victoria Bluff tract, the Beaufort County Development Board had an option on the property but was unable to complete the purchase. The SPA assisted by purchasing the property on August 15, 1958, for $140,000 with a five-year option to buy an additional one hundred acres of land in the same section. The tract was situated on the Colleton River, about five miles west of Hilton Head Island and across Port Royal Sound from State Pier 21 at Port Royal. Chairman Means noted that the site would provide a "natural avenue for future expansion in the Port Royal area." The land, known thereafter simply as Victoria Bluff, was never developed by the Authority and was a frequent source of controversy in the area.

In 1969, the Authority sold most of the 867 acres, plus an additional 322 acres of marsh claimed from the state, to Badische Analin und Soda Fabrik (BASF), a major German chemical company, for $237,000. BASF added to the property with the intention of building a $100 million chemical plant and industrial complex there. The complex was to have employed 1,000 workers when completed, but, due to determined opposition on environmental

ɔunds by area residents, BASF abandoned its construction plans. e Authority was directed by the State Legislature to repurchase the ɔperty using $1.5 million in state bond money. The tract, which by w was 1,498.63 acres, was purchased by the SPA on July 14, 1971.

The next corporate suitor for the property was Brown & Root, c., of Houston, Texas, who proposed to build a $30 million heavy etal fabricating plant on the site, but the firm never exercised its ɔtion to buy the tract.

Chicago Bridge and Iron Works (CBI) owned property adjacent Victoria Bluff. In the late 1970s, CBI was trying to get a permit to ɔnstruct a dock there and was having difficulty satisfying the U. S. epartment of the Interior. The South Carolina Legislature ordered ıe Authority to deed the majority of the Victoria Bluff tract to the ɔuth Carolina Wildlife & Marine Resources Department in order to elp CBI get its permit, with the stipulation that the Authority reserve ıough land for port expansion. In 1979, the Authority deeded ,255.03 acres to the Wildlife and Marine Resources Department. ıpproximately fifty acres of this property was used for the Waddell Mariculture Center and the remainder was placed in the South Carolina Heritage Trust Program. CBI never developed its property. The Authority ultimately sold the remaining part of the Victoria Bluff ract to Beaufort County. The rail right-of-way portion of the property vas sold to an adjacent developer. The Authority designated that the ɔroceeds from the sale of Victoria Bluff would remain in Beaufort County for use in port development at Port Royal.

In January of 1960, the SPA assigned Robert E. Jenkins of Beaufort to solicit business for Port Royal. Jenkins resigned as sales manager of the Blue Channel Corporation of Port Royal to take the sales position. Jenkins was named to head the Authority's New York sales office in 1962.

In July of 1960, the Authority announced that a new firm, the Port Royal Shipping Company, was open for business, and that it would handle the loading and discharge of cargoes at the new port, as well as do general ship agency work. State Senator E. B. Rodgers was president of the company; James M. Waddell, Sr., vice-president; and G. G. Dowling, secretary. All were Beaufort businessmen.

The good intentions and hard work notwithstanding, the Port of

Port Royal was unable to attract any significant amount of business in its first decade of operation. "Until 1963," noted the 1965 Cresap, McCormick and Paget report, "Port Royal's marine commerce was primarily federal government exports of dried milk to foreign markets. In 1962, and the following year, the terminal handled 30,397 tons of woodpulp; and for a period of 12 months in 1964 and 1965, slightly more than 11,000 tons of prefabricated houses were exported. Otherwise, port commerce in Port Royal has been intermittent. In more than six years, only about 6,200 tons of general cargo moved through the terminal."[9]

With little cargo moving through the terminal, the Authority, in 1963, authorized a lease of half of the transit shed space to the Home Building Corporation of Sedalia, Missouri, for the construction of prefabricated houses for export.

Several physical problems hindered the growth of the port: the channel depth and lack of navigational facilities. Port Royal was known as a "daylight" port: (navigation lights for night time use were lacking), and the twenty-four foot depth deterred at least 50 percent of general cargo ships, and all tankers (which needed thirty-three feet) and grain vessels (at least thirty feet). To make matters yet more difficult, shoaling in the channel led to the PHYLLIS BOWATER running aground in the harbor in July of 1961 while trying to leave the port with a cargo of woodpulp. Emergency dredging relieved the problem (which, although not chronic, reappeared in 1974) but the resulting negative publicity did not help cargo solicitation efforts.

In 1968, with cargo tonnage lagging badly, the Authority decided to lease State Pier 21 at Port Royal to the Port Royal Clay Company, which agreed to operate it as a public terminal. Port Royal Clay Company leased the pier and its transit shed from the Authority, and also leased an 8,500 square foot warehouse adjacent to the terminal from the Seaboard Coast Line. Frank K. Peeples, president of the Savannah-based company, said at the time that the company would handle over 100 ships and hire about 100 employees, producing an economic impact of approximately $3.5 million in the Port Royal area in the first year. The company expected to begin full scale clay-shipping operations to export kaolin clay by July 1, 1968. Kaolin is a very fine-grained clay used heavily in the production of

clay-coa[redacted]ossy) papers.

By mid-June the company had already shipped 1,200 tons of clay overseas. The first ship was the ANNA-REGIL, of Danish registry, which arrived in late May 1968 to take on 600 tons of clay. On June 12, another ship took on another 600 tons. By November, the company had handled seven ships, totaling 1,003 tons.

After five years of operations, however, the optimistic projections for cargo tonnage across the Port Royal docks had not been realized. Clay exports continued, but little other cargo went through the port, and Authority Board member F. William Scheper, III, conceded that, because of its shallow channel and location, "The port will never be a major facility such as the sister ports of Charleston and Savannah."[10] With no better offers at hand, the Port Royal Clay Company was granted another five-year lease in 1973, with an option for extending the lease in 1978, an option which it chose to exercise.

One of the proposals for the development of Port Royal was the establishment of a major seafood processing plant. The concept was first envisioned by a group of local fishermen, who traveled to Texas to study the operation of a centralized seafood park there. In 1974, the Coastal Plains Regional Commission recommended to the South Carolina Legislature that funds be allocated to study the creation of a seafood industrial park, and Beaufort County Senator James M. Waddell, Jr., was instrumental in seeing that the funds were allocated. Because of its recognized expertise in developing waterside facilities and its experience in working with consultants and design firms, the Ports Authority was asked to select a team of consultants and assist in the creation of a master plan for the park. The Authority was also to have supervised its construction, but would then turn over the completed park to the Beaufort County Seafood Industrial Park Commission.

In December of 1980, the Authority presented a master plan for a seafood park which included berthing and unloading docks, a fish handling hall, cold storage, chill storage, blast freeze facilities, an ice plant, water, fuel, gear storage, a small boat launching ramp, repair dock, and wastewater treatment facility. Fish processors and other related interests such as net repair facilities, a marine hardware shop, bait and tackle shop, grocery outlet, and a seafood restaurant would

be able to lease space at the park. It was estimated that 450 ne[redacted]s would be created after all three development phases of the Port Royal Seafood Industrial Park were completed. The plan included use of the existing port complex and adjacent waterfront.

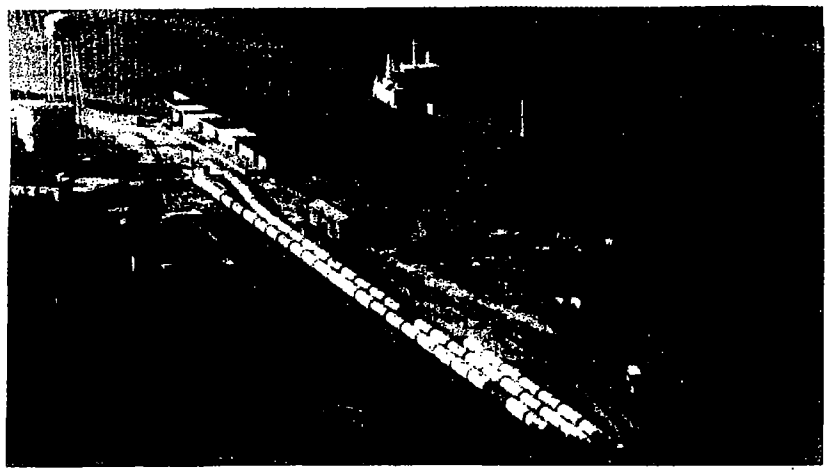
When the plan was presented to the community for comment, a number of objections arose. The size of the park and the resulting truck traffic, it was feared, would change the essentially residential character of town. Other area residents were worried about the odors which might result from a large-scale fish processing plant lying right at the edge of the main residential area. The community generally considered the project to be too big and too invasive of the community's waterfront, and the seafood industrial park plan was shelved.

After fifteen years of operation by the Port Royal Clay Company, the Authority found its dock at Port Royal in poor repair and noted that cargo traffic other than the company's own clay shipments was non-existent. Local employment, one of the great hopes of the community, had not been fulfilled, as workers were brought in from Savannah, and supplies were seldom purchased from local businesses.

With Port Royal Clay Company's lease set to expire in 1983, the Authority put the terminal operation out for bids, and, in May of 1984, accepted the bid of a new firm called the Port of Port Royal, Inc. The firm was licensed by the Authority to operate the terminal for $7,475 per month rent, plus $1.15 per ton over 6,500 tons each month over a five-year term, with an option to renew for two additional five-year periods. Port of Port Royal, Inc., also agreed to an escalating fee clause, guaranteeing that it would have to handle 25,000 tons of cargo the second year, 50,000 tons the third year, 75,000 tons the fourth year, and 100,000 tons the fifth year. The firm was headed by W. Peter Cotter, formerly of the Containership Agency of Charleston. The new licensing agreement was seen as an opportunity to encourage growth through incentive rates and to encourage use of local labor and resources.

Unlike its predecessor, Cotter's firm was able to attract new trade - chiefly imported lumber from South America - to Port Royal. In 1987, Cotter announced that a major Canadian producer of pulp and paper products, Repap Enterprises, Inc., would import kaolin

clay slurry from the United States and ship paper products back to the United States, through Port Royal, on a regular basis. Cotter's firm made a $2 million investment in clay holding tanks and forklift equipment to handle the new business, and, in 1988, vessels started calling at Port Royal every three weeks. It was an important part of the new firm's commitment to Port Royal that it would hire local workers and buy from local businesses as much as possible.



Port Royal Terminal with a Repap vessel in 1987

A major problem arose in 1984, when the Seaboard Line System, Inc., successor to the C. & W. C. Railroad, filed for and received permission from the Federal Railroad Administration to abandon the twenty-five mile spur from Port Royal to Yemassee. Seaboard officials said it wasn't making enough money to pay for repairs and maintenance. The operation of this line was absolutely crucial to the existence of the port, and several attempts were made to find a new operator for the line. Finally, the State Ports Authority bought the line for $550,000 and contracted with Tangent Transportation Company to operate it. By 1989, the railroad was financially in the black.

The railroad was extremely important to the success of the Port Royal operation, since almost all of the port's cargo moved by rail. The availability of rail access spared the town the truck traffic which would otherwise be necessary to move the cargo, for the main road to the port is also the main road of the town of Port Royal.



Battery Creek Seafood dock and facilities, part of the SPA's effort to meet the town's wishes for a seafood-tourist oriented section of the waterfront.

After several years of proposals and counter-proposals, the town of Port Royal and the Authority ultimately arrived at a mutually-acceptable development plan which harmonized the needs of both the port and the community. On February 10, 1987, the two parties jointly announced a master plan for the development of Port Royal's waterfront.

The plan called for the State Ports Authority to provide the town and its citizens with public waterfront access including a park, a site for a boardwalk and viewing stand overlooking the port, and a beach recreation area known as the Sands. For its part, the city was to turn over to the port a portion of four streets in order to provide the port a consolidated property line and area for the port to add another warehouse and a floating dock. The SPA also agreed to create a vegetated buffer along the town side of its property and to provide stricter control over port operating hours.

At that time, the State Ports Authority began negotiating with private property owners for an area adjacent to its property to be used for a vital dredge disposal area with the side benefits of providing a buffer around the commercial port and a small park for the community. The disposal site was expected to meet the requirements of the S.C. Coastal Council and the U.S. Army Corps of Engineers. The land under negotiation included the Sands, originally intended to provide waterfront access to the citizens of Port Royal. In 1990, the

SPA co[illegible]d negotiations with the Hood-Dowling Partnership to acquire [illegible] acres of land at a cost of $600,000 for a dredged disposal area and public access.

In 1988, the Authority took another step in its master plan and toward fulfilling the town of Port Royal's wishes for a seafood and tourist-oriented section of its waterfront when it purchased 5.6 acres of waterfront property from the Blue Channel Corporation for $950,000. The property was located just downstream from State Pier 21. It enabled the SPA to enter its second stage of development in the Master Plan with areas for a seafood processing plant of moderate size and activity, a seafood restaurant, seafood retail store, and other small businesses. The plant, operated by Battery Creek Seafood under license from the SPA, sorts and distributes seafood without burdening the town with odor or waste. Battery Creek Seafood has added a retail seafood store and restaurant as its business has grown. Both the Authority and the town were pleased with the balance between port development and a clean, quiet residential environment. As the area continues to develop, offices, shops, and a small inn will be included in future planning.

* * *

Chapter Eight:

THE CONTAINER TRANSITION

"Nothing will ever replace the old box-car."
- J. J. Pelley, President,
Association of American Railroads, 1944

The advent of containerized shipping services at the Port of Charleston was almost inevitable, despite the shipping industry's firm contention that container freight would always be concentrated in the North and containerships would never call at South Atlantic ports. Charleston's advantageous location and the willingness of the Authority to seek out and serve new clients made it stand out and get attention. As a result, Charleston was the first port on the South Atlantic Coast to provide full capabilities for handling containerized cargo.

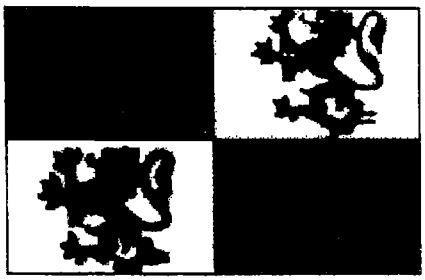
Although Charleston was not to receive her first container shipment until the spring of 1966, the containerized cargo concept was first put into commercial use in the North Atlantic by Sea-Land Services, Inc., a division of McLean Industries, in 1955.

Founder Malcolm McLean, former head of McLean Trucking Company, believed that overall distribution costs could be reduced only if the whole process of distribution, from shipper's door to consignee's door, was completely streamlined. McLean saw the problems not in the long-haul parts of a cargo's journey, but in the repetitive handling it went through every time it had to change carrier - from truck or rail to ship, for example. McLean believed that the detachable truck-trailer container would be the key to solving the problem of intermodal (inter-system) freight handling.

The trailer's detachable box (the container) would be loaded,

History

Since Columbus discovered America in 1492, seven flags have flown over what is now the Town of Port Royal. Read on and find out our history and where we will be going in the future!



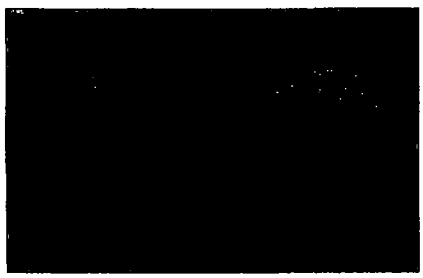
Spain 1521-1587

1514 - SALAZAR LANDS IN THIS AREA

1521 - SPANISH LANDING HERE BY QUEXOS AND GORDILLO

1525 - SPANISH BUILD FORT

The first landing at Port Royal was by Pedro de Salazar, who was sent out of Hispaniola by Lucas de Allyon. Allyon sent other ships to this area in 1520 and came himself in 1525 to build the first fort in North America. He and most of his men perished during the first winter. The Spanish, nevertheless, used this area as a major anchorage in their explorations, and eventually tried to make it the center of their North American empire.



France 1562

1562 - FRENCH LAND IN PORT ROYAL - ST. ELENA

On February 8, 1562, Capt. Jean Ribaut led a group of 50 French Huguenots who sailed from the Port of Havre De Grace, France. Three months later they sailed up a "mightie" river which they named Port Royal. Ribaut wrote that he had found ". . . no faurer or fytter place . . . the Porte Royall."

On what is now Parris Island, the French expedition built a fort named Charles Forte in honor of King Charles IX. Ribaut returned to France for men and supplies and left 30 settlers on the island. When Ribaut did not return by July, the settlers feared the worst. With the help of the native Indians they built a ship (the first ever built in the U.S.), and sailed for home. They floundered at sea, were picked up by English sailors and returned to France.

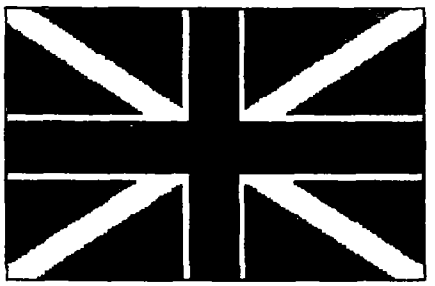
1565 - SPANISH FORTIFY ST. ELENA

A Spanish squadron was sent by Philip II to destroy the French colony. When they had destroyed the fort, they carried off the pillar set up by founder Jean Ribaut as a symbol of French domination, and returned with it to Cuba. One year later, they returned to St. Elena to establish their own military port. For twenty-one years, St. Elena was the capital of Spanish "Florida"

1607 - ENGLISH SETTLE VIRGINIA

1608 - FRENCH SETTLE CANADA

1620 - DUTCH LAND AT PLYMOUTH



England 1670-1776

1629 - ENGLISH LAY CLAIM TO CAROLINAS

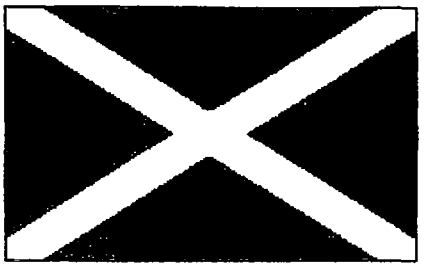
Charles I of England granted Sir Robert Heath the region comprising the two Carolinas, Georgia and much of Florida under the name Carolina, but no effort was made to colonize.

1663 - ENGLISH LAND AT ST. HELENA SOUND

Capt. William Hilton, who sailed from Barbados on the ship, Adventure, raised the first English flag over St. Helena Sound. Hilton Head Island was named in his honor.

1670 - PORT ROYAL LAND GRANTS BEGIN

Charles II of England gave the territory to eight of his friends in appreciation of their services in restoring him to the throne. They were known as the Lord Proprietors who began bestowing grants of land in Port Royal.



Scotland 1684

1684 - SCOTS LAND AT PORT ROYAL ISLAND

A ship with 148 Scotch Convenanters under Lord Cardross arrived at Port Royal and built Stuart Town. The town was burned by the Spanish in 1686. Cardross returned to Scotland and took the governmental seal of Stuart Town with him. 100 years later, his great grandson presented the seal to Thomas Pinckney, the U.S. Minister to the court of St. James. Today the seal resides in the Museum of Charleston.

1710 - THE TOWN OF BEAUFORT BUILT ON PORT ROYAL ISLAND

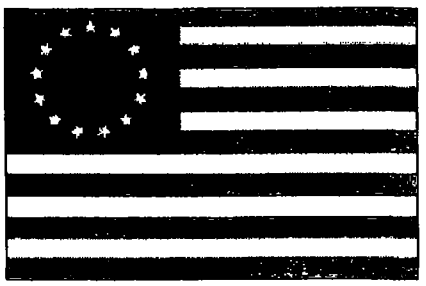
During this period of time the settlers had many difficulties with the Indians, the Spaniards and the French. They also had to contend with the pirates who infested the coast, hurricanes and epidemics of small pox and yellow fever which took hundreds of lives.

1715 - INDIAN WAR

The Yemassee War involved the Yemassees, Creeks and Choctaws, who were angry at the tyranny of the white traders. Only a few score colonists were killed, but the loss of property was terrific; the town of Beaufort was almost totally destroyed.

1732 - FORT FREDERICK BUILT FOR DEFENSE

The tabby remains of Fort Frederick may be seen near the U.S. Naval Hospital in Port Royal. The town of Beaufort built its fort nine years earlier. It became the base for two scout boats which comprised the colony's entire navy.



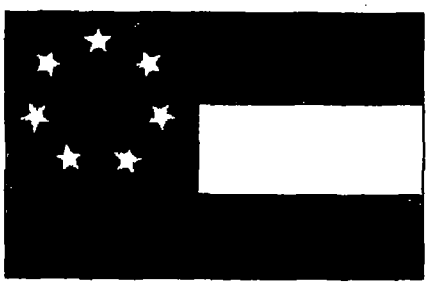
Betsy Ross 1777

1779 - REVOLUTIONARY WAR

Capt. Barnwell repulsed the British attack on Port Royal. Fort Lyttleton was built on the site of the old Scotch settlement of Stuart Town and was commanded by William Harden. Harden organized a voluntary artillery known as the "old B.V.A.", which is now the 1055th Transportation Company. This unit has seen service in every war the U.S. has known and is the 5th oldest military company in America.



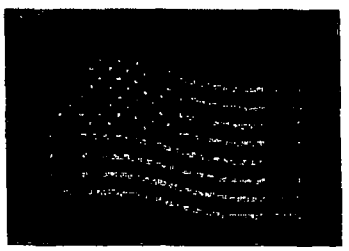
South Carolina 1861



Confederacy 1861-1865

1861 – A NATION DIVIDED

Union occupation during the Civil War spared the Town of Port Royal from destruction. Gen. Thomas Sherman was quite content to ride out the war comfortably on Hilton Head Island. Consequently, except for a few unsuccessful forays a few miles north of Beaufort to attempt to sever the vital Confederate railway from Savannah to Charleston, the Greater Port Royal area remained a pleasant beachhead for the Union. Officers' families moved down form the North. The only evidence of war was the wounded who were collected and treated in the City of Beaufort. When the other - the *fighting* Sherman- came through some three years later burning and pillaging, he therefore spared the little historic town, destroying instead neighboring Hardeeville and McPhersonville just to the north on his way to Columbia.



Old Glory

PROSPERITY COMES TO PORT ROYAL

Many lovely homes were built in Port Royal, including several that are still in existence and are listed as historic buildings. Two churches were built, both of which still stand; Port Royal Union Church on 11th

Street and the Zion Baptist Church on 15th Street. Mercantile buildings were constructed (including the F.W. Scheper store which still stands), two drug stores; dry goods stores; a blacksmith shop; an excellent bakery was in the Masonic Lodge Building that is now the Last Chance Saloon; and SEVENTEEN BARS! There was a magnificent hotel called The Tavern built on the waterfront. Many newspaper articles of the day mentioned fist fights and brawls. Train arrivals and departures were so frequent and the population so dense that many a pedestrian accident occurred on the rails.

1891 - PARRIS ISLAND BECOMES NAVY YARD

Yet another boost to the economy of Port Royal was brought about by the efforts of Congressman Robert Smalls. A U.S. Naval and coaling station with a 120 x 150 ft dock was built on nearby Parris Island. The naval yard brought great ships into Port Royal Harbor including the USS Texas, the USS Indiana, and the ill-fated Battleship, USS Maine.

1893 - DISASTROUS HURRICANE HITS

The great hurricane and tidal wave of August 27, 1893, was responsible for the loss of thousands of lives in Port Royal and the surrounding vicinity. Streets and railroad tracks were washed out and most of the equipment at the phosphate mines was destroyed. A yellow fever epidemic followed, causing more loss of life.

Economic calamity soon followed the natural disasters. Phosphate exported from South Carolina was so heavily taxed due to corruption in the State government that companies moved to Florida for their supply, and Port Royal phosphate industry closed down. In 1902, the Secretary of the Navy moved the Naval Yard to Charleston, cutting much business to the Port Royal dock. Shortly after the decline of the Naval Yard, the railroad business also began to decline. The railroads removed the cotton compress and the train elevators from the yards, while convincing their lumber interests to deal with them at another location. Stiff tariffs diverted business to Charleston and Savannah. Finally the internal combustion engine brought the trucking business to South Carolina, taking away what was left of the railroad business in Port Royal. It wasn't long before Port Royal began to look like a ghost town.

1920s - 1930s - 1940s BRINGS NO CHANGE

A few small industries in Port Royal prevented it from disappearing completely. In 1922, shrimping on a large scale came in, and in the 1930's Blue Channel Corp., a seafood packing firm, moved into town. The Marine Corps Recruit Depot on nearby Parris Island, expanded in the 1940s, providing more employment in the area.

1959 - NEW PORT TERMINAL BUILT

The South Carolina State Ports Authority declared Port Royal an active port and provided the necessary funding to dredge the turning basin and build the transit sheds and berthing space. The Port Authority leased the facilities to the Port Royal Clay Company which exports Kaolin, a raw material used in the manufacture of porcelain and paper which comes to Port Royal from Georgia.

SLOW GROWTH IN A QUIET TOWN

The sleepy town reflected in the 1960 census had a population of 793, while the census in 1970 showed 2,865. Current population stands at 3,500.

1976 - BICENTENNIAL CELEBRATION

The Town of Port Royal was declared an official Bicentennial Community. Events during the celebration week included a parade, carnival and visit from the Spirit of 76 Train. Today Port Royal is again expanding its horizons with a new shine to the old town. The many historic building are being restored and improved to compliment the new homes and office buildings that are being built to echo earlier styles. Port Royal's hiking trails and scenic boardwalk add to the flavor of the town that seeks to be a modern walking community.

1994 - USS PORT ROYAL CG 73 COMMISSIONED IN SAVANNAH, GEORGIA

1995- DOVER, KOHL & ASSOCIATES PRESENT TO THE PUBLIC THE MASTER PLAN FOR THE TOWN OF PORT ROYAL, SOUTH CAROLINA

1996-1997 REDEVELPMENT BOOM
The Town undergoes dynamic changes due to annexations, construction of new civic buildings (to include the Senior Citizen's Center, new Town Hall, new Fire Station, new Post Office), and construction of new residential homes. With the birth of arts and historic renovations in the Town, Port Royal welcomes new visitors daily from all over the country.



Town Of Port Royal
P.O. Drawer 9
Port Royal, SC 29935
(843) 986-2200 Phone
(843) 986-2210 Fax

Send us your Comments, Suggestions, Questions !
E-mail us !



info@portroyal.org



APPENDIX III

EDR, INC. FIELD CHECK™ REPORT

EDR FieldCheck® Report



EDR™ Environmental
Data Resources Inc

Port Royal Port Facility
Paris Avenue
Port Royal, SC 29935

Inquiry Number: 01400137.1r

April 14, 2005

The Standard in Environmental Risk Management Information

440 Wheelers Farms Road
Milford, Connecticut 06460

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com

FORM-ERN

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Map Findings	6
Orphan Summary	12
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GEOCHECK ADDENDUM

GeoCheck - Not Requested

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

Important information about The EDR FieldCheck(TM) Report

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EXECUTIVE SUMMARY

At the request of S&ME, a search of the environmental records covering the area detailed herein was conducted by Environmental Data Resources, Inc. (EDR). This report was derived from the results of such search, which, as conducted by EDR, met the government records search requirements of ASTM Standard Practice for Environmental Site Assessments, E 1527-00. Search distances were per ASTM standard or custom distances requested by the user.

NOTE: ALL MAPS AND TEXT INCLUDED HEREIN MAY HAVE BEEN MODIFIED BY S&ME BASED ON SITE VISITS, INDEPENDENT DATA VERIFICATION AND/OR OTHER ACTIONS TAKEN OR DECISIONS MADE BY S&ME. EDR HAS NOT TAKEN ANY ACTION TO VERIFY ANY OF SUCH MODIFICATIONS, AND THIS REPORT AND THE FINDINGS SET FORTH HEREIN MUST BE READ IN LIGHT OF THIS FACT. S&ME SHOULD BE CONTACTED FOR INFORMATION CONCERNING ALL SUCH MODIFICATIONS.

TARGET PROPERTY INFORMATION

ADDRESS

PARIS AVENUE
PORT ROYAL, SC 29935

COORDINATES

Latitude (North):	32.377000 - 32° 22' 37.2"
Longitude (West):	80.696500 - 80° 41' 47.4"
Universal Tranverse Mercator:	Zone 17
UTM X (Meters):	528549.9
UTM Y (Meters):	3582076.0
Elevation:	18 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property:	32080-D6 BEAUFORT, SC
Source:	USGS 7.5 min quad index

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No sites were found in an online review and analysis by S&ME of EDR's search of available ("reasonably ascertainable") government records either on the target property or within the ASTM E 1527-00 search radius around the target property for the following databases:

FEDERAL ASTM STANDARD

NPL..... National Priority List
Proposed NPL..... Proposed National Priority List Sites
CERCLIS..... Comprehensive Environmental Response, Compensation, and Liability Information System
CERC-NFRAP..... CERCLIS No Further Remedial Action Planned

EXECUTIVE SUMMARY

CORRACTS..... Corrective Action Report
RCRA-TSDF..... Resource Conservation and Recovery Act Information
RCRA-LQG..... Resource Conservation and Recovery Act Information
RCRA-SQG..... Resource Conservation and Recovery Act Information
ERNS..... Emergency Response Notification System

STATE ASTM STANDARD

SHWS..... Site Assessment Section Project List
SWF/LF..... Permitted Landfills List
VCP..... Voluntary Cleanup Sites

FEDERAL ASTM SUPPLEMENTAL

CONSENT..... Superfund (CERCLA) Consent Decrees
ROD..... Records Of Decision
Delisted NPL..... National Priority List Deletions
FINDS..... Facility Index System/Facility Identification Initiative Program Summary Report
HMIRS..... Hazardous Materials Information Reporting System
MLTS..... Material Licensing Tracking System
MINES..... Mines Master Index File
NPL Liens..... Federal Superfund Liens
PADS..... PCB Activity Database System
INDIAN RESERV..... Indian Reservations
UMTRA..... Uranium Mill Tailings Sites
ODI..... Open Dump Inventory
FUDS..... Formerly Used Defense Sites
RAATS..... RCRA Administrative Action Tracking System
TRIS..... Toxic Chemical Release Inventory System
TSCA..... Toxic Substances Control Act
SSTS..... Section 7 Tracking Systems
FTTS INSP..... FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

STATE OR LOCAL ASTM SUPPLEMENTAL

AST..... Aboveground Storage Tank List
SC Spills..... Spill List
DRYCLEANERS..... Drycleaner Database

EDR PROPRIETARY HISTORICAL DATABASES

Coal Gas..... Former Manufactured Gas (Coal Gas) Sites

BROWNFIELDS DATABASES

US BROWNFIELDS..... A Listing of Brownfields Sites
US INST CONTROL..... Sites with Institutional Controls
VCP..... Voluntary Cleanup Sites
BROWNFIELDS..... Brownfields Sites Listing
AUL..... Land Use Controls

EXECUTIVE SUMMARY

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property.
Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

STATE ASTM STANDARD

LUST: The Leaking Underground Storage Tank Incident Reports contain an inventory of reported leaking underground storage tank incidents. The data come from the Department of Health & Environmental Control's Leaking UST list.

An online review and analysis by S&ME of the LUST list,
as provided by EDR, and dated 03/17/2005 has revealed that there are 2 LUST sites
within approximately 1.5 miles of the target property.

Equal/Higher Elevation	Address	Dist / Dir	Map ID	Page
BATTERY MARINA VILLAGE	102 MARINA BLVD	1/2 - 1 NE	7	11
Lower Elevation	**Address**	**Dist / Dir**	**Map ID**	**Page**
PORT ROYAL SEAFOOD INC	***1111 11TH ST***	***0 - 1/8 E***	***1***	***6***

UST: The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Health & Environmental Control's list: Comprehensive Underground Storage Tanks.

An online review and analysis by S&ME of the UST list,
as provided by EDR, and dated 03/17/2005 has revealed that there are 6 UST sites
within approximately 1.25 miles of the target property.

Equal/Higher Elevation	Address	Dist / Dir	Map ID	Page
CHARLESTON COCA COLA BOTTLING	***2301 S RIBAUT RD***	***1/4 - 1/2N***	***2***	***7***
BAY BEVERAGE DISTRIBUTORS	2310 RIBAUT RD	1/4 - 1/2NNE	A3	8
VERA P GOLLIHUGH DEV	2415 S RIBAUT RD	1/4 - 1/2NNE	A4	9
PANTRY 295	1810 S RIBAUT RD	1/4 - 1/2N	6	11
Lower Elevation	**Address**	**Dist / Dir**	**Map ID**	**Page**
PORT ROYAL SEAFOOD INC	***1111 11TH ST***	***0 - 1/8 E***	***1***	***6***
PORT ROYAL EXXON SERVICE	2002 S RIBAUT RD	1/4 - 1/2NNE	5	9

EXECUTIVE SUMMARY

FEDERAL ASTM SUPPLEMENTAL

Federal Lands: Consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

An online review and analysis by S&ME of the DOD list, as provided by EDR, and dated 10/01/2003 has revealed that there is 1 DOD site within approximately 2 miles of the target property.

Equal/Higher Elevation	Address	Dist / Dir	Map ID	Page
PARRIS ISLAND U.S. MARINE CORP		1/2 - 1 SE	0	6

STATE OR LOCAL ASTM SUPPLEMENTAL

GWIC: Groundwater Contamination Inventory Cases. Any site that has groundwater contamination over a federal MCL.

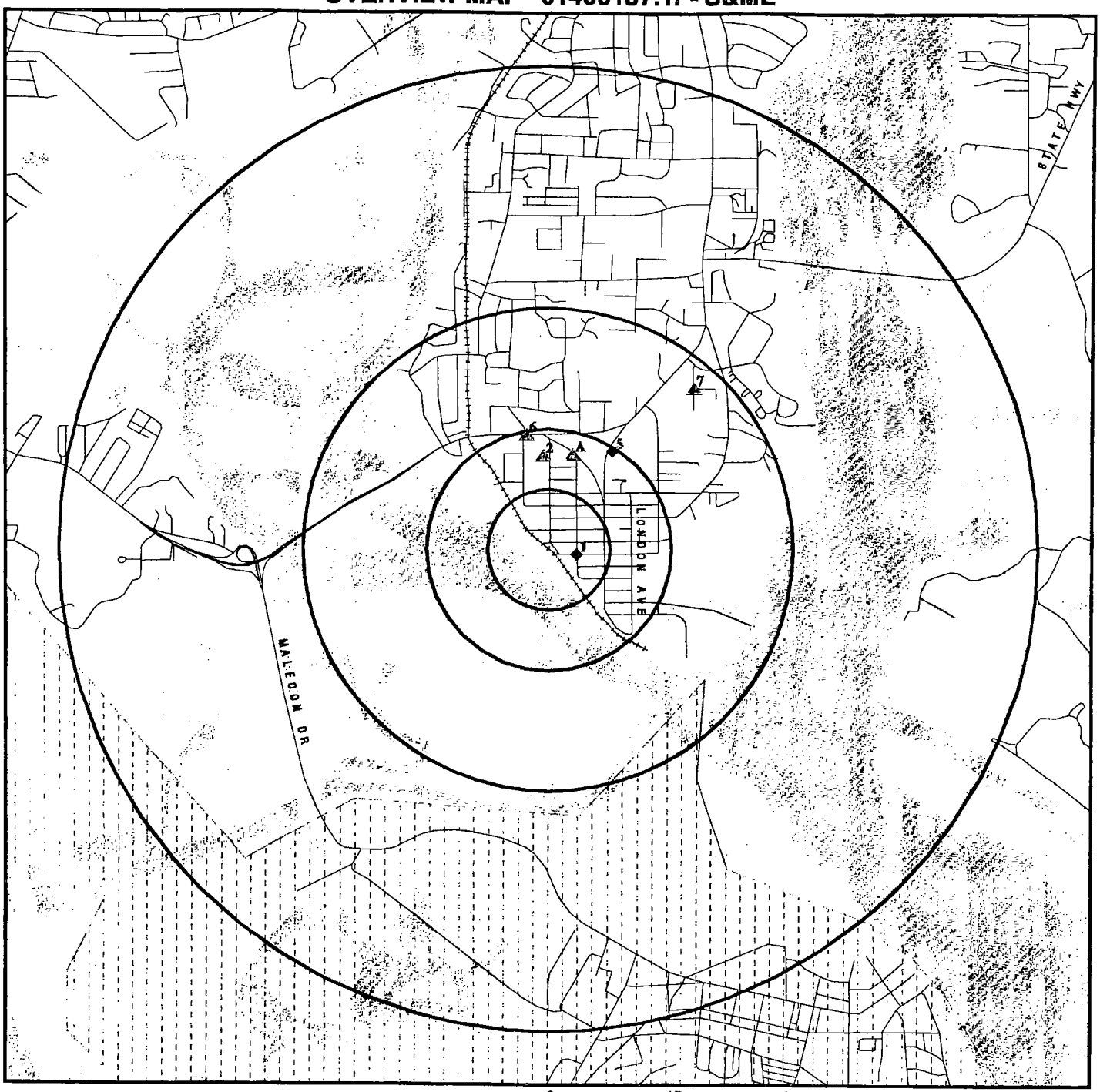
An online review and analysis by S&ME of the GWCI list, as provided by EDR, and dated 07/01/2004 has revealed that there is 1 GWCI site within approximately 1.5 miles of the target property.

Equal/Higher Elevation	Address	Dist / Dir	Map ID	Page
CHARLESTON COCA COLA BOTTLING	***2301 S RIBAUT RD***	***1/4 - 1/2 N***	***2***	***7***

Due to poor or inadequate address information, the following sites were not mapped:

Site Name	Database(s)
BEAUFORT PHOSPHATE COMPANY	SHWS
HAMMOND HULL COMPANY	SHWS
BAY BEVERAGE DISTRIBUTORS	FINDS, LUST
CHARLESTON COCA COLA BOTTLING	FINDS, LUST
PORT ROYAL OIL CO INC	UST
RIBAUT RD SITE	UST
PORT ROYAL ELEMENTARY SCHOOL	FINDS
PORT ROYAL OIL CO INC	FINDS
PORT OF PORT ROYAL INC	FINDS
PRESERVE OF PORT ROYAL PH II LLC	FINDS
PORT OF PORTROYAL CLOSED	FINDS
PORT ROYAL EXXON SERVICE	FINDS
BATTERY MARINA VILLAGE	GWCI

OVERVIEW MAP - 01400137.1r - S&ME



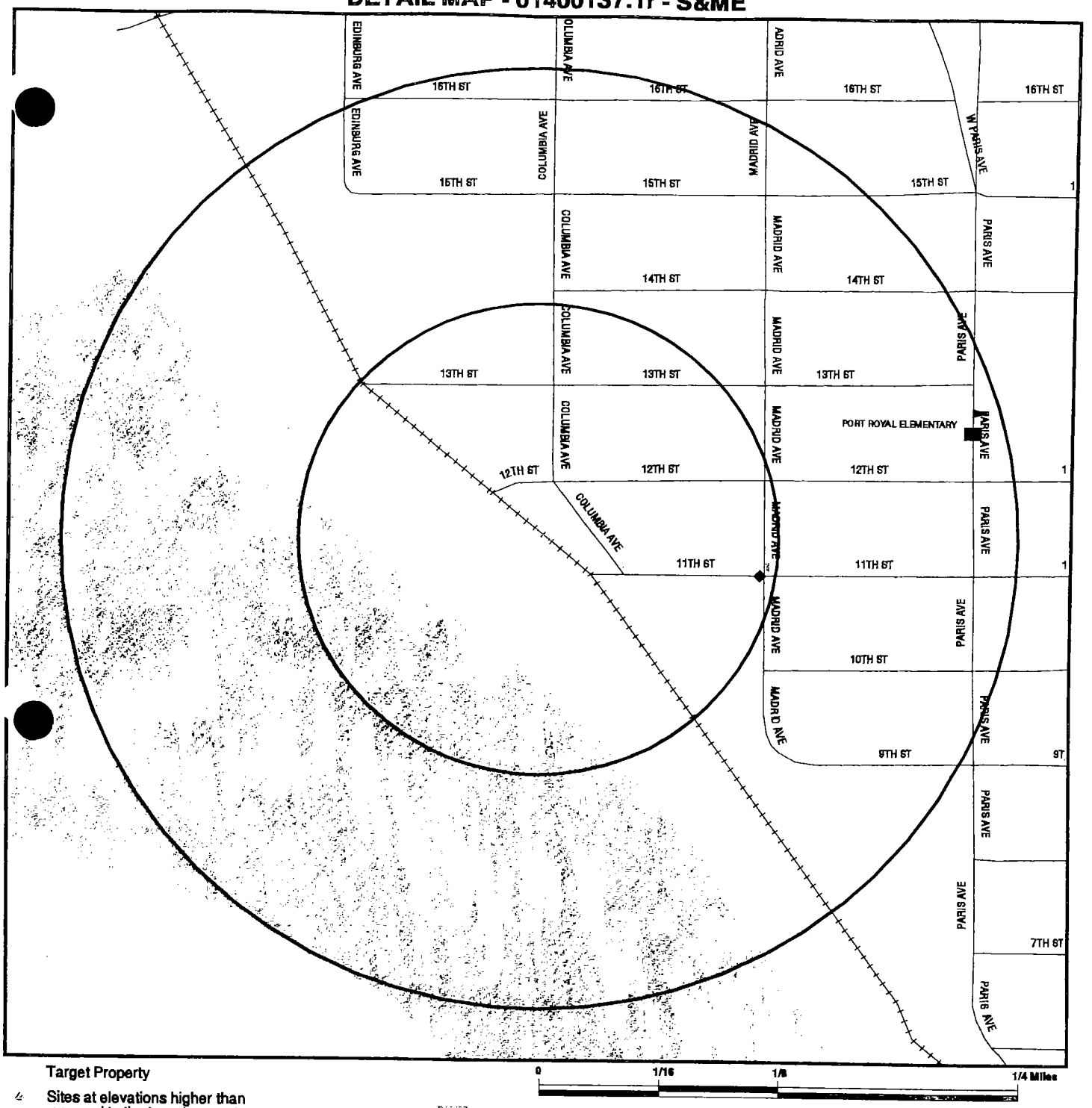
Target Property

- Sites at elevations higher than or equal to the target property
- Sites at elevations lower than the target property
- Coal Gasification Sites
- National Priority List Sites
- Landfill Sites
- Dept. Defense Sites
- Indian Reservations BIA
- Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone
- Federal Wetlands

TARGET PROPERTY:	Port Royal Port Facility	CUSTOMER:	S&ME
ADDRESS:	Paris Avenue	CONTACT:	Jill Bishop
CITY/STATE/ZIP:	Port Royal SC 29935	INQUIRY #:	01400137.1r
LAT/LONG:	32.3770 / 80.6965	DATE:	April 14, 2005 10:56 am

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DETAIL MAP - 01400137.1r - S&ME



- Target Property
- Sites at elevations higher than or equal to the target property
- Sites at elevations lower than the target property
- Coal Gasification Sites
- Sensitive Receptors
- National Priority List Sites
- Landfill Sites
- Dept. Defense Sites
- Indian Reservations BIA
- Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone
- Federal Wetlands

TARGET PROPERTY:	Port Royal Port Facility	CUSTOMER:	S&ME
ADDRESS:	Paris Avenue	CONTACT:	Jill Bishop
CITY/STATE/ZIP:	Port Royal SC 29935	INQUIRY #:	01400137.1r
LAT/LONG:	32.3770 / 80.6965	DATE:	April 14, 2005 10:56 am

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MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
FEDERAL ASTM STANDARD								
NPL		2.000	0	0	0	0	0	0
Proposed NPL		2.000	0	0	0	0	0	0
CERCLIS		1.500	0	0	0	0	0	0
CERC-NFRAP		1.250	0	0	0	0	0	0
CORRACTS		2.000	0	0	0	0	0	0
RCRA TSD		1.500	0	0	0	0	0	0
RCRA Lg. Quan. Gen.		1.250	0	0	0	0	0	0
RCRA Sm. Quan. Gen.		1.250	0	0	0	0	0	0
ERNS		1.000	0	0	0	0	NR	0
STATE ASTM STANDARD								
State Haz. Waste		2.000	0	0	0	0	0	0
State Landfill		1.500	0	0	0	0	0	0
LUST		1.500	1	0	0	1	0	2
UST		1.250	1	0	5	0	0	6
VCP		1.500	0	0	0	0	0	0
FEDERAL ASTM SUPPLEMENTAL								
CONSENT		2.000	0	0	0	0	0	0
ROD		2.000	0	0	0	0	0	0
Delisted NPL		2.000	0	0	0	0	0	0
FINDS		1.000	0	0	0	0	NR	0
HMIRS		1.000	0	0	0	0	NR	0
MLTS		1.000	0	0	0	0	NR	0
MINES		1.250	0	0	0	0	0	0
NPL Liens		1.000	0	0	0	0	NR	0
PADS		1.000	0	0	0	0	NR	0
INDIAN RESERV		2.000	0	0	0	0	0	0
UMTRA		1.500	0	0	0	0	0	0
ODI		1.500	0	0	0	0	0	0
FUDS		2.000	0	0	0	0	0	0
DOD		2.000	0	0	0	1	0	1
RAATS		1.000	0	0	0	0	NR	0
TRIS		1.000	0	0	0	0	NR	0
TSCA		1.000	0	0	0	0	NR	0
SSTS		1.000	0	0	0	0	NR	0
FTTS		1.000	0	0	0	0	NR	0
STATE OR LOCAL ASTM SUPPLEMENTAL								
AST		1.000	0	0	0	0	NR	0
SC Spills		1.000	0	0	0	0	NR	0
GWCI		1.500	0	0	1	0	0	1
DRYCLEANERS		1.250	0	0	0	0	0	0

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
EDR PROPRIETARY HISTORICAL DATABASES								
Coal Gas		2.000	0	0	0	0	0	0
BROWNFIELDS DATABASES								
US BROWNFIELDS		1.500	0	0	0	0	0	0
US INST CONTROL		1.500	0	0	0	0	0	0
VCP		1.500	0	0	0	0	0	0
BROWNFIELDS		1.500	0	0	0	0	0	0
AUL		1.500	0	0	0	0	0	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

Coal Gas Site Search: No site was found in a search of Real Property Scan's ENVIROHAZ database.

DOD **PARRIS ISLAND U.S. MARINE CORPS** **DOD** **CDOD046897**
Region **N/A**
SE
1/2-1
4394 ft. **BEAUFORT (County), SC**

FEDERAL LANDS:

Feature 1:	Marine Corps DOD
Feature 2:	Not reported
Feature 3:	Not reported
Agency:	DOD
URL:	Not reported
Name 1:	Parris Island U.S. Marine Corps
Name 2:	Not reported
Name 3:	Not reported
State:	SC

---

1 **PORT ROYAL SEAFOOD INC** **LUST** **U003524373**
East **1111 11TH ST** **UST** **N/A**
< 1/8 **PORT ROYAL, SC 29935**
618 ft.

Relative:
Lower

Actual:
14 ft.

LUST:

Facility ID:	12088	Proj Manager:	STOUDEDW
Report Date:	10/25/91	Num Of Releases	1
Owner:	SC STATE PORTS AUTHORITY		
NFA Date:	9/1/1992		
Date Confirmed:	05/12/92	Rank:	Not reported
Facility Status:	0		
Substance:	PETRO		

Facility ID:	12088	Proj Manager:	AKHVLEKT
Report Date:	01/23/97	Num Of Releases	2
Owner:	SC STATE PORTS AUTHORITY		
NFA Date:	6/30/1998		
Date Confirmed:	02/13/97	Rank:	3BD
Facility Status:	Currently inactive		
Substance:	PETRO		

UST:

Facility ID:	12088	Tank ID:	1
Contact:	STEVENSON KEMP	Contact Tel:	803-521-5082
Capacity:	10000	Calcage:	10
Product:	Diesel		
Status:	Abandoned		
Owner:	SC STATE PORTS AUTHORITY		
Owner Contact:	STEVENSON KEMP		
Owner Address:	PO BOX 817		
	CHARLESTON, SC 29402		
Owner Phone:	843-577-8165		

Facility ID:	12088	Tank ID:	2
Contact:	STEVENSON KEMP	Contact Tel:	803-521-5082
Capacity:	3000	Calcage:	Not reported
Product:	Diesel		
Status:	Abandoned		

PORT ROYAL SEAFOOD INC (Continued) **U003524373**

Owner: SC STATE PORTS AUTHORITY
Owner Contact: STEVENSON KEMP
Owner Address: PO BOX 817

CHARLESTON, SC 29402
Owner Phone: 843-577-8165

Facility ID: 12088
Contact: STEVENSON KEMP
Capacity: 3000
Product: Diesel
Status: Abandoned
Owner: SC STATE PORTS AUTHORITY
Owner Contact: STEVENSON KEMP
Owner Address: PO BOX 817

CHARLESTON, SC 29402
Owner Phone: 843-577-8165

Tank ID: 3
Contact Tel: 803-521-5082
Calcage: Not reported

---

2 **CHARLESTON COCA COLA BOTTLING** **GWCI U003520032**
North **2301 S RIBAUT RD** **UST N/A**
1/4-1/2 **PORT ROYAL, SC 29935**
2073 ft.

Relative:
Higher

Actual:
27 ft.

SC GWIC:
Contamination: PETRO
Permit Number: 00913
EAP ID: Not reported
WPC Permit: Not reported
Surface Impact: No
Source: UST
Bureau: Bureau of Land and Waste Management

Solid Waste Permit #:	Not reported
Bureau of Land and Waste Management file #:	Not reported
Program:	DUST
Petroleum Products:	True
Volatile Organic Compounds:	False
Metals:	False
Nitrates or Potential to Nitrate:	False
Pesticides and Herbicides:	False
Polychlorinated Biphenyls:	False
Base, Neutral, and Acid Extractables:	False
Phenols :	False
Radionuclides Over Max Contaminant Levels:	False
Sources Not In Other Categories:	False
Underground Storage Tanks:	True
Pits, Ponds, and Lagoons:	False
Spills and Leaks:	False
Landfills:	False
Aboveground Storage Tank:	False
Spray Irrigation:	False
Single-Event Spill :	False
Unpermitted Disposal :	False
Septic Tank/Tile Field:	False
Substances Not In Other Categories:	False
Sources of Contamination Undetermined:	False
Assessment:	No
Monitoring:	Yes
Remediation:	No

CHARLESTON COCA COLA BOTTLING (Continued) **U003520032**

Drinking Water Well Impact: No
Remarks: Site ID # 00913. RBCA Classification 3BA5. Inactive

UST:

Facility ID:	913	Tank ID:	1
Contact:	STANLEY ELLINGTON	Contact Tel:	803-524-7221
Capacity:	8000	Calcage:	Not reported
Product:	Diesel		
Status:	Abandoned		
Owner:	CHARLESTON COCA COLA BOTTLING		
Owner Contact:	STANLEY ELLINGTON		
Owner Address:	823 MEETING ST		
	CHARLESTON, SC 29403		
Owner Phone:	803-577-2431		

Facility ID:	913	Tank ID:	2
Contact:	STANLEY ELLINGTON	Contact Tel:	803-524-7221
Capacity:	6000	Calcage:	Not reported
Product:	Gasoline		
Status:	Abandoned		
Owner:	CHARLESTON COCA COLA BOTTLING		
Owner Contact:	STANLEY ELLINGTON		
Owner Address:	823 MEETING ST		
	CHARLESTON, SC 29403		
Owner Phone:	803-577-2431		

Facility ID:	913	Tank ID:	3
Contact:	STANLEY ELLINGTON	Contact Tel:	803-524-7221
Capacity:	3000	Calcage:	Not reported
Product:	Gasoline		
Status:	Abandoned		
Owner:	CHARLESTON COCA COLA BOTTLING		
Owner Contact:	STANLEY ELLINGTON		
Owner Address:	823 MEETING ST		
	CHARLESTON, SC 29403		
Owner Phone:	803-577-2431		

A3
NNE
1/4-1/2
2155 ft.

Relative:
Higher

Actual:
29 ft.

BAY BEVERAGE DISTRIBUTORS **UST** **U003519234**
2310 RIBAUT RD **N/A**
PORT ROYAL, SC 29901

Site 1 of 2 in cluster A

UST:

Facility ID:	905	Tank ID:	1
Contact:	BILL SMOAK	Contact Tel:	-
Capacity:	2000	Calcage:	Not reported
Product:	Gasoline		
Status:	Abandoned		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

A4
NNE
1/4-1/2
2184 ft.

VERA P GOLLIHUGH DEV
2415 S RIBAUT RD
PORT ROYAL, SC 29935

UST **U003526330**
N/A

Site 2 of 2 in cluster A

Relative:
Higher

Actual:
29 ft.

UST:

Facility ID:	902	Tank ID:	1
Contact:	BILL SMOAK	Contact Tel:	Not reported
Capacity:	1000	Calcage:	Not reported
Product:	Gasoline		
Status:	Abandoned		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

Facility ID:	902	Tank ID:	2
Contact:	BILL SMOAK	Contact Tel:	Not reported
Capacity:	1000	Calcage:	Not reported
Product:	Gasoline		
Status:	Abandoned		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

Facility ID:	902	Tank ID:	3
Contact:	BILL SMOAK	Contact Tel:	Not reported
Capacity:	550	Calcage:	Not reported
Product:	Diesel		
Status:	Abandoned		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

5
NNE
1/4-1/2
2558 ft.

PORT ROYAL EXXON SERVICE
2002 S RIBAUT RD
PORT ROYAL, SC 29935

UST **U003630154**
N/A

Relative:
Lower

Actual:
12 ft.

UST:

Facility ID:	964	Tank ID:	1
Contact:	BILL SMOAK	Contact Tel:	Not reported
Capacity:	8000	Calcage:	15
Product:	Gasoline		
Status:	Currently in use		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

PORT ROYAL EXXON SERVICE (Continued) **U003630154**

Facility ID:	964	Tank ID:	2
Contact:	BILL SMOAK	Contact Tel:	Not reported
Capacity:	8000	Calcage:	15
Product:	Gasoline		
Status:	Currently in use		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

Facility ID:	964	Tank ID:	3
Contact:	BILL SMOAK	Contact Tel:	Not reported
Capacity:	6000	Calcage:	15
Product:	Diesel		
Status:	Currently in use		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

Facility ID:	964	Tank ID:	4
Contact:	BILL SMOAK	Contact Tel:	Not reported
Capacity:	550	Calcage:	15
Product:	Kerosene		
Status:	Abandoned		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

Facility ID:	964	Tank ID:	5
Contact:	BILL SMOAK	Contact Tel:	Not reported
Capacity:	550	Calcage:	15
Product:	Waste Oil		
Status:	Abandoned		
Owner:	BEAUFORT OIL CO INC		
Owner Contact:	BILL SMOAK		
Owner Address:	PO BOX 1258		
	BEAUFORT, SC 29901		
Owner Phone:	843-524-4185		

6
North
1/4-1/2
2571 ft.

PANTRY 295
1810 S RIBAUT RD
PORT ROYAL, SC 29935

UST

U003630166
N/A

Relative:
Higher

Actual:
26 ft.

UST:

Facility ID:	970	Tank ID:	1
Contact:	RENEE THOMAS	Contact Tel:	843-521-1095
Capacity:	10000	Calcage:	5
Product:	Gasoline		
Status:	Currently in use		
Owner:	PANTRY INC		
Owner Contact:	RENEE THOMAS		
Owner Address:	PO BOX 1410		
	SANFORD, NC 27331		
Owner Phone:	919-774-6700		

Facility ID:	970	Tank ID:	2
Contact:	RENEE THOMAS	Contact Tel:	843-521-1095
Capacity:	10000	Calcage:	5
Product:	Gasoline		
Status:	Currently in use		
Owner:	PANTRY INC		
Owner Contact:	RENEE THOMAS		
Owner Address:	PO BOX 1410		
	SANFORD, NC 27331		
Owner Phone:	919-774-6700		

Facility ID:	970	Tank ID:	3
Contact:	RENEE THOMAS	Contact Tel:	843-521-1095
Capacity:	10000	Calcage:	5
Product:	Gasoline		
Status:	Currently in use		
Owner:	PANTRY INC		
Owner Contact:	RENEE THOMAS		
Owner Address:	PO BOX 1410		
	SANFORD, NC 27331		
Owner Phone:	919-774-6700		

7
NE
1/2-1
4706 ft.

BATTERY MARINA VILLAGE
102 MARINA BLVD
PORT ROYAL, SC 29935

LUST

S105684763
N/A

Relative:
Higher

Actual:
20 ft.

LUST:

Facility ID:	10440	Proj Manager:	SHRADEAA
Report Date:	11/18/92	Num Of Releases	1
Owner:	BATTERY MARINA VILLAGE		
NFA Date:	Not reported		
Date Confirmed:	08/04/93	Rank:	3AC
Facility Status:	Currently inactive		
Substance:	PETRO		

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
PORT ROYAL	1007226455	PORT ROYAL ELEMENTARY SCHOOL	10TH AVE	29935	FINDS
PORT ROYAL	U003929927	BATTERY MARINA VILLAGE	RT 2 BOX 2 HWY 802	29935	GWCI
PORT ROYAL	U003524372	PORT ROYAL OIL CO INC	HWY 802	29935	UST
PORT ROYAL	1007247778	PORT ROYAL OIL CO INC	HWY 802	29935	FINDS
PORT ROYAL	1007240097	PORT OF PORT ROYAL INC	PO BOX 256	29935	FINDS
PORT ROYAL	S106233989	BEAUFORT PHOSPHATE COMPANY	LENORA DRIVE	29935	SHWS
PORT ROYAL	S106233991	HAMMOND HULL COMPANY	LENORA DRIVE	29935	SHWS
PORT ROYAL	1007832745	PRESERVE OF PORT ROYAL PH II LLC	1845 N PARIS AVE	29935	FINDS
PORT ROYAL	1004593264	PORT OF PORTROYAL CLOSED	PIER 21	29935	FINDS
PORT ROYAL	1007238042	BAY BEVERAGE DISTRIBUTORS	2310 RIBAUT RD	29935	FINDS, LUST
PORT ROYAL	1007225062	CHARLESTON COCA COLA BOTTLING	2301 S RIBAUT RD	29935	FINDS, LUST
PORT ROYAL	U003524610	RIBAUT RD SITE	2201 S RIBAUT RD	29935	UST
PORT ROYAL	1007243604	PORT ROYAL EXXON SERVICE	2002 S RIBAUT RD	29935	FINDS

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Elapsed ASTM days: Provides confirmation that this EDR report meets or exceeds the 90-day updating requirement of the ASTM standard.

FEDERAL ASTM STANDARD RECORDS

NPL: National Priority List
Source: EPA
Telephone: N/A
National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 12/14/04
Date Made Active at EDR: 02/03/05
Database Release Frequency: Quarterly
Date of Data Arrival at EDR: 02/01/05
Elapsed ASTM days: 2
Date of Last EDR Contact: 02/01/05

NPL Site Boundaries

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)
Telephone: 202-564-7333

EPA Region 1
Telephone 617-918-1143

EPA Region 3
Telephone 215-814-5418

EPA Region 4
Telephone 404-562-8033

EPA Region 6
Telephone: 214-655-6659

EPA Region 8
Telephone: 303-312-6774

Proposed NPL: Proposed National Priority List Sites
Source: EPA
Telephone: N/A

Date of Government Version: 12/14/04
Date Made Active at EDR: 02/03/05
Database Release Frequency: Quarterly
Date of Data Arrival at EDR: 02/01/05
Elapsed ASTM days: 2
Date of Last EDR Contact: 02/01/05

CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System
Source: EPA
Telephone: 703-413-0223
CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 02/15/05
Date Made Active at EDR: 04/06/05
Database Release Frequency: Quarterly
Date of Data Arrival at EDR: 03/22/05
Elapsed ASTM days: 15
Date of Last EDR Contact: 03/22/05

CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned
Source: EPA
Telephone: 703-413-0223
As of February 1995, CERCLIS sites designated "No Further Remedial Action Planned" (NFRAP) have been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration. EPA has removed approximately 25,000 NFRAP sites to lift the unintended barriers to the redevelopment of these properties and has archived them as historical records so EPA does not needlessly repeat the investigations in the future. This policy change is part of the EPA's Brownfields Redevelopment Program to help cities, states, private investors and affected citizens to promote economic redevelopment of unproductive urban sites.

Date of Government Version: 03/22/05
Date Made Active at EDR: 04/06/05
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 04/01/05
Elapsed ASTM days: 5
Date of Last EDR Contact: 04/01/05

CORRACTS: Corrective Action Report
Source: EPA
Telephone: 800-424-9346
CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 12/15/04
Date Made Active at EDR: 02/25/05
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 01/07/05
Elapsed ASTM days: 49
Date of Last EDR Contact: 12/07/04

RCRA: Resource Conservation and Recovery Act Information
Source: EPA
Telephone: 800-424-9346
RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRAInfo replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS). The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month. Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. Transporters are individuals or entities that move hazardous waste from the generator off-site to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Date of Government Version: 01/10/05
Date Made Active at EDR: 04/01/05
Database Release Frequency: Quarterly

Date of Data Arrival at EDR: 01/25/05
Elapsed ASTM days: 66
Date of Last EDR Contact: 03/23/05

ERNS: Emergency Response Notification System
Source: National Response Center, United States Coast Guard
Telephone: 202-260-2342
Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 12/31/04
Date Made Active at EDR: 03/24/05
Database Release Frequency: Annually

Date of Data Arrival at EDR: 01/27/05
Elapsed ASTM days: 56
Date of Last EDR Contact: 01/27/05

FEDERAL ASTM SUPPLEMENTAL RECORDS

BRS: Biennial Reporting System
Source: EPA/NTIS
Telephone: 800-424-9346
The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/01/01
Database Release Frequency: Biennially

Date of Last EDR Contact: 12/13/04
Date of Next Scheduled EDR Contact: 03/14/05

CONSENT: Superfund (CERCLA) Consent Decrees
Source: Department of Justice, Consent Decree Library
Telephone: Varies
Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: 03/05/04
Database Release Frequency: Varies

Date of Last EDR Contact: 10/25/04
Date of Next Scheduled EDR Contact: 01/24/05

ROD: Records Of Decision
Source: EPA
Telephone: 703-416-0223
Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 01/10/05
Database Release Frequency: Annually

Date of Last EDR Contact: 01/05/05
Date of Next Scheduled EDR Contact: 04/04/05

DELISTED NPL: National Priority List Deletions
Source: EPA
Telephone: N/A
The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 12/14/04
Database Release Frequency: Quarterly

Date of Last EDR Contact: 02/01/05
Date of Next Scheduled EDR Contact: 05/02/05

FINDS: Facility Index System/Facility Identification Initiative Program Summary Report
Source: EPA
Telephone: N/A
Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 01/12/05
Database Release Frequency: Quarterly

Date of Last EDR Contact: 01/03/05
Date of Next Scheduled EDR Contact: 04/04/05

HMIRS: Hazardous Materials Information Reporting System
Source: U.S. Department of Transportation
Telephone: 202-366-4555
Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 11/16/04
Database Release Frequency: Annually

Date of Last EDR Contact: 01/19/05
Date of Next Scheduled EDR Contact: 04/18/05

MLTS: Material Licensing Tracking System
Source: Nuclear Regulatory Commission
Telephone: 301-415-7169
MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 01/12/05
Database Release Frequency: Quarterly

Date of Last EDR Contact: 04/04/05
Date of Next Scheduled EDR Contact: 07/04/05

MINES: Mines Master Index File
Source: Department of Labor, Mine Safety and Health Administration
Telephone: 303-231-5959
Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 11/15/04
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 12/28/04
Date of Next Scheduled EDR Contact: 03/28/05

NPL LIENS: Federal Superfund Liens
Source: EPA
Telephone: 202-564-4267
Federal Superfund Liens. Under the authority granted the USEPA by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner receives notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

Date of Government Version: 10/15/91
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 02/22/05
Date of Next Scheduled EDR Contact: 05/23/05

PADS: PCB Activity Database System
Source: EPA
Telephone: 202-564-3887
PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 12/21/04
Database Release Frequency: Annually

Date of Last EDR Contact: 02/23/05
Date of Next Scheduled EDR Contact: 05/09/05

DOD: Department of Defense Sites
Source: USGS
Telephone: 703-692-8801
This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 10/01/03
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 02/08/05
Date of Next Scheduled EDR Contact: 05/09/05

UMTRA: Uranium Mill Tailings Sites
Source: Department of Energy
Telephone: 505-845-0011
Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized. In 1978, 24 inactive uranium mill tailings sites in Oregon, Idaho, Wyoming, Utah, Colorado, New Mexico, Texas, North Dakota, South Dakota, Pennsylvania, and on Navajo and Hopi tribal lands, were targeted for cleanup by the Department of Energy.

Date of Government Version: 12/29/04
Database Release Frequency: Varies

Date of Last EDR Contact: 12/21/04
Date of Next Scheduled EDR Contact: 03/21/05

ODI: Open Dump Inventory
Source: Environmental Protection Agency
Telephone: 800-424-9346
An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

Date of Government Version: 06/30/85
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 05/23/95
Date of Next Scheduled EDR Contact: N/A

FUDS: Formerly Used Defense Sites
Source: U.S. Army Corps of Engineers
Telephone: 202-528-4285
The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 12/31/03
Database Release Frequency: Varies

Date of Last EDR Contact: 01/03/05
Date of Next Scheduled EDR Contact: 04/04/05

INDIAN RESERV: Indian Reservations
Source: USGS
Telephone: 202-208-3710
This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 10/01/03
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: 02/08/05
Date of Next Scheduled EDR Contact: 05/09/05

RAATS: RCRA Administrative Action Tracking System
Source: EPA
Telephone: 202-564-4104
RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/95
Database Release Frequency: No Update Planned

Date of Last EDR Contact: 12/06/04
Date of Next Scheduled EDR Contact: 03/07/05

TRIS: Toxic Chemical Release Inventory System
Source: EPA
Telephone: 202-566-0250
Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/02
Database Release Frequency: Annually

Date of Last EDR Contact: 12/20/04
Date of Next Scheduled EDR Contact: 03/21/05

TSCA: Toxic Substances Control Act
Source: EPA
Telephone: 202-260-5521
Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/02
Database Release Frequency: Every 4 Years

Date of Last EDR Contact: 12/06/04
Date of Next Scheduled EDR Contact: 03/07/05

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
Source: EPA
Telephone: 202-564-2501

Date of Government Version: 04/13/04
Database Release Frequency: Quarterly

Date of Last EDR Contact: 12/01/04
Date of Next Scheduled EDR Contact: 03/21/05

SSTS: Section 7 Tracking Systems
Source: EPA
Telephone: 202-564-5008
Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/03
Database Release Frequency: Annually

Date of Last EDR Contact: 11/29/04
Date of Next Scheduled EDR Contact: 04/18/05

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
Source: EPA/Office of Prevention, Pesticides and Toxic Substances
Telephone: 202-564-2501
FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 09/13/04
Database Release Frequency: Quarterly
Date of Last EDR Contact: 12/01/04
Date of Next Scheduled EDR Contact: 03/21/05

STATE OF SOUTH CAROLINA ASTM STANDARD RECORDS

SHWS: Site Assessment Section Project List
Source: Department of Health and Environmental Control
Telephone: 803-734-5376
State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: 10/29/04
Date Made Active at EDR: 12/10/04
Database Release Frequency: Annually
Date of Data Arrival at EDR: 11/15/04
Elapsed ASTM days: 25
Date of Last EDR Contact: 01/10/05

SWF/LF: Permitted Landfills List
Source: Department of Health and Environmental Control
Telephone: 803-734-5165
Source: Department of Health and Environmental Control, GIS Section
Telephone: 803-896-4084
Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 10/22/04
Date Made Active at EDR: 03/24/05
Database Release Frequency: Varies
Date of Data Arrival at EDR: 02/11/05
Elapsed ASTM days: 41
Date of Last EDR Contact: 01/10/05

LUST: Leaking Underground Storage Tank List
Source: Department of Health and Environmental Control
Telephone: 803-898-4350
Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

Date of Government Version: 03/17/05
Date Made Active at EDR: 04/13/05
Database Release Frequency: Quarterly
Date of Data Arrival at EDR: 03/21/05
Elapsed ASTM days: 23
Date of Last EDR Contact: 02/22/05

UST: Comprehensive Underground Storage Tanks
Source: Department of Health and Environmental Control
Telephone: 803-898-4350
Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 03/17/05
Date Made Active at EDR: 04/14/05
Database Release Frequency: Quarterly
Date of Data Arrival at EDR: 03/21/05
Elapsed ASTM days: 24
Date of Last EDR Contact: 02/22/05

VCP: Voluntary Cleanup Sites
Source: Department of Health and Environmental Control
Telephone: 803-896-4049

Date of Government Version: 07/14/04
Date Made Active at EDR: 08/09/04
Database Release Frequency: Varies

Date of Data Arrival at EDR: 07/14/04
Elapsed ASTM days: 26
Date of Last EDR Contact: 01/10/05

STATE OF SOUTH CAROLINA ASTM SUPPLEMENTAL RECORDS

AST: Aboveground Storage Tank List
Source: Department of Health and Environmental Control
Telephone: 803-898-4350
Registered Aboveground Storage Tanks.

Date of Government Version: 03/25/04
Database Release Frequency: Varies

Date of Last EDR Contact: 12/27/04
Date of Next Scheduled EDR Contact: 03/28/05

SPILLS: Spill List
Source: Department of Health and Environmental Control
Telephone: 803-898-4111

Date of Government Version: 03/02/05
Database Release Frequency: Varies

Date of Last EDR Contact: 03/02/05
Date of Next Scheduled EDR Contact: 06/27/05

GWCI: Groundwater Contamination Inventory
Source: Department of Health and Environmental Control
Telephone: 803-898-3798
An inventory of all groundwater contamination cases in the state.

Date of Government Version: 07/01/04
Database Release Frequency: Annually

Date of Last EDR Contact: 01/24/05
Date of Next Scheduled EDR Contact: 04/25/05

DRYCLEANERS: Drycleaner Database
Source: Department of Health & Environmental Control
Telephone: 803-898-3882
The Drycleaning Facility Restoration Trust Fund database is used to access, prioritze and cleanup contaminated registered drycleaning sites.

Date of Government Version: 12/14/04
Database Release Frequency: Varies

Date of Last EDR Contact: 02/28/05
Date of Next Scheduled EDR Contact: 05/30/05

EDR PROPRIETARY HISTORICAL DATABASES

Former Manufactured Gas (Coal Gas) Sites: The existence and location of Coal Gas sites is provided exclusively to EDR by Real Property Scan, Inc. ©Copyright 1993 Real Property Scan, Inc. For a technical description of the types of hazards which may be found at such sites, contact your EDR customer service representative.

Disclaimer Provided by Real Property Scan, Inc.

The information contained in this report has predominantly been obtained from publicly available sources produced by entities other than Real Property Scan. While reasonable steps have been taken to insure the accuracy of this report, Real Property Scan does not guarantee the accuracy of this report. Any liability on the part of Real Property Scan is strictly limited to a refund of the amount paid. No claim is made for the actual existence of toxins at any site. This report does not constitute a legal opinion.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

BROWNFIELDS DATABASES

VCP: Voluntary Cleanup Sites
Source: Department of Health and Environmental Control
Telephone: N/A

Date of Government Version: 07/14/04
Database Release Frequency: Varies

Date of Last EDR Contact: 01/10/05
Date of Next Scheduled EDR Contact: 04/11/05

US BROWNFIELDS: A Listing of Brownfields Sites
Source: Environmental Protection Agency
Telephone: 202-566-2777
Included in the listing are brownfields properties addresses by Cooperative Agreement Recipients and brownfields properties addressed by Targeted Brownfields Assessments. Targeted Brownfields Assessments-EPA's Targeted Brownfields Assessments (TBA) program is designed to help states, tribes, and municipalities--especially those without EPA Brownfields Assessment Demonstration Pilots--minimize the uncertainties of contamination often associated with brownfields. Under the TBA program, EPA provides funding and/or technical assistance for environmental assessments at brownfields sites throughout the country. Targeted Brownfields Assessments supplement and work with other efforts under EPA's Brownfields Initiative to promote cleanup and redevelopment of brownfields. Cooperative Agreement Recipients-States, political subdivisions, territories, and Indian tribes become Brownfields Cleanup Revolving Loan Fund (BCRLF) cooperative agreement recipients when they enter into BCRLF cooperative agreements with the U.S. EPA. EPA selects BCRLF cooperative agreement recipients based on a proposal and application process. BCRLF cooperative agreement recipients must use EPA funds provided through BCRLF cooperative agreement for specified brownfields-related cleanup activities.

Date of Government Version: N/A
Database Release Frequency: Semi-Annually

Date of Last EDR Contact: N/A
Date of Next Scheduled EDR Contact: N/A

AUL: Land Use Controls
Source: Department of Health & Environmental Control
Telephone: 803-896-4049
The term Land Use Controls or "LUCs" encompass institutional controls, such as those involved in real estate interests, governmental permitting, zoning, public advisories, deed notices, and other legal restrictions. The term also includes restrictions on access, whether achieved by means of engineered barriers (e.g., fence or concrete pad) or by human means (e.g., the presence of security guards). Additionally, the term includes both affirmative measures to achieve the desired restrictions (e.g., night lighting of an area) and prohibitive directives (e.g., restrictions on certain types of wells for the duration of the corrective action). Considered altogether, the LUCs for a facility will provide a tool for how the property should be used in order to maintain the level of protectiveness that one or more corrective actions were designed to achieve.

Date of Government Version: 01/11/05
Database Release Frequency: Varies

Date of Last EDR Contact: 01/10/05
Date of Next Scheduled EDR Contact: 04/11/05

BROWNFIELDS: Brownfields Sites Listing
Source: Department of Health & Environmental Control
Telephone: 803-896-4069
The Brownfields component of the Voluntary Cleanup Program allows a non-responsible party to acquire a contaminated property with State Superfund liability protection for existing contamination by agreeing to perform an environmental assessment and/or remediation.

Date of Government Version: 01/11/05
Database Release Frequency: Varies

Date of Last EDR Contact: 01/10/05
Date of Next Scheduled EDR Contact: 04/11/05

US INST CONTROL: Sites with Institutional Controls
Source: Environmental Protection Agency
Telephone: 703-603-8867
A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: N/A
Database Release Frequency: Varies

Date of Last EDR Contact: N/A
Date of Next Scheduled EDR Contact: N/A

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

Oil/Gas Pipelines: This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

Electric Power Transmission Line Data
Source: PennWell Corporation
Telephone: (800) 823-6277
This map includes information copyrighted by PennWell Corporation. This information is provided on a best effort basis and PennWell Corporation does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of PennWell.

Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:
Source: American Hospital Association, Inc.
Telephone: 312-280-5991
The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing
Source: Centers for Medicare & Medicaid Services
Telephone: 410-786-3000
A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes
Source: National Institutes of Health
Telephone: 301-594-6248
Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools
Source: National Center for Education Statistics
Telephone: 202-502-7300
The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools
Source: National Center for Education Statistics
Telephone: 202-502-7300
The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Child Day Care List
Source: Department of Social Services
Telephone: 803-898-7345

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 from the U.S. Fish and Wildlife Service.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

STREET AND ADDRESS INFORMATION

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Fax To: S&ME
Contact: Jill Bishop
Fax : 843-881-6149
Date: 04/14/2005

Fax From: Erin Fredericks
EDR
Phone: 1-800-352-0050

EDR PUR-IQ® Report

"the intelligent way to conduct historical research"

for
Port Royal Port Facility
Paris Avenue
Port Royal, SC 29935
Lat./Long. 32.37700 / 80.69650
EDR Inquiry # 01400137.1r

The EDR PUR-IQ report facilitates historical research planning required to complete the Phase I ESA process. The report identifies the *likelihood* of prior use coverage by searching EDR's proprietary historical source(s) database comprising nationwide information on: city directories, fire insurance maps, aerial photographs, historical topographic maps, flood maps and National Wetland Inventory maps.

Potential for EDR Historical (Prior Use) Coverage - Coverage in the following historical information sources may be used as a guide to develop your historical research strategy:

1. City Directory:	Coverage may exist for portions of Beaufort County, SC.
2. Fire Insurance Map:	When you order online any ASTM 2000 Package, or an EDR Radius Map with a Sanborn Map Search/Print, you receive site specific Sanborn Map coverage information at no charge.
3. Aerial Photograph:	Aerial photography coverage may exist for portions of Beaufort County. Please contact your EDR Account Executive for information about USGS photos available through EDR.
4. Topographic Map:	The USGS 7.5 min. quad topo sheet(s) associated with this site:

Historical:	Coverage exists for Beaufort County	
Current:	Target Property:	32080-D6 Beaufort, SC
	Additional required for 1 Mile radius:	32080-C6 Parris Island, SC

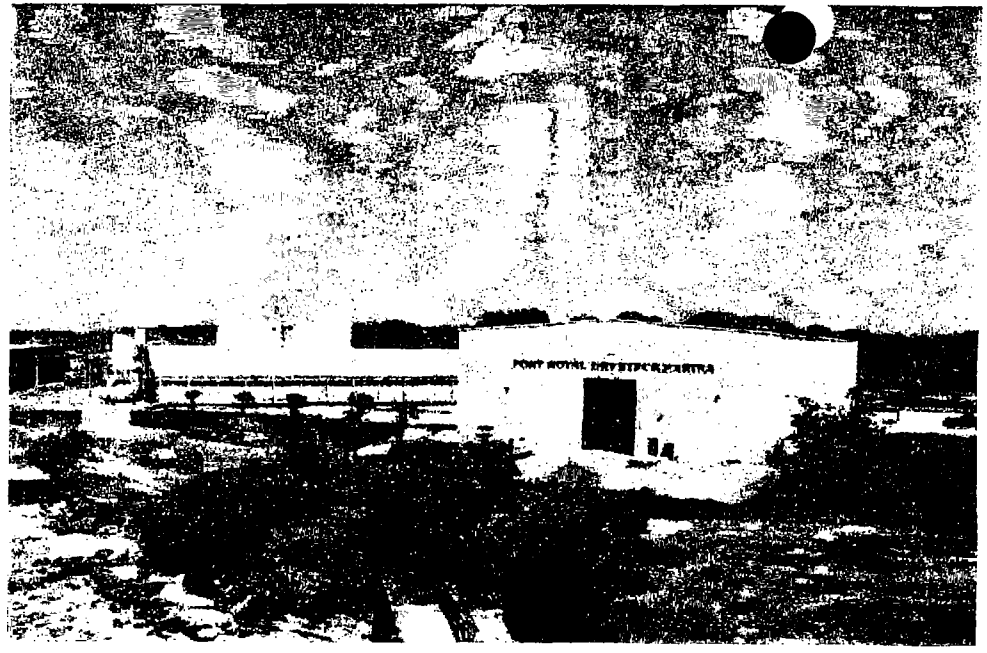
EDR's network of professional researchers, located throughout the United States, accesses the most extensive national collections of city directory, fire insurance maps, aerial photographs and historical topographic map resources available for Port Royal, SC. These collections may be located in multiple libraries throughout the country. To ensure maximum coverage, EDR will often assign researchers at these multiple locations on your behalf. Please call or fax your EDR representative to authorize a search.

APPENDIX IV

PHOTOGRAPHS



View of terminal facility from the viewing area at The Sands.



View of the dry-storage facility from viewing area.



View of vacant and parking areas associated with the terminal property.



Multiple drums of used oil and oil filters in building 609, maintenance shed.



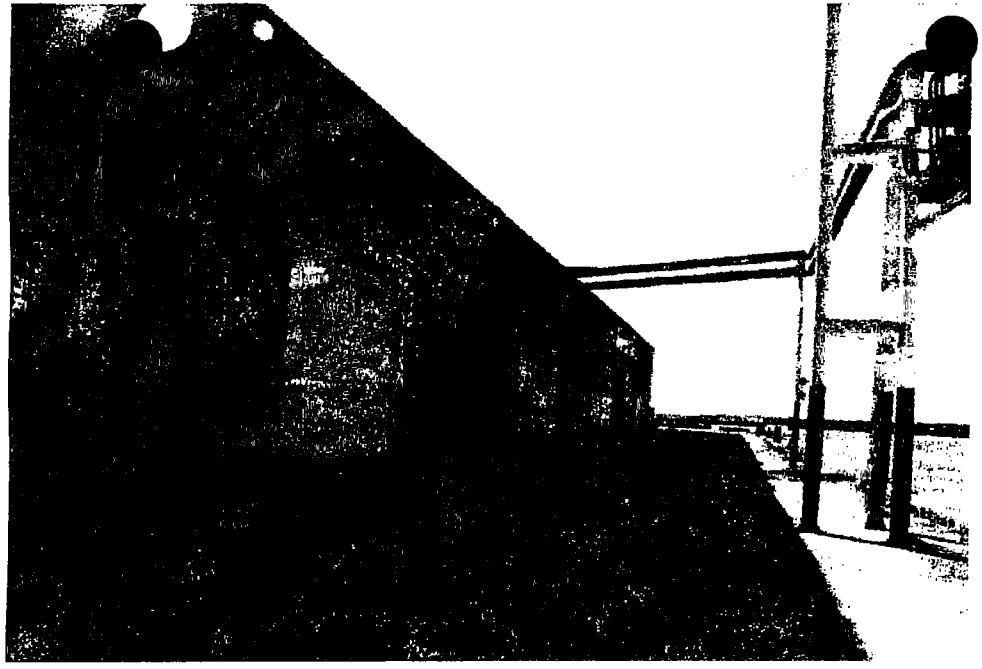
Additional drums and buckets of miscellaneous substances in building 609.



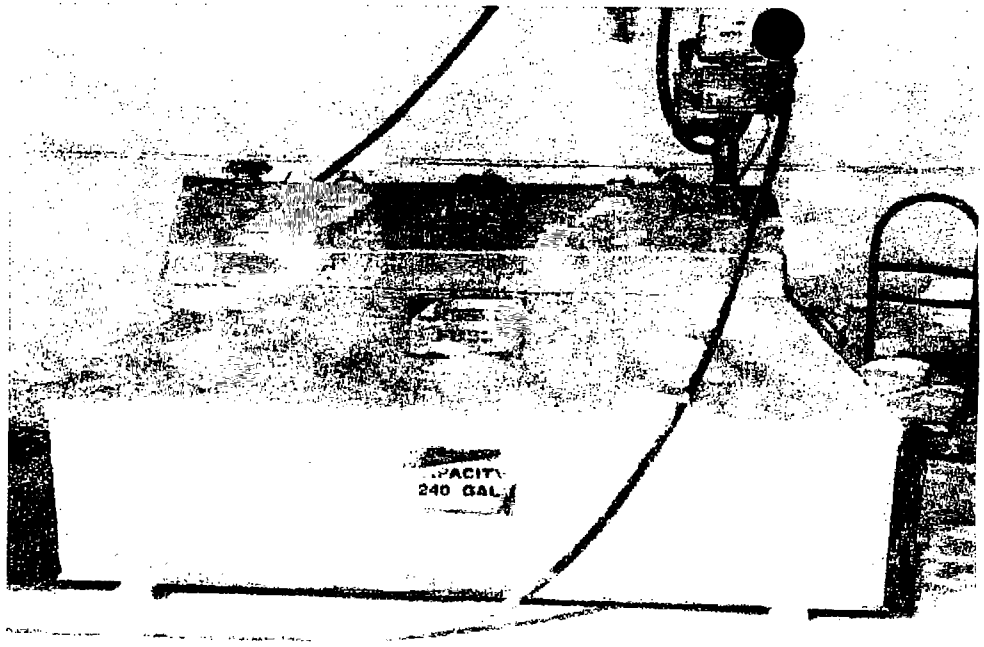
Forklift in building 609 with minimal staining beneath on the concrete.



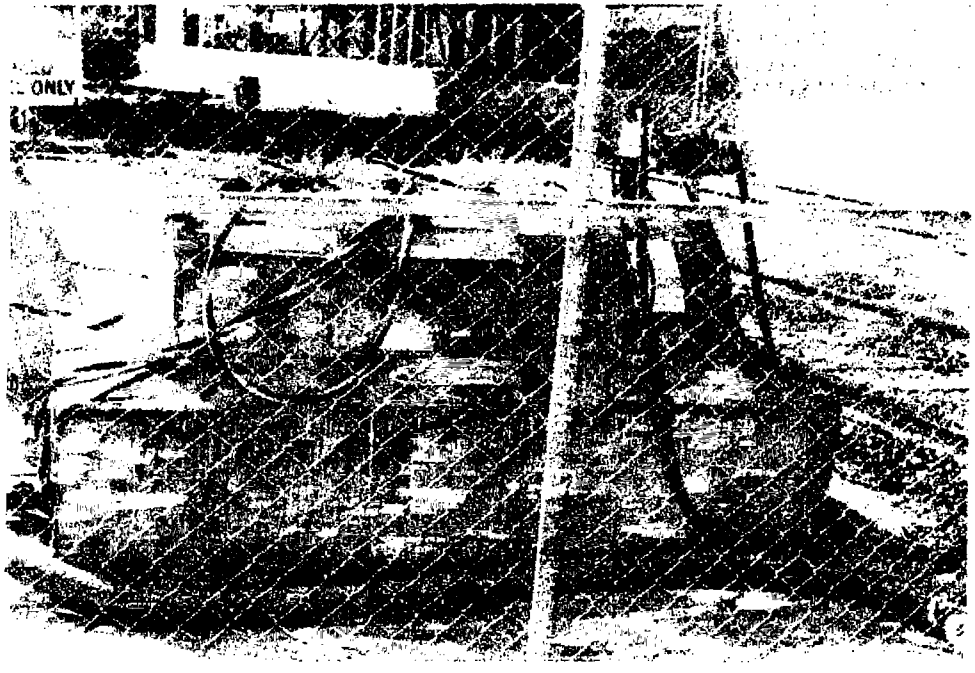
Oil water separator west of building 609.



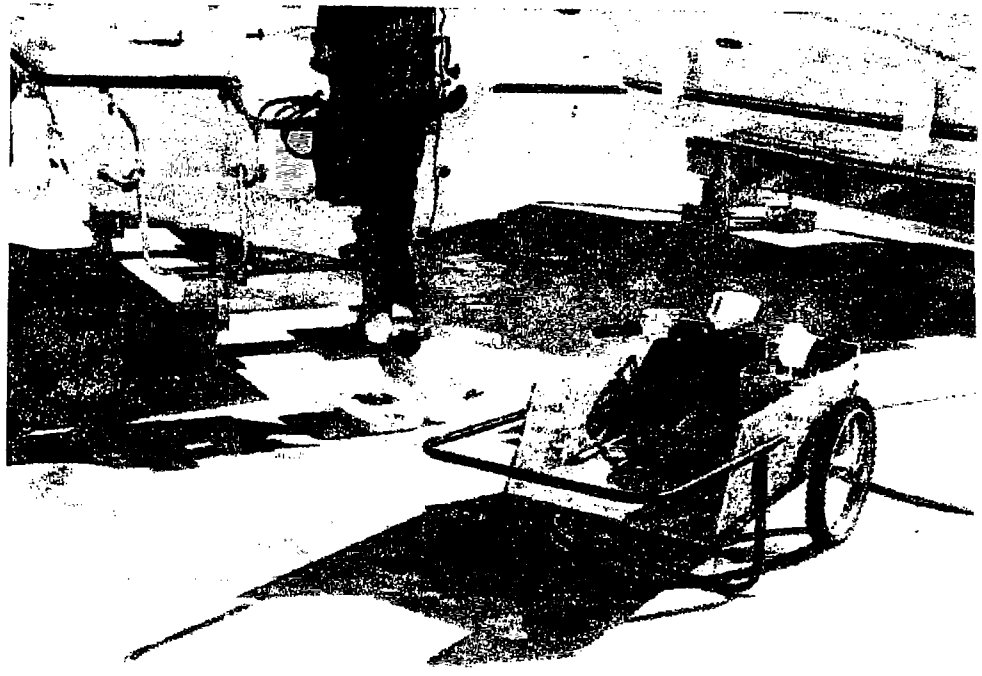
Overhead hoses for offloading ships at building 601, the cement warehouse, on Pier 21 adjacent to Battery Creek.



