

COUNTY COUNCIL OF BEAUFORT COUNTY

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AGENDA NATURAL RESOURCES COMMITTEE

Tuesday, September 7, 2010
2:00 p.m.

Executive Conference Room
Administration Building

Committee Members:
Paul Sommerville, Chairman
Jerry Stewart, Vice-Chairman
Steven Baer
Gerald Dawson
Brian Flewelling
William McBride
Stu Rodman

Staff Support: Tony Criscitiello

2:00 p.m. 1. CALL TO ORDER

2. TEXT AMENDMENT TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XII. SUBDIVISION DESIGN (THAT REPLACE RURAL SUBDIVISION WITH RURAL SMALL-LOT SUBDIVISION): ([backup](#))
 - DIVISION 3, SECTION 106-2539. RURAL SMALL LOT SUBDIVISIONS
 - DIVISION 4, SUBDIVISION 2. SMALL LOT RURAL SUBDIVISIONS: SECTION 106-2596. MINIMUM DEVELOPMENT STANDARDS FOR SMALL LOT RURAL SUBDIVISION; AND SECTION 106-2597. CONDITIONS AND LIMITATIONS
3. ZONING MAP AMENDMENTS TO CHANGE THE ZONING OF ALL LANDS CURRENTLY ZONED RURAL RESIDENTIAL TO RURAL IN THE FOLLOWING AREAS OF THE COUNTY – SHELDON TOWNSHIP, ST. HELENA ISLAND, AND PORT ROYAL ISLAND (IN AREAS LOCATED OUTSIDE OF THE AIRPORT OVERLAY DISTRICT) ([backup](#))
4. REQUEST FOR EXTENSION OF THE GREENHEATH PLANNED UNIT DEVELOPMENT (PUD), INVOLVING 97.80 ACRES ON LADY’S ISLAND; OWNER/APPLICANT: GLEASON PLACE LP ([backup](#))

A quorum of Council may be in attendance at all Committee meetings.
Please silence your cell phone during the meeting.

Over

5. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO) THAT REPLACES ALL THE COMMUNITY OPTIONS WITH A TRADITIONAL NEIGHBORHOOD DEVELOPMENT OPTION: ([backup](#))
- ARTICLE V, DIVISION 1, TABLE 106-1098 USE TABLE
 - ARTICLE VI, DIVISION 2, TABLE 106-1526 OPEN SPACE AND DENSITY STANDARDS
 - ARTICLE VI, DIVISION 3, TABLE 106-1556 LOT AND BUILDING STANDARDS
 - ARTICLE VI, DIVISION 4, TABLE 106-1617 BUFFERYARD AND LANDSCAPING STANDARDS
 - ARTICLE XI, DIVISIONS 1 AND 2
6. ADJOURNMENT

County TV Rebroadcast	
Wednesday	9:00 a.m.
Thursday	1:00 a.m.
Friday	10:00 p.m.

Natural Resources		
<i>Date</i>	<i>Time</i>	<i>Location</i>
October 4	2:00 p.m.	ECR
November 1	2:00 p.m.	ECR
December 6	2:00 p.m.	ECR



MEMORANDUM

TO: Natural Resources Committee of Beaufort County Council
FROM: Anthony Criscitiello, Beaufort County Planning Director
DATE: August 19, 2010
RE: Proposed Text and Map Amendments to Rural Zoning

Excerpt of PLANNING COMMISSION RECOMMENDATION from its June 7, 2010, draft meeting minutes:

TEXT AMENDMENTS:

Chairman Hicks noted that this amendment resulted from action taken a year ago when the Northern Regional Plan recommended this change for north of the Whale Branch River and St. Helena Island. This change added flexibility; but, Lady's Island, Coosaw Island and South of the Broad River are exempt from these changes.

Mr. Robert Merchant briefed the Commission. He noted that within the growth areas would be urbanized and outside of the growth areas would remain rural. The rural policies were revisited at the 10-year Comprehensive Plan review. With several workshops, the staff worked with the residents and the recommendation was adopted by County Council. Staff met with the three council members whose areas would be affected by this rural policy. He gave a power point presentation to summarize the policy and geographical changes proposed. He explained how the County came up with the Rural-Residential zoning district that would allow small property owners of 5 acres or less to subdivide to a density of 6 units per 5 acres. However, small property owners of property greater than 5 acres did not have that flexibility. The proposed rural changes gives 3 by-right lots in Northern Beaufort and St. Helena Island or 2 by-right lots in Port Royal Island outside of the Air Installation Compatibility Use Zone (AICUZ). Using a proposed 10-acre lot, the 2-by right policy would allow 4 lots and the 3 by-right policy would allow 5 lots. Policies included a minimum lot size of ½ acre for by-right subdivided lots, rural-residential lots would be rezoned to rural, limited to lots of record, and by-right lots from one parcel cannot be transferred to another parcel.

Commission discussion included:

- limiting the policy to the lots of record as of the date of adoption by County Council;
- the proposed policy majorly not affecting the potential build-out;
- not affecting those properties with the family compound potential;
- not affecting the AICUZ overlay properties;
- the effect of the proposed increased AICUZ overlay on the potential densities;
- a request by the Northern Regional Plan Implementation Committee from the U.S. Marine Corps Air Station for a buffer zone that would encompass the proposed increased AICUZ;

Public Comment: Mr. David Tedder noted that he had the following technical details that should be addressed.

- Limited to "parcels of record" is an ambiguous term; he recommended that a specific date be placed in the ordinance or the ordinance would be interpreted as the adoption of the ZDSO in 1999.
- On page 5, subsection 106-2597(1), it states that documentation should be provided to the DRT (Development Review Team); but, subsection 106-2539(b) states the ZDA (Zoning and Development Administrator)—he believes the documents should be provided to the ZDA and the appropriate section should be corrected.
- St. Helena has a large number of collector roads; he believes staff meant there should only be one access so there would not be multiple accesses in the future.
- The requirement of an access easement on the residual parcel—he believes it to be micro-managing and is not needed. Why do you have to say where it goes now?
- Small lot subdivisions must have a maintenance agreement on the common access, when someone is trying to finance through FHA, VA or Rural Development. One way is to form a small Property Owners Association with an ability to transfer that right-of-way as a discrete parcel. Provide for a road right-of-way as an open space on the residual lot owned by one or all the property owners.
- Section 106-2596(b) Minimum size of residual lot is 1 acre: Why limit the size of the residual lot? It seems micromanaging again.
- The second sentence on access limitations seems to be restricting property owners rights.

Chairman Hicks advised the Commissioners that they could include a caveat in the motion ended that staff consider Mr. Tedder's suggestions and consider the proposed AICUZ footprint.

Further discussion included noting that Mr. Tedder's comments were worthy of consideration.

Motion: Mr. Thomas made a motion, and Mr. Petit seconded the motion, **to recommend that County Council approve the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII. Subdivision Design (that replace Rural Subdivision with Rural Small-lot Subdivision):**

- Division 3, Section 106-2539. Rural small lot subdivisions, and
- Division 4, Subdivision 2. Small Lot Rural Subdivisions: Section 106-2596. Minimum Development Standards for Small Lot Rural Subdivision; and Section 106-2597. Conditions and limitations;

as recommended by the Planning staff; with the caveat that:

1. the proposed AICUZ footprint be addressed at a later date when it can be better evaluated, and
2. that the Planning Staff review Mr. David Tedder's comments for possible inclusion in the text amendments.

Further discussion included a clarification of the motion regarding Mr. Tedder's comments and requesting that Mr. Tedder forward his comments in writing to the staff for their use. The motion was **carried unanimously** (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Sutler and Thomas).

Ms. Cecily McMillan, owns 9-acres at Coffin Point Plantation, asked if Mr. Tedder's recommendations would be a matter of public record. (Chairman Hicks explained the process to her.) She would like to see Mr. Tedder's specific recommendations so that she can comment on his recommendations. She asked for clarification on what were "collector roads." (Mr. Thomas responded that she should read Page 5 of 5 of the ordinance and clarified Mr. Tedder's comment

regarding collector roads.) (Ms. Frazier asked Ms. McMillan to contact the Planning Department when she responds to Mr. Tedder's comments.)

MAP AMENDMENTS:

Chairman Hicks noted that the map amendments echo the above text amendments where rural-residential districts cease to exist and are now zoned rural.

Mr. Merchant briefed the Commission that this policy change was to minimize the overall impact on potential additional development in rural areas. This allows a greater flexibility for small properties in rural zoning since rural-residential zoning is eliminated. Certain areas are affected by the change.

Chairman Hicks noted that the smaller property owners would have fewer lots than before.

Public Comment: Ms. Cecily McMillan is confused that there will be fewer units when the County document shows an increase. (Chairman Hicks' response was that the rural-residential zoning allowed six lots in five acres, but this text amendment would allow four. Mr. Merchant clarified that the overall impact on St. Helena potentially would have a greater number of subdivided lots. Some property owners will lose, and others will gain.) Have you made an analysis on which kinds of people are affected? (Mr. Merchant noted that those property owners of 5 acres or less are affected; the overall intent is to reduce the development of the area.) Ms. McMillan reiterated that staff is saying two different things at once – increase and decrease.

Commission discussion included a clarification that some are upzoned and some are downzoned, and the rationale for selecting 5 acres as the cut-off point for rural-residential in the past.

Motion: Mr. Thomas made a motion, and Ms. Chmelik seconded the motion, to recommend that County Council approve the Beaufort County Zoning Map Amendments to change the zoning of all lands currently zoned Rural Residential to Rural in the following areas of the County – Sheldon Township, St. Helena Island, and Port Royal Island (in areas located outside of the Airport Overlay District). Discussion included the removal of rural-residential. The motion was carried unanimously (FOR: Brown, Chmelik, Hicks, LeGree, Petit, Riley, Sutler and Thomas).

STAFF REPORT:

Background: Last spring at the April 27, 2009 meeting, County Council gave third and final reading to amend the Land Use chapter of our Comprehensive Plan to recommend changes to our rural land use policies to provide greater flexibility to small property owners. This policy change was a result of a public process that took place over the previous year that included two series of meetings in the rural areas of Beaufort County.

The proposed amendments to the Zoning and Development Standards Ordinance (ZDSO) will implement these rural land use policies. The following is the recommendation that was adopted in our Land Use Chapter in 2009 that is being implemented through this amendment:

Recommendation 4-15: Rural Small Lot Subdivision

Beaufort County should modify the ZDSO to allow for small lot rural subdivisions:

- For areas north of the Whale Branch River and on St. Helena Island, allow parcels of record in rural zones to have three by-right subdivided lots, after which the base underlying zoning density would apply.
- For areas on Port Royal Island outside of the Air Installation Compatible Use Zone (AICUZ), allow parcels of record in rural zones to have two by-right subdivided lots, after which the base underlying zoning density would apply.
- Provide for a minimum lot size of one acre for such by-right subdivided lots.
- In connection with this recommendation, rezone land currently zoned Rural Residential to the Rural zoning designation.
- This policy should not apply to rural and rural residential properties located south of the Broad River, on Lady’s Island, on Coosaw Island, and within the Air Installation Compatible Use Zone (AICUZ).

Summary of Amendments:

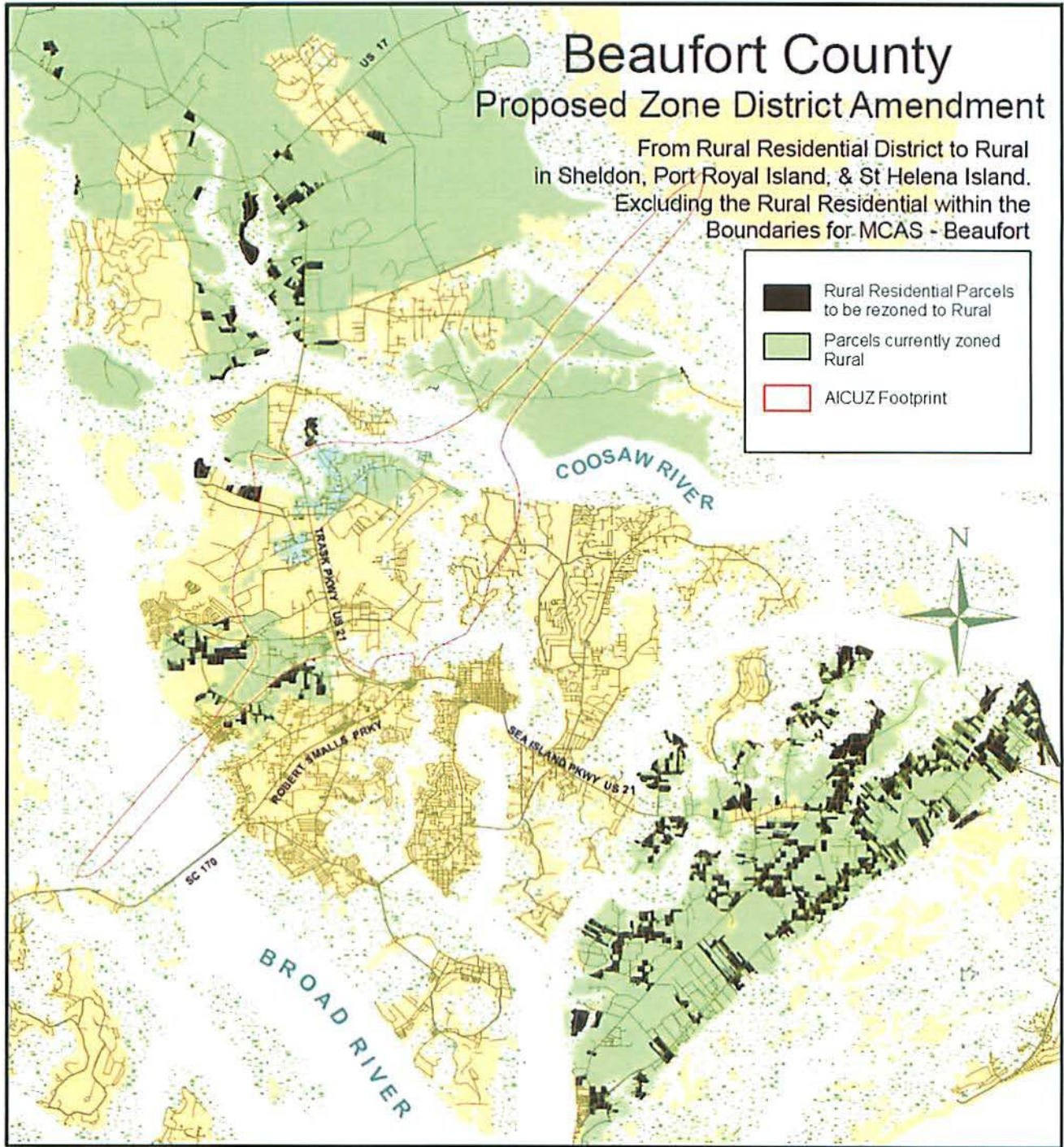
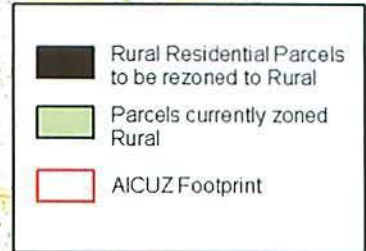
1. An amendment to the zoning map is proposed to change all parcels currently zoned rural residential to rural that are located north of the Whale Branch River, on St. Helena Island, and on Port Royal Island outside of the Airport Overlay District (see attached map).
2. A text amendment to Article 12, Divisions 2 and 3 are proposed to establish the Rural Small Lot Subdivision (see attached text changes).

Summary of Potential Impact of Changes: During the public process that led to the policy changes in the Comprehensive Plan, significant work was done to attempt to assess the impact of the proposed changes to rural. The Planning Department estimates that the proposed changes may result in a slight increase in the total number of properties that could potentially be subdivided and built on. The chart below compares estimated development in St. Helena Island, Sheldon and Port Royal Island for the year 2025 with our existing rural and rural residential zoning and with the proposed changes. St. Helena Island is estimated to gain 536 additional units, Sheldon 77 and Port Royal Island 107.