240-gallon diesel fuel AST located adjacent to building 601.



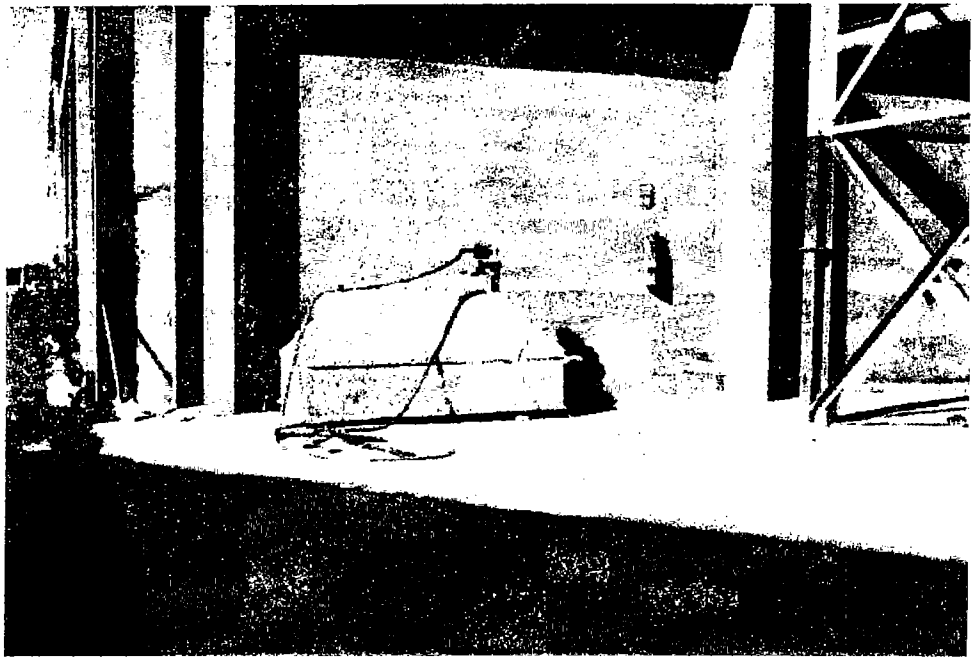
240-gallon AST within a fence area at the northern corner of building 601.



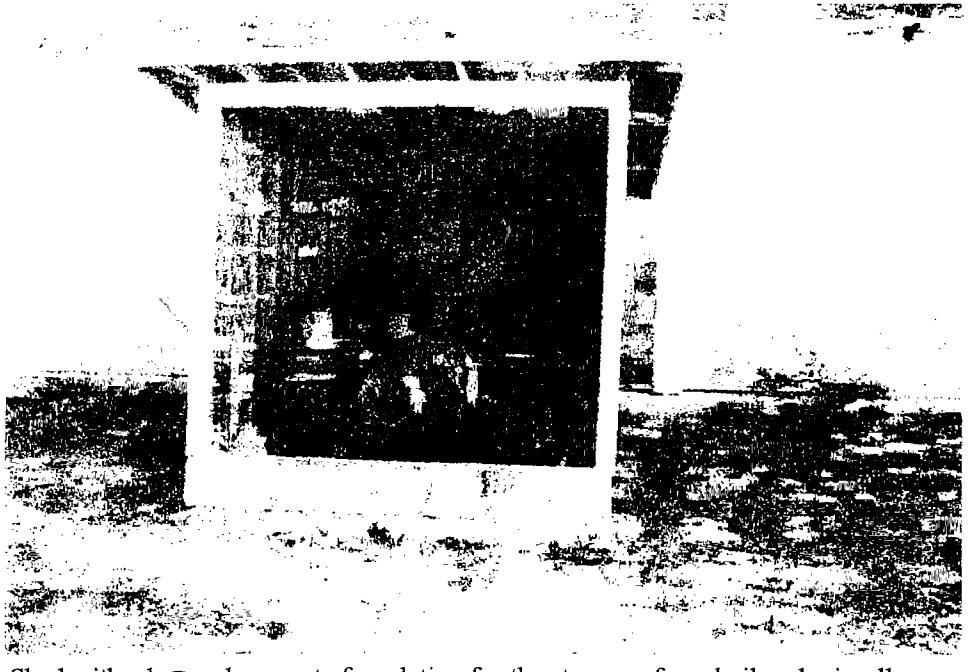
An oil change being conducted at the dry-stack storage facility.



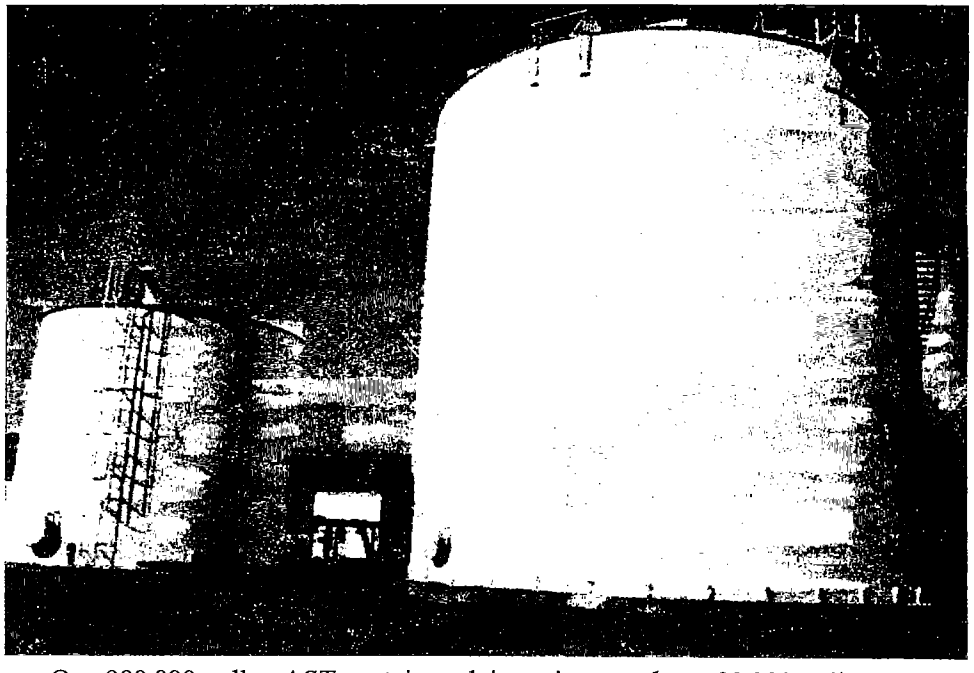
Water supply well located at the southwestern corner of the dry-stack facility.



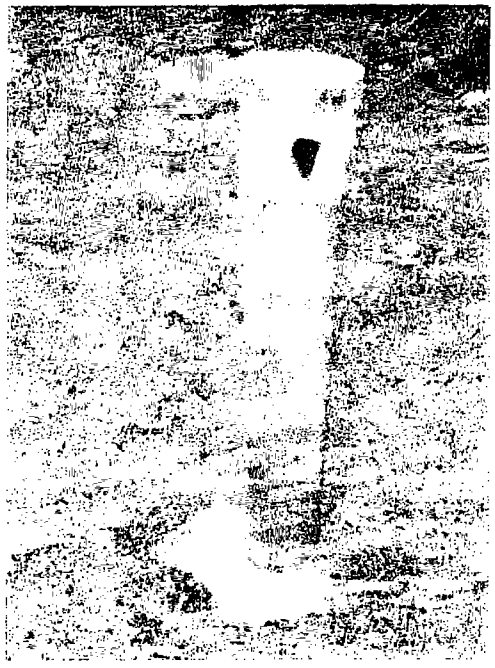
240-gallon diesel fuel AST located on the northeastern corner of the smaller warehouse.



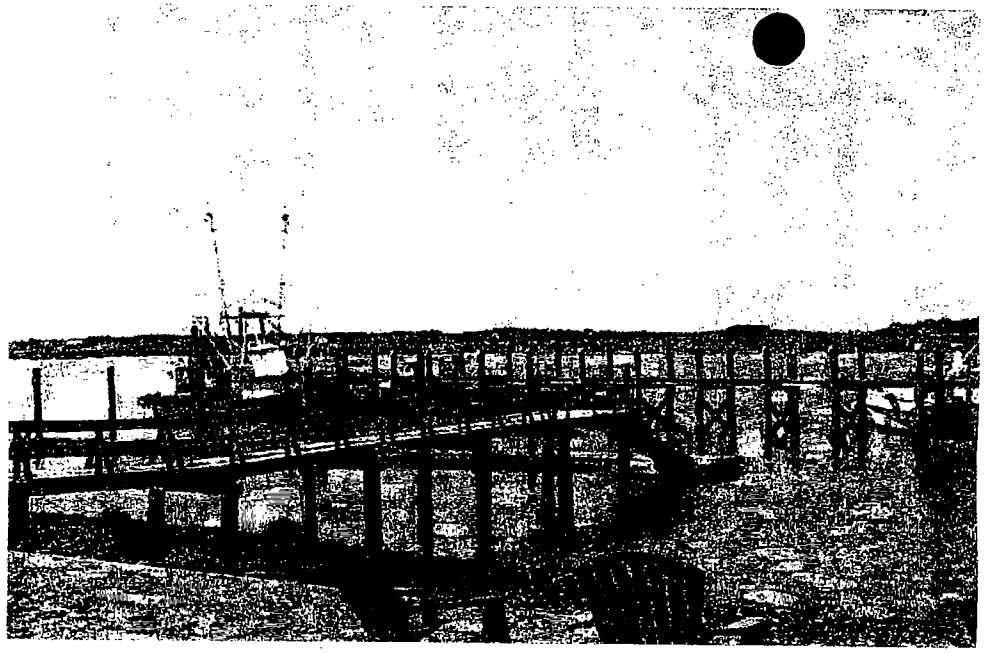
Shed with a b[illegible]ed concrete foundation for the storage of used oil and miscellaneous lubricants.



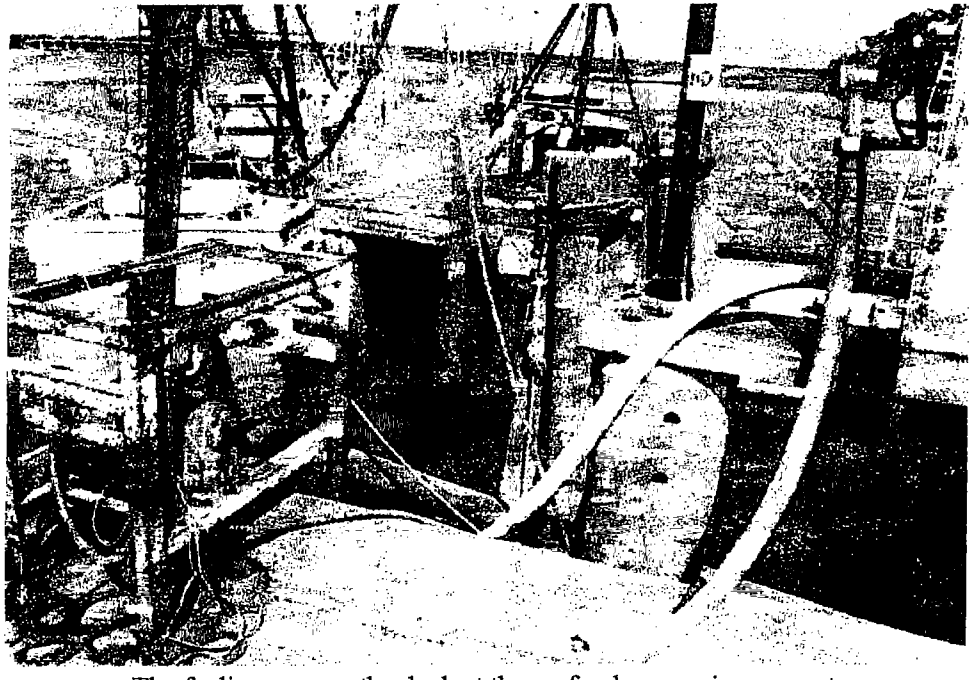
One 900,000-gallon AST contains calcium nitrate and one 89,000-g[illegible]lon AST housing water.



One of the monitoring wells located on the terminal property.



The dock located at the seafood processing property.



The fueling area on the dock at the seafood processing property.



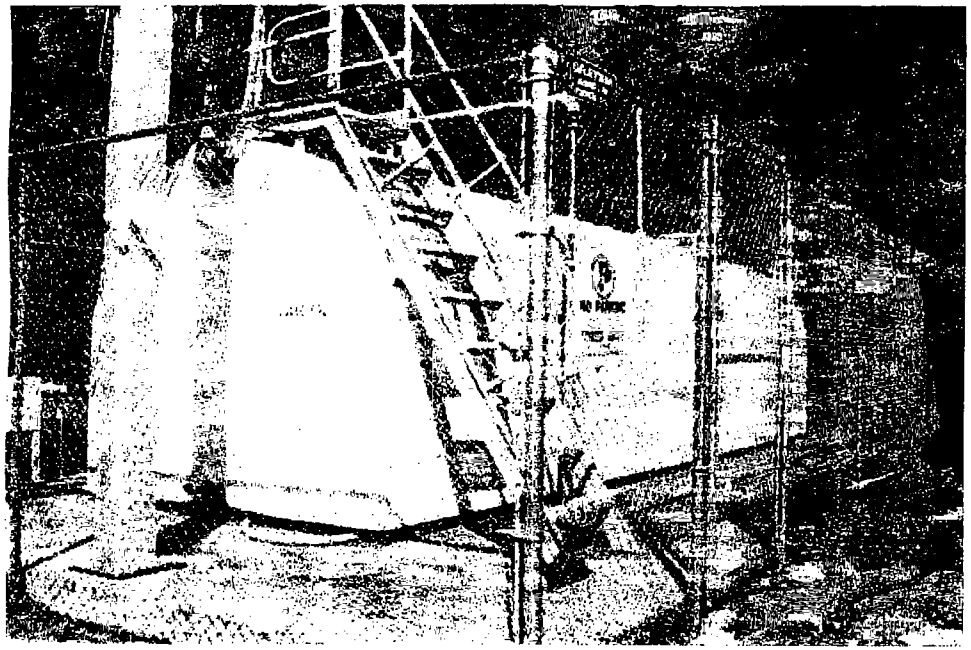
Gas cans and batteries located within the warehouse portion of building 627.



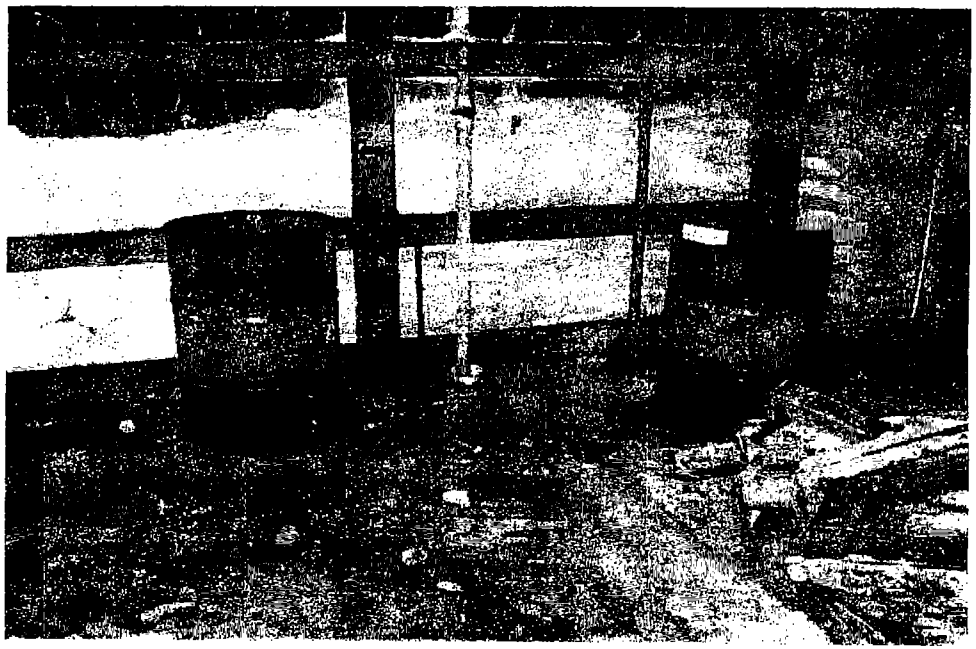
55-gallon drum located beneath the ice production semi trailers.



280-gallon used oil AST with pan located beneath the AST.



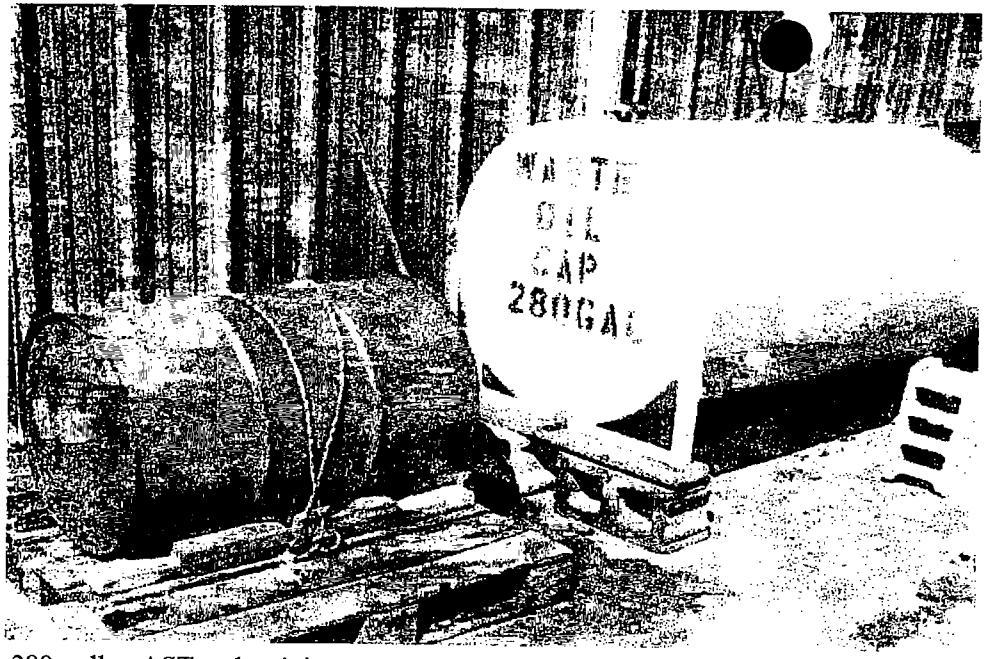
10,000-gallon diesel fuel AST used to fuel the boats on the dock



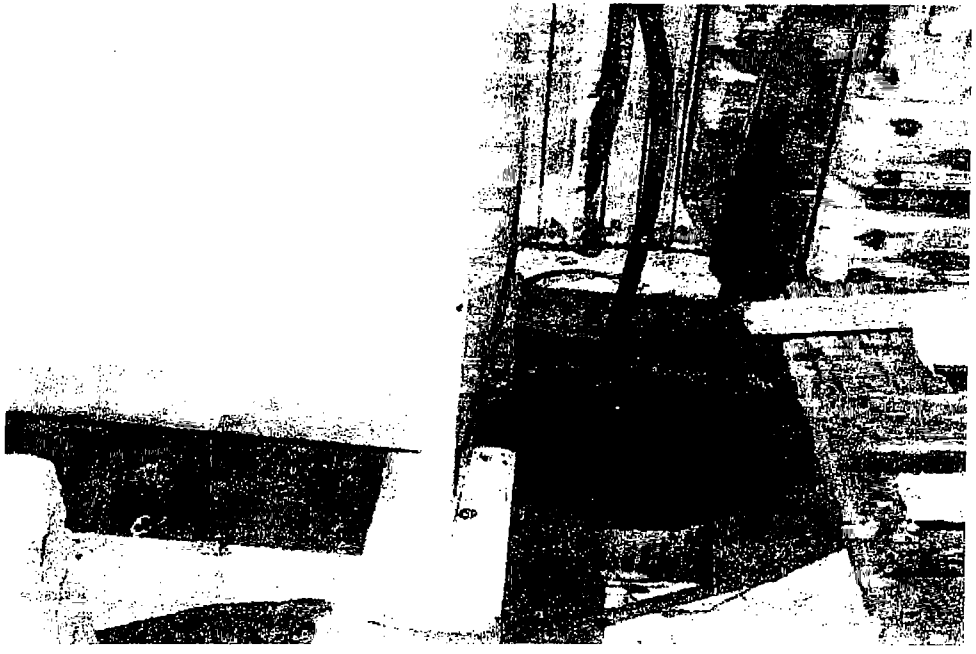
Multiple drums located within the burnt former ice production building.



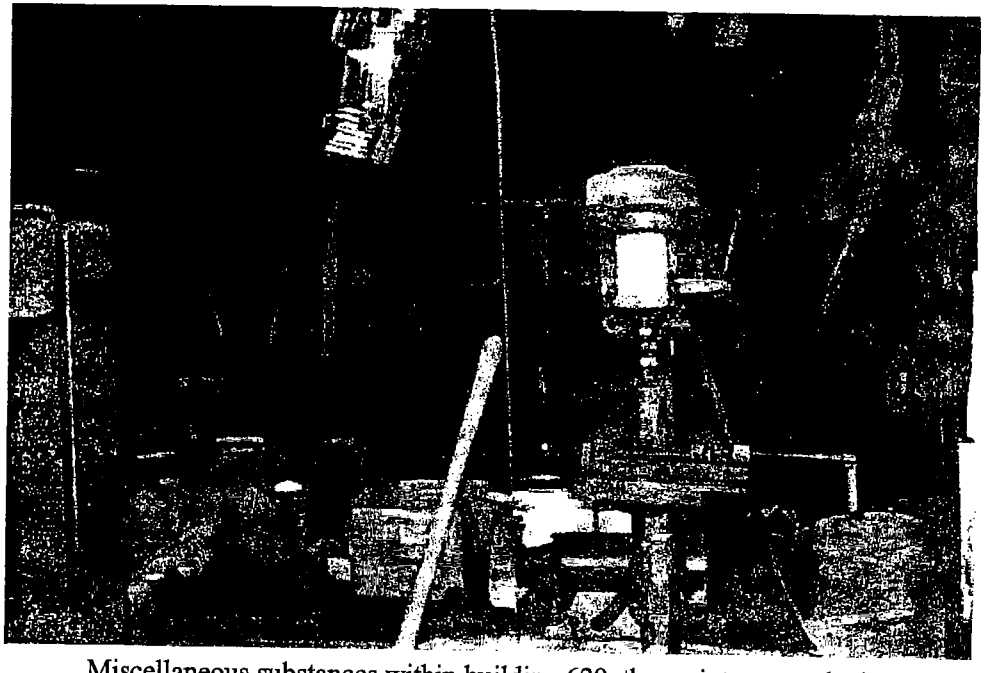
Hydraulic forklifts with minimal leakage located adjacent to a trench drain in building 630.



280-gallon AST and staining surrounding a 55-gallon drum of unknown substance.



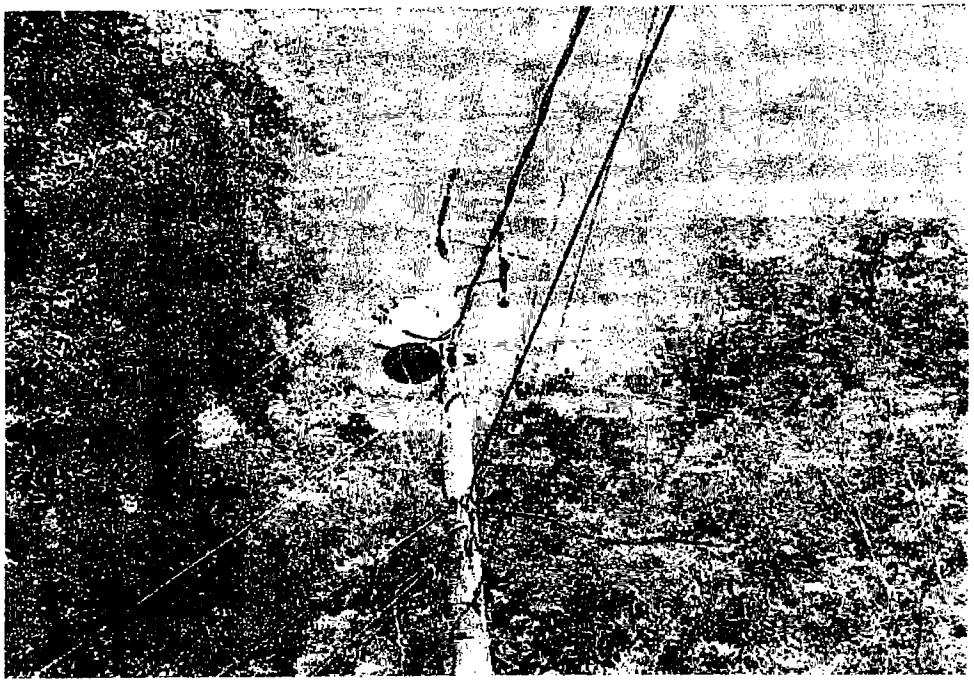
Pan collecting drips of the 280-gallon AST.



Miscellaneous substances within building 629, the maintenance shed.



View of private residence adjacent to the east of the undeveloped parcels.



View of pole-mounted transformer located adjacent to the east of the undeveloped parcels.



Vie[illegible]f the southeastern most undeveloped parcel, facing west.



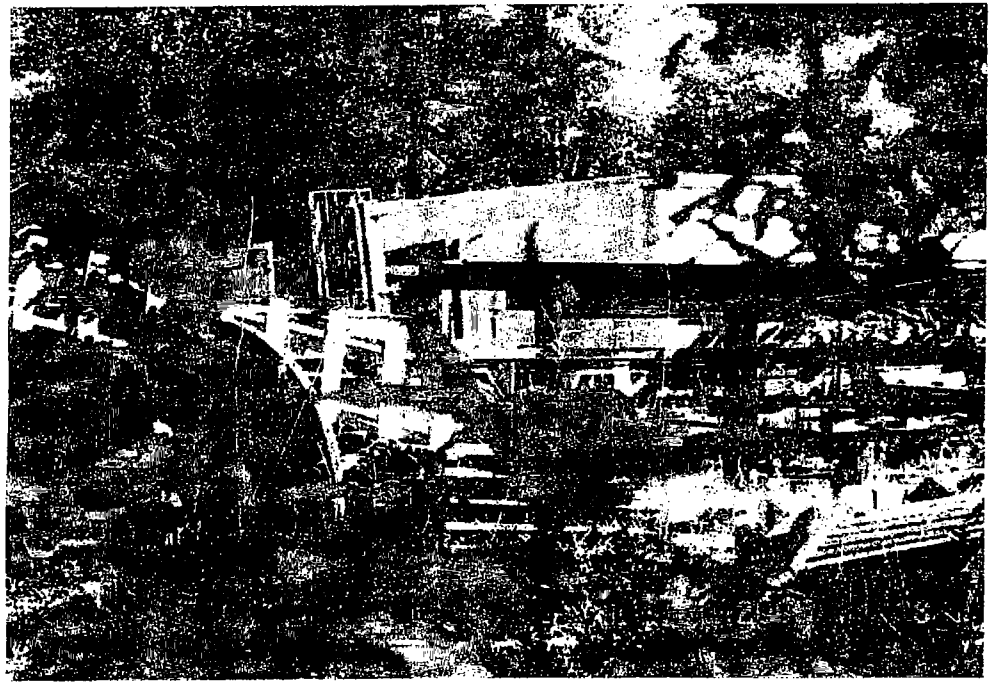
View of a path on the southeastern most undeveloped parcel, facing [illegible]rth.



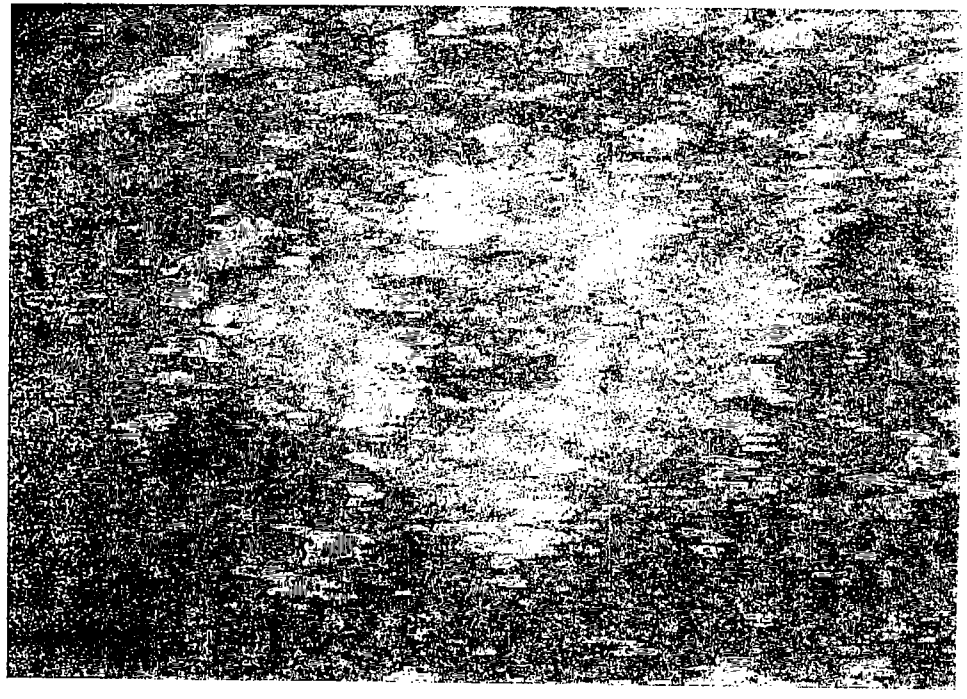
View of scrap wood pile observed on the south eastern most undeveloped parcel.



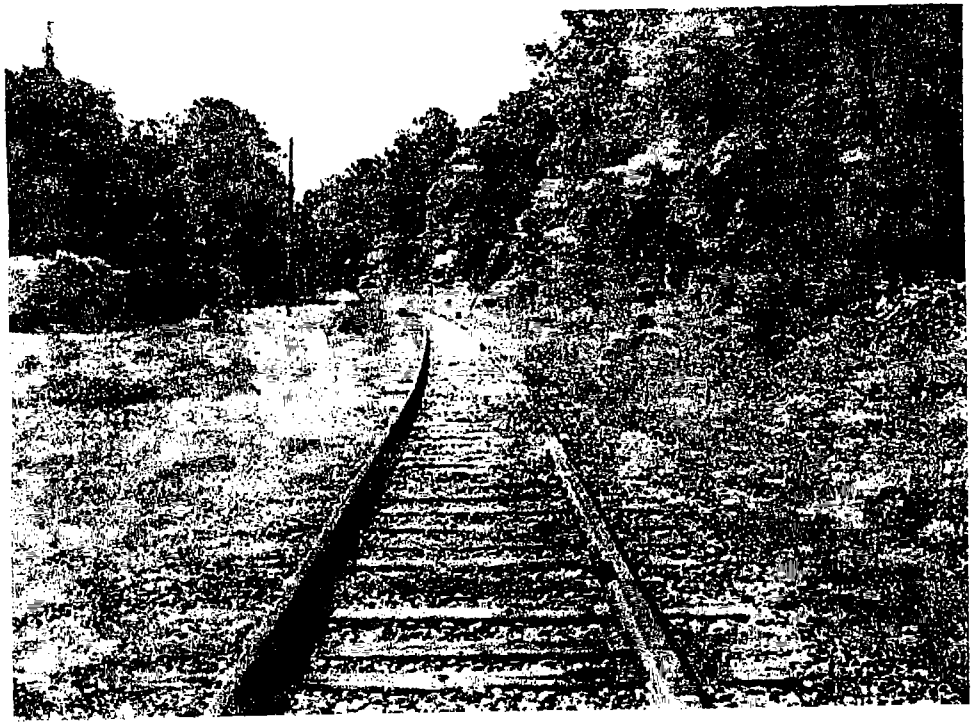
View of the cell tower adjacent to the east of the undeveloped parcels.



View of the Pender Brothers facility, facing north.



View of abandoned monitoring well located at the Pender Brothers facility.



View of railroad tracks, facing south.



View of paths on south eastern most undeveloped parcel, facing north.



View of paved parking area, facing west.



View of Battery Creek, facing west.

APPENDIX V

RESUMES OF ENVIRONMENTAL PROFESSIONALS

RESUME

Jill A. Bishop, CHMM

POSITION Environmental Scientist
S&ME, Inc.

EXPERIENCE Joined S&ME in 1998 with one year previous experience

EDUCATION B.S., Environmental Science and Biology, Defiance College, 1998

PROFESSIONAL REGISTRATIONS/CERTIFICATIONS

Certified Hazardous Materials Manager, 2004 (#12322)

FIELDS OF COMPETENCE

Underground Storage Tank (UST) – Removal / closures, soil and groundwater assessments, and design, installation and O&M of remediation systems; Above Ground Storage Tank (AST) – Soil and Groundwater Assessments; Phase I Environmental Site Assessments (ESAs) by ASTM E 1527; Phase II ESAs; Hazardous Substances – Soil and groundwater assessments; Construction Services – Concrete and Soil Testing; Natural Resource Services – Wetland Delineation and Permitting; Occupational Health and Safety Services – Asbestos and Lead Based Paint Services

KEY PROJECTS AND ASSIGNMENTS

- Vought Aircraft, North Charleston, South Carolina (1131-04-1143A). Performed Phase I and Phase II Environmental Site Assessment activities associated with the land acquisition. The Phase I ESA was completed in accordance with our understanding of the guidelines set forth in ASTM E 1527-00 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. Determined if there was a likely presence of hazardous substances or petroleum products on the property or adjacent properties. Based on the results of the Phase I ESA, a Phase II ESA was completed by collecting soil and groundwater samples to determine if an existing release, a past release, or a material threat of a release of hazardous substances or petroleum products into the structures on the property or into the ground, groundwater, or surface water of the property.

- St. Stephen Intake Gantry Crane Main Hoist Repair, St. Stephen, South Carolina (1135-04-508). Environmental Scientist on site for the completion of requirements outlined in the Containment Plan for the St. Stephen Intake Gantry Crane Main Hoist Repair contract. Lead based paint was to be removed from the crane by blasting. All activities conducted complied with the Steel Structures Painting Council (SSPC) Lead Paint Removal Guides call for methods quantifying the amount of dust and debris escaping the work area. S&ME was contracted to complete ambient air monitoring for PM-10, soil analysis of hazardous elements and surface water and sediment sampling for hazardous elements.

- Speedway SuperAmerica, Enon, Ohio. Contract manager for Speedway SuperAmerica projects in South Carolina. Responsibilities include soil and groundwater contamination assessments, risk-based corrective action evaluations including exposure assessments and management of controlled site emergency response actions. Managed analytical sampling and testing, along with providing staff level advice in the areas of site assessments and characterizations. Also responsible for preparing reports, plans and drawings in accordance with state/federal

regulations and safety requirements. Responsible for approximately 90 Speedway SuperAmerica sites in South Carolina accounting for approximately $1 million in combined fees per year. Also maintained a good working relationship with State regulators and a working knowledge of the SC SUPERB UST trust fund.

- Alcoa, Goose Creek, South Carolina (1135-00-564). Field Industrial Hygiene Consultant for a pilot project addressing employee exposure hazards associated with coal tar pitch volatiles. Project scope included learning the smelting process and associated employee tasks, conducted employee interviews, shadowed employees, and collected urine for submittal for laboratory analysis.

- Anchorage Plantation, Wadmalaw Island, South Carolina (1134-00-725). Former Speedway SuperAmerica Unit No. 258, Summerville, South Carolina (1134-99-383) and Environmental Scientist for the completion of the wetland identification, delineation and mitigation for the expansion of the facility. Responsible for the positive field identification of hydrophytic vegetation, hydric soils and hydrology determinations. Provided delineation lines and land surveying activities; completed permit submittals under Section 404 of the Clean Water Act for federal regulatory agency review and approval. Completed permit submittals under the Coastal Zone Management Act for state regulatory agency review and approval; and developed wetland mitigation plans.

- Speedway SuperAmerica, multiple sites throughout South Carolina (1134-99-125). Project Manager for regulatory compliance inspections of oil water separators at 13 South Carolina locations for Speedway SuperAmerica, LLC. Involved in coordination of field technicians, data interpretation and development of best management options to assure the proper operation of the oil water separator systems.

- Charleston County School District, Charleston, South Carolina (1135-99-230). Project Performed lead base paint surveys at various Charleston County school campuses for the Charleston County School District using the Niton XRF spectrum analyzer.

PROFESSIONAL MEMBERSHIPS/AFFILIATIONS

- Academy of Certified Hazardous Materials Managers

CONTINUING EDUCATION

- Phase I Environmental Site Assessment Training, 2004, Charlotte, North Carolina.
- Environmental Health and Safety Training (HAZWOPER) 8 Hour update, 2004, Charleston, South Carolina.
- Adult CPR and Basic First Aid, 2004, Charleston, South Carolina.
- National CHMM Overview Course, 2003, University of South Carolina, Georgia.
- Environmental Health and Safety Training (HAZWOPER) Supervisor, 2000, Charleston, South Carolina.
- Niton Manufacturer's Training Course for the Niton XRF Spectrum Analyzer, 2000, Medical University, Charleston, South Carolina
- Basic Processes in Hydric Soils, 1999, North Carolina State University, Greenville, North Carolina.
- Environmental Health and Safety Training (HAZWOPER), 1999, Wilmington, North Carolina.

RESUME

CHARLES W. BLACK, JR., P.E.

POSITION Senior Environmental Engineer
S&ME, Inc.

EXPERIENCE Joined S&ME in 1992 with two years previous experience

EDUCATION B.S. Civil Engineering, Clemson University, 1990

PROFESSIONAL CERTIFICATIONS/LICENSES

Professional Engineer, South Carolina (#17955)

FIELDS OF COMPETENCE

Brownsfield Projects; UST and AST Services: Removal/Closure; Soil and Groundwater Assessment; Remedial Design; Installation of Systems; RCRA/CERCLA; Soil and Groundwater Assessment; Corrective Measures Study; Risk Assessment; Stormwater Management Services: Permitting; SPCC/SWPPP Plans; Monitoring; Phase I by ASTM E1527; Phase II related to Phase I; Facility Response Plans

KEY PROJECTS AND ASSIGNMENTS

- National Realty Sales Corp., Charlotte, North Carolina (1134-03-1026) Project Manager and Environmental Engineer for two former industrial Voluntary Cleanup Program (VCP) sites managed under the South Carolina Department of Health and Environmental Control's Brownsfield Program. Responsibilities have included assessment plan design, collection and analysis of soil, sediment, surface water and groundwater samples under strict US EPA protocol, drafting assessment reports, assisting in approval of final land use design including use restrictions to obtain Certificate of Completion and liability coverage under the VCP contract (2004).

- Ashley River Town Homes, LLC, Charleston, South Carolina (1134-04-326) Project Manager and Environmental Engineer for Voluntary Cleanup Program (VCP) sites managed under the South Carolina Department of Health and Environmental Control's Brownsfield Program. Site is former phosphate fertilizer production facility adjacent to the Ashley River. Responsibilities have included assisting in negotiating Brownsfield contract terms, performing pre-assessment inspections, and development of assessment activities including collection and analysis of soil, sediment, surface water and groundwater samples under strict US EPA protocol (2004).

- City of Charleston Engineering Division, Charleston, South Carolina (1134-00-208) Project Manager and Environmental Engineer for the City of Charleston's Stormwater Drainage Basin Cross-Connection Study. S&ME was the City's consultant and regulatory liaison for the engineering assessment performed under State direction as a precursor to NPDES Phase II Programs. The project involved the mapping and determination of stormwater flow patterns in two urban watershed areas. Manholes, pipe segments, and various stormwater structures were visually inspected and smoke tested determine potential cross connections. The goal of the project was to identify system deficiencies in need of repair in order to reduce the amount of fecal coliform in the stormwater discharge (2003).

- Charleston County School District, Charleston, South Carolina (1134-00-754) Project Manager and Environmental Engineer for the Mary Ford Elementary School Addition Project for the Charleston County School District (CCSD). S&ME performed assessment, remedial design, and regulatory assistance services for the CCSD's planned addition on a former landfill site impacted by a leaking diesel fuel tank. The petroleum assessment involved performing a hydrogeologic study of the area including field screening of soil and groundwater, installation of monitoring wells, analysis of groundwater samples, removal of free phase diesel product, and contaminant modeling. The buried debris portion of the project involved assessing the extent of the landfill area, regulatory interaction, and development of remedial options. S&ME also designed a methane venting and monitoring system for the proposed development and specifications for the removal of buried debris from the area of construction. The project also involved public meetings, press conferences, and close interaction with the design team of architects and civil, structural, and geotechnical engineers (2004).

- Charleston County School District, Charleston, South Carolina (1134-04-699) Project Manager and Environmental Engineer for drinking water compliance programs at seven rural Charleston County School District properties. Duties include lead and copper monitoring, design of corrosion control programs, regulatory compliance and permitting, personnel training, and system operation guidance for schools with on-site drinking water supply wells and systems (2004).

- Charleston County Public Works Division, Charleston, South Carolina (1134-04-991) Certifying Engineer for Spill Prevention, Control and Countermeasure (SPCC) Plan developed under 40 CFR 112 for County Public Works Facility and Emergency Preparedness Center. SPCC Plan development includes facility evaluation of petroleum storage equipment, determination of spill scenarios, identification of deficiencies, and recommendation of compliance alternatives (2004).

- Medical University of South Carolina, Charleston, South Carolina (1134-03-854) Project Manager and Environmental Engineer for assisting Medical University of South Carolina (MUSC) develop remedial and safety measures to construct new hospital infrastructure on filled land in downtown Charleston. Responsibilities included involvement in design meetings with civil, electrical, mechanical, structural and engineers and architects, development of safety and remedial protocol measures to protect workers during construction and patients and staff during building operation including methane gas management and alarm systems, and inspection during construction (2004).

- Medical University of South Carolina, Charleston, South Carolina (1134-03-653) Certifying Engineer for Spill Prevention, Control and Countermeasure (SPCC) Plan developed under 40 CFR 112 for Medical University of South Carolina (MUSC). Campus includes multiple ASTs, USTs, and day tanks. SPCC Plan development includes facility evaluation of petroleum storage equipment, determination of spill scenarios, identification of deficiencies, and recommendation of compliance alternatives. As a result of noted improvements, we provided recommendations for facility design and systemupgrades (2004).

PROFESSIONAL MEMBERSHIPS/AFFILIATIONS

- American Society of Civil Engineers, President-Elect, South Carolina Section
- Charleston Civil Engineers Club, Past-President
- South Carolina Association of Environmental Professionals, Member

CONTINUING EDUCATION

- OSHA Hazardous Waste Operations (40-hour, Supervisor, and annual 8-hour updates)
- Stormwater Management for Industrial Properties and Construction Projects
- OSHA Confined Space Entry for Entrants, Attendants, and Supervisors
- Hazardous Material Spill Response and HAZMAT International Code Standards
- Conducting Phase I Environmental Site Assessments, ASTM E1527-00 & 1528-00, August 2003, Atlanta, GA, presented by Environmental Data Resources.

12/04

APPENDIX VI

CONTRACT BETWEEN USER AND S&ME, INC.

S&ME

October 11, 2004

OCT 13 2004

Wood + Partners, Inc.
7 Lafayette Place
Hilton Head, South Carolina 29925

Attention: Mr. Mark Baker, ASLA, Sr. Vice President

Reference: **PROPOSAL FOR PHASE I ENVIRONMENTAL SITE ASSESSMENT**
51.25-Acre Site
Port Royal, South Carolina
S&ME Proposal No. 34-04-145

Dear Mr. Baker:

At the request of Ms. Amy Riley of Thomas & Hutton Engineering Company, S&ME, Inc. (S&ME) appreciates the opportunity to provide this proposal to perform a Phase I Environmental Site Assessment (ESA) for the property referenced above. The ESA will be performed to identify environmental concerns and due diligence requirements. This proposal provides our understanding of the proposed project and presents our proposed scope of services, schedule and costs.

PROJECT INFORMATION

The subject property consists of several nearby parcels located on in Port Royal, South Carolina. We understand the riverfront property is presently developed as a port facility with supporting infrastructure.

S&ME, Inc.
620 Wando Park Boulevard
Mt. Pleasant, South Carolina 29464

(843) 884-0005
(843) 881-6149 fax
www.smeinc.com

SCOPE OF SERVICES

PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)

Our approach to performing a Phase I Environmental Site Assessment (ESA) includes a review of the public record, interviews with appropriate local agencies, a site reconnaissance and preparation of a written report containing findings, opinions and conclusions. Unless specifically authorized as an addition to the Phase I ESA work scope, the assessment will not include sampling of materials (i.e., soil, water or air), nor any assessment of wetlands, asbestos-containing materials, lead-based paint, lead in drinking water, regulatory compliance, cultural/historic risks, industrial hygiene, health/safety, ecological resources, endangered species, indoor air quality, radon or high voltage powerlines. However, as requested this proposal also includes asbestos and lead-based paint surveys of the existing building.

The most widely used standard for performing Phase I assessments is the standard developed by the American Society for Testing and Materials (ASTM) entitled *E1527-00 Standard Practice for Environmental Assessments: Phase I Environmental Site Assessment Process.* We propose to use this standard for the proposed project. If a procedure other than ASTM E1527-00 must be used, such as that specified by a lender, please provide us with a copy of that procedure prior to authorizing us to proceed. Use of an alternate procedure may require a change to the fee quoted in this proposal.

In this proposal, we address the scope of work and schedule for Phase I work only. Four primary tasks are involved in a Phase I Assessment as outlined by ASTM E1527-00: 1) review of the public record; 2) interviews; 3) a site reconnaissance; and 4) preparation of a written report.

Task I – Review of the Public Record

A review of reasonably ascertainable and practically reviewable public records for the site and the immediate vicinity will be conducted to characterize environmental features of the site and to identify past and present land use activities, on or in the vicinity of the site, which may indicate a potential for *recognized environmental conditions*. The review of the public record will include:

1. Examination of public records made available to us by regulatory personnel regarding past, present, and pending enforcement actions and investigations at the site and within the immediate vicinity.

2. Examination of one or more of the following resources: aerial photographs, fire insurance maps, street directories and topographic maps of the site and vicinity for evidence suggesting past uses that might have involved hazardous substances or petroleum products.

Task II – Site Reconnaissance

A site reconnaissance will be performed to identify visual signs of past or existing contamination on or adjacent to the site, and to evaluate evidence found in the review of public record that might be indicative of activities resulting in hazardous substances or petroleum products being used or deposited on the site. The site reconnaissance will include the following activities:

1. A visual reconnaissance of the site and adjacent properties will be performed to observe signs of spills, stressed vegetation, buried waste, underground or above ground storage tanks, subsidence, transformers, or unusual soil discoloration which may indicate the possible presence of contaminants on the properties.

2. The periphery of the property will be viewed and a walk-through of accessible areas of the site interior, including any on-site structures, will be conducted.

3. Areas of the site will be photographed to document the current use(s) of the property as well as significant conditions such as unusually discolored soil, stressed vegetation, or other significant features associated with the property.

Task III– Interviews

Interviews with appropriate local officials will be conducted to consider any local knowledge of hazardous substances or petroleum products on the subject property or on adjacent properties. Specifically, a representative of the current property owner will be interviewed regarding his or her knowledge of any hazardous substances or petroleum products on the subject property or on adjacent properties.

Task IV – Written Report

Upon completion of the public record review, interviews and site reconnaissance, we will provide one written report that documents our findings. The report will reflect our evaluation for use by the client in completing the planned property transaction. The findings will be presented in terms of the presence or absence of *recognized environmental conditions* as defined in ASTM E1527-00. However, a finding of "no evidence of recognized environmental conditions" should not be interpreted as a guarantee or warranty that the property is "clean" or free of all contaminants. We will provide three copies of the final report.

If possible, please complete, or have the current property owner or manager complete, and return the attached one-page *Questionnaire for Client/Landowner* and checklist of *User-Furnished Information*. Finally, please indicate to us exactly how the final report is to be addressed such as to include a lender or other participant in the property transaction as a co-addressee. There will be an extra charge ($300) to reissue any report to an additional addressee.

SCHEDULE

The environmental scope of services (Phase I ESA) can generally be completed within approximately three to four weeks of written authorization to proceed. Please note that our ability to complete the Phase I ESA services involved in the review of the public record within

the project schedule often depends on the availability of certain maps, records, etc. that we may want to review or personnel whom we would want to interview. If we experience difficulties in this regard, we will inform you at the earliest possible time and obtain your concurrence on extending the evaluation time period, or terminating that aspect of the evaluation, and preparing our report without the benefit of that information. ASTM E1527-00 states that information is *reasonably ascertainable* if it can be provided for review within 20 days of the request. If information which we request to review is not made available within a 10-day period, we would consult with you on whether to extend our scheduled completion date or to complete the project without the benefit of that information (either option will satisfy ASTM E1527-00 requirements).

COST OF SERVICES

The Phase I ESA will be completed for a lump sum fee of **$2,500.00**. We will not perform any additional work or exceed this budget without your prior authorization.

CLOSURE

Again, we appreciate the opportunity to perform this work. To provide us with formal authorization and invoicing instructions, please sign and return both copies of the enclosed Agreement of Services (AS-931), which is incorporated as part of this proposal. When received, we will sign and return one copy for your files. If you have any questions, please call.

If possible, please complete the checklist of *User-Furnished Information* and have the current property owner complete and return the attached one-page *Questionnaire for Client/Landowner.* Finally, please indicate to us exactly how the final report is to be addressed such as to include a lender or other participant in the property transaction as a co-addressee. There will be an extra charge to reissue any report.

Sincerely,

S&ME, Inc.

Jill A. Bishop, CHMM
Environmental Scientist

Chuck W. Black, P.E.
Environmental Engineer

JAB: CWB/kkj

cc: Amy Riley, Thomas & Hutton

Enclosure

QUESTIONNAIRE FOR CLIENT/LANDOWNER

In order to assist in the environmental evaluation of subject property located in Port Royal, South Carolina (S&ME Proposal No 34-04-145), we request that the client or owner of the property complete this questionnaire. Answers should be brief. We will contact you if further information is needed.

****

1) Has the price of the property been discounted because of a real or suspected environmental contaminant condition?

2) What are the present and previous land uses for the property?

3) What current operations, if any, are performed on the property?

4) Are there any underground storage tanks (USTs) on the property? If so, what are their sizes and contents?

5) Do you know of any environmental concerns (e.g., buried wastes, landfills, chemical releases, either on-site or nearby)?

6) Do you know of any hazardous waste generators on-site or nearby?

7) Do you know of any pending, threatened, or past litigation, administrative proceedings, or notices of violation from any governmental entity relevant to hazardous substances or petroleum products in, on, or from the property.

I hereby certify that the above information is true and correct.

Signature of Landowner or Client or person knowledgeable about the property. If more than one individual provides information on this questionnaire, each should sign and indicate which responses he or she has provided.

_____ _____

Printed Name of Landowner/Person completing questionnaire Date

PHASE I ESA, USER-FURNISHED INFORMATION

The following is a list of documents and information that could be useful to S&ME, Inc. in preparing your Phase I Environmental Site Assessment (ESA). Please check the appropriate boxes below, sign, and fax or mail this form along with the signed Agreement for Services and completed owner's questionnaire. We will contact you regarding review of any available materials. This form will be attached to, and made a part of, your completed Phase I ESA.

Yes	No	
☐	☐	1. Environmental site assessment reports
☐	☐	2. Environmental audit reports
☐	☐	3. Environmental permits (i.e. solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits)
☐	☐	4. Registrations for underground and above-ground storage tanks
☐	☐	5. Material safety data sheets (MSDS)
☐	☐	6. Community right-to-know plan
☐	☐	7. Safety plans; preparedness and prevention plans; spill prevention, counter-measure and control plans, etc.
☐	☐	8. Reports regarding hydrologic conditions on the property or surrounding area
☐	☐	9. Notices or other correspondence from any government agency relating to past or existing environmental liens encumbering the property
☐	☐	10. Hazardous waste generator notices or reports
☐	☐	11. Geotechnical studies
☐	☐	12. Information concerning any pending, threatened, or past litigation or administrative proceedings relevant to hazardous substances or petroleum products
☐	☐	13. Notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products
☐	☐	14. Disclosure of sumps, pits, drainage systems (i.e. the existence of and location)
☐	☐	15. Building plans (architectural, utility, structural)
☐	☐	16. Description of current site operations, including layout drawings or sketches
☐	☐	17. Title report/chain-of-title
☐	☐	18. Tax assessor records (previous owner and occupants)
☐	☐	19. Purchase price analysis (if lower than comparables)
☐	☐	20. Current and historical photographs of the site
☐	☐	21. Current and historical topographic maps of the site

I have reviewed the above list and checked the "Yes" box for those items that would be available to S&ME for review and/or copy.

Signature Date

DEFINITIONS OF TERMS SPECIFIC TO ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT AND TRANSACTION SCREEN PROCESS

appropriate inquiry – that inquiry constituting "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined in CERCLA, 42 USC ξ 9601 (35)(B), that will give a party to a *commercial real estate* transaction the *innocent land owner defense* to CERCLA liability [42 USC ξ 9607 (b)(3)], assuming compliance with other elements of the defense.

de minimis - conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies. Conditions that are determined to be *de minimis* are not considered to be *recognized environmental conditions*.

environmental site assessment **(ESA)** – the process by which a person or entity seeks to determine if a particular parcel of real *property* (including improvements) is subject to *recognized environmental conditions*. At the option of the user, an environmental site assessment may include more inquiry than that constituting *appropriate inquiry* or, if the user is not concerned about qualifying for the *innocent landowner defense,* less inquiry than that constituting *appropriate inquiry.*

innocent landowner defense – that defense to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability provided in 42 USC ξ 9601 (35) and ξ 9607 (b)(3). One of the requirements to qualify for this defense is that the party make "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial of customary practice."

material threat - a physically observable or obvious threat which is reasonably likely to lead to a release that, in the opinion of the *environmental professional*, is threatening and might result in impact to public health or the environment.

practically reviewable – information that is practically reviewable means that the information is provided by the source in a manner and in a form that, upon examination, yields information relevant to the *property* without the need for extraordinary analysis of irrelevant data. The form of the information shall be such that the user can review the records for a limited geographic area. Records that cannot be feasibly retrieved by reference to the location of the *property* or a geographic area in which the property is located are not generally *practically reviewable.* Most databases of public records are *practically reviewable* if they can be obtained from the source agency by the county, city, zip code, or other geographic area of the facilities listed in the record system. Records that are sorted, filed, organized, or maintained by the source agency only chronologically are not generally *practically reviewable.* Listings in publicly available records, which do not have adequate address information to be located geographically, are not generally considered *practically reviewable.* For large databases with numerous facility records (such as RCRA hazardous waste generators and registered underground storage tanks), the records are not *practically reviewable*

unless they can be obtained from the source agency in the smaller geographic area of zip codes. Even when information is provided by zip code for some large databases, it is common for an unmanageable number of sites to be identified within a given zip code. In these cases, it is not necessary to review the impact of all of the sites that are likely to be listed in any given zip code because that information would not be *practically reviewable*. In other words, when so much data is generated that it cannot be feasibly reviewed for its impact on the *property*, it is not *practically reviewable.*

reasonably ascertainable – information that is reasonably ascertainable is information that is (1) *publicly available*, (2) obtainable from its source within reasonable time and cost constraints, and (3) *practically reviewable.*

recognized environmental conditions – the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes *hazardous substances or petroleum products* even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment, and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. An *historical recognized environmental condition* is defined as an environmental condition which in the past would have been considered a *recognized environmental condition*, but which may or may be considered a *recognized environmental condition* currently. The final decision rests with the environmental professional and will be influenced by the current impact of the *historical recognized environmental condition* on the property. If a past release of any hazardous substances or petroleum products has occurred in connection with the property and has been remediated, with such remediation accepted by the responsible regulatory agency (for example, as evidenced by the issuance of a no further action letter or equivalent), this condition shall be considered an *historical recognized environmental condition* and included in the findings section of the Phase I *Environmental Site Assessment* report. The *environmental professional* shall provide an opinion of the current impact on the property of this *historical recognized environmental condition* in the opinion section of the report. If this *historical recognized environmental condition* is determined to be a *recognized environmental condition* at the time the Phase I *Environmental Site Assessment* is conducted, the condition shall be identified as such and listed in the conclusions section of the report.

reasonable time and cost – information that is obtainable within reasonable time and cost constraints means that the information is provided by the source within 20 calendar days of receiving a written, telephone, or in-person request at no more than a nominal cost intended to cover the source's cost of retrieving and duplicating the information. Information that can only be reviewed by a visit to the source is reasonably ascertainable if the visit is permitted by the source within 20 days of request.

S&ME

AGREEMENT FOR SERVICES

Form AS-931

Date: October 11, 2004	Job Number:
S&ME, Inc. (hereafter Consultant)	Client Name: Wood + Partners, Inc. (hereafter Client)
Address: 620 Wando Park Boulevard City: Mount Pleasant State: SC Zip: 29464	Address: 7 Lafayette Place City: Hilton Head, State: SC Zip: 29925
Telephone: (843) 884-0005 Fax: (843) 881-6149	Telephone: 843-681-6618 Fax: 843-681-7086

PROJECT

Project Name: Proposal for PHASE I ENVIRONMENTAL SITE ASSESSMENT 51.25-Acre Site

Project location: (Street Address:) 601 PARIS AVE

City: Port Royal, State: SC Zip: 29935

SERVICES TO BE RENDERED

Proposal Number: 34-04-145 dated: 10/11/04 is incorporated into this Agreement For Services.
This Agreement for Services is incorporated into the above Proposal.

WITNESSETH: WHEREAS, Client desires to contract with Consultant to furnish Services to Client's project identified above.

WHEREAS, Consultant is engaged in the business of providing services and related labor, materials, and equipment (herein individually and collectively referred to as Services.)

NOW, THEREFORE, in consideration of the Mutual Covenants and Promises included herein, Client and Consultant agree as follows:

OFFER ACCEPTANCE: Client hereby accepts Consultant's offer to provide services as described in Consultant's proposal for services referenced under "Services to be Rendered" and agrees that such services and any additional services authorized by client, shall be governed by this Agreement.

CONTRACT DOCUMENTS: "Contract Documents" shall mean this document as well as the proposal listed under "Services to be Rendered" each of which is incorporated into the other.

PAYMENT - Client will pay Consultant for services and expenses in accordance with the Contract Documents. If prices for services are not established under SERVICES TO BE RENDERED then the current fee schedule in effect for the location providing the services shall be used as the amount to be paid by client for services provided. Consultant will submit progress invoices to Client monthly and a final invoice upon completion of its Services. Each invoice, on presentation, is due and payable by Client. Invoices are past due 30 days after the date of the invoice. Past due amounts are subject to a late payment fee of one and one-half percent per month (18 percent per annum) or the highest amount allowed by applicable law on the outstanding balance whichever is less. Attorney's fees and other costs incurred in collecting past due amounts shall be paid by Client.

Consultant shall be paid in full for all services rendered under this Agreement, including any additional services authorized by Client in excess of those stated in this Agreement.

The Client's obligation to pay under this Agreement is in no way dependent upon the Client's ability to obtain financing, payment from third parties, approval of governmental or regulatory agencies, or upon the Client's successful completion of the Project.

WARRANTY AND STANDARD OF CARE - Consultant and its agents, employees and subcontractors shall endeavor to perform Services for Client using that degree of care and skill ordinarily exercised by and consistent with the standards of others ordinarily providing similar services in the same or similar locality as the one where the services are performed. In the event any portion of the Services fails to substantially comply with this warranty and standard of care obligation and Consultant is promptly notified in writing prior to one year after completion of such portion of the Services, Consultant will re-perform such portion of the Services, or if re-performance is impractical, Consultant will refund the amount of compensation paid to Consultant for such portion of the Services. **THE REMEDIES SET FORTH HEREIN ARE EXCLUSIVE.**

This **WARRANTY AND STANDARD OF CARE** is in lieu of all other warranties and standards of care. No other warranty or standard of care, expressed or implied, including warranties of merchantability and fitness for a particular purpose is made or intended by the proposal, by oral communications or by any representations made regarding the services included in this Agreement.

LIMITATION OF LIABILITY - Consultant and Client mutually agree that the services provided pursuant to this Agreement involve risks of liability which cannot be adequately compensated for by the payments Client will make under this Agreement. Therefore, the total cumulative liability of Consultant, its agents, employees and subcontractors whether in contract, tort including negligence (whether sole or concurrent) and strict liability, or otherwise arising out of, connected with or resulting from the services provided pursuant to this Agreement shall not exceed the total fees paid by Client or fifty thousand dollars, whichever is greater. At additional cost, Client may obtain a higher limit of liability prior to commencement of services. The additional cost is compensation to Consultant for increasing the Consultant's limit of liability. The additional cost is not an insurance cost. Consultant's consideration to Client for this limit of liability is specifically reflected in Consultant's fees for services under this Agreement as such fees are less than Consultant would be paid for services under an Agreement without a limitation of liability. **Client is cautioned that this is a limited liability Agreement limiting the liability of Consultant; therefore, Client is advised to carefully review Client's risks of liability related to this contract and address such risks through Client's insurance or other means.**

DISCLAIMER OF CONSEQUENTIAL DAMAGES - In no event shall Consultant or Client be liable to the other for any special, indirect, incidental or consequential loss or damages, including lost profits and loss of use.

REPORTS - In connection with the performance of the Services, Consultant shall deliver to Client one or more reports or other written documents reflecting Services provided and the results of such Services. All reports and written documents delivered to Client are instruments reflecting the services

rovided by Consultant to Client pursuant to this agreement are provided for the clusive use of Client, Client's agents and employees for the Project and are not e used or relied upon in connection with other projects. Subject to the horized use of Client, Client's agents, and employees, all instruments of service, other written documents, all original data gathered by Consultant and work papers produced by Consultant in the performance of the Services are, and shall remain, the sole and exclusive property of Consultant.

Should Client make instruments of service, including reports, available to strangers or request that Consultant address or forward copies of such to strangers, then Consultant's obligation with regard to such reports shall be to Client only, and limited to the provisions of this Agreement. Client may request that Consultant forward instruments of service to strangers or add addressees (an addressee is a stranger which receives a report prepared for Client but at Client's request such report is addressed to the stranger) to the instruments of service. Consultant reserves the right in its sole discretion to grant or deny Client's request and to charge additional fees for granting such a request. Such strangers and addressees receiving instruments of service shall as strangers to this Agreement have no recourse or basis for claim against Consultant and in consideration for receiving such, agree to look solely to Client as provider of the instruments of service. Client shall indemnify and hold harmless Consultant, its agents, employees and subcontractors from any and all costs, liabilities, claims and attorney's fees arising from any stranger's use or reliance on instruments of service when such use or reliance is with Client's knowledge.

SAFETY - With respect to the performance of the Services, Consultant shall take safety precautions required by federal, state and local laws, rules, regulations, statutes or ordinances. Should Client, or third parties, be conducting activities on the Site, then each shall have responsibility for their own safety and compliance with applicable safety requirements.

CONFIDENTIALITY - Subject to any obligation Consultant may have under applicable law or regulation, Consultant will endeavor to release information relating to the Services only to its employees and subcontractors in the performance of the Services, to Client's authorized representative and to persons designated by the authorized representative to receive such information.

SAMPLES - Unless otherwise requested, test specimens or samples will be disposed of immediately upon completion of tests and analysis. Upon written request, Consultant will retain samples for a mutually acceptable storage charge and period of time. In the event that samples contain or may contain hazardous materials, Consultant shall, after completion of testing and at Client's expense, return such samples to Client or make samples available for disposal by Client's agent. Client recognizes and agrees that Consultant is acting as a bailee and at no time assumes title to said samples.

INVENTIONS - Any and all inventions or discoveries relating to the rvices, including improvements and modifications to existing products or cesses made or conceived by Consultant or its employees during the term of Agreement are and shall remain the sole and exclusive property of ultant.

REPRESENTATIONS OF CLIENT - Client warrants and covenants that sufficient funds are available or will be available upon receipt of Consultant's invoice to make payment in full for the services rendered by Consultant. Client warrants that all information provided to Consultant regarding the project and project location are complete and accurate to the best of Client's knowledge. Client agrees to furnish Consultant, its agents, employees, and subcontractors a right-of-entry onto the project site and permission to perform the services included in this Agreement.

PROJECT SITE - Reasonable precautions will be taken to minimize damage to the Project Site from Consultant's activities and use of equipment. Client recognizes that the performance of the services included in this Agreement may cause alteration or damage to the site. Client accepts the fact that this is inherent in the work and will not look to Consultant for reimbursement or hold Consultant liable or responsible for any such alteration or damage. Should Client not be owner of the property, then Client agrees to notify the owner of the aforementioned possibility of unavoidable alteration and damage and to indemnify, and defend Consultant against any claims and costs including attorney's fees by the owner or persons having possession of the site through the owner which are related to such alteration or damage.

Client agrees to disclose the identity of all utilities serving the Project Site and the presence and accurate location of hidden or obscure man-made objects known to Client relative to field tests or boring locations. Client agrees to indemnify and hold harmless Consultant from all claims, suits, losses, personal injuries, death and property liability including costs and attorney's fees resulting from damage or injury to subterranean structures (pipes, tanks, telephone cables, etc.) arising from the performance of Consultant's services when the existence of such are not called to Consultant's attention or the location not correctly identified in information furnished Consultant.

TERMINATION FOR CONVENIENCE - Upon written notice, Client or Consultant may terminate the performance of any further services included in this Agreement if the terminating party determines termination is in the terminating party's interest. Upon dispatch or receipt of the termination notice, Consultant shall stop work on all services included in this Agreement and deliver any instruments of service complete at that time to Client and Client shall pay Consultant for all services performed up to the dispatch or receipt of the termination notice. Upon Termination for Convenience, Consultant and Client shall have no further rights or remedies other than those included herein.

UNFORESEEN OCCURRENCES - If, during the performance of service hereunder, any unforeseen hazardous substance, material, element or constituent or other unforeseen conditions or occurrences are encountered which, in Consultant's judgment significantly affects or may affect the services, the risk involved in providing the services, or the recommended scope of services, Consultant will notify Client thereof. Subsequent to that notification, Consultant may: (a) If practicable, in Consultant's judgment and with approval of Client, complete the original scope of services in accordance with the procedures originally intended in the Proposal; (b) Agree with Client to modify the scope of services and the estimate of charges to include the previously unforeseen conditions or occurrences, such revision to be in writing and signed by the parties and incorporated herein; or (c) Terminate the services effective on the date of notification pursuant to the terms of TERMINATION FOR CONVENIENCE.

DELAYS - Should completion of any portion of the Services be delayed for causes beyond the reasonable control of or without the fault or negligence of Consultant, the time for performance shall be extended for a period equal to the delay.

INSURANCE - Consultant shall maintain at its own expense the following insurance subject to normal industry exclusions: (1) Workmen's Compensation Insurance and Employer's Liability Insurance. (2) Comprehensive Automobile Liability Insurance with limits of $1,000,000.00. (3) General Liability Insurance with limits of $1,000,000.00. Certificates can be issued upon request identifying details and limits of coverage.

INDEMNITY - Client agrees to indemnify, defend and save harmless Consultant, its agents, employees and subcontractors from and against any and all losses, liabilities, and costs and expenses of every kind (including cost of defense, investigation, settlement, and reasonable attorney's fees), which Consultant may incur, become responsible for or pay out as a result of bodily injuries (including death) to any person, damage to any property or both, to the extent caused by Client's negligence or willful misconduct.

Consultant agrees to indemnify, defend and save harmless Client from and against any and all losses, liabilities, and costs and expenses of every kind (including cost of defense, investigation, settlement, and reasonable attorney's fees) which Client may incur, become responsible for or pay out as a result of bodily injuries (including death) to any person, damage to any property or both, to the extent caused by Consultant's negligence or willful misconduct.

Client and Consultant shall, in the event of liability arising out of their joint negligence or willful misconduct indemnify, defend, and save harmless each other in proportion to their relative degree of fault.

CAPTIONS AND HEADINGS - The captions and headings throughout this Agreement are for convenience and reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, modify, or add to the interpretation, construction, or meaning of any provision of or scope or intent of this Agreement.

SEVERABILITY - If any provision of this Agreement, or application thereof to any person or circumstance, shall to any extent be invalid, then such provision shall be modified if possible, to fulfill the intent of the parties as reflected in the original provision, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

NO WAIVER - No waiver by either party of any default by the other party in the performance of any provision of this Agreement shall operate as or be construed as a waiver of any future default, whether like or different in character.

LAW TO APPLY - The validity, interpretation, and performance of this Agreement shall be governed by and construed in accordance with the laws of the state in which the project is located.

CONSULTANT HEREBY ADVISES CLIENT THAT ITS PERFORMANCE OF THIS AGREEMENT IS EXPRESSLY CONDITIONED ON CLIENT'S ASSENT TO THE TERMS AND CONDITIONS DETAILED HEREIN.

ENTIRE AGREEMENT - This Agreement represents the entire understanding and agreement between the parties hereto relating to the Services and supersedes any and all prior negotiations, discussions and Agreements, whether written or oral, between the parties regarding same.

TO THE EXTENT that any additional or different Provisions conflict with the Provisions of this Agreement, the Provisions of this Agreement shall govern. No amendment or modification to this Agreement or any waiver of any provisions hereof shall be effective unless in writing, signed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representative.

CLIENT Wood + Partners Inc.

BY Todd P. Snedden
Principal

S&ME, Inc.

BY James H. Wagner

Exhibit D-1
Preliminary Phase II

S&ME

August 19, 2005

Wood & Partners, Inc.
PO Box 23949
Hilton Head, South Carolina 29925

ATTENTION: Mr. Todd Theodore

Reference: **Limited Phase II Environmental Site Assessment**
Port Royal Port Facility
Port Royal, South Carolina
S&ME Inc. Project No. 1134-05-559

Dear Mr. Theodore:

S&ME, Inc. (S&ME) is pleased to provide this limited Phase II environmental site assessment (ESA) report. Work was performed at the site in accordance with S&ME Proposal No. 34-05-079, dated May 18, 2005. This report details the work performed and the analytical results of samples collected at the site.

We appreciate the opportunity to provide this report to Wood and Partners, Inc. If you have any questions concerning the information provided, please contact us at (843) 884-0005.

Sincerely,

S&ME, Inc.

Jill A. Bishop, CHMM
Environmental Scientist

Chuck Black, P.E.
Senior Environmental Engineer

cc: Mr. John Wright – SCDHEC
Mr. Tony Pesevento – SCPA
Mr. David Schronce – SCPA

S&ME, Inc.
620 Wando Park Boulevard
Mt. Pleasant, South Carolina 29464

(843) 884-0005
(843) 881-6149 fax
www.smeinc.com

Limited Phase II Environmental Site Assessment Report

South Carolina Ports Authority Port Royal Facility

Port Royal, South Carolina
S&ME Project No. 1135-05-559

Prepared For:

Landscape Architects
Land Planners

Wood + Partners, Inc.
P.O. Box 23949
Hilton Head, South Carolina 29925

Prepared By:

620 Wando Park Boulevard
Mount Pleasant, South Carolina
(843) 884-0005

August 19, 2005

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I Boring Logs
II Laboratory Analytical Results
III Correspondence from the Department of Natural Resources

1.0 Introduction and Background

The subject property is located on the southwestern portion of Port Royal, in Beaufort County, South Carolina. The subject property is comprised of multiple parcels of land currently identified by the Beaufort County Assessor's Office as TMS Nos. R110-010-000-182A, 182C, 084, 084A and 0249. The approximate location of the site is depicted as Figure 1. The subject property is located in an area generally comprised of light industrial, commercial and residential properties. Portions of the subject property are developed as a port facility, warehouse, seafood processing facility, vacant building and vacant properties. Decommissioned railroad tracks extend northwest across the undeveloped sites. A site plan showing specific details of the site and sample locations is provided as Figure 2.

The Port Royal Terminal Property can be accessed through a gate via Paris Avenue; however, the roads did not appear to be labeled on the terminal property. The terminal property is surrounded by chain link fence. Battery Creek is located directly adjacent to the subject property to the south and southwest.

The one-story warehouse property located just northwest of the gated area of the terminal property can be accessed by 8th Street. The warehouse is separated from the railroad tracks adjacent to the property to the southwest by a chain link fence.

The seafood processing facility can be accessed via 11th Street. The facility has an open parking area for a restaurant and retail seafood store located on the property. Portions of the property are surrounded by a chain link fence. A dock accessing Battery Creek is located adjacent to the facility.

To prepare for the property transaction and identify potential areas of interest, S&ME conducted a Phase I Environmental Site Assessment (ESA). S&ME submitted a report of the Phase I ESA dated April 27, 2005 to Wood and Partners, Inc. This limited Phase II ESA report is provided to address the recognized environmental conditions outlined in the Phase I ESA report.

2.0 Assessment Activities

2.1 Preliminary Site Work Requirements

A temporary well permit was obtained from the South Carolina Department of Health and Environmental Control (SCDHEC). The construction and abandonment of temporary wells are regulated activities under the South Carolina Well Standards (R.61-71) and must be performed by a Certified Well Driller. As such, permits are required from the SCDHEC for the performance of the temporary well activities.

S&ME contracted an SCDHEC-certified analytical laboratory and ordered the appropriate sample glassware and chain-of-custody forms for use in the field. S&ME utilized the analytical services of Pace Analytical Services Inc. located in Huntersville and Asheville, North Carolina (SCDHEC certification nos. 99006 and 99030) and Test America, Inc. located in Nashville, Tennessee (SCDHEC certification nos. 84009).

S&ME prepared a site specific health and safety plan (HASP) to assure the safe execution of the planned site work. The HASP was developed in accordance with 29 CFR 1910.120 and designed to protect on-site workers directly involved with assessment activities (i.e., handling potentially contaminated sample media).

The following table outlines the soil (S) and groundwater (GW) sampling locations conducted at the site. Each sampling location is depicted in Figure 2.

Sample Identification	Sampling Location	Laboratory Analysis
S-1 and GW-1	Location of the former oil house located adjacent to the railroad tracks near the current warehouse occupied by Charter Communications on 8th Street.	• Benzene, Toluene, Ethylbenzene, Xylenes (BTEX), MTBE and Naphthalene by EPA Method 8260B • Polynuclear Aromatic Hydrocarbons (PAHs) by EPA Method 8270C
S-2 and GW-2	Location of the former Tidewater Fertilizer Co. located at the southeastern corner of Building 601 on the Port Facility.	• BTEX, MTBE and Naphthalene by EPA Method 8260B • PAHs by EPA Method 8270C • Nitrate and Nitrite by EPA Method 353.2 • Nitrogen, Ammonia by EPA Method 350.1
S-3 and GW-3	Location of a former oil dock located near the northwestern corner of Building 601 on the Port Facility.	• BTEX, MTBE and Naphthalene by EPA Method 8260B • PAHs by EPA Method 8270C
S-4 and GW-4	Location of the storage shed for petroleum products located southeast of the large ASTs on the Port Facility.	• BTEX, MTBE and Naphthalene by EPA Method 8260B • PAHs by EPA Method 8270C • 8 RCRA Metals by EPA Method 6010B/7470 or 7471
S-5 and GW-5	Location of the used oil AST located northwest of the retail facility on the Seafood Processing Facility.	• BTEX, MTBE and Naphthalene by EPA Method 8260B • PAHs by EPA Method 8270C • 8 RCRA Metals by EPA Method 6010B/7470 or 7471
S-6 and GW-6	Location of the used oil AST located north-northeast of Building 630 on the Seafood Processing Facility.	• BTEX, MTBE and Naphthalene by EPA Method 8260B • PAHs by EPA Method 8270C • 8 RCRA Metals by EPA Method 6010B/7470 or 7471
S-7 and GW-7	Location of the 10,000-gallon AST on the Seafood Processing Facility.	• BTEX, MTBE and Naphthalene by EPA Method 8260B • PAHs by EPA Method 8270C

2.2 Soil Assessment Activity

On July 18, 2005 and August 10, 2005, S&ME was on site to conduct the site assessment activities. Probe Technology, Inc. were one site to install borings S-1 through S-7 using a direct push technology (DPT) rig and hand auger. The soil borings were conducted to approximately 4 to 8 feet below ground surface (bgs). Soil samples collected from the borings were screened in the field with a toxic vapor analyzer (TVA) at intervals of approximately 2 feet. The soil sample exhibiting the highest TVA reading was submitted to a SCDHEC certified laboratory for subsequent analysis. The soil boring locations are identified as S-1 through S-7 in Figure 2. Boring logs for the soil borings are presented in Appendix I. The laboratory analytical reports for all soil samples collected at the site are found in Appendix II.

2.3 Groundwater Assessment Activity

Upon collection of the subsurface soil sample, soil borings S-1 through S-7 were extended to various depths ranging from approximately 12 to 16 feet bls using the DPT sampling rig and hand auger. At that depth, a 0.01-inch slot screen was exposed to bracket the water table. The groundwater samples GW-1 through GW-7 were collected with a peristaltic pump and associated tubing. Each groundwater sample was slowly pumped into laboratory-supplied containers and immediately placed on ice in a laboratory-supplied cooler.

The temporary wells were constructed and abandoned in compliance with South Carolina Well Regulations and Standards (R. 61-71) and a South Carolina Certified Well Driller (Certification No. 1515 and 1723) performed all well drilling activity. The temporary wells identified as GW-1 through GW-7 are depicted in Figure 2. The laboratory analytical reports for all groundwater samples collected at the site are found in Appendix II.

2.4 Additional Assessment Activity

Two monitoring wells were observed on the terminal property. It was unknown the reason for the monitoring wells. After researching the South Carolina Department of Health and Environmental Control's (SCDHEC) Freedom of Information files, it was determined that there were no records of any groundwater analytical results for the SCPA Port property.

While S&ME was on site to complete the soil and groundwater assessment activities, the two monitoring wells on the SCPA Port property were locked at that time. As the wells were locked, groundwater samples were not collected from the wells.

Tony Pesavento provided the phone number for Mr. Bud Badr with the Department of Natural Resources (DNR) who recommended I speak with the local DNR contact, Ms. Brenda Hockensmith. Ms. Hockensmith reviewed their files and noted that the two specific wells (labeled BFT-1969 and BFT-1977) on the SCPA Port property were two of many wells placed in Port Royal used for monitoring potentiometric data for saltwater intrusion. These wells are approximately 90-91 feet in depth and no analytical data was available. Correspondence from Ms. Hockensmith and maps showing the locations of the wells are provided in Appendix III.

At the time of the Phase I ESA, two hydraulic forklifts were observed with minimal staining beneath them on the concrete surface near a trench drain within Building 630, the seafood processing structure. Due to the proximity of the leaking petroleum products from the forklifts to the trench drains, further investigation was considered necessary to determine if an outfall was being impacted.

On July 18, 2005, it was determined that any surface water entering the trench drains within Building 630 drains to the municipal sewer system; therefore; no outfall was present to sample. However, good housekeeping practices are recommended concerning the maintenance of equipment and monitoring leaks and spills.

3.0 Assessment Conclusions and Recommendations

Results of the site assessment activities were compared to appropriate screening values as specified in the following sections. The laboratory analytical reports for all samples collected at the site are found in Appendix II.

3.1 Soil Assessment Results

Results from the soil analyses revealed the presence of metals above the EPA Region IX Preliminary Remedial Goals (PRGs) for industrial scenarios. A summary of the soil sample analytical data is provided in Table 1.

Arsenic was detected at concentrations greater than the recommended PRG for industrial use in the soil samples collected from soil boring location S-4, the location of the storage shed for petroleum products located southeast of the large ASTs on the Port Facility. The use of both residential and industrial arsenic PRG values has been the subject of some debate in South Carolina and much greater values have been documented as background concentrations.

In addition, mercury was detected at a concentration greater than the recommended PRG in soil boring location S-5, the location of the used oil AST located northwest of the retail facility on the Seafood Processing Facility.

Based on the results of the soil laboratory analysis, it appears that metal concentrations exceed the respective PRGs at the site; however, these low concentrations do not appear to pose a significant threat to the environment.

3.2 Groundwater Assessment Results

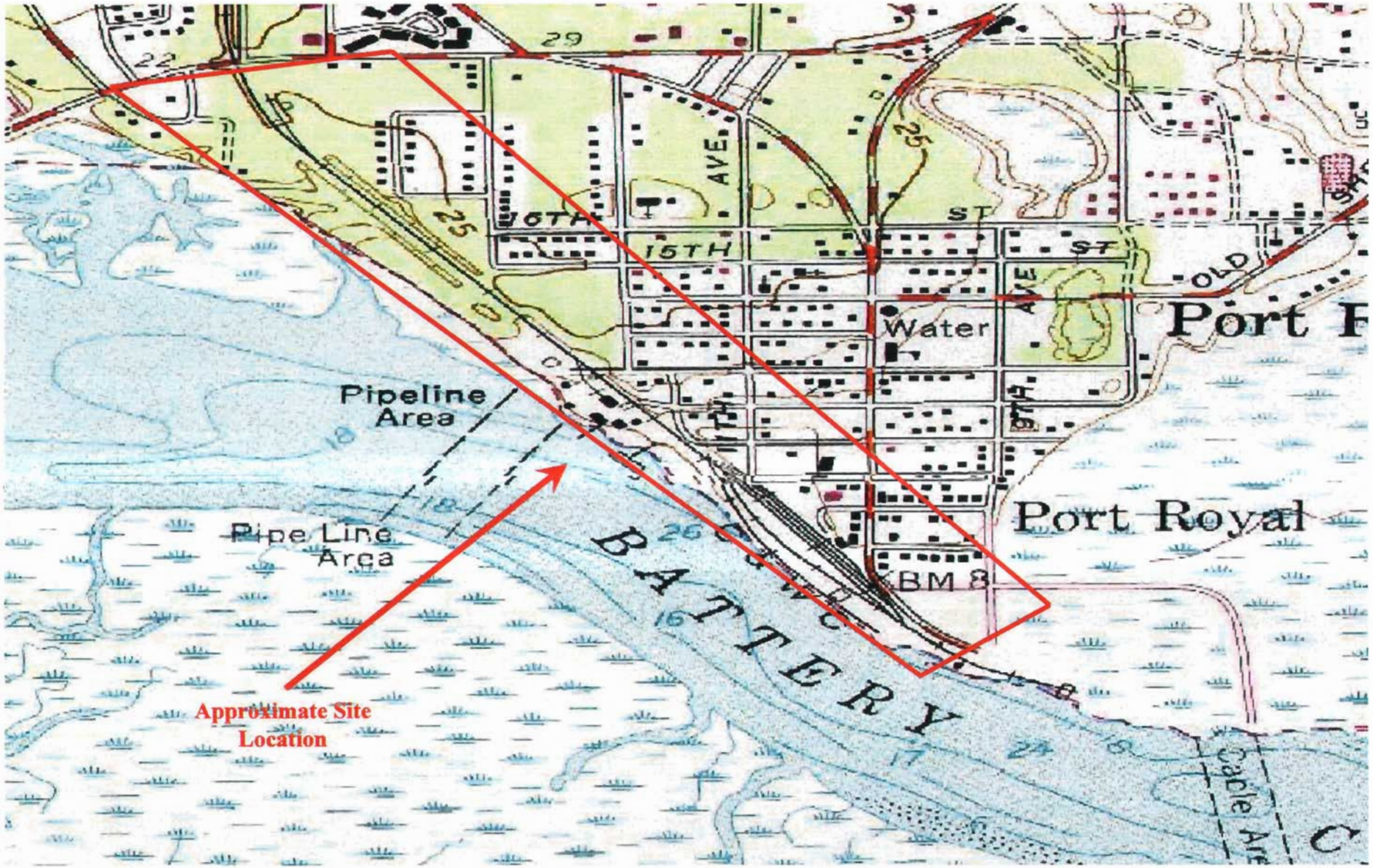
Results from the temporary well analyses revealed that metals were detected at concentrations greater than the EPA Maximum Contaminant Level (MCL) for drinking water. Table 2 provides a summary of the temporary well analytical data.

Barium was detected at concentrations greater than the MCL in the groundwater sample collected from temporary well location GW-6, the location of the used oil AST located north-northeast of Building 630 on the Seafood Processing Facility.

Lead was detected at concentrations greater than the recommended MCL in the groundwater sample collected from temporary well locations GW-5, the location of the used oil AST located northwest of the retail facility on the Seafood Processing Facility and GW-6, the location of the used oil AST located north-northeast of Building 630 on the Seafood Processing Facility

Based on the results of the groundwater laboratory analysis, it appears that metal concentrations exceed the respective MCLs at the site; however, these low concentrations do not appear to pose a significant threat to the environment. In addition, the unfiltered groundwater samples were collected from the temporary wells containing sediments. The sediments may be contributing to the noted metal concentrations. Per the temporary well permit provisions, this report will be copied to the SCDHEC for review.