Region	Existing Number of Dwelling Units	Projected Number of Dwelling Units 2025	Projected Number of Dwelling Units 2025 with Rural Changes
St. Helena Island	4,610	6,446	6,982
Sheldon	2,239	3,283	3,360
Port Royal Island		1,974	2,081

Beaufort County Proposed Zone District Amendment

From Rural Residential District to Rural
in Sheldon, Port Royal Island, & St Helena Island.
Excluding the Rural Residential within the
Boundaries for MCAS - Beaufort



DIVISION 3. TYPES OF SUBDIVISIONS

Sec. 106-2536. Scope.

There are three types of subdivisions permitted under this chapter: major, minor, and rural. Refer to article III of this chapter regarding review procedures for major or minor subdivisions. (Ord. No. 99-12, § 1 (div. 13.200), 4-26-1999)

Sec. 106-2537. Major subdivision.

Major subdivisions are land developments that include subdividing any tract or parcel of land into five or more lots. Refer to section 106-18 for a detailed explanation of major subdivision. Major subdivisions shall comply with this article and article XIII and other applicable sections of this chapter. Administration for major subdivisions begins with the ZDA and receives final approval by the DRT. Refer to articles II and III of this chapter for review responsibility and procedures for major subdivisions. (Ord. No. 99-12, § 1 (13.210), 4-26-1999)

Sec. 106-2538. Minor subdivision.

Minor subdivisions are land developments that include subdividing any tract or parcel of land into four or less lots. Refer to section 106-1 for a detailed explanation of minor subdivisions. Minor subdivisions shall comply with this article XII and article XIII and other applicable sections of this chapter. Administration for minor subdivisions begins and ends with the ZDA, who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for minor subdivisions. Refer to section 106-7 for exemption options for certain types of subdivisions. (Ord. No. 99-12, § 1 (13.220), 4-26-1999)

Sec. 106-2539. Rural small lot subdivision.

(a) The Rural Small Lot Subdivision is designed to allow owners of small rural lots greater flexibility to subdivide land that would normally be restricted with the application of the rural density as prescribed in Table 106-1526. The Rural Small Lot Subdivision allows a designated number of "by-right lots" to be subdivided from a parent parcel with the rural density as prescribed in Table 106-1526 applying to the remainder of the parent parcel. The number of by-right lots that can be subdivided from a parent parcel are limited by the following geographic restrictions:

~~(a) The rural subdivision is a minor subdivision designed to allow rural families to subdivide their land as simply as possible without providing open space or creating multiple access problems on rural roads and, thus, has specific standards that do not apply to the other types of subdivision. This subdivision provides limited development opportunity in the rural (R) district if the landowner desires to continue agricultural operations, house family members, or raise income to supplement agricultural operations. It may also be used in areas where growth potential is limited by facilities capacity. This subdivision permits development at minimal cost, while providing protection from multiple access points along existing rural streets.~~

- (1) Port Royal Island. For land zoned rural on Port Royal Island outside of the Airport Overlay District, parcels of record are permitted to have 2 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (2) Sheldon Township. For land zoned rural located north of the Whale Branch and Coosaw Rivers parcels of record are permitted to have 3 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (3) St. Helena Island. For land zoned rural located on St. Helena Island east of Chowan Creek and the Beaufort River and south of Morgan River, parcels of record are permitted to have 3 by-right subdivided lots, after which the base underlying density prescribed in Table 106-1526 shall apply to the remainder of the parent parcel pursuant to the requirements of this section.
- (4) The small lot rural subdivision option does not apply to rural and rural residential properties located south and west of the Broad River, on Lady's Island, and in the Airport Overlay District for MCAS Beaufort.

~~(b) The rural subdivision permits a landowner to subdivide a large tract into four residential lots, for a total of five lots making up the entire original tract or parcel; the four newly subdivided lots are designated the "residential lots." The remaining parcel is designated as the "residual lot." The residual lot shall be included as part of the final plat for recordation purposes. The residual lot shall be used in part for access and as a reserve for future development that promotes sound land use patterns.~~

~~(c) All rural subdivisions permit development with special treatment of local streets. No parcel in existence on the effective date of the ordinance from which this chapter derives shall use this rural subdivision process more than one, regardless of change in ownership. No further subdivision of a lot or the residual lot created by a rural subdivision shall be permitted except as a major subdivision meeting the requirements of this chapter. The requirements in subdivision II of division 4 of this chapter must be met for a development to qualify as a rural subdivision. Administration for rural subdivision begins and ends with the ZDA who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for rural subdivisions.~~

(b) Use of the Small Lot Rural Subdivision option is limited to parcels of record at July 1, 2010 and cannot be transferred to any other parcel. The requirements in subdivision II of division 4 of this chapter must be met for a development to qualify as a rural small lot subdivision. Administration for rural small lot subdivisions begins and ends with the ZDA who retains final approval authority for them. Refer to articles II and III of this chapter for review responsibility and procedures for rural small lot subdivisions.
(Ord. No. 99-12, § 1 (13.230), 4-26-1999)

Secs. 106-2540--106-2565. Reserved.

DIVISION 4. SUBDIVISION LAYOUT

Subdivision I. In General

Sec. 106-2566. Scope.

The sections in this division provide design guidance in laying out blocks, lots, open spaces and streets in a subdivision development. The subdivision development shall be designed with a system of major and minor streets creating blocks of land.
(Ord. No. 99-12, § 1 (div. 13.300), 4-26-1999)

Secs. 106-2567--106-2595. Reserved.

Subdivision II. Small Lot Rural Subdivisions

Sec. 106-2596. Minimum layout standards.

~~The parcel upon which a rural subdivision is proposed shall have at least two and no more than four residential lots, in addition to the residual lot. No parcel shall be able to use the rural subdivision standards unless it meets the minimum area standards in table 106-2596. Newly subdivided lot sizes shall be no smaller than one acre.~~

~~TABLE 106-2596. MINIMUM AREA STANDARDS FOR RURAL SUBDIVISIONS~~

Number of Residential Lots	Acreage
2	30
3	45
4	60

~~(Ord. No. 99 12, § 1 (13.310), 4 26 1999)~~

Sec. 106-2596. Minimum Development Standards for Small Lot Rural Subdivisions

(a) Minimum lot size for by-right lots is 1/2 acre.

(b) Once the permitted number of by-right lots is subdivided from the parent parcel in compliance with Table 106-2596, the Open Space and Density Standards in Table 106-1526 shall apply to the remaining acreage of the parent parcel with the following exception. Where by-right lots are less than 1 acre, 1 acre per subdivided by-right lot will be subtracted from the original acreage of the parent parcel before applying the density standards in Table 106-1526 to the parent parcel.

**TABLE 106-2596. MAXIMUM NUMBER OF LOTS THAT CAN BE SUBDIVIDED FROM
A PARCEL OF RECORD UTILIZING THE SMALL LOT RURAL SUBDIVISION**

<u>Parcel Size In Acres</u>	<u>Maximum Number of Lots with no "By-Right" Lot Splits (Lady's Island, Southern Beaufort County, Airport Overlay District)</u>	<u>Maximum Number of Lots with 2 "By-Right" Lot Splits (Port Royal Island outside of Airport Overlay District)</u>	<u>Maximum Number of Lots with 3 "By-Right" Lot Splits (Sheldon Township, St. Helena Island)</u>
<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>3</u>	<u>1</u>	<u>3</u>	<u>3</u>
<u>4</u>	<u>1</u>	<u>3</u>	<u>4</u>
<u>5</u>	<u>1</u>	<u>3</u>	<u>4</u>
<u>6</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>7</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>8</u>	<u>2</u>	<u>4</u>	<u>4</u>
<u>9</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>10</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>12</u>	<u>4</u>	<u>5</u>	<u>6</u>
<u>15</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>20</u>	<u>6</u>	<u>8</u>	<u>8</u>
<u>25</u>	<u>8</u>	<u>9</u>	<u>10</u>
<u>30</u>	<u>10</u>	<u>11</u>	<u>12</u>
<u>40</u>	<u>13</u>	<u>14</u>	<u>15</u>
<u>50</u>	<u>16</u>	<u>18</u>	<u>18</u>
<u>100</u>	<u>33</u>	<u>34</u>	<u>35</u>

Sec. 106-2597. Conditions and limitations.

Rural Small lot rural subdivisions shall meet the following conditions and limitations. Where the adjoining public right-of-way is an arterial or collector street, the required right-of-way of such streets shall be dedicated to standards as designated by the county or SCDOT.

- (1) *Access easement.* All lots shall take access from an access easement having a minimum right-of-way width of 50 feet ~~located on the residual parcel.~~ The access easement shall be improved with gravel and ditches for drainage. A 40-foot access easement may be permitted with documentation provided to the DRT ZDA if emergency vehicles can be accommodated. ~~Landowners with private accesses are exempt from the width and improvement (gravel and ditches) requirements with documentation that emergency vehicles can be accommodated.~~
- (2) *Access limitations.* Any lot abutting a public right-of-way classified as an arterial, collector, or emergency evacuation route shall have an accompanying plat note prohibiting access to that lot from the abutting arterial, collector, or emergency evacuation route. ~~The DRT may require such limitations on other roads where there exists the possibility of upgrading that road to the above status.~~
- (3) *Improvements.* The responsibility of the residual lot parent parcel owner to pave install, in accordance with the requirements of Section 106-2597(1), roads and install all public utilities, water, sewer, and storm drainage for the initial lots shall be noted on the final plat.
- (4) *Residual lot requirement.* ~~A note shall appear on all plans for rural subdivisions specifying that the residual lot cannot be further subdivided until all public improvements for water, sewer, and roads are satisfied or when infrastructure improvements and a zoning amendment take the land out of the rural district. The note on the plan shall specify that the developer of the residual lot shall be responsible to improve all streets, utilities, and drainage for the subdivision's initial residential lots in accordance with this chapter, in conjunction with the subsequent planning of the residual parcel. When the residual lot is developed, the 40percent open space requirement must be met and calculated on total acreage.~~
- (4) *Restrictions on future subdivisions.* A note shall appear on all plans for rural small lot subdivisions specifying the number of remaining by-right lots that can be subdivided from the parent tract. If all by-right lots are subdivided, the note shall state that remaining subdivisions of the parent tract shall meet the density requirements prescribed in Table 106-1526.

(Ord. No. 99-12, § 1 (13.311), 4-26-1999)

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

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Thomas D. Peeples
Mayor

June 17, 2010

Kenneth S. Heitzke
Mayor ProTem

Council Members

Willie (Bill) Ferguson
William D. Harkins
Drew A. Laughlin
John Safay
George W. Williams, Jr.

Mr. Paul Sommerville, Vice Chairman
County Council of Beaufort County
1509 Pigeon Point Road
Beaufort, S.C. 29902

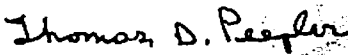
Dear Paul:

Stephen G. Riley
Town Manager

At the June 15, 2010 Town Council meeting, the Council considered a request to endorse a recommendation from the Beaufort County Council Development Agreement Negotiating Committee to allow the Greenheath PUD on Lady's Island to renew their Developer Agreement such that a school capital construction fee would be negotiated to reflect a reduced amount for the "by right" density and the full amount of \$6,000 for each additional residential unit.

I am pleased to advise you that the recommendation was unanimously approved.

Sincerely,
Town of Hilton Head Island


Thomas D. Peeples,
Mayor

Cc: Kenneth Heitzke
John Safay
Willie (Bill) Ferguson
George Williams, Jr.
William Harkins
Drew Laughlin

GREENHEATH PUD

MASTER PLAN and TEXT AMENDMENTS

Submitted
January 19, 2005
to
Beaufort County DRT
by
Greenheath LLC

APPROVED BY DRT

FEBRUARY 2005 BEAUFORT COUNTY DEVELOPMENT STANDARDS
PRELIMINARY APPROVAL

This is to certify Development Review Team approval of the development concept and preliminary site design submitted under the Beaufort County Zoning & Development Standards Ordinance and invites the applicant to proceed with final design and submission of a final plan application.

Date of Dev. Rev. Team Approval 3-24-07

Certified by Hillary A. Austin

Tony C. Costello

Chris J. Lunn

CRMT-2/1/05

Amended 04-13-05

798
HAA

TABLE OF CONTENTS

- I. DOCUMENT CLARIFICATION
- II. DEVELOPMENT TEAM
- III. PROJECT INTRODUCTION
- IV. DEVELOPMENT PHILOSOPHY
- V. THE GREENHEATH PUD MASTER PLAN
- VI. NEIGHBORHOOD ORDINANCE
- VII. VILLAGE REGULATIONS DEFINED
- VIII. LAND USE CLARIFICATION
- IX. EXISTING CONDITIONS
- X. LAND USE SUMMARY CHART
- XI. DEVELOPMENT STANDARDS
- XII. DEPARTURES FROM BEAUFORT COUNTY
ZONING AND DEVELOPMENT STANDARDS
ORDINANCE
- XIII. ACCESS, STREETS, AND DRAINAGE
- XIV. FLOOD HAZARD ZONES
- XV. WATER, WASTEWATER, FIRE PROTECTION
- XVI. UTILITY SERVICE
- XVII. EXHIBITS

I. DOCUMENT CLARIFICATION

It is understood that the project design as depicted herein is considered an inviolable part of the PUD Master Plan. The design is stipulated within the Revised PUD Master Plan (EXHIBIT A-2), and it cannot be changed unless a new design is submitted as a PUD amendment and follows the approval procedure outlined in Section 8.3.2 of the DSO. To allow a measure of flexibility for the developer to conform with unforeseen site conditions and/or circumstances (e.g., archeological discoveries; the effects of natural or man-made disasters; the advantages of superior design ideas that may be conceived subsequent to initial design), slight modifications of the Master Plan are allowed. The Development Review Team shall be the arbiter of the question of deviation from concept and design.

Site standards noted with this PUD application – including those related to road standards, density, building height, land uses, building uses, lot sizes, setbacks, and buffers – are recognized as part of the specific standards of the PUD.

The PUD will be required to conform to the regulations in effect at the time of development permit application for the following standards, unless provided for in a separate Development Agreement:

- tree protection, landscaping, and screening
- drainage and stormwater management
- environmental quality and protection of natural and cultural resources
- fee adjustments (building permits, for example)
- impact fees
- nuisances
- loading standards and overlay districts (excepting those standards related to building setbacks and buffers)
- requirements of other local, state, and federal agencies
- Beaufort County sign ordinance.
- Note: Each reference herein to the abbreviation, “DSO”, is a reference to the Beaufort County Zoning and Design Standards Ordinance, #90/3, last amended June 26, 1995.

JJS
HAA

II. GREENHEATH DEVELOPMENT TEAM

Land Planning:	Allison Ramsey Architects, Inc.
Landscape Architect:	Don Guscio
Surveyor:	Gasque and Associates, Inc.
Legal Consultant:	Harvey, Battey Law Firm
Applicant:	Greenheath LLC

Handwritten initials: JSD and HAA

III. PROJECT INTRODUCTION

The term "Greenheath" refers to that parcel of land (DMP# 200-010-0022) as shown in Exhibit Q. Greenheath (formerly known as the Gleason Tract and Pine Hill Acres) is situated at the junction of Middle Road and Brickyard Point Road on Lady's Island, Beaufort County, South Carolina. The 98.35 acre tract of currently undeveloped land lies approximately 1½ miles east of the city of Beaufort by air and is reached by crossing the Woods Memorial Bridge and traversing four miles of U.S. Highway 21 and Sams Point Road.

Greenheath lies in the midst of several mature residential neighborhoods, one of which is centered around a golf course. The tract has been timbered extensively over the years and is currently covered with a relatively young stand of mixed hardwoods and pines.

The tract is contiguous on its northeastern boundary to the 500 student Coosa Elementary School. The developer is coordinating with the Beaufort County School Board and plans to transform the Greenheath acreage into a mixed-use neighborhood complemented by the school and unified by a sense of the benefits of traditional community.

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IV. DEVELOPMENT PHILOSOPHY

The developer's aim is to create a neighborhood which will provide varied experiences in both the naturally-occurring and built environments. The approval of this rezoning request will make possible the coordination of central planning strategies and will facilitate attainment of the following objectives:

- The creation of traditional village style development
- Distinctiveness and excellence in planning and landscaping
- Design and siting of aesthetically pleasing streets and roads
- Preservation of unique and important natural features
- The creation and/or preservation of a variety of parks, open spaces, and natural habitats
- Clustering of buildings
- Use of greenways linking various areas
- Use of footpaths and pedestrian circulation networks linking neighborhoods to the school
- Employment of traffic mitigation measures
- Use of rear alleys for service purposes

V. THE GREENHEATH PUD **MASTER PLAN**

The Greenheath Planned Unit Development Master Plan (approved by DRT on February __, 2005), is shown on EXHIBIT A-2. When implemented, the Master Plan will result in a residential neighborhood with limited commercial uses providing pedestrian and vehicular access to the Coosa Elementary School and to adjoining neighborhoods.

The Master Plan incorporates elements from the Lowcountry and Sea Island area, employing typical features of small Southern towns and villages as its model. At their centers many of these towns and villages have a public space that is formed by civic, commercial, and residential uses, creating a sense of community identity and encouraging civic involvement.

In this tradition, a central parkway, to be called "The Green", shall be enclosed by mixed-use buildings, many with two-story double porches. Contiguous to The Green on the north shall be "The Heath," an open space of trees, freshwater wetlands, and a man-made "lake" (stormwater retention pond).

As in the typical small Southern community, the density of Greenheath shall tend to decrease as one moves away from the village center.

Small scale interconnecting streets will provide a variety of pedestrian routes for residents and visitors. The streets and lanes will be detailed for pedestrian comfort and vehicular convenience. Rear lanes are to be used for servicing and accessing many of the homes and neighborhood businesses. The neighborhood structure of blocks, layout of lots, and architectural design will provide a flexible yet predictable framework for mixing building types, from corner store to mixed-use structures to single family houses.

VI. GREENHEATH NEIGHBORHOOD ORDINANCE

The growth and development of Greenheath will be implemented and guaranteed by a series of specialized, inter-related documents to be known as the Greenheath Neighborhood Ordinance (GNO). The provisions of these documents will promote the creation of coherent neighborhoods with pedestrian-friendly streets and public spaces and distinctive house types, allowing personalized private gardens and interior spaces to secure the marketability and value of each home through the course of development.

The Greenheath Neighborhood Ordinance shall consist of the following:

1. Master Plan
2. Village Regulations
3. Architectural and Landscaping Guidelines
4. Street Sections

1. Master Plan

The Greenheath PUD Master Plan [EXHIBIT A-2] is a highly detailed conceptual document. The plan may be modified with the approval of the development Review Team (DRT) and the Planning Director to incorporate superior design ideas that may be conceived subsequent to initial design. Any increase in residential density or significant changes to the location of commercial land uses shall require approval through the PUD amendment process.

2. Village Regulations

These regulations provide a graphic code describing the building types with their required location on lots, their massing, and their detailed community behavior. The regulations are defined and described in depth in Section 7 ("Village Regulations") of the document.

3. **Architectural and Landscaping Guidelines:** These guidelines will fully elucidate design parameters and will serve as a written code which restricts the construction materials, the architectural configuration, and construction techniques which will result in the visible expression of the buildings. The guidelines will assure that all architecture and landscaping is consistent with the overall vision for the village. Guidelines will favor those with sound long-range aging and ecological properties.

4. Street Sections: These graphics describe the spatial definition of public space by buildings and trees, as well as the layout of traffic lanes, parking, and sidewalks which will be built within the rights-of-way shown on the Master Plan. [EXHIBIT A-2]

NOTE WELL: The four documents which comprise the Greenheath Neighborhood Ordinance (GNO) will guide the implementation of the neighborhoods of the Greenheath Tract. They will be administered by the developer and the community association. The provisions shall govern as drafted. All building and landscape designs shall be submitted to the supervising architect for conformity to the code. Deviations from these provisions may be granted on the basis of architectural merit, site conditions, unusual circumstances, or hardship, provided such deviations are consistent with the intent of the code.

VII. VILLAGE REGULATIONS

The Village Regulations are divided into two parts:

- A. Definitions
- B. Neighborhood Code

A. Definitions

Accessory Structure: a structure subordinate to the principal structure in square footage on a lot of record. Accessory structures to single family dwellings are permitted the following uses: parking, gazebo, poolhouse, equipment storage, artist studio, sauna, workshop, rental cottage, and conservatory. Accessory units with kitchens will be permitted on 25% of all single family lots. Each accessory unit with a kitchen shall count as 0.2 multi-family units, counting toward the total allowable 96 multi-family units. Accessory structures shall have a maximum of 625 habitable square feet. The maximum building height shall be thirty feet (30'), as measured from finished grade elevation to eave line. Only one accessory unit permitted per residential lot.

Arcade: structural extension of upper floor over public right-of-way, creating a covered pedestrian sidewalk.

Build to line: a line drawn on the regulating plan or stated as a distance from the frontage line along which a façade must be placed a designated percentage of the lot width.

Commercial Uses: There are three categories of Commercial Use:

1. Community Commercial: a special category of commercial use applicable to the sites indicated on the Master Plan. "Community Commercial" uses shall be limited as follows: school, kindergarten, day care center; offices for general administrative functions (including operations management, sales and marketing, clerical service, personnel management, accounting/finance, data processing, and design/engineering); club (business or civic association); conference center; associated parking. Community Commercial building square footage shall not exceed 5,000 feet.

2. Commercial Only: a special category of commercial use applicable to the sites indicated on the Master Plan. "Commercial Only" uses shall include all uses allowable in the Neighborhood Commercial District (Sections 4.10.1 and 4.10.2 of the DSO), except the following: radio and/or television station; auto accessory store; telecommunications tower. Commercial Only building square footage shall not exceed 10,000 square feet.

3. Limited Commercial: "Limited Commercial" is a special category of commercial use. Total Limited Commercial square footage shall not exceed 10,000 square feet. Limited Commercial uses shall be allowed on the ground floor only of live-work units, to the maximum extent of 50% of the total floor area of the entire unit. Limited Commercial includes all uses allowable in Sections 4.10.1 and 4.10.2 of the DSO (Neighborhood Commercial District), with the exception of the following:

appliance, radio, television store; package liquor store; appliance, radio, television repair shop; radio and/or television station; auto accessory store; automobile service station; telecommunications tower; public utility and/or public safety service building.

Community Uses: All neighborhoods within the boundaries of Greenheath will be allowed the following Community Uses:

- **Community Recreational uses** including but not limited to: tennis courts, swimming pools, playing fields, lawn bowling, croquet, gardening plots, recreational support facilities (such as maintenance sheds and shade structures), recreational vehicle parking, boat and trailer parking, pedestrian paths, security and maintenance facilities associated with common areas, areas for outdoor recreation and scenic and natural preservation, and other active and passive recreation uses compatible with the development.
- **Civic and Institutional uses** including but not limited to: indoor recreational buildings, community offices, maintenance for recreational buildings and facilities, public or private emergency facilities such as fire stations and ambulance stations, rest stations, day care centers, recycling centers, shops for maintenance and related services of the community; church, religious structures, school, library, and cemetery uses; gazebos, statuary; and other uses related to the needs and welfare of the community.
- **Open Space uses** including but not limited to: conservation; outdoor recreation and scenic and natural preservation; parks, playgrounds, trails, pedestrian paths, wildlife observation platforms; erosions control structures; lagoons, retention/detention areas for drainage systems and stormwater control; easements, other than utility or road easements; and all community recreational uses listed in II. C. 1. (above), except the following uses: buildings and accessory structures, parking areas, utility easements, street rights-of-way, drain ditches and the like.
- **Rights-of-Way uses** shall be the following: accessways, such as roads, streets, lanes, and alleys; parking; utilities and related facilities including, but not limited to, power, telephone, water, sewer, drainage, landscaping, signage, irrigation, bike trails, paths.
- **Agricultural uses** as listed in (RAD) Residential Agricultural District, Section 3.1.14 of the DSO, including tree farming and forest management.

791
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Corner side: the façade of a building, having frontage on two thoroughfares that is not the main entrance to the building.

Double Frontage: buildings showing a front façade and a rear façade to a right-of-way.

DRT: Beaufort County Development Review Team

Duplex: an attached single family structure containing 2 dwelling units located on a singly deeded lot.

Façade: the perimeter of a building set parallel to a frontage line.

Floor: habitable level within a structure.

Frontage: those portions of a lot boundary line which coincide with the principal thoroughfare, right-of-way, or public space.

Greenheath PUD Ordinance: that PUD Ordinance (97/5) approved by Beaufort County Council on March 24, 1997, revised by the DRT on March 25, 1998, and revised February ____, 2005.

Greenheath Tract: that 98.35 acre tract of land located on Lady's Island, Beaufort County, formerly known as the Gleason Tract and Pine Hill Acres (DMP# 200-010-0022).

Revised PUD Master Plan and Text Amendments: those Master Plan revisions and Text Amendments to the Greenheath PUD Ordinance submitted to the DRT on January 19, 2005, and approved by DRT on February ____, 2005. Also called "PUD Master Plan".

Home occupational use: any use conducted for gain clearly incidental to the primary residence and/or accessory unit. Home occupational uses are allowable only if the activity is that of the property owner, and the property owner is in residence in the primary dwelling. At no time shall such a use exceed 25% of the floor area of a home. Accessory units are to be rented for residential purposes only. Accessory units cannot be rented for commercial purposes or to businesses.

Live-work unit: "Live-work" units are mixed-use structures accommodating Limited Commercial uses on the ground floor and residential uses above. The total number of live-work units shall not exceed 10. Live-work units will be subject to special covenants and restrictions related to the compatibility of Limited Commercial uses to the general community.

Maximum building height: Maximum height for all structures shall be 35 feet, as measured from finished grade to the eave.

Multi family dwelling: three or more attached single family structures located on a lot of record.

Parkways: linear open spaces connecting central areas of a town or neighborhood with natural areas outside the town or neighborhood. Parkways are always fronted by thoroughfares or right-of-ways.

Single family dwelling: a detached residential structure located on a lot of record. The types of detached residential structures which shall be allowed include, without limitation, the following: Shotgun, Corner Porch, Bungalow, Cottage, T-House, Double L, Porch House, Double Gallery, Single House, Townhouse.

Townhouse: a fee simple single family dwelling or live-work unit attached to other units of similar size and/or type.

B. Neighborhood Code

The PUD Master Plan [EXHIBIT A-2] is keyed to the three neighborhood conditions: The Green, The Heath, and Village General. Each neighborhood is shown on the Master Plan.

The following provisions shall apply to all neighborhoods:

Ground Uses:

- All neighborhoods shall be allowed Community Uses (as defined above) as well as uses specific to each neighborhood.

Thoroughfares:

- The thoroughfares shall be streets or roads with or without curb. Most buildings shall be served by alleys.

Parking:

- Parallel parking shall be allowed within the boundaries of Greenheath. Parking shall be two (2) per principle dwelling unit; one (1) per apartment unit; and one (1) per every four hundred square feet of commercial space. Required parking shall include on-street parking.

797
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Principal building and yard:

- Stoops, balconies, and bay windows may encroach within front and corner side setbacks. Porches are considered walls and must fit within setbacks.
- Double frontage buildings shall have the required front setback along the primary frontage.
- Frontloaded garage doors shall be recessed from the primary building façade a minimum of 10 feet.
- Outbuildings may be attached to the principle building.
- Garden walls, gates, fences, and hedges may be built on property lines along the perimeter of front and sideyard or as a continuation of building walls.

General Specifications:

- Lot sizes shall be a minimum of 4500 square feet. Lots may be further subdivided to accommodate townhouses or condominiums.
- Buildings shall be placed on their lots with a front setback of 10'. Rear setbacks shall be a minimum of 10'. There shall be no side setbacks. Accessory buildings shall be exempt from rear setbacks.
- Principal Building height: Maximum height for all structures shall be 35 feet, as measured from finished grade to the eave.
- Dwelling units may be transferred from one neighborhood to another (e.g., from The Green to The Heath), provided the total number of dwelling units for the entirety of Greenheath does not exceed 313.

Each neighborhood is subject to specific standards, as follows:

The Green:

- The center of the village, "The Green," is a social, mixed-use hub within walking distance of surrounding neighborhoods.
- Housing may be in single family or multi-family buildings, with a limited number of units combining upper floor residential with ground floor Limited Commercial (i.e., live-work units).

- Building types may include, but shall not be limited to: Commercial, Single Apartment, Apartment House, Double Decker, Single House, Live-work, and Townhouses.
- Commercial Only sites are limited to two locations on the south end of the Green (see Revised PUD Master Plan, EXHIBIT A-2).
- Open space includes two large parks within The Green.
- Ground uses shall be Residential, Limited Commercial, Commercial Only, Civic, and Community Commercial.

The Heath:

- Contiguous to The Green is "The Heath," a large green space containing a man-made freshwater lake (stormwater retention pond).
- Housing is typically in rearyard, sideyard, and all yard buildings, with outbuildings at the rear.
- Building types shall include, but shall not be limited to: Shotgun, Corner Porch, Bungalow, Cottage, T-House, Double L, Porch House, Double Gallery, Single House, Live-work.
- Open space is confined to The Heath, wetlands, parks, and buffers.
- Ground uses shall be limited to Residential, Home Occupations, Limited Commercial, Civic, and/or Community Commercial.

Village General:

- This is the most widespread community fabric, with a mixture of housing types and limited non-residential uses.
- Open space is organized into parks, buffers, and playgrounds.
- Building types shall include, but shall not be limited to: Shotgun, Corner Porch, Bungalow, Cottage, T-House, Double L, Porch House, Double Gallery, Single House, Live-work.
- Ground uses shall be limited to Residential, Home Occupations, Civic, Limited Commercial, and/or Community Commercial.

VIII. EXISTING CONDITIONS

A. Physical development:

Greenheath is currently vacant wooded land. It is bounded by Brickyard Point Road on the south, Fiddler Drive on the north and west, and property of the Beaufort County School Board and various private property owners on the east. It is well drained, "high" land. Tree coverage consists of a pine and hardwood forest.

B. Plat:

The subject property is shown on a plat [EXHIBIT Q], which contains the following information:

- i. Location map
- ii. Boundary and dimension
- iii. Existing streets and highways
- iv. Freshwater wetlands (U.S. Army Corps of Engineers delineation)

C. Soils:

According to the "Soil Survey of Beaufort and Jasper Counties, South Carolina," compiled by the United States Department of Agriculture Soil Conservation Service, 1980, soils on the Greenheath acreage include the following types: Seabrook, Wando and Rosedhu.

D. Topography:

The land is flat and high. Elevations vary from approximately 25 feet above sea level to approximately 18 feet above sea level.

E. Existing development and infrastructure:

This land is currently undeveloped, except for the existence of an internal dirt road which loops through the tract. All essential utilities are available at or near the property line.

F. Freshwater wetlands:

Freshwater wetlands comprising a total of .91 of an acre on the subject property were delineated by Mr. Lafayette Lyle of Soil and Wetland Consulting, Inc. in August, 1995. These wetlands have been represented on a plat [EXHIBIT C] prepared by David Gasque and Associates, dated May 22, 1995 and entitled "Wetland Survey Prepared for Gleason Place, L.P. of Pine Hill Acres, located on Lady's Island, Beaufort County, South Carolina." The U.S. Army Corps of Engineers verified the wetland determination for this property on October 3, 1995. [EXHIBIT D]

G. Archeological Survey:

An extensive examination of existing documentation was conducted by the Beaufort County Planning Department and the South Carolina State Historic Preservation Office as part of an archeological review of Greenheath. It was determined that proposed development on Greenheath acreage will have no effect on any archeological resources listed in, or eligible for listing in, the National Register of Historic Places. A Permit of Approval certifying that finding has been issued by the Beaufort County Planning Department. [EXHIBIT E]

H. Existing Easements:

There are no easements existing on Greenheath. To the best of the developer's knowledge, no easements exist on individually-owned tracts (see below) contiguous to Greenheath. Greenheath is bounded on the north and west by a right-of-way (Fiddler Drive), and on the south by a right-of-way (Brickyard Point Road). Public utility easements (electricity, telephone, drainage) exist within the rights-of-way.