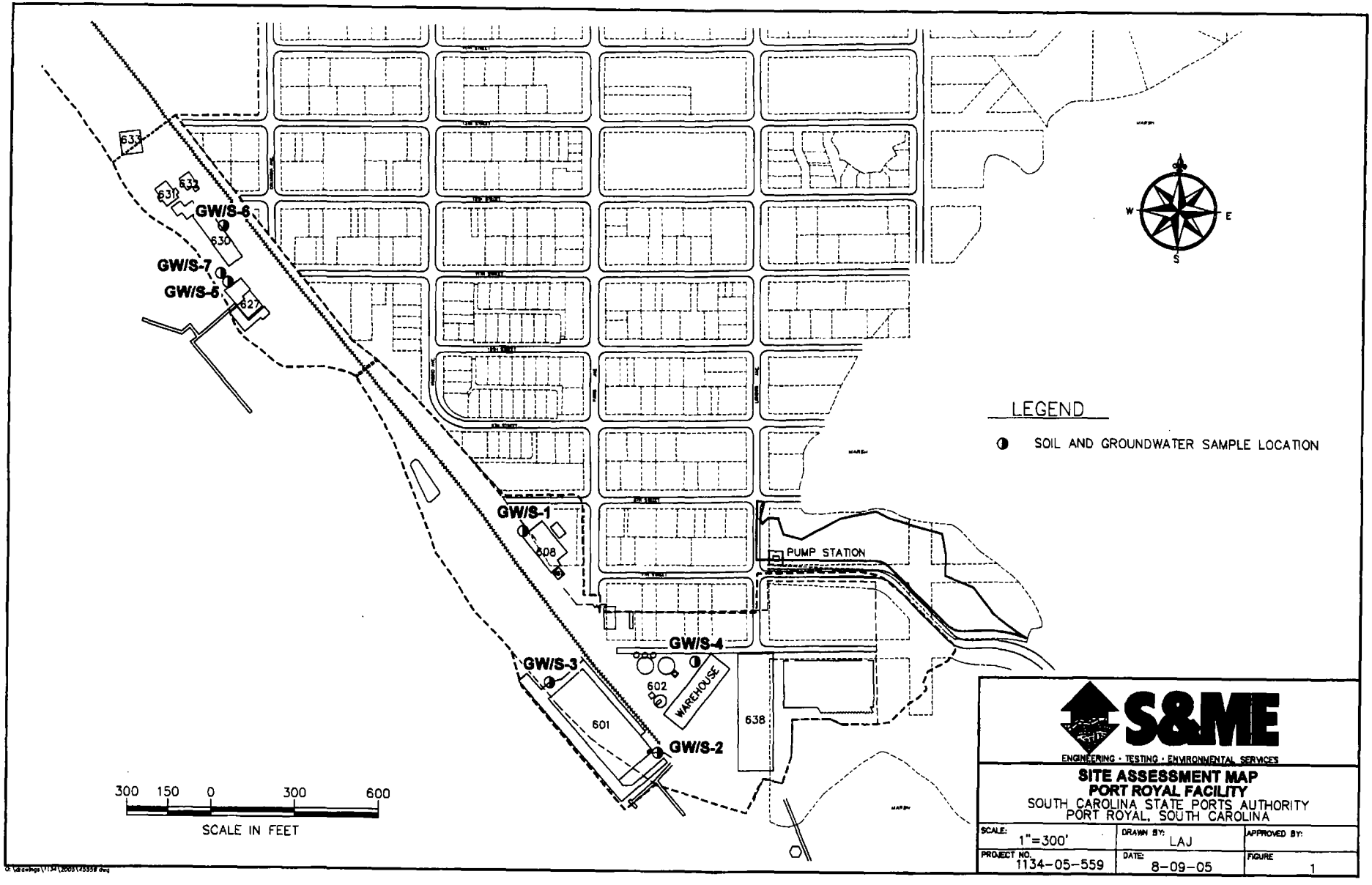
Figures



Site Topographic Map

South Carolina Ports Authority Port Royal Facility
Port Royal, South Carolina
S&ME Job #1134-05-559

Figure 1
Topographic Map
Beaufort and Parris Island, SC
Quadrangle



S&ME

ENGINEERING · TESTING · ENVIRONMENTAL SERVICES

SITE ASSESSMENT MAP
PORT ROYAL FACILITY
SOUTH CAROLINA STATE PORTS AUTHORITY
PORT ROYAL, SOUTH CAROLINA

SCALE:	DRAWN BY:	APPROVED BY:
1"=300'	LAJ	
PROJECT NO. 1134-05-559	DATE: 8-09-05	FIGURE 1

Tables

Table 1
Summary of Soil Analytical Results
Port Royal Port Facility
Port Royal, South Carolina
S&ME Project No. 1131-05-559

Selected Parameter (mg/kg)[1]		S-1	S-2	S-3	S-4	S-5	S-6	S-7
		07/18/05	07/18/05	07/18/05	07/18/05	07/18/05	7/18/05 & 8/10/05	07/18/05
Volatile Organics	***PRG*** [2]	***By EPA Method 8260B***						
Benzene	1.30				0.017			
Toluene	520				0.0089			
Ethylbenzene	20				0.0049			
Total Xylenes	420							
Naphthalene	190							
Polynuclear Aromatic Hydrocarbons	***PRG***	***By EPA Method 8270C***						
Acenaphthene	29,000							
Acenaphthylene	NL[3]							
Anthracene	100,000							
Benzo (a) anthracene	2.1							
Benzo (a) pyrene	0.21							
Benzo (b) fluoranthene	2.1							
Benzo (g,h,ib) perylene	NL							
Benzo (k) fluoranthene	21							
Chrysene	210							
Dibenzo (a,h) anthracene	0.21							
Fluoranthene	22,000							
Fluorene	26,000							
Indeno(1,2,3-cd)pyrene	2.1							
Naphthalene	190							
Phenanthrene	NL							
Pyrene	29,000							
Metals	***PRG***	***By EPA Method 6010B/7471***						
Arsenic	1.6	NS	NS	NS	**7.3**[5]	0.92	**1.72**	NS
Barium	67,000	NS	NS	NS	29	7.9	18	NS
Cadmium	7.4	NS	NS	NS				NS
Chromium	450	NS	NS	NS	14	4.7	11.2	NS
Lead	750	NS	NS	NS	4.3	5.60	6.96	NS
Mercury	0	NS	NS	NS		**0.019**		NS
Selenium	5,100	NS	NS	NS	0.68			NS
Silver	5,100	NS	NS	NS				NS

NOTES:
(1) Milligrams per kilogram.
(2) EPA Region IX Preliminary Remedial Goals for Industrial scenarios.
(3) Not Listed.
(4) Not Sampled.
(5) Bold values exceed Preliminary Remedial Goals (PRG).
Blank values indicate concentrations are below reporting limits.

Table 2
Summary of Temporary Well Groundwater Analytical Results
Port Royal Port Facility
Port Royal, South Carolina
S&ME Project No. 1131-05-559

Selected Parameter (ug/L)[1]		GW-1	GW-2	GW-3	GW-4	GW-5	GW-6	GW-7
		07/18/05	07/18/05	07/18/05	07/18/05	07/18/05	7/18/05 & 8/10/05	07/18/05
Volatile Organics	***MCL*** [2]	***By EPA Method 8260B***						
Benzene	5							
Toluene	1,000							
Ethylbenzene	700							
Total Xylenes	10,000							
Methyl-tert-butyl ether	40							
Naphthalene	25							
Polynuclear Aromatic Hydrocarbons	***MCL***	***By EPA Method 8270C***						
Acenaphthene	NL[3]							
Acenaphthylene	NL							
Anthracene	NL							
Benzo (a) anthracene	NL							
Benzo (a) pyrene	0.2							
Benzo (b) fluoranthene	NL							
Benzo (g,h,ib) perylene	NL							
Benzo (k) fluoranthene	NL							
Chrysene	NL							
Dibenzo (a,h) anthracene	NL							
Fluoranthene	NL							
Fluorene	NL							
Indeno(1,2,3-cd)pyrene	NL							
Naphthalene	NL							
Phenanthrene	NL							
Pyrene	NL							
Miscellaneous	***MCL***	***By EPA Method 353.2 / 350.1***						
Nitrate	10,000	NS		NS	NS	NS	NS	NS
Nitrite	1,000	NS		NS	NS	NS	NS	NS
Nitrogen, Ammonia	NL	NS	1,300	NS	NS	NS	NS	NS
Metals	***MCL***	***By EPA Method 6010B/7470***						
Arsenic	50	NS	NS	NS	15	36	48.5	NS
Barium	2,000	NS	NS	NS	88	300	**3,270**[5]	NS
Cadmium	5	NS	NS	NS				NS
Chromium	100	NS	NS	NS	51	**120**	**727**	NS
Lead	15	NS	NS	NS	7.2	**17**	**132**	NS
Mercury	2	NS	NS	NS			**3.2**	NS
Selenium	50	NS	NS	NS			22.7	NS
Silver	NL	NS	NS	NS				NS

NOTES:
(1) Micrograms per liter.
(2) EPA Maximum Contaminant Level.
(3) Not Listed.
(4) Not Sampled.
(5) Bold values exceed MCL.
* Blank values indicate concentrations are below reporting limits.

APPENDIX I

Boring Logs

S&ME, Inc.

Boring Log

Client:	**Wood & Partners, Inc.**	Boring #:	**SB-1**
Project:	**Port Royal Port Facility Phase II ESA**	Date:	**7/18/2005**
Street:	**601 Paris Avenue**	Project #:	**1134-05-559**
City/Co./State:	**Port Royal/Beaufort/South Carolina**		

From (ft)	To (ft)	Soil Classification (USCS)	Sampling (ft)	TOV Reading (ppm)
0	**2**	**Brown silty sand (SM)**		**0.0**
2	**4**	**Red silty clay (CL)**		**0.0**

Terminated at:	**12 feet**	Time: 13:00	
Groundwater :	**4 feet**		
Remarks:	NS = Not Sampled NA= Not applicable	Converted to Well **No** Well Number: **NA**	
Geologist:	**Carolyn Sprague**	Laboratory Samples	
Driller:	**Probe Technology**	Soil:	**Yes**
Drilling Method:	**Direct Push Geoprobe**	Depth(s):	**2'-4'**
		Water:	**Yes**

S&ME, Inc.

Boring Log

Client:	**Wood & Partners, Inc.**	Boring #:	**SB-2**
Project:	**Port Royal Port Facility Phase II ESA**	Date:	**7/18/2005**
Street:	**601 Paris Avenue**	Project #:	**1134-05-559**
City/Co./State:	**Port Royal/Beaufort/South Carolina**		

From (ft)	To (ft)	Soil Classification (USCS)	Sampling (ft)	TOV Reading (ppm)
0	**2**	**Brown silty sand (SM)**		**5.0**
2	**4**	**Red sandy clay with gravel and shell fragments (CL)**		**4.5**
4	**6**	**Red sandy clay with gravel and shell fragments (CL)**		**5.0**
6	**8**	**Red clayey sand (SC)**		**4.1**

Terminated at:	**16 feet**	Time: 11:00	
Groundwater :	**4 feet**		
Remarks:	NS = Not Sampled NA= Not applicable	Converted to Well **No** Well Number: **NA**	
Geologist:	**Carolyn Sprague**	Laboratory Samples	
Driller:	**Probe Technology**	Soil:	**Yes**
Drilling Method:	**Direct Push Geoprobe**	Depth(s):	**4'-6'**
		Water:	**Yes**

S&ME, Inc.

Boring Log

Client:	**Wood & Partners, Inc.**	Boring #:	**SB-3**
Project:	**Port Royal Port Facility Phase II ESA**	Date:	**7/18/2005**
Street:	**601 Paris Avenue**	Project #:	**1134-05-559**
City/Co./State:	**Port Royal/Beaufort/South Carolina**		

From (ft)	To (ft)	Soil Classification (USCS)	Sampling (ft)	TOV Reading (ppm)
0	**2**	**Brown silty sand (SM)**		**1.1**
2	**4**	**Red sandy clay with gravel and shell fragments (CL)**		**0.5**

Terminated at:	**12 feet**	Time: 12:20	
Groundwater :	**4 feet**		
Remarks:	NS = Not Sampled NA= Not applicable	Converted to Well **No** Well Number: **NA**	
Geologist:	**Carolyn Sprague**	Laboratory Samples	
Driller:	**Probe Technology**	Soil:	**Yes**
Drilling Method:	**Direct Push Geoprobe**	Depth(s):	**2'-4'**
		Water:	**Yes**

S&ME, Inc.

Boring Log

Client:	**Wood & Partners, Inc.**	Boring #:	**SB-4**
Project:	**Port Royal Port Facility Phase II ESA**	Date:	**7/18/2005**
Street:	**601 Paris Avenue**	Project #:	**1134-05-559**
City/Co./State:	**Port Royal/Beaufort/South Carolina**		

From (ft)	To (ft)	Soil Classification (USCS)	Sampling (ft)	TOV Reading (ppm)
0	**2**	**Brown silty sand (SM)**		**8.7**
2	**4**	**Brown silty sand (SM)**		**6.3**

Terminated at:	**12 feet**	Time: 11:45	
Groundwater :	**4 feet**		
Remarks:	NS = Not Sampled	Converted to Well	**No**
	NA= Not applicable	Well Number:	**NA**
Geologist:	**Carolyn Sprague**	Laboratory Samples	
Driller:	**Probe Technology**	Soil:	**Yes**
Drilling Method:	**Direct Push Geoprobe**	Depth(s):	**2'-4'**
		Water:	**Yes**

S&ME, Inc.

Boring Log

Client:	**Wood & Partners, Inc.**	Boring #:	**SB-5**
Project:	**Port Royal Port Facility Phase II ESA**	Date:	**7/18/2005**
Street:	**601 Paris Avenue**	Project #:	**1134-05-559**
City/Co./State:	**Port Royal/Beaufort/South Carolina**		

From (ft)	To (ft)	Soil Classification (USCS)	Sampling (ft)	TOV Reading (ppm)
0	**2**	**Brown and white silty sand with gravel and shell fragments (SM)**		**1.6**
2	**4**	**Brown silty sand (SM)**		**0.9**

Terminated at:	**12 feet**	Time: 13:40	
Groundwater :	**4 feet**		
Remarks:	NS = Not Sampled NA= Not applicable	Converted to Well **No** Well Number: **NA**	
Geologist:	**Carolyn Sprague**	Laboratory Samples	
Driller:	**Probe Technology**	Soil:	**Yes**
Drilling Method:	**Direct Push Geoprobe**	Depth(s):	**2'-4'**
		Water:	**Yes**

S&ME, Inc.

Boring Log

Client:	**Wood & Partners, Inc.**	Boring #:	**SB-6**
Project:	**Port Royal Port Facility Phase II ESA**	Date:	**7/18/2005**
Street:	**601 Paris Avenue**	Project #:	**1134-05-559**
City/Co./State:	**Port Royal/Beaufort/South Carolina**		

From (ft)	To (ft)	Soil Classification (USCS)	Sampling (ft)	TOV Reading (ppm)
0	**2**	**Brown silty sand with some gravel (SM)**		**15.8**
2	**4**	**Brown silty sand (SM)**		**16.6**

Terminated at:	**12 feet**	Time: 14:30	
Groundwater :	**4 feet**		
Remarks:	NS = Not Sampled NA= Not applicable	Converted to Well	**No**
		Well Number:	**NA**
Geologist:	**Carolyn Sprague**	Laboratory Samples	
Driller:	**Probe Technology**	Soil:	**Yes**
Drilling Method:	**Direct Push Geoprobe**	Depth(s):	**2'-4'**
		Water:	**Yes**

S&ME, Inc.

Boring Log

Client:	**Wood & Partners, Inc.**	Boring #:	**SB-7**
Project:	**Port Royal Port Facility Phase II ESA**	Date:	**7/18/2005**
Street:	**601 Paris Avenue**	Project #:	**1134-05-559**
City/Co./State:	**Port Royal/Beaufort/South Carolina**		

From (ft)	To (ft)	Soil Classification (USCS)	Sampling (ft)	TOV Reading (ppm)
0	**2**	**Brown and white silty sand with shell fragments (SM)**		**4.9**
2	**4**	**Brown and white silty sand with shell fragments (SM)**		**13.7**

Terminated at:	**12 feet**	Time: 14:00	
Groundwater :	**4 feet**		
Remarks:	NS = Not Sampled NA= Not applicable	Converted to Well **No** Well Number: **NA**	
Geologist:	**Carolyn Sprague**	Laboratory Samples	
Driller:	**Probe Technology**	Soil:	**Yes**
Drilling Method:	**Direct Push Geoprobe**	Depth(s):	**2'-4'**
		Water:	**Yes**

APPENDIX II

Laboratory Analytical Data

3255-52,53

SAVANNAH ANALYTICAL SERVICES, INC.

[redacted]
(912) 355-8080 [redacted]

ANALYSIS REQUEST AND CHAIN OF CUSTODY RECORD

9299011

P.O. NUMBER	PROJECT NUMBER	PROJECT NAME
05164	1134-05-559	Port Royal Port Phase II

CLIENT NAME	PHONE #	FAX #
SAS, INC.	(912) 355-8080	(912) 965-0727

CLIENT ADDRESS: 4019 AUGUSTA RD. STE. 210 CITY, STATE, ZIP CODE: SAVANNAH, GA 31408

SAMPLER(S) NAME(S): CAROLINE SPRAGUE CLIENT PROJECT MANAGER: STEVE BISHOP

PAGE 1 OF 2

☑ STANDARD TAT ☐ EXPEDITED TAT *

REPORT DUE DATE _____

* SUBJECT TO RUSH FEES

SAMPLING DATE	SAMPLING TIME	SAMPLE IDENTIFICATION	MATRIX TYPE: AQUEOUS	NONAQUEOUS	OIL	AIR	REQUIRED ANALYSES: BTEX + MTBE (Naph. 8260B)	PAHs 8270C	Nitrate/Nitrite 353.3	Ammonia 350.3	RSK 6020 7470, 7471	NUMBER OF CONTAINERS SUBMITTED	
7/18/05	1300	GW-1	✓				✓	✓					925079954
	1310	S-1		✓			✓	✓				925079629	~~925079702~~ VF
	1100	GW-2	✓				✓	✓	✓	✓			925079509
	1120	S-2		✓			✓	✓	✓	✓			925079645
	1220	GW-3	✓				✓	✓					925079530
	1230	S-3		✓			✓	✓					925079652
	1145	GW-4	✓				✓	✓			✓	925079546	QUOTE NO. – 92032405.210
	1155	S-4		✓			✓	✓			✓	925079660	FOR INVOICING
	1340	GW-5	✓				✓	✓			✓	925079553	
	1350	S-5		✓			✓	✓			✓	925079666	
	1430	GW-6	✓				✓	[redacted]				925079561	
↓	1440	S-6		✓			✓	[redacted]	No pah analysis				925079654

RELINQUISHED BY: (SIGNATURE)	DATE	TIME	RECEIVED BY: (SIGNATURE)	DATE	TIME	RELINQUISHED BY: (SIGNATURE)	DATE	TIME
Caroline Sprague	7/18/05	1630						
RECEIVED BY: (SIGNATURE)	DATE	TIME	RELINQUISHED BY: (SIGNATURE)	DATE	TIME	RECEIVED BY: (SIGNATURE)	DATE	TIME
			Steve Bishop	7/18/05	1730			

FOR SAVANNAH ANALYTICAL SERVICES USE ONLY

RECEIVED FOR LABORATORY BY: (SIGNATURE)	DATE	TIME	CUSTODY INTACT	CUSTODY SEAL NO.	S.A.S. LOG NO.
Steve Bishop	7/18/05	1630	☐ YES ☐ NO		05164

LABORATORY REMARKS: Kim Frank 7/19/05 9:30AM

SAVANNAH ANALYTICAL SERVICES, INC.

2823 LIMERICK ST.
SAVANNAH, GA 31404
(912) 355-8080 • FAX (912) 356-0220

ANALYSIS REQUEST AND CHAIN OF CUSTODY RECORD

P.O. NUMBER	PROJECT NUMBER	PROJECT NAME
05164	1134-05-559	Port Royal Port Phase II

CLIENT NAME	PHONE #
SAS, INC.	(914) 355-8080
	FAX # (914) 965-0727

CLIENT ADDRESS	CITY, STATE, ZIP CODE
4019 AUGUSTA RD. STE 210	SAVANNAH, GA 31408

SAMPLER(S) NAME(S)	CLIENT PROJECT MANAGER
CAROLINE SPRAGUE	STEVE BISHOP

PAGE 2 OF 2

☒ STANDARD TAT
☐ EXPEDITED TAT *
REPORT DUE DATE _____
* SUBJECT TO RUSH FEES

SAMPLING DATE	SAMPLING TIME	SAMPLE IDENTIFICATION	MATRIX TYPE: AQUEOUS MATRIX	NONAQUEOUS MATRIX	OIL MATRIX	AIR MATRIX	REQUIRED ANALYSES: BTEX + MTBE + Naphthalene by 8260B	PAH 8270C	NUMBER OF CONTAINERS SUBMITTED	
7/18/05	1400	GW-7	✓				✓	✓		925E7957
↓	1410	S-7		✓			✓	✓		925E7958

Quote No. -92032405.210
FOR INVOICING

RELINQUISHED BY: (SIGNATURE)	DATE	TIME	RECEIVED BY: (SIGNATURE)	DATE	TIME	RELINQUISHED BY: (SIGNATURE)	DATE	TIME
Caroline Sprague	7/18/05	1630						
RECEIVED BY: (SIGNATURE)	DATE	TIME	RELINQUISHED BY: (SIGNATURE)	DATE	TIME	RECEIVED BY: (SIGNATURE)	DATE	TIME
			Steve Bishop	7/18/05	1730			

FOR SAVANNAH ANALYTICAL SERVICES USE ONLY

RECEIVED FOR LABORATORY BY: (SIGNATURE)	DATE	TIME	CUSTODY INTACT	CUSTODY SEAL NO.	S.A.S. LOG NO.	LABORATORY REMARKS
Steve Bishop	7/18/05	1630	☐ YES ☐ NO		05164	Kim Frank 7/19/05 9:30AM

Pace Analytical™
www.pacelabs.com

Pace Analytical Services, Inc.
9800 Kincey Avenue, Suite 100
Huntersville, NC 28078
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Fax: 704.875.9091

Pace Analytical Services, Inc.
2225 Riverside Drive
Asheville, NC 28804
Phone: 828.254.7176
Fax: 828.252.4618

August 01, 2005

Mr. Steve Bishop
Savannah Analytical Services
4019 Augusta Rd.
Suite 210
Savannah, GA 31408

RE: Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Dear Mr. Bishop:

Enclosed are the analytical results for sample(s) received by the laboratory on July 19, 2005. Results reported herein conform to the most current NELAC standards, where applicable, unless otherwise narrated in the body of the report.

Inorganic Wet Chemistry and Metals Analyses were performed at our Pace Asheville laboratory and Organic testing was performed at our Pace Charlotte laboratory unless otherwise footnoted.

If you have any questions concerning this report please feel free to contact me.

Sincerely,

Richard Swartz
Richard.Swartz@pacelabs.com
Project Manager

Enclosures

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without the written consent of Pace Analytical Services, Inc.

Pace Analytical™
www.pacelabs.com

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2225 Riverside Drive
Asheville, NC 28804
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Fax: 828.252.4618

Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Solid results are reported on a dry weight basis

Lab Sample No: 925879454 Project Sample Number: 9299011-001 Date Collected: 07/18/05 13:00
Client Sample ID: GW-1 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3510 / EPA 8270								
Acenaphthene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	83-32-9		
Acenaphthylene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	208-96-8		
Anthracene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	120-12-7		
Benzo(a)anthracene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	56-55-3		
Benzo(a)pyrene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	207-08-9		
Chrysene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	53-70-3		
Fluoranthene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	206-44-0		
Fluorene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	193-39-5		
Naphthalene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	91-20-3		
Phenanthrene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	85-01-8		
Pyrene	ND	ug/l	12.	1.2	07/26/05 22:49	BET	129-00-0		
Nitrobenzene-d5 (S)	43	%		1.0	07/26/05 22:49	BET	4165-60-0		
2-Fluorobiphenyl (S)	44	%		1.0	07/26/05 22:49	BET	321-60-8		
Terphenyl-d14 (S)	53	%		1.0	07/26/05 22:49	BET	1718-51-0		
Date Extracted	07/25/05				07/25/05				
GC/MS Volatiles									
GC/MS VOCs by 8260, low level	Method: EPA 8260								
Benzene	ND	ug/l	1.0	1.0	07/27/05 11:43	MSF	71-43-2		
Ethylbenzene	ND	ug/l	1.0	1.0	07/27/05 11:43	MSF	100-41-4		
Methyl-tert-butyl ether	ND	ug/l	1.0	1.0	07/27/05 11:43	MSF	1634-04-4		
Naphthalene	ND	ug/l	1.0	1.0	07/27/05 11:43	MSF	91-20-3		
Toluene	ND	ug/l	1.0	1.0	07/27/05 11:43	MSF	108-88-3		
m&p-Xylene	ND	ug/l	2.0	1.0	07/27/05 11:43	MSF			
o-Xylene	ND	ug/l	1.0	1.0	07/27/05 11:43	MSF	95-47-6		
Toluene-d8 (S)	98	%		1.0	07/27/05 11:43	MSF	2037-26-5		
4-Bromofluorobenzene (S)	92	%		1.0	07/27/05 11:43	MSF	460-00-4		
Dibromofluoromethane (S)	114	%		1.0	07/27/05 11:43	MSF	1868-53-7		
1,2-Dichloroethane-d4 (S)	112	%		1.0	07/27/05 11:43	MSF	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879504 Project Sample Number: 9299011-003 Date Collected: 07/18/05 11:00
Client Sample ID: GW-2 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Wet Chemistry									
Ammonia	Method: EPA 350.1								
Nitrogen, Ammonia	1.3	mg/l	0.10	1.0	07/20/05 01:00	BMF	7727-37-9		
48 Hour NO3 / NO2 / NOX	Method: EPA 353.2								
Nitrate as N	ND	mg/l	0.10	1.0	07/20/05 09:38	EWS			
Nitrite as N	ND	mg/l	0.10	1.0	07/20/05 09:38	EWS			
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3510 / EPA 8270								
Acenaphthene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	83-32-9		
Acenaphthylene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	208-96-8		
Anthracene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	120-12-7		
Benzo(a)anthracene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	56-55-3		
Benzo(a)pyrene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	207-08-9		
Chrysene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	53-70-3		
Fluoranthene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	206-44-0		
Fluorene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	193-39-5		
Naphthalene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	91-20-3		
Phenanthrene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	85-01-8		
Pyrene	ND	ug/l	13.	1.3	07/26/05 23:24	BET	129-00-0		
Nitrobenzene-d5 (S)	51	%		1.0	07/26/05 23:24	BET	4165-60-0		
2-Fluorobiphenyl (S)	44	%		1.0	07/26/05 23:24	BET	321-60-8		
Terphenyl-d14 (S)	47	%		1.0	07/26/05 23:24	BET	1718-51-0		
Date Extracted	07/25/05				07/25/05				
GC/MS Volatiles									
GC/MS VOCs by 8260, low level	Method: EPA 8260								
Benzene	ND	ug/l	1.0	1.0	07/27/05 12:09	MSF	71-43-2		
Ethylbenzene	ND	ug/l	1.0	1.0	07/27/05 12:09	MSF	100-41-4		
Methyl-tert-butyl ether	ND	ug/l	1.0	1.0	07/27/05 12:09	MSF	1634-04-4		
Naphthalene	ND	ug/l	1.0	1.0	07/27/05 12:09	MSF	91-20-3		
Toluene	ND	ug/l	1.0	1.0	07/27/05 12:09	MSF	108-88-3		
m&p-Xylene	ND	ug/l	2.0	1.0	07/27/05 12:09	MSF			

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879504 Project Sample Number: 9299011-003 Date Collected: 07/18/05 11:00
Client Sample ID: GW-2 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
o-Xylene	ND	ug/l	1.0	1.0	07/27/05 12:09	MSF	95-47-6		
Toluene-d8 (S)	92	%		1.0	07/27/05 12:09	MSF	2037-26-5		
4-Bromofluorobenzene (S)	92	%		1.0	07/27/05 12:09	MSF	460-00-4		
Dibromofluoromethane (S)	142	%		1.0	07/27/05 12:09	MSF	1868-53-7	1	
1,2-Dichloroethane-d4 (S)	143	%		1.0	07/27/05 12:09	MSF	17060-07-0	1	

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879538 Project Sample Number: 9299011-004 Date Collected: 07/18/05 12:20
Client Sample ID: GW-3 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3510 / EPA 8270								
Acenaphthene	ND	ug/l	12.	1.2	07/27/05	BET	83-32-9		
Acenaphthylene	ND	ug/l	12.	1.2	07/27/05	BET	208-96-8		
Anthracene	ND	ug/l	12.	1.2	07/27/05	BET	120-12-7		
Benzo(a)anthracene	ND	ug/l	12.	1.2	07/27/05	BET	56-55-3		
Benzo(a)pyrene	ND	ug/l	12.	1.2	07/27/05	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/l	12.	1.2	07/27/05	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/l	12.	1.2	07/27/05	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/l	12.	1.2	07/27/05	BET	207-08-9		
Chrysene	ND	ug/l	12.	1.2	07/27/05	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/l	12.	1.2	07/27/05	BET	53-70-3		
Fluoranthene	ND	ug/l	12.	1.2	07/27/05	BET	206-44-0		
Fluorene	ND	ug/l	12.	1.2	07/27/05	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/l	12.	1.2	07/27/05	BET	193-39-5		
Naphthalene	ND	ug/l	12.	1.2	07/27/05	BET	91-20-3		
Phenanthrene	ND	ug/l	12.	1.2	07/27/05	BET	85-01-8		
Pyrene	ND	ug/l	12.	1.2	07/27/05	BET	129-00-0		
Nitrobenzene-d5 (S)	51	%		1.0	07/27/05	BET	4165-60-0		
2-Fluorobiphenyl (S)	46	%		1.0	07/27/05	BET	321-60-8		
Terphenyl-d14 (S)	44	%		1.0	07/27/05	BET	1718-51-0		
Date Extracted	07/25/05				07/25/05				
GC/MS Volatiles									
GC/MS VOCs by 8260, low level	Method: EPA 8260								
Benzene	ND	ug/l	1.0	1.0	07/27/05 12:35	MSF	71-43-2		
Ethylbenzene	ND	ug/l	1.0	1.0	07/27/05 12:35	MSF	100-41-4		
Methyl-tert-butyl ether	ND	ug/l	1.0	1.0	07/27/05 12:35	MSF	1634-04-4		
Naphthalene	ND	ug/l	1.0	1.0	07/27/05 12:35	MSF	91-20-3		
Toluene	ND	ug/l	1.0	1.0	07/27/05 12:35	MSF	108-88-3		
m&p-Xylene	ND	ug/l	2.0	1.0	07/27/05 12:35	MSF			
o-Xylene	ND	ug/l	1.0	1.0	07/27/05 12:35	MSF	95-47-6		
Toluene-d8 (S)	93	%		1.0	07/27/05 12:35	MSF	2037-26-5		
4-Bromofluorobenzene (S)	100	%		1.0	07/27/05 12:35	MSF	460-00-4		
Dibromofluoromethane (S)	126	%		1.0	07/27/05 12:35	MSF	1868-53-7	1	
1,2-Dichloroethane-d4 (S)	129	%		1.0	07/27/05 12:35	MSF	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879546 Project Sample Number: 9299011-005 Date Collected: 07/18/05 11:45
Client Sample ID: GW-4 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Metals									
Metals by Trace ICP	Prep/Method: EPA 3010 / EPA 6010								
Arsenic	0.015	mg/l	0.0050	1.0	07/26/05 23:03	ALV	7440-38-2		
Barium	0.088	mg/l	0.0050	1.0	07/26/05 23:03	ALV	7440-39-3		
Cadmium	ND	mg/l	0.0010	1.0	07/26/05 23:03	ALV	7440-43-9		
Chromium	0.051	mg/l	0.0020	1.0	07/26/05 23:03	ALV	7440-47-3		
Lead	0.0072	mg/l	0.0050	1.0	07/26/05 23:03	ALV	7439-92-1		
Selenium	ND	mg/l	0.0050	1.0	07/26/05 23:03	ALV	7782-49-2		
Silver	ND	mg/l	0.0020	1.0	07/26/05 23:03	ALV	7440-22-4		
Date Digested	07/21/05 06:45				07/21/05 06:45				
Mercury, CVAAS, in Water	Method: EPA 7470								
Mercury	ND	mg/l	0.00020	1.0	07/26/05 04:53	ALV	7439-97-6		
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3510 / EPA 8270								
Acenaphthene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	83-32-9		
Acenaphthylene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	208-96-8		
Anthracene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	120-12-7		
Benzo(a)anthracene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	56-55-3		
Benzo(a)pyrene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	207-08-9		
Chrysene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	53-70-3		
Fluoranthene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	206-44-0		
Fluorene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	193-39-5		
Naphthalene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	91-20-3		
Phenanthrene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	85-01-8		
Pyrene	ND	ug/l	11.	1.1	07/27/05 00:35	BET	129-00-0		
Nitrobenzene-d5 (S)	52	%		1.0	07/27/05 00:35	BET	4165-60-0		
2-Fluorobiphenyl (S)	48	%		1.0	07/27/05 00:35	BET	321-60-8		
Terphenyl-d14 (S)	53	%		1.0	07/27/05 00:35	BET	1718-51-0		
Date Extracted	07/25/05				07/25/05				
GC/MS Volatiles									
GC/MS VOCs by 8260, low level	Method: EPA 8260								

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879546 Project Sample Number: 9299011-005 Date Collected: 07/18/05 11:45
Client Sample ID: GW-4 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Benzene	ND	ug/l	1.0	1.0	07/27/05 13:01	MSF	71-43-2		
Ethylbenzene	ND	ug/l	1.0	1.0	07/27/05 13:01	MSF	100-41-4		
Methyl-tert-butyl ether	ND	ug/l	1.0	1.0	07/27/05 13:01	MSF	1634-04-4		
Naphthalene	ND	ug/l	1.0	1.0	07/27/05 13:01	MSF	91-20-3		
Toluene	ND	ug/l	1.0	1.0	07/27/05 13:01	MSF	108-88-3		
m&p-Xylene	ND	ug/l	2.0	1.0	07/27/05 13:01	MSF			
o-Xylene	ND	ug/l	1.0	1.0	07/27/05 13:01	MSF	95-47-6		
Toluene-d8 (S)	95	%		1.0	07/27/05 13:01	MSF	2037-26-5		
4-Bromofluorobenzene (S)	90	%		1.0	07/27/05 13:01	MSF	460-00-4		
Dibromofluoromethane (S)	116	%		1.0	07/27/05 13:01	MSF	1868-53-7		
1,2-Dichloroethane-d4 (S)	112	%		1.0	07/27/05 13:01	MSF	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879553 Project Sample Number: 9299011-006 Date Collected: 07/18/05 13:40
Client Sample ID: GW-5 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Metals									
Metals by Trace ICP	Prep/Method: EPA 3010 / EPA 6010								
Arsenic	0.036	mg/l	0.0050	1.0	07/26/05 23:07	ALV	7440-38-2		
Barium	0.30	mg/l	0.0050	1.0	07/26/05 23:07	ALV	7440-39-3		
Cadmium	ND	mg/l	0.0010	1.0	07/26/05 23:07	ALV	7440-43-9		
Chromium	0.12	mg/l	0.0020	1.0	07/26/05 23:07	ALV	7440-47-3		
Lead	0.017	mg/l	0.0050	1.0	07/26/05 23:07	ALV	7439-92-1		
Selenium	ND	mg/l	0.0050	1.0	07/26/05 23:07	ALV	7782-49-2		
Silver	ND	mg/l	0.0020	1.0	07/26/05 23:07	ALV	7440-22-4		
Date Digested	07/21/05 06:45				07/21/05 06:45				
Mercury, CVAAS, in Water	Method: EPA 7470								
Mercury	ND	mg/l	0.00020	1.0	07/26/05 04:53	ALV	7439-97-6		
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3510 / EPA 8270								
Acenaphthene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	83-32-9		
Acenaphthylene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	208-96-8		
Anthracene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	120-12-7		
Benzo(a)anthracene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	56-55-3		
Benzo(a)pyrene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	207-08-9		
Chrysene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	53-70-3		
Fluoranthene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	206-44-0		
Fluorene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	193-39-5		
Naphthalene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	91-20-3		
Phenanthrene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	85-01-8		
Pyrene	ND	ug/l	11.	1.1	07/27/05 01:09	BET	129-00-0		
Nitrobenzene-d5 (S)	51	%		1.0	07/27/05 01:09	BET	4165-60-0		
2-Fluorobiphenyl (S)	46	%		1.0	07/27/05 01:09	BET	321-60-8		
Terphenyl-d14 (S)	54	%		1.0	07/27/05 01:09	BET	1718-51-0		
Date Extracted	07/25/05				07/25/05				
GC/MS Volatiles									
GC/MS VOCs by 8260, low level	Method: EPA 8260								

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879553 Project Sample Number: 9299011-006 Date Collected: 07/18/05 13:40
Client Sample ID: GW-5 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Benzene	ND	ug/l	1.0	1.0	07/27/05 13:27	MSF	71-43-2		
Ethylbenzene	ND	ug/l	1.0	1.0	07/27/05 13:27	MSF	100-41-4		
Methyl-tert-butyl ether	ND	ug/l	1.0	1.0	07/27/05 13:27	MSF	1634-04-4		
Naphthalene	ND	ug/l	1.0	1.0	07/27/05 13:27	MSF	91-20-3		
Toluene	ND	ug/l	1.0	1.0	07/27/05 13:27	MSF	108-88-3		
m&p-Xylene	ND	ug/l	2.0	1.0	07/27/05 13:27	MSF			
o-Xylene	ND	ug/l	1.0	1.0	07/27/05 13:27	MSF	95-47-6		
Toluene-d8 (S)	94	%		1.0	07/27/05 13:27	MSF	2037-26-5		
4-Bromofluorobenzene (S)	91	%		1.0	07/27/05 13:27	MSF	460-00-4		
Dibromofluoromethane (S)	110	%		1.0	07/27/05 13:27	MSF	1868-53-7		
1,2-Dichloroethane-d4 (S)	110	%		1.0	07/27/05 13:27	MSF	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879561 Project Sample Number: 9299011-007 Date Collected: 07/18/05 14:30
Client Sample ID: GW-6 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
GC/MS Volatiles									
GC/MS VOCs by 8260, low level	Method: EPA 8260								
Benzene	ND	ug/l	1.0	1.0	07/27/05 14:20	MSF	71-43-2		
Ethylbenzene	ND	ug/l	1.0	1.0	07/27/05 14:20	MSF	100-41-4		
Methyl-tert-butyl ether	ND	ug/l	1.0	1.0	07/27/05 14:20	MSF	1634-04-4		
Naphthalene	ND	ug/l	1.0	1.0	07/27/05 14:20	MSF	91-20-3		
Toluene	ND	ug/l	1.0	1.0	07/27/05 14:20	MSF	108-88-3		
m&p-Xylene	ND	ug/l	2.0	1.0	07/27/05 14:20	MSF			
o-Xylene	ND	ug/l	1.0	1.0	07/27/05 14:20	MSF	95-47-6		
Toluene-d8 (S)	96	%		1.0	07/27/05 14:20	MSF	2037-26-5		
4-Bromofluorobenzene (S)	94	%		1.0	07/27/05 14:20	MSF	460-00-4		
Dibromofluoromethane (S)	118	%		1.0	07/27/05 14:20	MSF	1868-53-7		
1,2-Dichloroethane-d4 (S)	120	%		1.0	07/27/05 14:20	MSF	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879587 Project Sample Number: 9299011-008 Date Collected: 07/18/05 14:00
Client Sample ID: GW-7 Matrix: Water Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3510 / EPA 8270								
Acenaphthene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	83-32-9		
Acenaphthylene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	208-96-8		
Anthracene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	120-12-7		
Benzo(a)anthracene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	56-55-3		
Benzo(a)pyrene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	207-08-9		
Chrysene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	53-70-3		
Fluoranthene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	206-44-0		
Fluorene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	193-39-5		
Naphthalene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	91-20-3		
Phenanthrene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	85-01-8		
Pyrene	ND	ug/l	10.	1.0	07/27/05 01:44	BET	129-00-0		
Nitrobenzene-d5 (S)	58	%		1.0	07/27/05 01:44	BET	4165-60-0		
2-Fluorobiphenyl (S)	53	%		1.0	07/27/05 01:44	BET	321-60-8		
Terphenyl-d14 (S)	67	%		1.0	07/27/05 01:44	BET	1718-51-0		
Date Extracted	07/25/05				07/25/05				
GC/MS Volatiles									
GC/MS VOCs by 8260, low level	Method: EPA 8260								
Benzene	ND	ug/l	1.0	1.0	07/29/05 07:03	MSF	71-43-2		
Ethylbenzene	ND	ug/l	1.0	1.0	07/29/05 07:03	MSF	100-41-4		
Methyl-tert-butyl ether	ND	ug/l	1.0	1.0	07/29/05 07:03	MSF	1634-04-4		
Naphthalene	ND	ug/l	1.0	1.0	07/29/05 07:03	MSF	91-20-3		
Toluene	ND	ug/l	1.0	1.0	07/29/05 07:03	MSF	108-88-3		
m&p-Xylene	ND	ug/l	2.0	1.0	07/29/05 07:03	MSF			
o-Xylene	ND	ug/l	1.0	1.0	07/29/05 07:03	MSF	95-47-6		
Toluene-d8 (S)	87	%		1.0	07/29/05 07:03	MSF	2037-26-5		
4-Bromofluorobenzene (S)	102	%		1.0	07/29/05 07:03	MSF	460-00-4		
Dibromofluoromethane (S)	125	%		1.0	07/29/05 07:03	MSF	1868-53-7	1	
1,2-Dichloroethane-d4 (S)	115	%		1.0	07/29/05 07:03	MSF	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879629 Project Sample Number: 9299011-009 Date Collected: 07/18/05 13:10
Client Sample ID: S-1 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Wet Chemistry									
Percent Moisture	Method: % Moisture								
Percent Moisture	15.9	%		1.0	07/20/05 10:52	KBM			
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3545 / EPA 8270								
Acenaphthene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	83-32-9		
Acenaphthylene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	208-96-8		
Anthracene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	120-12-7		
Benzo(a)anthracene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	56-55-3		
Benzo(a)pyrene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	207-08-9		
Chrysene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	53-70-3		
Fluoranthene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	206-44-0		
Fluorene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	193-39-5		
Naphthalene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	91-20-3		
Phenanthrene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	85-01-8		
Pyrene	ND	ug/kg	390	1.2	07/27/05 01:36	BET	129-00-0		
Nitrobenzene-d5 (S)	41	%		1.0	07/27/05 01:36	BET	4165-60-0		
2-Fluorobiphenyl (S)	34	%		1.0	07/27/05 01:36	BET	321-60-8		
Terphenyl-d14 (S)	68	%		1.0	07/27/05 01:36	BET	1718-51-0		
Date Extracted	07/21/05				07/21/05				
GC/MS Volatiles									
GC/MS VOCs 5035/8260 low level	Method: EPA 8260								
Benzene	ND	ug/kg	4.3	0.9	07/28/05 06:23	DLK	71-43-2		
Ethylbenzene	ND	ug/kg	4.3	0.9	07/28/05 06:23	DLK	100-41-4		
Methyl-tert-butyl ether	ND	ug/kg	4.3	0.9	07/28/05 06:23	DLK	1634-04-4		
Naphthalene	ND	ug/kg	4.3	0.9	07/28/05 06:23	DLK	91-20-3		
Toluene	ND	ug/kg	4.3	0.9	07/28/05 06:23	DLK	108-88-3		
m&p-Xylene	ND	ug/kg	8.5	0.9	07/28/05 06:23	DLK			
o-Xylene	ND	ug/kg	4.3	0.9	07/28/05 06:23	DLK	95-47-6		
Toluene-d8 (S)	99	%		1.0	07/28/05 06:23	DLK	2037-26-5		
4-Bromofluorobenzene (S)	98	%		1.0	07/28/05 06:23	DLK	460-00-4		
Dibromofluoromethane (S)	94	%		1.0	07/28/05 06:23	DLK	1868-53-7		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879629 Project Sample Number: 9299011-009 Date Collected: 07/18/05 13:10
Client Sample ID: S-1 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
1,2-Dichloroethane-d4 (S)	92	%		1.0	07/28/05 06:23	DLK	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879645 Project Sample Number: 9299011-010 Date Collected: 07/18/05 11:20
Client Sample ID: S-2 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Wet Chemistry									
Percent Moisture	Method: % Moisture								
Percent Moisture	12.2	%		1.0	07/20/05 10:52	KBM			
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3545 / EPA 8270								
Acenaphthene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	83-32-9		
Acenaphthylene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	208-96-8		
Anthracene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	120-12-7		
Benzo(a)anthracene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	56-55-3		
Benzo(a)pyrene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	207-08-9		
Chrysene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	53-70-3		
Fluoranthene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	206-44-0		
Fluorene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	193-39-5		
Naphthalene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	91-20-3		
Phenanthrene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	85-01-8		
Pyrene	ND	ug/kg	380	1.1	07/27/05 10:53	BET	129-00-0		
Nitrobenzene-d5 (S)	23	%		1.0	07/27/05 10:53	BET	4165-60-0		
2-Fluorobiphenyl (S)	37	%		1.0	07/27/05 10:53	BET	321-60-8		
Terphenyl-d14 (S)	85	%		1.0	07/27/05 10:53	BET	1718-51-0		
Date Extracted	07/21/05				07/21/05				
GC/MS Volatiles									
GC/MS VOCs 5035/8260 low level	Method: EPA 8260								
Benzene	ND	ug/kg	4.0	0.8	07/28/05 06:43	DLK	71-43-2		
Ethylbenzene	ND	ug/kg	4.0	0.8	07/28/05 06:43	DLK	100-41-4		
Methyl-tert-butyl ether	ND	ug/kg	4.0	0.8	07/28/05 06:43	DLK	1634-04-4		
Naphthalene	ND	ug/kg	4.0	0.8	07/28/05 06:43	DLK	91-20-3		
Toluene	ND	ug/kg	4.0	0.8	07/28/05 06:43	DLK	108-88-3		
m&p-Xylene	ND	ug/kg	7.9	0.8	07/28/05 06:43	DLK			
o-Xylene	ND	ug/kg	4.0	0.8	07/28/05 06:43	DLK	95-47-6		
Toluene-d8 (S)	97	%		1.0	07/28/05 06:43	DLK	2037-26-5		
4-Bromofluorobenzene (S)	89	%		1.0	07/28/05 06:43	DLK	460-00-4		
Dibromofluoromethane (S)	91	%		1.0	07/28/05 06:43	DLK	1868-53-7		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879645 Project Sample Number: 9299011-010 Date Collected: 07/18/05 11:20
Client Sample ID: S-2 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
1,2-Dichloroethane-d4 (S)	91	%		1.0	07/28/05 06:43	DLK	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879652 Project Sample Number: 9299011-011 Date Collected: 07/18/05 12:30
Client Sample ID: S-3 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Wet Chemistry									
Percent Moisture	Method: % Moisture								
Percent Moisture	12.9	%		1.0	07/20/05 10:53	KBM			
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3545 / EPA 8270								
Acenaphthene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	83-32-9		
Acenaphthylene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	208-96-8		
Anthracene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	120-12-7		
Benzo(a)anthracene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	56-55-3		
Benzo(a)pyrene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	207-08-9		
Chrysene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	53-70-3		
Fluoranthene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	206-44-0		
Fluorene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	193-39-5		
Naphthalene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	91-20-3		
Phenanthrene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	85-01-8		
Pyrene	ND	ug/kg	380	1.1	07/27/05 02:13	BET	129-00-0		
Nitrobenzene-d5 (S)	43	%		1.0	07/27/05 02:13	BET	4165-60-0		
2-Fluorobiphenyl (S)	22	%		1.0	07/27/05 02:13	BET	321-60-8		
Terphenyl-d14 (S)	40	%		1.0	07/27/05 02:13	BET	1718-51-0		
Date Extracted	07/21/05				07/21/05				
GC/MS Volatiles									
GC/MS VOCs 5035/8260 low level	Method: EPA 8260								
Benzene	ND	ug/kg	4.8	1.0	07/28/05 07:03	DLK	71-43-2		
Ethylbenzene	ND	ug/kg	4.8	1.0	07/28/05 07:03	DLK	100-41-4		
Methyl-tert-butyl ether	ND	ug/kg	4.8	1.0	07/28/05 07:03	DLK	1634-04-4		
Naphthalene	ND	ug/kg	4.8	1.0	07/28/05 07:03	DLK	91-20-3		
Toluene	ND	ug/kg	4.8	1.0	07/28/05 07:03	DLK	108-88-3		
m&p-Xylene	ND	ug/kg	9.6	1.0	07/28/05 07:03	DLK			
o-Xylene	ND	ug/kg	4.8	1.0	07/28/05 07:03	DLK	95-47-6		
Toluene-d8 (S)	92	%		1.0	07/28/05 07:03	DLK	2037-26-5		
4-Bromofluorobenzene (S)	76	%		1.0	07/28/05 07:03	DLK	460-00-4		
Dibromofluoromethane (S)	89	%		1.0	07/28/05 07:03	DLK	1868-53-7		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879652 Project Sample Number: 9299011-011 Date Collected: 07/18/05 12:30
Client Sample ID: S-3 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
1,2-Dichloroethane-d4 (S)	90	%		1.0	07/28/05 07:03	DLK	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879660 Project Sample Number: 9299011-012 Date Collected: 07/18/05 11:55
Client Sample ID: S-4 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Metals									
Metals, Trace ICP	Prep/Method: EPA 3050 / EPA 6010								
Arsenic	7.3	mg/kg	0.52	1.0	07/25/05 12:29	ALV	7440-38-2		
Barium	29.	mg/kg	0.52	1.0	07/25/05 12:29	ALV	7440-39-3		
Cadmium	ND	mg/kg	0.10	1.0	07/25/05 12:29	ALV	7440-43-9		
Chromium	14.	mg/kg	0.21	1.0	07/25/05 12:29	ALV	7440-47-3		
Lead	4.3	mg/kg	0.52	1.0	07/25/05 12:29	ALV	7439-92-1		
Selenium	0.68	mg/kg	0.52	1.0	07/25/05 12:29	ALV	7782-49-2		
Silver	ND	mg/kg	0.21	1.0	07/25/05 12:29	ALV	7440-22-4		
Date Digested	07/22/05 06:45				07/22/05 06:45				
Mercury, CVAAS, in Soil	Method: EPA 7471								
Mercury	ND	mg/kg	0.0052	1.0	07/26/05 06:18	ALV	7439-97-6		
Wet Chemistry									
Percent Moisture	Method: % Moisture								
Percent Moisture	11.9	%		1.0	07/20/05 10:53	KBM			
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3545 / EPA 8270								
Acenaphthene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	83-32-9		
Acenaphthylene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	208-96-8		
Anthracene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	120-12-7		
Benzo(a)anthracene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	56-55-3		
Benzo(a)pyrene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	207-08-9		
Chrysene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	53-70-3		
Fluoranthene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	206-44-0		
Fluorene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	193-39-5		
Naphthalene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	91-20-3		
Phenanthrene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	85-01-8		
Pyrene	ND	ug/kg	370	1.1	07/27/05 02:50	BET	129-00-0		
Nitrobenzene-d5 (S)	60	%		1.0	07/27/05 02:50	BET	4165-60-0		
2-Fluorobiphenyl (S)	48	%		1.0	07/27/05 02:50	BET	321-60-8		
Terphenyl-d14 (S)	70	%		1.0	07/27/05 02:50	BET	1718-51-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879660 Project Sample Number: 9299011-012 Date Collected: 07/18/05 11:55
Client Sample ID: S-4 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Date Extracted	07/21/05				07/21/05				
GC/MS Volatiles									
GC/MS VOCs 5035/8260 low level	Method: EPA 8260								
Benzene	17.	ug/kg	4.9	1.0	07/28/05 07:23	DLK	71-43-2		
Ethylbenzene	4.9	ug/kg	4.9	1.0	07/28/05 07:23	DLK	100-41-4		
Methyl-tert-butyl ether	ND	ug/kg	4.9	1.0	07/28/05 07:23	DLK	1634-04-4		
Naphthalene	ND	ug/kg	4.9	1.0	07/28/05 07:23	DLK	91-20-3		
Toluene	8.9	ug/kg	4.9	1.0	07/28/05 07:23	DLK	108-88-3		
m&p-Xylene	ND	ug/kg	9.9	1.0	07/28/05 07:23	DLK			
o-Xylene	ND	ug/kg	4.9	1.0	07/28/05 07:23	DLK	95-47-6		
Toluene-d8 (S)	94	%		1.0	07/28/05 07:23	DLK	2037-26-5		
4-Bromofluorobenzene (S)	86	%		1.0	07/28/05 07:23	DLK	460-00-4		
Dibromofluoromethane (S)	101	%		1.0	07/28/05 07:23	DLK	1868-53-7		
1,2-Dichloroethane-d4 (S)	97	%		1.0	07/28/05 07:23	DLK	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879686 Project Sample Number: 9299011-013 Date Collected: 07/18/05 13:50
Client Sample ID: S-5 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	ReqLmt
Metals									
Metals, Trace ICP	Prep/Method: EPA 3050 / EPA 6010								
Arsenic	0.92	mg/kg	0.53	1.1	07/25/05 12:33	ALV	7440-38-2		
Barium	7.9	mg/kg	0.53	1.1	07/25/05 12:33	ALV	7440-39-3		
Cadmium	ND	mg/kg	0.11	1.1	07/25/05 12:33	ALV	7440-43-9		
Chromium	4.7	mg/kg	0.21	1.1	07/25/05 12:33	ALV	7440-47-3		
Lead	5.6	mg/kg	0.53	1.1	07/25/05 12:33	ALV	7439-92-1		
Selenium	ND	mg/kg	0.53	1.1	07/25/05 12:33	ALV	7782-49-2		
Silver	ND	mg/kg	0.21	1.1	07/25/05 12:33	ALV	7440-22-4		
Date Digested	07/22/05 06:45				07/22/05 06:45				
Mercury, CVAAS, in Soil	Method: EPA 7471								
Mercury	0.019	mg/kg	0.0053	1.1	07/26/05 06:18	ALV	7439-97-6		
Wet Chemistry									
Percent Moisture	Method: % Moisture								
Percent Moisture	5.2	%		1.0	07/20/05 10:53	KBM			
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3545 / EPA 8270								
Acenaphthene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	83-32-9		
Acenaphthylene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	208-96-8		
Anthracene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	120-12-7		
Benzo(a)anthracene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	56-55-3		
Benzo(a)pyrene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	207-08-9		
Chrysene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	53-70-3		
Fluoranthene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	206-44-0		
Fluorene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	193-39-5		
Naphthalene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	91-20-3		
Phenanthrene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	85-01-8		
Pyrene	ND	ug/kg	350	1.1	07/27/05 10:15	BET	129-00-0		
Nitrobenzene-d5 (S)	33	%		1.0	07/27/05 10:15	BET	4165-60-0		
2-Fluorobiphenyl (S)	21	%		1.0	07/27/05 10:15	BET	321-60-8		
Terphenyl-d14 (S)	18	%		1.0	07/27/05 10:15	BET	1718-51-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879686 Project Sample Number: 9299011-013 Date Collected: 07/18/05 13:50
Client Sample ID: S-5 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Date Extracted	07/21/05				07/21/05				
GC/MS Volatiles									
GC/MS VOCs 5035/8260 low level	Method: EPA 8260								
Benzene	ND	ug/kg	5.3	1.1	07/28/05 23:00	DLK	71-43-2		
Ethylbenzene	ND	ug/kg	5.3	1.1	07/28/05 23:00	DLK	100-41-4		
Methyl-tert-butyl ether	ND	ug/kg	5.3	1.1	07/28/05 23:00	DLK	1634-04-4		
Naphthalene	ND	ug/kg	5.3	1.1	07/28/05 23:00	DLK	91-20-3		
Toluene	ND	ug/kg	5.3	1.1	07/28/05 23:00	DLK	108-88-3		
m&p-Xylene	ND	ug/kg	11.	1.1	07/28/05 23:00	DLK			
o-Xylene	ND	ug/kg	5.3	1.1	07/28/05 23:00	DLK	95-47-6		
Toluene-d8 (S)	90	%		1.0	07/28/05 23:00	DLK	2037-26-5		
4-Bromofluorobenzene (S)	77	%		1.0	07/28/05 23:00	DLK	460-00-4		
Dibromofluoromethane (S)	108	%		1.0	07/28/05 23:00	DLK	1868-53-7		
1,2-Dichloroethane-d4 (S)	108	%		1.0	07/28/05 23:00	DLK	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879694 Project Sample Number: 9299011-014 Date Collected: 07/18/05 14:40
Client Sample ID: S-6 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Wet Chemistry									
Percent Moisture	Method: % Moisture								
Percent Moisture	11.0	%		1.0	07/20/05 10:54	KBM			
GC/MS Volatiles									
GC/MS VOCs 5035/8260 low level	Method: EPA 8260								
Benzene	ND	ug/kg	5.9	1.2	07/28/05 08:03	DLK	71-43-2		
Ethylbenzene	ND	ug/kg	5.9	1.2	07/28/05 08:03	DLK	100-41-4		
Methyl-tert-butyl ether	ND	ug/kg	5.9	1.2	07/28/05 08:03	DLK	1634-04-4		
Naphthalene	ND	ug/kg	5.9	1.2	07/28/05 08:03	DLK	91-20-3		
Toluene	ND	ug/kg	5.9	1.2	07/28/05 08:03	DLK	108-88-3		
m&p-Xylene	ND	ug/kg	12.	1.2	07/28/05 08:03	DLK			
o-Xylene	ND	ug/kg	5.9	1.2	07/28/05 08:03	DLK	95-47-6		
Toluene-d8 (S)	96	%		1.0	07/28/05 08:03	DLK	2037-26-5		
4-Bromofluorobenzene (S)	96	%		1.0	07/28/05 08:03	DLK	460-00-4		
Dibromofluoromethane (S)	94	%		1.0	07/28/05 08:03	DLK	1868-53-7		
1,2-Dichloroethane-d4 (S)	100	%		1.0	07/28/05 08:03	DLK	17060-07-0		

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Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879702 Project Sample Number: 9299011-015 Date Collected: 07/18/05 14:10
Client Sample ID: S-7 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
Wet Chemistry									
Percent Moisture	Method: % Moisture								
Percent Moisture	9.3	%		1.0	07/20/05 10:54	KBM			
GC/MS Semivolatiles									
Semivolatile Organics	Prep/Method: EPA 3545 / EPA 8270								
Acenaphthene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	83-32-9		
Acenaphthylene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	208-96-8		
Anthracene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	120-12-7		
Benzo(a)anthracene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	56-55-3		
Benzo(a)pyrene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	50-32-8		
Benzo(b)fluoranthene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	205-99-2		
Benzo(g,h,i)perylene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	191-24-2		
Benzo(k)fluoranthene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	207-08-9		
Chrysene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	218-01-9		
Dibenz(a,h)anthracene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	53-70-3		
Fluoranthene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	206-44-0		
Fluorene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	86-73-7		
Indeno(1,2,3-cd)pyrene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	193-39-5		
Naphthalene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	91-20-3		
Phenanthrene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	85-01-8		
Pyrene	ND	ug/kg	360	1.1	07/27/05 03:27	BET	129-00-0		
Nitrobenzene-d5 (S)	30	%		1.0	07/27/05 03:27	BET	4165-60-0		
2-Fluorobiphenyl (S)	30	%		1.0	07/27/05 03:27	BET	321-60-8		
Terphenyl-d14 (S)	64	%		1.0	07/27/05 03:27	BET	1718-51-0		
Date Extracted	07/21/05				07/21/05				
GC/MS Volatiles									
GC/MS VOCs 5035/8260 low level	Method: EPA 8260								
Benzene	ND	ug/kg	6.0	1.2	07/28/05 08:23	DLK	71-43-2		
Ethylbenzene	ND	ug/kg	6.0	1.2	07/28/05 08:23	DLK	100-41-4		
Methyl-tert-butyl ether	ND	ug/kg	6.0	1.2	07/28/05 08:23	DLK	1634-04-4		
Naphthalene	ND	ug/kg	6.0	1.2	07/28/05 08:23	DLK	91-20-3		
Toluene	ND	ug/kg	6.0	1.2	07/28/05 08:23	DLK	108-88-3		
m&p-Xylene	ND	ug/kg	12.	1.2	07/28/05 08:23	DLK			
o-Xylene	ND	ug/kg	6.0	1.2	07/28/05 08:23	DLK	95-47-6		
Toluene-d8 (S)	86	%		1.0	07/28/05 08:23	DLK	2037-26-5		
4-Bromofluorobenzene (S)	62	%		1.0	07/28/05 08:23	DLK	460-00-4	2	
Dibromofluoromethane (S)	102	%		1.0	07/28/05 08:23	DLK	1868-53-7		

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9800 Kincey Avenue, Suite 100
Huntersville, NC 28078
Phone: 704.875.9092
Fax: 704.875.9091

Pace Analytical Services, Inc.
2225 Riverside Drive
Asheville, NC 28804
Phone: 828.254.7176
Fax: 828.252.4618

Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

Lab Sample No: 925879702 Project Sample Number: 9299011-015 Date Collected: 07/18/05 14:10
Client Sample ID: S-7 Matrix: Soil Date Received: 07/19/05 09:30

Parameters	Results	Units	Report Limit	DF	Analyzed	By	CAS No.	Qual	RegLmt
1,2-Dichloroethane-d4 (S)	94	%		1.0	07/28/05 08:23	DLK	17060-07-0		

Asheville Certification IDs
NC Wastewater 40
NC Drinking Water 37712
SC Environmental 99030
FL NELAP E87648

REPORT OF LABORATORY ANALYSIS
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Charlotte Certification IDs
NC Wastewater 12
NC Drinking Water 37706
SC 99006
FL NELAP E87627

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Asheville, NC 28804
Phone: 828.254.7176
Fax: 828.252.4618

Lab Project Number: 9299011
Client Project ID: Port Royal Port Phase II

PARAMETER FOOTNOTES

Dilution factor shown represents the factor applied to the reported result and reporting limit due to changes in sample preparation, dilution of the extract, or moisture content

Method 9071B modified to use ASE.

All pH, Free Chlorine, Total Chlorine and Ferrous Iron analyses conducted outside of EPA recommended immediate hold time.

Depending on the moisture content the PRLs can be elevated for all soil samples reported on a dry weight basis.

2-Chloroethyl vinyl ether has been shown to degrade in the presence of acid.

ND	Not detected at or above adjusted reporting limit
NC	Not Calculable
J	Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit
MDL	Adjusted Method Detection Limit
(S)	Surrogate
[1]	The surrogate recovery was above the QC recovery limit. The sample was not re-extracted since no target analytes were detected in the sample.
[2]	Low surrogate recovery was confirmed as a matrix effect by a second analysis.

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REPORT OF LABORATORY ANALYSIS
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SC 99006
FL NELAP E87627

TestAmerica

NOH0786
08/12/05 17:00

To assist us in using the proper analytical methods, is this work being conducted for regulatory purposes?
Compliance Monitoring: ____

Client Name: SHE Client #: 2420
Address: 620 Wando Park Blvd
City/State/Zip Code: Mt. Pleasant, SC 29464
Project Manager: Jill Bishop
Telephone Number: 843-884-0005 Fax: 843-884-1686
Sampler Name: (Print Name) Frank Slaughter
Sampler Signature:

Project Name: Port Royal Port Facility
Project #: 1134.09.559
Site/Location ID: State: SC
Report To:
Invoice To:
Quote #: PO#: 23809

TAT: ___ Standard; X Rush (surcharges may apply)
Date Needed: 24 Hrs
Fax Results: (Y) N

SAMPLE ID	Date Sampled	Time Sampled	G = Grab, C = Composite	Field Filtered	Matrix: DW - Drinking Water, SL - Sludge, GW - Groundwater, S - Soil/Solid, WW - Wastewater, Specify Other	Preservation & # of Containers: HNO_3	HCl	NaOH	H_2SO_4	Methanol	None	Other (Specify)	Analyze For: BTEX, MTBE 8260B	1,4-DE 8270C	8 TCL METALS 6010B/7470 HG 7471B	BTEX + NAPH 8260B	QC Deliverables: ___ None, ___ Level 2 (Batch QC), ___ Level 3, ___ Level 4, Other: ____	REMARKS
S-6	8/10/05	845	G		S					1	2	2		X	X	X		01
S-6	8/10/05	900	G		GW	1				1			X	X	X			02

Special Instructions:

LABORATORY COMMENTS:
Init Lab Temp:
Rec Lab Temp: 1.2
Custody Seals: Y N N/A
Bottles Supplied by Test America: Y N
Method of Shipment: FedEx TA-Nashville

	Date	Time		Date	Time
Relinquished By:	8/10/05	1405	Received By:	8/10/05	1445
Relinquished By:	8/10/05	1730	Received By:	Date:	Time:
Relinquished By:	Date:	Time:	Received By:	8/11/05	740

8533 5645 3733

AUG-17-2005 15:30 FROM: TO:18438841686 P.001/019

TestAmerica
ANALYTICAL TESTING CORPORATION
2960 Foster Creighton Road Nashville, TN 37204 * 800-765-0980 * Fax 615-726-3404

August 17, 2005

Client: S&ME, Inc. (2420)
620 Wando Park Blvd.
Mt. Pleasant, SC 29464
Attn: Jill Bishop

Work Order: NOH0786
Project Name: Port Royal Port Facility
Project Nbr: 1134.05.559
Date Received: 08/11/05

SAMPLE IDENTIFICATION	LAB NUMBER	COLLECTION DATE AND TIME
S-6	NOH0786-01	08/10/05 08:45
S-6	NOH0786-02	08/10/05 09:00

An executed copy of the chain of custody, the project quality control data, and the sample receipt form are also included as an addendum to this report. If you have any questions relating to this analytical report, please contact your Laboratory Project Manager at 1-800-765-0980. Any opinions, if expressed, are outside the scope of the Laboratory's accredidation.

This material is intended only for the use of the individual(s) or entity to whom it is addressed, and may contain information that is privileged and confidential. If you are not the intended recipient, or the employee or agent responsible for delivering this material to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this material is strictly prohibited. If you have received this material in error, please notify us immediately at 615-726-0177.

These results relate only to the items tested. This report shall not be reproduced except in full and with permission of the laboratory.

Report Approved By:

Roxanne L. Connor

Roxanne Connor For Jennifer Huckaba
Project Manager

TestAmerica
ANALYTICAL TESTING CORPORATION
2960 Foster Creighton Road Nashville, TN 37204 * 800-765-0980 * Fax 615-726-3404

Client	S&ME, Inc. (2420)	Work Order:	NOH0786
	620 Wando Park Blvd.	Project Name:	Port Royal Port Facility
	Mt. Pleasant, SC 29464	Project Number:	1134.05.559
Attn	Jill Bishop	Received:	08/11/05 07:50

ANALYTICAL REPORT

Analyte	Result	Flag	Units	MRL	Dilution Factor	Analysis Date/Time	Method	Analyst	Batch
Sample ID: NOH0786-01 (S-6 - Soil) Sampled: 08/10/05 08:45									
Total Metals by EPA Method 6010B									
Arsenic	**1.72**		mg/kg	1.00	1	08/11/05 22:36	SW846 6010B	KMA	5080844
Barium	**18.0**		mg/kg	2.00	1	08/11/05 22:36	SW846 6010B	KMA	5080844
Cadmium	ND		mg/kg	1.00	1	08/11/05 22:36	SW846 6010B	KMA	5080844
Chromium	**11.2**		mg/kg	1.00	1	08/11/05 22:36	SW846 6010B	KMA	5080844
Lead	**6.96**		mg/kg	1.00	1	08/11/05 22:36	SW846 6010B	KMA	5080844
Selenium	ND		mg/kg	2.00	1	08/11/05 22:36	SW846 6010B	KMA	5080844
Silver	ND		mg/kg	1.00	1	08/11/05 22:36	SW846 6010B	KMA	5080844
Mercury by EPA Methods 7470A/7471A									
Mercury	ND		mg/kg	0.100	1	08/11/05 15:35	SW846 7471A	JAH	5080865
Selected Volatile Organic Compounds by EPA Method 8260B									
Benzene	ND		mg/kg	0.00242	1	08/12/05 12:37	SW846 8260B	JEB	5081013
Ethylbenzene	ND	RL1	mg/kg	0.121	50	08/12/05 14:00	SW846 8260B	JEB	5081013
Naphthalene	ND	RL1	mg/kg	0.303	50	08/12/05 14:00	SW846 8260B	JEB	5081013
Toluene	ND	RL1	mg/kg	0.121	50	08/12/05 14:00	SW846 8260B	JEB	5081013
Xylenes, total	ND	RL1	mg/kg	0.121	50	08/12/05 14:00	SW846 8260B	JEB	5081013
Surrogate: 1,2-Dichloroethane-d4 (72-125%)	*117 %*								
Surrogate: 1,2-Dichloroethane-d4 (72-125%)	*100 %*								
Surrogate: Dibromofluoromethane (73-124%)	*110 %*								
Surrogate: Dibromofluoromethane (73-124%)	*100 %*								
Surrogate: Toluene-d8 (80-124%)	*107 %*								
Surrogate: 4-Bromofluorobenzene (25-185%)	*112 %*								
Semivolatile Organic Compounds by EPA Method 8270C									
Acenaphthene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Acenaphthylene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Anthracene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Benzo (a) anthracene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Benzo (a) pyrene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Benzo (b) fluoranthene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Benzo (g,h,i) perylene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Benzo (k) fluoranthene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Chrysene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Dibenz (a,h) anthracene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Fluoranthene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Fluorene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Indeno (1,2,3-cd) pyrene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Naphthalene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Phenanthrene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Pyrene	ND		mg/kg	6.67	2	08/13/05 18:08	SW846 8270C	JLS	5080742
Surrogate: Nitrobenzene-d5 (10-153%)	*128 %*								
Surrogate: 2-Fluorobiphenyl (35-106%)	*101 %*								
Surrogate: Terphenyl-d14 (41-117%)	*111 %*								

TestAmerica
ANALYTICAL TESTING CORPORATION
2960 Foster Creighton Road Nashville, TN 37204 * 800-765-0980 * Fax 615-726-3404

Client	S&ME, Inc. (2420)	Work Order:	NOH0786
	620 Wando Park Blvd.	Project Name:	Port Royal Port Facility
	Mt. Pleasant, SC 29464	Project Number:	1134.05.559
Attn	Jill Bishop	Received:	08/11/05 07:50

ANALYTICAL REPORT

Analyte	Result	Flag	Units	MRL	Dilution Factor	Analysis Date/Time	Method	Analyst	Batch
Sample ID: NOH0786-02 (S-6 - Water) Sampled: 08/10/05 09:00									
Total Metals by EPA Method 6010B									
Arsenic	**48.5**		ug/L	10.0	1	08/11/05 22:55	SW846 6010B	KMA	5080862
Barium	**3270**		ug/L	10.0	1	08/11/05 22:55	SW846 6010B	KMA	5080862
Cadmium	ND		ug/L	1.00	1	08/11/05 22:55	SW846 6010B	KMA	5080862
Chromium	**727**		ug/L	5.00	1	08/11/05 22:55	SW846 6010B	KMA	5080862
Lead	**132**		ug/L	5.00	1	08/11/05 22:55	SW846 6010B	KMA	5080862
Selenium	**22.7**		ug/L	10.0	1	08/11/05 22:55	SW846 6010B	KMA	5080862
Silver	ND		ug/L	5.00	1	08/11/05 22:55	SW846 6010B	KMA	5080862
Mercury by EPA Methods 7470A/7471A									
Mercury	**3.19**		ug/L	0.200	1	08/11/05 16:28	SW846 7470A	JAH	5080858
Selected Volatile Organic Compounds by EPA Method 8260B									
Benzene	ND		ug/L	1.00	1	08/12/05 15:31	SW846 8260B	HP2	5081017
Ethylbenzene	ND		ug/L	1.00	1	08/12/05 15:31	SW846 8260B	HP2	5081017
Methyl tert-Butyl Ether	ND		ug/L	1.00	1	08/12/05 15:31	SW846 8260B	HP2	5081017
Naphthalene	ND		ug/L	5.00	1	08/12/05 15:31	SW846 8260B	HP2	5081017
Toluene	ND		ug/L	1.00	1	08/12/05 15:31	SW846 8260B	HP2	5081017
Xylenes, total	ND		ug/L	3.00	1	08/12/05 15:31	SW846 8260B	HP2	5081017
Surrogate: 1,2-Dichloroethane-d4 (73-127%)	*112 %*								
Surrogate: Dibromofluoromethane (75-134%)	*101 %*								
Surrogate: Toluene-d8 (79-113%)	*94 %*								
Surrogate: 4-Bromofluorobenzene (79-125%)	*96 %*								
Semivolatile Organic Compounds by EPA Method 8270C									
Acenaphthene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Acenaphthylene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Anthracene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Benzo (a) anthracene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Benzo (a) pyrene	ND	L, S10	ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Benzo (b) fluoranthene	ND	L, S10	ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Benzo (g,h,i) perylene	ND	L, S10	ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Benzo (k) fluoranthene	ND	L, S10	ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Chrysene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Dibenz (a,h) anthracene	ND	L, S10	ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Fluoranthene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Fluorene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Indeno (1,2,3-cd) pyrene	ND	L, S10	ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Naphthalene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Phenanthrene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Pyrene	ND		ug/L	10.0	1	08/11/05 20:00	SW846 8270C	MES	5080758
Surrogate: Nitrobenzene-d5 (31-112%)	*91 %*								
Surrogate: 2-Fluorobiphenyl (33-101%)	*70 %*								
Surrogate: Terphenyl-d14 (31-111%)	*78 %*								

TestAmerica
ANALYTICAL TESTING CORPORATION
2960 Foster Creighton Road Nashville, TN 37204 * 800-765-0980 * Fax 615-726-3404

Client S&ME, Inc. (2420)
620 Wando Park Blvd.
Mt. Pleasant, SC 29464
Attn Jill Bishop

Work Order: NOH0786
Project Name: Port Royal Port Facility
Project Number: 1134.05.559
Received: 08/11/05 07:50

SAMPLE EXTRACTION DATA

Parameter	Batch	Lab Number	Wt/Vol Extracted	Extracted Vol	Date	Analyst	Extraction Method
Mercury by EPA Methods 7470A/7471A							
SW846 7470A	5080858	NOH0786-02	30.00	30.00	08/11/05 13:26	JAH	EPA 7470
SW846 7471A	5080865	NOH0786-01	0.61	100.00	08/11/05 13:44	JAH	EPA 7471
Selected Volatile Organic Compounds by EPA Method 8260B							
SW846 8260B	5081013	NOH0786-01	4.13	5.00	08/10/05 08:45	NKN	EPA 5035
SW846 8260B	5081013	NOH0786-01RE1	4.13	5.00	08/10/05 08:45	NKN	EPA 5035
Semivolatile Organic Compounds by EPA Method 8270C							
SW846 8270C	5080742	NOH0786-01	29.97	10.00	08/11/05 14:20	BES	EPA 3550B
SW846 8270C	5080758	NOH0786-02	1000.00	1.00	08/10/05 20:25	JWD	EPA 3510C
Total Metals by EPA Method 6010B							
SW846 6010B	5080862	NOH0786-02	50.00	50.00	08/11/05 13:30	KKK	EPA 3010A
SW846 6010B	5080862	NOH0786-02	50.00	50.00	08/11/05 13:30	KKK	EPA 3010A
SW846 6010B	5080862	NOH0786-02	50.00	50.00	08/11/05 13:30	KKK	EPA 3010A
SW846 6010B	5080862	NOH0786-02	50.00	50.00	08/11/05 13:30	KKK	EPA 3010A
SW846 6010B	5080862	NOH0786-02	50.00	50.00	08/11/05 13:30	KKK	EPA 3010A
SW846 6010B	5080862	NOH0786-02	50.00	50.00	08/11/05 13:30	KKK	EPA 3010A
SW846 6010B	5080862	NOH0786-02	50.00	50.00	08/11/05 13:30	KKK	EPA 3010A

APPENDIX III

Correspondence from the Department of Natural Resources

From: "Brenda Hockensmith" <HockensmithB@dnr.sc.gov>
To: "Jill Bishop" <JBishop@smeinc.com>
Date: 8/3/2005 11:23:22 AM

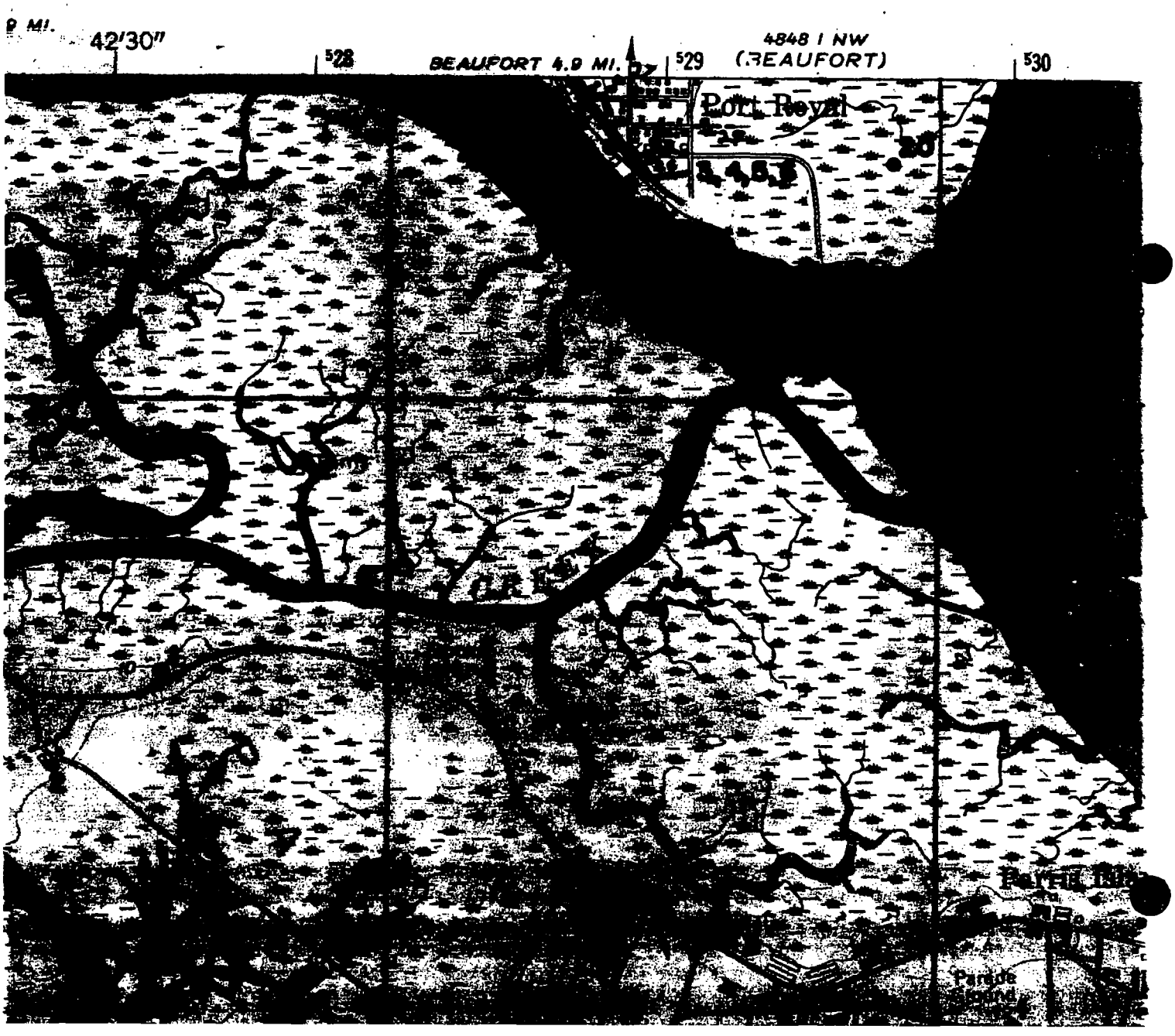
Jill,
The two wells in question at the Port Royal Terminal appear to be wells BFT-1969 and BFT-1977. They are only two of many wells that were installed in the vicinity for the South Carolina Water Resources Commission during 1990 and 1991. I spoke with Camille Ransom (DHEC) regarding these wells. Both DHEC and DNR-LWC use these wells for potentiometric observations intermittently, Water quality data, if available, would probably include chlorides only.

I am sending two maps via mail locating wells near your site. We will continue to have an interest in monitoring water levels from wells in the area. Should you have any questions, please feel free to contact me.

Sincerely,
Brenda L. Hockensmith, P.G.
Senior Hydrologist
S.C. Dept of Natural Resources
Land, Water & Conservation Division
843-953-9334
Fax: 843-953-9333

CC: "Camille Ransom" <ransomc@dhec.sc.gov>

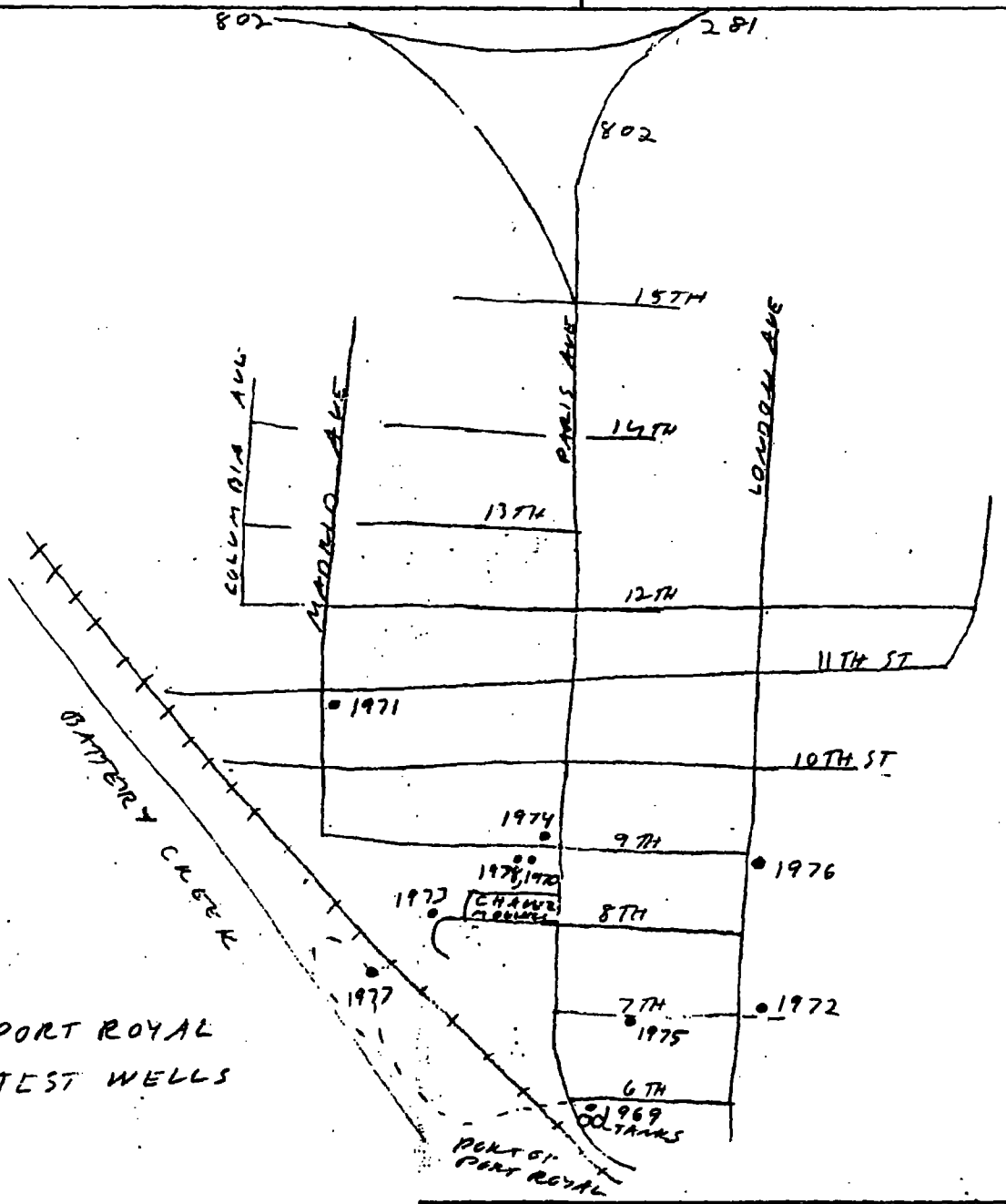
AUG 0 5 2005


9 MI.
42'30"
528
BEAUFORT 4.9 MI.
529
4848 I NW
(BEAUFORT)
530
Port Royal
20
Parris Island

SOUTH CAROLINA WATER RESOURCES COMMISSION

WELL-LOCATION MAP

SCWRC Number: 27II-l 26-34 | County Number: BFT 1969-1978



By: CONSTANCE GAWNS | Date: 8/2/91

LEDGEND

Paved\Unpaved: ——\——
Four-Lane: ==========
Fence: —x—x—x
Well: o
Bridge:] [
Distance in feet(ft) or miles(mi).
North at top or use arrow.

REMARKS

1978 (SHALLOW) AND 1970 IN FENCED YARD OF S.C. WILDLIFE RESOURCES OFFICE - GET KEY FROM OFFICE

Exhibit D-2
Follow-up Phase II

S&ME

October 11, 2005

Wood & Partners, Inc.
PO Box 23949
Hilton Head, South Carolina 29925

ATTENTION: Mr. Todd Theodore

Reference: **Follow-Up Phase II Environmental Site Assessment Report**
Port Royal Port Facility
Port Royal, South Carolina
S&ME Inc. Project No. 1134-05-559

Dear Mr. Theodore:

S&ME, Inc. (S&ME) is pleased to provide this follow-up Phase II environmental site assessment (ESA) report. Work was performed at the site in accordance with S&ME Proposal No. 34-05-162, dated September 14, 2005. This report details the work performed and the analytical results of samples collected at the site.

We appreciate the opportunity to provide this report to Wood and Partners, Inc. If you have any questions concerning the information provided, please contact us at (843) 884-0005.

Sincerely,

S&ME, Inc.

Jill A. Bishop, CHMM
Environmental Scientist

Chuck Black, P.E.
Senior Environmental Engineer

cc: Mr. John Wright – SCDHEC

S&ME, Inc.
620 Wando Park Boulevard
Mt. Pleasant, South Carolina 29464

(843) 884-0005
(843) 881-6149 fax
www.smeinc.com

Follow-Up Phase II Environmental Site Assessment Report

South Carolina Ports Authority Port Royal Facility

Port Royal, South Carolina
S&ME Project No. 1135-05-559

Prepared For:

Landscape Architects
Land Planners

Wood + Partners, Inc.
P.O. Box 23949
Hilton Head, South Carolina 29925

Prepared By:

620 Wando Park Boulevard
Mount Pleasant, South Carolina
(843) 884-0005

October 11, 2005

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2.0 Assessment Activities 1
2.1 Preliminary Site Work Requirements 1
2.2 Groundwater Assessment Activity 2

3.0 Assessment Conclusions and Recommendations 2

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1. Summary of Temporary Well Groundwater Analytical Results

List of Figures

1. Site Topographic Map
2. Site Assessment Map

Appendices

I Boring Logs
II Laboratory Analytical Results

1.0 Introduction and Background

The subject property is located on the southwestern portion of Port Royal, in Beaufort County, South Carolina. The subject property is comprised of multiple parcels of land. Based on the conclusions of the Phase I ESA submitted by S&ME on April 27, 2005, a preliminary Phase II ESA was conducted. Based on the preliminary Phase II ESA results, the SCDHEC has requested that additional sampling be conducted in the areas of GW-5 (the location of the used oil AST located northwest of the retail facility on the Seafood Processing Facility) and GW-6 (the location of the used oil AST located north-northeast of Building 630 on the Seafood Processing Facility).

2.0 Assessment Activities

2.1 Preliminary Site Work Requirements

A temporary well permit was obtained from the South Carolina Department of Health and Environmental Control (SCDHEC). The construction and abandonment of temporary wells are regulated activities under the South Carolina Well Standards (R.61-71) and must be performed by a Certified Well Driller. As such, permits are required from the SCDHEC for the performance of the temporary well activities.

S&ME contracted an SCDHEC-certified analytical laboratory and ordered the appropriate sample glassware and chain-of-custody forms for use in the field. S&ME utilized the analytical services of Test America, Inc. located in Nashville, Tennessee (SCDHEC certification no. 84009).

S&ME prepared a site specific health and safety plan (HASP) to assure the safe execution of the planned site work. The HASP was developed in accordance with 29 CFR 1910.120 and designed to protect on-site workers directly involved with assessment activities (i.e., handling potentially contaminated sample media).

2.2 Groundwater Assessment Activity

On September 28, 2005, S&ME was on site to conduct the site assessment activities. A senior environmental technician was provided to complete two (2) temporary monitoring wells on the Seafood Processing Facility property. S&ME installed the temporary wells (GW-1 and GW-2) using a hand auger. Both temporary wells (GW-1 and GW-2) were constructed and abandoned in compliance with South Carolina Well Regulations and Standards (R. 61-71) and a South Carolina Certified Well Driller (Certification No. 1723) performed all well drilling activity.

At that depth, an approximate 10-foot section of 2-inch diameter, PVC well screen (0.01-inch slot) to bracket the water table and PVC well casing was installed to convert the soil boring to a groundwater monitoring well. The groundwater samples (GW-1 and GW-2) were collected with a peristaltic pump and associated tubing slowly pumped into laboratory-supplied containers and immediately placed on ice in a laboratory-supplied cooler. Following the collection of the groundwater sample, the temporary wells (GW-1 and GW-2) were properly abandoned

The groundwater samples collected from the temporary wells were analyzed for the following potential chemicals of concern (CoC): Filtered 8 RCRA Metals by EPA Method 6010B/7470A.

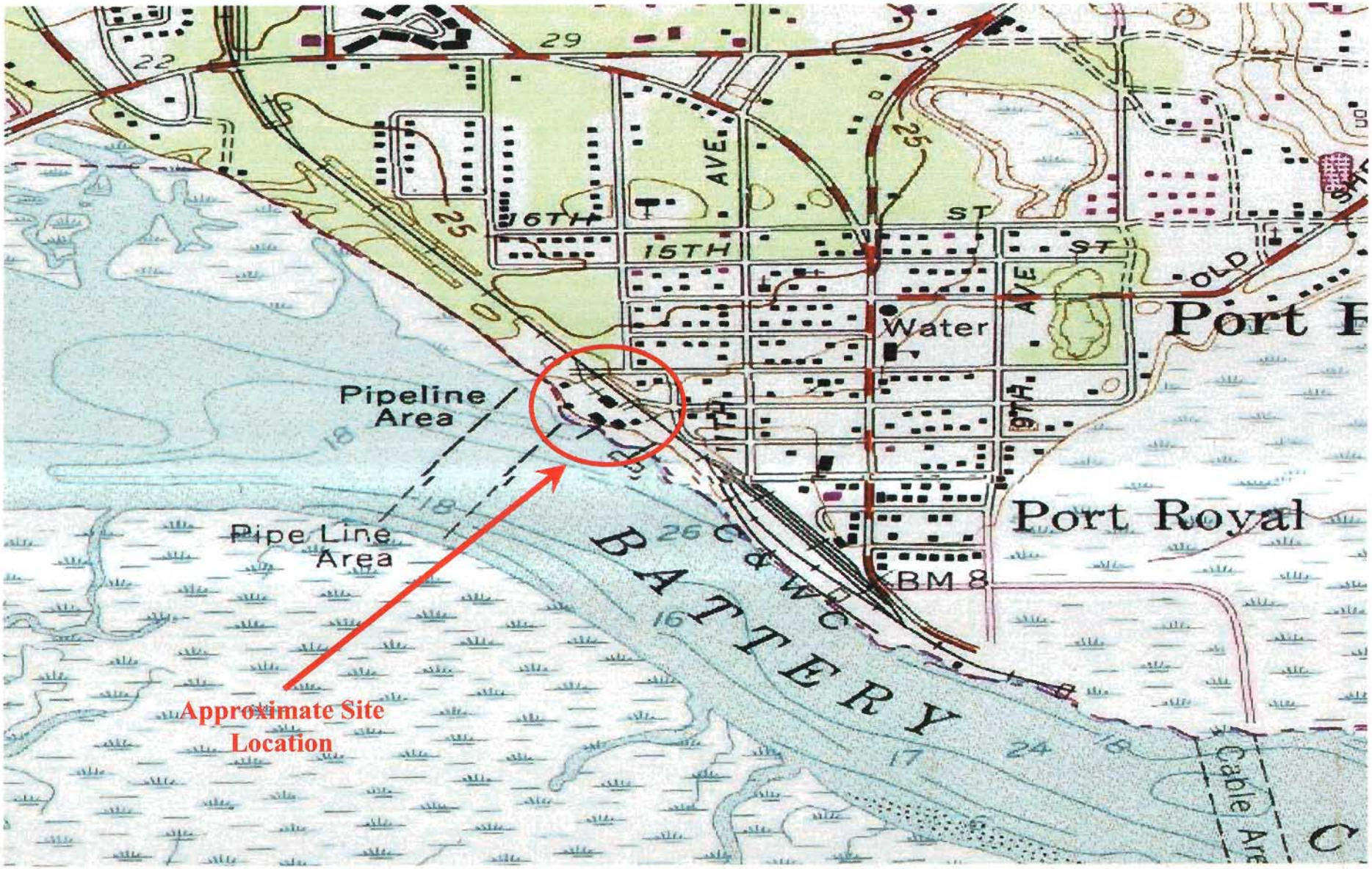
Concentrations of barium were detected in the groundwater samples collected from both sample locations GW-1 and GW-2. The temporary well locations are depicted in Figure 2. The laboratory analytical data for the groundwater samples collected at the site are found in Appendix II and summarized in Table 1.

3.0 Assessment Conclusions and Recommendations

Results from the temporary well analyses revealed that no concentrations of metals were detected at concentrations greater than the EPA Maximum Contaminant Levels (MCLs). Table 1 provides a summary of the temporary well analytical data.

Based on the collected data, groundwater in the past sampled locations at the subject property does not appear to be impacted above EPA MCLs from the activities conducted at the subject property. S&ME feels no further assessment activities are warranted for this site. Per the temporary well permit provisions, this report will be copied to the SCDHEC for review.

Figures



Site Topographic Map

South Carolina Ports Authority Seafood Processing Facility
Port Royal, South Carolina
S&ME Job #1134-05-559

Figure 1
Topographic Map
Beaufort and Parris Island, SC
Quadrangle



Site Map

South Carolina Ports Authority Seafood Processing Facility
Port Royal, South Carolina
S&ME Job #1134-05-559

Figure 2

Tables

Table 1
Summary of Temporary Well Groundwater Analtyical Results
Port Royal Port Facility
Port Royal, South Carolina
S&ME Project No. 1131-05-559

Selected Parameter (ug/L)[1]		GW-1	GW-2
		09/28/05	09/28/05
Metals	*MCL* [2]	*By EPA Method 6010B/7470*	
Arsenic	50	<10.0	<10.0
Barium	2,000	37.5	15.3
Cadmium	5	<1.00	<1.00
Chromium	100	<5.00	<5.00
Lead	15	<5.00	<5.00
Mercury	2	<0.200	<0.200
Selenium	50	<10.0	<10.0
Silver	NL[3]	<5.00	<5.00

NOTES:
(1) Micrograms per liter.
(2) EPA Maximum Contaminant Level.
(3) Not Listed.

APPENDIX I

Temporary Well Construction and Abandonment Records

Water Well Record
Bureau of Water
2600 Bull Street, Columbia, SC 29201-1708; (803) 898-4300

DHEC — PROMOTE PROTECT PROSPER

1. WELL OWNER INFORMATION:
Name: S.C. State Ports Authority (last) (first)
Address: 601 Paris Ave
City: Port Royal State: S.C. Zip: 29935-2431
Telephone: Work: 843-524-9311 Home:

2. LOCATION OF WELL: COUNTY: Beaufort
Name: Port Royal Seafood
Street Address: 1111 11th St.
City: Port Royal SC Zip: 29935
Latitude: 32-22-36 Longitude: 080-41-48

3. PUBLIC SYSTEM NAME: PUBLIC SYSTEM NUMBER: GW-1

4. ABANDONMENT: ☑ Yes ☐ No
Grouted Depth: from 12 ft. to Surface ft.

Formation Description	*Thickness of Stratum	Depth to Bottom of Stratum
Asphalt	.25'	.25'
Lt. Tan Sand	1.25'	1.5'
Dark Brown Silty Sand	1	2.5
Med. Dk. Brown Compacted Sand	2	4.5
Tan Sand	7.5	12
*Indicate Water Bearing Zones (Use a 2nd sheet if needed)		

Well Abandoned after drilling in accordance with R.61-71 4" PVC Set Standard

5. REMARKS: Temporary well

6. TYPE: ☐ Mud Rotary ☐ Jetted ☐ Bored ☐ Dug ☐ Air Rotary ☐ Driven ☐ Cable tool ☑ Other

7. PERMIT NUMBER: 2454

8. USE:
☐ Residential ☐ Public Supply ☐ Process
☐ Irrigation ☐ Air Conditioning ☐ Emergency
☑ Test Well ☐ Monitor Well ☐ Replacement

9. WELL DEPTH (completed) Date Started: 9/28/05
12 ft. Date Completed: 9/28/05

10. CASING: ☑ Threaded ☐ Welded
Diam.: 3/4"
Type: ☑ PVC ☐ Galvanized ☐ Steel ☐ Other
Sch 80 in. to 2' ft. depth
in. to ft. depth
Height: Above ☐ Below ☑
Surface ft.
Weight lb./ft.
Drive Shoe? ☐ Yes ☐ No

11. SCREEN:
Type: PVC Diam.: 3/4"
Slot/Gauge: .010 Length: 10'
Set Between: 12 ft. and 2 ft.
ft. and ft.
NOTE: MULTIPLE SCREENS USE SECOND SHEET
Sieve Analysis ☐ Yes (please enclose) ☐ No

12. STATIC WATER LEVEL 6.5 ft. below land surface after 24 hours

13. PUMPING LEVEL Below Land Surface. N/A
ft. after hrs. Pumping G.P.M.
Pumping Test: ☐ Yes (please enclose) ☐ No
Yield:

14. WATER QUALITY
Chemical Analysis ☑ Yes ☐ No Bacterial Analysis ☐ Yes ☐ No
Please enclose lab results.

15. ARTIFICIAL FILTER (filter pack) ☑ Yes ☐ No
Installed from 12 ft. to 2 ft.
Effective size #2 Uniformity Coefficient

16. WELL GROUTED? ☐ Yes ☑ No
☐ Neat Cement ☐ Bentonite ☐ Bentonite/Cement ☐ Other
Depth: From ft. to ft.

17. NEAREST SOURCE OF POSSIBLE CONTAMINATION: ft. direction
Type See Report
Well Disinfected ☐ Yes ☐ No Type: Amount:

18. PUMP: Date installed: N/A Not installed ☐
Mfr. Name: Model No.:
H.P. Volts Length of drop pipe ft. Capacity gpm
TYPE: ☐ Submersible ☐ Jet (shallow) ☐ Turbine ☐ Jet (deep) ☐ Reciprocating ☐ Centrifugal

19. WELL DRILLER: W.F. Slaughter Jr. CERT. NO.: 1723
Address: (Print) 620 Wando Park Blvd Level: A ☐ B ☐ C ☑ D ☐ (circle one)
Mt. Pleasant SC 29464
Telephone No.: 843 884 0005 Fax No.: 843 881-6149

20. WATER WELL DRILLER'S CERTIFICATION: This well was drilled under my direction and this report is true to the best of my knowledge and belief.

Signed: W.F. Slaughter Jr. Well Driller Date: 9/28/05

If D Level Driller, provide supervising driller's name:

Water Well Record
Bureau of Water
2600 Bull Street, Columbia, SC 29201-1708; (803) 898-4300

1. WELL OWNER INFORMATION:
Name: S.C. State Ports Authority (last) (first)
Address: 501 Paris Ave
City: Port Royal State: S.C. Zip: 29935-2431
Telephone: Work: 843-524-9311 Home:

2. LOCATION OF WELL: COUNTY: Beaufort
Name: Port Royal Seafood
Street Address: 1111 11th St.
City: Port Royal SC Zip: 29935
Latitude: 32-22-36 Longitude: 080-41-49

3. PUBLIC SYSTEM NAME: PUBLIC SYSTEM NUMBER: GW-2

4. ABANDONMENT: ☑ Yes ☐ No
Grouted Depth: from 12 ft. to Surface ft.

Formation Description	*Thickness of Stratum	Depth to Bottom of Stratum
Asphalt	.25'	.25'
Lt. Tan Sand	1.25'	1.5'
Dark Brown Silty Sand	1	2.5
Med. Dk. Brown Compacted Sand	2	4.5
Tan Sand	7.5	12
*Indicate Water Bearing Zones (Use a 2nd sheet if needed)		

Well Abandoned after 1 hr. in accordance with R.61-71 4" PVC Standard

5. REMARKS: Temporary well

6. TYPE: ☐ Mud Rotary ☐ Jetted ☐ Bored ☐ Dug ☐ Air Rotary ☐ Driven ☐ Cable tool ☑ Other

7. PERMIT NUMBER: 2454

8. USE: ☐ Residential ☐ Public Supply ☐ Process ☐ Irrigation ☐ Air Conditioning ☐ Emergency ☑ Test Well ☐ Monitor Well ☐ Replacement

9. WELL DEPTH (completed) 12 ft. Date Started: 9/28/05 Date Completed: 9/28/05

10. CASING: ☑ Threaded ☐ Welded
Diam.: 3/4"
Type: ☑ PVC ☐ Galvanized ☐ Steel ☐ Other
Surface in. to 2' ft. depth
_____ in. to _____ ft. depth
Height: Above ☐ Below ☑
Surface _____ ft.
Weight _____ lb./ft.
Drive Shoe? ☐ Yes ☐ No

11. SCREEN:
Type: PVC Diam.: 3/4"
Slot/Gauge: .010 Length: 10'
Set Between: 12 ft. and 2 ft.
_____ ft. and _____ ft.
NOTE: MULTIPLE SCREENS USE SECOND SHEET
Sieve Analysis ☐ Yes (please enclose) ☐ No

12. STATIC WATER LEVEL 6.5 ft. below land surface after 24 hours

13. PUMPING LEVEL Below Land Surface. N/A
_____ ft. after _____ hrs. Pumping _____ G.P.M.
Pumping Test: ☐ Yes (please enclose) ☐ No
Yield: _____

14. WATER QUALITY
Chemical Analysis ☑ Yes ☐ No Bacterial Analysis ☐ Yes ☐ No
Please enclose lab results.

15. ARTIFICIAL FILTER (filter pack) ☑ Yes ☐ No
Installed from 12 ft. to 2 ft.
Effective size #2 Uniformity Coefficient _____

16. WELL GROUTED? ☐ Yes ☑ No
☐ Neat Cement ☐ Bentonite ☐ Bentonite/Cement ☐ Other _____
Depth: From _____ ft. to _____ ft.

17. NEAREST SOURCE OF POSSIBLE CONTAMINATION: ____ ft. ____ direction
Type _____ See Report
Well Disinfected ☐ Yes ☐ No Type: _____ Amount: _____

18. PUMP: Date installed: N/A Not installed ☐
Mfr. Name: _____ Model No.: _____
H.P. _____ Volts _____ Length of drop pipe ___ ft. Capacity ___ gpm
TYPE: ☐ Submersible ☐ Jet (shallow) ☐ Turbine ☐ Jet (deep) ☐ Reciprocating ☐ Centrifugal

19. WELL DRILLER: W.F. Slaughter Jr. CERT. NO.: 1723
Address: (Print) 620 Wando Park Blvd Level: A ☐ B ☐ C ☑ D ☐ (circle one)
Mt. Pleasant SC 29464
Telephone No.: 843 884 0005 Fax No.: 843 881-6149

20. WATER WELL DRILLER'S CERTIFICATION: This well was drilled under my direction and this report is true to the best of my knowledge and belief.

Signed: W.F. Slaughter Jr. Well Driller Date: 9/28/05

If D Level Driller, provide supervising driller's name:

DHEC 1903 (07/2003) COPY 1 MAIL TO: S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (ADDRESS ABOVE)

APPENDIX II

Laboratory Analytical Data

TestAmerica
ANALYTICAL TESTING CORPORATION

NOI2888
10/10/05 17:00

To assist us in using the proper analytical methods, is this work being conducted for regulatory purposes?
Compliance Monitoring: _____

Client Name: S+ME INC Client #: 2420
Address: 620 Wando Park Blvd.
City/State/Zip Code: Mt. Pleasant SC 29464
Project Manager: Jill Bishop
Telephone Number: 843 884 0005 Fax: 843 881 6149
Sampler Name: (Print Name) F. Slack
Sampler Signature: F. Slack

Project Name: Port Royal Phase II
Project #: 1134-05-559
Site/Location ID: Port Royal State: SC
Report To: Jill Bishop
Invoice To:
Quote #: PO#: 24121

TAT
X Standard
___ Rush (surcharges may apply)
Date Needed: _____
Fax Results: (Y) N

Matrix: SL - Sludge DW - Drinking Water; GW - Groundwater S - Soil/Solid; WW - Wastewater Specify Other
Preservation & # of Containers: HNO_3 | HCl | NaOH | H_2SO_4 | Methanol | None | Other (Specify)
Analyze For: Pb,Cu,As Metals by 6010B/7470A Lab Filtered

QC Deliverables
___ None
___ Level 2 (Batch QC)
___ Level 3
___ Level 4
Other: _____

SAMPLE ID	Date Sampled	Time Sampled	G = Grab, C = Composite	Field Filtered	Matrix	HNO_3	HCl	NaOH	H_2SO_4	Methanol	None	Other (Specify)	Pb,Cu,As Metals by 6010B/7470A Lab Filtered	REMARKS
GW1	9/28/05	1100	G		GW						2		X	01
GW2	9/28/05	1000	G		GW						2		X	02

Special Instructions: Samples to be Lab Filtered

	Date	Time		Date	Time
Relinquished By: F. Slack	9/28/05	1515	Received By: J. Bradford	9/28/05	1545
Relinquished By: J. Bradford	9/28/05	1730	Received By:	Date:	Time:
Relinquished By:	Date:	Time:	Received By:	9/29/05	750

LABORATORY COMMENTS:
Init Lab Temp:
Rec Lab Temp: 1.5
Custody Seals: Y N N/A
Bottles Supplied by Test America: Y N
Method of Shipment: 853531348929 FedEx to TA-Nashville

TestAmerica
ANALYTICAL TESTING CORPORATION
2960 Foster Creighton Road Nashville, TN 37204 * 800-765-0980 * Fax 615-726-3404

October 10, 2005

Client: S&ME, Inc. (2420)
620 Wando Park Blvd.
Mt. Pleasant, SC 29464
Attn: Jill Bishop

Work Order: NOI2888
Project Name: Port Royal Port Facility
Project Nbr: 1134.05.559
Date Received: 09/29/05

SAMPLE IDENTIFICATION	LAB NUMBER	COLLECTION DATE AND TIME
GW1	NOI2888-01	09/28/05 11:00
GW2	NOI2888-02	09/28/05 10:00

An executed copy of the chain of custody, the project quality control data, and the sample receipt form are also included as an addendum to this report. If you have any questions relating to this analytical report, please contact your Laboratory Project Manager at 1-800-765-0980. Any opinions, if expressed, are outside the scope of the Laboratory's accredidation.

This material is intended only for the use of the individual(s) or entity to whom it is addressed, and may contain information that is privileged and confidential. If you are not the intended recipient, or the employee or agent responsible for delivering this material to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this material is strictly prohibited. If you have received this material in error, please notify us immediately at 615-726-0177.

These results relate only to the items tested. This report shall not be reproduced except in full and with permission of the laboratory.

Report Approved By:

Jessica Vickers
Senior Project Manager

TestAmerica
ANALYTICAL TESTING CORPORATION
2960 Foster Creighton Road Nashville, TN 37204 * 800-765-0980 * Fax 615-726-3404

Client	S&ME, Inc. (2420)	Work Order:	NOI2888
	620 Wando Park Blvd.	Project Name:	Port Royal Port Facility
	Mt. Pleasant, SC 29464	Project Number:	1134.05.559
Attn	Jill Bishop	Received:	09/29/05 07:50

ANALYTICAL REPORT

Analyte	Result	Flag	Units	MRL	Dilution Factor	Analysis Date/Time	Method	Analyst	Batch
Sample ID: NOI2888-01 (GW1 - Water) Sampled: 09/28/05 11:00									
Dissolved Metals by EPA Method 6010B									
Arsenic	ND		ug/L	10.0	1	10/03/05 17:54	SW846 6010B	CLO	5100012
Barium	**37.5**		ug/L	10.0	1	10/03/05 17:54	SW846 6010B	CLO	5100012
Cadmium	ND		ug/L	1.00	1	10/03/05 17:54	SW846 6010B	CLO	5100012
Chromium	ND		ug/L	5.00	1	10/03/05 17:54	SW846 6010B	CLO	5100012
Lead	ND		ug/L	5.00	1	10/03/05 17:54	SW846 6010B	CLO	5100012
Selenium	ND		ug/L	10.0	1	10/03/05 17:54	SW846 6010B	CLO	5100012
Silver	ND		ug/L	5.00	1	10/03/05 17:54	SW846 6010B	CLO	5100012
Dissolved Mercury by EPA Methods 7470A/7471A									
Mercury	ND		ug/L	0.200	1	10/04/05 10:54	SW846 7470A	KKK	5100136
Sample ID: NOI2888-02 (GW2 - Water) Sampled: 09/28/05 10:00									
Dissolved Metals by EPA Method 6010B									
Arsenic	ND		ug/L	10.0	1	10/03/05 17:58	SW846 6010B	CLO	5100012
Barium	**15.3**		ug/L	10.0	1	10/03/05 17:58	SW846 6010B	CLO	5100012
Cadmium	ND		ug/L	1.00	1	10/03/05 17:58	SW846 6010B	CLO	5100012
Chromium	ND		ug/L	5.00	1	10/03/05 17:58	SW846 6010B	CLO	5100012
Lead	ND		ug/L	5.00	1	10/03/05 17:58	SW846 6010B	CLO	5100012
Selenium	ND		ug/L	10.0	1	10/03/05 17:58	SW846 6010B	CLO	5100012
Silver	ND		ug/L	5.00	1	10/03/05 17:58	SW846 6010B	CLO	5100012
Dissolved Mercury by EPA Methods 7470A/7471A									
Mercury	ND		ug/L	0.200	1	10/04/05 11:01	SW846 7470A	KKK	5100136

TestAmerica
ANALYTICAL TESTING CORPORATION
2960 Foster Creighton Road Nashville, TN 37204 * 800-765-0980 * Fax 615-726-3404

Client	S&ME, Inc. (2420)	Work Order:	NOI2888
	620 Wando Park Blvd.	Project Name:	Port Royal Port Facility
	Mt. Pleasant, SC 29464	Project Number:	1134.05.559
Attn	Jill Bishop	Received:	09/29/05 07:50

SAMPLE EXTRACTION DATA

Parameter	Batch	Lab Number	Wt/Vol Extracted	Extracted Vol	Date	Analyst	Extraction Method
Dissolved Mercury by EPA Methods 7470A/7471A							
SW846 7470A	5100136	NOI2888-01	30.00	30.00	10/03/05 06:56	KKK	EPA 7470
SW846 7470A	5100136	NOI2888-02	30.00	30.00	10/03/05 06:56	KKK	EPA 7470
Dissolved Metals by EPA Method 6010B							
SW846 6010B	5100012	NOI2888-01	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-01	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-01	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-01	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-01	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-01	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-01	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-02	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-02	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-02	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-02	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-02	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-02	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve
SW846 6010B	5100012	NOI2888-02	50.00	50.00	10/03/05 11:15	JLS	EPA 3010A Dissolve

Exhibit E
Port Royal Regulating Plan September 2011


RIBAUT ROAD
RV
Ribaut Circle
Edinburgh Ave.
BN
16th Street
15th Street
14th Street
13th Street
12th Street
11th Street
10th Street
9th Street
8th Street
7th Street
Columbia Ave.
Madrid Ave.
Paris Ave.
London Ave.
RIBAUT VILLAGE
BLUFF
NEIGHBORHOOD
MARSH
CIVIC OPEN SPACE
BLUFF NEIGHBORHOOD
MARINA VILLAGE
MV
OLD RAILROAD
PROPERTY OWNED
BY THE TOWN OF
PORT ROYAL
MARINA VILLAGE
PORT VILLAGE
PV-5
PV-4
PV-3
PV-2
PV-1
PV-6
COS
CIVIC OPEN SPACE
PORT VILLAGE
MARSH
MARSH
THE
SANDS
PORT VILLAGE
BATTERY CREEK
LEGEND:
RV - RIBAUT VILLAGE
BN - BLUFF NEIGHBORHOOD
MV - MARINA VILLAGE
PV - PORT VILLAGE
COS - CIVIC OPEN SPACE
PEDESTRIAN WATERFRONT BOARDWALK/
PROMENADE/ TRAIL
TOWN OWNED PROPERTY
POTENTIAL ROAD RIGHT OF WAY
SEAPORT
PORT ROYAL, SOUTH CAROLINA
REGULATING PLAN
SEPTEMBER 2011
PREPARED FOR:
PORT ROYAL REDEVELOPMENT GROUP, LLC
PREPARED BY:
Wilmer·Jones·Keefer
Ltd.
landscape architecture
land planning
www.wjarch.com
0' 200' 400' 600' 800' 1200'
North
W E
S

Exhibit F
Chapter 22 Town of Port Royal Code of Ordinances
Supplement 15

Chapter 22

ZONING

Art I. In General, §§ 22-1—22-25
Art. II. Establishment of Zoning Districts, §§ 22-26—22-40
Art. III. Application of District Regulations, §§ 22-41—22-60
Art. IV. Requirements by Districts, §§ 22-61—22-90
Art V. Sign Regulations, §§ 22-91—22-120
Art. VI. General Provisions, §§ 22-121—22-160
Art. VII. Administration, Enforcement, Appeal, Complaints and Remedies, §§ 22-161—22-185
Art. VIII. Zoning Board of Adjustment and Appeals, §§ 22-186—22-200
Art. IX. Amendments, §§ 22-201—22-215
Art. X. Legal Status Provisions, §§ 22-216—22-230
Art. XI. Definition of Terms Used in this Chapter, §§ 22-231—22-235
Art. XII. Historic Preservation, §§ 22-236—22-245

ARTICLE I. IN GENERAL

Sec. 22-1. Authority and enactment clause.

In pursuance of authority conferred by the General Statutes of South Carolina 1976 Code of Laws, title 6, chapter 7, article 3, section 14-350 (otherwise known as Act 487, South Carolina Acts of 1967), and for the purpose of promoting the health, safety, morals, or general welfare of the community, lessening congestion in the streets, crowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public improvements, protecting scenic areas, with a comprehensive plan, the town council does ordain and enact into the law the following articles and sections.
(Ord. No. 78-14, Art. I, 1-10-79)

Sec. 22-2. Short title.

This chapter shall be known and may be cited as "The Zoning Ordinance of the Town of Port Royal, South Carolina."
(Ord. No. 78-14, Art. II, 1-10-79)

Secs. 22-2—22-25. Reserved.

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS

Sec. 22-26. Establishment of districts.

For the purpose of this chapter, portions of the town, as specified on the official zoning map of the town, are hereby divided into the following zoning districts:

CP	Conservation Preservation District
R-17	Low Density One-Family Residential District
R-12	Low Density One-Family Residential District
R-10	Medium Density One-Family Residential District
R-5	High Density One-Family Residential District
GR	General Residential District
CC	Core Commercial District
GC	General Commercial District
OC	Office Commercial District
NC	Neighborhood Commercial District
HC	Highway Commercial District
LI	Limited Industrial District
MH	Mobile Home District
G	Governmental District
FA	Forest Agriculture District
PUD	Planned Unit Development District
FH	Flood Hazard District
MU-1	Mixed Use 1
MU-2	Mixed Use 2
WI	Waterborne industrial

(Ord. No. 78-14, § 300, 1-10-79; Ord. No. 03-12, § 1, 10-8-03)

Sec. 22-27. District boundaries.

The boundaries of the above zoning districts are a map or series of maps entitled, "Official Zoning Map, Town of Port Royal" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

Each map bearing the designation Official Zoning Map, Town of Port Royal shall be identified by the signature of the mayor, attested by the town manager, and bearing the seal of the town under the words: Official Zoning Map, Town of Port Royal, South Carolina, together with the date of the adoption of this chapter.

If, in accordance with the provisions of this chapter and South Carolina 1967 Code of Laws, 1968 Supplement, Volume 3, article 3, section 14-350, changes are made in district boundaries of other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly by the town manager within seven (7) days after the amendment has been approved by the town council. No amendment of this chapter which involves matter portrayed on the official zoning map shall become effective until after such changes have been made on said map.

No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind on any person or persons shall be considered a violation of this chapter 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 made or published, the official zoning map which shall be located in the office of the town manager shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town.
(Ord. No. 78-14, § 301, 1-10-79)

Sec. 22-28. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline or right-of-way lines of streets, highways, alleys, railways, or public utility easements shall be construed to follow such lines;

(2) Boundaries indicated as approximately following plotted lot or tract lines shall be construed as following such lines, whether public or private.

(3) Boundaries indicated as approximately following the town limit line shall be construed to follow such town limit line.

(4) Boundaries indicated as approximately following the center, mean high water mark, or shoreline of streams, rivers, canals, lakes, marsh areas, or other bodies of water, low land, or tide areas, shall be construed to follow such boundaries.

(5) Boundaries indicated as parallel to, or extensions of, features indicated in subsections (1) through (4) above shall be so construed. Distances not specifically indicated on the official zoning map, or in other circumstances not covered by subsections (1) through (4) above, the zoning board of adjustment and appeals shall interpret the district boundaries.

(Ord. No. 78-14, § 302, 1-10-79)

Sec. 22-29. Annexation and other adjustments to town limits.

Where town limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

(1) Areas to be annexed into the corporate limits of the town shall be assigned zoning classifications by town council prior to petition or referendum for annexation. Town council will develop a zoning classification for areas to be annexed based upon the recommendation of the joint municipal planning commission.

(2) In all cases, where additions in the town's total area require adjustments in the zoning district boundaries, said adjustment shall be made on the zoning map.

(3) When reductions are made in the town's total incorporated area the provisions of this chapter shall no longer apply to that area.

(Ord. No. 78-14, § 303, 1-10-79)

Secs. 22-30—22-40. Reserved.

ARTICLE III. APPLICATION OF DISTRICT REGULATIONS*

Sec. 22-41. Use of land or structures.

(a) No land or structures shall hereinafter be used or occupied and no structure or parts shall hereafter be constructed, erected, altered, established 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:

(1) With greater height, size, bulk or other dimensions;

(2) To accommodate or house a greater number of families;

(3) To occupy a greater percentage of lot area;

(4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than therein required; or

(5) In any other manner contrary to the provisions of this chapter.

(c) No part of a yard, or other open space, or off-street parking or loading required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard open space, or 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 a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.
(Ord. No. 78-14, § 400, 1-10-79)

Sec. 22-42. Lot reduction prohibited.

No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
(Ord. No. 78-14, § 401, 1-10-79)

Sec. 22-43. Use of substandard lots of record.

Where the owner of a lot at the time of the adoption of this chapter does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may nonetheless be used as a building site. The planning administrator and the building inspector are authorized to issue a permit for the use of the property which conforms to the requirements for the district in which the lot is located as set forth in this chapter provided that said lot requirements are not reduced below the minimum specified in this chapter by more than

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*Note—The regulations set by this chapter within each district shall be the minimum regulating and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this chapter the following general standards for the enforcement of district regulations shall apply.

twenty (20) percent. If, however, the owner of two (2) or more adjoining lots, with insufficient land dimensions, decides to build on or to sell off these lots, he must first combine said lots to comply with the dimensional requirements of this chapter. Any lot requiring dimensional waivers below the twenty (20) percent minimum set forth in this section shall be approved by the zoning board of adjustment and appeals provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.
(Ord. No. 78-14, § 402, 1-10-79; Ord. No. 10-3, 3-10-10)

Secs. 22-44—22-60. Reserved.

ARTICLE IV. REQUIREMENTS BY DISTRICTS

Sec. 22-61. CP conservation preservation district.

(a) *Intent of 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 of the town which:

(1) Serve as wildlife refuges;

(2) Possess great natural beauty or are of historical significance;

(3) Are utilized for outdoor recreational purposes;

(4) Provide needed open space for the health and general welfare of the town's inhabitants.

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.

(b) *Permitted uses.* The following uses shall be permitted in any CP zoning district.

(1) Private dock or boat house.

(2) Boat marina.

(3) Public utility line, fire or water tower or substation.

(4) Publicly owned and/or operated park, open space, recreational facility or use, and the equipment necessary for servicing the users.

(5) Wildlife refuge including one (1) caretaker's cottage per refuge, on permanent skirted foundation, having a pitched and shingled roof, and meeting Southern Standard Building Code's Seal of Approval, for a person directly employed to protect and maintain the refuge.

(6) Activities related to soil and water conservation, measurement, and control.

(7) Water retention ponds.

(8) Shoreline protection areas.

(9) Sites or structures acknowledged by the town council to be of historical significance.

(10) Open space, to meet open space requirements under other sections of this chapter.

(c) *Conditions.* No use or activity, including those set forth above, shall be permitted in a CP district that would disturb, destroy or impair the natural fauna, flora, water courses, water regimen or topography.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in CP zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: None

(2) Minimum lot width, measured at the building line: None

(3) Minimum front yard, measured from the nearest abutting street right-of-way line: None

(4) Minimum side yard: None

(5) Minimum rear yard: None

(6) Additional requirements: Uses permitted in CP zoning districts shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(7) Signs: Signs permitted in CP zoning districts, including the conditions under which they may be located, are set forth in article V.

(Ord. No. 78-14, § 500, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87)

Sec. 22-62. R-17 low density one-family residential district.

(a) *Intent of district.* It is the intent of this section that the zoning district be developed and reserved for 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 of seventeen thousand (17,000) 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.

(b) *Permitted uses.* The following uses shall be permitted in any R-17 zoning district:

(1) All uses permitted in a CP conservation preservation district as shown in section 22-61(b), except boat marinas and bait houses.

(2) a. One-family dwelling, other than a mobile home, having a pitched and shingled roof, and being placed on a permanent skirted foundation, containing a footer;

b. Such skirting materials are to be of construction grade materials of a durable nature, such as wood, brick, stone, wood, lattice, or painted concrete block.

(3) Publicly owned building, facility or land.

(4) Unlighted, regulation-size or par three golf courses.

(5) Noncommercial horticulture or agriculture, but not including the keeping of poultry or livestock.

(6) Customary home occupation established under the provisions of section 22-130.

(7) Accessory use in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted in any R-17 zoning district on a conditional basis, subject to conditions set forth in article VII, section 22-165:

(1) Church, synagogue, temple and other places of worship provided that:

a. Such use is housed in a permanent structure;

b. Such use is located on a lot not less than forty thousand (40,000) square feet in area; and

c. No structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

(2) Public and private schools engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

(3) Public utility substation or sub-installation including water tower, provided that:

a. Such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finish grade;

b. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and

c. A landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

d. No communication antennas may be attached to any tower not specifically intended to be a communication tower (ex: water tower, telephone pole or roof).

(4) Cemetery provided that such use:

a. Consists of a site of at least one (1) acre;

b. Includes no crematorium or dwelling unit other than a caretaker;

c. Has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further; and

d. Maintains a non-illuminated sign no greater than thirty (30) square feet and ten (10) feet in height.

(5) Child day care centers provided that:

a. Structures are placed not less than thirty (30) feet from any residential property line;

b. That on-site off-street parking spaces are provided in the amount of at least one (1) for each employee working on the premises and one (1) additional space for each five (5) children enrolled at the center;

c. That playgrounds, if any, be enclosed by an attractive fence or wall of finished building materials at least five (5) feet in height above finish grade;

d. That adequate ingress and egress be provided for vehicles bringing and picking up children so as not to cause disruption of normal traffic on adjacent streets; and

e. Signs must be non-illuminated, placed flat against the wall of the principal structure and not exceed one and one-half (1½) square feet in area.

(6) Temporary use in compliance with the provisions of article VII, section 22-165.

(7) Bed and breakfast: A dwelling may be involved in the rental of five (5) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent. The parking space provision shall be confirmed by the planning administrator and the building official prior to the issuance of a business license for this purpose and use.

(d) *Other requirements.* Uses permitted in R-17 zoning districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to whatever relief is provided by article V, section 22-43 of this chapter.

(1) Minimum lot area: Seventeen thousand (17,000) square feet. The state department of health and environmental control requires a minimum lot area of twelve thousand five hundred (12,500) square feet when septic tanks are built in conjunction with community water systems.

(2) Minimum land area per dwelling unit: Seventeen thousand (17,000) square feet.

(3) Minimum lot width measured on the building line: Seventy-five (75) feet.

(4) Minimum front yard depth measured from the nearest street right-of-way line: Thirty-five (35) feet. For exceptions to this requirement, see section 22-125 and 22-126.

(5) Minimum side yard: No less than fifteen (15) feet for each side. For side yard requirements pertaining to corner lots, see section 22-123 and 22-125.

(6) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(7) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations, see section 22-142.

(8) Minimum floor area requirement: One thousand four hundred and fifty (1,450) square feet.

(9) Additional requirements: Uses permitted in R-17 zoning districts shall meet all standards set forth in article VI, pertaining to off-street parking, loading and other requirements.

(10) Signs: Signs permitted in R-17 zoning districts, including the conditions under which they may be located, are set forth in article V.

(Ord. No. 78-14, § 501, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 94-2, § 1, 3-9-94; Ord. No. 97-25, 12-3-97; Ord. No. 05-30, § 1, 9-14-05; Ord. No. 10-3, 3-10-10)

Sec. 22-63. R-12 single-family residential district.

(a) *Intent of district.* It is the intent of this section that the R-12 zoning district be developed and reserved for 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 of twelve thousand five hundred (12,500) 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.

(b) *Permitted uses.* The following uses shall be permitted in any R-12 zoning district.

(1) All uses permitted in a CP conservation preservation district, as shown in section 22-61(b), except boat marinas and bait houses.

(2) Same as 22-62(b)(2).

(3) Publicly owned building, facility or land.

(4) Unlighted, regulation-size or par three golf courses.

(5) Noncommercial horticulture or agriculture, but not including the keeping of poultry or livestock.

(6) Customary home occupation established under the provisions of section 22-130.

(7) Accessory use in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted in any R-12 zoning district on a conditional basis, subject to conditions set forth in article VII, section 22-165.

(1) Church, synagogue, temple and other places of worship provided that:

a. Such use is housed in a permanent structure;

b. Use is located on a lot not less than twenty thousand (20,000) square feet in area; and

c. No structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

(2) Public and private schools engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

(3) Public utility substation or sub-installation including water tower, provided that:

a. Such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finish grade;

b. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and

c. A landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.

d. No communication antennas may be attached to any tower not specifically intended to be a communication tower (ex: water tower, telephone pole or roof).

(4) Cemetery, provided that such use:

a. Consists of a site of at least one (1) acre;

b. Includes no crematorium or dwelling unit other than for a caretaker;

c. Has a front yard setback of at least seventy (70) feet from the centerline of the street or ten (10) feet from the street right-of-way line, whichever is further; and

d. Maintains a non-illuminated sign no greater than thirty (30) square feet and ten (10) feet in height.

(5) Child day care centers provided that:

a. Structures are placed not less than thirty (30) feet from any residential property line;

b. That on-site off-street parking spaces are provided in the amount of at least one (1) for each employee working on the premises and one (1) additional space for each five (5) children enrolled at the center;

c. That playgrounds, if any, be enclosed by an attractive fence or wall of finished building materials at least five (5) feet in height above finish grade;

d. That adequate ingress and egress be provided for vehicles bringing and picking up children so as not to cause disruption of normal traffic on adjacent streets; and

e. Signs must be non-illuminated, placed flat against the wall of the principal structure and not exceed one and one half (1½) square feet in area.

(6) Temporary use in compliance with the provisions of article VII, section 22-165.

(d) *Other requirements.* Uses permitted in R-12 zoning districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this chapter may be subject to whatever relief is provided by article V, section 22-43 of this chapter.

(1) Minimum lot area: Twelve thousand five hundred (12,500) square feet. The state department of health and environmental control requires a minimum lot area of twelve thousand five hundred (12,500) square feet when septic tanks are built in conjunction with community water systems.

(2) Minimum land area per dwelling unit: Twelve thousand five hundred (12,500) square feet.

(3) Minimum lot width measured on the building line: Seventy-five (75) feet.

(4) Minimum front yard depth measured from the nearest street right-of-way line: Thirty-five (35) feet. For exceptions to this requirement, see sections 22-125 and 22-126.

(5) Minimum side yard: No less than fifteen (15) feet for each side. For side yard requirements pertaining to corner lots, see section 22-123 and 22-125.

(6) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(7) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations, see section 22-142.

(8) Minimum floor area requirement: One thousand two hundred (1,200) square feet.

(9) Additional requirements: Uses permitted in R-12 zoning districts shall meet all standards set forth in article VI, pertaining to off-street parking, loading and other requirements.

(10) Signs: Signs permitted in R-12 zoning districts, including the conditions under which they may be located, are set forth in article V.

(Ord. No. 78-14, § 502, 1-10-79; Ord. No. 87-59, 6-24-87; Ord. No. 05-30, § 2, 9-14-05)

Sec. 22-64. R-10 medium density one-family residential district.

(a) *Intent of district.* It is the intent of this section that the R-10 zoning district be developed and reserved for medium-density one-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 on ten thousand (10,000) square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any R-10 zoning district:

(1) All uses permitted in the R-17 one-family residential district as shown in section 22-62(b).

(c) *Conditional uses.* The following uses shall be permitted in any R-10 zoning district subject to conditions set forth in article VII, section 22-165:

(1) All conditional uses permitted in the R-17 one-family residential district, as shown in section 22-62(b).

(d) *Other requirements.* Uses permitted in R-10 zoning districts shall be required to conform to the following standards, except that the uses of substandard lots of record as of the effective date of this chapter may be subject to whatever relief is provided by section 22-43 of this chapter.

(1) Minimum lot area: Ten thousand (10,000) square feet. For lots under twelve thousand five hundred (12,500) square feet, the state department of health and environmental control requires the installation of community water and sewer systems when lots are developed of a size less than twelve thousand five hundred (12,500) square feet.

(2) Minimum land area per dwelling unit: Ten thousand (10,000) square feet.

(3) Minimum lot width measured at the building line: Seventy-five (75) feet.

(4) Minimum front yard depth measured from the nearest street right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see section 22-125 and 22-126.

(5) Minimum side yard: No less than twelve (12) feet for each side. For side yard requirements pertaining to corner lots, see section 22-123 and 22-125.

(6) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 822.

(7) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations, see section 22-142.

(8) Minimum floor area requirement: One thousand (1,000) square feet.

(9) Additional requirements: Uses permitted in R-10 zoning districts shall meet all standards set forth in article VI, pertaining to off-street parking, loading and other requirements.

(10) Signs: Signs permitted in R-10 zoning districts, including the conditions under which they may be located, are set forth in article V.

(Ord. No. 78-14, § 503, 1-10-79; Ord. No. 86-54, 12-1-86)

Sec. 22-65. R-5 high density one-family residential district.

(a) *Intent of district.* It is the intent of this section that the R-5 zoning district be developed and reserved for high-density one-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 and duplex dwellings situated on lots of five thousand (5,000) square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any R-5 zoning district:

(1) One-family dwellings having a pitched and shingled roof, and being placed on a permanent skirted foundation containing a footer. Skirting materials are to be of construction grade durable material, such as wood, brick, stone, wood, lattice, or painted concrete blocks.

(2) Home occupation as established under section 22-130.

(3) Private docks or boat houses.

(4) Publicly owned or operated buildings, facilities and land.

(5) Historic sites as acknowledged by the town council.

(6) Non-commercial horticultural/agricultural uses, excluding poultry and livestock rearing.

(7) Community centers.

(c) *Conditional uses.* The following uses shall be permitted in any R-5 high density one-family residential district subject to conditions set forth in section 22-165.

(1) Church, synagogue, temple and other places of worship if the use is housed within a permanent structure, is constructed on a lot no less than twenty thousand (20,000) feet and no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.

(2) Public and private schools. Provided the structures are placed not less than fifty (50) feet from any residential property line.

(3) Public utilities provided that a painted fence or wall at least six (6) feet in height encloses such use. This use does not include office/commercial operations or vehicle or equipment storage. A ten-foot landscape strip is required along the perimeter of the use.

(4) Child daycare center provided that the following conditions are met:

a. Structures are placed not less than thirty (30) feet from any residential property line.

b. Parking is provided in accordance to section 22-133: Schools.

c. Signs are non-illuminated, placed flat against the wall of the principal structure and do not exceed one and one-half (1½) square feet in size.

(5) Cemeteries.

(d) *Other requirements.* Uses permitted in R-5 zoning districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this section may be subject to whatever relief is provided by section 22-43.

(1) *Minimum lot area:* Five thousand (5,000) square feet. The South Carolina Department of Health and Environmental Control requires the installation of community water and sewer systems when lots are developed of a size less than twelve thousand five hundred (12,500) square feet.

(2) *Minimum land area per dwelling unit:* The minimum area per dwelling unit on a lot shall not be less than indicated by dwelling unit type on the following schedule:

One family dwelling: Five thousand (5,000) square feet per unit.

(3) *Minimum lot width measured at the building line:*

One family dwelling: Fifty (50) linear feet.

(4) *Variable street yard depth measured from the street right-of-way line:* Five (5) feet to twenty (20) feet.

(5) *Minimum side yard:* No less than ten (10) feet for each non-street side yard side.

(6) *Minimum rear yard:* Fifteen (15) feet.

(7) *Maximum building height:* Thirty-five (35) feet, not to exceed two (2) stories.

(8) *Minimum floor area requirement:* As required by HUD standards.

(9) *Garage, carport and parking pad placement:* No less than ten (10) feet behind the frontline of the principal structure.

(10) *Additional requirements:* Uses permitted in R-5 zoning districts shall meet all standards set forth in article VII, pertaining to off-street parking, loading and other requirements.

(11) *Signs:* Signs permitted in R-5 zoning districts, including the conditions under which they may be located, are set forth in article V.

(12) *First floor height.* The residential finished first floor height will be raised a minimum of two (2) feet from the average adjacent sidewalk grade.

(13) *Front porch or stoop.* An eight-foot front porch or four-foot front stoop is required on all residential development.

a. Porches shall have a minimum depth of eight (8) feet from building face to inside of column face and shall have a minimum length of twenty-five (25) percent and are allowed to be up to one hundred (100) percent of the building front. Porches may occur forward of the build-to line, but shall not extend into the right-of-way. Porches must be covered structures. Front porches may be screened; however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen.

b. Stoops shall have a minimum depth of four (4) feet and shall have a minimum length of ten (10) percent and up to a maximum of twenty-five (25) percent of the building front, not including the stairs. Stoops may occur forward of the build-to line, but shall not extend into the right-of-way. Stoop stairs may run to the front or to the side. Stoops must be covered.

(Ord. No. 78-14, § 504, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 00-36, 10-11-00; Ord. No. 05-47, §§ 1, 2, 12-14-05; Ord. No. 09-14, 1-13-10)

Sec. 22-66. GR general residential district.

(a) *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. 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 five thousand (5,000) or more square feet, and to discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

(b) Permitted uses. The following uses shall be permitted in any GR zoning district.

(1) All uses permitted in the R-17 low density one-family residential district as shown in section 22-62(b).

(2) a. Two-family dwelling having a pitched and shingled roof, and being placed on a permanent skirted foundation, containing a footer;

b. Such skirting materials are to be of construction grade materials of a durable nature, such as wood, brick, stone, lattice, or painted concrete block.

(3) a. Multi-family dwelling having a pitched and shingled roof, and being placed on a permanent skirted foundation, containing a footer;

b. Such skirting materials are to be of construction grade materials of a durable nature, such as wood, brick, stone, lattice, or painted concrete block.

(4) a. Group dwelling having a pitched and shingled roof, and being placed on a permanent skirted foundation containing a footer;

b. Such skirting materials are to be of construction grade materials of a durable nature, such as wood, brick, stone, lattice, or painted concrete block.

(5) a. Manufactured housing meeting the Southern Standard Building Code's Seal of Approval/HUD;

b. Having wheels, tongues and axles removed;

c. Having pitched and shingled roof; and

d. Being placed on a permanent skirted foundation containing a footer;

e. Such skirting materials are to be of construction grade materials of a durable nature, such as wood lattice or painted concrete block.

(c) *Conditional uses.* The following uses may be permitted in any GR zoning district subject to the provisions set forth in section 22-165.

(1) All conditional uses permitted in the R-17 low-density one-family residential district as shown in section 22-62(c).

(2) Public or private care homes, provided such facilities conform with the requirements of the state department of health and environmental control, and provided plans for such facilities receive the written approval of the county health department prior to the issuance of any permits for construction and operation, copies of such approval to be attached to the building permit and to be retained in the files of the planning administrator and the building official.

(3) Townhouses provided that such use conforms to special requirements set forth in section 22-66(d) pertaining to multi-family dwellings.

(4) Condominiums provided that such use conforms to requirements set forth in section 22-66(d) pertaining to multi-family dwellings.

(5) Storage of commercial vehicles as provided in section 22-131(1)b.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, or unless subject to relief under conditions set forth in section 22-43, uses permitted in GR zoning districts shall be required to conform to the following standards:

(1) Minimum lot area:

a. One-family dwellings: Five thousand (5,000) square feet.

b. Two-family dwellings: Five thousand (5,000) square feet.

c. Group dwelling: Twelve thousand (12,000) square feet.

d. Multi-family dwelling: Five thousand (5,000) square feet.

e. Other principal uses: Five thousand (5,000) square feet.

(2) Minimum lot area per dwelling unit: The minimum area per dwelling unit on a lot shall not be less than indicated by dwelling unit type on the following schedule:

a. One-family dwellings: Five thousand (5,000) square feet per unit.

b. Two-family dwellings: Two thousand five hundred (2,500) square feet per unit.

c. Group dwelling: Not applicable.

d. Multi-family dwelling: According to the following table:

Table A. Lot area square footage per unit required for multiple-family dwelling units.

	Stories			
Unit type	*1*	*2*	*3*	*4*
Efficiency units	2,000	1,435	1,410	1,240
1 Bedroom	2,000	1,775	1,625	1,438
2 Bedroom	2,650	2,475	2,125	1,825
3 Bedroom	3,525	3,175	2,653	2,200
4 Bedroom	4,375	3,975	3,492	2,725

Example: Developer desires to construct twenty (20) two-bedroom apartments two (2) stories in height. How much lot area will be required?

Table A indicates that for two-story, two-bedroom units, each unit is required to have two thousand four hundred seventy-five (2,475) square feet of lot area. Therefore, the total land area requirement for twenty (20) units would be 20 × 2,475 feet, or forty-nine thousand five hundred (49,500) square feet.

Other principal uses: Not applicable.

(3) Maximum dwelling units per net acre: The maximum number of dwelling units per 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:

a. One-family dwelling: Six (6) dwelling units.

b. Two-family dwelling: Thirteen (13) dwelling units.

c. Group dwelling: Not applicable.

d. Multi-family dwelling: According to the following table:

Table B. Permitted multiple-family dwelling units per net acre by unit type.

	(Floor area)	*Stories*			
Unit type	*Minimum*	*1*	*2*	*3*	*4*
Efficiency units	500	21	24	30	35
1 Bedroom (HUD standards)	As required by HUD	21	24	30	35
Current HUD standards for floor area same as above					
2 Bedroom	800	16	20	24	23
3 Bedroom	1,000	12	13	16	19
4 Bedroom	1,200	9	10	12	15

Example: Developer has a 20-acre tract of land on which he desires to construct one-bedroom apartments three (3) stories high. How many such units can he erect?

By referring to Table B under three (3) stories on the one-bedroom line, we see he is allowed twenty-six (26) units per net acre. Therefore, the maximum number allowed on the proposed site would be 26 units × 20 acres or five hundred twenty (520) units. The table also indicates that each unit must have at least six hundred fifty (650) square feet of floor area.

Other principal uses: Not applicable.

(4) Minimum lot width, measured at the building line:

a. One-family dwelling: Fifty (50) linear feet.

b. Two-family dwelling: Seventy-five (75) linear feet.

c. Group dwelling: Seventy-five (75) linear feet.

d. Multiple-family dwelling: Seventy-five (75) linear feet.

(5) Minimum front yard depth, measured from the nearest street right-of-way line: Twenty-five (25) feet. For other exceptions to this requirement, see section 22-125 and 22-126.

(6) Minimum side yard: No less than ten (10) feet on each side except that group dwellings and private or public care homes shall be required to provide fifteen (15) feet on each side. For side yard requirements pertaining to corner lots, see section 22-123.

(7) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(8) Minimum floor area requirements, as required by HUD standard:

	Square feet
Efficiency units	500
1 Bedroom	650
2 Bedrooms	800

3 Bedrooms	1,000
4 Bedrooms	1,200
Manufactured home	720

(9) Maximum building height:

a. One-family dwelling: Thirty-five (35) feet.

b. Two-family dwelling: Thirty-five (35) feet.

c. Group dwelling and multiple-family dwelling: Fifty (50) feet.

d. Other principal uses: Fifty (50) feet.

e. All rooftop appurtenances, and more particularly, but not limited to, air conditioners and elevator shafts, shall be included in the maximum building height. For exceptions to the height regulations, see section 22-142.

(10) Additional requirements: Uses permitted in GR zoning districts shall meet all standards set forth in article VI, pertaining to off-street parking, loading and other requirements.

(11) Signs: Signs permitted in GR zoning districts, including the conditions under which they may be located, are set forth in article V.

(12) The provisions of subsection 22-78(c)(4) bufferyards shall apply to the general residential zoning district.

(e) *Townhouses—special requirements.*

(1) The regulations, as contained in this subsection, shall be applied to townhouses where permitted in any district.

(2) Site plan and design criteria, general: Townhouses, in areas where they are or may be permitted:

a. May be appropriately intermingled with other types of housing;

b. The front shall not form long, unbroken lines of row housing but shall be staggered at the front building line, singularly, in pairs, or in threes, by at least five (5) feet.

(3) Site plan and design criteria, details: In line with the general considerations above:

a. Not more than eight (8) contiguous townhouses nor fewer than three (3) shall be built on a row with the front line conforming to the requirements of 22-66(e)(2)b. above.

b. Minimum width for the portion of the lot on which the townhouse is to be constructed shall be eighteen (18) feet. The minimum average width of a group of five (5) or more units shall be twenty (20) feet.

c. Lot area shall average no less than two thousand (2,000) square feet, and the minimum of any single lot shall be one thousand eight hundred (1,800) square feet.

d. Separation requirements: No portion of a townhouse or accessory structure in or related to one (1) group of contiguous townhouses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area.

e. Yards: No front, side or rear yard as such is required in connection with any townhouse, except that the nearest point of each building shall be at least twenty (20) feet from the nearest right-of-way line of abutting streets. Each townhouse shall have on its own lot one (1) rear or side yard, private or reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for any accessory building.

f. Grouped parking facilities: Off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks.

g. Open space: In all townhouse projects where more than ten (10) units are to be constructed, a landscaped common area amounting to at least ten (10) percent of a single townhouse project area shall be provided on the same or adjacent block. No building, parking, storage or other use shall be made of this open space.

(Ord. No. 78-14, § 505, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 98-2, 5-13-98; Ord. No. 98-14, 7-8-98; Ord. No. 02-29, 7-10-02; Ord. No. 10-3, 3-10-10)

Sec. 22-67. CC core commercial district.

(a) *Intent of district.* It is the intent of this section that the CC core commercial district be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the maintenance of a centrally located trade and commercial service area and the gradual transition of adjacent land uses into more stringently regulated commercial activity district.

(b) *Permitted uses.* The following uses shall be permitted in any CC core commercial district.

(1) Any use permitted in any general commercial zoning district subject to the conditions of subsection 22-68(b).

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any CC core commercial district.

(1) Any use permitted on a conditional basis in any general commercial district, subject to the conditions of subsection 22-68(c).

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in CC core commercial districts shall be required to meet all standards set forth in this chapter for uses permitted in GC zoning districts, except that all front yard requirements, as well as all off-street parking and loading requirements shall be waived.

(Ord. No. 78-14, § 506, 1-10-79)

Sec. 22-68. GC general commercial district.

(a) *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 economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any GC zoning district.

(1) Any use permitted in any general residential district, except manufactured mobile homes, in compliance with the provisions of section 22-66 unless otherwise set forth herein.

(2) Retail, wholesale or storage business involving the sale of merchandise on the premises, except those uses which involve open yard storage of junk, salvage, used auto parts or building materials. Open storage shall be permitted under conditions set forth in subsection 22-68(c)(7).

(3) Business involving the rendering of personal services other than an automobile laundry, or an automobile repair garage which shall be permitted under conditions set forth in subsection 22-68(c)(2) and (5).

(4) Private or semi-private club, lodge, union hall or social center.

(5) Church.

(6) Off-street commercial parking or garage.

(7) Hotel, tourist home and motel.

(8) Commercial recreation facility, specifically including:

a. Billiard parlor;

b. Theater, but not including drive-in type of facility.

(9) Commercial trade or vocational school.

(10) Eating and/or drinking establishment excluding drive-in or curb service.

(11) Radio and/or television station and/or transmission tower in compliance with section 22-148.

(12) Public utility installation or sub-installation, including water towers.

(13) Office building and/or office for governmental, business, profession or general purposes.

(14) Accessory uses in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any GC zoning district, subject to conditions set forth in section 22-165:

(1) Fuel sales provided that:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two (2) fuel sales facilities are permitted at an intersection of any U.S. or state numbered roadway. No more than one (1) fuel sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the design review board may permit pumps to be located to one (1) side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen (15) feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the design standards set out in chapter 15.5, articles II, IV and VI.

(2) Garage for the repair and servicing of vehicles provided:

a. All operations are conducted within a fully enclosed building.

b. There is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.

(3) Combination of residential structure with any use permitted herein provided that all dwelling units have direct access to the street.

(4) Newspaper publishing plant provided that the requirements for parking, loading and unloading conform to those for industrial buildings, as set forth in sections 22-133 through 22-139.

(5) Automobile laundry or washateria provided:

a. An off-street paved parking area capable of accommodating not less than one-half (½) 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

b. No safety hazard or impediment to traffic movement is created by the operation of such an establishment.

(6) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum.

(7) 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 adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height above finish grade.

(8) Community hospitals or clinics including any functions which relate directly to the operation of 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 22-75(c)(9).

(9) Public or private care homes provided:

a. Such facilities conform with the requirements of the state department of health and environmental control;

b. Plans for such facilities receive the written approval of the county health department and the state fire marshal prior to the issuance of any permits for construction and operation; copies of such approval to be attached to the building permit and to be retained in the files of the planning administrator and the building official.

c. Such use conforms with the provisions of section 22-66(c)(2) pertaining to care homes.

(10) Permitted uses:

a. New or existing businesses which contain or install certain coin operated devices, machines and electronic gaming devices, including video poker machines, which provide a monetary return such as a cash payoff, as defined and contained in S.C. Code of Laws, 1976, as amended, section 12-21-2720(3), shall be permitted as a conditional use within the general commercial district (GCD) and only if all of the following conditions are met:

1. No such business may operate in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building;

2. That if there is a monetary return (cash paid) as a result of a winning combination on the coin operated device, machine or electronic gaming device, the building in which such machine(s) exist shall not be located within one thousand (1,000) feet of any church, school, educational institution, or publicly or privately owned/operated youth-oriented grounds or facilities; nor within five hundred (500) feet of any residential zoning district. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from

the GCD property to the nearest point of the grounds in use as part of such church, school, educational institution, residential zoning district, or publicly or privately owned/operated youth-oriented grounds or facilities.

3. Minors under eighteen (18) years of age shall not be permitted to operate, play, or observe the operation of such devices or machines.

4. No person who maintains for use or permits the use of, on any place or premise occupied by him/her, any coin operated machine, device or electronic gaming device to be operated between the hours of 12:01 a.m. and 7:59 a.m.

(11) Temporary use in compliance with provisions of section 22-165.

(12) Self-service storage provided that the following conditions are met:

a. Self-service storage frontage will be prohibited on Ribaut Road, Parris Island Gateway, Savannah Highway and Robert Smalls Parkway. Limiting frontage on major commercial corridors prevents large sections of the street from being developed with uses which have low activity levels thereby detracting from the vitality of the street.

b. The maximum size of individual storage areas is 300 square feet.

c. Internal circulation: As regulated by the building code.

d. Parking: A minimum of two (2) parking spaces. If on-site parking is planned, it should be located to the rear or the side of the building, including rental trucks.

e. Design review for self-storage facilities are processed through staff review; uses which require design review because of an overlay district code will be processed as provided in those regulations. Design review required for new buildings to ensure that the development has a high design quality appropriate to the scale and character of the surrounding area.

1. Building and roof design: The building and roof are designed to be compatible with surrounding development, especially nearby residential uses. Long, monotonous wall and roof lines are prohibited and should be broken up through appropriate design elements. Street facing elevations shall have a minimum pitch of 4:12.

2. Building materials: Approved building materials for street-facing facades are: concrete masonry units with stucco, reinforced concrete with stucco, ornamental block, clapboard, Hardiplank, brick and wood (natural or painted)

3. Building elements: Each habitable building facade facing the street shall contain a minimum of 50 percent transparent materials on the first story. The primary entrance to be building shall be located on the street facing facade.

4. Fencing: Perimeter fencing is allowed. Fences made of barbed wire, chain link or wire mesh are prohibited.
5. Front build-to line: Five (5) to fifteen (15) from property line; corner lots build-to-line is five (5) to fifteen (15) from side street and front property line.
6. Side and rear set back: Ten (10) feet from side and rear property line.
7. Buffers: Landscaped buffers are not required on street-facing facades but all other facades and fences will contain a landscaped buffer yard, using the buffer yard specifications found in subsection 22-78(e)(4), buffer yards.
8. Height: Building height shall be restricted to thirty-five (35) feet or less.
9. Lighting:
   i. Light glare and trespass: With exception of streetlights, all lighting fixtures shall be designed, located and installed to avoid casting direct light onto adjacent properties and streets or creating glare in the eyes of motorist and pedestrian.
   ii. Floodlights: Floodlighting is discouraged and if used, must be shielded to prevent disabling glare to drivers or pedestrians, light trespass beyond the property line, and light above a ninety-degree, horizontal plane. (Unshielded wallpack type fixtures are not permitted.)
   iii. Height: The height of the light shall not exceed twenty-five (25) feet above grade.

(13) Tattoo facility provided that the following conditions are met:

a. The facility is limited to business hours of 8:00 a.m. to 10:00 p.m.

b. Parking for the facility will be provided off street. There will be a minimum of three (3) spaces provided for each licensed artist.

c. No neon signage will be allowed at a tattoo facility.

d. All tattoo facilities must be licensed by the state department of health and environmental control.

e. No tattoo facility shall exist, be established or operate within one thousand (1,000) feet of another tattoo facility.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in GC general commercial zoning districts shall be required to conform to the following standards.

(1) Minimum lot area: 2,500 square feet.

(2) Minimum lot width, measured at the building line: Twenty-five (25) feet.

(3) Minimum front yard measured on the nearest abutting street right-of-way line: Ten (10) feet.

(4) Minimum side yard: No side yards are required. However, the provisions of section 22-123 pertaining to corner lots shall apply to GC zoning districts.

(5) Minimum rear yard: None. The provisions of section 22-125, pertaining to double frontage lots, shall apply in GC zoning districts.

(6) Maximum building height: Fifty (50) feet, subject to the approval of the fire chief. For exceptions to height regulations see section 22-142.

(7) Additional requirements: Uses permitted in GC zoning districts shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(8) Signs: Signs permitted in GC zoning districts, including the conditions under which they may be located, are set forth in article V.

(9) The provisions of section 22-78(e)(4) Bufferyard shall apply to GC zoning districts.

(Ord. No. 78-14, § 507, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 00-1, 6-14-00; Ord. No. 00-9, 5-10-00; Ord. No. 04-22, 9-8-04; Ord. No. 05-23, 6-8-05; Ord. No. 10-3, 3-10-10; Ord. No. 10-13, 12-8-10)

Sec. 22-69. OC office commercial.

(a) *Intent of district.* The intent of the OC zoning district is to develop and reserve land for business office, institutional, specified public, semi-public and residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms intermingled with dwellings and certain public or semipublic uses; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other uses capable of adversely affecting the specialized commercial, institutional and housing character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any OC zoning district:

(1) Business involving the rendering of a personal service, specifically including:

a. Barber shop, beauty shop or combination thereof;

b. Business school or college;

c. Dress maker, seamstress, tailor;

d. Funeral home or mortuary;

e. Insurance agency;

f. Jewelry and watch repair shop;

g. Medical, dental or chiropractic or other medically oriented office, clinic and/or laboratory;

h. Office building and office for governmental, business, professional or general purposes, but not including any storage, sale, rental, or servicing of goods in or on the premises;

i. Photographic studio;

j. Radio and/or television studio;

k. Real estate agency;

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

m. Shoe repair shop.

(2) Any use permitted in a general residential district under the conditions and requirements set forth in section 22-66, except manufactured mobile homes.

(3) Hotel, tourist home and motel.

(4) Private or semi-private club, lodge, union hall or social center.

(5) Church.

(6) Community hospitals and clinics involving any functions which relate directly to the operation of the hospitals or clinics.

(7) Accessory use in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted on a conditional use basis in any office commercial district, subject to the conditions as set forth in section 22-165.

(1) Pharmacy, apothecary, drug store, book, cigar, and/or magazine shop, florist shop, gift shop and restaurant other than a drive-in, provided:

a. Such businesses are located and operated so as to serve primarily nearby offices, tourist homes, apartment buildings and other permitted uses;

b. No outside loud speaker systems are utilized; and

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

(2) All conditional uses permitted in the general residential zoning district as set forth in section 22-66(c) and subject to all requirements pertaining to that district.

(3) Temporary use in compliance with the provisions of section 22-165.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the OC office commercial zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Five thousand (5,000) square feet.

(2) Minimum lot width, measured at the building line: Fifty (50) feet.

(3) Minimum front yard measured on the nearest abutting street right-of-way line: Twenty-five (25) feet.

(4) Minimum side yard: Ten (10) feet on each side. For side yard requirements pertaining to corner lots, see section 22-126.

(5) Minimum rear yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(6) Maximum building height: Fifty (50) feet. For exceptions to height regulations see section 22-142.

(7) Additional requirements: Uses permitted in office commercial zoning districts shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(8) Signs: Signs permitted in office commercial zoning district, including the conditions under which they may be located, are set forth in article V.

(9) The provisions of section 22-78(e)(4) Bufferyard shall apply to OC zoning districts.

(Ord. No. 78-14, § 508, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 00-9, 5-10-00)

Sec. 22-70. NC neighborhood commercial district.

(a) *Intent of district.* It is the intent of this section that the NC zoning district be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district 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; avoid the development of strip business districts; and to discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

(b) *Permitted uses.* The following uses shall be permitted in the NC zoning district:

(1) All uses permitted in a CP conservation preservation district, as shown in section 22-61(b).

(2) Retail business involving the sale of merchandise on the premises in stores provided no outside loud speaker systems are utilized, specifically including:

a. Antique store.

b. Appliance, radio, television store.

c. Art supply store.

d. Book, magazine, newspaper shop.

e. Candy store.

f. Clothing store.

g. Drug store or pharmacy.

h. Florist shop.

i. Fruit, nut and/or vegetable store.

j. Gift or curio shop.

k. Grocery store.

l. Hardware store.

m. Hobby and/or toy shop.

n. Household furnishing store.

o. Millinery or hat store.

p. Music store and/or record shop.

q. 5 and 10 cent general or variety store.

r. Office supply and equipment store.

s. Package liquor store.

t. Paint store.

u. Photographic and camera supply and service store and studio.

v. Shoe store.

w. Sporting goods store.

(3) Business involving the rendering of a personal service or the repair and servicing of small equipment specifically including:

a. Appliance, radio, television repair shop.

b. Bank, savings and loan association, personal loan agency and branches.

c. Barber shop, beauty shop, or combination thereof.

d. Bicycle repair and sales shop.

e. Dressmaker, seamstress, tailor.

f. Dry cleaning self-service and/or laundry self-service facility.

g. Insurance agency.

h. Jewelry and watch repair shop.

i. Locksmith or gunsmith.

j. Medical, dental or chiropractic office, clinic and/or laboratory.

k. Office for governmental business, professional or general purposes.

l. Photographic studio.

m. Public utility business office.

n. Real estate agency.

o. School offering instruction in art, music, dancing, drama or similar cultural activity.

p. Telegraph office.

q. Telephone exchange.

(4) Radio and/or television station.

(5) Private or semi-private club, lodge, union hall or social center.

(6) Church.

(7) Residential use lawfully existing within the district at the time of adoption of this chapter.

(8) Off-street commercial parking lot.

(9) Publicly owned and operated building, facility, or land.

(10) Accessory use in compliance with the provisions of section 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any NC zoning district, subject to the conditions set forth in section 22-165:

(1) Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.

(2) Fuel sales provided that:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two (2) fuel sales facilities are permitted at an intersection of any U.S. or state numbered roadway. No more than one (1) fuel sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the design review board may permit pumps to be located to one (1) side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen (15) feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the design standards set out in chapter 15.5, articles II, IV and VI.

(3) Bakery provided that goods baked on the premises are sold as retail only.

(4) Contractor's office provided there is no storage of vehicles, equipment, or materials on the premises.

(5) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments (other than drive-in establishments) provided no outside loud speaker systems are utilized; provided all lights or lighting arrangements used for purposes of

advertising or night operations are directed away from adjoining or nearby residential properties by a suitable planting screen, fence or wall at least six (6) feet in height above finished grade.

(6) Dry cleaning or laundry pickup agency provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.

(7) 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.

(8) Pet shop, provided all animals are housed within the principal building so that no sound is perceptible beyond the premises.

(9) Public utility substation or sub-installation, including water towers or fire towers, provided such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finished grade, provided there is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and provided a landscaped strip not less than five (5) feet in width is planted and suitably maintained.

No communication antennas may be attached to any tower not specifically intended to be a communication tower (ex: water tower, telephone pole or roof).

(10) Combination of residential structure with any use herein this neighborhood commercial district permitted, provided that all dwelling units have direct access to an abutting street.

(11) Temporary use in compliance with the provisions of section 22-165.

(12) Eleemosynary (supported by charity), religious, public or semi-public and philanthropic institutions.

(13) Consumer oriented storage/warehouse facility, provided that same is not located on abutting streets, a landscape buffer shall be established on each boundary with a residential zone, that the landscape strip not less than ten (10) feet in width is planted and maintained for each one hundred (100) feet of buffer in the following manner:

2	6-foot trees
5	4-foot understory trees
8	12—15-inch shrubs
5	3-foot evergreens/conifers
20	Total

And further that the primary operation and any gating or fencing be one hundred (100) feet from the highway ingress/egress.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in NC zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Five thousand (5,000) square feet.

(2) Minimum lot width, measured at the building line: Fifty (50) linear feet.

(3) Minimum front yard measured from the nearest abutting street right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see sections 22-125 and 22-126.

(4) Minimum side yard: Not less than ten (10) feet from each side where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen fence, or wall at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see sections 22-123 and 22-125.

(5) Minimum rear yard: Fifteen (15) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence or wall at least six (6) feet in height above finished grade shall be required. For rear yard requirements pertaining to double frontage lots, see section 22-125.

(6) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations see section 22-142.

(7) Additional requirements: Uses permitted in NC zoning districts shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(8) Signs: Signs permitted in NC zoning district, including the conditions under which they may be located, are set forth in article V.

(9) The provisions of section 22-78(e)(4) Bufferyard shall apply to NC zoning districts.

(Ord. No. 78-14, § 509, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 94-1, 7-13-94; Ord. No. 97-25, 12-3-97; Ord. No. 00-9, 5-10-00; Ord. No. 10-13, 12-8-10)

Sec. 22-71. HC highway commercial district.

(a) *Intent of district.* It is the intent of this section that the HC zoning district be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along the town's roadways. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any HC zoning district:

(1) Any commercial use permitted in the GC general commercial district in compliance with the provisions of section 22-68, unless otherwise set forth herein.

(2) Any retail or wholesale business involving the sale of merchandise on premises, as set forth for NC districts except those uses which involve open yard storage of junk,

salvage, used auto parts or building materials. Additionally, any storage as an accessory to permitted retail businesses, if within such business or directly adjacent, providing that such storage is not sold to the public.

(3) Business involving the rendering of personal services as set forth in NC districts other than an automobile laundry or an automobile repair garage which shall be permitted under conditions set forth in subsections 22-71(c)(2) and (4).

(4) Private or semi-private club, lodge, union hall or social center.

(5) Church.

(6) Residential use lawfully existing within the district at the time of adoption of this chapter.

(7) Off-street commercial parking lot or garage.

(8) Hotel, tourist home or motel.

(9) Publicly owned and operated building, facility or land.

(10) Commercial recreation facility, specifically including:

a. Billiard parlor;

b. Theater, including drive-in type of facility;

c. Bowling alley;

d. Golf course (including driving range or Par 3 operation).

(11) Commercial trade or vocational school.

(12) Eating and/or drinking establishment including drive-in or curb service.

(13) Radio and/or television station and/or transmission tower in compliance with section 22-148.

(14) Public utility installation or sub-installation, including water towers.

(15) Office building and/or office for governmental, business, professional or general purposes.

(16) Private airfield, together with incidental uses.

(c) *Conditional uses.* The following uses shall be permitted on a condition basis in any HC zoning district, subject to the conditions set forth section 22-165.

(1) Fuel sales provided that:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two (2) fuel sales facilities are permitted at an intersection of any U.S. or state numbered roadway. No more than one (1) fuel sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the design review board may permit pumps to be located to one (1) side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen (15) feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the design standards set out in chapter 15.5, articles II, IV and VI.

(2) 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.

(3) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for industrial buildings, as set forth in article VI.

(4) Automobile laundry or washateria provided an offstreet paved parking area capable of accommodating not less than one-half (½) of hourly vehicle 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 providing no safety hazard or impediment to traffic movement is created by the operation of such an establishment.

(5) 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.

(6) Open yard use for the sale or rental of materials or equipment, excluding junk or other salvage, provided that such uses are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade.

(7) Community hospitals or clinics, 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 22-75(c).

(8) Truck terminal, provided 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 hazards or impediment to traffic movement is produced as a result of such operation; and provided sites for such facilities have direct access to major streets.

(9) Recreational vehicle parks (en route type) provided that:

a. Adequate water and sewer facilities as well as bathing and other requirements are met in the opinion of the county health department; and

b. Such parks are used only for recreational equipment: i.e., campers, and not for permanent mobile homes.

(10) Temporary use in compliance with the provisions of section 22-165.

(11) Eleemosynary (supported by charity), religious, public or semi-public and philanthropic institutions.

(12) Uses permitted in general commercial district 22-68(c)(10), except number 1, letter d.

a. No person who maintains for use or permits the use of, on any place or premise occupied by him/her, any coin operated machine, device or electronic gaming device to be operated between the hours of 4:01 a.m. and 7:59 a.m.

(13) Self-service storage provided that the following conditions are met:

a. Self-service storage frontage will be prohibited on Ribaut Road, Parris Island Gateway, Savannah Highway and Robert Smalls Parkway. Limiting frontage on major commercial corridors prevents large sections of the street from being developed with uses which have low activity levels thereby detracting from the vitality of the street.

b. The maximum size of individual storage areas is 300 square feet.

c. Internal circulation: As regulated by the building code.

d. Parking: A minimum of two (2) parking spaces. If on-site parking is planned, it should be located to the rear or the side of the building, including rental trucks.

e. Design review for self-storage facilities are processed through staff review; uses which require design review because of an overlay district code will be processed as provided in those regulations. Design review required for new buildings to ensure that the development has a high design quality appropriate to the scale and character of the surrounding area.

1. Building and roof design: The building and roof are designed to be compatible with surrounding development, especially nearby residential uses. Long, monotonous wall and roof lines are prohibited and should be broken up through appropriate design elements. Street facing elevations shall have a minimum pitch of 4:12.

2. Building materials: Approved building materials for street-facing facades are: concrete masonry units with stucco, reinforced concrete with stucco, ornamental block, clapboard, Hardiplank, brick and wood (natural or painted)
3. Building elements: Each habitable building facade facing the street shall contain a minimum of 50 percent transparent materials on the first story. The primary entrance to be building shall be located on the street facing facade.
4. Fencing: Perimeter fencing is allowed. Fences made of barbed wire, chain link or wire mesh are prohibited.
5. Front build-to line: Five (5) to fifteen (15) from property line; corner lots build-to-line is five (5) to fifteen (15) from side street and front property line.
6. Side and rear set back: Ten (10) feet from side and rear property line.
7. Buffers: Landscaped buffers are not required on street-facing facades but all other facades and fences will contain a landscaped buffer yard, using the buffer yard specifications found in subsection 22-78(e)(4), buffer yard 2.
8. Height: Building height shall be restricted to thirty-five (35) feet or less.
9. Lighting:
    i. Light glare and trespass: With exception of streetlights, all lighting fixtures shall be designed, located and installed to avoid casting direct light onto adjacent properties and streets or creating glare in the eyes of motorist and pedestrian.
    ii. Floodlights: Floodlighting is discouraged and if used, must be shielded to prevent disabling glare to drivers or pedestrians, light trespass beyond the property line, and light above a ninety-degree, horizontal plane. (Unshielded wallpack type fixtures are not permitted.)
    iii. Height: The height of the light shall not exceed twenty-five (25) feet above grade.

(14) Tattoo facility provided that the following conditions are met:

a. The facility is limited to business hours of 8:00 a.m. to 10:00 p.m.

b. Parking for the facility will be provided off street. There will be a minimum of three (3) spaces provided for each licensed artist.

c. No neon signage will be allowed at a tattoo facility.

d. All tattoo facilities must be licensed by the state department of health and environmental control.

e. No tattoo facility shall exist, be established or operate within one thousand (1,000) feet of another tattoo facility.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in HC highway commercial zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Five thousand (5,000) square feet.

(2) Minimum lot width, as measured at the building line: Fifty (50) linear feet.

(3) Minimum front yard measured from the nearest abutting street right-of-way line: Twenty-five (25) feet.

(4) Minimum side yard: Not less than ten (10) 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 planting screen, fence, or wall at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see sections 22-123 and 22-125.

(5) Minimum rear yard: Fifteen (15) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a suitable planting screen, fence or wall at least six (6) feet shall be required. The provisions of section 22-125, pertaining to double frontage lots, shall apply in HC zoning districts.

(6) Maximum building height: Thirty-five (35) feet. For exceptions to height regulations, see section 22-142.

(7) Additional requirements: Uses permitted in HC zoning district shall meet all standards set forth in article VI pertaining to off-street parking, loading and other requirements.

(8) Signs: Signs permitted in HC zoning district, including the conditions under which they may be located, are set forth in article V.

(9) The provisions of section 22-78(e)(4) Bufferyard shall apply to HC zoning districts.

(Ord. No. 78-14, § 510, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 96-1, 5-8-96; Ord. No. 00-1, 6-14-00; Ord. No. 00-9, 5-10-00; Ord. No. 04-22, 9-8-04; Ord. No. 05-23, 6-8-05; Ord. No. 10-13, 12-8-10)

Sec. 22-72. LI limited industrial district.

(a) *Intent of district.* The intent of the LI zoning district is to provide areas for light 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 light industrial in nature; protect and reserve undeveloped areas in the town, 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.

(b) *Permitted uses.* The following uses shall be permitted in any LI zoning district:

(1) Any commercial use permitted in the GC general commercial district in compliance with the provisions of section 22-68, unless otherwise set forth herein.

(2) Research or experimental laboratory.

(3) Transportation terminal facilities, such as deep or shallow water ports or airfields together with incidental operations, but excluding truck terminals which shall be permitted as conditional uses subject to the requirements of section 22-72(c)(7).

(4) Public building, facility or land other than a school, playground, hospital, clinic, care home, or cultural facility.

(5) Public utility installation.

(6) Agricultural farm.

(7) Horticultural nursery.

(8) Radio and/or television station and/or transmission tower.

(9) Office building and/or offices for governmental, business, professional or general purposes.

(10) Commercial trade or vocational school.

(11) Off-street commercial parking lot or garage, as well as off-street parking or storage areas for customer, client, or employee owned vehicles.

(12) Communications towers for cellular/digital telephone transmissions, radio communications, and any other communications technology in compliance with section 22-148.

(c) *Conditional uses.* The following uses shall be permitted on conditional basis in any LI zoning district, subject to the conditions set forth in section 22-165.

(1) Any industrial use, plus operations incidental to such use, which involves manufacturing, processing, assembly, storage operations, provided said manufacturing, processing, assembly or storage in no way involves any junk or salvage operations, provided that there is no open storage of junk or salvage materials, and provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.

(2) 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.

(3) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

(4) Fuel sales provided that:

a. Parking and/or service areas shall be separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6) feet in height;

b. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.

c. No more than two (2) fuel sales facilities are permitted at an intersection of any U.S. or state numbered roadway. No more than one (1) fuel sales facility is permitted at the intersection of other streets.

d. In new development, pumps should not be located between the building and the adjacent street, but instead be placed behind the building, although the design review board may permit pumps to be located to one (1) side of the building based on unique site conditions including the presence of wide buffers. In such cases, the pumps, including the canopy, shall not project further toward the street than the front line of the building.

e. No signs shall be located on any canopy over the pumps.

f. Any freestanding light fixtures shall be reduced in height to fifteen (15) feet if the use adjoins a residential district or residential use.

g. Any service bay doors shall not be oriented toward any public right-of-way.

h. Fuel sales are subject to the design standards set out in chapter 15.5, articles II, IV and VI.

(5) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum.

(6) Retail business 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 of any type in conjunction with the operation.

(7) 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 streets, provided no safety hazard or impediment to traffic movement is produced on any access road, and provided no open storage of any type is conducted in connection with the operation.

(8) Watchman or caretaker's one-family or two-family dwelling or modular home, except mobile home or travel trailer, provided such dwelling is located on the premises of a permitted use, and provided that a member of the household is employed by the industry as a watchman or caretaker.

(9) Dwelling incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied only by persons employed directly on the premises.

(10) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts provided any open yard storage incidental to such an operation conforms to the provisions of subsection 511.3(f), and provided no objectionable sound, vibration, heat, glare or electrical disturbance is created which is perceptible beyond the premises.

(11) Temporary use in compliance with the provisions of section 22-165.

(12) Retail storage facilities that sell rental storage space to the public, provided that it does not involve open storage space of junk or salvage material of any type in conjunction with this operation.

(13) Adult bookstore, adult video store, adult arcade as described in article III, section 12-46 of this Code. All activities must be inside and no inside activities shall be visible from outside the premise and parcel shall be large enough so that all opposing boundaries are no less than three hundred (300) feet apart. Furthermore, where LI abuts a residential district a buffer yard shall be established in accordance with section 22-78(e)(4), labeled special requirements—bufferyard, table I, class of the town zoning ordinances. In no circumstance shall a sexually-oriented business be allowed, regardless of district, within three hundred (300) feet of schools, religious instruction, public park or recreation area, youth activity center, or another sexually oriented business.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the LI limited industrial zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Ten thousand (10,000) square feet.

(2) Minimum lot width, measured at the building line: One hundred (100) feet.

(3) Minimum front yard measured from the nearest abutting street right-of-way line: Twenty-five (25) feet.

(4) Minimum side yard: No less than ten (10) feet on each side except when the property abuts another zoning district at least twenty-five (25) feet on that particular side should be required. Where the district abuts any residential zoning district not separated by a right-of-way, a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade will be required. For side yard requirements pertaining to corner lots, see sections 22-123 and 22-125.

(5) Minimum rear yard: Thirty-five (35) feet, except that when the property abuts another zoning district, fifty (50) feet is required. The provisions of Section 705, pertaining to double frontage lots, shall apply in limited industrial zoning district.

(6) Maximum building height: Fifty (50) feet, subject to the approval of the fire chief for exceptions to height regulations see Section 722.

(7) Additional requirements: Uses permitted in limited zoning districts shall meet all standards set forth in Article VI pertaining to off street parking, loading and other requirements.

(8) Signs: Signs permitted in limited industrial zoning districts, including the condition[s] under which they located, are set forth in Article V.

(Ord. No. 78-14, § 511, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 98-1, 5-13-98; Ord. No. 00-1, 6-14-00; Ord. No. 10-13, 12-8-10)

Sec. 22-73. MH mobile home district.

(a) *Intent of district.* The intent of the MH mobile home district is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in mobile homes, to protect mobile home parks from encroachment by incompatible uses, and to encourage the consolidation of mobile homes into mobile home parks. Any mobile home park within the town shall henceforth be located in conformance with the regulations set forth herein.

(b) *Reserved.*

(c) *Definitions.* For definitions of the terms "mobile home," "mobile home park," "mobile home space," "camper," "trailer" and "house trailer," see article XI.

(d) *Administrative procedures with regard to MH zoning districts.* Any street pertaining to establishment of a MH zoning district shall be considered an amendment of the zoning ordinance and shall be administered and processed in accordance with the regulations set forth in article IX, entitled Amendments, of this chapter. All data set forth in subsection 22-73(d) shall be submitted to the planning commission and subsequently forwarded to the town council with the recommendations of the planning commission. If approved by the town council, all information pertaining to the proposal shall be adopted as an amendment to the zoning ordinance, to be the standards of development for that particular mobile home district.

All further development shall conform to the standards adopted for the district, regardless of any changes in ownership. Any proposed changes in the district shall be treated as amendments to the zoning ordinance and must be considered in accordance with procedures set forth in article IX of this chapter. Appeals based on hardship or an alleged misinterpretation of the ordinance by the planning administrator or the building official shall be processed in accordance with procedures set forth in article IX, entitled zoning board of adjustment and appeals.

In any event where it is determined by the town council that development in the mobile home district is not in accordance with the standards adopted for that district, the council shall be empowered to amend the ordinance to place parts or all of the property in the mobile home district in another zoning classification deemed by the council to be more appropriate. The violation of any provision of the plans, as submitted under the provisions provided herein, shall constitute a violation of this chapter.

(e) *Mobile home subdivision.* If spaces for mobile homes are to be offered for sale, lots proposed for sale must be recorded according to the requirements of the town subdivision regulations at such time as they become enacted.

Application for subdivision may be processed in conjunction with the administrative review procedure required under this chapter to obtain authorization of this development, within an MH zoning district. Whether spaces are proposed for sale, rental or lease, the design of the park shall comply with the standards set forth in this section.

(f) *Mobile home park permit.* Upon authorization for a mobile home district, the planning administrator and the town building inspector shall issue a mobile home park permit to the person seeking to operate and maintain such a facility. The permit shall be conspicuously posted in the office or on the premises of the mobile home district.

(g) *Revocation of permit.* The town council may revoke any permit to maintain and operate a mobile home park where the operator has been found guilty by a court of competent jurisdiction of violation any provisions of this chapter. After such conviction, the permit may be reissued if the circumstances leading to the conviction have been remedied and the park is being maintained and operated in full compliance with the law.

(h) *Park plan.* In order to qualify for a MH mobile home zoning classification, a proposed park must first meet the following specific requirements:

(1) The site to be utilized for the park shall contain an area of not less than three (3) acres, and be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

(2) The site must have a minimum lot width measured at the building line of one hundred and fifty (150) feet.

(3) The mobile home park shall not contain more than seven (7) mobile home units per acre. Units shall be numbered sequentially commencing with the numeral one (1).

(4) Each individual mobile home space shall not be less than forty (40) feet in width, and four thousand (4,000) square feet of area which shall be clearly defined.