IX. PROPERTY CONTIGUOUS TO GREENHEATH

As of July 31, 1996, the following individuals were listed on the Beaufort County Tax Map as owning property contiguous to Greenheath:

1. DMP# 220-010-21C
Drucilla B. Graves
42 Brickyard Point Road S.
Beaufort, South Carolina 29902
Use: Residential
2. DMP# 200-010-21H
George Steven Williams
416B Newcastle Street
Beaufort, South Carolina 29902
Use: Residential
3. DMP# 200-010-22E
Elizabeth A. Santagati
Star Route 5, Box 102-B S.
Beaufort, South Carolina 29902
Use: Residential
4. DMP# 200-010-22D
Kenneth Allen Clark
Star Route 5, Box 106 1/2
Beaufort, South Carolina 29902
Use: Undeveloped acreage
5. DMP# 200-010-38J
James Marlowe
106 Longwood Drive
Spartangurg, South Carolina 29301
Use: Undeveloped acreage
6. Beaufort County School Board
King Street
Beaufort, South Carolina 29902
Use: Proposed Elementary School

791
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X. LAND USE SUMMARY CHART

The Land Use Summary Chart shown below [EXHIBIT A-3] designates specific areas of land use in Greenheath:

LAND USE SUMMARY CHART					
LAND USE	DWELLING UNITS	ACREAGE	% OF TOTAL	DENSITY	COMMERCIAL Sq. footage (Building Only)
RESIDENTIAL: (single family and multi-family)	313	46.12	46.9	6.78	
COMMERCIAL ONLY		.50	.52		10,000 s.f.
LIMITED COMMERCIAL		.75	.78		10,000 s.f. (10 units)
COMMUNITY COMMERCIAL		1.25	1.3		5000 s.f.
OPEN SPACE		23.04	23.4		
COMMUNITY BUILDINGS (CIVIC)		1.40	1.42		
RIGHT OF WAY		19.14	19.38		
ALLEY (NON-DEDICATED)		6.15	6.3		
TOTAL UNITS:					
GROSS	313	98.35	100%	3.18	25,000 s.f.
NET	313	73.06		4.28	

The figures presented above represent acreages and dwelling units for the Greenheath project according to current planning. The property has 98.35 acres and 313 dwelling units. The number of dwelling units will not exceed 313 units. The maximum allowable commercial structural square footage is shown on the Land Use Summary Chart as 10,000 square feet for Commercial Only; 10,000 square feet for Limited Commercial (i.e., 10 live-work units); 5,000 square feet for Community Commercial.

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X. LAND USE SUMMARY CHART

The Land Use Summary Chart shown below [EXHIBIT A-3] designates specific areas of land use in Greenheath:

LAND USE SUMMARY CHART					
LAND USE	DWELLING UNITS	ACREAGE	% OF TOTAL	DENSITY	COMMERCIAL Sq. footage (Building Only)
RESIDENTIAL: (single family and multi-family)	313	46.12	46.9	6.78	
COMMERCIAL ONLY		.50	.52		10,000 s.f.
LIMITED COMMERCIAL		.75	.78		10,000 s.f. (10 live-work units)
COMMUNITY COMMERCIAL		1.25	1.3		5000 s.f.
OPEN SPACE		23.04	23.4		
COMMUNITY BUILDINGS (CIVIC)		1.40	1.42		
RIGHT OF WAY		19.14	19.38		
ALLEY (NON- DEDICATED)		6.15	6.3		
TOTAL UNITS:					
GROSS	313	98.35		3.18	
NET	313	73.06	100%	4.28	25,000 s.f.

The figures presented above represent acreages and dwelling units for the Greenheath project according to current planning. The property has 98.35 acres and 313 dwelling units. The number of dwelling units will not exceed 313 units. The maximum allowable commercial structural square footage is shown on the Land Use Summary Chart as 10,000 square feet for Commercial Only; 10,000 square feet for Limited Commercial; 5,000 square feet for Community Commercial.

XI. DEVELOPMENT STANDARDS

The following internal development standards shall apply to the development.

1. Lot Specifications

See Village Regulations (Section 7).

2. Building height

Building height for residential, commercial, and civic structures, excluding architectural features such as chimneys, observation towers, and steeples, will be measured from existing grade to the fascia board of the eave. No structure shall exceed thirty five (35') feet in height.

3. Open Space

Open space will be calculated within the overall boundary of the PUD and not specifically for each phase of development. The PUD Master Plan includes a minimum of 23.04 acres of open space, which is 23.4% of the total acreage of the tract, and more open space than is required by the DSO (Section 5.2.9).

4. Buffers

The DSO defines "buffer" as: a piece of land of specific width, free from man-made structures (including driveways and parking areas), permanently set aside by the owner and his assign and planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy.

The following buffers shall be established:

- a) The buffer shall be a minimum of thirty feet (30') bordering Brickyard Point Road and bordering the properties listed on the Beaufort County Tax Map as District 200, Map 010, Parcels 22D and 22E.
- b) The border shall be 10' bordering property listed on the Beaufort County Tax Map as District 200, Map 010, Parcels 21C and 38J.

- c) The buffer shall be 15' bordering the School Board property [Note: the School Board is obliged contractually and by the DSO to provide a minimum of twenty five foot (25') buffer where the school property adjoins Greenheath].
- d) The buffer shall be thirty feet (30') bordering Fiddler Drive.

5. Setbacks

- Building setbacks shall be in accordance with the Village Regulations, as defined herein (Section 7).
- Setbacks from freshwater wetlands shall be a minimum of thirty feet (30').
- Setbacks from the right-of-way on Fiddler Drive shall be a minimum of fifty feet (50').

6. Acreage adjustments

The acreage depicted on the PUD Master Plan are planimetered and therefore approximate.

7. Covenants and restrictions

The developers of Greenheath will record in the Beaufort County RMC covenants and restrictions which will address all applicable restriction issues, establish an architectural review committee, define the site and architectural design standards expressed herein, and provide for long term ownership of common facilities by a community association.

Covenants and restrictions will be recorded for each phase of the development. They will function as the basic rules of the neighborhoods as they relate to the continuity of community interaction. They will be tailored to respond to the different needs and special characteristics of the various tracts or neighborhoods.

8. Site parameters for civic and commercial uses

The locations of all civic and commercial uses at Greenheath are indicated on the PUD Master Plan.

Maximum acreage that may be dedicated to Commercial Only uses is one half (5/10) of an acre. Total Commercial Only building square footage shall not exceed 10,000 square feet.

Limited Commercial uses (e.g., live-work units) shall not exceed 10 units total. Maximum acreage that may be dedicated to Limited Commercial uses is three quarters (75/100) of an acre.

Community Commercial uses shall not occupy greater than one and one quarter (1.25) of an acre or exceed 5000 square feet (building).

Civic building space shall not exceed 1.4 acres.

The determining factor of the actual size and type of civic and commercial buildings in Greenheath shall be based on the demand created by residents and guests.

9. **Street and thoroughfare standards**

1. Roads, Rights-of-way, and Pavement Widths:

All streets shall be engineered to meet the paving, safety, and drainage goals set by the County. They shall have an all weather surface designed for the soil conditions. The final design will be based on use and site specific conditions. Low speed limits and traffic mitigation devices may be employed.

There may be several types of street, including but not limited to the following:

Type	Right-of-way width	Pavement width
Boulevard	50 feet	22 feet (2/11' lanes)
Green Street	50 feet	22 feet
Street	50 feet	22 feet
Alley	20 feet	not paved
One Way Street	30 feet	11 feet

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2. Street Sections:

The street section will include the following types:

- A. Curb and gutter (rolled over type or header type)
- B. Roadside swales
- C. Inverted crowns
- D. Cross slopes

3. Access to Major Thoroughfares:

Access to major thoroughfares will be according to the approved Greenheath PUD Master Plan [EXHIBIT A-2] or an approved SCDOT plan.

10. **Natural resources**

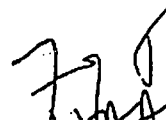
a) **Preservation of existing trees**

Enforcement of covenants and restrictions in regard to the removal, protection, and preservation of trees will be a high priority. The pertinent covenants and restrictions will meet or exceed the provisions of the Development Standards Ordinance, Section 5.2.7. Specimen trees over 24 inches in diameter shall be retained when defining open space, including The Green.

b) **Allowed Pine Crop Area Harvesting**

The developer proposes to harvest pine tree timber as it matures. A qualified land management firm shall be retained to develop a Forestry Management Plan, which will be coordinated with the PUD Master Plan and with individual development phase planning. The plan shall be reviewed by the Beaufort County Zoning and Development Administrator. Under the Forest Management Plan, harvesting of pine trees shall be allowed in the pine crop areas, road rights-of-way, recreational areas, planned retention/detention areas, and other areas where existing pine trees would be rendered unsafe due to thinning. The Forest Management Plan may be amended over the course of development to reflect any changes to the development plan or other conditions which may affect the ability to harvest or preserve pine corps.

The owner or operator of harvesting equipment for the cutting of timber shall be exempt from a Development Permit, provided that the owner/operator shall notify, in writing, the County Zoning and Development Administrator no less than five (5) days prior to the cutting of timber with a statement indicating the site location, estimated number



of acres to be harvested, and dates cutting will occur. It is understood that the cutting will be done in compliance with South Carolina's Best Management Practices and the Forest Management Plan.

c) Erosion Control

Development shall be undertaken under the authority of permits according to the South Carolina Stormwater and Sediment Reduction Act. The applicant will take the necessary steps to minimize and control erosion. Sites will be stabilized at completion of construction by a method approved by SCDHEC/OCRM and/or the County Engineer.

d) Freshwater Wetlands

Freshwater wetlands on the property have been delineated, surveyed, and confirmed by the U.S. Army Corps of Engineers. Freshwater wetlands on the site may be impacted, restored, and preserved in accordance with permits issued by the U.S. Army Corps of Engineers and certified by SCDHEC/OCRM. [EXHIBIT Q]

11. Phasing

Greenheath shall be a phased development. The developer proposes an orderly progression of infrastructure to be phased-in over a period of approximately fifteen years, or as economic activity will allow.

A phase may consist of any tract, any part of a tract, or any combination of tracts, as shown on the PUD Master Plan.

Any phase may represent a separate neighborhood (or part thereof) possessing its own sense of identity as dictated by architectural themes, community needs, and the natural features of the landscape.

The types of neighborhoods currently envisioned for Greenheath include, but are not limited to, the following:

- a) a traditional residential neighborhood with varying sized lots bordering streets laid out in a grid pattern
- b) a commercial village neighborhood
- c) a neighborhood of clustered mixed-use units
- d) any type of neighborhood compatible with the intent of this document.

12. Density

The developer seeks approval to develop a maximum of 313 residential and mixed-use units at Greenheath.

The overall density proposed is approximately 3.18 Dwelling Units per Gross Acre.

The net density proposed is approximately 4.28 units per Net Acre.

[Net Acreage is defined in Section 10.2.82 of the DSO as that acreage which remains after deduction from the Gross Acreage of easements for existing utilities, roads, and ditches. All remaining uplands, wetlands, and marshes are included in the net acreage for density calculations.]

13. Amenities

The types of amenities considered appropriate and which may be developed at Greenheath include, but are not limited to, the following: Civic buildings and structures, churches or religious structures, tennis courts, swimming pools, playing fields, lawn croquet, pedestrian paths, wildlife observation platforms, gardening plots, meeting facilities, banquet facilities, fitness facilities, hobby facilities, recreational support facilities such as maintenance sheds and shade structures, areas for outdoor recreation and scenic and natural preservation, and all other areas of active and passive recreation compatible with uses in the development.

NOTE: Amenities to serve community residents shall be provided at the developer's discretion as the growth of the community allows and dictates. The developer reserves the right to provide amenities and to convey them to the community association, which shall become responsible for the upkeep and maintenance of the conveyed amenities. The developer may choose to absorb the full cost of a given amenity or to share the cost with the community association. Also, the developer may elect to donate land to the community association for an amenity site, which the community association may then develop and maintain.

Handwritten signature and initials, possibly 'Jed' and 'AAA', in black ink.

XII. DEPARTURES FROM DSO

Certain specific departures from the site development standards of the Beaufort County DSO are requested and shall apply to all development within the PUD. In general, the departures will increase opportunities for the following:

- a) The preservation of valued trees
- b) The construction of aesthetically pleasing roads
- c) Creation of traditional neighborhood style development
- d) Clustering buildings
- e) Better use of footpaths and pedestrian circulation networks
- f) Employment of traffic mitigation measures
- g) Use of rear alleys for service purposes

The departures requested would permit the following specific flexibility:

1. Parking

- i. Size (dimensional) reduction to 9x19 off street, 8x19 on street
- ii. Ability to count onstreet parking spaces toward parking requirements

2. Streets

- i. Ability to accommodate 20 foot alleys
- ii. Paved widths of 11 feet minimum 1-way, 22 feet 2-way

3. Subdivision Layout

- i. Lots with 20' of road frontage
- ii. Apartment lots which exceed 50% coverage

4. Design

- i. Yard and street setbacks ranging from zero feet to 35 feet.
- ii. A minimum lot size of 4500 square feet, subject to further subdivision to accommodate townhouse lots or condominiums.

5. Use

- i. Ability to accommodate single structure mixed-use
- ii. Ability to accommodate accessory structures to homes as residential units.

Note: Each reference herein to the abbreviation, "DSO", is a reference to the Beaufort County Zoning and Design Standards Ordinance, #90/3, last amended June 26, 1995.

XIII. ACCESS, STREETS, DRAINAGE, STORMWATER

The PUD Master Plan has been reviewed by the South Carolina Department of Transportation, SCDOT. [EXHIBIT F]

a. Access

The project will have a main entrance on Brickyard Point Road, with secondary entrances on Brickyard Road and Fiddler Drive (as shown on the PUD Master Plan, EXHIBIT A-2).

b. Streets

The internal street system will be owned and maintained by a community association, excepting that portion which the County may allow to be dedicated to the County.

[NOTE: Proposed roads displayed on the PUD Master Plan may require field adjustment]

c. Drainage

- i. Prior to the issuance of a development permit by Beaufort County, a preliminary stormwater management plan for Greenheath shall be submitted to the County by the developer for review and approval by the County. This review shall establish reasonable and effective standards and methodologies based on Best Management Practices (BMPs) appropriate for accommodating stormwater runoff at Greenheath.
- ii. The Conceptual Drainage Plan is shown in EXHIBIT G. The plan shows the following:
 1. existing drainage patterns
 2. proposed lagoons/lakes
 3. existing ponds and proposed retention/detention acres
 4. outfalls into critical areas with 20 foot minimum grassed swales.
- iii. The Conceptual Drainage Plan is subject to modifications as per C.1 (above). Exact locations of retention/detention areas will be determined at the time construction plans are developed.

- iv. The Conceptual Drainage Plan shall be reviewed by the Beaufort County Engineer [EXHIBIT H-1] (as per C.1, above). The Conceptual Drainage Plan has been reviewed by SCDHEC/OCRM [EXHIBIT I]
- v. The drainage system will be owned and maintained by a community association, excepting that portion which the County may allow to be dedicated to the County.

XIV. FLOOD HAZARD ZONES

The flood hazard zones for the property are shown on FEMA Flood Insurance Rate Maps for Beaufort County, FIRM COMMUNITY—PANEL NUMBER 450025 0095 (9/29/86). The island is in Flood Zone C.

XV. WATER, WASTEWATER, AND FIRE PROTECTION

The project is located in the unincorporated areas of Beaufort County. Beaufort-Jasper Water and Sewer Authority (BJWSA) is the service agent for potable water and wastewater service. BJWSA intends to serve the project for water and sewer. [EXHIBIT J]

Potable water is currently available to Greenheath by BJWSA. The developer will construct a potable water distribution system for the project area as development warrants. BJWSA will operate and maintain the system. A preliminary master plan of the water system is shown in EXHIBIT K.

The system will be capable of providing fire flow. The PUD Master Plan has been reviewed by the Lady's Island Fire District [EXHIBIT L].

29 J. A.

Wastewater treatment will be provided by BJWSA. Wastewater will be collected on site by a system constructed by the developer and operated by BJWSA. A preliminary master plan of the sewer system is shown in EXHIBIT M.

XVI. UTILITY SERVICE

The developer has coordinated with the providers of electrical power, telephone service, and solid waste disposal services:

- a. Electrical power will be provided by South Carolina Electric and Gas Company [EXHIBIT N].
- b. Telephone service will be provided by the United Telephone Company [EXHIBIT O].
- c. Solid waste disposal services will be provided by Eco Services of South Carolina [EXHIBIT P]

XVII. EXHIBITS

- A-1. The Greenheath PUD Master Plan, approved March 24, 1997, by County Council and revised March 25, 1998 by DRT, is hereby replaced by the Revised PUD Master Plan [EXHIBIT A-2].
- A-2. Revised PUD Master Plan – Approved by DRT on 2/___/05
- A-3. Revised Land Use Summary Chart – Approved 2/___/05
- B. Greenheath Neighborhood Concept Plan
- C. Wetland Surveys Prepared for Gleason Place, L.P.
- D. U. S. Army Corps of Engineers – Verification Letters
- E. Planning Department – Archeological Permit Letter
- F. SCDOT – Verification Letter
- G. Conceptual Drainage Letter
- H. County Engineer’s Review of Conceptual Drainage Plan
- I. SCDHEC/OCRM’s Review of Conceptual Drainage Plan
- J. BJWSA Water and Sewer – Verification Letter
- K. Water System – Preliminary Master Plan
- L. Lady’s Island Fire Chief – Verification Letter
- M. Sewer System – Preliminary Master Plan
- N. SCE&G – Verification Letter
- O. United Telephone System – Verification Letter
- P. Eco Services – Verification Letter
- Q. Boundary and Freshwater Wetland Survey

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

REPLY TO
ATTENTION OF

January 7, 1998

Regulatory Branch

Mr. Fred Trask
c/o Soil and Wetland Consulting
Route 4, Box 663
Walterboro, South Carolina 29488

Dear Mr. Trask:

This letter is in response to a Pre-Construction Notification (PCN) dated which was received on November 14, 1997. By submittal of the PCN you requested verification that the proposed project is authorized by a Department of the Army Nationwide Permit.

The PCN contains the following identifying information for this project. The work affecting waters of the United States is part of an overall project known as 6-049, Fred Trask/Gleason Permit. The project involves impacts to not more than 0.34 acres of waters of the United States, including wetlands. The project location is on a 116.58 acre tract off of Fiddler Drive on Lady's Island, Beaufort County, South Carolina. The PCN also includes the following supplemental information.

- a. Drawings sheets 1, 2, 3, 4, 5 and 6 of 6 titled "Activity: Wetland Fill, In: Isolated Wetland, Agent: Soil and Wetland Consulting, Applicant: Mr. Fred Trask" and dated November 11, 1997.
- b. A mitigation plan titled "Preservation Overview, sheet 4 of 6" and dated November 11, 1997, that will include onsite preservation of 0.57 acres of isolated wetlands and 0.90 acres of upland buffers.
- c. A delineation of special aquatic sites.

Based on a review of the PCN, including the supplemental information indicated above, it has been determined that the proposed activity will result in minimal individual and cumulative adverse environmental effects and is not contrary to the public interest. Furthermore, the activity meets the terms and conditions of Department of the Army Nationwide Permit #26.

The terms and conditions of the above listed Nationwide Permit are enclosed for your information. For this authorization to remain valid, the project must comply with the enclosed terms and conditions as well as the following special conditions:

- 1. That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental drawings and mitigation plan, any subsequent revisions and/or those conditions contained in the enclosed certification from the S. C. Department of Health and Environmental Control.

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2. That construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, subject to any modifying conditions or restrictions imposed by this letter.

3. That the permittee shall submit a signed compliance certification to the Corps within 30 days following completion of the authorized work and any required mitigation. The certification will include:

- a. A copy of this authorization letter;
- b. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- c. A statement that any required mitigation was completed in accordance with the permit conditions;
- d. The signature of the permittee certifying the completion of the work and mitigation.

4. That all conditions given in the enclosed certification from the S. C. Department of Health and Environmental Control are hereby incorporated as special conditions to this authorization.

Mitigation will be provided through the preservation of the remaining wetlands on-site along with upland buffers. These preserved areas will be protected in perpetuity through the placement of USACDE/OCRM-approved restrictive covenants. A copy of the stamped recorded plat and the stamped recorded restrictive covenants must be submitted to this office and the Office of OCRM prior to commencement of the authorized activity or within 60 days of issuance of this letter, whichever is later.

Authorizations under Nationwide Permit #26 are valid until December 13, 1998. For activities authorized under all other Nationwide Permits, the authorization expires two years from the date of this letter. For projects authorized under multiple Nationwide Permits, these expiration dates apply as stated to each separable activity.

The time specified for this authorization will remain valid if the Nationwide Permit(s) is reissued without modification, or the activity complies with any subsequent modification; however, the provisions of 33 CFR 330.6(b) will apply if the Nationwide Permit expires, is suspended or revoked, or is modified such that the activity no longer complies with the original terms and conditions. In general these provisions provide that if the work authorized by this letter has commenced in accordance with the requisite terms and conditions or you, acting in reliance of this Nationwide Permit, have entered into a contract to have the work performed prior to such date, this authorization will remain in effect if the work can be completed within twelve months of the date of the Nationwide Permit's expiration, modification or revocation unless discretionary authority has been exercised in accordance with 33 CFR 330.4(c) or (d).

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Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to our file number SAC-26-97-1778-W. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact Debbie King at A/C 803-727-4330 or 800-208-2054.

Respectfully,


Robert H. Riggs
Chief, Regulatory Branch

803-727-4445 Fax

Enclosures

Copy Furnished:

U. S. Environmental Protection Agency
Region IV, Wetlands Regulatory Unit
Atlanta Federal Center
63 Forsyth Street
Atlanta, Georgia 30303

United States Department of Interior
Fish and Wildlife Service
Post Office Box 12559
Charleston, South Carolina 29412

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

S. C. Dept. of Health and Environmental Control
Bureau of Water Pollution Control
Attn. Ms. Rheta Geddings
2600 Bull Street
Columbia, South Carolina 29201

790

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

DECLARATION OF
RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS is executed this 26th day of December, 2000, by Gleason Place, L.P. ("Declarant").

RECITALS

WHEREAS, Declarant owns certain real property (the "Property"), with said term to include wetlands, any interest in submerged lands, uplands and associated riparian/littoral rights, situate on Lady's Island in Beaufort County, South Carolina, within the development commonly referred to as "Greenheath," more particularly described as follows, to wit:

Those certain pieces of real property consisting in the aggregate of 0.57 acres and shown as the preserved wetlands within the areas designated as "WETLAND 'D'," "WETLAND 'F'," "WETLAND 'G'," and "WETLAND 'H'" on a plat (the "Gasque plat") prepared by David E. Gasque, R.L.S., entitled "FRESHWATER WETLAND SURVEY AND PRESERVATION OVERVIEW GREENHEATH SUBDIVISION GLEASON TRACT," dated February 25, 1998, and recorded at the Beaufort County (SC) Register of Deeds in Plat Book 77 at Page 165

Also, those certain pieces of real property consisting in the aggregate of 0.90 acres and shown as the wetlands buffers within the areas designated as "WETLAND 'D'," "WETLAND 'F'," "WETLAND 'G'," and "WETLAND 'H'" on the Gasque plat.

WHEREAS, as compensatory mitigation under Federal and State law for Department of the Army Permit No. SAC 26-97-1778 W ("Permit") issued by the U.S. Army Corps of Engineers, Charleston District, ("Corps" or "Charleston District," to include any successor agency), and certification(s) and/or permit(s) issued by the South Carolina Department of Health and Environmental Control ("DHEC," to include any successor agency), and in recognition of the continuing benefit to the permitted property, and for the protection of waters of the United States and scenic, resource, environmental, and general property values, Declarant has agreed to place certain restrictive covenants on the Property, in order that the Property shall remain substantially in its natural condition forever.

NOW THEREFORE, Declarant hereby declares that the Property shall be held transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the following restrictive covenants, which shall run with the land and be binding on all heirs, successors, assigns (they are included in the term, "Declarant," below), lessors, or other occupiers and users.

297

1. Prohibitions. Declarant is and shall be prohibited from the following filling: draining, flooding, dredging, impounding, clearing, burning, cutting or destroying vegetation, cultivating, excavating, erecting, constructing, releasing wastes, or otherwise doing any work on the Property; introducing exotic species into the Property (except biological controls preapproved in writing by the Corps and DHEC); and from: changing the grade or elevation, impairing the flow or circulation of waters, reducing the reach of waters, and any other discharge or activity requiring a permit under clean water or water pollution control laws and regulations, as amended. The following, however, are expressly excepted from the referenced prohibitions in this paragraph: a) cumulative very small impacts associated with hunting (excluding planting or burning), fishing, and similar recreational or educational activities, consistent with the continuing natural condition of the Property; b) removal or trimming of vegetation hazardous to person or property, or of timber downed or damaged due to natural disaster; c) restoration or mitigation required under law.
2. Amendment. After recording, these restrictive covenants may only be amended by a recorded document signed by the Corps, DHEC and the Declarant. The recorded document, as amended, shall be consistent with the Charleston District model conservation restrictions at the time of amendment. Amendment shall be allowed at the discretion of the Corps and DHEC, in consultation with resource agencies as appropriate, and then only in exceptional circumstances. Mitigation for amendment impacts will be required pursuant to Charleston District mitigation policy at the time of amendment. There shall be no obligation to allow an amendment.
3. Notice to Government. Any permit application, or request for certification or modification, which may affect the Property, made to any governmental entity with authority over wetlands or other waters of the United States, shall expressly reference and include a copy (with the recording stamp) of these restrictive covenants.
4. Reserved Rights. It is expressly understood and agreed that these restrictive covenants do not grant or convey to members of the general public any rights of ownership, entry or use of the Property. These restrictive covenants are created solely for the protection of the Property, and for the consideration and values set forth above, and Declarant reserves the ownership of the fee simple estate and all rights appertaining thereto, including without limitation the rights to exclude others and to use the property for all purposes not inconsistent with these restrictive covenants.
5. Compliance Inspections. The Corps, DHEC and their authorized agents shall have the right to enter and go upon the lands of the Declarant to inspect the Property and take actions necessary to verify compliance with these restrictive covenants.

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6. Enforcement. The Declarant grants to the Corps, the U.S. Department of Justice, and/or DHEC a discretionary right to enforce these restrictive covenants in a judicial action against any persons or entity violating or attempting to violate these restrictive covenants; provided, however, that no violation of these restrictive covenants shall result in a forfeiture or reversion of title. In any enforcement action, an enforcing agency shall be entitled to a complete restoration for any violation, as well as any other judicial remedy such as civil penalties. Nothing herein shall limit the right of the Corps to modify, suspend, or revoke the Permit.

7. Property Transfers. Declarant shall include the following notice on all deeds, mortgages, plats, or any other legal instruments used to convey any interest in the Property (failure to comply with this paragraph does not impair the validity or enforceability of these restrictive covenants):

Notice: This Property Subject to Declaration of Restrictive Covenants
Recorded at the Beaufort County (SC) Register of Deeds in Record
Book 137 at Page 1463

8. Marking of Property. The perimeter of the Property shall at all times be plainly marked by permanent signs saying, "Protected Natural Area," or by an equivalent, permanent marking system.

9. Recording of Plat. A plat depicting the boundaries for the Property subject to these restrictive covenants shall be recorded in the deed records office for each county in which the Property is situated prior to the recording of these restrictive covenants. The plat is recorded at the Beaufort County (SC) Register of Deeds in Plat Book 77 at Page 165

10. Separability Provision. Should any separable part of these restrictive covenants be held contrary to law, the remainder shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Restrictive Covenants the date written above.

SIGNED, SEALED AND SEALED
IN THE PRESENCE OF:

GLEASON PLACE, L.P.

Wiseblood, Inc., General Partner

Janet Gresham
TLC

By: Frederick G. Trask
Frederick G. Trask
His Authorized Officer

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STATE OF SOUTH CAROLINA

)

PROBATE

)

COUNTY OF BEAUFORT

)

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within-named Gleason Place, L.P., by Wiseblood, Inc., its general partner, sign, seal, and as its act and deed, deliver the within-written Declaration of Restrictive Covenants, and that s/he with the other witness, witnessed the execution thereof.

Jane Gresham

SWORN to before me on this
26th day of December, 2000.

[Signature]

Notary Public for South Carolina

My Commission Expires: 10/25/06

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~~1111~~



Office of Ocean and Coastal
Resource Management

1362 McMillan Avenue, Suite 400
Charleston, SC 29405

(843) 744-5838 FAX (843) 744-5847

March 21, 2001

Mr. Fred Trask
P. O. Box 1256
Beaufort, South Carolina 29901

Re: Fred Trask
SAC-26-97-1778-W
Beaufort County

Dear Mr. Trask:

This letter is to notify you that the Office of Ocean and Coastal Resource Management (OCRM) has received a copy of your restrictive covenant. These restrictive covenants satisfy OCRM requirements, however, the copy sent OCRM does not appear to be a stamped recorded copy and a stamped recorded copy of the referenced plat is also required by OCRM. Please have this document recorded and return a stamped recorded copy of the plat and a stamped recorded copy of the restrictive covenants to OCRM within 30 days of the date of this letter.

If you have any questions please let me know.

Sincerely,

John L. Hensel, Jr.
Permit Liaison

JLH:letters/trask_1
cc: Mr. Robert D. Mikell
Mr. Richard Chinnis
USACOE

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XAAA



Office of Ocean and Coastal Resource Management

1362 McMillan Avenue, Suite 400
Charleston, SC 29405

(843) 744-5838 FAX (843) 744-5847

December 5, 2000

Steve Lyle
Wetland Consulting
1000 North Hill Road
SC 29488

Re: Fred Trask
SAC-26-97-1778-W
Beaufort County

Re:

Inspection of the file for the above referenced project has shown that the following items have not been submitted to the Office of Ocean and Coastal Resource Management:

- 1. a stamped recorded copy of the plat.
- 2. a stamped recorded copy of the deed restrictions.
- 3. a stamped recorded copy of the restrictive covenants.
- 4. a stamped recorded copy of the conservation easement.
- 5. proof of the purchase of mitigation bank credits.

As a requirement of the project's certification of consistency with the State's Coastal Zone Management Program. Please submit this information to the Office of Ocean and Coastal Resource Management from the date of this letter to bring your project into compliance with the Coastal Zone Management Act.

Thank you for your immediate attention to this matter.

Sincerely,

John L. Hensel, Jr.
Permit Liaison

David Chinnis
Robert D. Mikell
Firm
Firms of Engineers
Firm

WETLAND "D"
 9,093 Sq.Ft.
 0.21 AC. TO REMAIN
 (20' BUFFER=0.14 AC.)

WETLAND "H"
 5,771 Sq.Ft.
 0.13 AC. TO REMAIN
 (31' BUFFER=0.29 AC.)

WETLAND "G"
 3,693 Sq.Ft.
 0.08 AC. TO REMAIN
 (31' BUFFER=0.21 AC.)

WETLAND "F"
 6,501 Sq.Ft.
 0.15 AC. TO REMAIN
 (31' BUFFER=0.26 AC.)

PARCEL "A"
 4,260,581 sq. ft.
 97.80 acres

EXISTING DIRT ROAD
 TO BE REMOVED

FIDDLERS DRIVE 50' R/W

FIDDLER DRIVE 50' R/W

BRICKYARD POINT ROAD 66' R/W

GREENHEATH SUBDIVISION

AREAS	
PRESERVED WETLANDS	0.57 AC.
20' BUFFER	0.14 AC.
31' BUFFERS	0.76 AC.
TOTAL BUFFERS	0.90 AC.

GRAPHIC SCALE



(IN FEET)
 1 inch = 500 ft.