(5) Mobile homes shall be so situated on each space so as to provide:

a. A minimum of fifteen (15) feet of clearance between mobile homes and any property line bordering the park, subject to special conditions which may be imposed by 22-73(h)(7) below.

(6) Each mobile home park shall have a minimum total area of four thousand (4,000) square feet set aside for common recreational open space, or at least five (5) percent, whichever is greater. Each outdoor recreational area shall contain a minimum of two thousand (2,000) square feet.

(7) Other requirements for mobile home parks:

a. Minimum front yard depth measured from the nearest street right-of-way line: Twenty-five (25) feet. For exceptions to this requirement, see sections 22-125 and 22-126.

b. Minimum side yard: No less than fifteen (15) feet for each side. When the side lot line of the park abuts any residential zoning district not separated by a street right-of-way, a minimum side yard or thirty (30) feet on the side abutting said residential district, together with a suitable planting screen, fence or wall of at least six (6) feet in height above finished grade shall be required. For side yard requirements pertaining to corner lots, see sections 22-123 and 22-125.

c. Minimum rear yard: Fifteen (15) feet. Where the rear lot line of the park abuts any residential district not separated by a street right-of-way, a minimum rear yard of thirty (30) feet, together with a suitable planting screen, fence or wall at least six (6) feet in height above finished grade shall be required. The provisions of section 22-126 pertaining to double frontage lots, shall apply to mobile home parks in MH districts.

d. Maximum building height: Thirty-five (35) feet.

(8) Off-street parking, loading, and other requirements shall conform to the standards set forth in article VI.

(9) The area proposed shall be in one (1) ownership, or if in several ownerships the application for amendment to the zoning ordinance shall be filed jointly by all of the owners of the properties included in the plan.

(10) A mobile home park in a MH district must conform to the department of health and environmental control requirements, and the site plan must be reviewed by the county department of health and other appropriate health agencies, which shall advise the

planning commission of its findings in writing or by stamped approval on the plan itself prior to the commission's making a recommendation on the proposal. The planning commission shall be restricted from making a favorable recommendation unless the county department of health determines that all local and state codes pertaining to health and environmental sanitation in mobile home parks have been met by the applicants.

(11) Signs: Signs permitted in MH zoning districts, including the conditions under which they may be located, are set forth in article V.

(12) A suitable plot plan shall be submitted by the developers for review and recommendations by the planning commission and consideration for approval by the town council. Specifically, such plan shall include the following elements where applicable:

a. The plot plan drawn to scale by a registered civil engineer, registered land surveyor, registered landscape architect, or registered architect showing the exact dimensions of the parcel or parcels of land under consideration. The plan shall include the following elements:

1. All property dimensions;
2. All mobile home space dimensions;
3. Street systems and dimensions;
4. Means of ingress and egress;
5. Off-street parking facilities;
6. Open spaces including recreational spaces together with dimensions;
7. Provisions of utilities; including water, sewer and drainage facilities approved by the state department of health and environmental control;
8. Park front, side and rear yard setback dimensions as described in part (7);

(13) A written report shall be submitted by the developers which shall define the manner in which the town council is to be assured that all improvements and protective devices, such as buffers, and waste disposal systems, such as oxidation stabilization ponds or mechanical treatment plants, where applicable, are to be maintained.

(i) *Mobile home communities.*

(1) All mobile homes/modular housing units within a mobile home community must:

a. Meet Southern Building Codes Seal of Approval/HUD;

b. Have tongues, wheels, and axles removed;

c. Have a pitched and shingled roof;

d. Be placed on permanent skirted foundation containing a footer;

e. Such skirting materials are to be of construction grade materials of a durable nature such as wood, brick, stone, wood lattice, or painted concrete block.

(2) The site must have a minimum lot width, as measured at the building line, of two hundred (200) linear feet.

(3) The mobile home park shall not contain more than seven (7) mobile home units per acre. Units shall be numbered sequentially commencing with the numeral one (1).

(4) Each mobile home space shall not be less than fifty (50) linear feet in width or five thousand (5,000) square feet in area. Each space shall be clearly marked and defined.

(5) Mobile homes shall be so situated on each space so as to provide:

a. A minimum of twenty (20) linear feet of clearance between mobile homes and property lines bounding the community, subject to special conditions which may be imposed by 22-73(h)(7) below.

b. A minimum of twenty-five (25) linear feet clearance between only those mobile homes parked end to end, and any building located within the park, except in the cases of zero-lot-line development (subject to joint municipal planning commission and town council approval).

(6) Each mobile home community shall have a minimum total area of ten thousand (10,000) square feet set aside for common open space or five (5) percent, whichever is greater. Each outdoor recreational area provided shall contain a minimum of two thousand (2,000) square feet.

(7) Same as in 22-73(h)(7), except in the case of zero-lot-line development, in which case front, side and rear yard requirements would be at joint municipal planning commission's and town council's discretion.

(8) Off-street parking, loading and other requirements shall conform to the standards set forth in article VI.

(9) The area proposed shall be in one (1) ownership, or if in several ownerships the application for amendment to the zoning ordinance shall be filed jointly by all of the owners of the properties included in the plan.

(10) A mobile home park in a MH District must conform to the department of health and environmental control requirements, and the site plan must be reviewed by the county department of health and other appropriate health agencies, which shall advise the planning commission of its findings in writing or by stamped approval on the plan itself prior to the commission's making a recommendation on the proposal. The planning commission shall be restricted from making a favorable recommendation unless the county department of health determines that all local and state codes pertaining to health and environmental sanitation in mobile home parks have been met by the applicants.

(11) Signs: Signs permitted in MH zoning districts, including the conditions under which they may be located, are set forth in article V.

(12) A suitable plot plan shall be submitted by the developers for review and recommendations by the planning commission and consideration for approval by the town council. Specifically, such plan shall include the following elements where applicable:

a. The plot plan drawn to scale by a registered civil engineer, registered land surveyor, registered landscape architect, or registered architect showing the exact dimensions of the parcel or parcels of land under consideration. The plan shall include the following elements:

1. All property dimensions;
2. All mobile home space dimensions;
3. Street systems and dimensions;
4. Means of ingress and egress;
5. Off-street parking facilities;
6. Open spaces including recreational spaces together with dimensions;
7. Provisions of utilities; including water, sewer and drainage facilities approved by the state department of health and environmental control;
8. Park front, side and rear yard setback dimensions as described in part (7);

(13) All mobile homes/modular housing units within a mobile home community must be placed on permanent foundations, have pitched and shingled roofs, and have wheels, axles and tongue removed.

(14) Conditional uses for mobile home communities:

a. Children's playhouse and play equipment.

b. Private swimming pool and bathhouse or cabana provided they are at least fifty (50) linear feet from property line.

c. Private dock or boat house.

d. Nursery for care of children.

e. Off-street parking, without charge, for residents or guests provided parking areas are at least fifty (50) linear feet from property line.

f. Accessory retail businesses for the convenience of residents such as small laundromats, neighborhood grocery, etc., provided parking and other requirements are met as listed in zoning ordinances, and provided that such convenience businesses are located in one (1) general contiguous area within mobile home community and get council approval.

g. TV satellite-earth antennas (see section 22-131(a)).

(15) 22-73(i) to be the same as 22-73(h)(13).

(Ord. No. 78-14, § 512, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 10-3, 3-10-10)

Sec. 22-74. G governmental district.

(a) *Intent of district.* It is the intent of this section that the G governmental district be applied to major land reservations and holdings under the ownership of the federal, state, municipality or county government, or appropriate agencies thereof, such as military installations or recreational areas, which are devoted to purposes not readily adaptable to regulations under any other district set forth in this chapter.

(b) *Permitted uses.* Any use which is integral or compatible to the principal operation located within the G district, provided that such use is authorized and under the control of the responsible governmental agency owning the land or operating the facility or installation, and provided that such use is determined by the responsible governmental agency not to be contrary to the public welfare.

(c) *Other requirements.* Permitted uses may be located in G district subject to such requirements and regulations as deemed necessary by the governmental agency responsible for their operation to assure their most effective utilization in terms of the overall functioning of the installation or facility and in terms of insuring the best interests of the general public. (Ord. No. 78-14, § 513, 1-10-79)

Sec. 22-75. FA forest agricultural district.

(a) *Intent of 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 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, dairies, forest management area, horticultural nurseries and other agricultural uses which involve the growing of crops, livestock and animals and/or trees; and

(2) To discourage any encroachment by premature housing development, scattered commercial and/or industrial operations, or other uses capable of adversely affecting the basic agricultural or open character of the district.

(b) *Permitted uses.* The following uses shall be permitted in any FA zoning district:

(1) All uses permitted in a CP conservation preservation district, as shown in section 22-61(b).

(2) Farm or establishment for the growing, care and handling of field crops, truck gardening products, fruit and/or nut trees, poultry, and/or animals and livestock.

(3) Tree farm and/or forest management area.

(4) Horticultural nursery.

(5) Church with minimum forty thousand (40,000) square foot lot.

(6) Private or semi-private club, lodge, grange or union hall or social center.

(7) Animal hospital and/or boarding facility.

(8) Any publicly owned and operated building, facility or land.

(9) Eleemosynary (supported by charity), religious, public or semi-public and philanthropic camps.

(10) Golf course.

(11) One-family dwellings, accessory to farm operation on same property with farm and occupied by full time owners and laborers on said farm.

(12) One-family dwelling located on a lot containing not less than 30,000 feet of land.

(13) Private dock.

(14) Boat marina.

(15) Bait house.

(16) Wildlife refuge, including one-family or two-family dwelling units of caretakers employed to maintain and protect the refuge.

(17) Swimming beach.

(18) Airfield, together with subordinate uses.

(19) Dredging, land fill or the excavation of natural materials.

(20) Radio and television station or transmission tower.

(21) Customary home occupation established under the regulations of section 22-130.

(22) Accessory use in compliance with the provisions of sections 22-131 and 22-132.

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any FA zoning district:

(1) Stand or shelter for the selling and/or display of seasonal agricultural produce provided that:

a. All setback and yard requirements are maintained; and

b. At least four (4) off-street parking spaces are provided and suitably maintained.

(2) Commercial riding stable provided that:

a. Such use is located on a lot of not less than one (1) acre; and

b. No building or enclosure for animals is located closer than fifty (50) feet from any property line.

(3) Dwellings for migrating laborers provided that:

a. All standards set forth for lot, areas, minimum lot area per dwelling unit, maximum dwelling units per acre, minimum lot width, front yard, side yards, and maximum building height as required for multi-family dwellings in section 22-66, GR general residential district;

b. When such dwellings are located on property immediately abutting any type of residential or dwelling district, they shall be located no closer than thirty (30) feet to any property line immediately contiguous to said residential or dwelling district, and

c. That such dwellings are built in conformity with appropriate building standards.

(4) Cemetery, when accessory to and on the same property as a permitted use in the FA district.

(5) Individual mobile homes provided that:

a. Such use conforms to requirements set forth in section 22-62(d);

b. No more than one (1) mobile home be located on a given lot;

c. Such uses are the principal uses located on said lot;

d. No other residences or other principal structures are located on said lot;

e. Such mobile home shall be deemed to have adequate water, sewer, and other service facilities by appropriate officials.

(6) Temporary use in compliance with the provisions of section 22-165.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, structures permitted in FA zoning districts shall be required to conform to the following standards:

(1) Minimum lot area: Thirty thousand (30,000) feet.

(2) Minimum land area per dwelling unit: Thirty thousand (30,000) feet.

(3) Minimum lot width, measured at the building line: One hundred (100) feet.

(Ord. No. 78-14, § 514, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87)

Sec. 22-76. PUD planned unit development district.

Upon the expiration of the time period specified by the town council or a period not to exceed five (5) years, whichever shall occur first, that the development has not been satisfactorily completed in accordance with the approved master plan, the site shall revert back to the previous zoning district in existence prior to approval of the PUD master plan, or to an appropriate zoning district to be compatible with the town land use plan for town council action upon the town's official request.

(1) *Intent of district.* It is the intent of this section that the PUD zoning district be reserved for the establishment and continuance of shopping centers, group housing projects, planned industrial developments, medical centers, resort areas, and similar types of large-scale compatible use developments.

The regulations which apply within this district are designed to encourage the formation of such planned developments when and as appropriate and to permit the greatest latitude possible with respect to:

a. Internal site planning consideration.

b. The location of these developments within the incorporated portions of the town in the best interest of the long-range development plans for the town.

(2) *Specific requirements.* In order to qualify for a planned unit development zoning classification, a proposed planned unit development must first meet the following specific requirements:

a. The site to be utilized for a planned unit development must be well drained, properly graded to insure rapid drainage, and free from stagnant pools of water.

b. The site must have a minimum width between any two (2) opposite boundary lines of three hundred (300) linear feet and must adjoin or have direct access to at least one (1) arterial street.

c. The area proposed shall be in one (1) ownership, or if in several ownerships, the application for amendment to the zoning ordinance shall be filed jointly by all of the owners of the properties included in the plan; and

d. A suitable plot plan shall be submitted by the developers for review and approval by the planning commission and the town council. Specifically, such plan shall include the following elements, where applicable:

1. The plot plan drawn to scale by a registered civil engineer, registered land surveyor, registered landscape architect or registered architect showing the exact dimensions of the parcel of land under consideration. The plan shall include the following elements:

(i) All property dimensions, plotting and street systems, proposed building sites and sizes, types of use proposed for buildings, plans for the screening and protection of abutting properties, means of ingress and egress, access and circulation arrangement off-street parking and loading facilities, proposed reservation or dedications for streets, open spaces and other public facilities. And, if requested, two (2) foot vertical contour intervals shall be provided on the site plan. The plot plan shall also include the name of the development and the developer, a north arrow, the date of field survey, tract boundary lines, dimensions, hearings, angles and reference points to at least two (2) permanent monuments.

(ii) If the proposal includes the subdivision of land for any purpose of the provision of new public streets, the information required above and any additional information which may be required under procedures regarding the processing and recording of subdivision plots in the town shall be included. The plot plan may then be processed simultaneously for recording and as a part of the application for a planned unit development district classification as provided for in this chapter.

2. A written report shall be submitted by the developers for review and approval by the planning commission and the town council; such report shall explain the type, nature, intent, and characteristics of the proposed development, and shall specifically include, where applicable:
   (i) A general description of the proposal;
   (ii) A detailed legal description of the location of the site;
   (iii) Proposed standards for development, including restrictions on the use of the property, density standards and yard requirements and restrictive covenants;
   (iv) Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites;
   (v) Exceptions or variations from the requirements of the zoning ordinance if any are being requested;
   (vi) Plan for the provision of utilities; including water, sewer and drainage facilities;
   (vii) Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;
   (viii) Plans for parking, loading access ways, signs and means of protecting adjacent areas from lighting and other potentially adverse effects;
   (ix) A statement defining the manner in which the town council is to be assured that all improvements and protective devices, such as buffers, are to be installed and maintained; and tabulations showing the number of dwelling units by type, if any, and other data that the planning commission and the town council may require.
3. In all PUD projects, the general provisions, as set forth in article VI shall govern, unless relief is granted by the planning commission and the town council.

(3) *Administrative procedures with regard to PUD zoning districts.* Any request pertaining to the establishment of a PUD zoning district shall be considered an amendment to the zoning ordinance and shall be administered and processed in accordance with the regulations set forth in article IX, entitled Amendments of this chapter. All data set forth in subsection 22-76(2) shall be submitted to the planning commission and subsequently forwarded to the town council with the recommendation of the planning commission. If approved by the town council, all information pertaining to the proposal shall be adopted as an amendment to the zoning ordinance, to be the standards of development for that particular planned unit development district.

All further development shall conform to the standards adopted for the district regardless of any changes in ownership. Any proposed major amendments in the district shall be treated as changes to the zoning ordinance and must be considered in accordance with procedures set forth in article IX of this chapter.

1. If not specifically addressed within the PUD document, changes to a final PUD document shall be classified as minor changes or major amendments by the zoning administrator. A major amendment is one that will have significant impacts on the development in the PUD, or on the site surrounding the PUD.
2. Minor changes being required by engineering, circumstances not foreseen at the time of adoption, or in the interest of providing superior and harmonious design, may be authorized by:
   a) The reviewing design board established by the PUD,
   b) The town's design review board, if the PUD is zoned within an established overlay district.

If neither of these provisions applies, minor changes may be authorized by the zoning administrator. No change authorized as a minor change may cause any of the following:

i. A change in the use or character of the development;
ii. An increase in overall density;
iii. An increase in the amount of land in nonresidential uses;
iv. A reduction in approved open space of two (2) percent or more;
v. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways;
vi. Changes to the vehicular system which result in a significant change in the amount or location of sidewalks and paths;
vii. Changes to the vehicular system which result in a significant change in the amount or location of common parking areas;
viii. Changes to the vehicular system which result in a significant change in the circulation patterns;
ix. Changes to the vehicular system which result in a change in the amount or location of connectivity or access points;
x. A change in traffic counts generated by the PUD;
xi. A change in a specific condition set by town council at the time of adoption of the PUD.
xii. A re-positioning of dissimilar residential uses.

Appeals based on hardship or an alleged misinterpretation of the ordinance by the zoning administrator or the building official shall be processed in accordance with procedures set forth in article VIII, entitled Zoning Board of Adjustment and Appeals.

In any event where it is determined by the town council that development in the planned unit development district is not in accordance with the standards adopted, or as amended above, for that district, the council shall be empowered to amend the ordinance to place parts or all of the property in the planned unit development district in another zoning classification deemed by the council to be more appropriate.

Before approval of a planned unit development district, the town council may require a contract with safeguards satisfactory to the town attorney guaranteeing completion of the development plan in a period to be specified by the town council, but which period shall not exceed five (5) years unless extended by the town council for due cause shown. Such guarantee may include the submission of a performance bond in an amount as set by the town council.

The violation of any provisions of the plans, as submitted under the provisions provided herein, shall constitute a violation of this chapter.

(4) *Permitted developments.* Any planned large-scale development which meets the provisions of this chapter and which is considered by the planning commission and the town council for a PUD classification may be so classified.

Examples might include areas proposed principally for large-scale development in industry, commerce, housing, areas proposed for preservation for recreational, historical, conservation, agricultural or flood control purposes; areas to be utilized for specialized purposes such as recreational resorts, as well as educational, civic, governmental, transportation or military complexes.

Approved PUD districts may be areas of mixed land use so long as the land use patterns conform to the plans adopted as the zoning regulations for that particular district and to the provisions of 22-76(5) below.

(5) *Permitted uses.* Any use proposed by the developer and considered by the planning commission and the town council as being compatible to other nearby uses within and without the district in keeping with the intent of the particular PUD district may be permitted in such district upon approval by the planning commission and town council. A listing of permitted uses within a particular PUD district shall be adopted as part of the regulations applying to that district. The developer shall prepare a list of proposed uses for submission with his application. After approval by the planning commission and the town council, the list of portions thereof approved by the aforementioned bodies shall be adopted as part of regulations applying to that particular PUD district. Thereafter, the uses permitted in the district shall be restricted to those listed, approved, and adopted according to procedures set forth herein.

(6) *General design criteria and development standards.*

a. Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

b. Densities per acre for residential dwelling units and yard and other dimensional requirements for each PUD district may be set by the town council, upon recommendation of the planning commission.

c. Parking, loading and other requirements for each PUD district may be set by the town council upon recommendation of the planning commission. The standards of article VI, sections 22-133 and 22-139 shall serve as a general guide to such requirements for uses proposed for location in a PUD district.

d. Where development abuts at separate single-family residential district, buildings and activities, other than single-family dwellings and two-family dwellings, must be set back a sufficient distance from the separating property line or district boundary line, not less than thirty (30) feet for multi-family residential, public or institutional uses the distance separating all buildings and activities from surrounding residential districts should in fact be great enough to constitute a reasonable buffer. Loading docks and truck maneuvering areas and terminals, where possible, should be further removed from residential lot lines than buildings. Property lines abutting residential districts must be screened by a permanent attractive planting screen, wall or fence in a buffer strip not less than six (6) feet in height and sufficient to screen out excessive sound and view from the residential areas, except in the following instances:

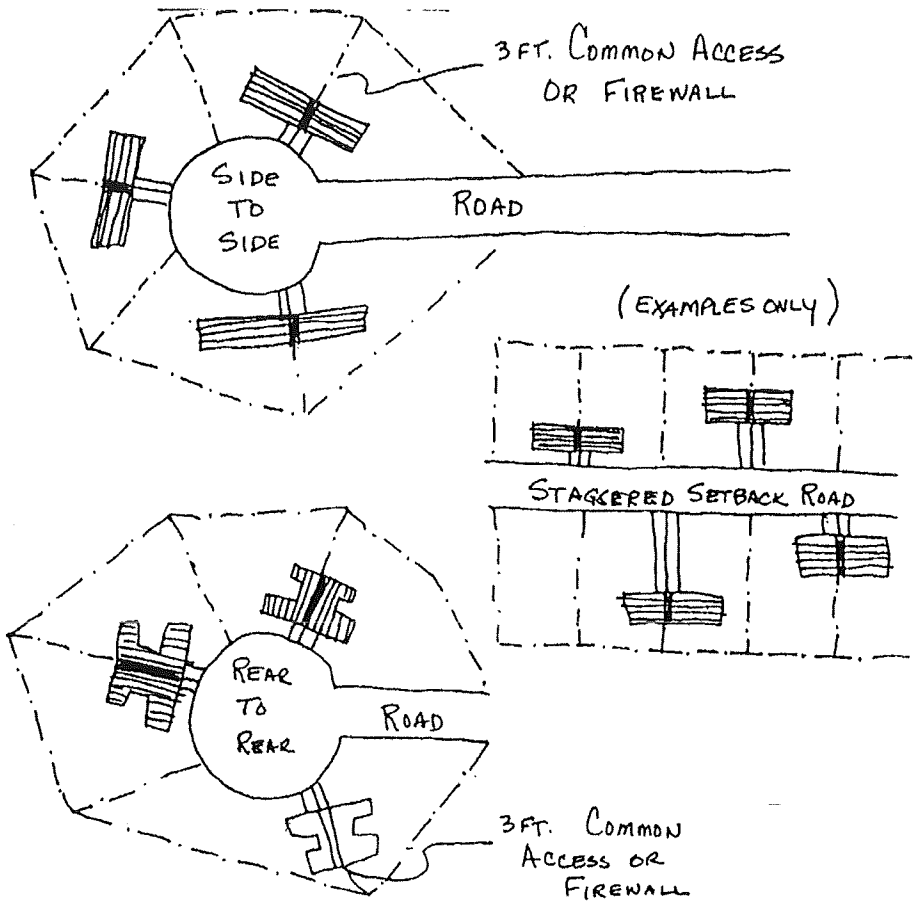
Where, one- and two-family dwellings within the PUD district are on property immediately adjoining a residential district, then no buffer shall be required.

Where multi-family dwellings and townhouses within the PUD district are on property immediately adjoining multi-family dwellings or townhouses in a residential district, then no buffer shall be required.

In addition, all storage yards or outdoor display spaces must be enclosed with a planting screen, wall or fence to a height of at least six (6) feet, including gates or exit points.

Zero-lot-line development permitted as follows:

Where dwelling structures within a designated area are placed on individual lots so as to be separated only by a minimum three (3) foot common/shared service access between exterior rear or side walls, so as to maximize usable open space surrounding dwelling unit. Zero-lot-line development may incorporate concept of staggered setbacks, approval of which is at joint municipal planning commission's and town council's discretion. Zero-lot-line design development may be utilized in all residential zones as mobile home parks or mobile home communities in the following manner, (no more than two (2) units attached per two (2) lots):



Minimum Setbacks

Note: Minimum setbacks (unless granted variance, in case of staggered setbacks), buffers and all other requirements within subsection 22-76(6)d. must still be met unless granted a variance by B.O.A. All zero-lot-line plans are subject to joint municipal planning commission and town council approval; zero-lot-line plans and changes are at their discretion.

e. Within a PUD district, the design should include buffers suitable for screening residential areas from institutional, commercial, industrial uses when a danger of incompatibility appears to exist.

f. Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

g. Sign requirements may be set by the town council, following recommendation by the Planning Commission.

h. In PUD districts, areas used for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress or egress. Access-ways shall generally conform to standards set forth in article VI, section 22-145, with the following exceptions:

Shopping centers, other individual commercial, industrial, institutional and multi-family uses shall have not more than two (2) access points to any one (1) public street, unless unusual circumstances demonstrate the need for additional access points.

Where possible, all access points to a public street from shopping centers, other individual commercial, industrial, institutional and multi-family uses shall be located at least one hundred (100) feet from the intersection of any street lines and shall be designed in a manner conducive to safe ingress and egress.

(Ord. No. 78-14, § 515, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 94-2, § 2, 3-9-94; Ord. No. 01-41, 6-13-01; Ord. No. 09-12, 12-9-09)

Sec. 22-77. Reserved.

Editor's note—Ord. No. 10-12, adopted November 10, 2010, repealed § 22-77, which pertained to the FH flood hazard district and derived from Ord. No. 78-14, adopted January 10, 1979 and Ord. No. 10-3, adopted March 10, 2010)

Sec. 22-78. MU-1 mixed use district.

(a) *Intent of district.* It is of special and substantial public interest to encourage residential and economic redevelopment of the older section of the town known as "The Village" situated south of 16th Street. It is, therefore, the intent of the MU-1 mixed use district to encourage the formation of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other. Such general business purposes are encouraged in this section to combine compatibly with residential uses. Residential occupancy in this district is to be promoted and encouraged, either in separate buildings or in combination with office, retail, and service uses, and that such uses, in combination or not, shall be scaled and designed to serve both the livability and economic restructuring of the area. The MU-1 mixed-use district, thus, anticipates the desirability of mixing land uses and imposes standards to resolve problems associated with mixing, and eliminates the negative aspects of juxtaposing unlike land uses.

(b) *Permitted uses.* The following uses shall be permitted in a MU-1 zoning district subject to the special requirements as set forth in subsection 22-78(e).

(1) Any use, with the exception of manufactured housing (mobile homes, see sections 22-128, 22-129 of this chapter) permitted in a GR general residential district, in compliance with the provisions of section 22-66, and unless otherwise set forth in this section.

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

(3) Retail business specifically including:

a. Antique shops;

b. Art shops and galleries;

c. Book and stationery shops;

d. Candy and confectionery shops;

e. China and crockery shops;

f. Drug stores or pharmacies;

g. Floor covering, paint and wallpaper stores;

h. Florist shops;

i. Food stores, and fruit and vegetable markets;

j. Furniture stores;

k. Television, radio, sales and service;

l. Gift, card and curio shops;

m. Hardware stores;

n. Hobby and toy shops;

o. Ice cream shops;

p. Jewelry shops;

q. Leather goods and luggage shops;

r. Marine and fishing supply shops;

s. Millinery or hat shops;

t. Music and record shops;

u. Newsstands;

v. Office supply store;

w. Package liquor stores;

x. Photographic and camera supply shops;

y. Shoe stores;

z. Sporting goods and bicycle shops;

aa. Towel and linen shops;

bb. Video/small appliance rental and sales;

cc. Variety and sundry shops;

dd. Wearing apparel shops.

The above retail establishments may provide incidental repair, maintenance, alteration, or adjustment services as appropriate, but facilities, operation and storage for such services shall not be visible from any street or pedestrian walkway.

(4) Service business specifically including:

a. Banks, savings and loan associations, and similar financial institutions;

b. Barber and beauty shops;

c. Bicycle repair and sales shops;

d. Dressmaking, seamstress, tailoring and millinery shops, except where products are made for off premise sales;

e. Health studios and spas;

f. Jewelry and watch repair shops;

g. Locksmith and gunsmith;

h. Medical, dental, or chiropractic office, clinic and/or laboratory;

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

j. Photographic studios;

k. Shoe repair shops;

l. Travel and ticket agencies.

m. Utilities and public facilities.

(5) Churches, and similar places of worship including associated uses.

(6) Private or semiprivate lodge, or social center;

(7) Hotels, bed and breakfast inns and other facilities for dwelling or lodging;

(8) Art galleries, museums and libraries;

(9) Theaters, other than drive-in;

(10) Radio and television stations;

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

(12) Commercial marinas;

(13) Accessory use in compliance with the provisions of sections 22-131, 22-132 and subsection 22-78(e).

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any MU-1 zoning district subject to the conditions set forth is section 22-165 and subsection 22-78(e).

(1) Bakeries provided that goods baked on the premises are sold on the premises at retail only;

(2) Coin operated dry cleaning facilities and laundry with rated capacity limited to ten (10) pounds per machine, forty (40) pounds total for dry cleaning, and twenty five (25) pounds per machine, five hundred (500) pounds total for laundry; provided the establishment closes by 9:30 p.m.;

(3) Dry cleaning and laundry cleaning establishment with total capacity limited as for coin operated facilities and provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers; provided the establishment closes by 9:30 p.m.;

(4) Duplicating centers including letter and photostat services with work area for such services not visible from adjacent pedestrians walkway;

(5) Meat, fish and/or poultry shop providing that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises;

(6) Restaurants (except those that include drive-in, or drive-up window service or curb service), supper clubs, delicatessens, tea rooms and cafes, including those with live entertainment and/or outdoor table service where sound or noise that may be perceptible beyond the premises is in compliance with town noise ordinance, and provided all lights or lighting arrangements used for the purpose of advertising or night operations are directed away from adjoining or nearby residential properties;

(7) Tavern and nightclubs including those with dancing or live entertainment where sound or noise that may be perceptible beyond the premises is in compliance with town noise ordinance, and provided all lights or lighting arrangements used for the purpose of advertising or night operations are directed away from adjoining or nearby residential properties;

(8) Combination of residential structure with any use permitted within this classification, provided that all dwelling units have direct access to street;

(9) Temporary use in compliance with the provisions of sections 22-78(e) and 22-165.

(10) Bed and breakfast. A dwelling may be involved in the rental of five (5) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent. The parking space provision shall be confirmed by the planning administrator and the building official prior to the issuance of a business license for this purpose and use.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MU-1 zoning district shall be required to conform to the following standards:

(1) Minimum Lot Area: Two thousand five hundred (2,500) square feet.

(2) Minimum lot width, measured at the building line: Twenty-five (25) feet.

(3) Minimum front yard measured from the nearest abutting street right-of-way line: Ten (10) feet. This front yard minimum shall also apply to residential.

(4) Minimum side yard: No side yards are required. However, the provisions of section 22-123 pertaining to corner lots, shall apply to MU-1 zoning districts and provided structures are built in accordance with the Standard Building Codes and, further, where a permitted use other than residential abuts any existing residential use not separated by a street right-of-way, the special requirements as set forth in section 22-78(e) shall apply.

(5) Minimum rear yard: None; however, where a permitted use other than residential abuts any existing residential use not separated by a street right-of-way, the special requirements as set forth in section 22-125, pertaining to double frontage lots, shall apply in MU-1 zoning districts.

(6) Maximum building height: Thirty-five (35) feet, subject to the approval of the fire chief. For exceptions to height regulations, see section 22-142.

(7) Additional requirements: Use permitted in MU-1 zoning districts shall meet all standards set forth in article VI pertaining to off street parking, loading and other requirements. Required front yard setbacks within MU-1 zoning districts which are adjacent to public right-of-way shall not be used for off street parking or loading.

Except for portions authorized for vehicular access, all required front yard setbacks and sidewalk/road shoulder areas within the public right-of-way shall be appropriately landscaped and provided with pedestrian ways assigned so as to not inhibit vehicular mail delivery.

(8) Signs. Signs permitted in MU-1 zoning districts including the conditions under which they may be located, are set forth in article V.

(e) *Special requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MU-1 and MU-2 zoning districts shall be required to conform to the following:

(1) *Permissible accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses approved by the planning admin-

istrator and the building official, and initiated or completed within any time limits established generally or in relation to a special permit, shall be permitted subjected to limitations. The following special limitations or exceptions shall apply to accessory uses and structures in this district:

a. Outdoor displays, exhibits, sales, service of food and drinks, or other activities may be conducted in pedestrian open spaces whether or not such activities are customarily accessory to the adjacent principal use, provided that such exhibits and displays must be moved inside by the close of the business day. Areas, activities, and facilities so approved may be used for regular, intermittent, or temporary special events without further permitting which might otherwise be required under these zoning regulations, but shall not be exempted from requirements for other permits.

b. Temporary shelters, bulletin boards, kiosks, signs, exhibit and display stands, and facilities for service and display stands, and facilities for service of food and drink may be permitted in appropriate locations in pedestrian open space. If so approved, such structures shall be exempted from limitations generally applying to yards and pedestrian open space.

c. Also, see sections 22-131 and 22-132 re, accessory use and section 22-165 re, temporary uses.

(2) *Limitations on use.* Except for outdoor dining places, exhibits of arts and crafts, flowers and plants, parking lots or parking garages, and other uses as authorized by special permit, all activities shall be conducted within completely enclosed buildings.

(3) *Pedestrians through block connections; requirements and limitations.* Whenever a development includes a pedestrian through block connection, it shall be open and accessible to the public during normal business hours. The walkway shall have a minimum width of eight (8) feet and a minimum height clearance of eight (8) feet. The walkway shall be appropriately improved and maintained for pedestrian safety, comfort and convenience.

(4) *Bufferyards.*

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

1. What is proposed;

2. What is existing on the adjacent property; and

3. The type of bufferyard selected.

b. *Definition.* A bufferyard is a unit of yard, together with planting, fences, walls, and other screening devices required thereon.

c. *Location of bufferyards.* Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public right-of-way; however, they may occupy part of all of any side or rear yard setback required by this chapter.

Where required, bufferyards and/or bufferyard structures shall be designed as an integral part of the proposed use.

d. *Determination of bufferyard requirements.* To determine the bufferyard required between two adjacent parcels, the following procedure shall be followed:

1. Identify the proposed land use.
2. Identify the use of land adjacent to the proposed use.
3. Determine the bufferyard required on each boundary (or segment thereof) of the proposed land use by referring to table I, bufferyard requirements, and illustrations contained herein which specify the bufferyard options between a proposed use and the existing adjacent use.
4. Any of the several options contained in the illustrations shall satisfy the requirements of this section.

e. *Bufferyard specifications.* The accompanying illustrations specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of the width of the bufferyard and the number of plants required per one hundred (100) feet of bufferyard. The requirements of a bufferyard may be satisfied by any one of the factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. Each illustration depicts the total bufferyard required between two (2) uses.

Whenever a wall or fence is required within a bufferyard, these are shown as "structure" in the following illustrations wherein their respective specifications are also shown.

The exact placement of required plants shall be the decision of developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order maximize their chances of survival.

The following table shall serve as a guide for determining minimum plant size.

Plant material type	*Planting in bufferyards*
Canopy tree	
Single Stem	1½ inch caliper
Multi-stem clump	6 feet (height)
Understory tree	4 feet (height)
Evergreen tree	3 feet (height)
Shrub	
Deciduous	15 inches (height)
Evergreen	12 inches (height)

f. *Use of bufferyards.* In addition to the planting and fence structure type required, a bufferyard may be used for passive recreation with plans approved by the planning administrator and the building official. Further, the bufferyard may utilized to meet off-street parking requirements. Plans for such use must be approved by the planning administrator and the building official to assure the bufferyard purpose is carried forth.

g. *Required maintenance.* The maintenance of required bufferyards shall be the responsibility of the property owner, and all such yards shall be properly maintained so as to assure continued buffering. Dead trees shall be removed; suitable ground cover provided, debris and litter shall be cleaned; and fences, and walls shall be maintained at all times. Failure to do so is a violation of this chapter, and maybe remedied in the manner prescribed for other violations.

h. *Clear cutting of bufferyards prohibited.* Clear cutting of trees and natural vegetation occupying a bufferyard at the time of construction shall be prohibited. In that the bufferyard shall remain in its natural state to the extent that the natural vegetation provides equal or better "buffering" than the requirements of this article, the town's tree ordinance shall apply and the vegetation thus retained shall be taken into account by the planning administrator and the building official upon determining the planting requirements by bufferyard type.

Table I. MU Bufferyard Requirements

Legend:

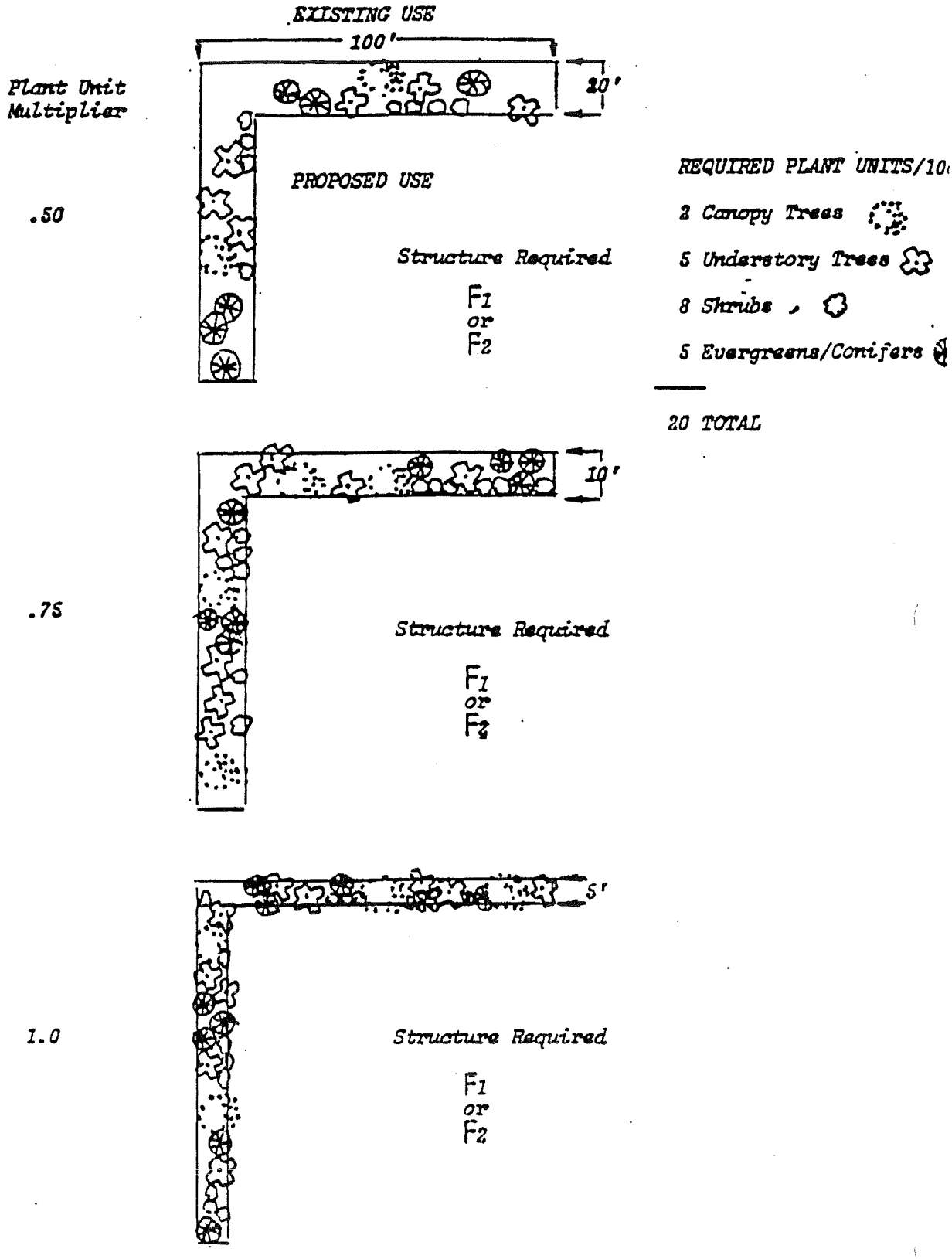
0—No bufferyard required

1—Class 1 bufferyard

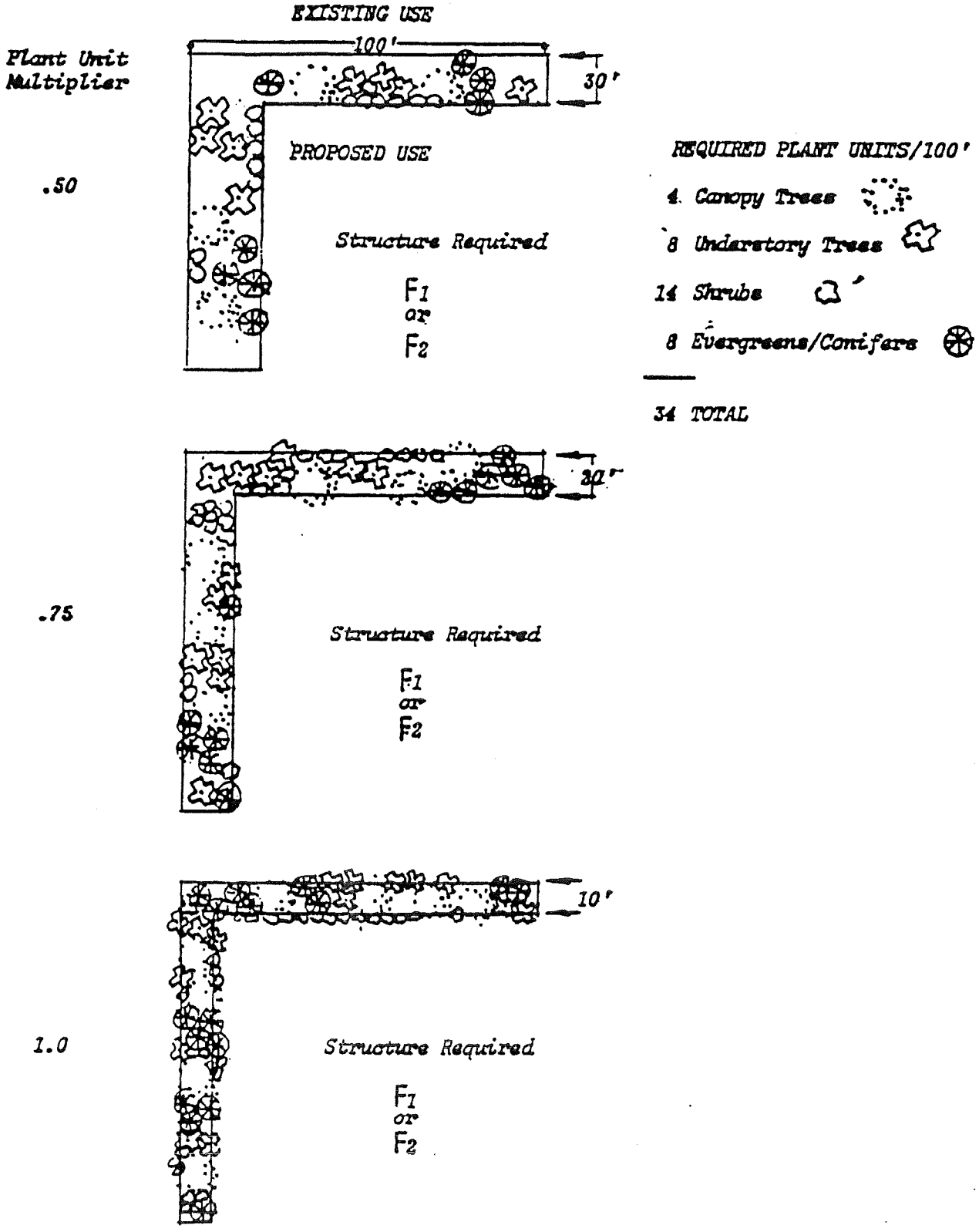
2—Class 2 bufferyard

3—Class 3 bufferyard

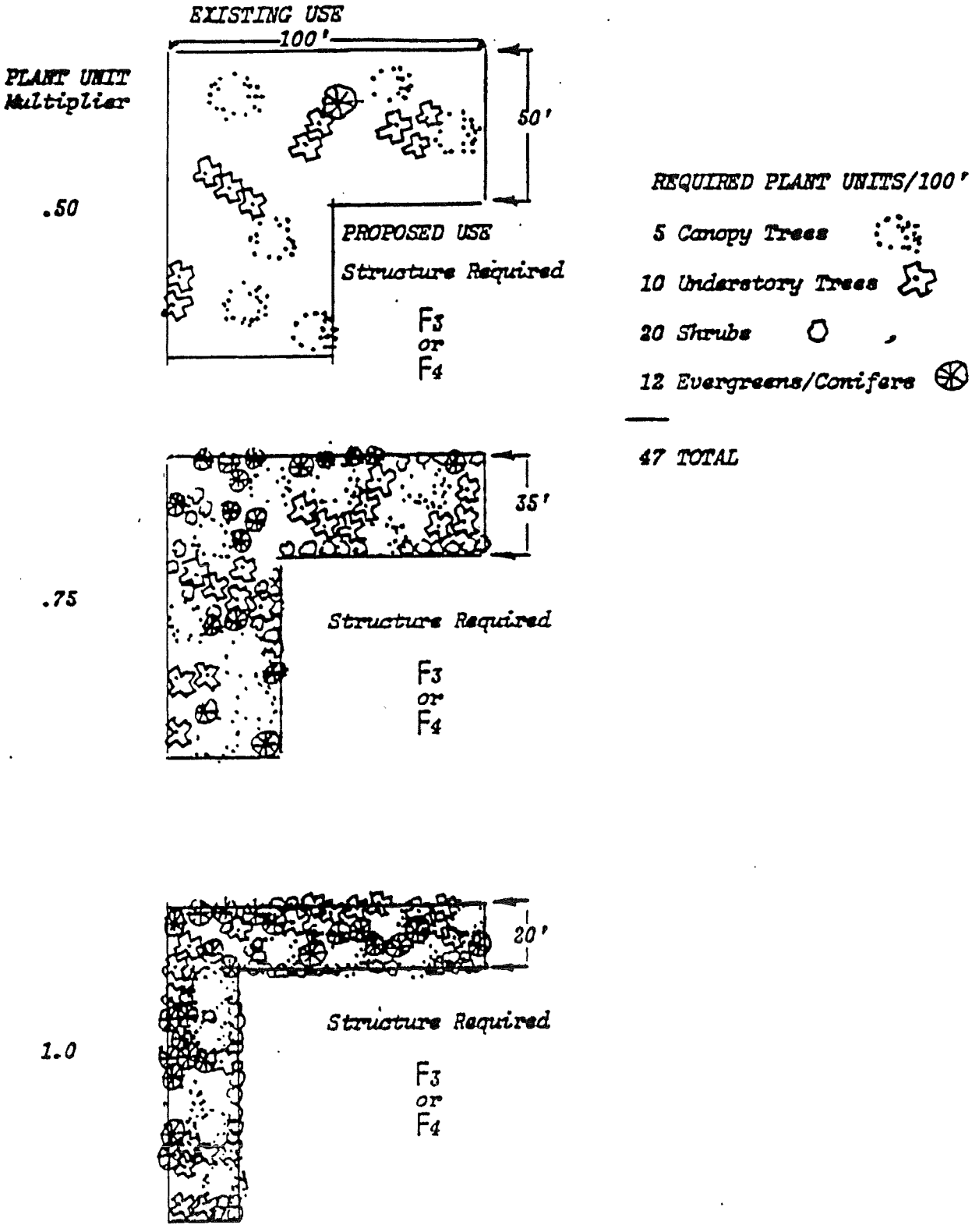
Proposed land use	*Exist adjacent uses*			
	All residential and vacant land	*Residential multi-family*	*Office and commercial*	*Institutional*
Res, Single-family detached	0	0	0	0
Res, Single-family attached and duplexes:	1	0	0	0
Res, Multi-family uses				
1—3 units (per gross acre)	1	0-	1	1
3—11 units (per gross acre)	2	0	1	1
12 or more units (per gross acre)	3	0	1	1
Office and commercial uses				
Less than .50 floor area ratio	1	1	0	1
.50 to 1.00 floor area ratio	2	2	0	2
1.00 floor area ratio or greater and shopping centers or office parks exceeding 40,000 sq. ft.	3	3	0	2



Bufferyard 1

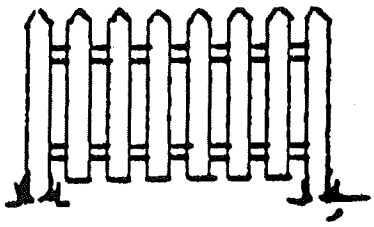
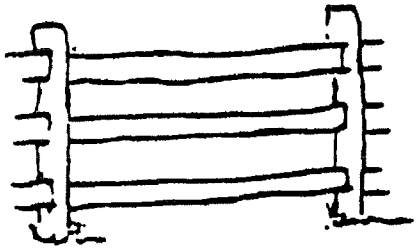
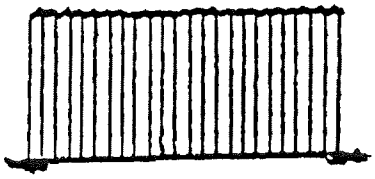
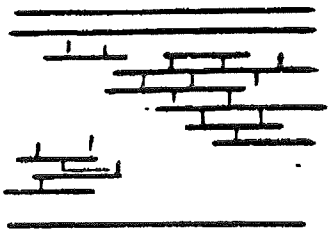


Bufferyard 2



Bufferyard 3

FENCES

SYMBOL	HEIGHT	MATERIAL
F1	44"	 Wood Picket
F2	48"	 Wood Rail
F3	6'	 Wood Stockade
F4	6'	 Wall Brick or Stucco Covered (poured concrete) cement block

(Ord. No. 78-14, § 517, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 94-2, § 1, 3-9-94; Ord. No. 10-3, 3-10-10)

Sec. 22-79. MU-2 use district.

(a) *Intent of district.* It is of special and substantial public interest to encourage residential and economic development of the sections of the town suited to a "village model." It is, therefore, the intent of the MU-2 mixed use district to encourage the formation of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other. Such general business purposes are encouraged in these sections to combine compatibility with residential uses. Residential occupancy in this district is to be promoted and encouraged, either in separate buildings or in combination with office, retail and service uses, in combination or not, shall be scaled and designed to serve both the livability and economic restructuring of the area. The MU-2 mixed use district, thus, anticipates the desirability of mixing land uses and imposes standards to resolve problems associated with mixing, and eliminates the negative aspects of juxtaposing unlike land uses.

(b) *Permitted uses.* The following uses shall be permitted in a MU-2 zoning district subject to the special requirements as set forth in subsection 22-78(e). Multifamily dwelling units per net acre will not exceed seventy-five (75) percent of the unit values in table A section 22-66(d)(2)d, and table B section 22-66(d)(3)d.

(1) Any use, with the exception of manufactured housing (mobile homes, see sections 22-128, 22-129 of this chapter), permitted in a GR general residential district, in compliance with the provisions of section 22-66, and unless otherwise set forth in this section.

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

(3) Retail business specifically including:

a. Antique shops;

b. Art shops and galleries;

c. Book and stationary shops;

d. Candy and confectionery shops;

e. China and crockery shops;

f. Florist shops;

g. Gift, card and curio shops;

h. Hobby and toy shops;

i. Ice cream shops;

j. Jewelry shops;

k. Leather goods and luggage shops;

l. Millinery or hat shops;

m. Newsstand;

n. Office supply stores;

o. Photographic and camera supply shops;

p. Shoe stores;

q. Sporting goods and bicycle shops with no outside display;

r. Towel and linen shops;

s. [*Reserved.*]

t. Wearing apparel shops.

The above retail establishments may provide incidental repair, maintenance, alteration, or adjustment services as appropriate, but facilities, operation and storage for such services shall not be visible from any street or pedestrian walkway.

(4) Service business specifically including:

a. Barber and beauty shops;

b. Dressmaking, seamstress, tailoring and millinery shops, except where products are made for off premises sales;

c. Health studios and spas;

d. Jewelry and watch repair shops;

e. Locksmith and gunsmith;

f. Medical, dental, or chiropractic office, clinic and/or laboratory;

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

h. Photographic studios;

i. Travel and ticket agencies;

j. Utilities and public building facilities.

(5) [*Reserved;*]

(6) Art galleries, museums and libraries;

(7) Educational institutions of a business, professional or scientific nature;

(8) [*Reserved;*]

(9) Accessory use in compliance with the provisions of sections 22-131, 22-132 and subsection 22-78(e).

(c) *Conditional uses.* The following uses shall be permitted on a conditional basis in any MU-2 zoning district subject to the conditions set forth in section 22-165 and subsection 22-78(e).

(1) Bakeries, provided that goods baked on the premises are sold on the premises at retail only;

(2) Duplicating centers including letters and photostat services with work areas for such services not visible from adjacent pedestrian walkway;

(3) Delicatessens, and tea houses. A delicatessen is an establishment where food is sold for consumption off-premises and no counters or tables for on-premises consumption of food are provided, but excludes groceries and supermarkets. A tea house is a public house or restaurant where tea and light refreshments are served, generally during midday.

(4) Combination of residential structure with any use permitted within this classification provided that all dwelling units have direct access to street.

(5) Temporary use in compliance with the provisions of sections 22-78(e) and 22-165.

(6) Bed and breakfast. A dwelling may be involved in the rental of five (5) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent. The parking space provision shall be confirmed by the planning administrator and the building official prior to the issuance of a business license for this purpose and use.

(d) *Other requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MU-2 zoning district shall be required to conform to the following standards.

(1) Minimum lot area: Four thousand (4,000) square feet.

(2) Minimum lot width, measured at the building line: Forty (40) feet.

(3) Minimum front yard, measured from the nearest abutting street right-of-way line: Five (5) to twenty (20) feet variable street yard depth. This front yard minimum shall also apply to residential.

(4) Minimum side yard: Not less than three (3) feet on each side. Where the MU-2 district abuts any residential zoning district not separated by a right-of-way, the planting minimums as found in bufferyard 1 in subsection 22-78(e) is required. The provisions of section 22-123 pertaining to corner lots shall apply to MU-2 zoning districts and where a permitted use other than residential abuts any existing street right-of-way, the special requirements as set forth in section 22-78(e) shall apply.

(5) Minimum rear yard: Ten (10) feet; however, where a permitted use other than residential abuts any existing residential use not separated by a street right-of-way, the special requirements as set forth in subsection 22-78(e) shall apply. The provisions of section 22-125, pertaining to double frontage lots, shall apply in MU-2 zoning districts.

(6) Maximum building height: Thirty-five (35) feet; subject to the approval of the fire chief. For exceptions to height regulations, see section 22-142.

(7) Additional requirements. Use permitted in MU-2 zoning districts shall meet all standards set forth in article VI pertaining to off street parking, loading and other requirements. Required front yard setbacks within MU-2 zoning districts which are adjacent to public right-of-way shall not be used for off street parking or loading. Except for portions authorized for vehicular access, all required front yard setbacks and sidewalk/road shoulder areas within the public right-of-way shall be appropriately landscaped and provided with pedestrian ways designed so as to not inhibit vehicular mail delivery.

(8) Signs: Signs permitted in MU-2 zoning districts, including the conditions under which they may be located, are set forth in article V.

(9) Commercial buildings shall not exceed a three thousand (3,000) square feet footprint.

(10) All nonresidential uses in Mixed Use 2 will conduct business between the hours of 8:00 a.m. and 10:00 p.m.

(e) *Special requirements.* Unless otherwise specified elsewhere in this chapter, uses permitted in the MU-2 zoning districts shall be required to conform to special requirements as set forth in subsection 22-78(e) under MU-1 district.
(Ord. No. 78-14, § 518, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 94-2, § 1, 3-9-94; Ord. No. 00-57, §§ 1—3, 1-10-01; Ord. No. 01-4, §§ 1, 2, 3-14-01; Ord. No. 05-18, § 1, 4-13-05; Ord. No. 05-38, §§ 1, 2, 11-9-05; Ord. No. 05-48, 12-14-05; Ord. No. 10-3, 3-10-10)

Sec. 22-80. WI waterborne industrial district.

(a) Intent of district. Properties in the town abutting the waterfront are of unique importance because of the role of the waterfront in the history of the town, and due to such properties providing opportunities for visual, vehicular and pedestrian access to Port Royal Sound. It is imperative that improvements on properties abutting the waterfront be undertaken in a manner and at a scale that is complimentary and in keeping with the scale of development in historic Port Royal and that is respectful to the waterfront environs. It is the intent of this district to promote the public health, safety and welfare by prescribing development standards for properties subject to the waterborne industrial district so as to assure that the development of and improvements to such properties are undertaken in a manner that is sensitive and is respectful to their location and to historic Port Royal.

(b) *Land to which this district applies.* This district shall apply to all lands in the town that abut the waterfront and that are depicted on the official zoning map as being in the waterborne industrial district. The waterborne industrial district shall be considered an overlay district to existing zoning districts. Uses permitted within the underlying zoning district shall be permitted in the waterborne industrial district, provided they are designed in accordance with the requirements of the waterborne industrial district.

(c) *Administration.* Interpretation of these standards shall be the responsibility of the town's supervising planning team as put forth in chapter 15.5 of the Code of Ordinance of the Town of Port Royal (Overlay Districts), article II, section 15.5-28. The supervising planning team shall review all improvements to properties within the district to assure that such improvements comply with the requirements of subsection (d) hereof.

Sec. 22-81. Implementation of districts.

Implementation. Each of the above districts and their requirements are declared official elements of this chapter. If any of the districts do not appear on the official zoning map at any given time, their inclusion in the text of this chapter affirms them as official districts, which may be utilized to amend the official zoning map under the procedures outlined in article IX.
(Ord. No. 78-14, § 519, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 03-12, § 2, 10-8-03)

Editor's note—Ord. No. 03-12, § 2, adopted October 8, 2003, amended the Code by adding a new § 22-80, and renumbering the existing § 22-80 as a new § 22-81.

Secs. 22-82—22-90. Reserved.

ARTICLE V. SIGN REGULATIONS*

Sec. 22-91. Purposes.

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the town; to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign ordinance is adopted under the zoning authority of the town in furtherance of the more general purposes set forth in the zoning ordinance.
(Ord. No. 00-2, § 1.1, 4-12-00)

Sec. 22-92. Applicability; effect.

A sign may be erected, placed, established, painted, created, or maintained in the town only in conformance with the standards, procedures, exemptions, and other requirements of this article.

The effect of this article as more specifically set forth herein, is:

- To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this article;
- To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits;
- To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
- To prohibit all signs not expressly permitted by this article; and

*__Editor's note__—Ord. No. 00-2, §§ 1.1—1.18, adopted April 12, 2000, amended Art. V, in its entirety, to read as herein set out in §§ 22-91—22-108. Prior to inclusion of said ordinance, Art. V pertained to similar subject matter. See the Code Comparative Table.

- To provide for the enforcement of the provisions of this article.

(Ord. No. 00-2, § 1.2, 4-12-00)

Sec. 22-93. Definitions and interpretation.

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the town shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in section 22-94. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon means any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.

Building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building sign means any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this article. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this article.

Commercial message means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Freestanding sign means any sign supported by structures or supports, of standard geometric shape, that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Illumination (internal) means the surface of the sign is lit from behind. The light source is concealed.

Illumination (external) means the surface of the sign is lit from without.

Illumination (exposed bulb or neon) means the light source is the sign.

LED video display sign means an advertising sign, display or device that changes the message or copy on the sign by means of a light emitting diode and features full color, video quality imagery. LED video display signs may only be used as wall signs. In no instance will an LED sign be permitted as a freestanding or monument sign. LED video display signs may not incorporate animation in the copy. LED video display signs will produce static images that are changed via computer on a secure network. The LED video display sign must contain a default design that will freeze the sign in the off position if a malfunction occurs. LED video display signs will not scroll, flash, feature motion pictures or emit intermittent light. Frequency of each message change will be limited to ten (10) seconds minimum display time with a two-second maximum change time. Every sign must be equipped with a dimming mechanism that adjusts display brightness to accommodate varying ambient light conditions.

This function can be performed manually or automatically with the use of a light sensing device. The display may be illuminated at one hundred (100) percent in full sunlight, but must be reduced proportionately to a maximum of twenty-five (25) percent in total darkness.

Lot means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign means any sign attached to, in any manner, or made a part of a marquee.

Nonconforming sign means any sign that does not conform to the requirements of this article.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Person means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (current registration, insurance, and used at least three (3) times a week) of the business.

Principal building means the building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign means any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Setback means the distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Street means a strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Street frontage means the distance for which a lot line of a zone lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign means any sign that is used only temporarily and is not permanently mounted.

Wall sign means any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window sign means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Zone lot means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.
(Ord. No. 00-2, § 1.3, 4-12-00; Ord. No. 07-60, 10-10-07)

Sec. 22-94. Computations.

The following principles shall control the computation of sign area and sign height.

(1) *Computation of area of individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(2) *Computation of area of multi-faced signs.* The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

(3) *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the

sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(4) *Computation of maximum total permitted sign area for a zone lot.* The permitted sum of the area of all individual signs on a zone lot shall be computed by, applying the formula contained in Table 1.5B, the Maximum Total Sign Area, the lot frontage, the building frontage, or the wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage, applying the following stipulations. On the primary street, one hundred (100) percent of the allowable signage can be used, on the secondary street, fifty (50) percent of the allowable signage, calculated for that street may used. Signage will only be allowed on two (2) streets, and must be split at the ratio described above.

(Ord. No. 00-2, § 1.4, 4-12-00)

Sec. 22-95. Signs allowed on private property with and without permits.

Signs shall be allowed on private property in the town in accordance with, and only in accordance with, Table 1.5A. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 1.5A shall be allowed only if:

The sum of the area of all building and freestanding signs on the zone lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 1.5B;

The size, location, and number of signs on the lot conform with the requirements of Tables 1.5C and 1.5D, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 1.5A;

The characteristics of the sign conform with the limitations of Table 1.5E, Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table 1.5A.

Example 1.5 Sign Calculation of Maximum and Total Sign Area

Maximum and total sign areas computed here are based on the example of a typical MU1 zone lot and are in reference to Figures 1.5a and b, and the example Sign Area Calculations Chart.

I. Determine the type signs allowed on zone lot using Chart 1.5A.

II. Determine the maximum total sign allowed using Chart 1.5B.

A. Maximum number of total sign area for a MU1 zone lot = 80 sq. ft.

B. Two (2) percent of ground floor area of principal building (.02)(4500) = 90 sq. ft.

C. Three (3) sq. ft. of signage per linear ft. of lot street frontage = 3(100′) = 300 sq. ft.

The total sign area shall not exceed the smallest of the preceding formulas. Therefore the maximum sign area allowed is 80 sq. ft.

III. Determine the maximum area allowed for individual signs per the MU1 zone lot using Chart 1.5C and Chart 1.5D.

A. *Freestanding sign* = 40 sq. ft.

B. *Building sign* = 10 percent of the wall area of the street elevation = (.10)(75)(10) = 75 sq. ft.

C. *Window sign* = 25 percent of the total window area per window.

IV. Compute area of individual signs and their sum to be used on zone lot.

A. *Freestanding sign* = 4′ – 0″ × 8′ – 0″—32 sq. ft.

B. *Building sign* = 1′ – 6″ × 20′ – 0″—30 sq. ft.

C. *Window signs* = (size)(quantity) = (1′ – 6″ × 1′ – 6″)(2) = 6 sq. ft.

The sum of individual sign areas is 68 sq. ft.

V. Verify that individual sign areas and their sums do no exceed area maximums configured in steps II and III.

A KEY TO TABLES 1.5A THROUGH 1.5E

On the tables in the model ordinance, which are organized by zoning district, the headings have the following meanings.

R-17	Low Density One-Family Residential District
R-12	Low Density One-Family Residential District
R-10	Medium Density One-Family Residential District
R-5	High Density One-Family Residential District
GR	General Residential District
CC	Core Commercial District
GC	General Commercial District
OC	Office Commercial
NC	Neighborhood Commercial District

HC	Highway Commercial
LI	Limited Industrial District
MHD	Mobile Home District
MU1	Mixed Used District
MU2	Mixed Used District

TABLE 1.5A. PERMITTED SIGNS BY TYPE AND ZONING DISTRICT

SIGN TYPE	*R-17*	*R-12*	*R-10*	*R-5*	*GR*	*CC*	*GC*	*OC*	*NC*	*HC*	*LI*	*MHD*	*MU1*	*MU2*
Freestanding														
Residential [d]	P	P	P	P	P	N	N	N	N	N	N	S	N	N
Other	N	N	N	N	S	S	S	S	S	S	S	N	S	S
Incidental [b]	N	N	N	N	Pc	P	P	P	P	P	P	Pc	Pc	Pc
Building														
Banner	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Marker														
Canopy	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Identification[c]	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Incidental[b]	N	N	N	N	P	P	P	P	Pb	P	P	Pe	P	P
Marquee	N	N	N	N	N	S	S	S	N	S	N	N	N	N
Projecting	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Residential[a]	P	P	P	P	P	N	N	N	N	N	N	P	N	N
Roof	N	N	N	N	N	S	N	S	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Suspended	N	N	N	N	N	P	P	P	P	P	N	N	P	P
Temporary[f]	N	N	N	N	N	S	S	S	S	S	N	N	S	S
Wall	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Window	N	N	N	N	N	S	S	S	S	S	N	N	S	S
Miscellaneous														
Banner[b]	N	N	N	N	N	S	S	S	S	S	N	N	S	S
Flag[g]	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable[h]	N	N	N	N	N	N	N	N	N	N	N	N	N	N
LED	N	N	N	N	N	N	S	N	N	S	N	N	N	N

P = Allowed

S = Allowed only with sign permit

N = Not allowed

a. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.

b. No commercial message of any kind allowed on sign if such is legible from any location off the zone lot on which the sign is located.

c. Only address and name of occupant allowed on sign.

d. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.

e. No commercial message of any kind allowed on sign.

f. The conditions of section 22-105 of this article apply.

g. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one (1) of more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

h. One sandwich board or similar sign is permitted per business during that business's operating hours.

TABLE 1.5B. MAXIMUM TOTAL SIGN AREA PER ZONE LOT BY ZONING DISTRICT[b, c]

	R-17	*R-12*	*R-10*	*R-5*	*GR*	*CC*	*GC*	*OC*	*NC*	*HC*	*LI*	*MHD*	*MU1*	*MU2*
The maximum total area of all signs on a zone lot (except incidental, building marker, and identification signs, and flags) shall not exceed the lesser of the following														
Maximum Number of Total Square Feet	8	8	8	8	38	100	200	200	100	800	300	8	80	50
Percentage of Ground Floor Area of Principal Building	N/A	N/A	N/A	N/A	N/A	2	4	4	4	6	2	N/A	2	2
Square Feet of Signage Per Linear Foot of Frontage	N/A	N/A	N/A	N/A	N/A	3	3	3	3	3	5	N/A	3	3

a. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one (1) of more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

b. Master Signage Plan can increase total by twenty-five (25) percent.

c. Consult Overlay District Code.

d. Vending machines will be calculated (all sides) as signs and included in total signage allowed, if such machine is legible from any location of the zone lot on which the machine is located.

TABLE 1.5C. NUMBER, DIMENSIONS, AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

	R-17	*R-12*	*R-10*	*R-5*	*GR*	*CC*	*GC*	*OC*	*NC*	*HC*	*LI*	*MHD*	*MU1*	*MU2*
Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and on Table 1.5D.														
Freestanding														
Area (sq. ft)[d]	6	6	6	6	6	40	60	60	60	75	80	6	40	40
Height (feet)	5	5	5	5	5	5	12	12	5	12	12	5	12	12
Setback	2	2	2	2	2	0	5	5	2	10	10	2	0	0
LED percent of wall area	N/A	N/A	N/A	N/A	N/A	N/A	10	N/A	N/A	10	N/A	N/A	N/A	N/A
Number Permitted														
Per Zone Lot	1	1	1	1	1	N/A	N/A	N/A	N/A	N/A	N/A	1	N/A	N/A
Per Feet of Street Frontage[b]	N/A	N/A	N/A	N/A	N/A	1 per 200	1 per 200	1 per 200	1 per 200	1 per 200	1 per 800	N/A	1 per 200	1 per 200
Building (wall)														
Area (max. sq. ft.)	2	2	2	2	2	N/A	N/A	N/A	N/A	N/A	N/A	2	N/A	N/A
Well Area (percent)[c]	N/A	N/A	N/A	N/A	N/A	10	10	10	10	10	5	N/A	10	10

a. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three (3) feet and ten (10) feet in a triangle formed by the corner and points on the curb thirty (30) feet from the intersection or entranceway.

b. Lots fronting on two (2) or more streets refer to section 22-94(4).

c. The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part of to which each sign is most nearly parallel.

d. Internally lit calculate all horizontal planes.

TABLE 1.5D. NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS BY SIGN TYPE

			Vertical Clearance	
	Number Allowed	*Maximum Sign Area*	*From Sidewalk or Private Drive or Parking*	*From Public Street*
No sign shall exceed any applicable maximum numbers or dimensions, or encroach on any applicable minimum clearance shown on this table.				
Freestanding				
Residential, Other, and Incidental	See Table 1.5C	See Table 1.5C	N/A	N/A
Building				
Banner	N/A	N/A	9 ft.	12 ft.
Building Marker	1 per bldg.	4 sq. ft.	N/A	N/A
Canopy	1 per bldg.	33% of vertical surface of canopy	9 ft.	12 ft.
Identification	1 per bldg.	N/A	N/A	N/A
Incidental	N/A	N/A	N/A	N/A
Marquee	1 per bldg.	N/A	9 ft.	12 ft.
Projecting	1 per bldg.	40 sq. ft.	9 ft.	12 ft.
Residential	1 per zone lot	N/A	N/A	N/A
Roof	1 per principal bldg.	N/A	N/A	N/A
Roof, Integral	2 per principal bldg.	N/A	N/A	N/A
Suspended	1 per entrance	N/A	9 ft.	N/A
Temporary	See Section 1.14	N/A	N/A	N/A
Wall	N/A	N/A	N/A	N/A
Window	N/A	25% of total window area per window	N/A	N/A
Miscellaneous				
Banner	N/A	N/A	9 ft.	12 ft.
Flag	N/A	60 sq. ft.	9 ft.	12 ft.
Portable[a]	1 where allowed	12 sq. ft.	N/A	N/A

a. Permitted on the same terms as temporary sign, in accordance with section 22-105, except that it may be freestanding.

TABLE 1.5E. PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT

	R-17	*R-12*	*R-10*	*R-5*	*GR*	*CC*	*GO*	*OC*	*NC*	*HC*	*LI*	*MHD*	*MU1*	*MU2*
Animated	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Changeable Copy	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Illumination (Internal)	N	N	N	N	N	S	S	S	S	S	S	N	S	S
Illumination (External)	N	N	N	N	N	S[b]	S[b]	S[b]	S[b]	S[b]	S[b]	N	S[b]	S[b]
Illumination (Exposed Bulb or Neon)[a]	N	N	N	N	N	S	S	S	S	S	S	N	S	N

P = Allowed

S = Allowed only with sign permit

N = Not allowed

a. Not to exceed twenty-five (25) percent of total permitted signage reference 22-105(b).

b. Placement of light source will be established by the building official at the time of application.

(Ord. No. 00-2, § 1.5, 4-12-00; Ord. No. 01-60, 11-7-01; Ord. No. 06-16, § 1, 5-10-06; Ord. No. 07-60, 10-10-07)

Sec. 22-96. Permits required.

If a sign requiring a permit under the provision of this article is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of section 22-103.

No signs shall be erected in the public right-of-way except in accordance with section 22-99 and the permit requirements of section 22-106.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this article (including those protecting existing signs) in every respect and with the master signage plan in effect for the property.
(Ord. No. 00-2, § 1.6, 4-12-00)

Sec. 22-97. Design, construction, and maintenance.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

(1) All signs shall comply with applicable provisions of the Uniform Building Code and the electrical code of the town at all times.

(2) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(3) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.

(Ord. No. 00-2, § 1.7, 4-12-00)

Sec. 22-98. Master signage plan.

For any zone lot on which the owner proposes to erect two (2) or more signs requiring a permit, the owner shall submit to the zoning administrator a master signage plan. If the owners file with the zoning administrator for such zone lots a master signage plan conforming with the provisions of this section, a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each included zone lot. This bonus shall be allocated within each zone lot as the owner(s) elects.

(1) *Master signage plan.* A master signage plan shall contain the following:

- An accurate plot plan of the zone lot, at such scale as the zoning administrator may reasonably require;
- Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;

- Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this article; and
- An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

(2) *Provisions of a master signage plan.* The master signage plan shall also specify standards for consistency among all signs on the zone lots affected by the plan with regard to:

- Color scheme;
- Lettering or graphic style;
- Lighting;
- Location of each sign on the buildings;
- Material; and
- Sign proportions.

(3) *Showing window signs on master signage plan.* A master signage plan including window signs must indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window).

(4) *Limit on number of freestanding signs under master signage plan.* The master signage plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(5) *Other provisions of master signage plans.* The master signage plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

(6) *Consent.* the master signage plan shall be signed by all owners or their authorized agents in such form as the zoning administrator shall require.

(7) *Procedures.* A master signage plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the town for the proposed development and shall be submitted with such other plan.

(8) *Amendment.* A master signage plan may be amended by filing a new master signage plan that conforms with all requirements of the ordinance then in effect.

(9) *Existing signs not conforming to master signage plan.* If any new or amended master signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this article in effect on the date of submission.

(10) *Binding effect.* After approval of a master signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this article. In case of any conflict between the provisions of such a plan and any other provision of this article, the ordinance shall control.

(Ord. No. 00-2, § 1.8, 4-12-00)

Sec. 22-99. Signs in the public right-of-way.

No signs shall be allowed in the public right-of-way, except for the following:

(1) *Permanent signs.* Permanent signs, including: public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

- Bus stop signs erected by a public transit company;
- Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
- Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table 1.5A of this article.

(2) *Temporary signs.* Temporary signs for which a permit has been issued in accordance with section 22-105, which shall be issued only for signs meeting the following requirements:

- Such signs shall contain no commercial message; and
- Such signs shall be no more than two (2) square feet in area each.

One real estate sign per street frontage pertaining to the sale or lease of the premises is permitted. The sign 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, which ever time period is less. Refer to Table 1.5A Freestanding/Residential of Other/ for permit requirements. Refer to Table 1.5C for Dimension and Location.

One construction sign per street frontage may be displayed from issue of building permit to final inspection or certificate of occupancy. The sign shall have a maximum of six (6) square feet in surface area per side, and be a maximum of three and one-half (3.5) feet high.

(3) *Emergency signs.* Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(4) *Other signs forfeited.* Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and

subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

(Ord. No. 00-2, § 1.9, 4-12-00)

Sec. 22-100. Signs exempt from regulation.

Under this article the following signs shall be exempt from regulation under this article:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- Any sign inside a building, not attached to a window or door, and more than ten (10) feet from any window
- Works of art that do not include a commercial message;
- Holiday lights and decorations with no commercial message, but only between November 15 and January 15; and
- Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet department of transportation or other government authority standards and which contain no commercial message of any sort.

(Ord. No. 00-2, § 1.10, 4-12-00)

Sec. 22-101. Signs prohibited under this article.

All signs not expressly permitted under this article or exempt from regulation hereunder in accordance with the previous section are prohibited in the town. Such signs include, but are not limited to:

- Beacons;
- Pennants;
- Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
- Inflatable signs and tethered balloons.

(Ord. No. 00-2, § 1.11, 4-12-00)

Sec. 22-102. General permit procedures.

The following procedures shall govern the application for, and issuance of, all sign permits under this article, and the submission and review of a master signage plan.

(1) *Applications.* All applications for sign permits of any kind and for approval of a master signage plan shall be submitted to the zoning administrator on an application form or in accordance with application specifications published by the zoning administrator.

(2) *Fees.* Each application for a sign permit or for approval of a master signage plan shall be accompanied by the applicable fees, which shall be established by the governing body of the town from time to time by resolution.

(3) *Completeness.* Within ten (10) days of receiving an application for a sign permit or for master signage plan, the zoning administrator shall review it for completeness. If the zoning administrator finds that it is complete, the application shall then be processed. If the zoning administrator finds that it is incomplete, the zoning administrator shall, within such ten-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this article.

(4) *Action.* Within fifteen (15) days of the submission of a complete application for a sign permit, the zoning administrator shall either:

- Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this article and of the applicable master signage plan; or
- Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this article and of the applicable master signage plan. In case of a rejection, the zoning administrator shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.
- Forward the application to the supervising planning team if the sign is in the traditional town overlay district.

(5) *Action on plan.* On any application for approval of a master signage plan, the zoning administrator shall take action on the applicable one (1) of the following dates:

- Fourteen (14) days after the submission of a complete application if the application is for signs for existing buildings; or
- On the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.
- On or before such applicable date, the zoning administrator shall either:
- Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this article; or
- Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirements of this article. In case of a rejection, the zoning administrator shall specify in the rejection the section or sections of the ordinance with which the plan is inconsistent.

(Ord. No. 00-2, § 1.12, 4-12-00)

Sec. 22-103. Permits to construct or modify signs.

Signs identified as "P" or "S" on Table 1.5A shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the zoning administrator. Such permits shall be issued only in accordance with the following requirements and procedures.

(1) *Permit for new sign or for sign modification.* An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a master signage plan then in effect for the zone lot. One (1) application and permit may include multiple signs on the same zone lot.

(2) *Inspection.* The zoning administrator shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this article and with the building and electrical codes, the zoning administrator shall approve the sign(s). If the construction is substantially complete but not in full compliance with this article and applicable codes, the zoning administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional fifteen (15) days from the date of inspection for the deficiencies to be corrected. If the construction is then complete, the zoning administrator shall approve the sign(s). If the deficiencies are not corrected by such date, the permit shall lapse.

(Ord. No. 00-2, § 1.13, 4-12-00)

Sec. 22-104. Temporary sign permits (private property).

Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:

(1) *Term.* A temporary sign permit shall allow the use of a temporary sign for a specified thirty-day period.

(2) *Number.* Only four (4) temporary sign permits shall be issued to the same business license holder on the same zone lot in any calendar year.

(3) *Other conditions.* A temporary sign shall be allowed only in districts with a letter "S" for "Temporary Signs" on Table 1.5A and subject to all of the requirements for temporary signs as noted therein.

(Ord. No. 00-2, § 1.14, 4-12-00)

Sec. 22-105. Permits for signs in the public right-of-way.

Permits for temporary private signs in the public right-of-way shall be issued in accordance with the following conditions:

(1) *Term and number of permits.* The term of such a permit shall be forty (40) days. For any sign containing the name of a political candidate, the candidate shall be deemed to be the applicant.

(2) *Number of signs.* No more than twenty (20) signs may be erected under one (1) permit.

(3) *Identification of permitted signs.* Each sign erected under such a permit shall contain an official stamp of the zoning administrator, authenticating the sign and giving the number of the permit and the date of issuance.

(4) *Other conditions.* In addition to applicable fees otherwise payable, the applicant shall post a bond of ten dollars ($10.00) for each sign authorized by the zoning administrator's stamp, which bond shall be held to ensure the removal of the signs and shall be refundable upon the presentation to the zoning administrator of the actual sign(s). The bond, on any sign not presented within fifty-five (55) days of the issuance of the permit or actually removed by the town because it is located on public property on a day more than forty (40) days after the date of permit issuance, shall be forfeited.

(Ord. No. 00-2, § 1.15, 4-12-00)

Sec. 22-106. Time of compliance; nonconforming signs and signs without permits.

Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this article or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring it into conformity with the requirements of this article.

(1) *Signs existing on effective date.* For any sign existing in the town on (date of the ordinance), an application for a sign permit must be submitted to the zoning administrator before (date 2, thirty (30) days later). For any sign on property annexed at a later date, applications for sign permits shall be submitted within six (6) months of the effective date of the annexation or within such period as may be established in an annexation agreement between the town and the landowner. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this article and shall not be entitled to the protection of section 22-107(2).

Applications for permits for existing signs submitted before (date 2) shall be exempt from the initial fees adopted under authority of this article, but not from renewal and subsequent fees.

(2) *Nonconforming existing signs, permits and terms.* A sign that would be permitted under this article only with a sign permit, but which was in existence on (date 1) or on a later date when the property is annexed to the town, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this article, shall be issued a nonconforming sign permit if an application in accordance with section 22-106(1) of this article is timely filed.

Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this article, to remain in place and be maintained for a period ending no

later than seven (7) years, (three (3) years for banners or temporary signs) provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this section when repair, or maintenance would constitute an expense of more than twenty-five (25) percent of the lesser of the original value or replacement value of the sign. Further any change, except for those repairs which are necessary to keep the sign in good working order, will cause any existing, nonconforming sign to be either, eliminated or made to conform with the requirements of this article. Changing the face of a nonconforming sign will cause the sign to be either eliminated or made to conform to the requirements of this article.
(Ord. No. 00-2, § 1.16, 4-12-00)

Sec. 22-107. Violations.

Any of the following shall be a violation of this article and shall be subject to the enforcement, remedies and penalties provided by this article, by the zoning ordinance, and by state law:

- To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
- To install, create, erect, or maintain any sign requiring a permit without such a permit;
- To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;
- To fail to remove any sign that is installed, created, created, or maintained in violation of this article, or
- To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this article.

Each sign installed, created, erected, or maintained in violation of this article shall be considered a separate violation when applying the penalty portions of this article.
(Ord. No. 00-2, § 1.17, 4-12-00)

Sec. 22-108. Enforcement and remedies.

Any violation or attempted violation of this article or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this article shall be considered a violation of the zoning ordinance of the town. The remedies of the town shall include the following:

- Issuing a stop-work order for any and all work on any signs on the same zone lot;
- Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

- Imposing any penalties that can be imposed directly by the town under the zoning ordinance;
- Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and
- In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the town under the applicable provisions of the zoning ordinance and building code for such circumstances.

The town shall have such other remedies as are and as may from time to time be provided for, or allowed by, state law for the violation of the zoning ordinance.

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

FEE SCHEDULE

The fees for sign permits and plans for the period beginning (date 4) shall be:

Sign Permit, or Master Signage Plan	$50.00
Re-inspection Fee	35.00
Temporary Sign Permit, Private Property, per sign	10.00
Temporary Sign Permit, Public Property	10.00
Non-Profit Organization	No Fee

(Ord. No. 00-2, § 1.18, 4-12-00)

Secs. 22-109—22-120. Reserved.

ARTICLE VI. GENERAL PROVISIONS

Sec. 22-121. Street access.

No building shall hereafter be erected, constructed, moved, or relocated on a lot unless there is access by a dedicated easement, or located on a publicly dedicated, publicly accepted, or publicly maintained street.
(Ord. No. 78-14, § 701, 1-10-79; Ord. No. 86-54, 12-1-86)

Sec. 22-122. Classification of streets.

For the purpose of this chapter, all public streets in the town are hereby classified as being either major or minor streets. Each major street in the town is designated on the zoning map. All other streets shall be considered as minor streets.
(Ord. No. 78-14, § 702, 1-10-79)

Sec. 22-123. 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 (½) 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 of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this chapter for the district in which the lot is located.
(Ord. No. 78-14, § 703, 1-10-79)

Sec. 22-124. Location of buildings on lots and residential limitations.

Every building or use hereafter erected or established shall be located on a lot of record, and every one- and two-family residential structures, except as herein provided, shall be located on an individual lot of record. 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.
(Ord. No. 78-14, § 704, 1-10-79)

Sec. 22-125. Double frontage lots.

On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this chapter. On lots having frontage on more than two (2) streets, the minimum front yard shall be provided in accordance with the regulations set forth in this chapter 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 section 22-123 above.
(Ord. No. 78-14, § 705, 1-10-79)

Sec. 22-126. Front yard requirements.

The setback requirements of this chapter shall not apply to any lot where the average setback on already built-upon-lots, located wholly or in part within one hundred (100) feet on each side of such lot, may be less than the requirement setback, but not less than the average of the existing setbacks on the developed lots. However, setbacks shall be no less than fifteen (15) feet.
(Ord. No. 78-14, § 706, 1-10-79)

Sec. 22-127. 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 remaining area of the lot which is not included in any required front, side or rear lot shall be known as the buildable area.
(Ord. No. 78-14, § 707, 1-10-79)

Sec. 22-128. Nonconforming building or uses.

Nonconforming buildings, mobile homes, or land uses are declared by this chapter to be incompatible with permitted uses in the districts involved. Certain nonconforming buildings, mobile homes, or land uses are determined to be so clearly incompatible with the intent and purpose of this chapter that a schedule for their discontinuance is set forth in section 22-129. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this chapter other than those specified in section 22-129 may be continued even though such does not conform with the provisions of this chapter except that the nonconforming building or land use or portions thereof, shall not be:

(1) Changed to another nonconforming use.

(2) Re-used after discontinuance.

(3) Re-established, re-occupied or replaced with the same or similar building or land use after physical removal or relocation.

(4) Repaired, rebuilt, or altered after damage exceeding sixty (60) percent of its replacement cost at the time of destruction. Reconstruction of repair, when legal, must begin within six (6) months after damage is incurred. The provisions of this subsection shall not apply to any bona fide residence.

(5) Enlarged or altered in a way which increases its nonconformity.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
(Ord. No. 78-14, § 708, 1-10-79; Ord. No. 94-27, 11-9-94)

Sec. 22-129. Discontinuance of non-conforming use(s).

(a) Damage, as a result of any peril, to any non-conforming use structure; or

(b) Repairs required to business property as a result of a health, safety and welfare inspection.

The cost of repairs and/or replacement of damaged structures; as described above, which are whole or in part deemed to be non-conforming shall be calculated prior to the issuance of a building permit. If the estimated cost exceeds sixty (60) percent of the fair market value of the structure, then the structure shall be considered demolished and vacated. Therefore, replacement or rebuilding shall be in complete conformity with the current zoning ordinance and building codes.

Notwithstanding other provisions of this chapter, certain nonconforming building or land uses, after this chapter is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform with this chapter within the periods of time set forth below. Upon application to the zoning board of adjustment and 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 below.

Notice shall be sent by the planning administrator and the building inspector to all nonconforming users stating wherein they do not conform to said ordinance and stating the date by which they must either comply or cease to exist.

The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment of this chapter and shall be observed regardless of whether notice on nonconformity is sent by the planning administrator and the building inspector received by the affected owner.

Nonconformities	*To be discontinued within*	*Extension permitted*
All outdoor operations involving storage or display of wrecking, junk, scrap, salvage, building materials and contractor's equipment, automotive storage and sales lots and abandoned automobiles in a state of disrepair or incapable of moving under their own power.	One year	Six months
Nonconforming fences and hedges impeding vision at intersections.	180 days	30 days
Nonconforming signs.	See section 22-97	
Non-conforming use of existing building for housing electronic gaming devices.	Ten days of enactment of this chapter as same pertains to hours of operation, age of persons allowed to play and observe.	

(Ord. No. 78-14, § 709, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 93-15, § 4, 11-10-93; Ord. No. 10-3, 3-10-10)

Sec. 22-130. Home occupation.

(a) The following regulations shall apply to the conduct of a home occupation in any permitted zoning district:

(1) The home occupation shall be clearly incidental to the residential use of the dwelling, but in no case exceed twenty-five(25) percent of the floor area of the principle dwelling, and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.

(2) Use of the dwelling for this purpose shall be limited to twenty-five (25) percent of one floor of the principal building.

(3) No external addition, alteration, or remodeling of the dwelling is permitted and no accessory building of outside storage shall be used in connection with the home occupation.

(4) Products, materials, or equipment that creates odor, light emission, noises or interference in radio or television reception detectable outside of the dwelling shall be prohibited.

(5) No display of products, materials, or equipment shall be visible from the street.

(6) Instruction in music, dancing and similar subjects shall be limited to two (2) students at a time.

(7) Vehicles having passenger vehicle characteristics only shall be permitted in connection with the conduct of the customary home occupation.

(8) The activity carried on as a home occupation shall be limited to the hours between 8 a.m. and 8 p.m.

(9) One (1) professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed four (4) square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be illuminated.

a. Customary home occupations shall not include, among others, the following:

1. Uses which do not meet the provisions listed above.

2. Reserved.

3. Restaurants.

4. Uses which entails the harboring, training, raising or treatment of dogs, cats, birds, or other animals.

(b) Conditional uses. The following uses shall be permitted on a conditional basis as home occupations, subject to the conditions set forth in section 22-165.

(1) Barber shops and beauty shops, provided that

a. Off-street customer parking places are provided in the amount of at least two (2) for each employee working on the premises and one additional space.

b. Signs must be non-illuminated, placed flat against the wall of the principal structure and not exceed one and one-half (1½) square feet in area.

(2) Repair and maintenance of motorboats, canoes, sailboats and other recreational boats, provided that:

a. All repair and maintenance, and the storage of associated equipment, tools, and parts, be done in an enclosed building.

b. No more than two (2) boats be parked outside the structure overnight.

c. All other conditions of section 22-130.

(3) Repair and maintenance of vehicles with passenger vehicle characteristics only shall be permitted in connection with the conduct of the customary home occupation

a. All repair and maintenance, and the storage of associated equipment, tools, and parts, be done in an enclosed building.

b. No more than two (2) vehicles be parked outside the structure overnight.

c. All other conditions of section 22-130.

(Ord. No. 78-14, § 710, 1-10-79; Ord. No. 93-2, 5-12-93; Ord. No. 01-56, § 1, 10-10-01; Ord. No. 02-14, §§ 1, 2, 6-12-02)

Sec. 22-131. Accessory uses.

In addition to the principal uses, 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.

(1) *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 dwelling—Two (2) automobiles per dwelling unit;

3. Group dwelling—One and one-half (1½) 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 22-131(1) 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.

As in the case of general residential district (GRD), open storage or parking area for commercial vehicle licensed as one and one-half (1½) ton or more in capacity is authorized if all of the following conditions are met:

1. Said parcel must be at least one (1) acre.

2. Only one (1) licensed commercial vehicle per parcel.

3. A fence of at least twenty-five (25) percent opaqueness and of a height of no less than six (6) feet shall be so situated as to screen the vehicle from visibility of any public right of way.

4. Commercial trailers of all types with tandem wheels containing hazardous or explosive materials are prohibited.

5. Prior approval is required meeting the elements of subsection 22-131(1)b. A letter of approval showing evidence of met requirements must be issued by the official planning administrator stating approval.

c. Shed or tool room for the storage of equipment used on grounds or for building maintenance.

d. Children's playhouse and play equipment.

e. No more than three (3) dogs or three (3) cats, four (4) months of age or older.

f. Private swimming pool and bath house or cabana.

g. Private dock or boat house.

h. Non-commercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

i. TV earth satellite dishes:

1. The location of which shall be placed in the rear yard, to include on the rear of the structure, so as not to be visible from the roadway in the front, or, if the dish (eighteen (18) inch maximum) can not be situated in the rear yard;

2. So suitable reception can be received, a planting screen/fence/garden ornament(s)/fountain or other appropriate means for disguise shall be placed so that the satellite dish is not visible in the front and side yard. All locations and screening must be approved by the planning administrator and the building official before any installation.

j. Accessory dwelling units:

1. Accessory dwelling units are permitted subject to the following standards:

a. The lot area meets the minimum lot area requirement for the district in which the lot is located;

b. The lot is currently served with public water and sewer;

c. Both the primary dwelling and the accessory dwelling unit will be in the same ownership;

d. There is one (1) single-family detached dwelling located in the lot, i.e., accessory dwelling units are not permitted on lots developed for duplexes, townhouses or multifamily dwellings;

e. All accessory dwelling units, attached, detached or located in an existing accessory structure, shall meet all required setbacks of the zoning district in which they are located;

f. The accessory dwelling unit is a minimum of four hundred (400) square feet in total areas (including any porches);

g. The accessory unit will not exceed fifty (50) percent of the gross floor area of the primary structure (excluding any porches);

h. The accessory dwelling unit may be attached to, or detached form the principal unit;

i. A detached accessory dwelling unit will be sited to the rear of the primary residence or to the side as a secondary option. An exception to this standard may be made in situations where the front of the primary

residences is not the street and the residence has clearly been designed to take advantage of unique site amenities such as location on the water;

j. There will be at least one (1) on-site, off-street parking space for the accessory dwelling unit in addition to the spaces required for existing uses;

k. An accessory dwelling unit may be developed in either an existing or new residence;

l. In order to encourage the development of housing units for people with disabilities, the planning administrator may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the International Building Code;

m. Home occupations shall be allowed, subject to existing regulations, in either the accessory dwelling unit or the main building, but not both; and

n. There will be only one (1) accessory dwelling unit per lot.

(2) *Uses customarily accessory to church buildings.*

a. Religious education buildings.

b. Nurseries and kindergartens.

c. Parsonage, pastorium or parish house, together with any use accessory to a dwelling as listed under Subsection 22-131(1) above.

d. Off-street parking area for the use, without charge, of members and visitors to the church.

e. Cemeteries.

f. Satellite dish antenna (for churches).

(3) *Uses customarily accessory to retail business, office uses and commercial recreational facilities.*

a. Off-street parking areas or parking structures for customers, clients or employee-owned vehicles.

b. Completely enclosed building for the storage of supplies, stock or merchandise provided such storage is used for the permitted business, office, commercial or recreational facilities; such storage is within or directly adjacent to said permitted business, and such storage is not for sale to public.

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 or 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. Sheds or tool rooms for the storage of equipment used in operations or maintenance.

e. Boat marina.

f. Private docks, boat houses.

g. Public port and docking facilities.

h. Private swimming pools, bath houses, cabanas.

i. Bait house.

j. Satellite dish antenna (for commercial, office and recreational).

k. Outdoor display of merchandise provide that:

1. Except as provided in paragraph 2 below, only merchandise typically used and stored outdoors may be displayed outdoors. Such merchandise shall include automobiles, trucks, boats, trailers, outdoor landscape structures (garden sheds, arbors, gazebos, etc.), plant materials, agricultural products, lawn maintenance equipment and outdoor furniture.

A. For the purposes of this section, merchandise is defined as any item that is for sale on the premises or is representative of an item that is for sale on the premises, regardless of whether or not that particular item is available for purchase; and

2. "Indoor" merchandise (merchandise other than that typically used and stored outdoors) may be displayed outdoors only within five (5) feet of the building to include porches and only in front of the building or the tenant space, and shall only be displayed during business hours. Merchandise shall be arranged and spaced so as not to clutter the front of the property, as determined by the administrator.

A. For the purposes of this section, merchandise is defined as any item that is for sale on the premises or is representative of an item that is for sale on the premises, regardless of whether or not that particular item is available for purchase; and

3. All merchandise displayed outdoors shall be set back from the property lines, the distance required by the zoning designation.

4. Areas designated for vehicular parking may not be used as outdoor display areas.

5. If merchandise is displayed on any sidewalk, a minimum of forty-two (42) inches of the sidewalk as measured from the curb must remain open and unobstructed to facilitate safe pedestrian circulation.

6. Plans for new developments shall clearly designate any areas for outdoor display of indoor or outdoor merchandise. Outdoor display of merchandise shall only occur in areas designated for such display on the approved plan.
7. Any use or premises not conforming to the requirements of this section shall be brought into compliance with these requirements within thirty (30) days of the adoption date of the ordinance from which this section derives.

(4) *Uses customarily accessory to public uses, buildings, or activities.* There shall be no limitations regarding accessory uses to any use, building or activity operated within the public domain except that such uses, buildings or activities must be directly related and subordinate to the principal public use.

(Ord. No. 78-14, § 711, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 93-2, 5-12-93; Ord. No. 98-2, 5-13-98; Ord. No. 99-1, 4-14-99; Ord. No. 03-17, 12-10-03; Ord. No. 07-20, 4-11-07; Ord. No. 07-54, 9-12-07; Ord. No. 10-3, 3-10-10)

Sec. 22-132. Setback and other yard requirements for accessory uses.

All accessory uses operated in structures above ground level shall observe all setbacks, yard and other requirements set forth for the district within which they are located, except those

water-oriented facilities such as docks, marinas, boat houses, etc., which shall be allowed to infringe into required setback areas along shorelines and into rivers, lakes, streams, and other waterways.
(Ord. No. 78-14, § 712, 1-10-79)

Sec. 22-133. Off-street parking.

(a) The required number of off-street parking spaces shall remain the same as is presently in the town zoning ordinance for the commercial, highway commercial, and neighborhood commercial zoning districts. However, in the mixed use 1 (MU-1) zoning district, six (6) on-street parking (known as shared parking) spaces shall be provided for each one (1) block area (three hundred thirty (330) linear feet) of frontage properties. This requirement will relieve the off-street parking requirement.

(b) Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all districts, except in the CC, commercial core area, at the time of the initial construction of any principal building; or when a structural alteration or other changes in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bud 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:

Any residential use consisting of one (1) or more dwelling units	Two (2) spaces for each dwelling unit
Group dwellings	One and one-half (1½) spaces for each dwelling unit
Mobile home parks	Two (2) spaces for each mobile home space
Hotels, motels, tourist homes and boarding houses	One (1) space for each guest room and employee
Hospitals, clinics and nursing homes	One (1) space for each two (2) beds plus (1) space for each two (2) employees
Doctors' and dentists' offices	Five (5) spaces for each doctor or dentist
Funeral homes	One (1) space for each employee plus five (5) spaces for each parlor
Churches, spiritual institutions and places of public assembly	One (1) space for each four (4) seats in the principal assembly room
Places of assembly or indoor recreation without fixed seats	One (1) space for each two hundred (200) square feet of gross floor area of the principal assembly room
Bowling alley	Five (5) spaces for each bowling lane, plus requirements for any other associated use
Swimming and skating facilities	One (1) per thirty (30) square feet water or skating areas, plus requirements for any other associated use

Golf courses	Four (4) spaces for each green, plus requirements for any other associated use
Schools: Nurseries, kindergartens, elementary and junior high	One (1) space for each classroom plus one and one-half (1½) space for each administrative office
Schools: Senior high	Four (4) spaces for each classroom and administrative office
Colleges and other institutions of higher learning	Five (5) spaces for each classroom and administrative office
Office buildings: Business, governmental and professional offices, banks and post offices	One (1) space for each two hundred (200) square feet of gross floor area
Libraries and museums	One (1) space for each two hundred (200) square feet of gross floor area
Barber shops and beauty parlors	Three (3) spaces for each barber or beautician
Service and repair establishments not otherwise specifically mentioned	One (1) space for each two hundred fifty (250) square feet of floor area not used for storage
Restaurants	One (1) space for each table plus one (1) space for each two (2) employees
Night clubs and bars	One (1) space for each table plus one (1) space for each two (2) stools at a bar plus one (1) space for each two (2) employees
Retail businesses, not otherwise specifically mentioned	One (1) space for each two hundred (200) square feet of retail floor space
Marinas	One (1) space for each employee plus one (1) space for each boat storage facility
Wholesale, industrial use, warehouse, freight and trucking terminals	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 the premises
Transport terminals or ports	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 the premises, plus one (1) space for each one hundred (100) square feet of waiting area
Public utility	One (1) space for each employment at maximum employment on a single shift

(Ord. No. 78-14, § 713, 1-10-79; Ord. No. 93-15, § 1, 11-10-93; Ord. No. 94-2, § 3, 3-9-94)

Sec. 22-134. Parking space area requirements.

Including aisles, entrances and exits, each required off-street parking area, lot or other facility shall obtain a minimum of three hundred (300) square feet of space for each automobile to be accommodated.
(Ord. No. 78-14, § 714, 1-10-79)

Sec. 22-135. Location on other property.

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, up to seventy-five (75) percent of the total of such spaces may be provided on other off-street property, provided such property lies within two hundred (200) linear feet of the main entrance to such principal use and that the total number of individual spaces available is not less than the number of spaces required for the individual use without granted variance and such parking spaces shall not thereafter be reduced or encroached upon in any manner.
(Ord. No. 78-14, § 715, 1-10-79; Ord. No. 86-54, 12-1-86)

Sec. 22-136. Common off-street parking areas.

A single use encompassing more than one (1) of the activities, as specified in section 22-133, 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 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 section 22-133, and provided that the owner of said lot relinquishes his development rights over the property until such time as parking space is provided elsewhere.
(Ord. No. 78-14, § 716, 1-10-79)

Sec. 22-137. Use of public rights-of-way for maneuvering.

When determining parking area requirements for individual uses, portions of the public rights-of-way on minor streets may be considered as permissible for maneuvering incidental to parking. On major streets, parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.
(Ord. No. 78-14, § 717, 1-10-79)

Sec. 22-138. Extension of parking space into a residential district.

Required parking space may extend up to one hundred twenty (120) feet into 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; and

(3) Is separated from abutting properties in the residential district by an evergreen buffer strip, provided according to the specifications set forth in section 22-139(6) below.

(Ord. No. 78-14, § 718, 1-10-79)

Sec. 22-139. Off-street loading and unloading spaces.

Except in CC commercial core area, every lot on which a business, trade, industry, residential use or mobile 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 public rights-of-way. Such space shall have access to an alley or if there is no alley, to a street. 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 clear and free of obstructions at all times. Required space shall be considered as follows:

(1) Transportation, park, wholesale, industrial, governmental, institutional use including all public assembly places, hospitals and educational institutions, and public or private outdoor and indoor recreational areas or activities. Loading berths and parking areas for waiting vehicles shall be designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

Square feet of gross floor area in structure	*Number of berths or parking spaces*
0—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
320,000—400,000	7
Each 90,000 above 400,000	1

All retail uses and office buildings with a total floor area of twenty thousand (20,000) square feet shall have one (1) loading berth or parking space for each twenty thousand (20,000) square feet of floor area.

Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

(2) Any residential use or mobile park consisting of ten (10) or more dwelling units: one (1) space.

(3) All uses, whether specified in this chapter 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.

(4) 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.

(5) When situated adjacent to a residential district or a residential property, an institutional, commercial or industrial use, all off-street loading and unloading area, or an off-street parking area for five (5) or more automobiles 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, if planted, shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact planting screen not less than six (6) feet in height; or if in wood, stone, block or brick shall be no less than six (6) feet high.

(Ord. No. 78-14, § 719, 1-10-79)

Sec. 22-140. Visibility at street intersections.

In all districts established by this chapter, no fence, wall, terrace, sign, shrubbery, planting 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.

(Ord. No. 78-14, § 720, 1-10-79)

Sec. 22-141. Visibility at private drives, and entrances intersecting with public streets.

At the intersection of any private drive or entrance or exit with public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility over a height of two and one-half (2½) feet shall be erected, planted, placed or maintained.

(Ord. No. 78-14, § 721, 1-10-79)

Sec. 22-142. Exceptions to height limits.

The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

(Ord. No. 78-14, § 722, 1-10-79)

Sec. 22-143. Parking, storage, or use of campers or other major recreational equipment.

Such equipment shall observe all setbacks, yard and other requirements set forth within the residential district in which they are located. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

(Ord. No. 78-14, § 723, 1-10-79)

Sec. 22-144. Parking and storage of certain vehicles.

(a) Automotive vehicles or trailers of any kind of type, requiring licenses, but without current plates, shall not be parked other than in completely enclosed buildings;

(b) However, in residential districts, on premise vehicle restoration is permitted, provided the vehicles undergoing restoration, or used for parts, shall either be covered by a commercially manufactured opaque automobile cover in serviceable condition or stored in an enclosed building. No more than one (1) vehicle per premise for either renovation or parts may be screened by use of a cover. The other vehicle must be in an enclosed building. The cover shall be securely fastened to the vehicle. The vehicle screened by use of a cover must be registered to the resident of the restoration-site, and receive a permit for a one-year period from the business license department. If an individual needs to extend the permit for an additional year to finish, a town council majority vote for approval shall be required prior to renewal. Renewals of the permit shall be limited to two (2). Commercial repairs and/or restoration of vehicles shall only be conducted in the appropriate zoning districts.
(Ord. No. 78-14, § 724, 1-10-79)

Sec. 22-145. Curb cuts and access points.

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as curb cuts, as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this chapter in accordance with the following requirements.

(1) *Size and spacing of curb cuts and other access points.* In no case shall a curb cut or other access point be less than nine (9) feet or more than fifty (50) feet in length. No two (2) curb cuts or other access points shall be closer than twenty (20) feet from each other except in residential zoning districts.

(2) Location of curb cuts and other access points. At street intersections, no curb or other access point shall be located closer than:

   a. Twenty (20) feet from the intersecting point of the two (2) street right-of-way property lines involved (or such lines extended in case of a rounded corner);

   b. Twenty-five (25) feet from the intersection of the two (2) curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

(3) *Access points in the vicinity of interchanges.* In no case shall any curb cut, point of access, or other means of vehicular ingress and egress from private property onto a public street be permitted closer than two hundred (200) feet to the intersecting point of that street's right-of-way line with the right-of-way line of any portion of an interchange, involving grade separations with that road and any limited access

highway; said interchange to include all portions of all ramps, accelerating and decelerating lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off of the limited access highway.

(Ord. No. 78-14, § 725, 1-10-79)

Sec. 22-146. Water and air pollution.

Runoff by disturbance of land (i.e. land clearing, new construction, etc.) must be avoided as much as possible by the installation of a silt fence or appropriate, approved fence at the property line or as designated by the building official to avoid the transfer of foreign debris to adjacent property.

(Ord. No. 78-14, § 726, 1-10-79; Ord. No. 99-41, 2-8-00)

Sec. 22-147. Minimum residential floor area required.

The minimum residential floor area shall be seven hundred twenty (720) square feet.

(Ord. No. 78-14, § 727, 1-10-79; Ord. No. 87-59, 6-24-87)

Sec. 22-148. Communications towers.

(a) *Definitions.* In additions to the definitions contained in Article VII, the following shall apply to this section:

Antenna means a devise, 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, 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:

(1) Lighting. Lighting shall be in accordance with FAA Advisory Circular AC 70/7460-1K (and all future updates) and FAA Advisory Circular AC 150/5345- 43E (and all future updates) and shall be red strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. All towers one hundred fifty (150) feet or taller shall be lighted. All commercial communication towers approved by the town and by the state historic preservation office prior to the adoption of this amendment and operating in conformance with those approvals shall be deemed to be

lawful nonconforming uses and structures. Status as a lawful nonconforming use or structure under this section shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification the height of the tower.

(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 Beaufort County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the appropriate town 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 one co-location.

(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 twice the applicant's antennae.

(7) The tower shall be appropriately secured by means of a wall, fence, or other device at least seven (7) feet high; however, razor wire shall not be permitted. Fencing shall either be painted or PVC-coated dark green, brown, black or gray. 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 (3) gallon container plants or twenty-four (24) 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 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.

(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. Removal costs shall be the responsibility of the communication tower owner. The Town of Port Royal reserves the right to dismantle any abandoned communications structure and associated equipment which has not been removed within the allotted time period. In that event, the Town of Port Royal may retain any and all materials, and dispose, use, or sell said materials unless reimbursed by the communications tower owner within thirty (30) days of being sent an invoice.

(d) *Roof-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 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 notarize 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 Town of Port Royal 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 Standard Building Code and the co-location requirements of this chapter. The engineer shall certify that the tower can withstand ANSI 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 Town of Port Royal and proof of liability insurance or financial ability to respond to claims up to one million dollars ($1,000,000.00) in the aggregate which may arise from operation of the facility during its life, at no cost to the Town of Port Royal in form approved by the town 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.

(Ord. No. 00-1, 6-14-00; Ord. No. 07-12, 3-14-07)

Secs. 22-149—22-160. Reserved.

ARTICLE VII. ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

Sec. 22-161. Administration and enforcement.

The town council shall appoint the planning administrator and the building inspector and they, as such, will be assigned the duty and authority to administer and enforce the respective provisions of this chapter.

If the planning administrator or the building inspector shall find that any of the provisions of this chapter 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 discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with, or to prevent violation of, its provisions.

(Ord. No. 78-14, § 800, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-162. Building and sign permits required.

No building, sign or other structure shall hereafter be erected, established, moved, added to, or structurally altered without a permit therefore, issued by the planning administrator or the building inspector except in conformity with the provisions of this chapter, unless he is so

directed by the zoning board of adjustment and appeals as provided by this chapter. No building permit issued under the provisions of this chapter for land use or construction in the town shall be considered valid unless signed by the building inspector.
(Ord. No. 78-14, § 801, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-163. Application for building permit.

All applications for building permits 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 existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the building inspector, including existing or proposed building or alteration, existing or proposed uses of the building and land, the number of families, housekeeping 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 conformance with, and provide for the enforcement of, this chapter. One (1) copy of the plans shall be returned to the applicant by the building inspector, after he shall have marked such, 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 building inspector.
(Ord. No. 78-14, § 802, 1-10-79)

Sec. 22-164. Certificate of occupancy for new, altered, or non-conforming uses.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises or both, or parts thereof thereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the building inspector stating that the proposed use of the building or land conforms to the requirements of this chapter as determined by the planning administrator and the building inspector.

Failure to obtain a certificate of occupancy shall be a violation of this chapter, and punishable under section 22-169 of this chapter.
(Ord. No. 78-14, § 803, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-165. Conditional and temporary uses.

Conditional uses, as set forth in article IV of this chapter, and temporary uses as set forth below, 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.

(1) *General requirements.* Conditional uses shall be permitted subject to a determination by the building official that they conform to all regulations set forth herein and elsewhere in this chapter, with particular reference to those requirements established for those districts in which they are proposed for location.

(2) *Conditional use administration and duration.* Application 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.

(3) *Temporary uses.* The planning administrator and the building inspector are authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:

a. Carnival, circus or fair for a period not to exceed twenty-one (21) days, subject to the approval of the town council.

b. Religious meeting in a tent or other temporary structure in HC district, for a period not to exceed sixty (60) days.

c. Open lot sale of Christmas trees, in the CC, GC, OC, NC, HC and LI districts for a period not to exceed forty-five (45) days.

d. Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.

e. 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.

f. 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.

g. Yard/garage sales: For a period not to exceed two (2), eight (8) hour periods in one (1) week (seven (7) days).

(Ord. No. 78-14, § 804, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 10-3, 3-10-10)

Sec. 22-166. Expiration of building permit.

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the building inspector and written notice thereof shall be given to the persons affected.
(Ord. No. 78-14, § 805, 1-10-79)

Sec. 22-167. Complaints regarding violations and remedies.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the planning administrator and/or the building inspector. He shall record properly such complaint, immediately investigate, and take whatever action is necessary to assure compliance with the ordinance.
(Ord. No. 78-14, § 806, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-168. Remedies.

In case any building or structure is proposed to be or is erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be or is used in violation of this chapter,

the planning administrator, the building official, the town council, the town 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.
(Ord. No. 78-14, § 807, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-169. Penalties for violation.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor, shall be prosecuted according to procedures established for misdemeanors, and, upon conviction, shall be fined as determined by the court for each offense.

Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. No. 78-14, § 808, 1-10-79)

Sec. 22-170. Appeal from the decision of the planning administrator and/or the building inspector.

It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented first to the planning administrator and/or the building inspector and that such questions shall be presented to the zoning board of adjustment and appeals, only on appeal from decisions of the planning administrator and/or the building inspector as provided for in article VIII.
(Ord. No. 78-14, § 809, 1-10-79; Ord. No. 10-3, 3-10-10)

Editor's note—Ord. No. 10-3, adopted March 10, 2010, changed the title of section 22-170 from "Appeal from the decision of the building inspector" to "Appeal from the decision of the planning administrator and/or the building inspector." The historical notation has been preserved for reference purposes.

Secs. 22-171—22-185. Reserved.

ARTICLE VIII. ZONING BOARD OF ADJUSTMENT AND APPEALS

Sec. 22-186. Establishment of zoning board of adjustment and appeals.

A zoning board of adjustment and appeals is hereby established. Said board shall consist of five (5) members who shall be citizens of the town and shall be appointed by the town council for overlapping terms of three (3) years. Initial appointment shall be as follows: One (1) member for a term of three (3) years; two (2) members for a term of two (2) years, and two (2) members for a term of one (1) year. Zoning board of adjustment and appeals members shall not be elected officials of the town. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board.
(Ord. No. 78-14, § 900, 1-10-79)

Sec. 22-187. Proceedings of the zoning board of adjustment and appeals.

The zoning board of adjustment and appeals shall elect a chairman and vice-chairman from its members who shall serve for one (1) year or until reelected, or until their successors are elected. The board shall appoint a secretary, who may be an employee of the town, a member of the planning commission or a member of the zoning board of adjustment and appeals. The board shall adopt rules and by-laws in accordance with the provisions of this chapter and of S.C. Code 1976, Tit. 6, Ch. 29, Art. 5. Meeting of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public.
(Ord. No. 78-14, § 901, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-188. Decisions of the zoning board of adjustment and appeals.

The concurring vote of three (3) members of the zoning board of adjustment and appeals shall be necessary to reverse by order, requirement, decision or determination of the planning administrator and/or building inspector to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation of this chapter. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. On all appeals, applications and matters brought before the zoning board of adjustment and appeals, the board shall inform in writing all the parties involved of its decisions and reasons therefor.
(Ord. No. 78-14, § 902, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-189. Appeals, hearing and notice.

Appeals to the board may be made by any person aggrieved or by any officer, department, board or bureau of the town or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the planning administrator and with the zoning board of adjustment and appeals, notice of said appeal specifying the grounds thereof. The planning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board, after the notice of appeal shall have 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 such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be

published in a newspaper of general circulation in the county at least fifteen (15) days in advance of the scheduled hearing date. At the hearing any party may appear in person or by agent or by attorney.
(Ord. No. 78-14, § 903, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-190. Powers and duties of the zoning board of adjustment and appeals.

The zoning board of adjustment and appeals shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the planning administrator or the building inspector in the enforcement of this act.

(2) To authorize upon appeal in specific cases a variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance, will in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the zoning board of adjustment and appeals that:

   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

   b. The application of the ordinance on this particular piece of property would create an unnecessary hardship;

   c. Such conditions are peculiar to the particular piece of property involved; and

   d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the ordinance or the comprehensive plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

(3) To decide on other matters where a decision of the zoning board of adjustment and appeals may be specifically required by the provisions of this chapter.

If exercising the above powers, the zoning board of adjustment and appeals may, in conformity with the provisions of this act, 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 planning administrator or the building inspector from whom the appeal is taken and may issue or direct the issuance of a permit. The board, in the case of contempt may certify such fact to the court of appropriate jurisdiction.
(Ord. No. 78-14, § 904, 1-10-79; Ord. No. 10-3, 3-10-10)

Sec. 22-191. Appeals from decisions of zoning board of adjustment and appeals.

Any person who may have a substantial interest in any decision of the zoning board of adjustment and appeals may appeal from any decision of the board to the court of appropriate

jurisdiction in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.
(Ord. No. 78-14, § 905, 1-10-79)

Secs. 22-192—22-200. Reserved.

ARTICLE IX. AMENDMENTS

Sec. 22-201. Authority.

This chapter, including the official zoning map, may be amended from time to time by the town council as herein specified, but no 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 thirty (30) days within which to submit its report. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.
(Ord. No. 78-14, § 1000, 1-10-79)

Sec. 22-202. Requirements for change.

When the public necessity, convenience, general welfare or good zoning practice justify such action, and after the required review and report by the planning commission, the town council may undertake the necessary steps to amend the zoning ordinance.
(Ord. No. 78-14, § 1001, 1-10-79)

Sec. 22-203. Procedure for amendments.

Request to amend the zoning ordinance shall be processed in accordance with the following requirements:

(1) *Initiation of amendments.* A proposed amendment to the zoning ordinance may be initiated by the town council, the planning commission, or by application filed with the planning commission staff by the owners of the property proposed to be changed. 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 classifications by a property owner or owners more often than once in a twelve (12) month period.

(2) *Application procedure.* Application forms for amendment requests shall be obtained from the town manager. Completed forms, plus any additional information the applicant feels to be pertinent, will be accompanied by a filing fee as established by town council. Any communication purporting to be an application for an amendment shall be regarded as a mere notice to seek relief until it is made in the form required.

(3) *Hearing by the planning commission.* 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 regular meetings, shall review and prepare a report, including its recommendation, for transmittal to the town council. 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.

No member of the planning commission shall participate in a matter in which he has any pecuniary or special interest.

Following action by the planning commission, all papers and data pertinent to the application shall be transmitted to the town council for final action.

(4) *Public hearing by the town council.* Before enacting an amendment to this section, the town council shall hold a public hearing thereon; notice of the time and place of which shall be published in a newspaper of general circulation in the county at least fifteen (15) days in advance of the scheduled public hearing date.

(5) *Changes in the zoning map.* Following final action by the town council, any necessary changes shall be made in the zoning map. A written record of the type and date of such change shall be maintained by the town manager. Until such change is made, no action by the town council on amendments to the zoning ordinance shall be considered official, unless the town manager fails to make the change within seven (7) days after formal action by the town council. In the latter event, action by the town council shall be considered official seven (7) days after the date of the action even if the town manager has failed to make the appropriate changes.

(Ord. No. 78-14, § 1002, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 99-41, 2-8-00)

Secs. 22-204—22-215. Reserved.

ARTICLE X. LEGAL STATUS PROVISIONS

Sec. 22-216. Conflict with other laws.

Whenever the regulations of this chapter 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 chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

(Ord. No. 78-14, § 1100, 1-10-79)

Sec. 22-217. Validity.

Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

(Ord. No. 78-14, § 1101, 1-10-79)

Sec. 22-218. Repeal of conflicting ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this chapter full force and effect.
(Ord. No. 78-14, § 1102, 1-10-79)

Sec. 22-219. Fee structure and cost schedules.

The following is the official policy of the town concerning distribution of this chapter.

(1) *Zoning text.* The text will be published and maintained in loose leaf or similar format to facilitate correcting and updating. Page changes will be made rather than pen and ink corrections. A mailing list of all textbook purchasers will also be maintained. Automatic distribution of page changes as they occur will be made to holders of record through the fifth year after adoption or until a major revision is made. A small fee will be established by town council.

(2) *Zoning maps.* Copies of the complete zoning map will be available for individual issue at a scale of two hundred (200) feet to the inch. A small fee to cover administrative costs will be charged. This fee will be established by town council.

(Ord. No. 78-14, § 1103, 1-10-79)

Sec. 22-220. Effective date.

This chapter shall take effect and be in force from and after the date of its adoption by the town council.
(Ord. No. 78-14, § 1104, 1-10-79)

Secs. 22-221—22-230. Reserved.

ARTICLE XI. DEFINITION OF TERMS USED IN THIS CHAPTER

Sec. 22-231. Interpretation of certain terms or words.

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 herein are defined as follows:

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.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "building" includes the word structure.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The words "map," "zoning map," or "official zoning map" shall mean the official zoning map of the town, and refers to all maps so titled and bearing the seal of the town together with the signatures of the mayor and town manager, as well as the date of adoption of the ordinance.

The term "planning commission" refers to the joint municipal planning commission.

The terms "council" or "town council" refer to the town council of the Town of Port Royal.

The term "building inspector" refers to the person subsequently and specifically designated by the council and so employed and empowered as the building official for the town.

The term "planning administrator" refers to the person subsequently and specifically designated by the council and so employed and empowered as the planning administrator for the town.

Accessory. A use or building subordinate to the principle building or lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

Acre. A unit of measure in the United States and England equal to one hundred sixty (160) square rods or forty-three thousand five hundred sixty (43,560) square feet.

Acre, net. That portion of an acre as defined above remaining after conformance with front, rear, and side yard setback requirements.

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 (1) location or position to another.

Apartment, Garage. A part of a garage consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family.

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), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered, and none other:

(1) Sale and servicing of spark plugs, batteries and distributors;

(2) Tire repair and servicing, but no recapping;

(3) Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings;

(4) Washing and polishing;

(5) Greasing and lubrication;

(6) Exchanging fuel oil pumps and installing fuel lines;

(7) Minor servicing and replacing of carburetors;

(8) Emergency wiring repairs;

(9) Adjusting and repair of brakes;

(10) Minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor;

(11) Sale of cold drinks and packaged foods, as accessory only to principal operation.

Bait house. Establishment where live or artificial lures and accessories for the purpose of hooking and trapping fish and game are sold.

Boardinghouse. A dwelling in which at least four (4) persons are provided with meals for compensation.

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 22-127.

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 or a street right-of-way line or a street centerline according to the terms of this chapter. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines or other lot boundary lines.

Camper. A tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two (2) or more wheels and either self-propelled or rigged for towing provided such vehicle is thirty-five (35) feet or less in length and is not used for residential purposes within the town.

Care home. A rest home, nursing home, convalescent home, home for the aged, similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons.

Certificate of occupancy. Document issued by the planning administrator and/or the building inspector authorizing permission to occupy a building or premises, or both which has been found to be in conformance with all applicable construction and zoning ordinances.

Clinic. An establishment where medical and dental patients, who are not lodged overnight, are admitted for examination or treatment.

Condominium. See "Dwelling, condominium."

Density. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre, that is per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses.

District. The term applied to various geographical areas of the town for purposes of interpreting the provisions of this chapter. The districts are designated with the use of symbols on the official zoning map. Regulations controlling land use in the various districts within the town are set forth in article IV of this chapter. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this chapter.

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. A detached dwelling other than a mobile home designed to be occupied exclusively by one (1) family on a single lot.

Dwelling, two-family. A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other 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, each unit under individual 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 persons or families. The term "group dwelling" includes, but is not limited to, the terms rooming house, apartment, hotel, fraternity house, or sorority house, YMCA or YWCA. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling, multi-family for multiple-family. A building or series of buildings on the same lot or portions thereof 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; and

(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, independently 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 sleeping and physically set apart from any other 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 unless all members are related by blood or marriage, no such family shall contain over five (5) persons but further provided that domestic servants employed on the premises may be housed on the premises.

Floor area. Sum of gross of several floors of a building as measured from the exterior faces of exterior walls or from centerlines of walls separating two (2) buildings.

Garage, private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory.

Garage, public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobile or other vehicles.

Garage, repair. Building and premises designed or used for purposes indicated under automobile service station and/or major commercial repairs; provided that bodywork and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.

Guest house. Living quarters situated within a detached or semi-detached building located on the same premises with the principal building; such quarters shall

(1) Contain no cooking facilities;

(2) Be used only by a bona fide nonpaying guest(s) or relative(s) or the occupants of the premises; and

(3) Not be rented or otherwise occupied as a separate dwelling.

Home occupation. Any use conducted entirely within 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, and no person, not a resident of the premises, is employed specifically in connection with the activity, except that not more than one (1) assistant may be employed by the following occupation: lawyer, physician, dentist and chiropractor. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, and that not over twenty-five (25) percent of the total floor space of any structure is used for home occupations.

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" and "tourist 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 vehicle, machinery, equipment or parts thereof.

Loading space, off-street. Space logically and conveniently located for pickup and deliveries off public right-of-ways scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the office records of the county.

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."

Lot width. The distance between side lot lines measured at the front building line.

Mobile home. Any vehicle or portable structure in excess of thirty-five (35) feet in length having chassis, wheels, jacks, axles and so designed as to permit single-family occupancy for dwelling or sleeping purposes. The term mobile home includes the term house trailers.

Mobile home communities. Premise where two (2) or more mobile homes are parked for living and/or sleeping purposes, or where spaces are set aside, or offered for sale, or rent for mobile home living or sleeping purposes, including any land, building, structure, or facility used by occupants on such premises.

Mobile home park. Same as "mobile home community."

Mobile home space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Modular homes. Anything constructed or manufactured, either as individual elements, or as a module for combination with other elements, having the Southern Standard Building Code's Seal of Approval/HUD, to form a unified whole, designed and constructed for and transported to the site for installation, and the use of which requires permanent location in the ground, or being attached to something having permanent location on the ground, and is so designed to permit single-family or multi-family occupancy for dwelling or sleeping purposes.

Manufactured homes. The term includes mobile homes meeting the Southern Standard Building Code's Seal of Approval/HUD, having pitched and shingled roofs, placed on permanent foundations and from which the wheels, axles and tongues have been removed.

Motel. 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 "motel" includes the terms "hotel" and "tourist court."

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 effective date of this chapter or as the result of subsequent amendments to this chapter.

Parcel. See "lot."

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 on a given lot or an accessory use to the principal use on a given lot.

Parking space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.

Planned unit development (PUD). For purposes of these regulations,:planned unit development (PUD)" is defined as:

(1) Land under unified control to be planned and developed in a single development operation or a definitely programmed series of development operations; such development may include a program for establishment, operation and maintenance of common open spaces, areas, facilities and improvements available for common use by occupants of the district; and

(2) A development consisting of principal and accessory structures and uses substantially related to the character of the district, which will be developed according to comprehensive and detailed plans for streets, utilities, lots or building sites and the like.

Planning commission. The joint municipal planning commission.

Plot. See "lot."

Premises. A lot or other tract of land including the buildings or structures thereon.

Property. See "lot."

Residence. A building or portion of a building arranged or designed to provide living quarters for one (1) or more families.

Service station. See "automobile service station."

Sign. The term "sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window, marquee, awning or canopy and shall include any announcement, declaration,

demonstration, display, flag, ribbon, banner, balloon, illustration, insignia, or the like, used to advertise, or promote the interests of any person when the same is placed in view of the general public traveling along a public right-of-way.

(1) *Abandoned sign.* A sign which was erected on property in conjunction with a particular use which has been discontinued for a period of ninety (90) days or more, or a sign the contents of which pertains to a time, event or purpose which no longer applies.

(2) *Back-to-back sign.* Any sign constructed on a single set of supports which may have two (2) messages visible on either side provided double message boards are physically contiguous.

(3) *Business identification sign.* A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

(4) *Business identification pylon sign.* A business identification pylon sign is a sign erected on a single pole or multiple poles which contain only the name or the nature of the business conducted on the premises on which it is located.

(5) *Detached sign.* Any sign that is not attached to a building in any manner and is structurally freestanding (see "freestanding sign structure").

(6) *Directional sign.* An off-premise sign whose content is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

(7) *Dilapidated sign.* Any sign which is insecure or otherwise structurally unsound, has defective parts or is in need of painting or maintenance.

(8) *Flashing sign.* Any lighted or electrical sign which emits light in sudden transitory bursts. On/off time and temperature signs and message boards are not considered flashing signs for the purpose of this chapter.

(9) *Free-standing sign structure.* A freestanding sign structure may contain a sign or signs on one (1) side only or it may be a V-shaped structure or one (1) containing signs back to back. A freestanding sign structure is one (1) sign (see "detached sign").

(10) *Height.* As pertains to signs, ["height"] shall be measured as the vertical distance between the highest part of a sign or its supporting structure and the existing ground upon which the sign is supported.

(11) *Illuminated sign.* Any sign which is directly lighted by an electrical source, internal or external.

(12) *Moving message board.* An electrical sign having a continuous message flow across its face by utilization of lights forming various words.

(13) *Non-conforming sign.* Any sign erected or displayed prior to the effective date of this chapter or subsequent amendments thereto which does not conform with the standards of this chapter.

(14) *Off-premise sign.* Any sign which is located on property and transmits a message pertaining to a product, use, occupancy or function which is not located on the same property as the sign.

(15) *On-premise sign.* Any sign, the context of which relates to use, occupancy, function or product manufactured on the same property which the sign is located.

(16) *Political sign.* A temporary off-premise sign which refers only to a political candidate or the issues involved in an upcoming political election.

(17) *Portable sign.* Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

(18) *Roof sign.* A sign which is located upon or over the roof of a structure.

(19) *Rotating sign.* Any sign which revolves around one (1) or more fixed axles.

(20) *Sign area.* That portion of a sign used for the message, exclusive of the frame, border or supports.

(21) *Temporary sign.* Any sign or information transmitting structure intended to be erected or displayed for a period of sixty (60) days or less.

(22) *Time and temperature sign.* An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

(23) *Vehicular sign.* Any sign painted on, attached to or pulled by any vehicle moving or parked.

(24) *V-sign.* Any sign which has two (2) sets of supports, sharing at least one (1) common support and capable of displaying two (2) message boards in different directions provided such double message boards are physically contiguous.

(25) *Wall sign.* Any sign painted or otherwise attached to the wall of a building or structure.

Site. See "lot."

Special exception. A use so specifically designated in this chapter that would not be appropriate for location generally or without restriction throughout a given zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the zoning board of adjustment and appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or general welfare.

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 be no floor above it, then the space between the floor and ceiling.

Story, half. A story in which one (1) or more exterior walls 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 mounted by the governing body shall be the centerline of a street, or 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, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A "building" as defined above is a structure.

Subdivision. A tract parceled into two (2) or three (3) lots for purposes of resale where persons reside and any lot is less than two (2) acres in size.

Tattoo or *tattooing.* To indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigment.

Tattoo facility. Any room, space, location, area, structure or business, or any part of these places, where tattooing is practiced or where the business of tattooing is conducted.

Town engineer designee. A person or agency designated by the town council to act as the town engineer in the absence of an official town engineer.

Townhouse. See "dwelling, townhouse."

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 a dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.

Tract. See "lot."

Trailer or mobile commercial structure. 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 conducting of business, profession, trade or occupation;

(2) Serve as 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 chapter, shall be interchangeable with the term "mobile home."

Use, accessory. See "Accessory."

Use, principal. The primary purpose for which a lot is occupied and/or used.

Variance. A modification of the strict terms of this chapter granted by the zoning board of adjustment and appeals where such modification won't 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 this chapter 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.

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.

Yard, rear. A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

Yard, side. A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

Zoning district. See "district."
(Ord. No. 78-14, § 1200, 1-10-79; Ord. No. 86-54, 12-1-86; Ord. No. 87-59, 6-24-87; Ord. No. 05-23, 6-8-05; Ord. No. 10-3, 3-10-10)

Secs. 22-232—22-235. Reserved.

ARTICLE XII. HISTORIC PRESERVATION

Sec. 22-236. Title.

The title of this article shall be "The Town of Port Royal Historic Preservation Ordinance."
(Ord. No. 07-66, § 5.0.0, 12-12-07)

Sec. 22-237. Purpose.

The purpose of this article is:

(1) To protect, preserve and enhance the distinctive architectural and cultural heritage of the town;

(2) To promote the educational, cultural, economic and general welfare of the people of the town;

(3) To foster civic pride;

(4) To encourage harmonious, orderly and efficient growth and development of the town;

(5) To strengthen the local economy;

(6) To improve property values; and

(7) To support the goals of the town's comprehensive plan.
(Ord. No. 07-66, § 5.0.1, 12-12-07)

Sec. 22-238. Applicability.

This article is part of the zoning ordinance of the town, and is enacted pursuant to the S.C. Code 1976, §§ 6-29-710 and 6-29-870. The district standards and other specific provisions of this article shall apply within historic districts and to landmarks. Whenever there is conflict between the regulations of the remainder of this article and this chapter, the more restrictive shall apply.
(Ord. No. 07-66, § 5.1.1, 12-12-07)

Sec. 22-239. Defined terms.

Many of the terms used in this article may have additional specific meaning in this zoning ordinance, including, but not limited to, the following terms:

Alteration means any change in the external architectural features of any structure list in the registry or any interior changes to structures listed in the National Registry, if and only if that interior feature is specifically included in the national registry.

Certificate of appropriateness means the document issued by the HPC following the review proscribed that certifies that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property. A CA will only be required for those activities which require a building permit or for demolition.

Demolition means the destruction of a building or structure. Demolition of structures listed in the district requires a certificate of appropriateness and a 180-day waiting period before demolition.

Exterior architectural appearance means architectural character, general composition, and general arrangement of the exterior of the structure, including the kind, color and texture of the building material, type, and character of all windows, doors, light fixtures, signs and appurtenant elements, visible from the street.

Hardship means any unreasonable hardship caused by unusual and compelling circumstances.

Historic preservation commission-HPC means the appointed board that maintains the list of landmarks, oversees the development of the preservation ordinance, holds hearings and issues certificates of appropriateness.

Historic preservation district/landmark list means an area along with individual sites designated by the town council upon recommendations of the town HPC as being worthy of preservation.

Port Royal historic landmark register means a validated listing of all properties/trees/landmarks that meet the criteria set forth in this article.

Restoration means the act or process of accurately recovering the form and details of a property which are significant to its historical, architectural and cultural values.

Rehabilitation means the act or process of returning a property to a state of utility through repair or alteration which makes possible and efficient contemporary use while preserving those features of the property which are significant to historical, architectural and cultural values.

Town park means any designated "green space" maintained by the town for the benefit of the community.
(Ord. No. 07-66, § 5.1.2, 12-12-07)

Sec. 22-240. Historic preservation commission.

(a) *Creation.* The historic preservation commission of the town is hereby established.

(b) *Number.* The commission shall be composed of seven (7) members appointed by council, four (4) of which shall be for a term of two (2) years, three (3) of which shall be for a term of one (1) year. The commission shall elect a chairman and co-chairman. No member shall serve more than eight (8) consecutive years. After the initial appointment, terms shall be of a two-year term.

(c) *Appointment.* The members of the commission shall be appointed by town council, which shall allow the public an adequate and reasonable opportunity to comment on all such appointments. Members of the commission shall be installed and assume their duties at the first regular meeting of the commission following their appointment.

(d) *Qualifications.* All members appointed to the commission must be residents of Beaufort County and must have demonstrated their civic interest, have general knowledge of and interest in historic landmark and district preservation, and be available to attend meetings. Members cannot hold any other public office or position in the town. Town council shall endeavor to appoint persons with diverse, relevant qualifications. At least three (3) members shall be persons who are knowledgeable in one (1) or more of the following disciplines: archeology, architecture and construction, American, South Carolina and local history, urban planning and design, structural engineering, law, or real estate. To the extent that they are available, an historian and a licensed architect shall serve as members of the commission at all times. At least three (3) of the commissioners must be residents of the town and at least two (2) of the commissioners must be members of Historic Port Royal Foundation-HPRF.

(e) *Terms of office.*

(1) The term of office of each member of the commission (after the initial appointment) shall be two (2) years.

(2) The term of office of each commission member shall commence January 1 and shall expire on December 31 of the final year of the term, or until a replacement is approved. The terms of each member of the commission shall expire on December 31 of the final year of the term, regardless of the date of appointment.

(f) *Appointment to fill a vacancy.* Any vacancy on the commission due to death, resignation, or any other cause shall be filled by appointment by the town council within sixty (60) days of the occurrence of the vacancy. The person appointed to fill a vacancy shall serve the remainder of the unexpired term of the member being replaced.

(g) *Meetings, quorum, voting.* The commission shall hold an annual meeting in January to elect officers and to conduct other pending business. The commission shall meet at least monthly to hear applications and conduct business under its jurisdiction, unless there are no pending requests to be considered. Special meetings may be called by the chairman, a majority of the members of the commission, or upon request by town council. A majority of the members of the full commission [four (4)] shall constitute a quorum for the conducting of business, and a majority vote of those members eligible to vote shall be necessary for approval of any action by the commission. Meetings shall be conducted under the rules established and identified under the latest version of "Robert's Rules of Order."

(h) *Officers.* The commission shall elect from its membership a chairman and vice chairman who shall serve for one (1) year or until their successors are elected. A staff member of the town's department of planning shall serve as secretary but shall not be a member of the commission.

(i) *Compensation.* Members shall serve without compensation except for reimbursement of authorized expenses related to the performance of their duties.

(j) *Jurisdiction.* The commission may exercise the powers granted it pursuant to this article and S.C. Code 1976 §§ 5-23-310—5-23-340, and successor provisions, within the corporate limits of the town.

(k) *Powers and duties.* The historic preservation commission shall have the following powers:

(1) Adopt its own bylaws not inconsistent with this article or applicable statutes of the state and appoint subcommittees as needed.

(2) Accept such gifts, grants, and money as may be appropriate for the purposes of this article. Such money may be expended only for advancing the purposes of this article and must be appropriated by town council as part of the regular town budget.

(3) Recommend for designation, or removal of designation, subject to approval by town council, historic districts and landmarks and the expansion of existing historic districts or landmarks.

(4) Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, renovation, rehabilitation, and adaptive usage and such outside expertise it deems necessary for assistance or advice on matters pending before it.

(5) Conduct meetings.

(6) Hold public hearings, investigate, review, place conditions on, and make decisions on:

a. Applications, plans, certificates of appropriateness, or other permits for alteration, construction, demolition, or relocation of landmarks or structures within historic districts or which affect landmarks or historic districts;

b. Recommendations on designations of historic districts and landmarks;

(7) Issue cease-and-desist orders restraining any violation of this article or a certificate of appropriateness.

(8) Review and evaluate relevant surveys and studies of structures, sites, districts, and landmarks performed by any unit of government or private organization, and compile appropriate descriptions, facts, photographs, and summaries of such surveys.

(9) Provide for periodic updated surveys and research efforts to identify neighborhoods, areas, sites, structures, and objects that have historic, archeological, community, architectural, or aesthetic importance, interest, or value.

(10) Compile and maintain the town historic register and maintain a local inventory of historic places and landmarks.

(11) Review and make recommendations to town council and other town boards, commissions, and departments on projects involving historic properties or structures, projects in historic districts, or related matters not subject to the certificate of appropriateness requirements of this article.

(12) Discharge all other powers and duties as set forth in this article or necessarily implied therefrom.

(l) *Conflict of interest.* Any member of the commission who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the commission shall be disqualified from participating in the decision of the commission concerning the property.

(m) *Liability of members.* Any member of the commission acting within powers granted by the ordinance shall be relieved from personal liability for any damage and held harmless by the town. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the town until termination of the proceedings.
(Ord. No. 07-66, § 5.1.3, 12-12-07)

Sec. 22-241. Designation to the port royal historic register.

(a) *Initiation of designations.* Initiation of the proposed designation of landmarks or historic districts to the town historic register may be made by any member of the commission, any member of town council, or a board or commission appointed by town council, the petition of any ten (10) residents of the town, or an owner thereof. A request for designation shall be made on the appropriate application form provided by the commission and submitted to the commission for review and public hearing.

(b) *Designation criteria.* For a landmark or district to be designated to the town historic register, town council must conclude that it:

(1) Is significant in American, state, or town history, architecture, archeology, engineering, or culture.

(2) Has integrity of location, design, setting, materials, or workmanship that need to be protected or preserved and meets one (1) or more of the following criteria:

a. It is associated with events that have made a significant contribution to history;

b. It is associated with the lives of persons significant in history;

c. It has distinctive characteristics of a type, period, or method of architecture or construction; represents the work of a master; possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;

d. It has yielded or is likely to yield information important in prehistory or history; or

e. It is listed on the national register of historic places.

f. Is seventy-five (75) years old or older.

(c) *Public notice.*

(1) The commission shall give the owners of properties proposed for designation as a historic district or as a landmark written notice of the hearing by the commission on the application for such designation by mail sent to the address for the property listed on the most current town real property tax records, unless another address is known by the commission, no fewer than thirty (30) days prior to the scheduled date of the hearing. Such notice shall state the date, time, place and purpose of the hearing. The notice shall be considered given when placed in the U. S. Post Office at Port Royal, South Carolina with proper postage affixed.

(2) In addition, one (1) public notice sign shall be posted on each street frontage of the subject property stating the date, time, place, and purpose of the public hearing. Where more than one (1) property is proposed for designation, the number and location of required public notice signs shall be determined by the planning director.

(d) *Consideration by town council.* Within fifteen (15) days after the meeting at which a designation is considered, the commission shall forward its recommendation on the designation to the town council. The proposed designation shall not become effective unless approved by town council by adoption of an ordinance to include a public hearing.

(e) *Opposition to designation.* Any property owner may object to the decision by the town council, to designate his/her property as historic by filing suit against the town before the courts of the state.

(f) *Nominations to the national register of historic places.* The commission may conduct first review and evaluation of all proposed national register nominations within the town, including any which may have been submitted to the state historic preservation office (SHPO), and forward all reviewed nominations to the SHPO with recommendations for consideration by the state board of review.

(g) *Re-filing for designation.* If a request for designation is denied, the request may not be filed again for one (1) year from the date of that denial unless the applicant can demonstrate to the commission a substantial change in circumstances relevant to the request.

(h) *Procedure for removing designation.* The procedure followed for removing a designation shall be the same as that for initial designation.
(Ord. No. 07-66, § 5.1.4, 12-12-07)

Sec. 22-242. Certificate of appropriateness.

(a) *Activities requiring a certificate.*

(1) *On property not in a street or town park.*

a. A certificate of appropriateness may be required for alteration, construction, demolition, or relocation on property listed on the town historic register visible from a public street right-of-way except that any change to a landmark may require a certificate even if not visible.

b. For the purposes of this article, an activity shall be considered visible even if hidden by vegetation or a fence. An alteration requires a certificate even if the color, texture, and composition of the material (excluding paint) is not discernible from a street right-of-way.

c. The commission may authorize the planning director to approve a certificate for certain types of work with the concurrence of the chairman.

d. Either the chairman or planning director may require approval by the commission of any certificate for an activity not specifically covered.

(2) *In a street (including a parkway).* A certificate of appropriateness may be required for the following:

a. In a street (including a parkway) individually designated as a landmark; widening a street or the improved surface of a street or paving an unpaved street; or eliminating the parkway or providing parking areas thereon.

b. In a street (including a parkway) within a historic district or individually designated as a landmark; alteration, construction, demolition, or relocation of buildings, walls, fences, gates, and stone curbs.

(3) *In a town park individually designated as a landmark.* A certificate of appropriateness shall be required for alteration, construction, demolition, or relocation of buildings, walls, fences, and gates.

(4) *Vegetation.* For plant materials or trees individually designated as landmarks or required as a condition of approval of a certificate of appropriateness, a certificate shall be required for cutting down, destroying, relocating, or eliminating plant materials or trees.

(b) *Activities exempt from certificate of appropriateness.* A certificate of appropriateness shall not be required for the following:

(1) Interior renovations.

(2) Alteration, construction, demolition, relocation, or other work on a property not in a street or town park not visible from a street.

(3) Exterior painting of previously painted structures.

(4) Repairs, replacements, and routine maintenance that do not constitute alteration.

(5) Installing, cutting down, destroying, relocating, pruning, or eliminating plant materials or trees not designated as landmarks or required as a condition of a certificate of appropriateness.

(6) Any work in a street that does not involve an activity listed in subsection (a)(2) or any work in a town park that does not involve an activity listed in subsection (a)(3).

(7) Any work on objects that the planning director determines are not structures because of their insignificance.

(c) *Application for certificate of appropriateness.*

(1) Applications for certificates of appropriateness are available at the department of planning, and completed applications shall be submitted to the department. An application for a certificate of appropriateness must be made by an owner-of-record of the property or by an agent with written authorization to make such application.

(2) Applications for a certificate shall be accompanied by the following unless waived by the secretary or otherwise specified on the application form provided by the commission.

a. Drawings, including plans and exterior elevations, drawn to scale, with sufficient detail to show the exterior architectural design of the structure.

b. Specifications or other information describing proposed materials and textures; samples of materials may be required by the commission.

c. Plot plan or site layout showing all existing structures and any improvements affecting appearances such as walls, walks, terraces, accessory buildings, signs, lights, plantings, and other elements.

d. Photographs of the site location, showing contiguous properties and streetscapes.

e. All other information requested by the commission.

(3) Applications for a certificate of appropriateness shall pay the standard fee set by the town council, which fee shall be subject to review and approval by the commission, to cover the reasonable administrative costs of processing such applications.

(4) Where a variance or other approval is required for a project from the zoning board of adjustments and appeals, such approval shall be obtained prior to consideration of a request for a certificate of appropriateness by the commission.

(d) *Public hearing and public notice.* For any certificate of appropriateness application that it must consider, the HPC shall conduct a public hearing not later than thirty (30) days following receipt of a completed application form accompanied by all required information and documents. Public notice of each such public hearing shall be given at least seven (7) days prior to the hearing by the posting of a sign by the town on each street frontage of the subject property clearly visible to the public stating the date, time, and place of the public hearing.

(e) *Notice to applicants and owners.*

(1) The HPC shall give the applicant written notice of the public hearing on his application. This notice shall be sent by certified mail to the address listed on the application and shall be considered given when placed in the U. S. Post Office at Port Royal, South Carolina with proper postage affixed.

(2) If the applicant is not the owner, a copy of the letter providing notice shall be sent by certified mail to the owner-of-record. This notice shall be considered given when placed in the U.S. Post Office at Port Royal, South Carolina with proper postage affixed.

(3) The notices required by this section shall state the identity, address, and telephone number of the applicant and property owner; the address or location of the subject property; and the time, place, and purpose of the hearing.

(f) *Approval by the planning director.* With the concurrence of the chairman, the planning director may approve or amend certificates of appropriateness for the following activities on sites not owned by the town or may refer them to the commission for a decision:

(1) Activities expressly authorized by the commission.

(2) Minor design changes to projects for which a certificate of appropriateness has been issued by the HPC or increasing the expiration date of a certificate of appropriateness for an additional period not to exceed six (6) months.

(3) Anything not specifically covered by this article that the planning director determines is not so significant as to impair or affect historic, architectural, or aesthetic character.

Such an application shall be considered by the planning director as soon as possible but not later than fifteen (15) days following receipt of a completed application form accompanied by all required information and documents. A public hearing or public notice shall not be required unless the application is referred to the HPC. Applications referred to the HPC by the planning director must be considered within thirty (30) days following receipt of the completed application form accompanied by all required information and documents.

(g) *Procedures following approval.* If an application for a certificate of appropriateness is approved, the following apply:

(1) The decision shall be filed with the secretary and a certificate of appropriateness issued to the applicant. Specific conditions upon which the certificate is issued and with which the applicant must comply shall be listed on the certificate.

(2) If an application is approved by the HPC, the certificate shall be signed by the chairman, vice chairman, or presiding member of the HPC; if approved by the planning director, he/she shall sign the certificate and shall notify the HPC of the decision.

(3) A copy of the certificate and the approved application shall be provided to the building official and the zoning official who shall periodically inspect the work and report any violation of the certificate or this article to the planning director.

(4) The certificate shall expire two (2) years from the date of issuance unless the work allowed there under has been substantially completed or unless another expiration date is specified by the HPC or by the planning director pursuant to subsection (f)(2).

(h) *Denial of application.*

(1) *By the planning director.* If an application is denied by the planning director, the director shall file his/her written decision with the HPC chairman including the reasons for denial, send a copy to the applicant by certified mail, and provide a copy to the building official and the zoning official and each HPC member.

(2) *By the HPC.* If an application is denied by the HPC, the following apply:

a. The HPC shall file its written decision, which shall include a statement of the reasons for denial, and shall provide a copy of the statement to the applicant and to the building official, the zoning official, and each HPC member within fifteen (15) days of the public hearing thereon.

b. The HPC in its decision may make recommendations to the applicant concerning changes in the proposed action that may cause it to reconsider denial. The applicant may submit an amended application to the secretary incorporating those recommendations. Such an amended application shall be subject to the same procedures as an initial application but is exempted from the limitations in subsections (i) and (j).

c. The applicant may apply under section 22-244 for an exemption.

(i) *Reconsideration.* Upon good cause being shown by any person aggrieved by a final decision of the HPC or an application for a certificate of appropriateness, the HPC may reconsider its decision. In the event of such reconsideration, the HPC shall conduct a public hearing giving the public notice required by subsection (d). The request for reconsideration will not be reviewed unless submitted to the secretary within ten (10) days of the date on which the written decision is mailed to the applicant.

(j) *Appeal.*

(1) *From the planning director.* Any property owner, town official, or other person aggrieved by and seeking relief from any final decision of the planning director on an application for a certificate of appropriateness or interpretation of this article and related provisions may appeal the decision of the planning director to the historic preservation commission by submitting to the secretary a written request stating the grounds for the appeal. The appeal request must be submitted to the secretary within twenty (20) days of the date on which the written decision is mailed to the applicant. The appeal shall meet the public notice requirements under subsection (d), and it shall be placed on the next HPC meeting agenda for which public notice requirements can be met. An appeal must be decided within forty-five (45) days of submission of the written appeal request.

(2) *From the HPC.* Any property owner, town official, or other person aggrieved by and seeking relief from any final decision of the HPC on an application for a certificate of appropriateness may appeal that decision to the circuit court pursuant to S.C. Code 1976 § 6-29-900, by filing a petition with the court within thirty (30) days of the filing of the written decision of the HPC with the secretary.

(k) *Review standards.*

(1) *General.* In reviewing applications, the HPC and the planning director shall consider the standards stated in this article for the purpose of determining whether alterations, construction, demolitions, or relocations are in harmony with the prevailing historical, architectural, archeological, or aesthetic character of the historic district, a structure in a historic district, or landmark.

(2) *Construction and alteration.* In reviewing an application for construction or alteration, the HPC and the planning director shall consider general design, character and appropriateness of design, scale of buildings, texture and materials, relationship of such elements to similar features of structures in the immediate area, and the extent to which the alteration or construction would be harmonious with the historic district in which it is located or with the landmark. The HPC and the planning director also shall consider the relevant standards and guidelines in the most current edition of the U.S. secretary of the interior's standards for rehabilitation.

(3) *Demolition.* In reviewing an application for demolition, the HPC and the planning director shall consider the historical, archeological, and aesthetic character of the structure (or portion thereof) proposed for demolition. They shall also consider: (1) the structural integrity (i.e. condition) of the structure and (2) the integrity of materials, location, and design of the structure. No application for demolition shall be approved solely on the basis of a structure's deteriorated condition where the commission determines that the applicant is primarily responsible for the deteriorated condition. Finally, the HPC shall consider the extent to which demolition would, in the judgment

of the HPC, produce a detrimental effect upon the character of the structure or property affected or upon the surrounding properties, or upon the district in which the structure is located. No application for demolition of a Landmark shall be approved.

(4) *Specific guidelines.* The commission shall adopt additional guidelines, subject to review and approval by town council, consistent with this article for reviewing applications for a certificate of appropriateness.

(l) *Re-filing of an application.* If an application of a certificate of appropriateness is denied, the application may not be considered by the HPC again for one (1) year unless the applicant can demonstrate to the HPC a substantial change in circumstances relevant to the application. (Ord. No. 07-66, § 5.1.5, 12-12-07)

Sec. 22-243. Demolition or relocation.

(a) *Certificate of appropriateness required.*

(1) No structure within a historic district or landmark shall be demolished or relocated until he owner thereof has applied for and received a certificate of appropriateness from the HPC.

(2) The HPC may delay the granting of the certificate for a period of up to one hundred eighty (180) days from the time of the filing of the application. The HPC may extend this postponement for another one hundred eighty (180) days after a public hearing and finding by the HPC that the structure or landmark is of historical, architectural, or archeological importance to the public or town. Within any period of postponement, the commission shall endeavor to ascertain what may be done to preserve the structure or landmark. Such steps shall include, but are not limited to, consultation with civic groups, interested citizens, public interest groups, and public boards and agencies.

(3) After the postponement period has ended and the commission has been unable to determine a reasonable alternative to demolition or relocation, the certificate shall be granted after a public hearing, with the notice required by subsection 22-242(d) being given. However, if the commission finds that the structure contributes to the character of the historic district or that the landmark is of historical, archeological, or architectural significance or that, for any other reason, preservation in the public interest is warranted, the application shall be denied. In the event of such denial, the owner may apply for an exception under section 22-244.

(b) *Demolition by neglect.*

(1) *Prevention of demolition by neglect of exterior.* No owner or person with an interest in real property which is designated a landmark in any part of the town or any property in an historic district, whether that property is occupied or not, shall permit the structure or property to fall into a serious state of disrepair or to remain in a serious state of disrepair so as to result in the deterioration of any exterior architectural

feature which would, in the judgment of the HPC, produce a detrimental effect upon the character of the structure or property, or, if the structure or property is in an historic district, upon the district. Examples of such deterioration include:

a. Deterioration of exterior walls or other vertical supports;

b. Deterioration of roofs or other horizontal members;

c. Deterioration of exterior chimneys;

d. Deterioration of crumbling of exterior stucco or mortar;

e. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;

f. Deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety; or

g. Deterioration or removal of any unique exterior architectural feature which would detract from the original architectural style.

(2) *Prevention of demolition by neglect of interior.* No owner or person with an interest in real property which is designated a landmark in any part of the town, or any property in an historic district, whether that property is occupied or not, shall permit the interior portions of such structure or property to fall into a serious state of disrepair which, in the judgment of the HPC, produces a detrimental effect upon the structural integrity of such structure or property which could make demolition necessary for the public safety.

(Ord. No. 07-66, § 5.1.6, 12-12-07)

Sec. 22-244. Determination of economic hardship.

(a) *Submission requirements.* If an application for a certificate of appropriateness is denied by the HPC, the applicant may request that the application be reviewed for economic hardship pursuant to this section. The commission may obtain expert testimony and require the applicant make submissions concerning the following information before the commission makes a final determination on the application.

(1) Estimate the cost of the proposed construction, alteration, demolition, or relocation and an estimate of any additional cost that would be incurred to comply with the recommendations or directives of the commission for changes necessary for issuance of a certificate.

(2) A report from a licensed engineer or architect with experience in rehabilitation on the structural soundness of any structures and their suitability for rehabilitation.

(3) Estimated market value of the property under the following conditions: in its current condition; after completion of the proposed construction, alteration, demolition, or relocation; after any changes recommended or directed by the commission; and, in the

case of a proposed demolition, or relocation, after renovation of the existing property for continued use. The commission may require that these estimates be prepared by a qualified expert.

(4) In the case of a proposed demolition or relocation, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of continued use, rehabilitation, or reuse of the existing structure at its current location.

(5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, in any, between the owner-of-record or applicant and the person from whom the property was or is to be purchased, and the terms of financing.

(6) If the property is income-producing, the annual gross income from the property for the previous two (2) calendar or fiscal years; itemized operating and maintenance expenses during the same period; and depreciation, deduction, and annual cash flow before and after debt service, if any, during the same period.

(7) Any other information requested by the commission in its discretion to reach a determination as to whether the property does yield or may yield a reasonable return to the owners.

(b) *Review.* The commission shall review all of the evidence and information required from the applicant, hold a public hearing, and make a determination thereon within thirty (30) days after receipt of all required information of whether the denial of a certificate of appropriateness will result in economic hardship to the owner because he will be deprived of all reasonable use of the property. If the commission makes a determination that, in its discretion, economic hardship has not been proven by the applicant, the application for a certificate of appropriateness based upon economic hardship shall be denied. If the commission determines, in its discretion, that economic hardship would occur to the owner, the commission may issue a certificate of appropriateness based upon economic hardship or delay action on the application for a period of ninety (90) days If at the end of the 90-day period, the commission finds, after a public hearing with the notice required by subsection 22-242(d) being given, that without issuance of the certificate of appropriateness, an economic hardship would still occur, then the commission shall issue a certificate of appropriateness based upon economic hardship.
(Ord. No. 07-66, § 5.1.7, 12-12-07)

Sec. 22-245. Interpretation and enforcement.

(a) *Interpretation.* The planning director shall interpret the provisions of this article. Any final interpretation by the planning director may be appealed pursuant to the procedures at subsection 22-242(j).

(b) *Enforcement.*

(1) The zoning official shall periodically inspect work in progress under a certificate of appropriateness.

(2) In the event that this article or a certificate of appropriateness is violated, the HPC, zoning official, or building official may issue an order requiring the person or persons committing the violation to cease and desist immediately there from. The cease-and-desist order shall remain in effect until any certificate of appropriateness required for the work is approved.

(3) A violation of a cease-and-desist order issued by the HPC or the zoning official or building official is hereby declared unlawful and shall be punished as set forth in subsection (c).

(c) *Violations and penalties.* It shall be unlawful for any person to violate any provisions of this article, and any person violating these provisions shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding five hundred dollars ($500.00) per day. Each day that the violation of any provision hereof continues shall constitute a separate offense.

(Ord. No. 07-66, § 5.1.8, 12-12-07; Ord. No. 08-34, 12-12-08)

[The next page is 1507]

Exhibit G
Chapter 15.5 Article II Town of Port Royal Code of Ordinances
Supplement 15

Chapter 15.5

OVERLAY DISTRICTS

Art. I. In General, §§ 15.5-1—15.5-25
Art. II. Traditional Town Overlay District, §§ 15.5-26—15.5-44
Art. III. Waterborne Industrial District, §§ 15.5-45—15.5-49
Art. IV. Shell Point Neighborhood Overlay District, §§ 15.5-50—15.5-60
Art. V. Airport Overlay District/MCAS-Beaufort, §§ 15.5-61—15.5-80
Art. VI. Robert Smalls Parkway Overlay District, §§ 15.5-81—15.5-85

ARTICLE I. IN GENERAL

Secs. 15.5-1—15.5-25. Reserved.

ARTICLE II. TRADITIONAL TOWN OVERLAY DISTRICT

Sec. 15.5-26. Intent.

Port Royal seeks to promote and control preservation, infill development and revitalization in its traditional town 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 town, those conventions have been applied at the scale in the master plan; this Code applies those lessons at the scale of the individual. This Code 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;

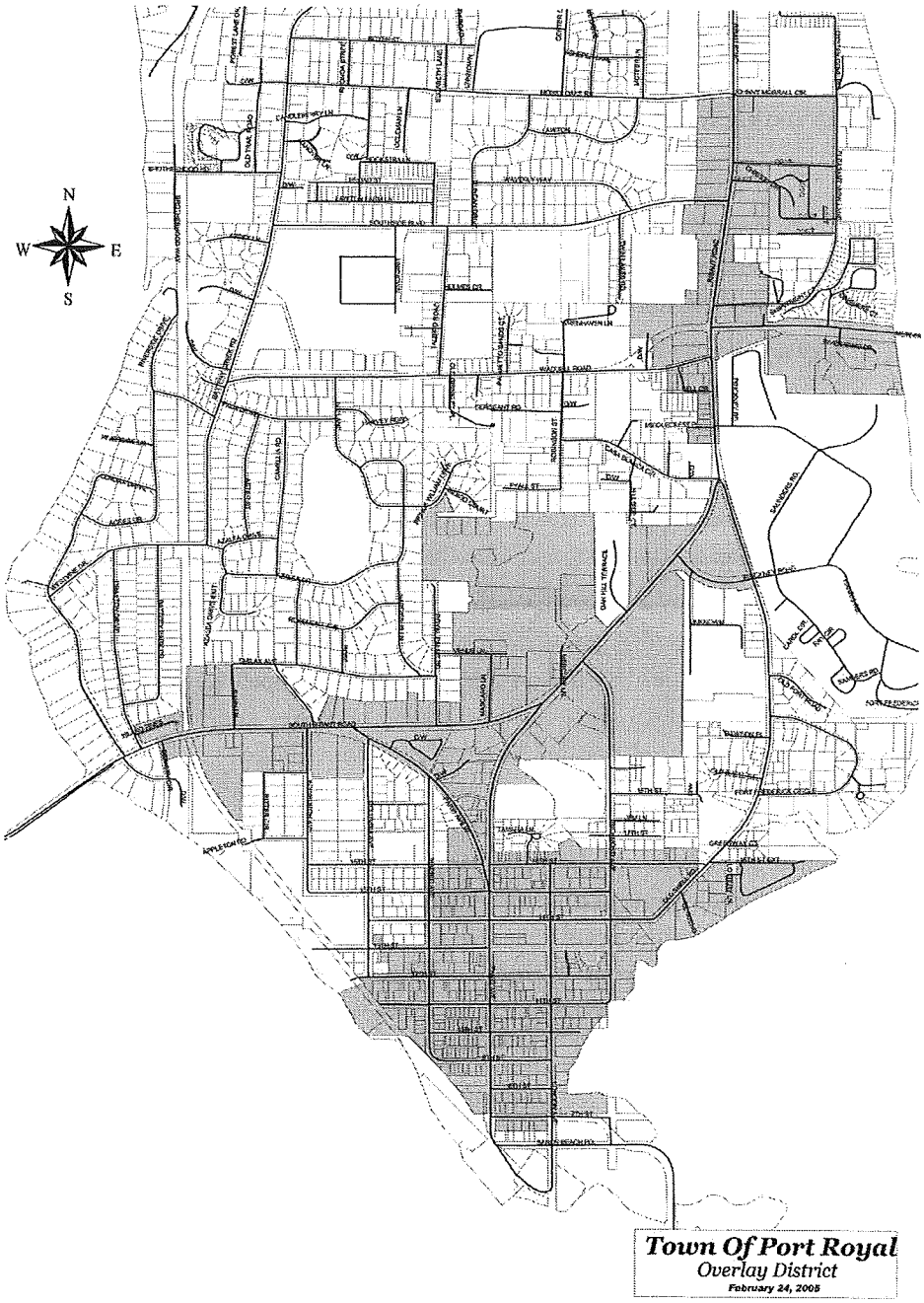
(4) Provide a measure of predictability to property owners and occupants about what may be built on their land or that of their neighbors, yet allow for a market-driven mixture of land uses; and

(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 change over time.

These design conventions come from a study of traditional buildings found in South Carolina, particularly in the Port Royal 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.
(Ord. No. 97-9, § 518.1, 10-8-97; Ord. No. 00-11, 5-10-00)

Sec. 15.5-27. Traditional town overlay district boundary map.



Traditional town overlay district boundary map

(Ord. No. 97-9, § 518.2, 10-8-97; Ord. No. 04-19, 7-14-04)

Sec. 15.5-28. Administration.

Interpretation of these standards shall be the responsibility of the town's design review board, as appointed annually by the town council. The idealized buildout map shall serve as guidance to the design review board regarding the town's intent for land development in any given area.

Note: As the code changes from time to time, so shall the map. The current boundary map is available from the zoning administrator.

(1) Review process.

a. The design 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 section 15.5-29

3. All other applications will be reviewed and approved by town staff. Staff review will include, but is not limited to, the planning staff and the building official.

4. Staff is not bound by the parameters set forth above. Staff may refer any application to the design review board at the staff's discretion.

b. Applications are subject to a discretionary review by the design review board. The design 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 design review board shall have authority to waive architectural guidelines in specific instances where compliance would create undue hardship such as: additions in which new portions would be incompatible with the existing structure, or in the application of roofing materials that are consistent with the goals of preservation, but are not expressly permitted. The design review board may also grant special exceptions to 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 15.5-28(b) for final approval.

e. Any person who may have a substantial interest in any decision of the design review board may appeal from any decision of the board to the court of appropriate jurisdiction in and for the county by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law is rendered. Such appeal shall be filed within thirty (30) days after the decision of the board.

Appeal may be brought by the applicant, town administration or interested citizens.

(2) 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 design review board.

Zoning administrator will include a paragraph in any "rejection" letter stating that an appeal is possible and the notification requirements.

(3) *Relief parameters.* Section 22-128 of the Town of Port Royal Zoning Ordinance prohibits any non-conforming building from being enlarged by more than twenty (20) percent and further should same be destroyed, one cannot re-establish a nonconforming structure. However, this section establishes relief with respect to the sixty (60) percent demolition rule.

a. Owner-occupied residential structures existing at the time of adoption of the Traditional Town Overlay District Code (October 8, 1997) shall not be required to conform to the overlay district standards for twenty (20) years from the date of adoption. These structures may be repaired or modified without conforming to the overlay district standards, provided they conform to the underlying zoning.

b. After twenty (20) years following the adoption of the Traditional Town Overlay District Code (October 8, 1997), owner-occupied residential structures shall not be required to conform to the overlay district standards, provided they conform to the "grandfather clause" in the underlying zoning (section 22-128).

(Ord. No. 97-9, § 518.3, 10-8-97; Ord. No. 00-11, 5-10-00; Ord. No. 01-48, § 1, 8-8-01; Ord. No. 05-32, § 3, 9-14-05; Ord. No. 07-09, 3-14-07; Ord. No. 07-10, 3-14-07)

Sec. 15.5-29. 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 with all 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 columns on 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 design 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.

Design review board. A committee consisting of five (5) members appointed by council, three (3) of which shall be for a term of two (2) years, two (2) of which shall be for a term of one (1) year. The design review board members shall elect a chairman and co-chairman. No member shall serve more than eight (8) consecutive years. After the initial appointment, terms shall be of a two-year term. An effort should be made to indicate individuals from the following professions; architects, planners, builders, engineers, or citizens. The town manager, zoning administrator, building official, and town engineer may also be included in the presentation, coordination, and facilitation of the team's work.

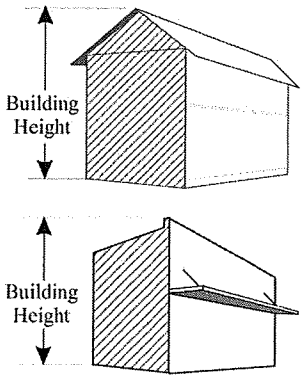
Dwelling area. The total internal useable space on all floors of a structure, not including porches, balconies, terraces, stoops, patios or garages.

Front porch. A roofed area, attached at the ground floor level or first floor level, and to the front of a 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: Any building features above 35 ft in height which include habitable area must incorporate sprinkler systems or fire-retardant construction as defined in the *Standard Building Code.*

Building Height

Note: Any building features above thirty-five (35) feet in height which include habitable area must incorporate sprinkler systems or fire-retardant construction as defined in the Standard Building Code.

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 exception. Approval wherein one (1) or more of the standards set forth in this Code may be waived, on the basis of architectural merit only, as determined by the design review board. A special exception does not constitute a variance, and does not require proof of legal hardship.

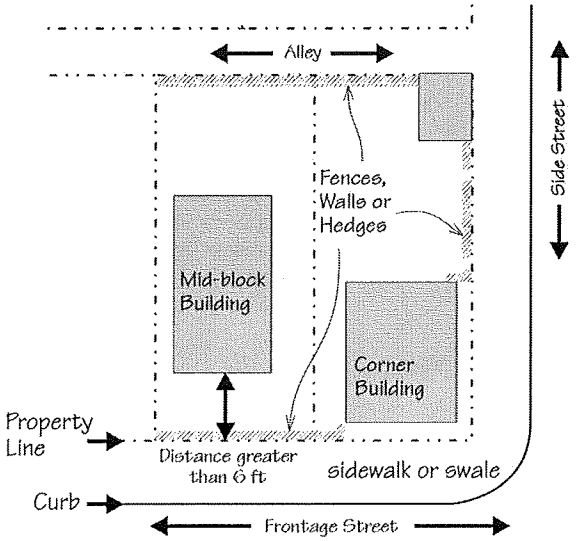
Stoop. A small platform and/or entrance stairway at a house door, commonly covered by a secondary roof or awning.
(Ord. No. 97-9, § 518.4, 10-8-97; Ord. No. 99-26, § I, 7-14-99; Ord. No. 99-30, § I, 8-11-99; Ord. No. 00-11, 5-10-00; Ord. No. 01-48, § 1, 8-8-01; Ord. No. 05-32, §§ 1—3, 9-14-05; Ord. No. 05-37, §§ 1, 2, 11-9-05)

Sec. 15.5-30. 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 un-built rights-of-way which abut streets and alleys as shown in the diagram below. 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.



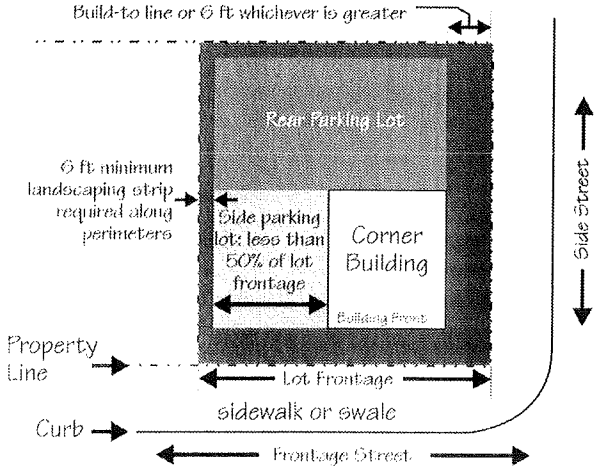
Fences, Garden Walls and Hedges

Fences and garden walls shall be a minimum of twenty-five (25) percent opaque. Fences made of chain-link (wholly or in part) are prohibited along all right of way lines which abut streets.

(2) *Parking.* Parking shall be placed along streets and in small, strategically located on-site lots.

a. *Off-street parking lot location and design.*

1. Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking can be located to the side of a 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.



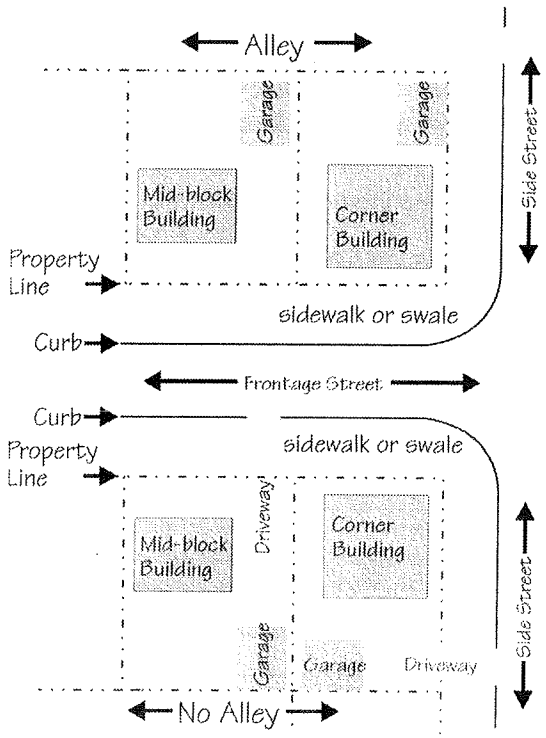
Areas Where . . .

. . .Parking is not permitted

. . .Parking is permitted

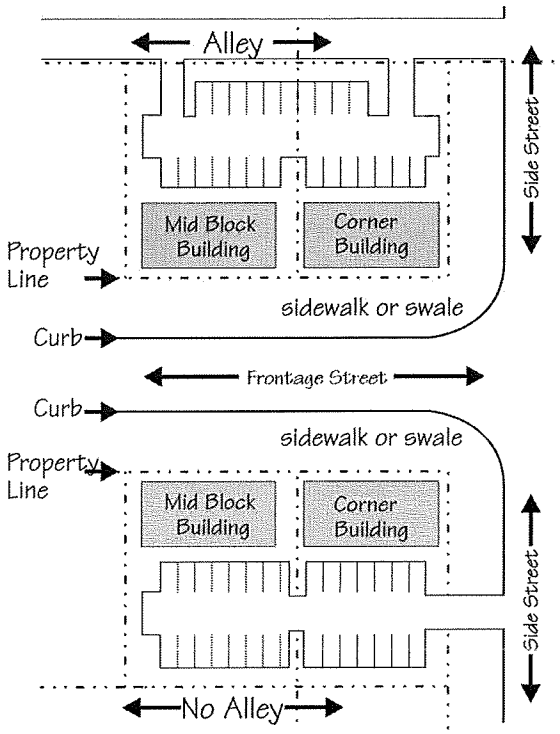
. . .Parking is conditional. Parking is permitted only if rear parking area is not possible or is unsuitable for parking; or if rear parking area has reached its parking capacity.

2. Buildings that have both rear and side access shall access parking through the rear (see diagram below).



3. Front driveways to rear parking areas are permitted only where rear or side street access is unavailable (see diagram above).

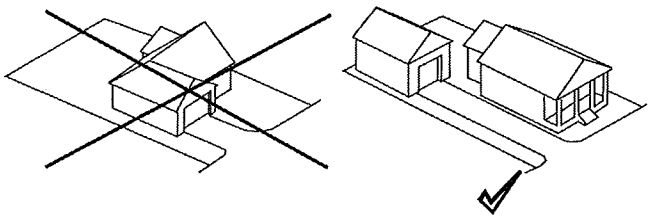
4. Access through parking lots across property lines should be encouraged, especially when there is no alley (see diagram below).



Parking Diagram 3

5. Circular drives must be approved on a case by case basis by the design 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.



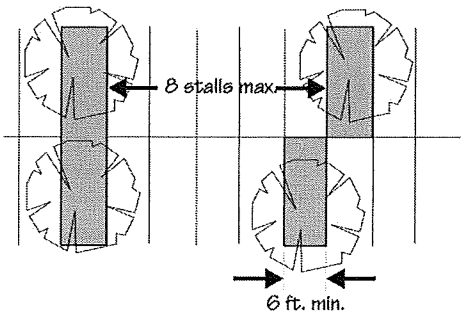
Garage Doors Diagram

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:

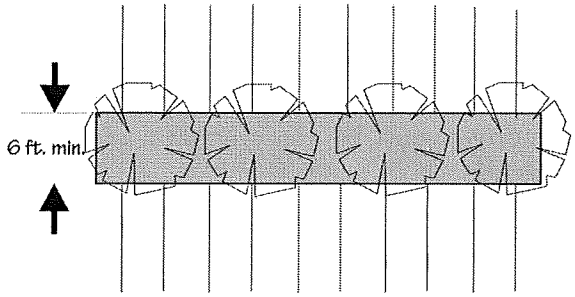
No more than eight (8) consecutive parking stalls are permitted without a landscape break of at least six (6) feet in width and extending the entire

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.



Landscaped Islands Diagram 1

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.



Landscaped Islands Diagram 2

c. *Parking requirements.* The number of parking spaces provided for new commercial uses shall be no less than one (1) space per one thousand (1000) 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 design review board.

A residential parking plan shall be presented at the time of submittal and shall be approved and deemed appropriate by the design review board.

(3) *Accessory structures.* Accessory structures are permitted and may contain parking, storage space, and/or accessory dwelling units.

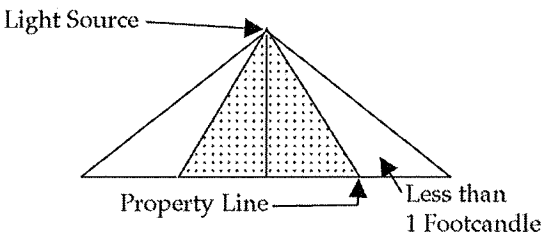
Accessory dwelling units shall not be greater than six hundred twenty-five (625) square feet in living area.

(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 maybe established by the design 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) footcandle 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 international candle on a square foot of surface every part of which is one (1) foot away.



Light Source Diagram

Note: An encroachment authorization letter must be obtained from the town (or state as applicable) when building elements shown below encroach into the right-of-way.

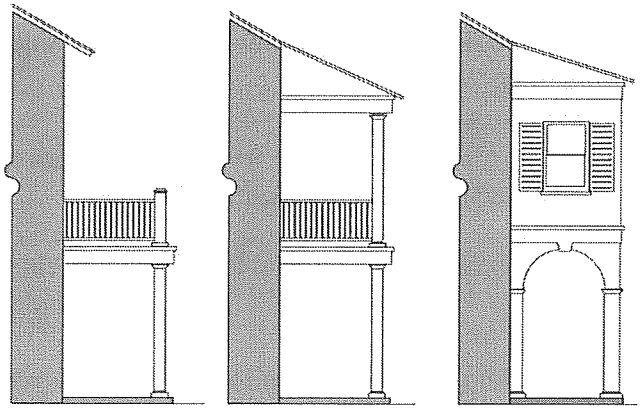
(6) *Building elements.*

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, semi-circular, 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 roof line.

b. *Colonnades / arcades.*



Colonnades/Arcades

Depth= Ten (10) foot minimum from the build-to line to the inside column face.

Height= Ten (10) foot minimum clear.