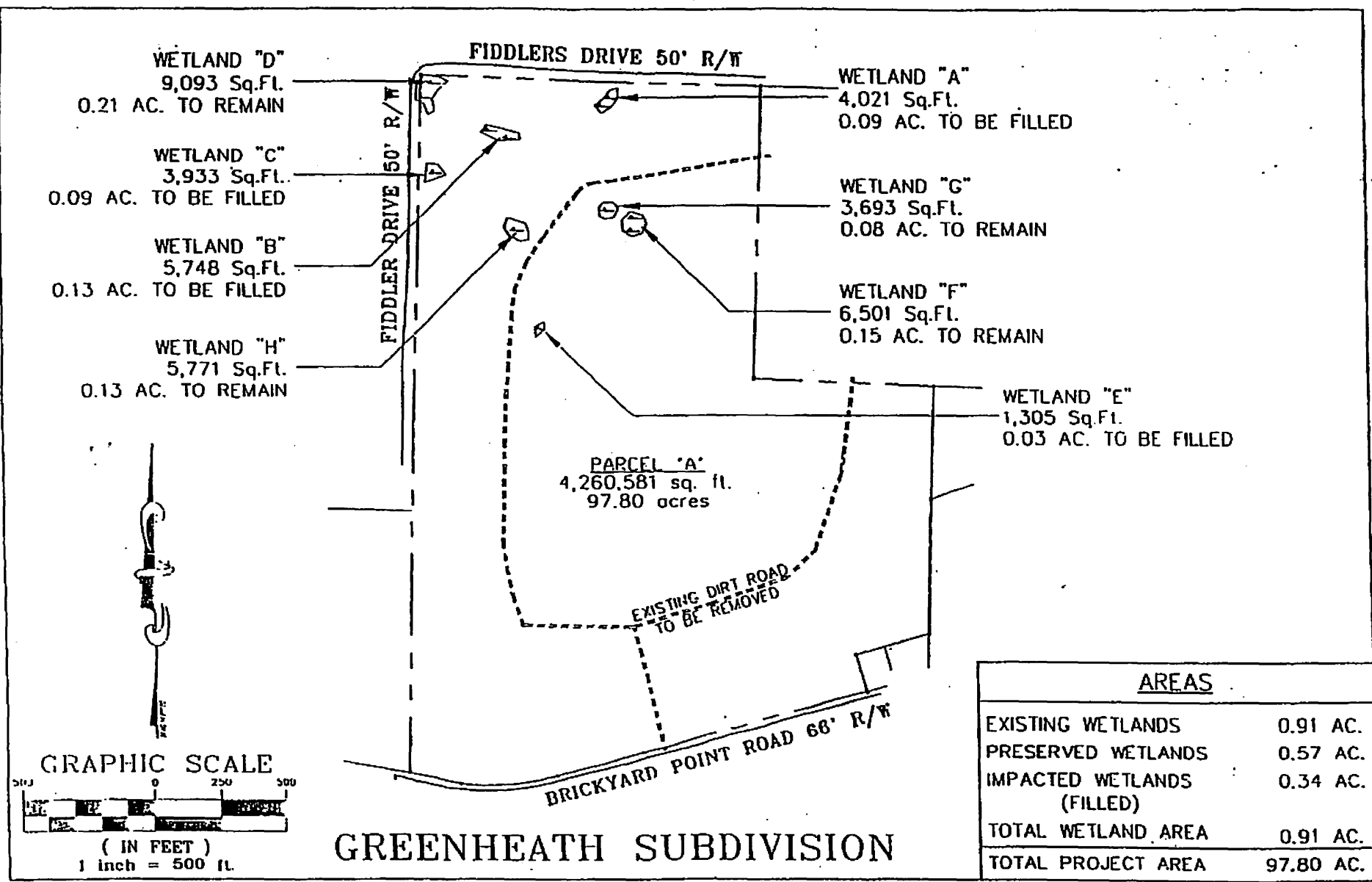


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PRSERVATION OVERVIEW

SAC 26-97-1778-W

ACTIVITY: Wetland Fill
 IN: Isolated Wetland
 AGENT: SOIL & WETLAND CONSULTING
 APPLICANT: Mr. Fred Trask
 DATE: 11/11/97
 SHEET: 4 OF 6



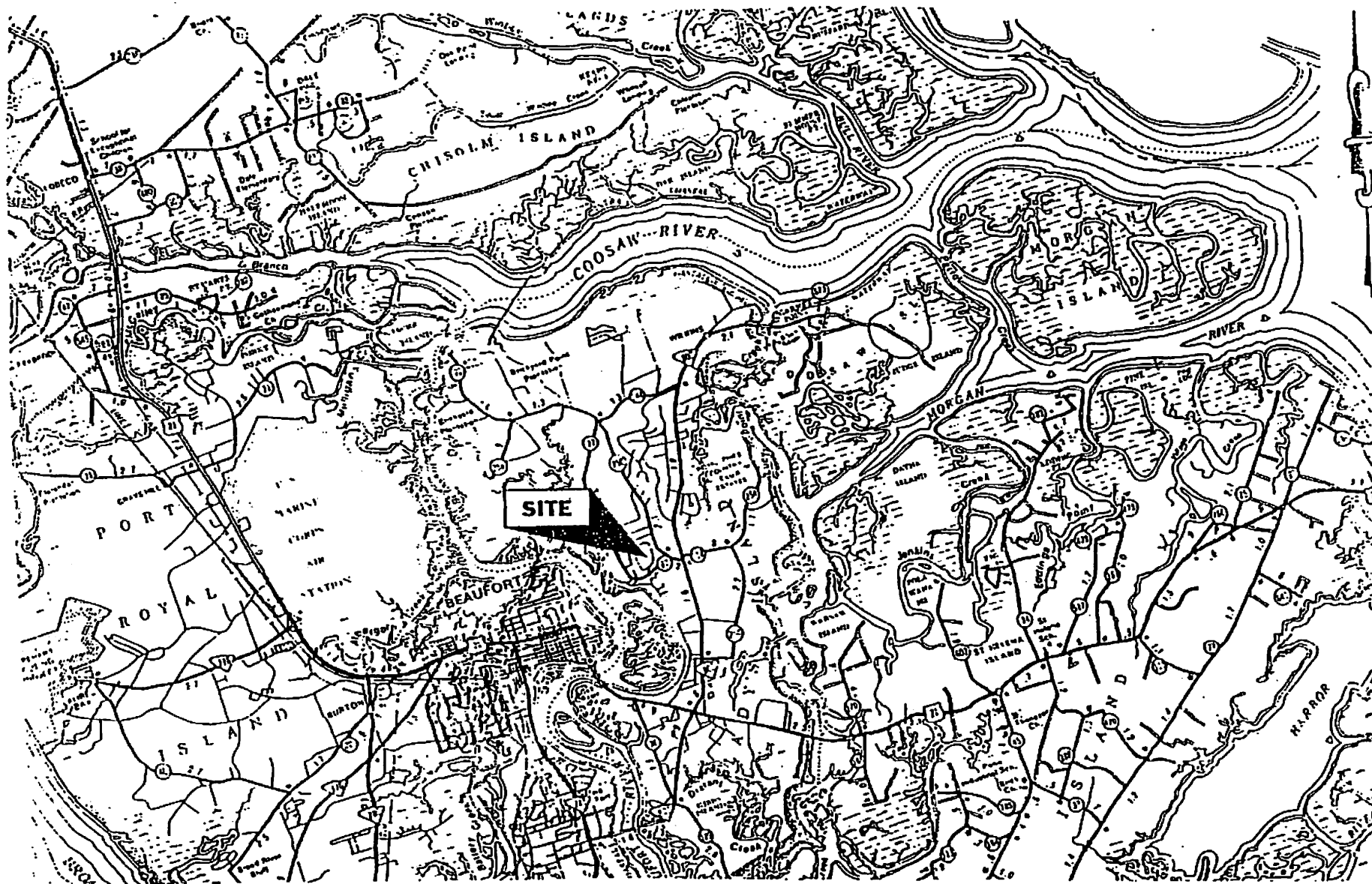
GREENHEATH SUBDIVISION

SITE OVERVIEW

SAC 26-97-1778-W

ACTIVITY: Wetland Fill
 IN: Isolated Wetland
 AGENT: SOIL & WETLAND CONSULTING
 APPLICANT: Mr. Fred Trask
 DATE: 11/11/97
 SHEET: 3 OF 6





LOCATION MAP

SAC 26-97-1778-W

ACTIVITY: Wetland Fill
IN: Isolated Wetland

AGENT: SOIL & WETLAND CONSULTING
APPLICANT: Mr. Fred Trask
DATE: 11/11/97

SHEET: 1 OF 6

S.C. Department of Health and Environmental Control



Office of Ocean and Coastal
Resource Management

1362 McMillan Avenue, Suite 400
Charleston, SC 29405

(843) 744-5838 FAX (843) 744-5847

October 24, 2001

Mr. Fred Trask
P. O. Box 1256
Beaufort, South Carolina 29901

Re: Fred Trask
SAC-26-97-1778-W
Beaufort County

Dear Mr. Trask:

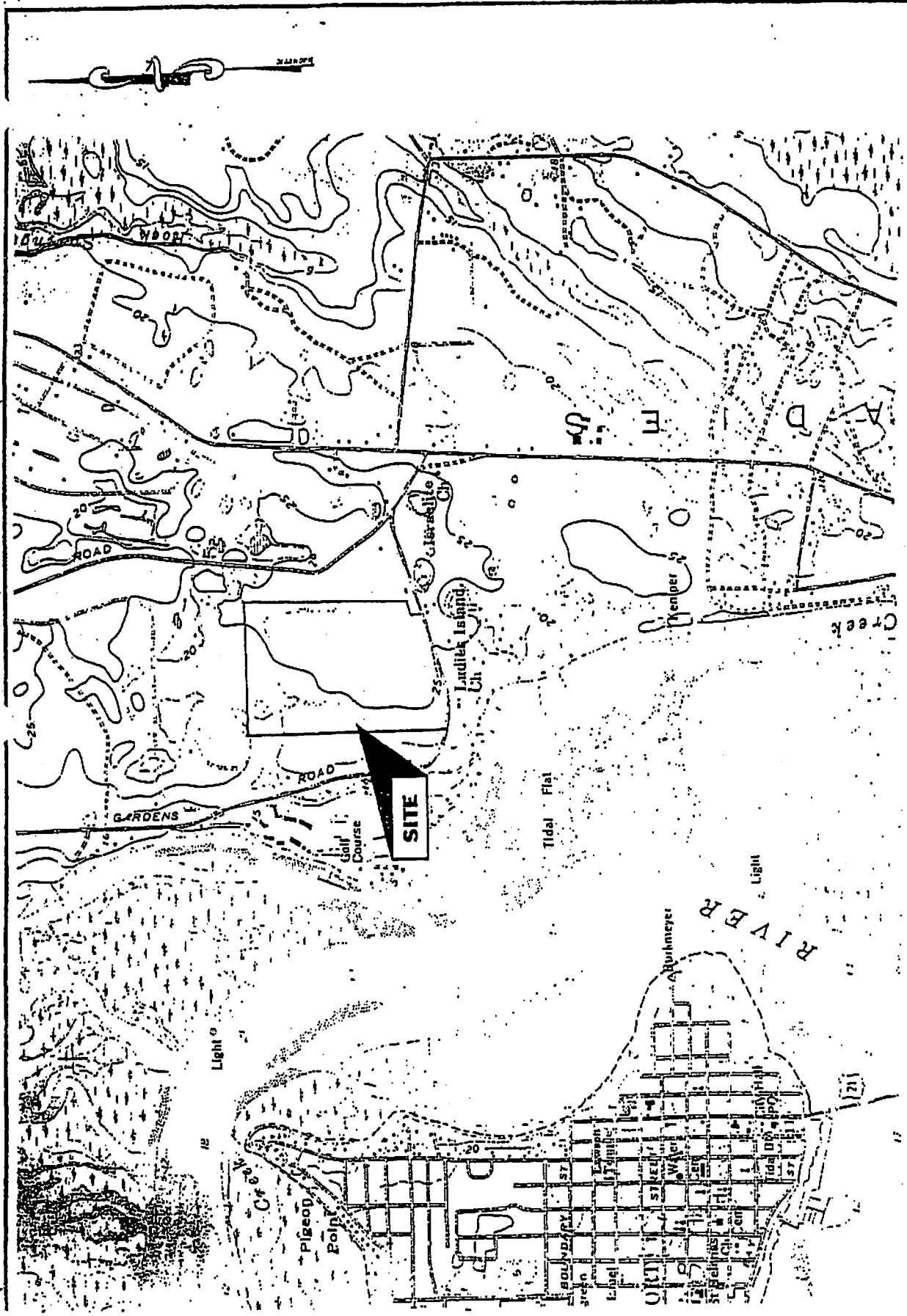
This letter is to notify you that the S. C. Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (OCRM) has received the stamped recorded plat and stamped recorded restrictive covenants for the above referenced project. The project file is now complete.

Sincerely,

John L. Hensel, Jr.
Permit Liaison

JLH:letters/trask_3
cc: Mr. Richard Chinnis
Mr. Robert D. Mikell
Mr. Steve Brooks
U. S. Army Corps of Engineers

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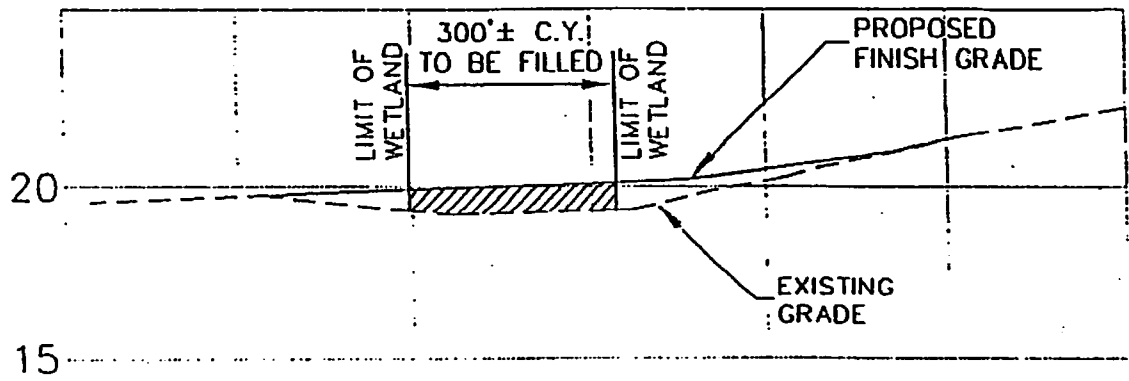
ACTIVITY: Wetland Fill
 IN: Isolated Wetland
 AGENT: SOIL & WETLAND CONSULTING
 APPLICANT: Mr. Fred Trask
 DATE: 11/11/97
 SHEET: 2 OF 6

QUADRANGLE MAP



SAC 26-97-1778-W

Handwritten signature/initials



TYPICAL WETLAND CROSS SECTION

SECTION
SCALE: 1"=50' HORIZ
1"=5' VERT.

TYPICAL WETLAND CROSS SECTION

SAC 26-97-1778-W

ACTIVITY: Wetland Fill
IN: Isolated Wetland
AGENT: SOIL & WETLAND CONSULTING
APPLICANT: Mr. Fred Trask
DATE: 11/11/97
SHEET: 5 OF 6





DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT CORPS OF ENGINEERS
P.O. BOX 818
CHARLESTON, S.C. 29402-0918

REPLY TO
ATTENTION OF

October 3, 1995

Regulatory Branch

EXHIBIT D

Lafayette Lyle
Soil and Wetland Consulting
Route 4, Box 663
Walterboro, SC 29488

Re: SAC 81-94-0882(J)
Beaufort County

Dear Mr. Lyle:

This is in response to your letter dated August 14, 1995, with a submitted survey plat prepared by Gasque & Associates, Inc. dated May 22, 1995, and entitled, "WETLAND SURVEY PREPARED FOR GLEASON PLACE, L.P. OF PINE HILL ACRES LOCATED ON LADYS ISLAND BEAUFORT COUNTY, SOUTH CAROLINA."

This plat depicts wetland boundaries as established by your firm. You have requested that this office verify the accuracy of this wetland mapping as a true representation of wetlands within the regulatory authority of this office. The property in question is a 116.58 acre tract owned by Fred Trask, and located off of Fiddler Drive on Lady's Island, Beaufort County, South Carolina and contains 0.91 acres of freshwater wetlands.

Based on an on site inspection and a review of aerial photography and soil survey information, it has been determined that the wetland boundaries are an accurate representation of wetlands within our regulatory authority. This office should be contacted prior to performing any work in these areas.

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

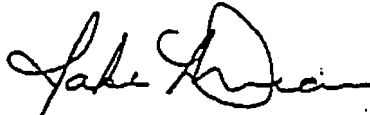
Please be advised that this wetland determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional wetland delineation must be conducted.

In future correspondence concerning this matter, please refer to SAC 81-94-0882(J). You may still need State or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM). A copy of this letter is being forwarded to them for their information.

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If you have any questions concerning this matter, please contact me at either 800-208-2054 or A/C 803-727-4330.

Respectfully,



Jake Duncan
Biologist

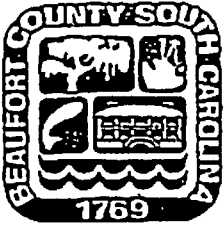
EXHIBIT

D

Copy Furnished:

S.C. Department of Health and
Environmental Control
Office of Ocean and Resource
Management
4130 Faber Place, Suite 300
Charleston, South Carolina 29405

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COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY JOINT PLANNING BOARD
Multi Government Center • Post Office Drawer 1228
Beaufort, South Carolina 29901-1228
Phone: (803) 525-7138 Fax: (803) 525-7181

April 10, 1996

EXHIBIT E

Mr. Fred Trask
Post Office Box 1256
Beaufort, S.C. 29901

Dear Mr. Trask:

I am writing in response to your request for an archaeology review, as required in Section 6.5.1(I) of the Beaufort County Development Standards Ordinance, for two tracts of land that you propose for future development. The two tracts are Upper Cane Island and the Gleason Tract located on Middle Road, Lady's Island.

An extensive examination of existing documentation has been conducted. The documents examined include the *Cartographic Survey of Historic Sites in Beaufort County, South Carolina*; *A Comprehensive Bibliography of South Carolina Archaeology*; copies on file with Beaufort County of the topographic maps located at the South Carolina Institute of Archaeology and Anthropology that identify all recorded archaeological sites in Beaufort County; copies of the records of all archaeological properties listed in the National Register of Historic Places in Beaufort County; and, all other documentation maintained by the Beaufort County Planning Department regarding archaeological and historic resources. In addition, we have consulted with Mr. Lee Tippet, South Carolina State Historic Preservation Office Compliance Archaeologist.

It is the opinion of the Planning Director that any proposed development will have no effect on any archaeological resources listed in, or eligible for listing in, the National Register of Historic Places. Therefore I am authorized to issue to you a Permit of Approval certifying that no archaeological resources will be affected by the Upper Cane Island and Gleason Place developments.

We request, however, that you cease work and notify this office immediately if archaeological or paleontological materials are encountered prior to or during construction. Archaeological remains consist of any materials one hundred years or older made, or altered, by man which remain from past historic or prehistoric times. Examples include pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent vessel remains. Paleontological remains consist of prehistoric animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

If I can be of further assistance please call me at 803/525-7143

Sincerely,

Summer Rutherford
Summer L. Rutherford
Director of Planning

EXHIBIT E

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South Carolina Department of Transportation
District Six Engineering
2355 Palm Boulevard
North Charleston, S.C. 29405-4111
(803) 740 1665 • FAX (803) 740 1123

POST-IT BRAND fax transmittal memo 7671 | # of pages > 1

To	FRED TRASK	From	ROBERT CLARK
Co.		Co.	
Dept.		Phone #	
Fax #		Fax #	

August 2, 1996

UNITED STATES

Mr. Steve Mitchell, P.E.
Mitchell Engineering
P. O. box 1364
Beaufort, SC 29901

EXHIBIT F

SUBJECT: GLEASON TRACT PUD - TRASK PROPERTY

Dear Mr. Mitchell:

We have reviewed the sketch plan for the subject location on Ladies Island in Beaufort County. We understand that the Department's concurrence is required for Mr. Trask to proceed with the County's review of his proposed development. In general, we concur with the design as shown in the undated drawing provided by you on August 1.

As discussed by District Traffic Engineer Clark, during final design please pay close attention to the maintenance of proper sight distance requirements at all intersections as specified in the Department's Access Management guidelines, in particular, at the western most 50 foot street intersecting S-72. We urge you to reconsider this access point due to potentially restricted sight distance to the west. Our other comments include: all parcels must be accessed from the internal road system only and roadway improvements will be required on S-72 (Brickyard Point Road).

This letter does not constitute an encroachment permit but is an indication of our concurrence with the design as shown on the plan sheet subject to the above comments. When the development is ready to commence, please provide an encroachment permit application along with all required supporting material to our Beaufort County Maintenance Office for review. The detailed design must be in accordance with our access management standards and policies.

Thank you for the opportunity to review this conceptual plan at this time.

Sincerely,

Harry L. Mills
District Engineering Administrator

cc: Resident Maintenance Engineer McFee

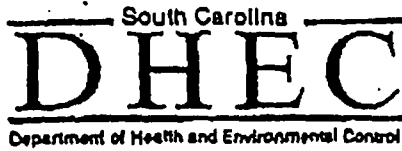
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EXHIBIT H

The County Engineer shall review the preliminary stormwater management plan submitted by the developer in accordance with XIII. C. 1., page 36, of this document, which states:

Prior to the issuance of a development permit by Beaufort County, a preliminary stormwater management plan for Greenheath shall be submitted to the County by the developer for review by an independent, third-party engineering firm approved by the County. This review shall establish reasonable and effective standards and methodologies based on Best Management Practices (BMPs) appropriate for accommodating stormwater runoff at Greenheath. The cost of this review shall be borne by the developer. The timing of the review shall be at the discretion of the developer.

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Department of Health and Environmental Control

P.O. Box 587, Beaufort, SC 29901

Commissioner: Douglas E Bryant

Board: John H. Burriss, Chairman
William M. Hull, Jr., MD, Vice Chairman
Roger Leaks, Jr., Secretary

Richard E. Jabbour, DDS
Cyndi C. Mosteller
Brian K. Smith
Rodney L. Grandy

Promoting Health, Protecting the Environment

Office of Ocean and Coastal Resource Management

H. Wayne Beam, Ph. D., Deputy Commissioner

Christopher L. Brooks, Assistant Deputy Commissioner

(803) 524-6885

(803) 524-4839 (fax)

August 2, 1996

Mr. Fred Traak
c/o Mitchell Engineering
P.O. Box 1364
Beaufort, South Carolina 29901

EXHIBIT I

Re: Gleason Tract PUD
Conceptual Master Plan
Beaufort County

Dear Mr. Traak:

The staff of SCDHEC-OCRM has reviewed the draft plan for the above referenced project. The certification staff at OCRM does not object to Beaufort County proceeding with PUD status review for this project; however, before any individual planning for phase development or before any construction may occur the office of OCRM will require that a land disturbance permit (per S. C. Storm Water Management and Sediment Reduction Act) be obtained for each individual phase of development. OCRM also requires that a wetland master plan and a final stormwater master plan be submitted for the entire project prior to the certification of the first phase of development.

A specific sequence of construction operations must also be approved by this office prior to certification of the first phase of development. The disposition of any archeological and/or historic areas on the site shall be addressed prior to the issuance of any land disturbance permits. A regional detention system should also be considered in conjunction with the development of the proposed school site. If you have any questions or comments regarding this review please do not hesitate to contact our office.

Sincerely,

Tom Bolin
Environmental Engineer III

cc: Dr. H. Wayne Beam
Mr. H. Stephen Snyder
Mr. Joseph Fersner, PE



POST OFFICE BOX 2149 / BEAUFORT, SOUTH CAROLINA 29901-2149
803/521/9200 803/521/2008 Engineering & Operations FAX 803/521/9203

DEAN MOSS, General Manager

August 1, 1996

Mr. Steve Mitchell, P.E.
Post Office Box 1364
Beaufort, South Carolina 29901

EXHIBIT J

Re: Gleason Tract - PUD Plan

Dear Steve:

Please be advised that water and sewer service is available to the above referenced project. The Authority has reviewed the preliminary plans for the above referenced project and approves them with comments. Please revise the plans and resubmit along with the marked up copy.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Ed Saxon, P.E.
Chief Engineer

mm

enclosure: Plans received July 30, 1996

JAMES A. CARLEN, III MICHAEL L. BELL JOHN L. BALLANTYNE, P.E.
CHAIRMAN VICE CHAIRMAN SECRETARY/TREASURER
THOMAS C. DAVIS THADDEOUS Z. COLEMAN CHARLENE COOLER
C. SCOTT GRABER, ESQ. JOHN T. GRAVES JOHN D. ROGERS

LADY'S ISLAND - ST. HELENA FIRE DISTRICT
237 Sea Island Parkway
Beaufort, South Carolina 29902

26 July, 1996

Mr. Fred Trask
P.O. Box 1256
Beaufort, SC 29901

EXHIBIT L


SUBJ: Gleason Place
Parcel 200-10-22-2

Dear Mr. Trask,

It is my pleasure to confirm to you that the Lady's Island - St. Helena Fire District will provide fire protection for the proposed development at the junction of Middle Road and Brickyard Creek Road on Lady's Island. This development will include residential and limited commercial activity. The development must, of course, satisfy all applicable National, State and Local laws, codes, ordinances, etc., and the developer, Mr. Fred Trask, is responsible for the installation, operation and maintenance costs of any required additional fire hydrants and other external and internal means of water distribution which may be necessary for adequate fire protection. In addition, if the development should create a unique requirement for special fire fighting or life saving equipment which we do not now have or need, such equipment will also have to be procured at the expense of the developer. Periodic inspections and pressure checks of fire hydrants will serve our mutual interest and will be made without cost by the Fire District. The Fire District will also make safety inspections of any structure on request.

My department and I look forward to working with you as your plans develop.

Sincerely,


Clayton R. Ellis, Chief

CC: Col. David Townsend, Chairman
LSIH Fire Commission

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South Carolina Electric & Gas Company
 80 Robert Smalls Parkway
 Post Office Drawer 1168
 Beaufort, SC 29901-1168
 Fax (803) 525-7797
 (803) 525-7700

July 26, 1996

Mr. Fred Trask
 P.O. Box 1256
 Beaufort, SC 29901

EXHIBIT N

RE: Gleason Place
 Lady's Island

Dear Mr. Trask:

South Carolina Electric & Gas Company will be able to provide underground electric service to the above referenced project. Costs associated with providing underground service will be determined when a finalized plat is submitted to our office for engineering.

Please submit a finalized plat of this project with a detailed electric load analysis at least two months prior to the construction date so that all engineering requirements can be met.

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

I will be looking forward to working with you on this project. If I may be of any further assistance, please let me know.

Sincerely,

Kerry A. Bunton
 Associate Engineer
 Customer Service Engineering

KB/bd

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~~1000~~



EXHIBIT O

July 26, 1996

Mr. Fred Trask
P.O. Box 1256
Beaufort, South Carolina 29901

RE: TELEPHONE SERVICE GLEASON PLACE, PARCEL 200-10-22-2
JUNCTION OF MIDDLE ROAD AND BRICKYARD CREEK ROAD,
BEAUFORT COUNTY

Dear Mr. Trask:

Sprint will provide telephone facilities to the proposed development in accordance with our standard practices and tariff on file with the South Carolina Public Service Commission.

Sprint will require a copy of your final plans, as approved by the Developer Review Committee, before telephone service can be provided. Please furnish this office with your final plans as soon as possible. This is very crucial for our 911 System. It is also requested this office be notified in writing thirty (30) days prior to start of construction so our engineering requirements can be met.

Sincerely,

SPRINT

Michael C. West
Senior Engineer

MCW:eh

FROM: KONICA FAX

TO:

8035223559

DEC 29, 1988

5:20AM

P.02



TOTAL WASTE MANAGEMENT SERVICES

P.O. BOX 4117, Burton, S.C. 29903
524-1485 • 803-63310 • Fax 524-0001

EXHIBIT P

Memo to: Fred Trask
From: Eco Services
Re: Solid Waste Management Services to Gleason Place, a proposed RUD
Date: July 26, 1996

Dear Mr. Trask:

After looking over you plat, Eco Services would be able and willing to provide waste service to the above referenced RUD.

Thanks in advance for allowing Eco Services an opportunity to work with you on this project and if you need anything further, please do not hesitate to give us a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Dodson".

Michelle Dodson
Sales Representative

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DRAFT

2008/

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO EXTEND THE 2010 SUNSET DATE FOR GREENHEATH PLANNED UNIT DEVELOPMENT, INVOLVING 97.80 ACRES ON LADY'S ISLAND, FOR AN ADDITIONAL TEN YEARS WITH CONDITIONS:

A Development Agreement is being authorized for execution and adoption concurrently by separate County ordinance, Number 2008/_____, which Development Agreement includes specific provisions satisfying conditions for PUD approval required by the County as follows:

- mitigation of school impacts.
- Potential access between the development and Coosa Elementary providing that if golf cart type vehicles are envisioned for Greenheath residents, then connectivity to the school allowing for golf cart type vehicle access in accordance with law and the concerns of the Beaufort County School Board .
- Inclusion within the landscape buffer along Brickyard Point Road of a 15-foot easement to allow construction of a future 10-foot wide multi-use pathway.
- incorporation of environmental development requirements of the ZDSO.
- providing for all current impact fees to apply to the Greenheath .PUD.
- a sunset date for this PUD.

Subject to the concurrent approval of Ordinance Number 2008/_____, the execution and filing of the Development Agreement affecting this property, and the terms of the Development Agreement regarding rezoning of the property, the PUD for the Greenheath PUD (attached to the Development Agreement) is extended for an additional ten (10) years beyond the current sunset date as contained with Section 106-7 of the ZDSO.

Adopted this ____ day of _____, 2008.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Robert W. Achurch, County Attorney
ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third and Final Reading:
(Amending 1997/5)

GREENHEATH EXECUTIVE SUMMARY OF DEVELOPMENT AGREEMENT

Development Description. Greenheath is a 98.5 acre site on Lady's Island. It has density of 3.18 units to the acre. It has 25,000 square feet of commercial development. Greenheath was previously approved in 1997 and last amended in 2005 by the Development Review Team (DRT). A request has been made for extension of the sunset date of 2010. Favorable recommendations for a ten year extension were made by the Planning Commission, Land Management Committee, and by Council at a first reading, with conditions. The conditions required a development agreement to address several issues as follows:

- A Development Agreement must accompany this PUD and, as part of the Development Agreement negotiations, a sunset date for this project should be considered.
- All current impact fees must apply to this PUD.
- Concurrent with this PUD action, the applicant shall address school deficiencies through a development agreement with Beaufort County.
- Improved access shall be provided between the development and Coosa Elementary. If golf cart type vehicles are envisioned for Greenheath residents, then connectivity to the school should allow for golf cart type vehicle access.
- The landscape buffer along Brickyard Point Road shall include a 15-foot easement to allow construction of a future 10-foot wide multi-use pathway.
- The Greenheath PUD must meet all of the environmental development requirements of the ZDSO.

The proposed Development Agreement addresses these six matters as follows.

1. **Terms.** The proposed Development Agreement is for a 5 year term, which is the maximum term allowed under South Carolina law for a property of this size. Provision is made for potential extensions for two successive five year terms (See Article III, page 5). Additional terms regarding the 10 year extension for the PUD are contained under Section VI, *Development Schedule*, on Page 8, and state as follows:

It is further acknowledged that while Ordinance 2008/____ provides a ten year extension of the existing Greenheath PUD, the Greenheath PUD is subject to being rezoned from a PUD at the expiration of the initial five (5) year term of this Agreement, or the expiration of the ten (10) year PUD extension, unless 1) this Agreement is renewed or extended in accordance with Section III and Section XV (3) herein, or 2) the PUD has more than fifty per cent (50%) of the lots platted and recorded, e.g., "lots of record," or more than fifty percent (50%) of

the utilities and infrastructure for the entire project completed, as of the relevant expiration term, in which case it shall be deemed "exempt" in like manner as other PUDs under Section 106-7(2)(a).

2. **Impact Fees.** The Greenheath PUD as last amended in February of 2005, contained a *Document Clarification* on Page 3 which already stated that

"The PUD will be required to conform to the regulations in effect at the time of development permit application for the following standards, unless provided for in a separate Development Agreement:

...fee adjustments (building permits, for example)
impact fees..."