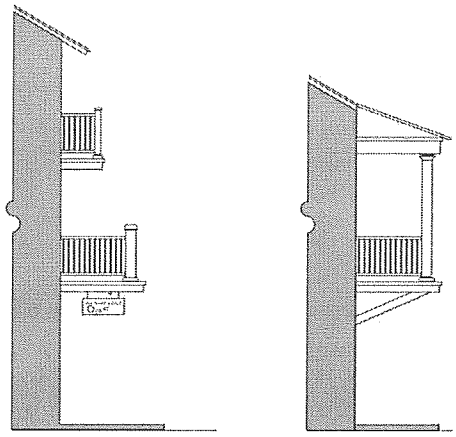
Length= Seventy-five (75)—one hundred (100) percent of building front.

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.*



Balconies

Depth= Five (5) foot minimum for second floor balconies.

Height= Ten (10) foot minimum clear.

Length= Up to one hundred (100) percent of building front.

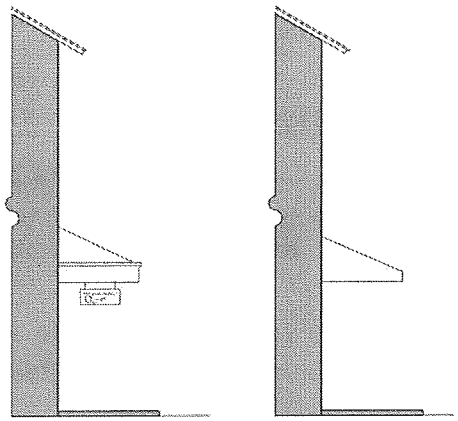
Balconies may differ in length and width.

Balconies shall occur forward of the build-to line and may encroach over the right-of-way.

Balconies may have roofs, but are required to be open, un-airconditioned parts of the buildings.

On corners, balconies may wrap around the side of the building facing the side street.

d. *Marquees and awnings.*



Marquees and Awnings

Depth= Five (5) foot minimum.

Height= Ten (10) foot minimum clear.

Length= Twenty-five (25)—one hundred (100) percent of building front.

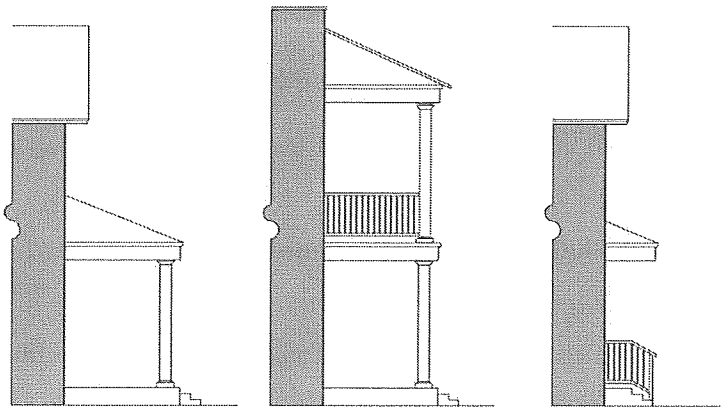
The above requirements apply to first-floor awnings.

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 and Stoops

Porches:

Depth= Six (6) foot minimum.

Length= Twenty-five (25)—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 design review board. Sidewalks shall have clear access for pedestrians.

Porches and stoops are required to be open unairconditioned, parts of the buildings. Screens on front 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 design review board shall have authority to approve substitute materials for those listed as options under the architectural guidelines.

a. *General requirements.* The following shall be located in rear yards or sideyards 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 a 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) "Hardie-Plank" siding;
   (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," section 15.5-29);
   (viii) Aluminum siding (shall be approved on a case by case basis as defined in "special exception," section 15.5-29);
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 shopfront 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 a 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 design 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 (5/8) inch minimum dimension, four (4) to six (6) 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 (48) inch maximum.

Height along rear property lines and side property lines not abutting the street: Up to seventy-two (72) inch maximum.

d. *Columns, arches, piers, and porches.*

1. *Permitted finish materials.*

(i) Columns:

(A) Wood, painted or natural (cypress and cedar preferred);

(B) Cast iron;

(C) 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);

(B) Wrought iron;

2. *Permitted configurations.*

(i) Columns:

(A) Square: Six (6) inch minimum, with or without capitals and bases;

(B) Round: Six (6) inch minimum outer diameter, with or without capitals and bases;

(C) Classical orders;

(ii) Arches: Semi-circular, carried on piers only;

(iii) Piers: Sixteen (16) inch minimum dimension;

(iv) Porches:

(A) Railings: Two and three-fourths (2¾) inches minimum diameter;

(B) Balustrades: Four (4) inch minimum spacing, six (6) 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 design review board).

(ii) Gutters:

(A) Copper;

(B) Aluminum;

(C) Galvanized steel;

(D) Other materials as approved by the design review board;

2. *Configurations.*

(i) Roofs:

(A) Metal: Standing seam or "five-vee," twenty-four (24) inch maximum spacing, panel ends exposed at overhang;

(B) Shingles: Square, rectangular, fishscale, 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 dripline exceed the property line.

f. *Windows, skylights, storefronts and doors.*

1. *Finish materials.*

(i) Windows, skylights, storefronts, frames;

(A) Wood;

(B) Aluminum;

(C) Copper;

(D) Steel;

(E) Vinyl clad wood;

(ii) Doors: Wood, metal or fiberglass;

Note: Aluminum and steel as authorized in commercial applications only.

1.1. Glass:

(i) Clear and low E glass;

(ii) Tinting above fifty (50) percent of light transmission factor is authorized but shall be approved on a case by case basis.

(iii) Reflective, reflective coating and mirror glazing is prohibited.

2. *Configurations.*

(i) Windows:

(A) Rectangular;

(B) Square;

(C) Round (eighteen-inch maximum outer diameter)

(ii) Window operations:

(A) Casement;

(B) Single- and double-hung;

(C) Industrial;

(D) Fixed frame (thirty-six (36) square feet maximum);

(iii) Skylights: Flat to the pitch of the roof

(iv) Door operations:

(A) Casement;

(B) Sliding (not facing streets);

3. *General requirements.* Rectangular windows facing streets shall have vertical orientation.

The following accessories are permitted:

(i) Shutters (standard or Bahama types);

(ii) Wooden window boxes;

(iii) Real muntins 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 unshuttered 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 free-standing on-premise signs per individual business property shall in no case exceed: (MU-1) thirty-two (32) square feet; (MU-2) twenty-four (24) square feet.

3. *General requirements.* Signs shall be externally lit.

Signage in the overlay district must comply with the underlying zoning as same refers to size except that table (1.5B) the maximum square footage will be reduced by fifty (50) percent in the overlay district. Variable multipliers will remain at full value. (for example MU-1 outside the district is eighty (80) square feet, within the district is forty

(40) square feet two (2) percent of ground floor area and three (3) square feet per linear foot of frontage will remain valid.) Window signs shall not exceed twenty-five (25) percent of total window area per window.

(Ord. No. 97-9, § 518.5, 10-8-97; Ord. No. 99-26, § II, 7-14-99; Ord. No. 00-11, 5-10-00; Ord. No. 01-66, 12-12-01; Ord. No. 05-32, § 3, 9-14-05)

Sec. 15.5-31. Building types.

New buildings under this Code are regulated by building type. They are mandatory for areas in the district as delineated in the map in section 15.5-26. Permitted uses are all those indicated in the town zoning ordinance.

The following building types are described in this code:

(1) Cottage;

(2) House;

(3) Sideyard house;

(4) Large house or apartment house;

(5) Duplex;

(6) Rowhouse;

(7) Main Street shopfront building;

(8) Corner store;

(9) Boulevard building;

(10) Industrial and workshop building;

(11) Civic building;

(12) "Exceptional types" require special design review board approval for site planning and building design.

All above listed building types shall not exceed thirty-seven (37) feet (not to include appurtenances) in height when located between 17th Street and the South Carolina State Ports Authority south of 7th Street, with the exception of buildings located on or within the first fifty (50) feet east or west of Paris Avenue. All building types on Paris Avenue or within fifty (50) feet east or west of Paris Avenue, when located between 17th Street and the South Carolina State Ports Authority south of 7th Street, shall not exceed forty (40) feet (not to include appurtenances) in height.

All building types described herein are permitted throughout the Traditional Town Overlay District, except:

(1) Boulevard buildings are permitted on Ribaut Road only.

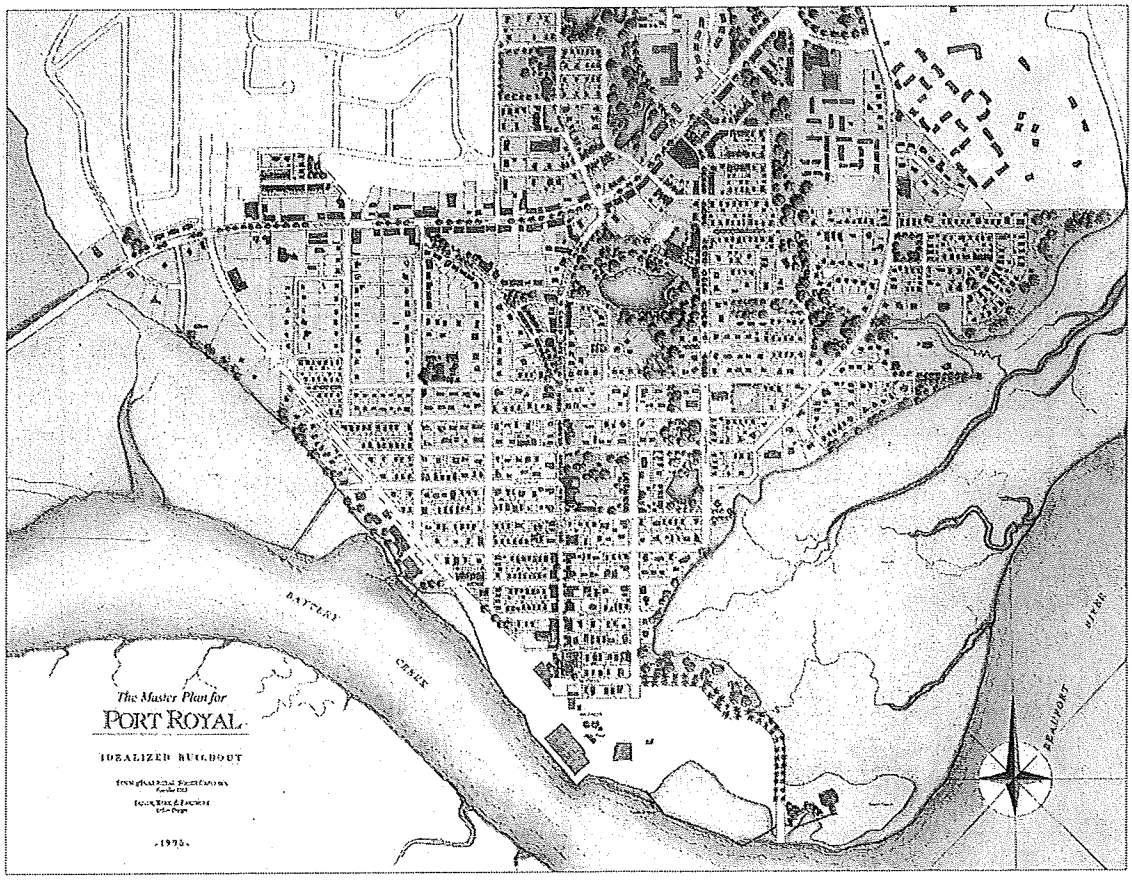
(2) Main Street shopfront and corner store buildings are permitted only on Paris Ave.

(3) Industrial, workshop buildings, and "exceptional types" require design review board approval for specific locations.

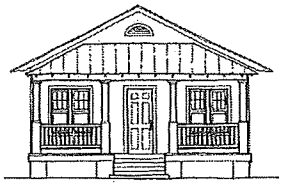
(4) When the traditional overlay district is applied to the R-17, R-12 or R-10 zoning districts only the cottage, the house, and the sideyard house will be permitted.

On the following pages, diagrammatic examples are used to illustrate example building locations, configurations, and dimensions.

THE ACCOMPANYING NUMBERS AND TEXT ARE RULES: THE GRAPHICS ARE ILLUSTRATION ONLY.



Idealized Buildout Map



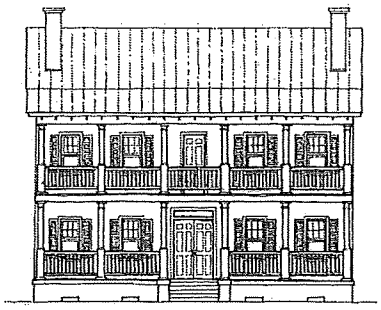
Cottage



Sideyard House



House



Large House or Apartment House



House



Duplex

Building Types Encouraged by this Code



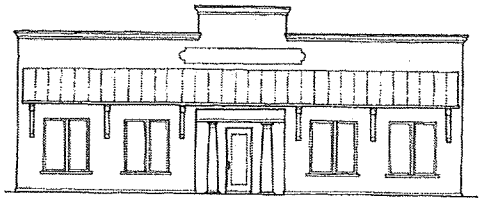
Rowhouse



Corner Store



Main Street Shopfront Building



Industrial or Workshop Building



Boulevard Building

Building Types Encouraged by this Code

(Ord. No. 97-9, § 518.6, 10-8-97; Ord. No. 99-26, §§ III, IV, 7-14-99; Ord. No. 00-11, 5-10-00; Ord. No. 05-32, § 3, 9-14-05; Ord. No. 06-44, 1-10-07; Ord. No. 06-76, 1-10-07)

Sec. 15.5-32. Cottage

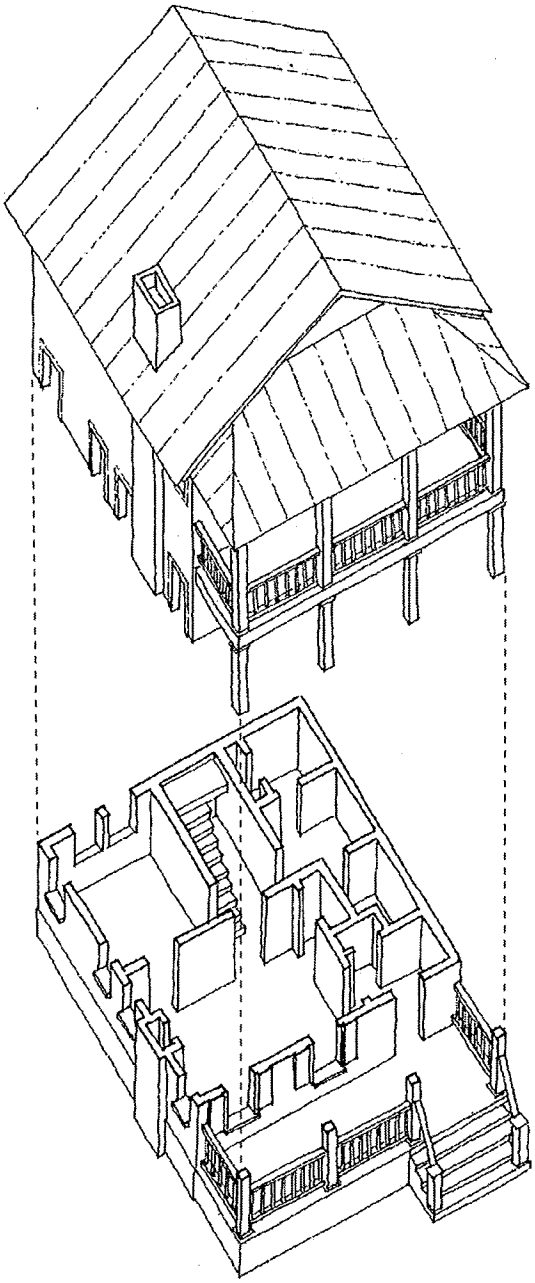
A cottage is a single residential unit with yard on all four sides, well suited for shallow or narrow lots.

Building placement:	
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	75 percent maximum
Dwelling area	400 square feet minimum
Height:	
Maximum height	38 feet above grade
First floor elevation	2 feet above grade, minimum

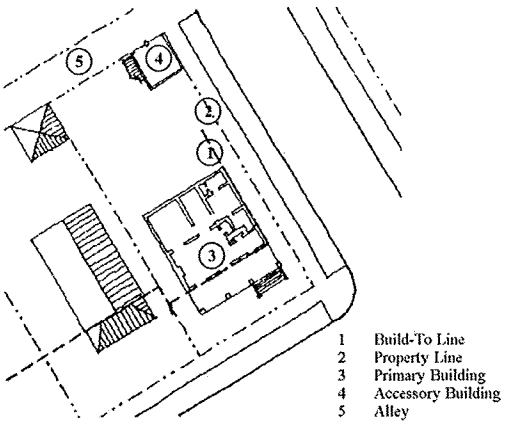
Note:

(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 design review board approval).



Example



Cottage

(Ord. No. 97-9, § 518.6(c), 10-8-97; Ord. No. 2005-32, § 3, 9-14-05)

Sec. 15.5-33. House—25-foot minimum lot width.

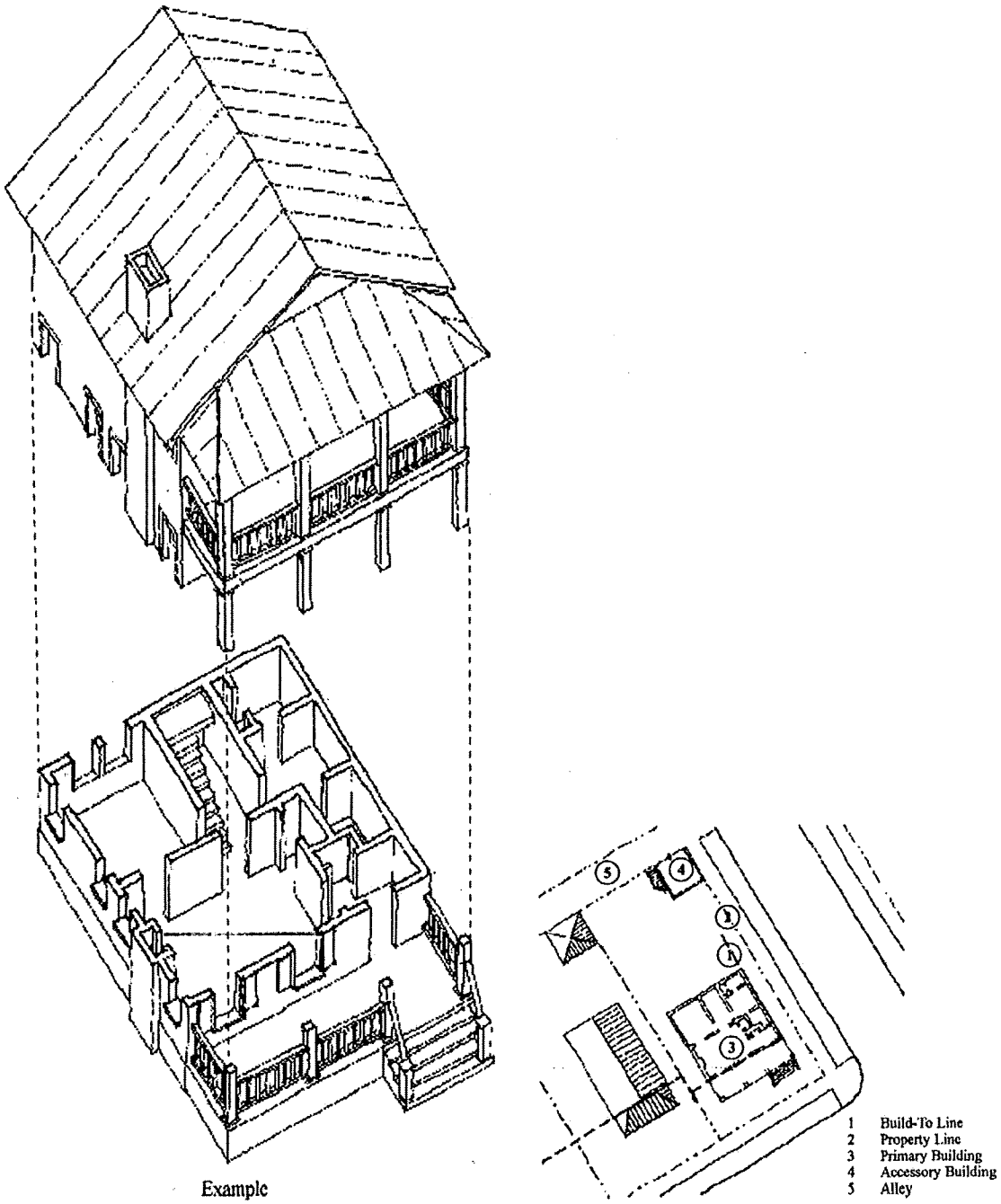
A house is a single residential unit with yard on all four (4) sides, suited to small and medium sized lots.

Building placement:	
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 design review board approval).



House—25-foot minimum lot width

(Ord. No. 97-9, § 518.6(d), 10-8-97; Ord. No. 05-32, § 3, 9-14-05)

Sec. 15.5-34. House—30-foot minimum lot width.

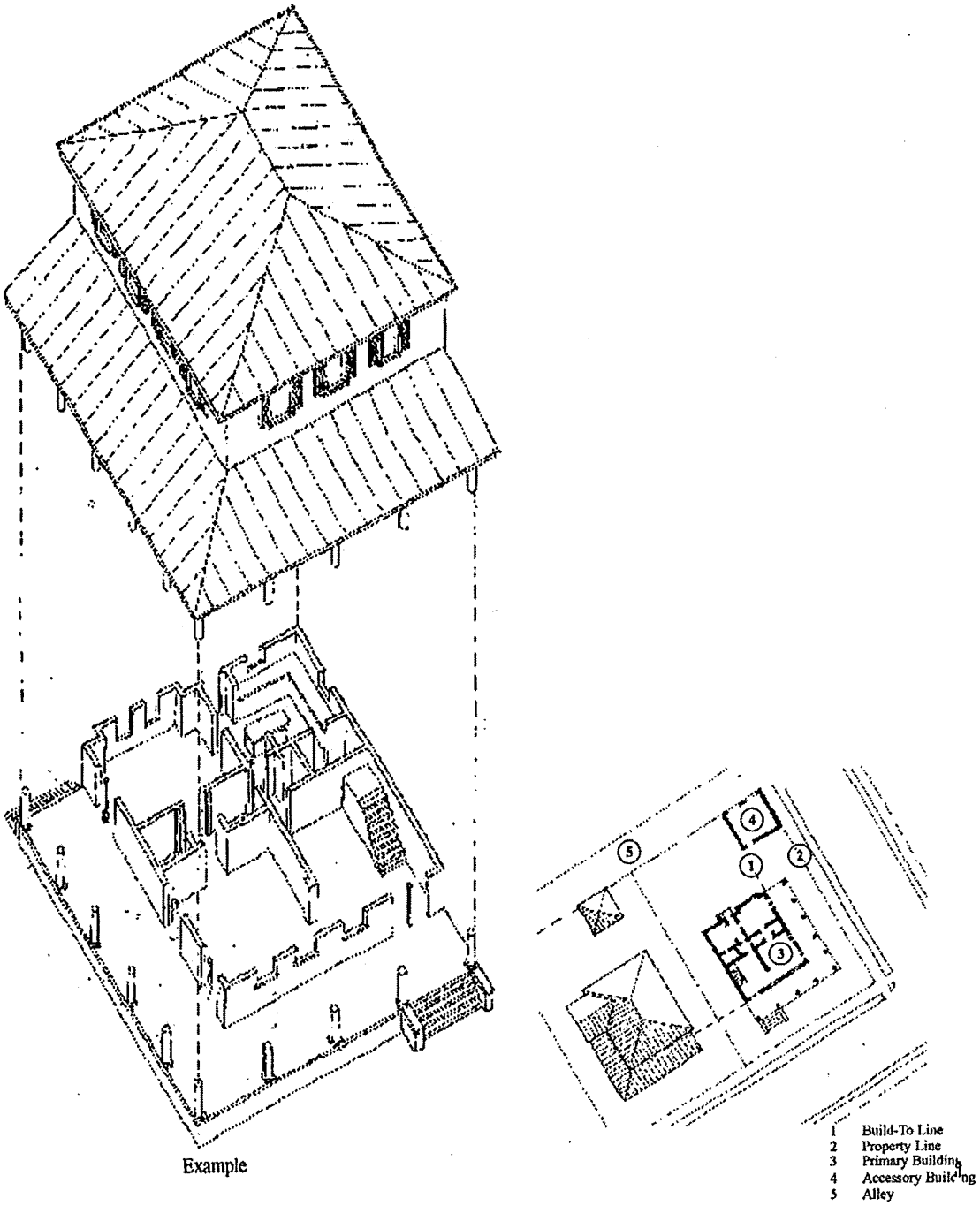
A house is a single residential unit with yard on all four (4) sides suited to small and medium sized lots.

Building placement:	
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 design review board approval).



House—30-foot minimum lot width

(Ord. No. 97-9, § 518.6(e), 10-8-97; Ord. No. 05-32, § 3, 9-14-05)

Sec. 15.5-35. Sideyard house.

A sideyard 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.

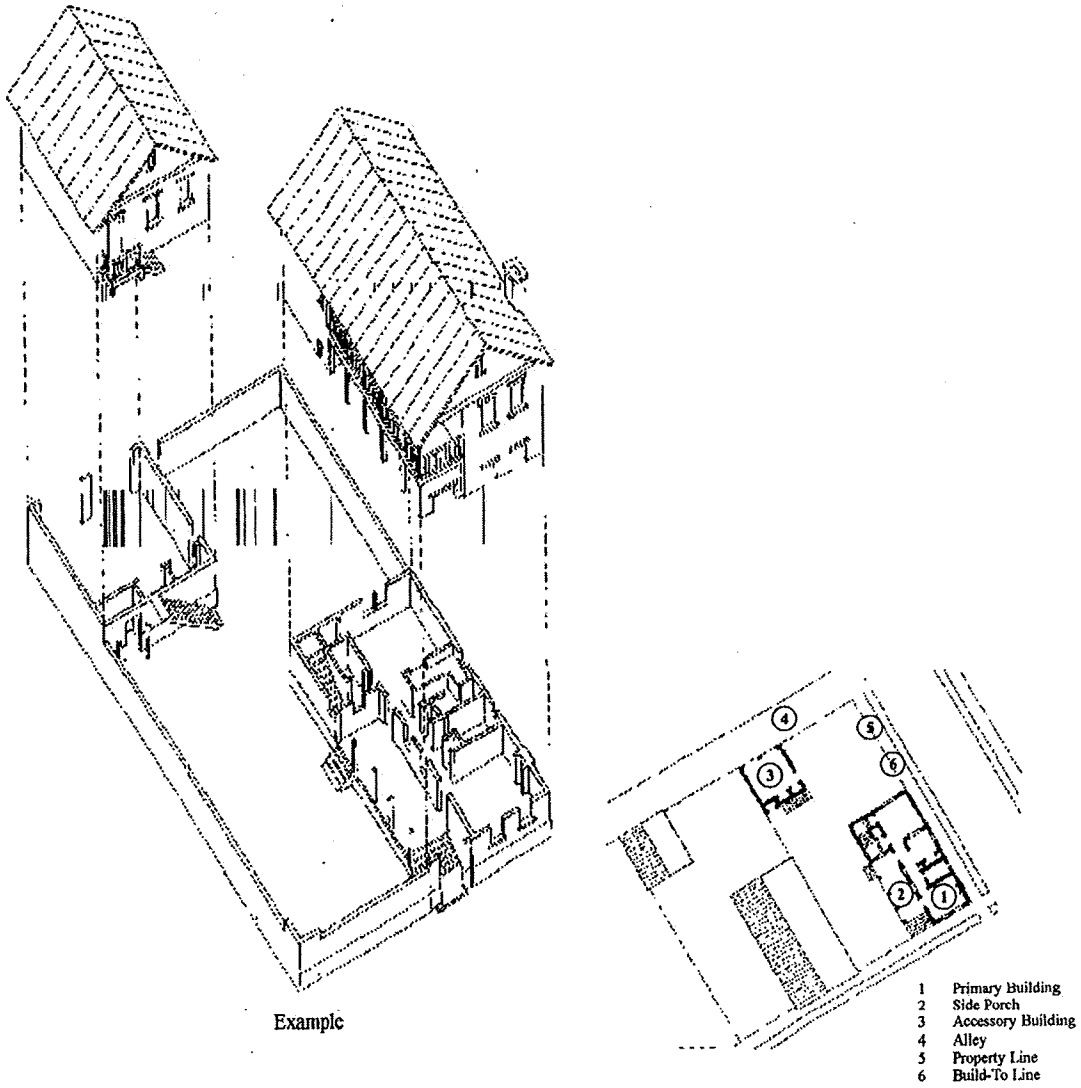
Building placement:	
Lot widths	30 foot minimum;
Build-to line locations	Corner lots: 0—10 feet from front property line 0—10 feet from side street property line
	Interior lots: 5—15 feet from front property line
Side setback	0 feet for primary structure 0 feet for accessory structure
Building frontage	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.



Sideyard house

(Ord. No. 97-9, § 518.6(f), 10-8-97)

Sec. 15.5-36. Large house or apartment house.

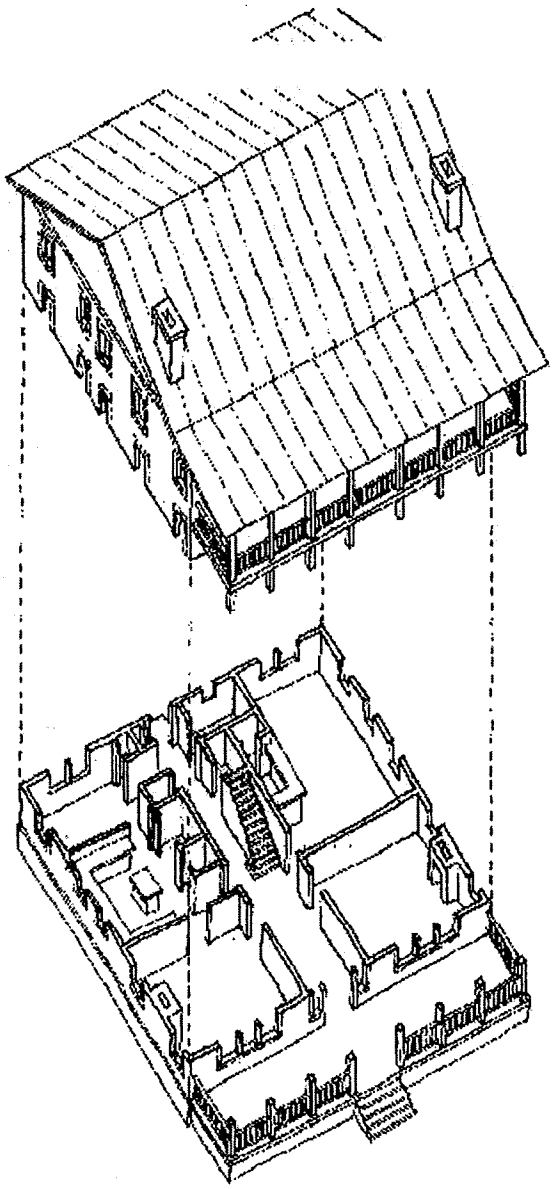
A large house or apartment house has yard on all four (4) sides. It is large enough to be subdivided into two (2) or more complete, separate dwelling units. It is suited to larger lots.

Building placement:	
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

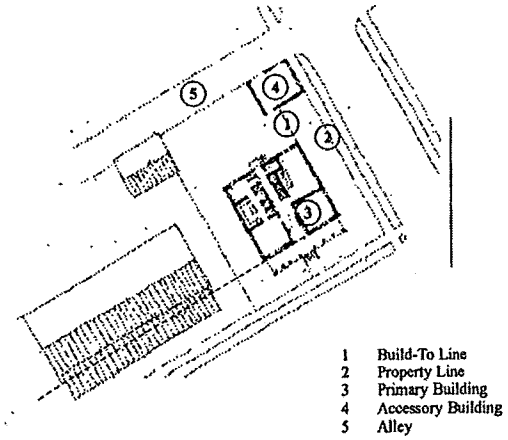
Note:

(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 design review board approval).



Example



Large house or apartment house

(Ord. No. 97-9, § 518.6(g), 10-8-97; Ord. No. 05-32, § 3, 9-14-05)

Sec. 15.5-37. 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.

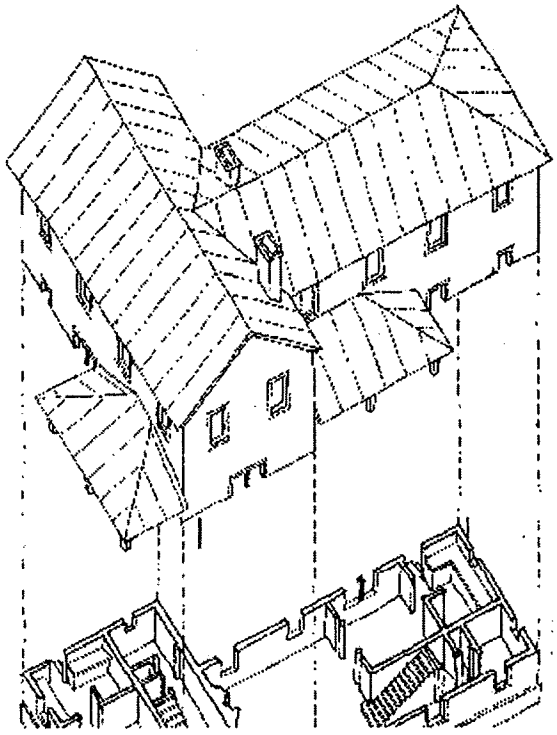
Building placement:	
Lot widths	30 foot minimum;
Build-to line locations	Corner lots: 5—15 feet from front property line 5—15 feet from side street property line
	Interior lots: 10—20 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	40—70 percent of lot frontage
Building coverage	40 percent maximum
Dwelling area	600 square feet minimum
Height:	
Maximum height	48 feet above grade
First floor elevation	2 feet above grade, minimum

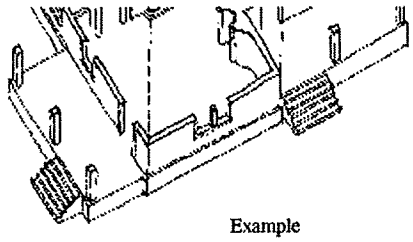
Note:

(1) Appurtenances may extend beyond the height limit.

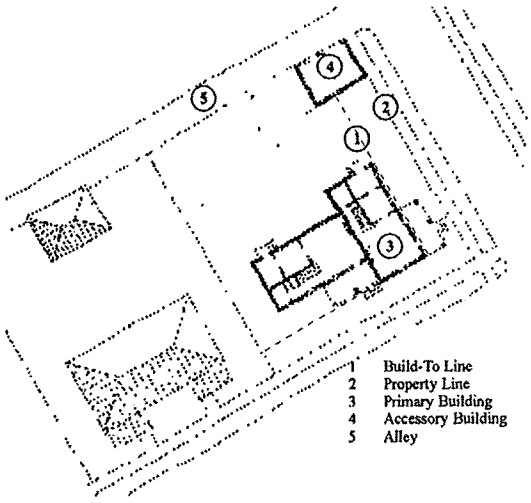
(2) Building fronts are required to have at least one (1) front porch.

(3) A front porch may be shared.





Example



Duplex

(Ord. No. 97-9, § 518.6(h), 10-8-97)

Sec. 15.5-38. Rowhouse.

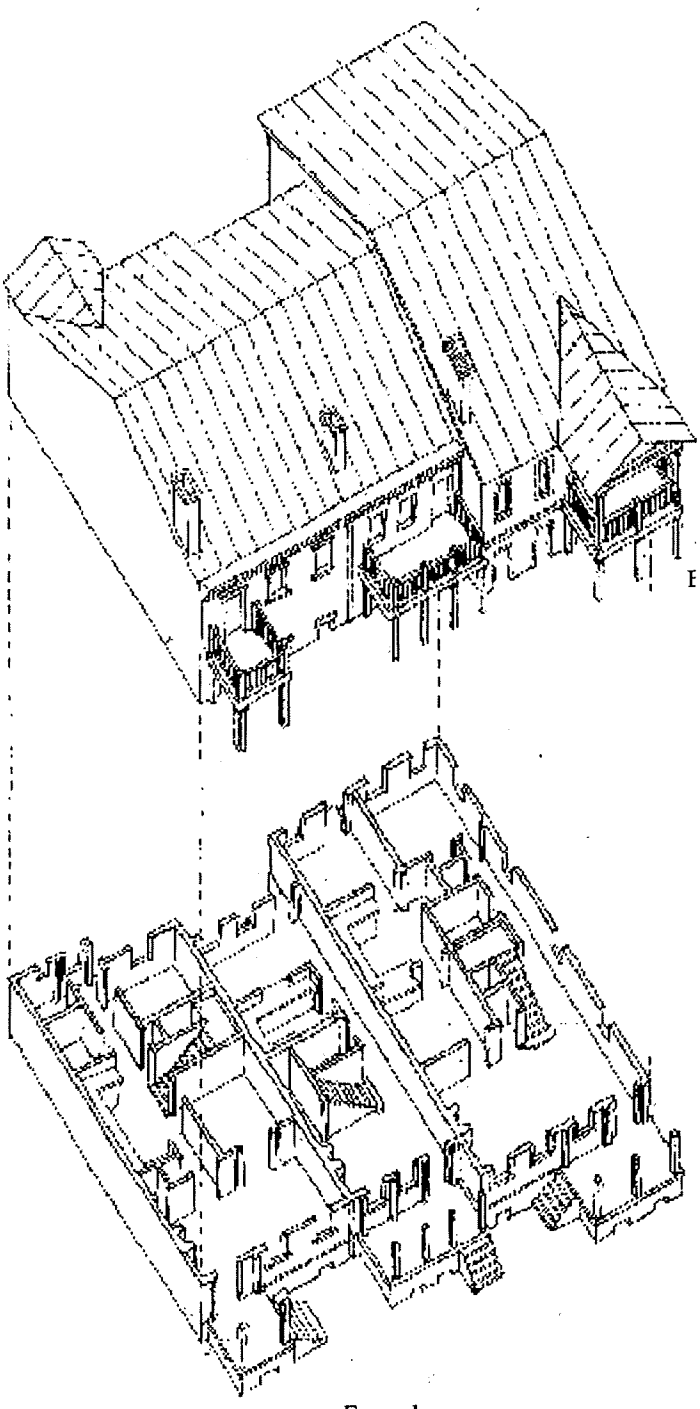
A rowhouse is pushed to the front of its narrow lot and shares one (1) or more common walls with its neighboring units. Entry is usually through a covered stoop.

Building placement:	
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)

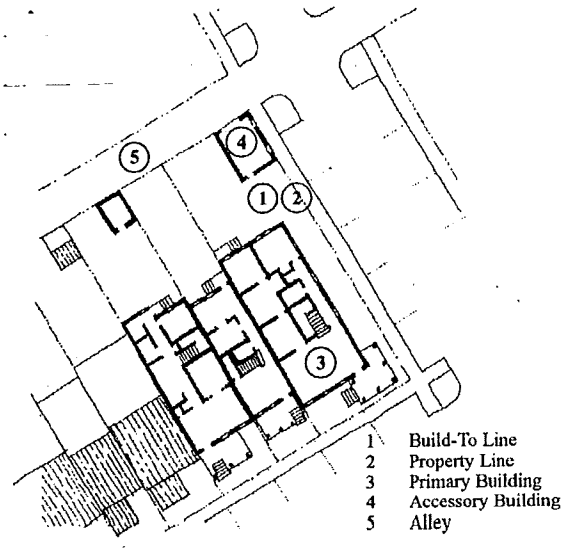
Note:

(1) Appurtenances may extend beyond the height limit.

(2) Building fronts are required to have either a front porch or a stoop.



Example



Rowhouse

(Ord. No. 97-9, § 518.6(i), 10-8-97)

Sec. 15.5-39. Main Street shopfront building.

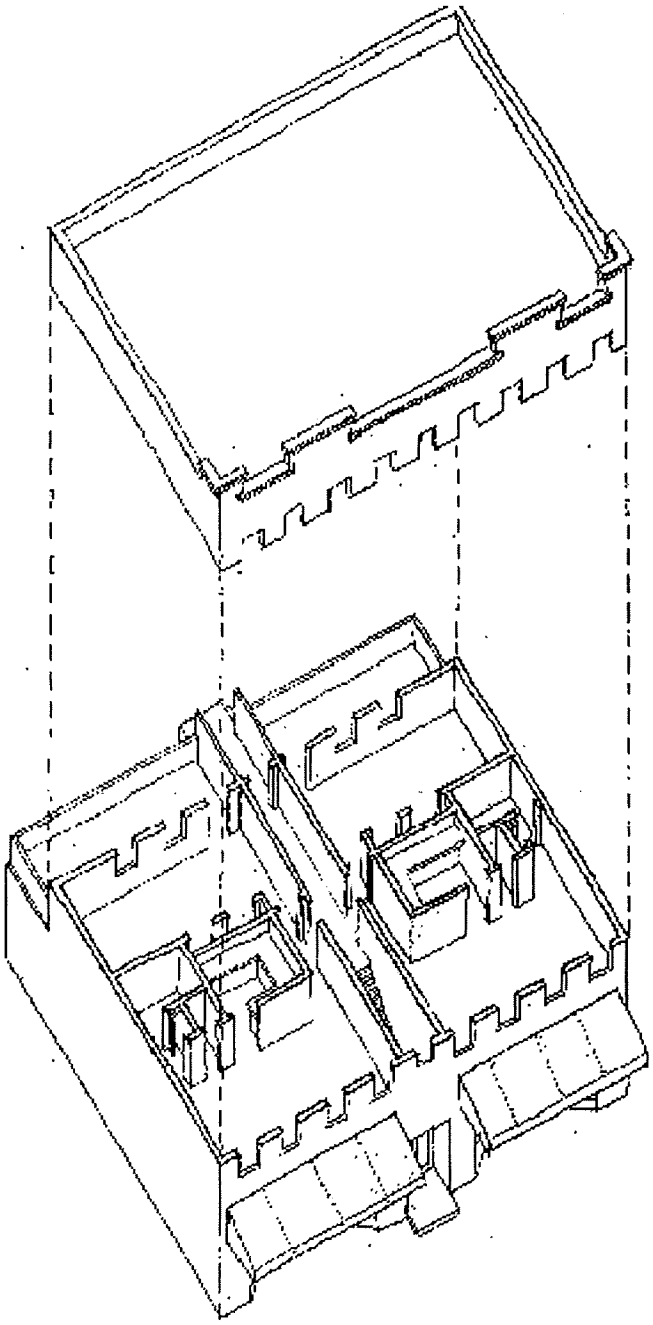
A shopfront building is the basic unit of a traditional mixed-use street. It is pushed to the front of its lot and features a ground floor that is roughly level with the sidewalk. The ground floor facade on the street side has a substantial amount of transparent window and door openings.

Building placement:	
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	58 feet above grade
Minimum height	2 stories
First floor elevation	None

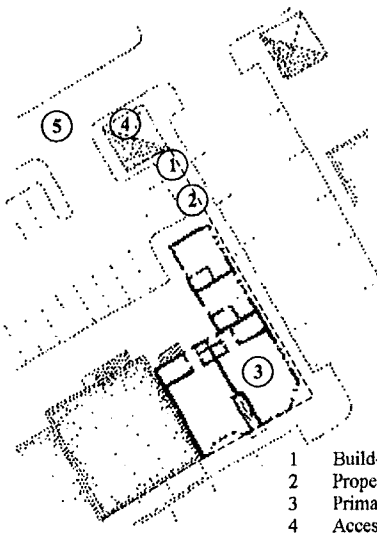
Note:

(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.



Example



1 Build-To Line
2 Property Line
3 Primary Building
4 Accessory Building
5 Alley

Main Street shopfront building

(Ord. No. 97-9, § 518.6(j), 10-8-97)

Sec. 15.5-40. Corner store.

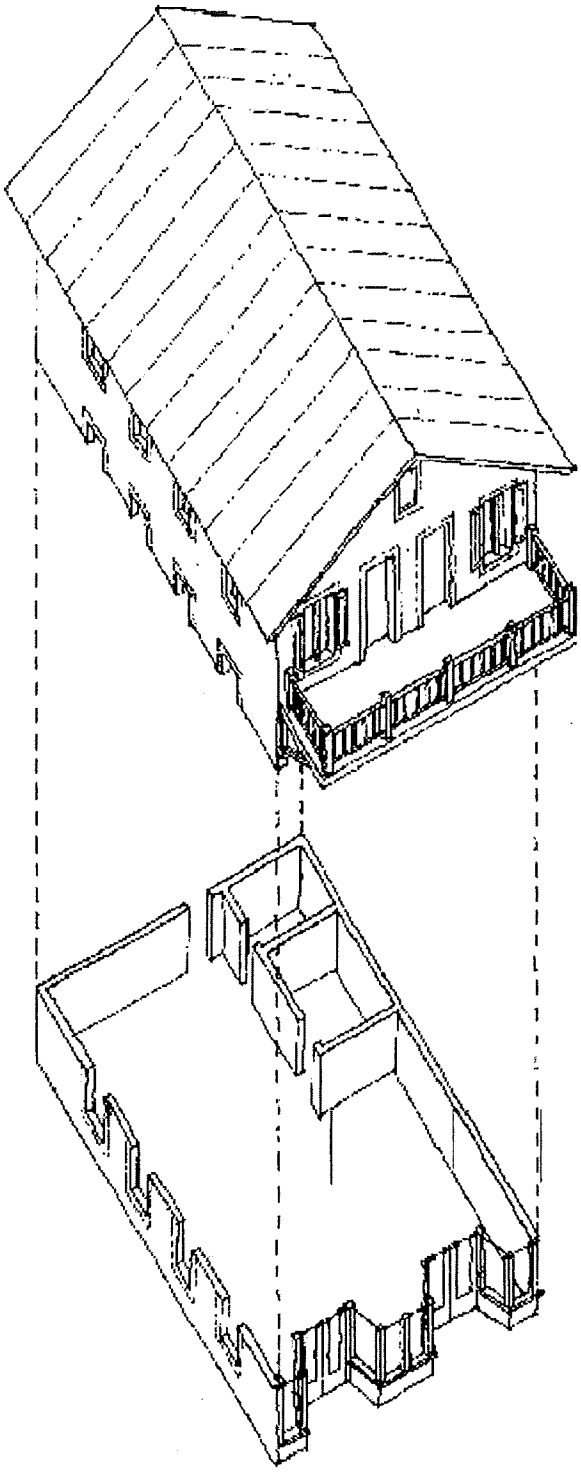
A corner store is well suited for intimate neighborhood center commercial applications. It is pushed to the front of its lot and features a ground floor roughly level with the sidewalk and a highly transparent ground floor facade.

Building placement:	
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	58 feet above grade
Minimum height	2 stories
First floor elevation	None

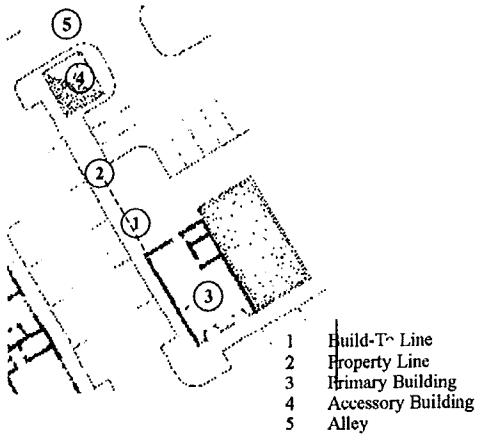
Note:

(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.



Example



Corner store

(Ord. No. 97-9, § 518.6(k), 10-8-97)

Sec. 15.5-41. Boulevard building.

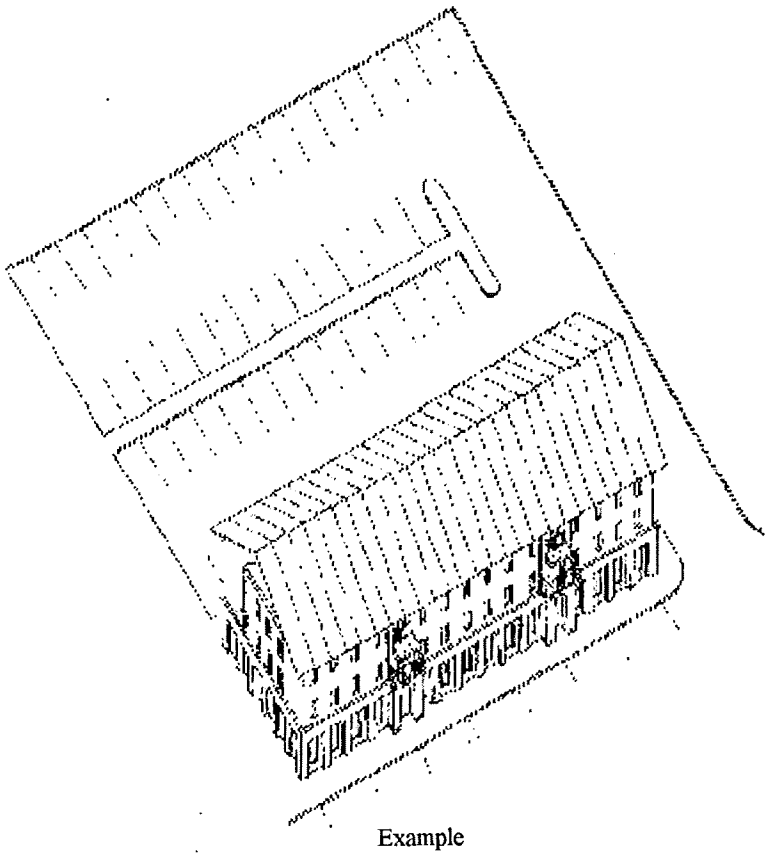
A boulevard building is configured to line wider, more heavily traveled thoroughfares. It is pushed to the front of its lot and features a ground floor roughly level with the sidewalk.

Building placement:	
Lot widths	25 foot minimum 200 foot maximum
Build-to line locations	Corner lots: 0 feet from front property line 0—5 feet from side street property line
	Interior lots: 0—5 feet from front property line
Side setback	5 feet for primary structure 0 feet for accessory structure
Building frontage	70—100 percent of lot frontage
Building coverage	60 percent maximum
Height:	
Maximum height	58 feet above grade
Minimum height	2 stories
First floor elevation	None

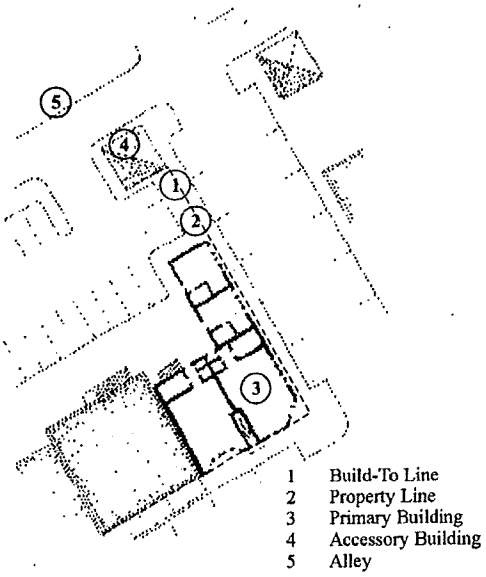
Note:

(1) Appurtenances may extend beyond the height limit.

(2) Buildings are required to have at least one (1) of the following per one hundred (100) feet: front porch, arcade, colonnade, second floor balcony, marquee, or awning.



Example



Boulevard building

(Ord. No. 97-9, § 518.6(l), 10-8-97)

Sec. 15.5-42. 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.

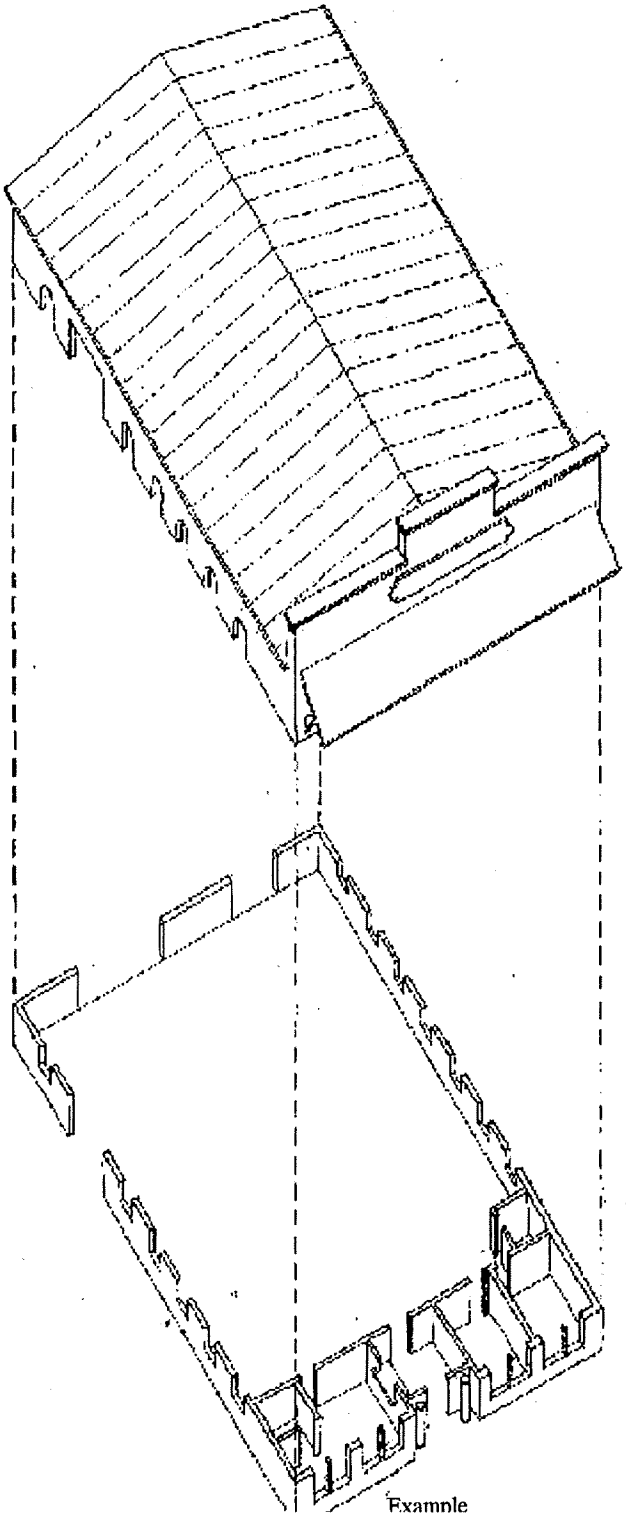
Building placement:	
Lot widths	50 foot minimum 200 foot maximum

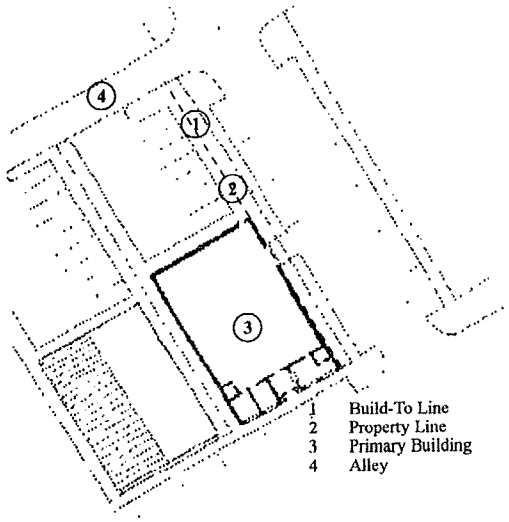
Build-to line locations	Corner lots: 0—5 feet from front property line 0—5 feet from side street property line
	Interior lots: 0—5 feet from front property line
Side setback	0—5 feet for primary structure 0 feet for accessory structure
Building frontage	50—100 percent of lot frontage
Building coverage	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.





Industrial and workshop building

(Ord. No. 97-9, § 518.6(m), 10-8-97)

Sec. 15.5-43. Civic buildings.

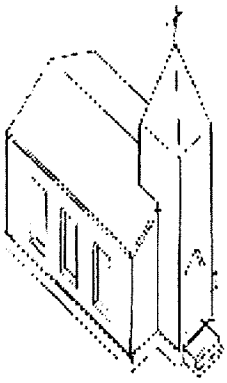
Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, daycare centers, recreation facilities, and places of assembly.

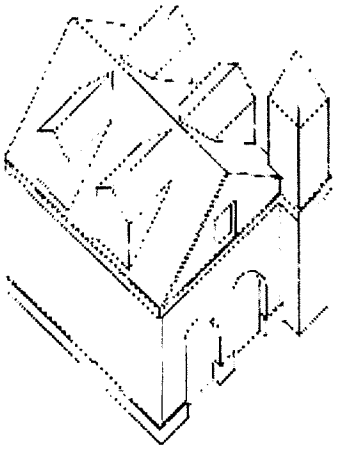
Building placement:	
Lot widths	Negotiated
Build-to line locations	Negotiated
Side setback	Negotiated
Building frontage	Negotiated
Building coverage	75 percent maximum
Height:	
Maximum height	58 feet above grade

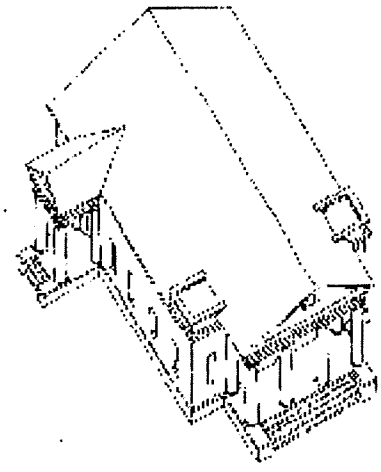
Note:

(1) Appurtenances may extend beyond the height limit

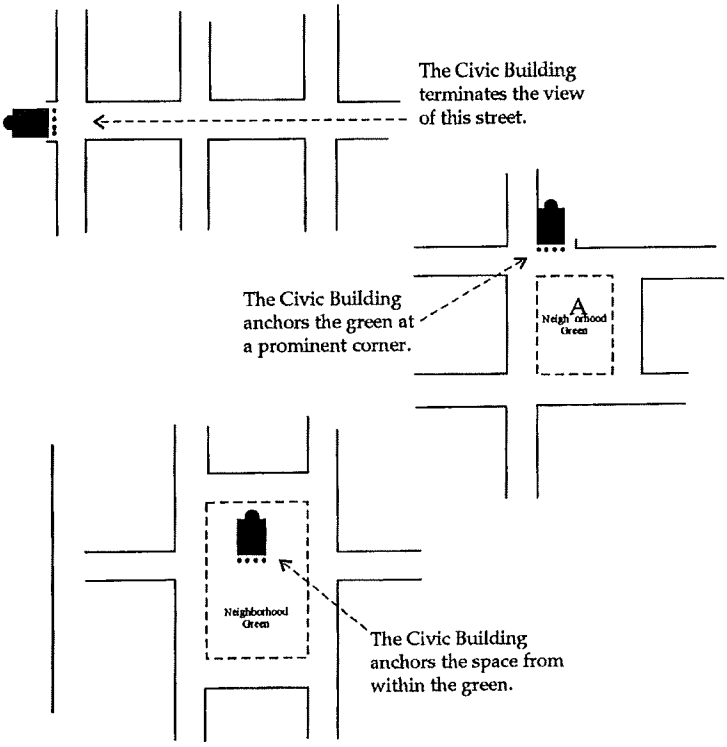
(2) Building placement requirements for civic buildings shall be established by the supervising planner at the time of application. Civic buildings should be sited in locations of particular geometric importance, such as anchoring a major public space or green, or terminating a street vista.







Examples



Civic buildings

(Ord. No. 97-9, § 518.6(n), 10-8-97)

Sec. 15.5-44. Exceptional types.

Exceptional building types are those which require special design review board approval for location, site planning and building design. The design review board shall take additional guidance from P.A.S. report #452.

Exceptional types include:

(1) Gas stations;

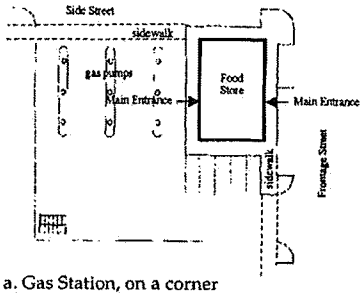
(2) Drive-through restaurants and banks;

(3) Convenience stores;

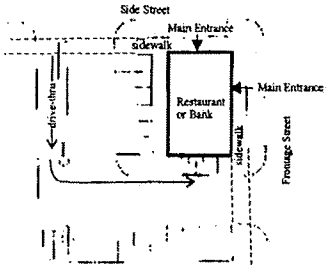
(4) Anchor stores (greater than twenty thousand (20,000) square feet);

(5) Parking structures;

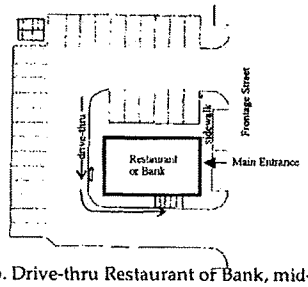
(6) Cinemas.



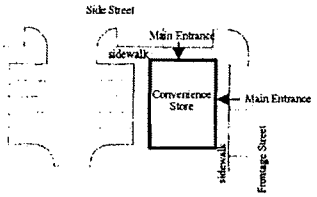
a. Gas Station, on a corner



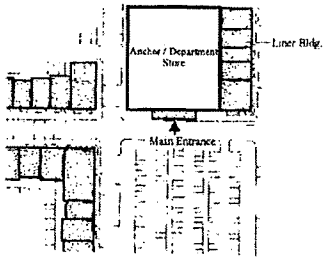
b. Drive-thru Restaurant or Bank, on a corner



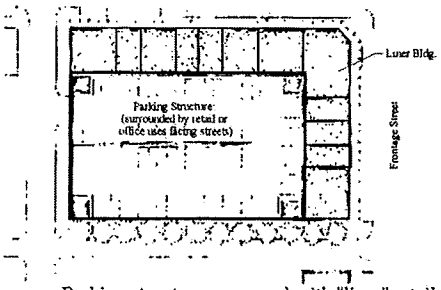
b. Drive-thru Restaurant or Bank, mid-block



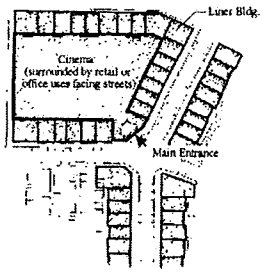
c. Convenience store, on a corner



d. Anchor store, larger than 20,000 sq. ft.



e. Parking structure, wrapped with "liner" retail and/or office uses along streets



f. Cinema

Exceptional types

(Ord. No. 97-9, § 518.6(o), 10-8-97; Ord. No. 05-34, 10-12-05)

Exhibit H
Chapter 17.5 Town of Port Royal Code of Ordinances
Supplement 15

Chapter 17.5

SUBDIVISION REGULATIONS

Art. I. General, §§ 17.5-1—17.5-30
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ARTICLE I. GENERAL

Sec. 17.5-1. Title.

This chapter shall be known as the "Subdivision Regulations of Port Royal, South Carolina". (Ord. No. 78-15, Art. I, § 1, 1-10-79)

Sec. 17.5-2. Authority.

This chapter is adopted pursuant to the authority granted under the General Statutes of South Carolina, 1962 Code of Laws (1968 Cumulative Supplement, Vol. 3, Chapter 7.1, Article 3, Section 14.350, otherwise known as Act 487, South Carolina Acts of 1967).
(Ord. No. 78-15, Art. I, § 2, 1-10-79)

Sec. 17.5-3. Purpose.

The purpose of this chapter is to provide for the orderly development of the town and its environs through the control and regulation of the subdivision of land and to protect and promote preservation of the unique natural environment that distinguishes this area.

The standards contained herein are intended to encourage economically sound and stable development; to assure the timely provision of required streets, utilities, and other facilities and services to new land developments; to assure the adequate provision of safe and convenient access and circulation, both vehicular and pedestrian, in and through new development; to assure the provision of needed open spaces in new land developments through the reservation of land for active and passive recreational purposes; to assure the coordination of and compatibility of new developments with the comprehensive plans of the county; to assure adequate design of new developments in order to prevent excessive maintenance costs for home owners, subdividers, and local governments, and to encourage developers to use designs which will enhance the overall appeal of the town.
(Ord. No. 78-15, Art. I, § 3, 1-10-79)

Sec. 17.5-4. Application of chapter.

No plat of the subdivision of land within the incorporated area of the town shall be filed with or recorded by the county register of mesne conveyances until such plat shall have been submitted to and approved by the county joint planning board according to the procedures set

forth in this chapter except as provided for in section 17.5-41(5), which allows a special exception of this, with conditions, for developers who are required to register their subdivision with the office of interstate land sales registration of the department of housing and urban development. 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 that has not been approved by the county joint planning board. No permit for construction of any building or other improvement in any subdivision established hereafter shall be issued which has not been approved by the county joint planning board and such notice of approval affixed to the plat.

All subdivision plats which have not been recorded with the register of mesne conveyances (office of the clerk of court) of the county, prior to the effective date of these regulations, shall be submitted to the planning board according to the submission requirements as follows:

(1) Subdivision plans begun prior to the effective date of these regulations in which it can be shown that significant design investment has been made by the developer shall be submitted to the planning board within sixty (60) days after the effective date of these regulations and shall be received as information only by the planning board and 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, masterplans, 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 by phases upon approval of the town prior to the sale or transfer of any or all lots with the register of mesne conveyance of the county.

All subdivision plans receiving such exemption shall be exempt as submitted only. Any significant deviation from the exempt masterplan, as determined by the planning board, shall void such exemption and the amended plan will be subject to the requirements of these regulations.

(2) All other subdivision plans not exempted as determined in (1) above shall be submitted according to the standard submission procedures outlined in article III of these regulations and subject to all requirements of these regulations.

(Ord. No. 78-15, Art. I, § 4, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-5. Jurisdiction.

The standards and provisions contained herein shall hereafter govern all land subdivision within the incorporated areas of the town as now or hereafter established.

(Ord. No. 78-15, Art. I, § 5, 1-10-79)

Sec. 17.5-6. Variances.

Whenever, in the opinion of the planning board, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the planning board may modify such requirements as are necessary so that the subdivider is allowed to develop his property in a reasonable manner, provided that the public interests of the community and its citizens are protected and the general intent and spirit of the regulations are preserved.

The planning board shall grant such a variance or modification only upon determination that:

(1) The variance will not be detrimental to the public health, safety, and general welfare of the community.

(2) The variance will not adversely affect the reasonable development of adjacent property.

(3) The variance is justified because of topographic, or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.

(4) The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan.

(5) Such variance will not conflict with the requirements of the town zoning ordinance.

(Ord. No. 78-15, Art. I, § 6, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-7. Amendments.

From time to time this chapter may be amended by the town council after receiving a recommendation from the joint municipal planning commission and 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 thirty (30) days prior to said hearing.

(Ord. No. 78-15, Art. I, § 7, 1-10-79; Ord. No. 10-4, 3-10-10)

Sec. 17.5-8. Violations and penalties.

Any person, firm or corporation who violates the provisions of this chapter, or the owner or agent of the owner of any land to be subdivided within the jurisdiction of this chapter 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 of such land before such plat has been approved by the planning board 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 not to exceed two hundred dollars ($200.00) or thirty (30) days imprisonment, or both at the discretion of the court, for each violation. Furthermore, any violation of the provisions of this chapter by any person, firm, corporation, owner or agents

of owners of any land to be subdivided within the jurisdiction of this chapter 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.
(Ord. No. 78-15, Art. I, § 8, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-9. 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.
(Ord. No. 78-15, Art. I, § 9, 1-10-79)

Sec. 17.5-10. Separability and validity.

Should any section, paragraph, clause, phrase, or provisions of this chapter be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part or provision thereof.
(Ord. No. 78-15, Art. I, § 10, 1-10-79)

Sec. 17.5-11. Repeal of conflicting ordinances.

All ordinances or parts of ordinances which are in conflict with this chapter, with the exception of the town zoning ordinance, are herewith repealed to the extent necessary to give this chapter full force and effect.
(Ord. No. 78-15, Art. I, § 11, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-12. Appeals from the decision of the planning board.

Any person who may have a substantial interest in any decision of the planning board may file with the circuit court a written appeal petition or a notice of appeal accompanied by a request for pre-litigation mediation. An appeal to the circuit court shall be filed within thirty (30) days after the notice of the decision.
(Ord. No. 78-15, Art. I, § 12, 1-10-79; Ord. No. 98-12, 6-3-98; Ord. No. 10-4, 3-10-10)

Sec. 17.5-13. Effective date.

This chapter shall be in effect and be enforced from and after the date of its adoption by the town council.
(Ord. No. 78-15, Art. I, § 13, 1-10-79)

Secs. 17.5-14—17.5-30. Reserved.

ARTICLE II. DEFINITIONS

Sec. 17.5-31. Interpretation of certain terms or words.

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. For the purpose of this chapter, certain words or terms used are herein defined as follows:

(1) The word "shall" is mandatory not directive.

(2) The word "may" is permissive.

(3) The word "lot" includes the words "plot" or "parcel".

(4) The word "structure" includes the word "building".

(5) The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

(6) The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

(7) The term "planning board" refers to the joint municipal planning commission.

(8) The term "town council" refers to the legally constituted and elected governing body of Port Royal.

(9) *Town engineer, designee:* A person designated by town council to serve as town engineer in the absence of a town 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) *Flood plain:* Also "flood prone area", means a land area adjoining a river, stream, ocean or water course which is likely to be flooded. The flood plain for the town is duly designated on officially adopted town flood plain maps available at the town hall.

(15) *Governing authority:* The town 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 flood plain maps:* A map or series of maps, officially adopted by the town council, delineating the flood prone areas and coastal high hazard areas of the town.

(21) *One hundred (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 type of land use comprising detached, some-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 joint municipal planning commission.

(24) *Plat:* A map or drawing of the subdivider's plan of subdivision.

(25) *Private street:* Any newly created street is a private street unless:

a. Its right-of-way has been dedicated to the state, the county or a county municipality; and

b. The appropriate public body has accepted the street for the purpose of maintaining it.

(26) *Street:* A dedicated public way or private way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley or any other public or private way.

(27) *Subdivider:* Any person, firm, corporation, or other legal entity subdividing land within the jurisdiction of this chapter.

(28) *Subdivision:* The division of a tract or parcel of land for the purpose of sale or transfer into four (4) or more lots or building sites and includes a re-subdivision.

(29) *Surveyor:* A registered land surveyor in good standing with the state board of engineering examiners.

(Ord. No. 78-15, Art. II, 1-10-79; Ord. No. 98-12, 6-3-98; Ord. No. 10-4, 3-10-10)

Secs. 17.5-32—17.5-40. Reserved.

ARTICLE III. PLAT SUBMISSION AND REVIEW PROCEDURES

Sec. 17.5-41. Plans exempted from standard procedure.

The following exceptions are exempted from the standard plat submission and review procedure:

(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 of land into four or more 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.

(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, is exempt from the standard submission and review procedures.

(5) The division of land into lot(s) which meets the town zoning ordinance in the zoning district in which the land exist.

(6) A transfer of title to land not involving the division of land into parcels.

(7) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

A written statement of the occurrence of such divisions as stated in (1), (2), (4) and (5) above shall be submitted by the owner of the property being divided to the planning board for information only.
(Ord. No. 78-15, Art. III, § 1, 1-10-79; Ord. No. 98-12, 6-3-98; Ord. No. 00-32, 10-11-00; Ord. No. 10-4, 3-10-10)

Sec. 17.5-42. General.

The following sections are an outline of the procedure for obtaining review and approval of the subdivision of land within the territorial jurisdiction of the town.

The review and approval procedure may consist of three separate steps. The first step is optional, steps 2 and 3 are mandatory.

Step 1: Review of optional sketch plan.

Step 2: Review and approval of preliminary plat.

Step 3: Review and approval of final plat.
(Ord. No. 78-15, Art. III, § 2, 1-10-79)

Sec. 17.5-43. Optional sketch plan review.

Although not required, prior to the preparation and filing of a preliminary plat the subdivider is encouraged to and may submit to the planning board a simple sketch plan of the proposed subdivision. The sketch plan may be a simple free hand drawing and should show the relationship of the proposed subdivision to the surrounding area and the general subdivision 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 planning board shall review the sketch plan and advise the subdivider, or authorize an agent of the planning board 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.
(Ord. No. 78-15, Art. III, § 3, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-44. Preliminary plat review.

(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 planning board at least fourteen (14) days prior to a regularly scheduled meeting date of the planning board. A conference between the subdivider and the planning board will be held in order that the commission might advise the subdivider of the extent to which the proposed subdivision 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 commission members, its staff and necessary agencies involved in the review process.

(b) *Fees.* There will be no filing fees.

(c) *Planning board procedure.* Following submission of a preliminary plat meeting the plat requirements as stated in section 17.5-44(e), the planning board may, at the request of the subdivider, forward relative data to the various local, state, and federal agencies for which review is required. The planning board shall notify the subdivider of any conferences requested by any of these affected agencies which should be held prior to the planning board acting on the preliminary plat. However, it shall be the responsibility of the subdivider to obtain all necessary permits or approvals for such agencies.

The planning board shall act on a preliminary plat within twenty (20) days after the next regular commission meeting following submission unless required conferences between the subdivider and other review agencies are not completed within the time frame and the planning board duly notified of the remarks of the affected agency.

Upon approval of the preliminary plat, the planning board shall indicate in writing:

(1) The conditions of such approval, if any;

(2) Certification on the plat by the director of the planning board; and

(3) The date on which the planning board granted approval; or if disapproving, shall express in writing reasons for disapproval. The action of the planning board shall be recorded in the minutes of the commission meeting and the subdivider shall be duly notified. Failure by the planning board to act on the preliminary plat within the time frame specified shall result in automatic approval of the preliminary plan.

Approval of the preliminary plan by the planning board authorizes the subdivider to proceed with the installation of improvements such as streets, drainage system, water and sewer system, utilities, recreation areas and any amenities. Approval of a preliminary plat or plan shall not constitute approval of the final subdivision plat and shall not authorize the sale and other transfer of lots.

(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 planning board of such official plans prior to or within fourteen (14) days after the presentation of the preliminary subdivision plan to the planning board for approval, the subdivider shall reserve the proposed site or right-of-way for a period of not more than sixty (60) days from the date of approval of the preliminary plan in order to afford the agency involved the opportunity to act on the site or right-of-way as provided for a Chapter 7.1, Article 3, Subdivision IV, S.C. Code of Laws, 1968 Cumulative Supplement. Such reservation would be stated as a condition of preliminary approval by the planning board.

(e) *Preliminary plat requirements.* In order for the planning board to properly review the preliminary plat, the following information shall be submitted unless the planning board determines and notifies the subdivider that certain information is not necessary.

(1) Name and address of owner of record.

(2) Proposed name of subdivision, date, north point, and graphic scale.

(3) Name and seal of registered surveyor.

(4) Vicinity map showing location of proposed subdivision.

(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 storm water drainage system.

(12) Existing and proposed covenants.

(13) Proposed time schedule of development if to be done in stages.

(14) Designated zoning classification of the property.

(Ord. No. 78-15, Art. III, § 4, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-45. 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 office of the county joint planning board 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 at least fourteen (14) days prior to a regularly scheduled meeting of the planning board. The number of prints required may vary at the discretion of the planning board.

b. The plat shall be reviewed by the planning board for conformance with the approved preliminary plat and with the requirements of these regulations.

The planning board may, at the request of the subdivider, 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 town engineer designee for review and approval of the proposed drainage plan. The planning board 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 requested conferences with the subdivider by the health department, town engineer or other affected agency. However, it shall be the responsibility of the subdivider to obtain all necessary permits or approval from such agencies.

If the planning board fails to act on the final plat within the time period specified above, other than for the reason that approval of water, sewer, or drainage systems has been delayed, it shall be deemed to have approved the final plat.

The planning board shall submit a report to the town 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 planning board shall not be deemed to constitute or effect an acceptance by the town, 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 street, rights-of-way, public parks and other public lands, the town council shall

determine the acceptance or non-acceptance of the dedications. If accepted by the town 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 reproducibles 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 town 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 town engineer, designee.
6. One (1) print shall be retained by the county joint planning board.

e. The approved final plat shall be recorded with the register of deeds within six (6) months after final approval by the planning board. Should the six (6) months time period expire before recording, the plat must be resubmitted to the planning board for reprocessing. It shall be unlawful to sell or transfer property (lots) within the approved subdivision until after the approved final plat is recorded with the register of mesne conveyances.

(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, 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 (1/100) 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 (1/100) 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, water courses, 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, 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, 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 as provided for in section 17.5-67.
8. No subdivision or land development plat, portion, or phase thereof shall be accepted for filing by the register of mesne conveyances office until it has been signed by the town. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted the appropriate performance bond(s), letter-of-credit, or other financial security acceptable to the town, as stipulated in section 17.5-85 (guarantees), and a letter of approval from town council has been issued. This plat, marked as "Final Plat with Security Bond," will be recorded in the Beaufort County register of mesne conveyances office upon the approval of the bond by the town.

(Ord. No. 78-15, Art. III, § 5, 1-10-79; Ord. No. 98-12, 6-3-98; Ord. No. 09-11, 11-4-09)

Secs. 17.5-46—17.5-60. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 17.5-61. General provisions.

The design standards contained herein shall be considered minimum standards and subject to the provisions of section 17.5-6.

(Ord. No. 78-15, Art. IV, § 1, 1-10-79)

Sec. 17.5-62. Streets.

(a) *Layout and alignment.*

(1) While it is the intent of this section to provide ample flexibility in the layout of streets in subdivisions, and most design standards are not specifically required herein, the planning board will review the street system as to its design, safety, and convenience of users as well as adjacent property owners; provided, such review shall be conducted in accordance with reasonable standards and with generally accepted engineering and development practices. Emphasis shall be placed on safety at curves and intersections.

To this end, the following criteria shall apply to the subdivision of land within the designated flood hazard areas of the town:

(1) Plats of subdivisions 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 one hundred (100) year flood elevation shown on official town flood plain maps.

(2) Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the extent possible that:

a. Water supply systems will be constructed to preclude infiltration by flood waters;

b. Waste water disposal systems, including septic tanks will be constructed to preclude infiltration by flood waters;

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 shall be placed in the deeds to all lots of a subdivision 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) on that lot lying within a flood hazard area, shall have a minimum first floor elevation the level of the one hundred (100) year flood or above as designated on official town flood plain maps.

b. All other requirements of the town 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 percent (1%) 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 Town of Port Royal 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."

(Ord. No. 78-15, Art. IV, § 8, 1-10-79)

Sec. 17.5-69. 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.

(Ord. No. 78-15, Art. IV, § 9, 1-10-79)

Sec. 17.5-70. Traffic impact analysis.

(a) *Traffic impact analysis required.*

(1) Except as outlined below, a traffic impact analysis (TIA) shall be required for any development that would generate more than fifty (50) trips during the peak hour of the adjacent street. A second phase, second subdivision, or addition that takes a property over the trip limitation when taken as a whole shall also require a TIA even though that development does not qualify on its own. The town staff shall determine whether a TIA is complete. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan. A use shall not be changed to another use permitted in the district without conducting a new TIA, if required.

(2) Development on lots in the downtown districts defined as south of Ribaut Road, bounded by Richmond Avenue on the east and The Battery Creek on the west extending all the way south on the peninsula to and including the Port Redevelopment Property as well as "The Sands," shall not be subject to the requirements of this section.

(b) *Traffic impact analysis plan preparation.*

(1) The TIA shall be conducted by an engineer registered in the state that is experienced in the conduct of traffic analysis, and approved by the town's reviewing staff.

(2) Prior to beginning the traffic impact analysis plan, the applicant shall supply the town with the following:

a. A written narrative describing the proposed land use(s), size and projected opening date of the project and all subsequent phases;

b. A site location map showing surrounding development within one-half (½) mile of the property under development consideration; and

c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.

(3) Town reviewing staff will rely upon the most current edition ITE trip generation manual or any alternative acceptable to the engineering department, and available information on land use, travel patterns and traffic conditions, and after consulting with the SCDOT will supply in writing to the applicant and/or his engineer the parameters to be followed in the study including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any associated turning movement counts which are available or discussed and approved by the reviewing staff.

(c) *Plan content.*

(1) All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact

analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.

(2) The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made. The relative share of the capacity created shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.

(3) Residential development, residential care facilities, hospitals, hotels and resort-oriented developments shall submit an emergency evacuation analysis (EEA), as part of the TIA. The EEA shall indicate how the proposed development utilizes the county's prescribed evacuation routes, as shown in the Beaufort County Comprehensive Plan. The transportation planner or traffic engineer preparing the report shall indicate the effect of the proposed development upon existing evacuation times for that portion of the county. The EEA shall be reviewed by the Beaufort County Director of Public Safety prior to submittal as part of the TIA.

(4) The following elements shall be included in a traffic impact analysis plan:

a. A site plan or subdivision plat identifying accesses to and from existing or proposed streets and intersections.

b. Description of the proposed development, including the type of proposed land use, the number of residential units by type, the number of existing and proposed lots, the type of proposed nonresidential development and the amount of such development measured by gross floor area or other appropriate unit of measurement, the general size and type of accessory development or facilities, and, for nonresidential development, adequate information to identify the appropriate land use category for trip generation. The traffic impact analysis plan will be projected to a date mutually agreed upon by the applicant and staff.

c. Projected vehicular trips to and from the completed development during a.m. and p.m. peak hour. Trip rates shall be taken from ITE manual, provided, however an applicant may elect to perform, at his own expense, a trip generation study which may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the town reviewing staff. For proposed uses not specifically listed in the ITE manual, and for which a trip generation study has not been performed, the town engineer, in consultation with the traffic engineer, shall determine the most appropriate trip generation rate. The town reviewing staff shall make the determination of the appropriate trip generation rate, from whatever the source. The percentage of pass-by trips, if used in the plan, shall be included, as well as the source of the percentage of pass-by trip information.

d. A written narrative setting forth the assumptions upon which any projection, made in developing the traffic impact analysis plan, shall be included in the

analysis. If the assumptions are derived from the ITE manual, the materials shall be referenced and properly cited. If the assumptions are not from the ITE manual, appropriate excerpts from other reliable transportation planning resources shall be included in the study and reasons underlying the assumptions shall be stated in the narrative.

e. The TIA shall review access to the site. The adequacy of the entrance design shall be evaluated and recommendations made of acceleration and deceleration lanes, left turn lanes, or signalizations shall be part of the TIA.

f. The TIA shall review the number and types of curb cuts that are permitted. In particular, the TIA shall assess the connection of the property to adjoining properties. Where the use, scale of development, or size of adjoining properties is such that trips would be anticipated between the proposed use and the other properties the TIA shall make recommendation on interconnections. The TIA shall recommend interconnections to provide a smooth flow of traffic between uses along arterials and collector roads to ensure that as much traffic as possible uses secondary roads rather than major roads for short trips.

g. The traffic impact analysis shall be based on intersection analysis procedures for signalized intersections as identified in the most current edition of the transportation research board's highway capacity manual and/or the last update that analyzes and emulates these procedures by means of computer software if available. The results of any required analysis/computer analysis shall, at a minimum, indicate compliance or variance from the traffic goals in subsection (j). The traffic impact analysis plan will be projected to a date mutually agreed upon by the applicant and staff.

h. The intersections that must be analyzed in the study are identified to be as follows:

1. Any intersection that serves as a development's point of access. This will include intersections of public and/or private roads with major arterials, and driveways offering direct access.

2. The first major intersection as identified by the town's designated traffic engineer on both sides of the development's point of access.

3. Other intersections on major arterials if development generates more than fifty (50) a.m. or p.m. peak hour trips to that intersection or when in the opinion of the TRC there is a potential for a significant impact to the intersection's level of service from site related traffic, or intersection demand critical.

4. Unsignalized intersections and access drives shall be considered if development impacts are anticipated. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in the concept plan. The analysis shall reflect the

projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development if they can be reasonably determined shall be considered as well.

(d) *Mitigation plan required.* If the initial analysis indicates that the town's adopted traffic service level goals will be exceeded, a mitigation plan must be prepared based on additional analysis. The mitigation plan must show how the town's service level goals are addressed as mitigated. Applicants will be responsible to mitigate the traffic impacts at any intersection effected by a proposed development.

(1) If a traffic signal is recommended, the analysis shall provide information that does the following:

a. Clearly indicates the need for a traffic signal.

b. Assesses the ability of other existing or planned or proposed public roads to accommodate the new traffic at a location other than the main highway in the vicinity of the proposed development.

c. Describes in detail how a specific development will affect the study area transportation system.

d. Provides documentation of appropriate South Carolina Manual of Uniform Traffic Control Devices (SCMUTCD) signal warrant satisfaction.

e. Gives design geometry of the private road that is consistent with that of public road intersections including curbs, appropriate lane widths, pavement markings and vertical alignment. Other roadway factors to be considered include, but are not limited to, speed, type of highway, grades, sight distance, existing level of service, conflicting accesses, and the effect of future traffic signal systems.

f. Provides an approach throat length for the road to guarantee the movement of vehicles entering the site will not be impeded by on-site conditions, and insure that all signal spacing requirements are adequately met.

(2) A traffic signal progression analysis is required if the proposed location is closer than the SCDOT standards given the presence of existing signals or the possible existence of future signals proposed as part of a highway signal system.

(3) The desirable spacing of signalized intersections on principal arterials is the SCDOT, county, or town standards. The town's reviewing staff may recommend to SCDOT the installation of a traffic signal at locations where using SCDOT standards spacing is inappropriate due to: topography, existing or proposed road layout; documented accident history; unique physical constraints; existing or proposed land use patterns; or requirements to achieve specific objectives for highway segment designations as shown in any locally adopted land use or transportation plan or approved town or county transportation plan or approved transportation policy.

(4) Signal spacing concerns may be ameliorated in the following ways:

a. A proposed private road that may otherwise be considered for the installation of a traffic signal may be replaced by an onsite route or a frontage road that directs traffic to or from a nearby public road;

b. A private road that is being considered for traffic signal installation may be required to connect to the existing or planned local road system to allow uses of surrounding properties;

c. An existing or proposed intersection may be relocated; or

d. A shared private road may be required to serve the needs of the multiple properties.

(5) A traffic signal progression analysis for all new, revised or planned traffic signal systems on state highways shall be performed using methods, models, computer software, data sources, roadway segment length, and assumptions approved by the town's reviewing staff. The roadway segment, analyzed to the extent possible, shall include all traffic signals in the existing or future traffic signal system. The progression analysis shall:

a. Demonstrate acceptable existing and future traffic signal systems operation that may include the morning peak, evening peak, midday period, and other appropriate time period during any day of the week adjusted for peak season, for cycle lengths and travel speeds approved by the town's reviewing staff;

b. Provide for a progressed traffic band speed no more than five (5) mph (eight (8) km/h) below the existing posted speed for both directions of travel during the off-peak periods, nor more than ten (10) mph (sixteen (16) km/h) below the existing posted speed during peak periods. Approval by the town's reviewing staff is required where speeds deviate more than the above;

c. Demonstrate sufficient vehicle storage is available at all locations within the traffic signal system without encroaching on the functional boundaries of adjacent lanes and signalized intersections. The functional boundary of an intersection shall be determined in discussion with the town's reviewing staff based on existing or projected conditions;

d. Provide a common cycle length with adequate pedestrian crossing times at all signalized intersections; and

e. Provide a progression bandwidth as large as that required, or as presently existing, for through traffic on the federal or state highway at the most critical intersection within the roadway segment. The most critical intersection is the intersection carrying the highest through volume per lane on the federal or state highway.

(6) The traffic signal progression analysis shall be supplemented by a traffic engineering report that also considers highway capacity and safety of the roadway segment under consideration. Traffic volumes, intersection geometry and lane balance considered at

all locations shall be appropriate for the present and future conditions. Present and future conditions are usually considered to include the year of completion, and five (5) years into the future.

(7) A clear and concise summary of recommended improvements that can serve as an executive summary is required.

(e) *Traffic impact analysis plan review.* The town's reviewing staff shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.

(f) *Application.* A traffic impact analysis plan shall be submitted to the town's reviewing staff. Coordination with other entities in the county government or South Carolina Department of Transportation (SCDOT) shall be the responsibility of the town.

(g) *Action on traffic impact analysis plan.* The town's reviewing staff must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, reviewing staff shall recommend action as follows:

(1) Approval of the traffic impact analysis as submitted;

(2) Approval of the traffic impact analysis plan with conditions or modifications as part of the development review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county-programmed transportation improvements; applicant provided transportation improvements; fees in lieu of construction, or any other reasonable measures to insure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from the town.

(h) *Timing of implementation.* If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area.

(i) *Responsibility for costs of improvements.* The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.

(j) *Traffic goals.* The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the town's adopted traffic service level goal of "D" for the average delay for all vehicles at any signalized intersection during the a.m. and p.m. peak hours.
(Ord. No. 10-4, 3-10-10)

Secs. 17.5-71—17.5-80. Reserved.

ARTICLE V. IMPROVEMENTS

Sec. 17.5-81. Required improvements.

(a) *Water systems.* Water supply systems shall be installed according to plans approved by the state department of health and environmental control and the town and subject to specifications set forth by those agencies. Where applicable, water supply systems will meet the requirements of section 17.5-66, of this chapter.

(b) *Sewage disposal system.* The sanitary waste disposal systems shall be installed according to plans approved by the state department of health and environmental control and the town and subject to specifications set forth by those agencies. Where applicable, sewage disposal systems will meet the requirements of section 17.5-66, of this chapter.

(c) *Drainage system.* A drainage system shall be designed and constructed by the subdivision consistent with the design principles and standards contained in section 17.5-67, of this chapter and adequate to provide proper drainage of the surface water of the subdivision and the drainage area of which it is a part. Drainage systems shall be installed according to plans approved by the town engineer designee and subject to the specifications set forth by the agency.

(d) *Streets.* A street system shall be designed and constructed consistent with the design standards contained in section 17.5-62 of this chapter.

All public streets shall have shoulders, side slopes ditches, and pavement prepared in conformance with the latest edition of the Standard Specifications for Highway Construction, state highway department. All private streets shall conform to section 17.5-62 contained herein.

(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 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, off-set 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 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 other permanent marker of the type commonly used in the area.

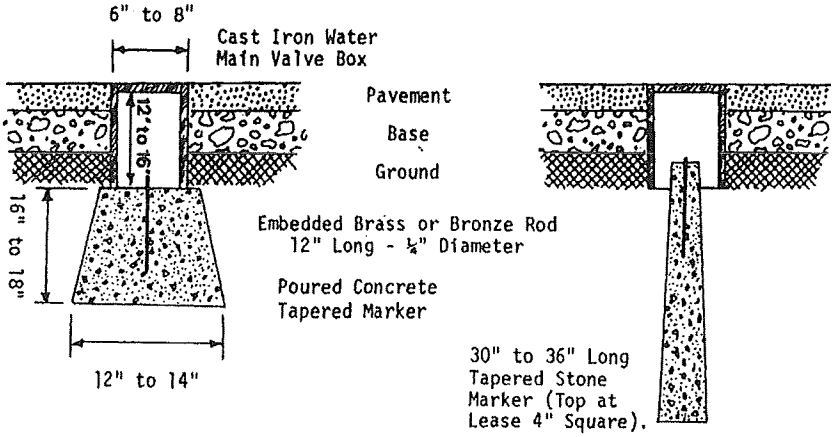
(f) *Other utilities.*

(1) All other utilities such as electrical, telephone and gas service, in the proposed subdivision, shall be installed according to the plans and installation schedule properly reviewed and approved by the respective utility companies.

(2) All subdivision utilities in the town 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.

(g) *Open space/recreation areas.* Open space not required.

DESIGN GUIDE FOR CONTROL MONUMENTS
(Reference Article VI. Section 1-6, pg. 39)



Design guide for control monuments

(Ord. No. 78-15, Art. V, § 1, 1-10-79; Ord. No. 98-11, 3-18-98; Ord. No. 98-12, 6-3-98)

Sec. 17.5-82. Installation of required improvements.

Installation of required improvements may not begin until after preliminary plat approval is given by the planning board. Installation shall be made according to the approved design on the preliminary plat.
(Ord. No. 78-15, Art. V, § 2, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-83. 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 planning board, 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.
(Ord. No. 78-15, Art. V, § 3, 1-10-79; Ord. No. 98-12, 6-3-98)

Sec. 17.5-84. Maintenance of improvements.

The town council shall maintain only those improvements offered by public dedication and accepted for public maintenance by the town.

For those improvements where public dedication and public acceptance for maintenance has not been made, the subdivider shall maintain the required improvements or provide satisfactory guarantee to the town council of the maintenance of required improvements as stated in section 17.5-85.
(Ord. No. 78-15, Art. V, § 4, 1-10-79)

Sec. 17.5-85. Guarantees.

To assure the complete installation and maintenance of required improvements, prior to final plat approval, an applicant/developer who wishes to acquire building permits, construct any infrastructure of any type or sell lots before final plat approval may do so through bonding, an irrevocable letter-of-credit and agreement, or other financial security acceptable to the town. The developer shall provide the town with an itemized estimate of all necessary improvements in the subdivision as may be needed (i.e. roads, drainage, water, sewer, etc.). If a portion of the improvements have been installed and accepted and/or approved by the town or other governmental agency having authority over that infrastructure component (i.e. water and sewer), the itemized estimate will be for the improvements from that point to completion of the subdivision. Once the estimates have been approved by the town, the developer will then present the town with a bond, surety or other acceptable means of credit for the total of the improvements plus twenty-five (25) percent in a form acceptable to the town. The town will allow separate bonds to be issued to cover specific infrastructure components for water and sewer and/or for other infrastructure that may be operated and maintained by another governmental entity other than the town. However, the total of all bonds posted must total, at a minimum, one hundred twenty-five (125) percent of the total cost of all infrastructure required to complete the intended improvements.

Prior to issuance of a building or construction permit by the town for the construction of any infrastructure of any type within the property or development, a bond or legal surety, acceptable to the town, guaranteeing the completed installation of all required public and infrastructure improvements to the development and other such improvements shown on the engineering drawings for the development or represented in the application [is required]. Such bonds or other surety shall be payable to the town and equal one hundred twenty-five (125) percent of a registered engineer estimate of construction costs or contractors' executed contracts for subdivision public and infrastructure improvements, whichever is greater. The applicant shall complete, in a manner acceptable to the town, all improvements including

required mechanisms guaranteeing perpetual ownership and maintenance, within twelve (12) months of the date of issuance of a building or construction permit(s) by the town. Failure to do so will constitute a violation of such permit(s) and terminate the right to continue development, and shall entitle the town to act on the posted bond, surety or other guarantee(s) and cause the public and infrastructure improvements to be completed by the town on behalf of the lot purchasers in the development. Extension to the 12-month time period afforded for completion of improvements may be granted one (1) time at the sole discretion of the town. Such requests must be submitted prior to the expiration date of such permit(s) and accompanied by:

(1) A detailed explanation of why the extension is necessary;

(2) Signed/dated agreement to the extension by all affected lot owners in the development to date;

(3) A detailed description of the amount of work completed, cost remaining for incomplete work and time frame for completion of work; all must be certified by a state professional registered engineer;

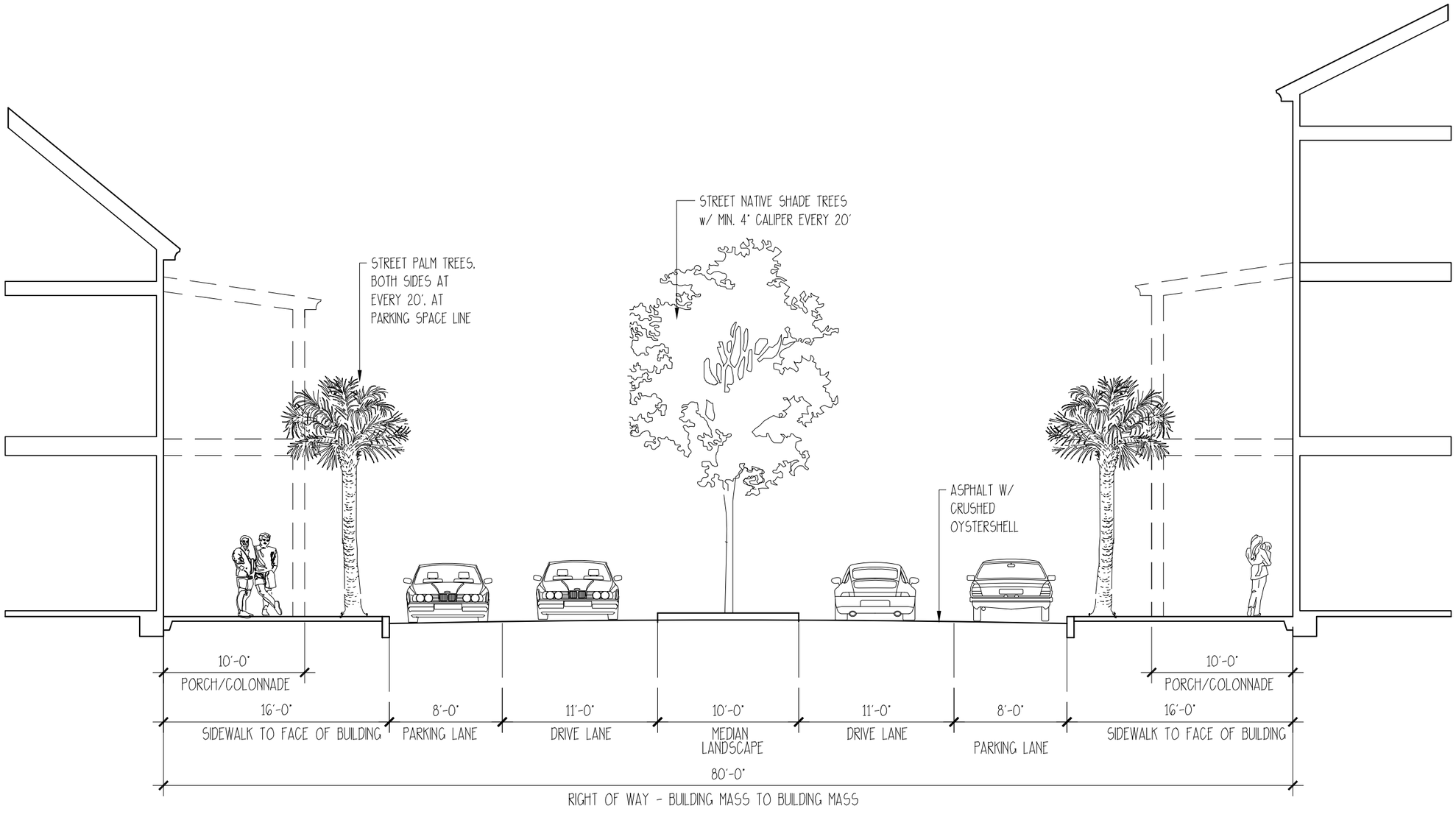
(4) Amended bond, or other such surety for incomplete work in an amount of one hundred twenty-five (125) percent of the cost of completion and of sufficient duration to secure the completion of the work.

The town is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. To assure the complete installation and maintenance of required improvements, prior to final plat approval, the town council may require a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the town the actual construction, installation and maintenance of such improvements with a period of time specified by the town and expressed in the bond. The town is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. The town may accept other means of securing the actual installation and/or maintenance of required improvements.
(Ord. No. 78-15, Art. V, § 5, 1-10-79; Ord. No. 09-11, 11-4-09; Ord. No. 10-4, 3-10-10)

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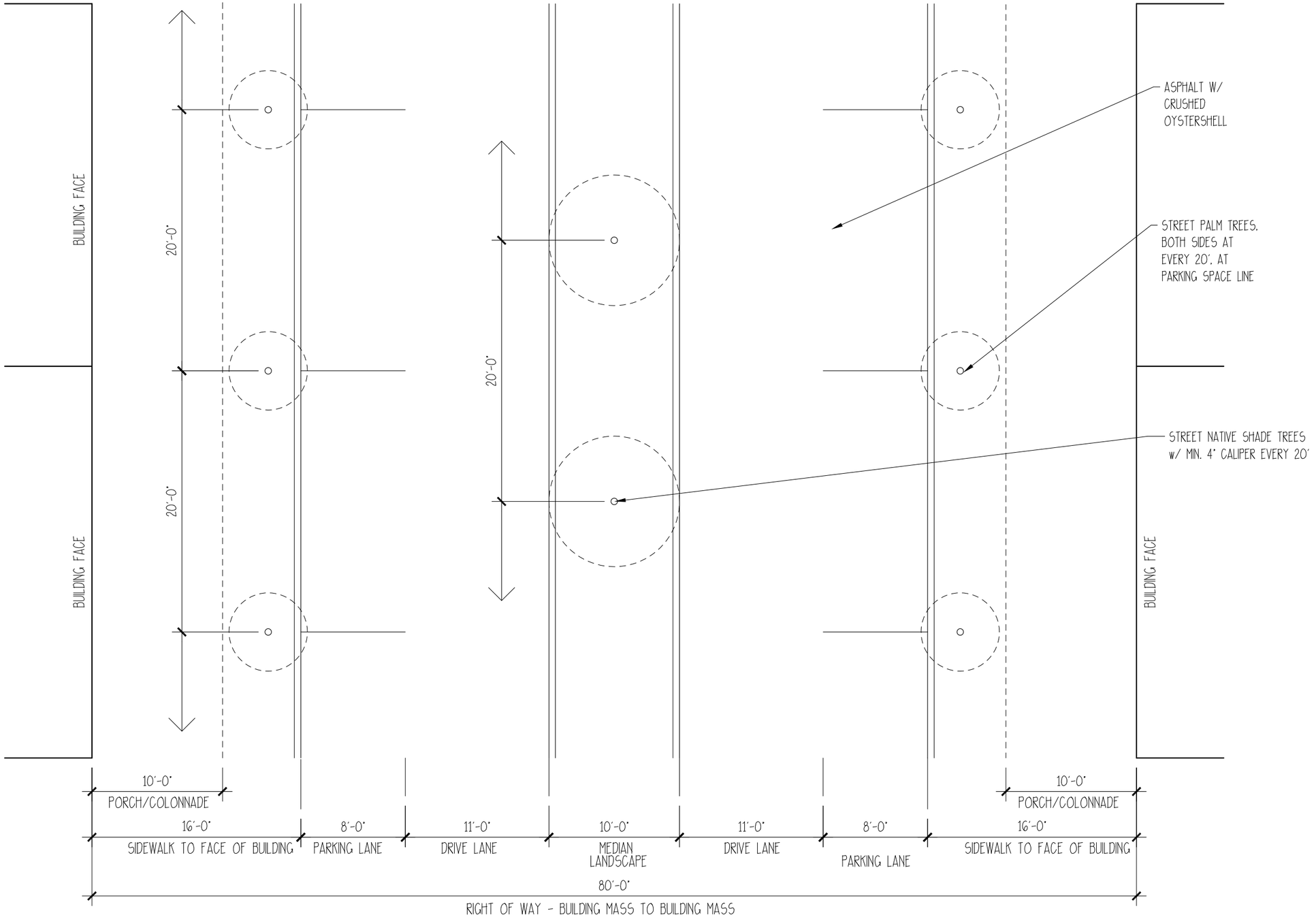
Exhibit I
Street and Pedestrian Waterfront Boardwalk/Promenade/Trail Sections

NOTE: SECTION IS TYPICAL ILLUSTRATIVE EXAMPLE. FOR ADDITIONAL EXAMPLES, REFERENCE SMARTCODE v9.2 AND COMPLETE STREETS MANUAL.



SAMPLE AVENUE SECTION

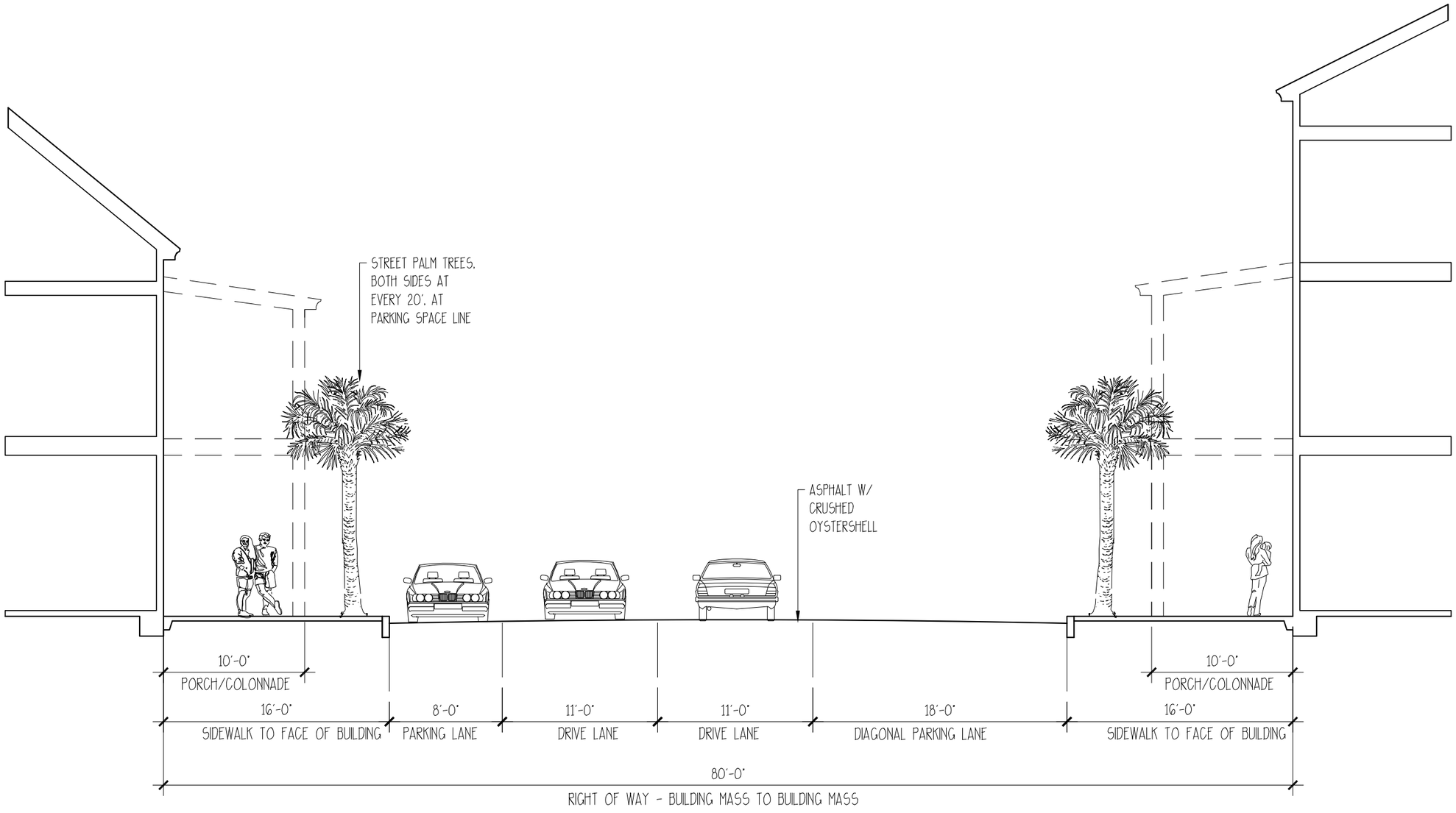
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SAMPLE AVENUE PLAN

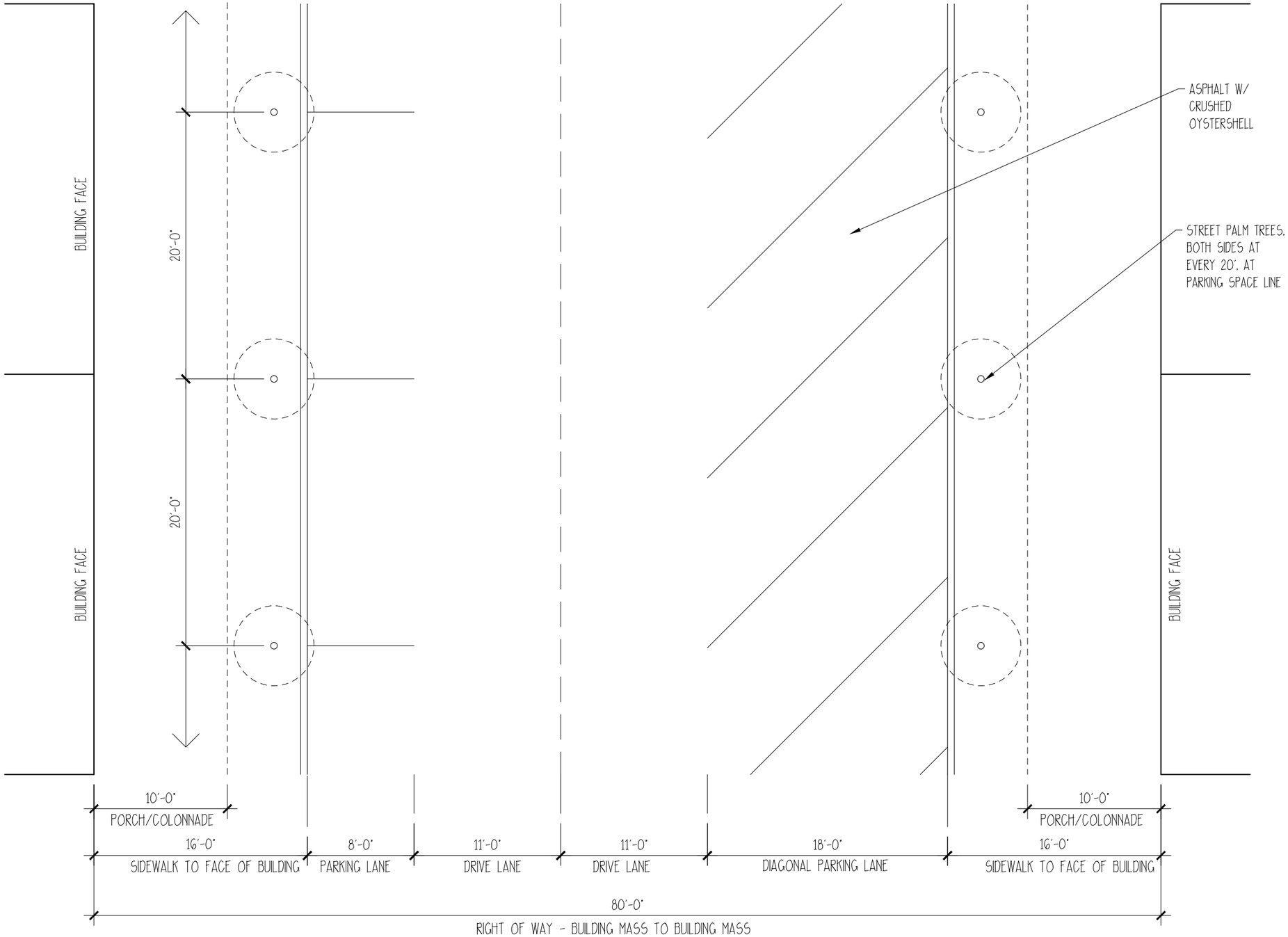
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NOTE: SECTION IS TYPICAL ILLUSTRATIVE EXAMPLE. FOR ADDITIONAL EXAMPLES, REFERENCE SMARTCODE v9.2 AND COMPLETE STREETS MANUAL.



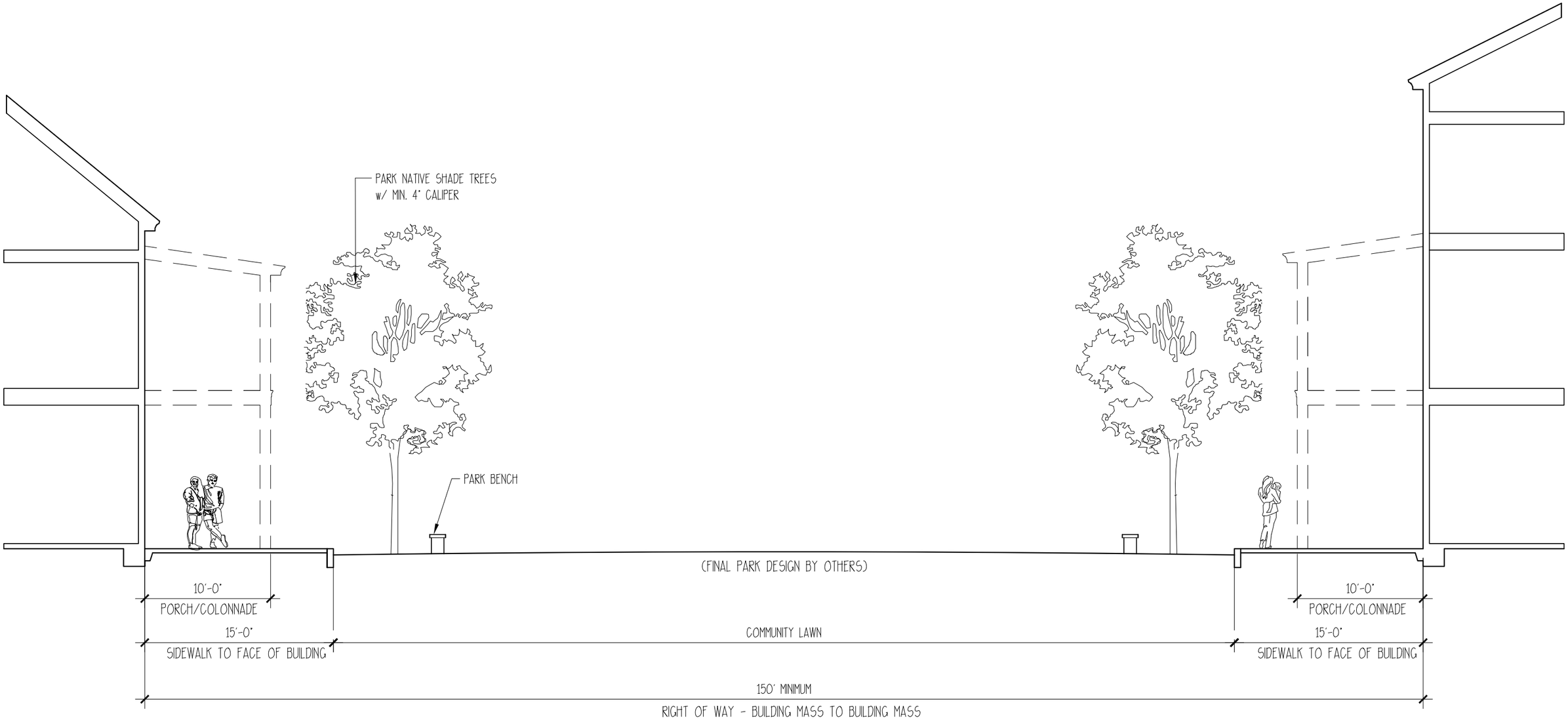
SAMPLE AVENUE SECTION

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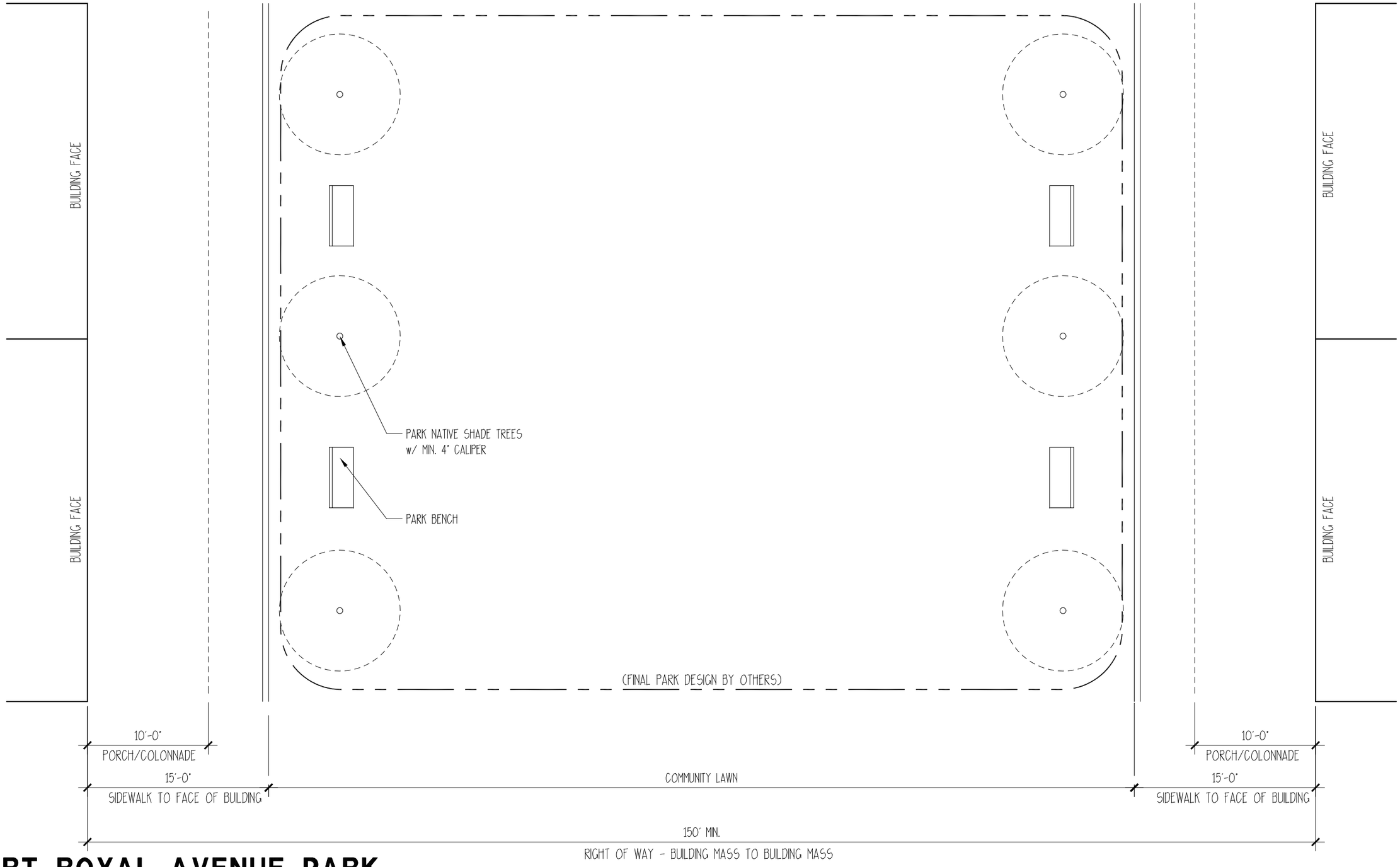
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PORT ROYAL AVENUE PARK

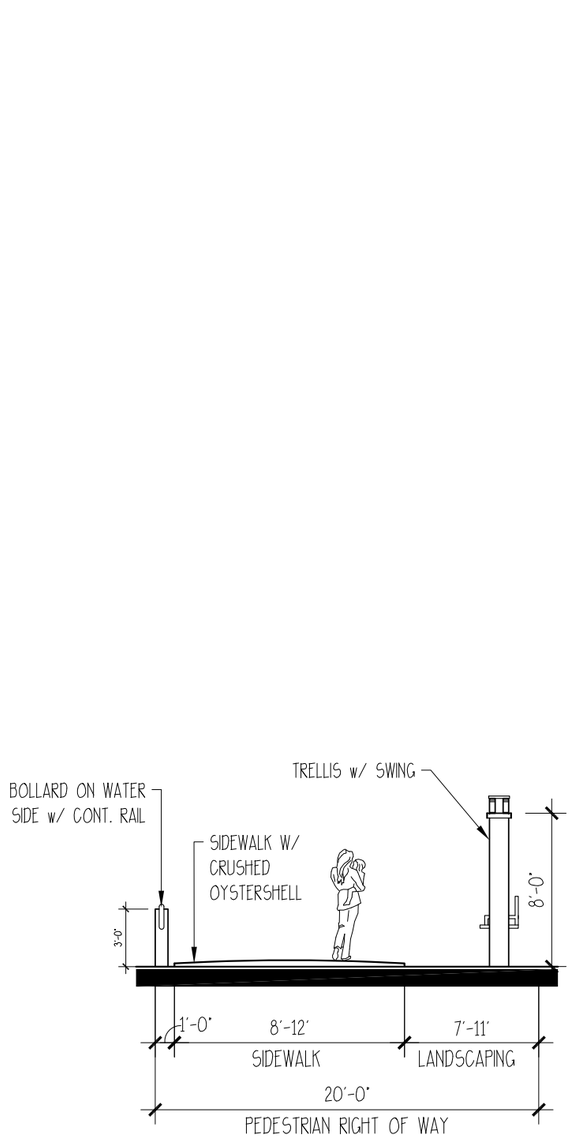
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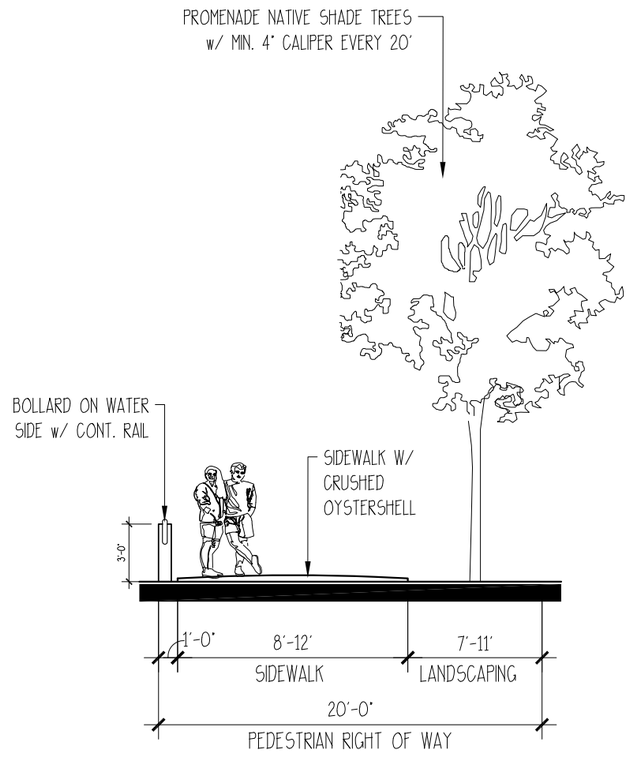


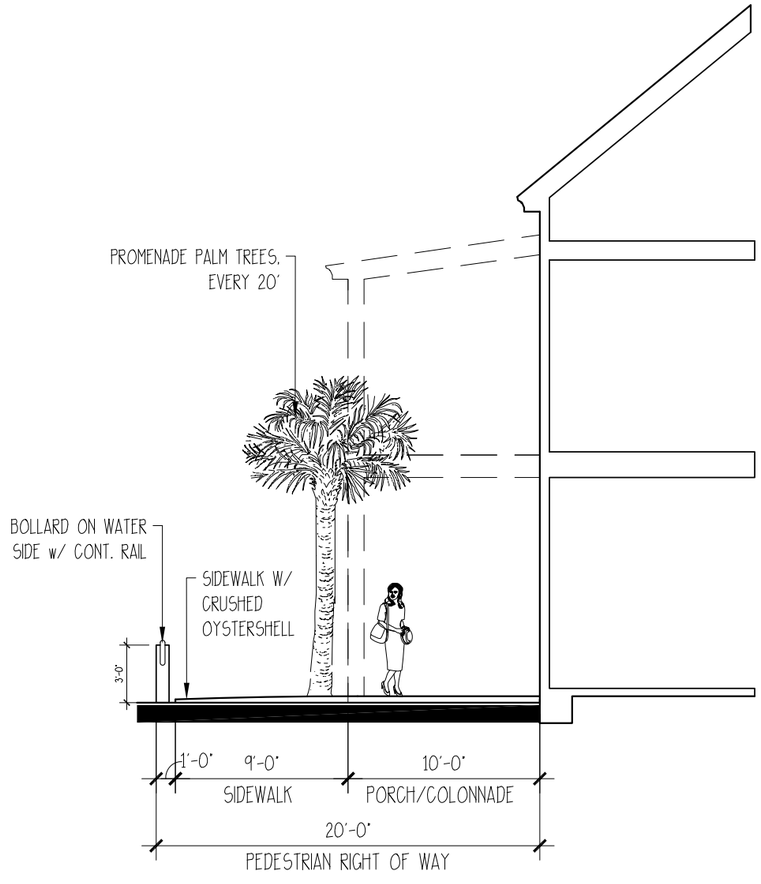
PORT ROYAL AVENUE PARK

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ALLOWABLE PEDESTRIAN SURFCES:
ASPHAULT w/ OYSTER FINISH
CONCRETE w/ OYSTER FINISH
CONCRETE w/ BRICK EDGING
WOOD DECKING BEYOND O.C.R.M.

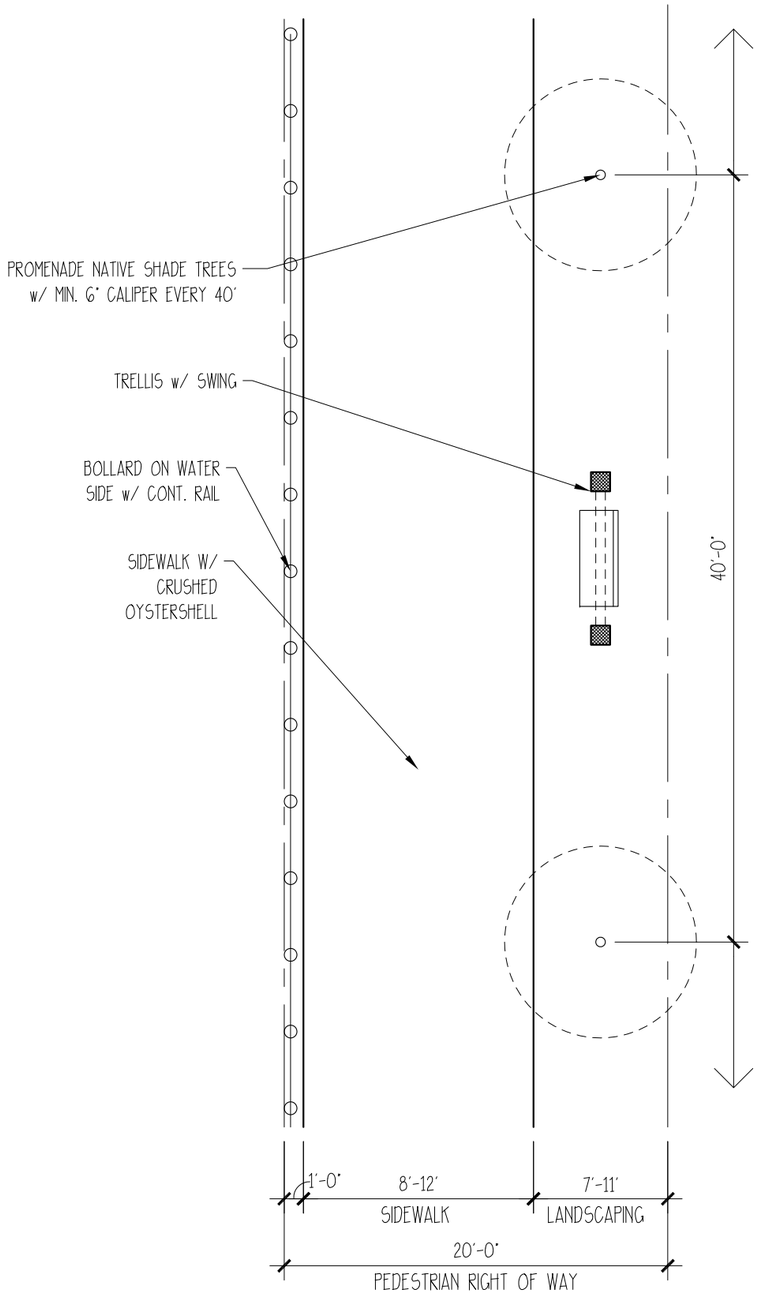


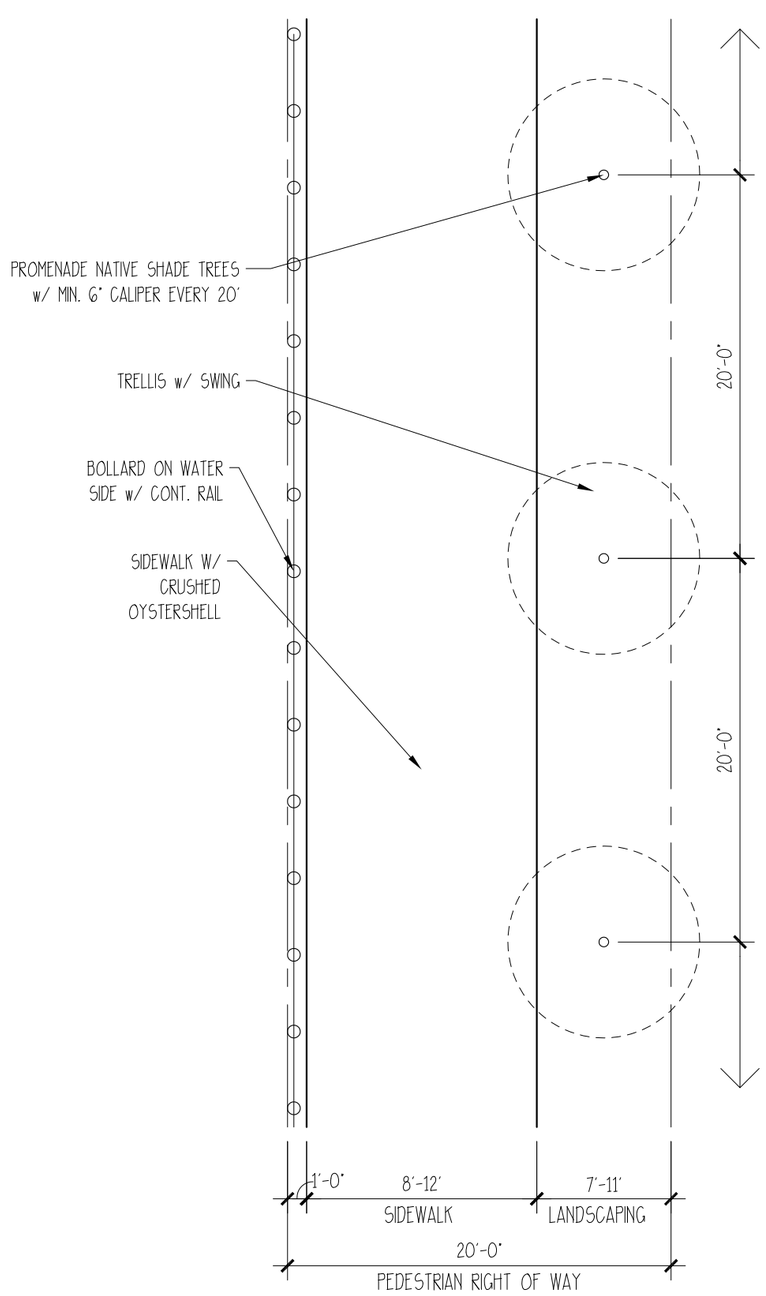


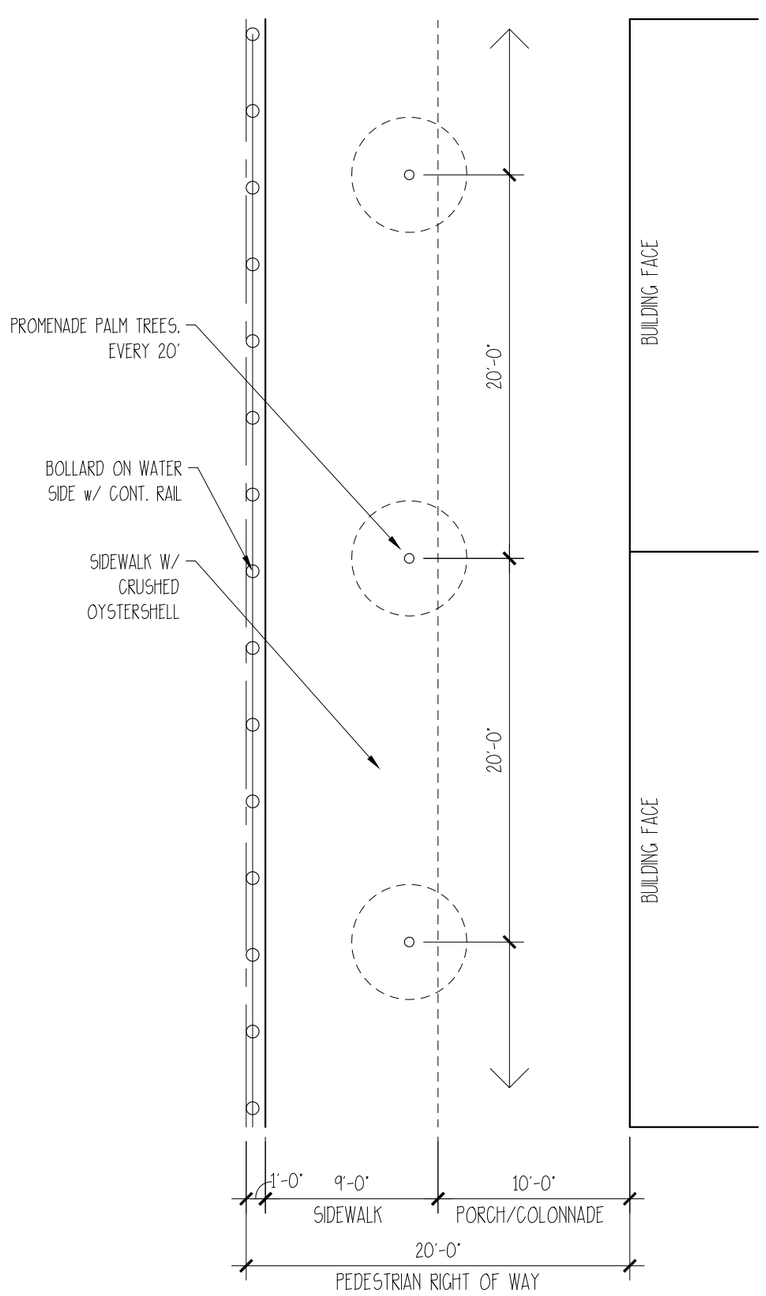


PEDESTRIAN PROMENADE (TYPICAL)

SCALE: NOT TO SCALE







PEDESTRIAN PROMENADE (TYPICAL)

SCALE: NOT TO SCALE

EXHIBIT F
TO DEVELOPMENT AGREEMENT

SEAFOOD FACILITY AND DOCK LICENSE

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

AGREEMENT

This AGREEMENT made and entered into this 24th day of October, 2007, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

WITNESSETH:

In consideration of the mutual covenants and agreements of the respective parties hereinafter set forth, the parties hereto, for themselves, their successors and assigns, do agree as follows:

1. License to use Premises:

SPA does grant a license to the Town and the Town does accept from the SPA, a license to use a portion of the property located in the Town of Port Royal, to include a dock, fuel tank, building no. 627 described as Processing/Cooler/Retail, access to the same from 11th Street and a parking area, all as is more fully described in Exhibit A, attached hereto and made a part hereof (Licensed Premises).

It is agreed that this Agreement creates a license and not a lease, and that no interest or estate in real property or the improvements located in or on the Licensed Premises is created by this Agreement.

IV) **The Licensed Premises are licensed in an "as is" condition, without warranty of any kind or nature.** Town has inspected the Licensed

Premises and acknowledges that they are suitable for Town's purposes and use under this Agreement, and accepts the Licensed Premises as is. Town shall be solely responsible for safety of users of the premises and personal property of users of the premises.

THE AUTHORITY DISCLAIMS EVERY WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, **WARRANTIES OF PERFORMANCE, OF MERCHANTABILITY, AND OF FITNESS FOR A PARTICULAR PURPOSE OR SUITABILITY OF THE PREMISES**.

2. Purpose for License:

The Licensed Premises shall be used by the Town only for allowing watercraft to moor, offload and distribute catches, and purchase ice and fuel,. No processing of seafood on the Licensed Premises is permitted; provided however, heading and sorting of shrimp shall be permitted as well as retail sales from the designated area shown on Exhibit A. The facility is to be used only for working shrimp boats, and not as a marina or mooring for idle boats or pleasure craft.

3. Term:

The term of the License shall commence on , 2007, and expire on January 15, 2008. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on 30 days' notice, if, in its discretion, such termination is necessary or useful to effectuate sale of the property pursuant to S.C. Code of Laws, 1976 as amended, § 54-3-700.

The term for the reimbursement agreement as set forth in Paragraph 10 (a) shall be ten (10) years from the expiration or earlier termination of the License.

4. Rent:

Rent payable by the Town for the License for use of the property shall be $1.00 for the Term.

5. Alterations, Repairs and Maintenance:

The Town, at its own expense, shall be solely responsible for alterations to the Licensed Premises required to adapt the Licensed Premises for it purpose; provided however, no structural alterations or modifications shall be made to the Licensed Premises without the express written consent of the SPA. At the end of the Term for the License, the Licensed Premises shall be returned to the SPA in the same condition as existed at the commencement of the Term, usual wear and tear excepted.

6. Insurance:

A. The Town shall purchase and maintain such insurance protecting the Town from the claims set forth below, which may arise out of or result from the Town's operations under the Agreement, whether such operations are performed by the Town or by any Town contractor or subcontractor, or anyone for whose acts any of them may be liable under contract or otherwise:

1. Claims under Workers' or Workmen's Compensation, and, if applicable to the work to be performed, United States Longshoremen's and Harbor Workers' Act, Jones Act, disability benefit and any other similar state or federal employee benefit act;

2. Claims for damages because of bodily injury, occupational sickness or

disease, or death of the Town's employees;

3. Claims for damages because of bodily injury, sickness or disease, or death of any person other than the Town's employees;

4. Claims for damages because of personal injury offenses, including false arrest, detention or imprisonment, malicious prosecution, wrongful entry into, or eviction of a person, from a room, dwelling or premises that the person occupies, oral or written publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services; or oral or written publication of material that violates a person's right of privacy;

5. Claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom, and loss of use to tangible property that is not physically injured;

6. Claims for damages because of bodily injury or death of persons or property damage arising out of the ownership, maintenance or use of any motor vehicle;

7. Claims under any employee liability insurance coverage for the protection of the Town's employees not otherwise protected;

8. Claims for damages because of advertising injury, including oral or written publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services, oral or written publication of material that violates a person's right of privacy, misappropriation of advertising ideas or style of doing business, or infringement of copyright, title or slogan; and

9. Claims for damages, because of bodily injury or death of persons or property damage, arising out of the ownership, maintenance or use of any watercraft, if any watercraft is utilized.

B. The insurance required by this Agreement shall be written for not less than any limits of liability specified in this Agreement or required by law, whichever is greater, but in no case less than the following:

1. **Worker's Compensation and Employer's Liability:**

Coverage A
Statutory Benefits

Coverage B
Bodily Injury by Accident - $500,000 Each Accident
Bodily Injury by Disease - $500,000 Each Employee
Bodily Injury by Disease - $500,000 Policy Limit

2. **Automobile Liability**

$300,000/$600,000 per Accident for Bodily Injury and Property Damage Liability Combined

3. **All Other Liability**

$600,000 per Occurrence/Aggregate

C. The Town shall furnish the SPA with Certificates of Insurance and copies of endorsements effecting coverage required by this Agreement prior to the commencement of work. These Certificates shall contain a provision that coverage afforded under the policies will not be cancelled or materially reduced in

coverage until at least thirty (30) days prior written notice has been given by Certified Mail to the SPA. The SPA reserves the right to require complete, certified copies of all required insurance policies at any time.

D. The Town shall procure and maintain property insurance on a broad or all-risk basis to protect the interests of the SPA.

E. The insurance required by this Article 6 (Insurance) Subparagraphs A.3, A.4, A.5, A.8, and A.9 shall include contractual liability insurance applicable to the Town's obligations under Contract.

F. The insurance required by Subparagraphs A.3, A.4, A.5, A.8, and A.9 of this Article shall be amended to include the SPA as an Additional Insured.

G. The insurance required by Subparagraph A.5 of this Article shall include Broad Form Property Damage.

H. The insurance required by Paragraph A of this Article shall be primary and no insurance coverage of the SPA shall be called upon to contribute to the payment of any losses that would otherwise be paid by the Town or the Town's insurer.

I. The insurance required by Paragraph A of this Article shall be amended to waive the insurers' right of subrogation against the South Carolina State Ports Authority.

J. Nothing in this Article shall be construed as limiting the scope of the indemnity and reimbursement provisions of Article 7 of this Agreement or legal liability of the Town under this Agreement.

7. Indemnification and Reimbursement:

To the extent permitted by law, the Town agrees to indemnify, defend and hold harmless the SPA, its officers, employees, agents, successors and assigns from and against any and all claims, causes of action, losses, expenses, demands, suits, administrative and regulatory actions, damages and demands of whatever kind or nature including without limitation, claims by any for personal injury or property damage, or damage to the natural environment that may arise from or be in consequence of the Town's use or occupancy of the Licensed Premises, including but not limited to any alleged acts of negligence on its part or on the part of its agents, servants, employees, officers or guests arising from the use and occupancy of the Licensed Premises or any portion thereof, whether such claim be made by an employee of the Town or by a third person, and agrees to reimburse the SPA for any and all expenses incurred by it in defending any such claims, causes of action, losses, expenses, demands, suits, administrative and regulatory actions, including but not limited to costs of cleanup, penalties, fines and reasonable attorney's fees.

8. Maintenance and Repair:

Town shall be responsible at its own cost and expense for maintaining the Licensed Premises and the improvements constructed thereon (if any) in a clean and orderly condition, free of dirt (where applicable), rubbish, trash and weeds. Town shall be responsible to perform maintenance and repairs on the structures in the Licensed Premises, including but not limited to docks, fuel tanks and the above-ground storage tank systems. Town shall also make any repairs at its own expense to the paved surfaces,

area lighting, and SPA-constructed improvements caused by any of its negligent operations, including its users.

9. Joint Inspection:

The Parties shall conduct a joint inspection of the Licensed Premises and prepare a report indicating the condition of the Licensed Premises within ten (10) days of the effective date of this Agreement. Within ten (10) days of the end of the Term, Town and the SPA agree to jointly inspect the Licensed Premises and prepare a report indicating the condition of the Licensed Premises and mutually specifying any damages which shall be repaired by Town and/or the SPA consistent with the respective obligations of the Parties, and noting any surface indications of spills or presence of hazardous materials. The Parties agree to approach such inspections in a spirit of fairness and objectivity and the Parties agree that neither shall unreasonably withhold agreement as to responsibility for such repairs and obligations; either Party responsible for any such repairs or obligations shall see that the necessary repairs are started within thirty (30) days after such report, and completed promptly.

10-. Environmental Claims:

(a) While the SPA makes no warranties as to the condition of the Licensed Premises, it agrees that the Town should have no liability or exposure or responsibility for rectifying any contamination, whether to the air, ground, groundwater or otherwise that may exist on the Licensed Premises as of the commencement of the Term. In the event any claim is made against the Town with respect to the environmental condition of the Licensed Premises prior to the commencement of the Term and subject to the provisions

of subpart (b) hereof, after the expiration of the Term, the SPA agrees, for a period of then (10) years from the expiration or earlier termination of the term of the License, to either reimburse the Town for any and all expenses incurred by it in defending the claim, including but not limited to costs of cleanup, penalties, fines and reasonable attorney's fees, or to assume the costs of defending and litigating or settling such claim. It is specifically acknowledged, and notwithstanding anything herein to the contrary, this agreement to reimburse shall survive the term of the License for ten (10) years.

(b) If during the term of this License there should be any release or discharge upon or under the ground or water of fuel, hazardous materials/waste or other regulated substance, it shall be the responsibility of the Town to attend to and pay for the clean-up thereof in accordance with the rules and regulations of applicable regulating agencies, to include the payment of any fines or penalties. Town shall notify the SPA immediately of any release or discharge of fuel, hazardous materials/waste or other regulated substance, including telephone notification to the SPA Port Police at telephone number (843) 577-8706.

11. Assignment Prohibited.

The Town shall neither transfer nor assign this Agreement or any interest herein nor delegate any of its duties hereunder.

12. Delivery of Possession to the Ports Authority.

The Town shall surrender the Licensed Premises to the SPA at the expiration or earlier termination of this Agreement (i) in clean condition, and in good repair. The Town shall pay to the SPA promptly on demand, all costs and expenses incurred by the Ports Authority due to any failure by the Town to surrender the Licensed Premises as required

herein. The provisions of this paragraph shall survive expiration or any earlier termination of this Agreement.

13. Miscellaneous

A. Entire Agreement: This License Agreement contains the entire understanding of the parties. There are no oral understandings, terms or conditions, and neither party has relied upon any representations, express or implied, not contained in this Agreement. All prior understandings, terms or conditions are deemed merged into this Agreement. This Agreement may be changed or supplemented only by a written instrument, signed by both parties.

B. Binding Agreement: The covenants and agreement herein contained shall apply to and inure to the benefit of, the binding upon, the parties hereto, and their respective successors and assigns.

C. Waivers. No covenant, term, or condition hereof shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any covenant, term, or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition of this Agreement. Acceptance by the SPA of any performance by the Town after the time it shall have become due shall not constitute a waiver by the SPA of the breach or default of any covenant, term, or condition of this Agreement unless otherwise expressly agreed to by the Ports Authority in writing.

D. Modification. No modification of this License shall be effective unless submitted in writing and agreed to in writing by the Parties hereto. No modification of

one provision hereof shall be considered a waiver, breach, or cancellation of any other provision hereof.

E. Construction of Ambiguity. Neither this Agreement nor any uncertainty or ambiguity herein shall be construed or resolved using any presumption against any party hereto, whether under any rule of construction or otherwise. On the contrary, this Agreement has been reviewed by the parties and their counsel and, in the case of any ambiguity or uncertainty, shall be construed according to the ordinary meaning of the words used so as to fairly accomplish the purposes and intentions of all parties hereto, and not against the party who drafted or had its counsel draft this Agreement or any section herein.

F. Severability. If any term or provision, or any portion thereof, of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances, other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

G. Third Party Beneficiaries. Nothing contained in this Agreement shall be construed so as to confer upon any other party the rights of a third party beneficiary.

H. Applicable Law. This Agreement and the rights and obligations of the

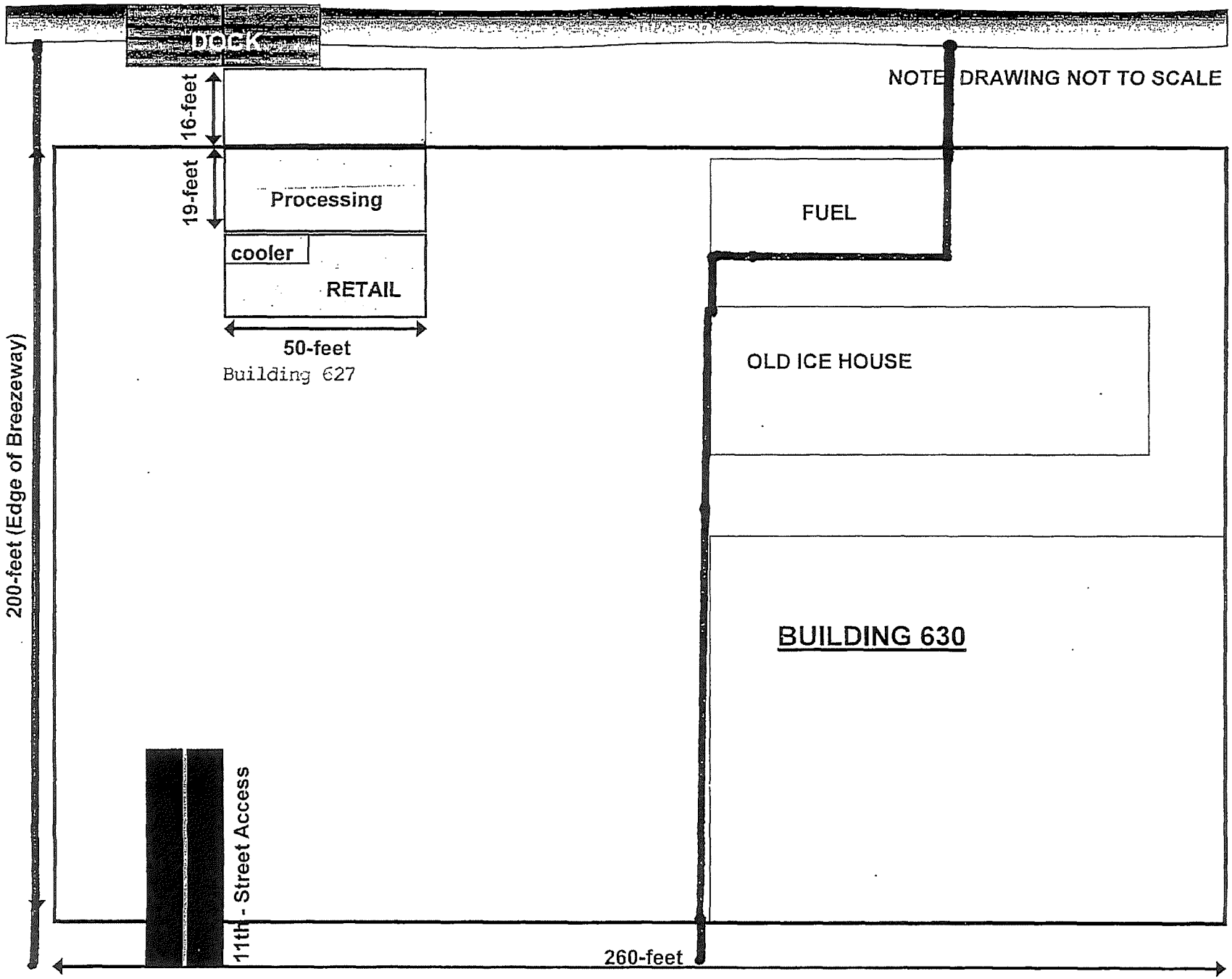

Dock
NOTE: DRAWING NOT TO SCALE
16-feet
19-feet
Processing
cooler
RETAIL
50-feet
Building 627
FUEL
OLD ICE HOUSE
BUILDING 630
200-feet (Edge of Breezeway)
11th - Street Access
260-feet

EXHIBIT A

A portion of that certain, piece, parcel or tract of land owned by the South Carolina State Ports Authority situate, lying and being in the Town of Port Royal, South Carolina generally at the western terminus of 11th Street, as now improved, to include the dock, Building 627, a fuel tank and the open space lying between the dock and the eastern boundary of the tract, all as is depicted on the attached sketch plan and lying within the darkened lines thereon.

A portion of TMS No.:

parties hereunder shall be governed by and construed in accordance with the laws of the State of South Carolina.

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year above written.

_____ South Carolina State Ports Authority

_____ By: _____

Its: _____

Tanya L. Payne

Cynthia K Smalls

Town of Port Royal

By: _____

Its: Town Manager

STATE OF SOUTH CAROLINA)
) FIRST AMENDMENT TO AGREEMENT
COUNTY OF BEAUFORT)

This FIRST AMENDMENT TO AGREEMENT is made and entered into this _____ day of January, 2008, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

RECITALS

WHEREAS, by Agreement dated October 24, 2007, the SPA granted a license to the Town to use certain properties belonging to SPA in the Town for the purpose for allowing the mooring, offloading and distribution of catches by watercraft, the purchase of ice and fuel, and the heading and sorting of shrimp and the retail sales thereof (Agreement); and

WHEREAS, the term of the Agreement was from October 24, 2007 through January 15, 2008; and

WHEREAS, the parties have determined to extend the term of the Agreement; and

WHEREAS, the parties have further determined to clarify the Agreement to provide that the Town is responsible for the costs of utilities during the duration of the Agreement.

NOW, THEREFORE, for and in consideration of the sum of One ($1.00) Dollar, the receipt and sufficiency of which is acknowledged by the SPA, and in further consideration of the foregoing Recitals, it is agreed, by and between the SPA and the Town as follows:

1. Paragraph 3 of the Agreement is amended to read as follows:

3. Term:

The term of the license shall commence on October 24, 2007 and expire on the earlier of: (1) August 31, 2008; (2) the first closing of the sale of any portion of the Real

Property under a certain Development Agreement between the SPA and the Town; or (3) the termination of that certain contract between the SPA and Port Royal Harbour, LLC dated November 8, 2007. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on 30 days' notice, if, in its discretion, such termination is necessary or useful to effectuate the sale of the property pursuant to S.C .Code of Laws, 1976, as amended, § 54 -3- 700.

2. Paragraph 4 of the Agreement is amended to read as follows:

4. Rent:

Rent payable by the Town for the license for use of the property shall be One ($1.00) Dollar for the Term, plus any and all utility expenses required for the use of the property by the Town in accordance with the provisions hereof.

3. In all other respects, the Agreement remains unchanged.

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as above written.

South Carolina State Ports Authority

By: _____

Its: President & CEO

Town of Port Royal

By: Mayor

Mayor

Witness

STATE OF SOUTH CAROLINA)
) SECOND AMENDMENT TO AGREEMENT
COUNTY OF BEAUFORT)

This SECOND AMENDMENT TO AGREEMENT is made and entered into this 9th day of April, 2008, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

RECITALS

WHEREAS, by that certain Agreement dated October 24, 2007, the SPA granted a license to the Town to use certain properties belonging to SPA in the Town for the purpose for allowing the mooring, offloading and distribution of catches by watercraft, the purchase of ice and fuel, and the heading and sorting of shrimp and the retail sales thereof (Agreement); and

WHEREAS, the original term of the Agreement was from October 24, 2007 through January 15, 2008; and

WHEREAS, SPA and Town entered into that certain First Amendment to Agreement ("First Amendment") dated April 15, 2008 (Agreement and First Amendment hereinafter, collectively the "Agreement") to extend the term of the License until the termination of that certain Contract between SPA and Port Royal Harbour, LLC; and

WHEREAS, the parties have determined to extend the term of the Agreement; and

WHEREAS, the parties have further determined to clarify the Agreement to provide that the Town is responsible for the costs of utilities during the duration of the Agreement.

NOW, THEREFORE, for and in consideration of the sum of One ($1.00) Dollar, the receipt and sufficiency of which is acknowledged by the SPA, and in further consideration of the foregoing Recitals, it is agreed, by and between the SPA and the Town as follows:

1. Paragraph 3 of the Agreement is amended to read as follows:

3. Term:

The term of the license shall commence on October 24, 2007 and expire on the earlier of: (1) June 30, 2008 or (2) the first closing of the sale of any portion of the Real Property under a certain Development Agreement between the SPA and the Town. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on 30 days' notice, if, in its discretion, such termination is necessary or useful to the effectuate the sale of the property pursuant to S.C .Code of Laws, 1976, as amended, § 54 – 700.

2. In all other respects, the Agreement remains unchanged.

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as above written.

South Carolina State Ports Authority

By: _____

Its: President & CEO

Town of Port Royal

Tanya L. Payne

Traci Haddock

By: Samuel E. Murray

Its: Mayor

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

THIRD AMENDMENT TO AGREEMENT

This THIRD AMENDMENT TO AGREEMENT is made and entered into this 19th day of June, 2008, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

RECITALS

WHEREAS, by that certain Agreement dated October 24, 2007, the SPA granted a license to the Town to use certain properties belonging to SPA in the Town for the purpose for allowing the mooring, offloading and distribution of catches by watercraft, the purchase of ice and fuel, and the heading and sorting of shrimp and the retail sales thereof (Agreement); and

WHEREAS, the original term of the Agreement was from October 24, 2007 through January 15, 2008; and

WHEREAS, SPA and Town entered into that certain First Amendment to Agreement ("First Amendment") dated April 15, 2008 to extend the term of the License until the termination of that certain Contract between SPA and Port Royal Harbour, LLC; and

WHEREAS, SPA and Town entered into Second Amendment to Agreement ("Second Amendment") dated April 9, 2008 (Agreement, First Amendment, and Second Amendment hereinafter, collectively the "Agreement") to extend the term of the License until June 30, 2008; and

WHEREAS, the parties have determined to extend the term of the Agreement; and

WHEREAS, the parties have further determined to clarify the Agreement to provide that the Town is responsible for implementing and carrying out the Hurricane Season Requirements (hereinafter defined).

NOW, THEREFORE, for and in consideration of the sum of One ($1.00) Dollar, the receipt and sufficiency of which is acknowledged by the SPA, and in further consideration of the foregoing Recitals, it is agreed, by and between the SPA and the Town as follows:

1. *Paragraph 3 of the Agreement is amended to read as follows*:

3. Term:

The term of the license shall commence on October 24, 2007 and expire on the earlier of: (1) August 31, 2008 or (2) the first closing of the sale of any portion of the Real Property under a certain Development Agreement between the SPA and the Town. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on thirty (30) days' notice, if, in its discretion, such termination is necessary or useful to effectuate the sale of the property pursuant to S.C .Code of Laws, 1976, as amended, §54-700.

2. *Paragraph 13.I of the Agreement is added to read as follows*:

I. Hurricane Season Requirements

None of the SPA-owned facilities are a safe haven for any watercraft, regardless of size, in the event of a tropical storm/hurricane (named). All watercraft must vacate the dock and seek refuge in an area so as not to create a hazard to the dock, channel or approaches.

The facility shall be maintained and secured in a manner to protect all assets, to the extent possible, from wind and water damage. This includes the removal or securing of

any objects that have potential to become missile hazards. Routine housekeeping shall be maintained so as to minimize efforts needed to secure the facility for possible heavy weather.

Hazardous and regulated materials shall be removed or secured to minimize potential impact on the environment in preparation for forecasted storms.

Utilities shall be secured to minimize releases and fire hazards.

A copy of the Seafood Facility Hurricane Plan shall be provided to SPA Risk Management Department by July 1, 2008.

3. In all other respects, the Agreement remains unchanged.

4. This Second Amendment may be executed in any number of identical counterparts and by facsimile signatures, any of which may contain the signatures of less than all of the parties hereto, but all of which together shall constitute a single agreement.

[SEPARATE SIGNATURE PAGE ATTACHED]

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as above written.

Witnesses

SOUTH CAROLINA STATE PORTS AUTHORITY

By: _____

Its: CHIEF FINANCIAL OFFICER

Date: 7-9-08

Witnesses

TOWN OF PORT ROYAL

Tanya L. Payne

By: _____

Its: Mayor

Date: 6-19-08

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

FOURTH AMENDMENT TO AGREEMENT

This FOURTH AMENDMENT TO AGREEMENT (the "Fourth Amendment') is made and entered into this 10th day of ~~August~~ September, 2008, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

RECITALS

WHEREAS, by that certain Agreement dated October 24, 2007, the SPA granted a license to the Town to use certain properties belonging to SPA in the Town for the purpose for allowing the mooring, offloading and distribution of catches by watercraft, the purchase of ice and fuel, and the heading and sorting of shrimp and the retail sales thereof (Agreement); and

WHEREAS, the original term of the Agreement was from October 24, 2007 through January 15, 2008; and

WHEREAS, SPA and Town entered into Second Amendment to Agreement ("Second Amendment") dated April 9, 2008 to extend the term of the License until June 30, 2008; and

WHEREAS, on or about June 19, 2008, the parties entered into a Third Amendment to Agreement ("Third Amendment) , extending the term of the License until August 31, 2008, and providing language regarding hurricane season requirements and determined to clarify that the Town is responsible for the costs of utilities (Agreement, and First, Second, and Third Amendments hereinafter collectively referred to as the "Agreement"); and

WHEREAS, the parties have determined to extend the term of the Agreement; and

WHEREAS, the parties determined in the Third Amendment to clarify the Agreement to provide that the Town is responsible for the costs of utilities during the duration of the Agreement.

NOW, THEREFORE, for and in consideration of the sum of One ($1.00) Dollar, the receipt and sufficiency of which is acknowledged by the SPA, and in further consideration of the foregoing Recitals, it is agreed, by and between the SPA and the Town as follows:

1. *Paragraph 3 of the Agreement is amended to read as follows*:

3. Term:

The term of the license shall commence on October 24, 2007 and expire on the earlier of: (1) January 15, 2009, or (2) the first closing of the sale of any portion of the Real Property under a certain Development Agreement between the SPA and the Town. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on thirty (30) days' notice, if, in its discretion, such termination is necessary or useful to effectuate the sale of the property pursuant to S.C .Code of Laws, 1976, as amended, §54-3-700.

2. *Paragraph 8 of the Agreement is amended to add the following provision*:

Town is solely responsible for the costs and maintenance of all electrical, water, sewer and other utilities and services for the Licensed Premises through the duration of the Agreement and shall take all steps necessary to set up its own accounts with utility service providers and shall pay the providers directly.

3. *Paragraph 13.I of the Agreement is amended as follows*:

I. Hurricane Season Requirements

None of the SPA-owned facilities are a safe haven for any watercraft, regardless of size, in the event of a tropical storm/hurricane (named). All watercraft must vacate the dock and seek refuge in an area so as not to create a hazard to the dock, channel or approaches.

The facility shall be maintained and secured in a manner to protect all assets, to the extent possible, from wind and water damage. This includes the removal or securing of any objects that have potential to become missile hazards. Routine housekeeping shall be maintained so as to minimize efforts needed to secure the facility for possible heavy weather.

Hazardous and regulated materials shall be removed or secured to minimize potential impact on the environment in preparation for forecasted storms.

Utilities shall be secured to minimize releases and fire hazards.

A copy of the Seafood Facility Hurricane Plan shall be provided to SPA Risk Management Department by September 15, 2008. Failure to deliver said document by September 15, 2008 shall make the Agreement null and void and of no further effect.

4. In all other respects, the Agreement remains unchanged.

5. This Fourth Amendment may be executed in any number of identical counterparts and by facsimile signatures, any of which may contain the signatures of less than all of the parties hereto, but all of which together shall constitute a single agreement.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

FIFTH AMENDMENT TO AGREEMENT

This FIFTH AMENDMENT TO AGREEMENT (the "Fifth Amendment') is made and entered into this 11th day of February, 2009, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

RECITALS

WHEREAS, by that certain Agreement dated October 24, 2007, the SPA granted a license to the Town to use certain properties belonging to SPA in the Town for the purpose for allowing the mooring, offloading and distribution of catches by watercraft, the purchase of ice and fuel, and the heading and sorting of shrimp and the retail sales thereof (Agreement); and

WHEREAS, the original term of the Agreement was from October 24, 2007 through January 15, 2008; and

WHEREAS, SPA and Town entered into Second Amendment to Agreement ("Second Amendment") dated April 9, 2008 to extend the term of the License until June 30, 2008; and

WHEREAS, on or about June 19, 2008, the parties entered into a Third Amendment to Agreement ("Third Amendment) , extending the term of the License until August 31, 2008, and providing language regarding hurricane season requirements and determined to clarify that the Town is responsible for the costs of utilities; and

WHEREAS, SPA and Town entered into a Fourth Amendment to Agreement ("Fourth Amendment") dated September 10, 2008 to extend the term of the License until January 15, 2009 (Agreement, First, Second, Third, and Fourth Amendments hereinafter collectively referred to as the "Agreement"); and

WHEREAS, the parties have determined to extend the term of the Agreement; and

NOW, THEREFORE, for and in consideration of the sum of One ($1.00) Dollar, the receipt and sufficiency of which is acknowledged by the SPA, and in further consideration of the foregoing Recitals, it is agreed, by and between the SPA and the Town as follows:

1. *Paragraph 3 of the Agreement is amended to read as follows*:

3. Term:

The term of the license shall commence on October 24, 2007 and expire on the earlier of: (1) July 15, 2009, or (2) the first closing of the sale of any portion of the Real Property under a certain Development Agreement between the SPA and the Town. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on thirty (30) days' notice, if, in its discretion, such termination is necessary or useful to effectuate the sale of the property pursuant to S.C .Code of Laws, 1976, as amended, §54-3-700.

2. In all other respects, the Agreement remains unchanged.

3. This Fifth Amendment may be executed in any number of identical counterparts and by facsimile signatures, any of which may contain the signatures of less than all of the parties hereto, but all of which together shall constitute a single agreement.

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as above written.

Witnesses

Marsha A. Read

SOUTH CAROLINA STATE PORTS AUTHORITY

By: Jim I. Hasseon III

Its: President and CEO

Date: 2/23/09

Witnesses

Tanya L. Payne

Traci Haddock

TOWN OF PORT ROYAL

By: Samuel E. Murray

Its: Mayor

Date: 2-17-09

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

SIXTH AMENDMENT TO AGREEMENT

This SIXTH AMENDMENT TO AGREEMENT (the "Sixth Amendment') is made and entered into this 12th day of August, 2009, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

RECITALS

WHEREAS, by that certain Agreement dated October 24, 2007, the SPA granted a license to the Town to use certain properties belonging to SPA in the Town for the purpose for allowing the mooring, offloading and distribution of catches by watercraft, the purchase of ice and fuel, and the heading and sorting of shrimp and the retail sales thereof (Agreement); and

WHEREAS, the original term of the Agreement was from October 24, 2007 through January 15, 2008; and

WHEREAS, SPA and Town entered into Second Amendment to Agreement ("Second Amendment") dated April 9, 2008 to extend the term of the License until June 30, 2008; and

WHEREAS, on or about June 19, 2008, the parties entered into a Third Amendment to Agreement ("Third Amendment) , extending the term of the License until August 31, 2008, and providing language regarding hurricane season requirements and determined to clarify that the Town is responsible for the costs of utilities; and

WHEREAS, SPA and Town entered into a Fourth Amendment to Agreement ("Fourth Amendment") dated September 10, 2008 to extend the term of the License until January 15, 2009; and

WHEREAS, SPA and Town entered into a Fifth Amendment to Agreement ("Fifth Amendment") dated February 11, 2009 to extend the term of the License until July 15, 2009; (Agreement, First, Second, Third, Fourth and Fifth Amendments hereinafter collectively referred to as the "Agreement"); and

WHEREAS, the parties have determined to extend the term of the Agreement.

NOW, THEREFORE, for and in consideration of the sum of One ($1.00) Dollar, the receipt and sufficiency of which is acknowledged by the SPA, and in further consideration of the foregoing Recitals, it is agreed, by and between the SPA and the Town as follows:

1. *Paragraph 3 of the Agreement is amended to read as follows*:

3. Term:

The term of the license shall commence on October 24, 2007 and expire on the earlier of: (1) December 31, 2009, or (2) the first closing of the sale of any portion of the Real Property under a certain Development Agreement between the SPA and the Town. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on thirty (30) days' notice, if, in its discretion, such termination is necessary or useful to effectuate the sale of the property pursuant to S.C .Code of Laws, 1976, as amended, §54-3-700.

2. In all other respects, the Agreement remains unchanged.

3. This Sixth Amendment may be executed in any number of identical counterparts and by facsimile signatures, any of which may contain the signatures of less than all of the parties hereto, but all of which together shall constitute a single agreement.

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as above written.

Witnesses

Marsha A. Ladd

SOUTH CAROLINA STATE PORTS AUTHORITY

By: John F. Hussey III

Its: President and CEO

Date: August 18, 2009

Witnesses

Tanya L. Payne

Cynthia K. Donalds

TOWN OF PORT ROYAL

By:

Its: Town Manager

Date: 8-13-09

STATE OF SOUTH CAROLINA)
) SEVENTH AMENDMENT TO AGREEMENT
COUNTY OF BEAUFORT)

This SEVENTH AMENDMENT TO AGREEMENT (the "Seventh Amendment") is made and entered into this 14th day of October, 2010, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

RECITALS

WHEREAS, by that certain Agreement dated October 24, 2007, the SPA granted a license to the Town to use certain properties belonging to SPA in the Town for the purpose for allowing the mooring, offloading and distribution of catches by watercraft, the purchase of ice and fuel, and the heading and sorting of shrimp and the retail sales thereof (Agreement); and

WHEREAS, the original term of the Agreement was from October 24, 2007 through January 15, 2008; and

WHEREAS, SPA and Town entered into a Second Amendment to Agreement ("Second Amendment") dated April 9, 2008 to extend the term of the License until June 30, 2008; and

WHEREAS, on or about June 19, 2008, the parties entered into a Third Amendment to Agreement ("Third Amendment"), extending the term of the License until August 31, 2008, and providing language regarding hurricane season requirements and determined to clarify that the Town is responsible for the costs of utilities; and

WHEREAS, SPA and Town entered into a Fourth Amendment to Agreement ("Fourth Amendment") dated September 10, 2008 to extend the term of the License until January 15, 2009; and

WHEREAS, SPA and Town entered into a Fifth Amendment to Agreement ("Fifth Amendment") dated February 11, 2009 to extend the term of the License until July 15, 2009; and

WHEREAS, SPA and Town entered into a Sixth Amendment to Agreement ("Sixth Amendment") dated August 12, 2009 to extend the term of the License until December 31, 2009; (Agreement, First, Second, Third, Fourth, Fifth, and Sixth Amendments hereinafter collectively referred to as the "Agreement"); and

WHEREAS, SPA and Town acknowledge and agree that the Agreement remained in full force and effect on and after the December 31, 2009 expiration date as referenced in the Sixth Amendment; and

WHEREAS, the parties have determined and agreed to extend the term of the Agreement from December 31, 2009 to April 30, 2011.

NOW, THEREFORE, for and in consideration of the sum of One ($1.00) Dollar, the receipt and sufficiency of which is acknowledged by the SPA, and in further consideration of

the foregoing Recitals to be incorporated hereinafter, it is agreed, by and between the SPA and the Town as follows:

1. *Paragraph 3 of the Agreement is amended to read as follows*:

3. Term:

The term of the license shall commence on October 24, 2007 and expire on the earlier of: (1) April 30, 2011, or (2) the first closing of the sale of any portion of the Real Property under a certain Development Agreement between the SPA and the Town. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on thirty (30) days' notice, if, in its discretion, such termination is necessary or useful to effectuate the sale of the property pursuant to S.C .Code of Laws, 1976, as amended, §54-3-700.

2. In all other respects, the Agreement remains unchanged.

3. This Seventh Amendment may be executed in any number of identical counterparts and by facsimile signatures, any of which may contain the signatures of less than all of the parties hereto, but all of which together shall constitute a single agreement.

[REMAINDER OF PAGE INTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as above written.

Witnesses

Marsha A. Read

SOUTH CAROLINA STATE PORTS AUTHORITY

By: _____

Its: President and CEO

Date: October 7, 2010

Witnesses

_____

_____

TOWN OF PORT ROYAL

By: _____

Its: _____

Date: _____

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as above written.

Witnesses

_____

_____

SOUTH CAROLINA STATE PORTS AUTHORITY

By: _____

Its: _____

Date: _____

Witnesses

Tasia Hubbard

Tanya L. Payne

TOWN OF PORT ROYAL

By: [signature]

Its: Town Manager

Date: 10/6/10

STATE OF SOUTH CAROLINA)
) EIGHTH AMENDMENT TO AGREEMENT
COUNTY OF BEAUFORT)

This EIGHTH AMENDMENT TO AGREEMENT (the "Eighth Amendment") is made and entered into as of this 30th day of April, 2011, by and between the South Carolina State Ports Authority, an instrumentality of the State of South Carolina (SPA), and the Town of Port Royal, a municipality of the State of South Carolina (Town).

RECITALS

WHEREAS, by that certain Agreement dated October 24, 2007, the SPA granted a license to the Town to use certain properties belonging to SPA in the Town for the purpose for allowing the mooring, offloading and distribution of catches by watercraft, the purchase of ice and fuel, and the heading and sorting of shrimp and the retail sales thereof (Original Agreement); and

WHEREAS, the original term of the Agreement was from October 24, 2007 through January 15, 2008; and

WHEREAS, SPA and Town entered into a Second Amendment to Agreement ("Second Amendment") dated April 9, 2008 to extend the term of the License until June 30, 2008; and

WHEREAS, on or about June 19, 2008, the parties entered into a Third Amendment to Agreement ("Third Amendment"), extending the term of the License until August 31, 2008, and providing language regarding hurricane season requirements and determined to clarify that the Town is responsible for the costs of utilities; and

WHEREAS, SPA and Town entered into a Fourth Amendment to Agreement ("Fourth Amendment") dated September 10, 2008 to extend the term of the License until January 15, 2009; and

WHEREAS, SPA and Town entered into a Fifth Amendment to Agreement ("Fifth Amendment") dated February 11, 2009 to extend the term of the License until July 15, 2009; and

WHEREAS, SPA and Town entered into a Sixth Amendment to Agreement ("Sixth Amendment") dated August 12, 2009 to extend the term of the License until December 31, 2009; and

WHEREAS, SPA and Town entered into a Seventh Amendment ("Seventh Amendment") dated October 11, 2010 to extend the term of the License until April 30, 2011 (Original Agreement, First, Second, Third, Fourth, Fifth, Sixth, and Seventh Amendments hereinafter collectively referred to as the "Agreement"); and

WHEREAS, SPA and Town acknowledge and agree that the Agreement remained in full force and effect on and after the April 30, 2011 expiration date as referenced in the Seventh Amendment; and

WHEREAS, the parties have determined and agreed to extend the term of the Agreement from April 30, 2011 to December 31, 2011.

NOW, THEREFORE, for and in consideration of the sum of One ($1.00) Dollar, the receipt and sufficiency of which is acknowledged by the SPA, and in further consideration of the foregoing Recitals to be incorporated hereinafter, it is agreed, by and between the SPA and the Town as follows:

1. *Paragraph 3 of the Agreement is amended to read as follows*:

3. Term:

The term of the license shall commence on October 24, 2007 and expire on the earlier of: (1) December 31, 2011, or (2) the first closing of the sale of any portion of the Real Property under a certain Development Agreement between the SPA and the Town. However, notwithstanding this intended term, the SPA may revoke and terminate the License at any time on thirty (30) days' notice, if, in its discretion, such termination is necessary or useful to effectuate the sale of the property pursuant to S.C .Code of Laws, 1976, as amended, §54-3-700.

2. In all other respects, the Agreement remains unchanged.

3. This Eighth Amendment may be executed in any number of identical counterparts and by facsimile signatures, any of which may contain the signatures of less than all of the parties hereto, but all of which together shall constitute a single agreement.

[REMAINDER OF PAGE INTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have set their hands and seals this day and year as above written.

Witnesses

Marsha A. Read

SOUTH CAROLINA STATE PORTS AUTHORITY

By: _____

Its: President and CEO

Date: _____

Witnesses

Tanya L. Payne

Cynthia K. Small

TOWN OF PORT ROYAL

By: Samuel E. Murray

Its: Mayor

Date: 8-23-11