Section IX of the Development Agreement specifically states that "The impact fees which are payable to Beaufort County under County Ordinance 1999-____ and 2004-____ to support infrastructure provided by Beaufort County, such as, but not limited to, fire, parks, library, and roads, shall not be affected by this Agreement." Those ordinances already provide for adjustments and increased charges in the County, so that this particular item is clearly satisfied.

3. **School Deficiencies/Capital Contribution Fees.** Section IX (B) addresses School Capital Contribution Fees. It provides for the same fees as those contained in the Osprey Point and the other two related Development Agreements, being a full \$2.50 per square foot for all commercial within all three PUDs. School Fees for residential units of 2,400 square feet or larger are set at the full \$6,000 per unit for all PUDs. Smaller units are prorated based on \$2.50 per square foot. To accommodate inflation, the School Capital Construction Fee will increase annually by the CPI, after the first 5 years.

Relief is requested partially exempting a portion of the Property, a compromise based upon:

1) The simple fact that this is not an up-zoning of the property. It is an existing PUD, approved in 1997.

2) The Owner actually down-zoned the property in the initial PUD. At the time the PUD was initially approved, density for the property could have been 4-8 units per acre.

3) At the time this was being negotiated, Beaufort County had a school impact fee in place. The Owner has requested that for these first 196 units, the maximum school fee under the impact fee schedule in effect be applied against these properties, as adjusted for inflation. This

number is arrived at by multiplying the acreage by 2 units, to be consistent with adjacent areas. As the zoning density on the surrounding areas of the Lady's Island CP is now at 2 units to the acre, the 1.18 units per acre over this level would be subject to the full amount of the fee as set forth in the Osprey Point Development Agreement.

This compromise position recognizes the proposition in the Northern Regional Plan that all up-zonings should pay current fees, with a school capital contribution applied against these re-zonings, while also recognizing the PUD ordinances of the County are designed to create innovative site designs, see Section 106-2440(a). Unless all development is subject to the school fee, creation of innovative site design in PUDs could be stifled by the imposition of what amounts to a penalty for creating mixed use neo-traditional neighborhoods. Imposing the fee only against a portion in excess of surrounding zoning densities is a compromise; in point of fact, the project could still be built before 2010 without paying any school fee.

4. **Access to Coosaw Elementary.** Section V(3) of the Development Agreement notes that the Greenheath Development Plan, Exhibit A-2 to the Master Plan, shows a pedestrian path extending east from the intersection of Keats and Austen streets to the Coosaw Elementary property. This pedestrian path may be allowed to be constructed as a golf cart access drive to the school, provided such is determined to be lawful and the Beaufort County School Board determines that such is desirable and does not compromise student safety and school site security.

5. **Pathway in Buffer.** Section V(2) of the DA provides "The landscape buffer along Brickyard Point Road shall be allowed to contain a fifteen (15) foot easement for dedication to the County for use as and construction of a ten (10) foot wide multi-use pathway."

6. **Environmental Standards.** As noted in Section I of the Greenheath PUD Master Plan, site standards noted within the Master Plan – including those related to road standards, density, building height, land uses, building uses, lot sizes, setbacks, and buffers are recognized as specific standards of the Greenheath PUD. The term extension in Beaufort County ordinance Number 2008/ _____, states that environmental standards applicable to the Project (including tree protection and landscaping, drainage and stormwater management, environmental quality and protection of natural and cultural resources) will be those in force at the time of subdivision approval. The same language is included in the Greenheath Development Agreement in Section V(1), which is based upon the language approved for the Osprey Point and the other related Development Agreements accompanying it.

The above discussion highlights major provisions of the Development Agreement for Greenheath. It is essential, of course, to review the whole document in detail for a complete understanding of all provisions, including standard legal provisions and other provisions specific to Osprey Point.

WHEREAS, Beaufort County approved development standards for the Property included in the document entitled "Master Plan and Text Amendments", and created a Planned Unit Development (PUD) district called the Greenheath Planned Unit Development (PUD) district encompassing the Property in 1997, and thereafter updated the standards of the PUD in 2005; and

WHEREAS, Greenheath was a vested "low impact" PUD pursuant to Section 106-7 of the Beaufort County Zoning and Development Standards ordinance ("ZDSO") enacted in 1999; and

WHEREAS, Beaufort County subsequently amended Section 106-7 to require all "low impact" PUDs to either complete the entire project by January 1, 2010, or seek an amendment to the PUD in accordance with Section 106-7 (d), in an effort to require outstanding PUDs to either complete the development or updating the development standards to those currently used by Beaufort County with ; and

WHEREAS, The County Planning Staff, Planning Commission and County Council have recognized the superior level of subdivision design incorporated within the Greenheath PUD standards, and desire to provide sufficient time to develop this "neo-traditional" mixed use project, without unduly accelerating the Project's development schedule and causing an undesirable effect on the area's infrastructure; and

WHEREAS, Gleason Place has submitted to Beaufort County, in accordance with Section 106-7, an amendment to the Greenheath PUD which would extend its PUD designation for an additional ten (10) years, which amendment has been favorably recommended by the Beaufort County Planning Staff and Planning Commission, with conditions; and

WHEREAS, those recommended PUD conditions are contained within Beaufort County Ordinance Number 2008/ _____, being adopted contemporaneously with this Development Agreement, and are discussed hereinbelow; and

WHEREAS, the County finds that the PUD designation, and the extension proposed for the Greenheath PUD is consistent with the Comprehensive Plan, and will further the health, safety, welfare and economic well being of the County and its residents; and

WHEREAS, this Development Agreement is being made and entered between Gleason Place and the County, under the terms of the Act, for the purpose of providing assurances to the Gleason Place so that it and its assignees may proceed with both the unified development of the Property under the terms hereof, as hereinafter defined, without encountering future changes in law which would materially affect the ability to develop under the plan, and for the purpose of

providing important protection to development and providing enhanced job opportunities for its citizens, while adding to the long term viable tax base of the County;

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 County and Owners by entering this Agreement, and to encourage well planned development by Gleason Place, the receipt and sufficiency of such consideration being hereby acknowledged, County and Gleason Place 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(6) 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;

“Covenants” means and refers to a declaration of covenants and restrictions for a parcel of the Property, or for the Property as a whole, to be recorded in the Register of Deeds Office for Beaufort County, and all amendments and supplements thereto.

“Intensity” means the total number of square feet per acre, or floor area coverage permissible for a specific parcel of the Property or for the Property as a whole, under the terms of this Agreement, as context dictates.

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

“Development” means the land disturbance of portions of the Property and/or vertical or horizontal construction of improvements thereon as contemplated by the Zoning Regulations.

“Development Plan” means the layout and development scheme contemplated for the Property, as more fully set forth in the PUD approval for Greenheath, attached to the PUD Master Plan as Exhibit A-2, and as may be modified per the terms of this Agreement.

“Development Rights”, when capitalized, means development of the Property, or portions thereof, undertaken by the Owner(s) or Developer(s) in accordance with the Zoning Regulations and this Development Agreement.

“Impact Fee” or “Development Impact Fee” means a payment of money imposed as a condition of development approval, as defined in § 6-1-920 (8) of the Code of Laws of South Carolina, 1976, as amended.

“I.T.E.” means Institute of Traffic Engineers.

“Owner” means Gleason Place, L.P., or its successors and/or assigns.

“Homeowner’s Association or Owner’s Association” shall mean a duly constituted Owner’s Association under South Carolina law, pursuant to a Declaration of Covenants and Restrictions, filed of record in Beaufort County at or about the time of land subdivision, providing regulations for the governance of such subdivision, the upkeep of common elements, including assessment provisions, and other related matters.

“Property” means those certain parcels of land depicted and/or described in Exhibit A, the Legal Description.

“Purchaser” or “Developer” means any person or entity which may take title to all or a portion of the Property in the future for the purpose of development thereof under the terms hereof.

“Secondary Developer” means any and all successors in title to Owner who or which undertake or cause to be undertaken development activity on the Property. Should Owner undertake or cause to be undertaken development activity on the Property, Owner shall also be deemed a Secondary Developer.

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

“Tract” means any of those parcels comprising the Property, or portions of the Property as a whole once combined and re-divided.

“Zoning Regulations” means all terms and conditions of the Greenheath PUD approval and extension, the Zoning and Development Standards Ordinance (ZDSO) of Beaufort County, in effect at the time of the execution of this Agreement, and the terms of this Development Agreement. In case of any conflict, the terms of this Development Agreement shall take

precedence, followed by the terms and conditions of the PUD approval, followed by the terms of the ZDSO.

III. TERM.

The term of this Agreement shall commence on the date this Agreement is executed by the County, and terminate five (5) years thereafter; provided however, the term of this Agreement may or may not be extended for two (2) successive five (5) year terms absent a material breach of any terms of this Agreement by Owner or County during the Term or any renewal Term, as applicable.

IV. DEVELOPMENT OF THE PROPERTY

The Property shall be developed in accordance with the Zoning Regulations and this Development Agreement. Certain provisions of the ZDSO may be interpreted, enhanced, supplemented or modified by this Agreement in accordance with Section V below. The PUD Master Plan, and its Exhibits, are attached hereto as Exhibit B, and are incorporated by reference and made a part hereof. The County shall, throughout the term of this Agreement, maintain or cause to be maintained, a procedure for the processing of reviews as contemplated by the Zoning Regulations and this Development Agreement.

V. ZONING REGULATIONS-AND DEVELOPMENT REQUIREMENTS

The Zoning Regulations relating to the Property subject to this Development Agreement shall not be amended or modified during the Term, without the express written consent of the Owners, which will not be unreasonably withheld. Owners do, for themselves and their successors and assigns, including Developer(s), and notwithstanding the Zoning Regulations, agree to be bound by the following:

1. Site and Environmental Standards. As noted in Section I of the Greenheath PUD Master Plan, site standards noted within the Master Plan – including those related to road standards, density, building height, land uses, building uses, lot sizes, setbacks, and buffers - are recognized as specific standards of the Greenheath PUD. As noted in the conditions to the term extension in Beaufort County ordinance Number 2008/ _____, environmental standards applicable to the Project (including tree protection and landscaping, drainage and stormwater management, environmental quality and protection of natural and cultural resources) will be those in force at the time of subdivision approval. Notwithstanding the foregoing, the development is not subject to the site capacity or natural resource protection requirements of Article Seven of the ZDSO, as those particular standards and requirements have already been addressed within the PUD Master Plan as part of the site design. In conjunction with the storm

higher standards as committed to by Owner above, Developer and any Secondary Developers shall adhere to any and all future ordinances or regulations of the County (or portions thereof) governing detention, filtration, and treatment of storm water for any undeveloped areas of the Property, provided those ordinances and regulations apply County-wide, and are consistent with sound engineering practices. It is specifically agreed however, that any such future ordinances of the County that directly or indirectly affect the setback, buffer or open space requirements permitted pursuant to the Zoning Regulations will not be applicable to the Owner, Developer and any Secondary Developer within the Property without the Owner's, Developer's or any Secondary Developer's express written consent thereto, and any such future ordinances shall apply only to new phases, developed after the passage of such new laws, and not to previous phases of development.

2. Open Space and Buffers. Open space requirements are those contained within the Greenheath Master Plan, and meet or exceed the open space requirements of the ZDSO. Buffer and setback requirements are contained within the Master Plan. The landscape buffer along Brickyard Point Road shall be allowed to contain a fifteen (15) foot easement for dedication to the County for use as and its construction of a ten (10) foot wide multi-use pathway.

3. Access to Coosaw Elementary. The Greenheath Development Plan, Exhibit A-2 to the Master Plan, shows a pedestrian path extending east from the intersection of Keats and Austen streets to the Coosaw Elementary property. This pedestrian path may be allowed to be constructed as a golf cart access drive to the school, provided such is determined to be lawful and the Beaufort County School Board determines that such is desirable and does not compromise student safety and school site security.

3. Development Plan. The locations and layouts and development standards of permitted uses are shown on the Development Plan, included as part of the PUD Master Plan, attached thereto as Exhibit A-2 and made a part hereof. The Development Plan specifies location of roads, building types, uses, amenities and recreational facilities. It is acknowledged that Developer may not materially deviate from the layout shown on the Development Plan without the prior consent of County. Minor changes to development locations and layouts which do not alter approved uses, densities, allowed conversion or development concept shall not require Amendment of the Agreement or the Exhibit B PUD Master Plan.

4. Major and Minor Changes. More specifically, on the subject of minor and major changes to the Development Agreement and PUD, it is first noted and agreed that all uses, densities, conversions and flexibility standards which are specifically provided under the Greenheath PUD and this Development Agreement are not considered changes, but are allowed. Beyond these stated allowances, further changes to the development plan which are the result of final engineering and planning may be approved as minor changes at the Development Review Team (DRT) level, provided such changes do not change the basic road layout system, the

function of the required pathway systems, or negatively impact the open space requirements. Minor changes in the location of housing units or non-residential elements, roads and right of way widths may be allowed as minor changes, so long as the uses and densities approved under the PUD and this Development Agreement are not exceeded. All other changes shall be considered major changes, and require amendment hereof and/or amendment of the PUD, unless otherwise provided in this Development Agreement. If an applicant and the DRT fail to agree on whether a particular requested change is major or minor, the matter may be brought to the Land Management Committee of Council, whose decision shall be final.

5. Transfers/Notification. The Owner shall be required to apply in writing to the County in order to apprise the County of a Development Rights transfer when Development Rights are to be transferred to a Developer, and allow an opportunity for the County to confirm the consistency of the terms of the transfer with the terms of this Development Agreement. Such information shall include the identity and address of the Developer, a Developer contact person, and the location and number of acres of the Property, the number of commercial acreage and square footages, and/or the open space acreage, as applicable, subject to the transfer. A Developer transferring Development Rights to another Developer shall be subject to this requirement of notification, and shall be required to file with the County an acknowledgment that it shall be bound by this Development Agreement. This requirement does not apply to individual building lots.

6. Release of Transferor. In the event of the sale or other conveyance of all or a portion of a tract that has been deemed in compliance with this Agreement, the transferor/Property Owner shall be released from any further obligations with respect to that portion of the tract so transferred, and the transferee shall be considered as substituted for the Property Owner under the Agreement as to the portion of the tract yet to comply with this Agreement.

7. Variances. It is acknowledged that nothing in this agreement shall be deemed or construed to affect the right of any person to seek a variance from the provisions of the Zoning Regulations. Variance applications shall include a certification from the Owner stating its endorsement of the variance.

VI. DEVELOPMENT SCHEDULE.

The Property shall be developed in accordance with the development schedule, attached as **Exhibit D**, or as may be amended by Owners or Developer(s) in the future to reflect actual market absorption. Pursuant to the Act, the failure of the Owners and any Developer to meet the initial development schedule shall not, in and of itself, constitute a material breach of this Agreement. In such event, the failure to meet the development schedule shall be judged by the

totality of circumstances, including but not limited to the Owners and Developer(s) good faith efforts to attain compliance with the development schedule. These schedules are planning and forecasting tools only, and shall not be interpreted as mandating the development pace initially forecast or preventing a faster pace if market conditions support a faster pace. The fact that actual development may take place at a different pace, based on future market forces, is expected and shall not be considered a default hereunder. Development activity may occur faster or slower than the forecast schedule, as a matter of right, depending upon market conditions. Furthermore, periodic adjustments to the development schedule which may be submitted unilaterally by Owners / Developers in the future, shall not be considered a material amendment or breach of the Agreement.

It is further acknowledged that while Ordinance 2008/____ provides a ten year extension of the existing Greenheath PUD, the Greenheath PUD is subject to being rezoned from a PUD at the expiration of the initial five (5) year term of this Agreement, or the expiration of the ten (10) year PUD extension, unless 1) this Agreement is renewed or extended in accordance with Section III and Section XV (3) herein, or 2) the PUD has more than fifty per cent (50%) of the lots platted and recorded, e.g., "lots of record," or more than fifty percent (50%) of the utilities and infrastructure for the entire project completed, as of the relevant expiration term, in which case it shall be deemed "exempt" in like manner as other PUDs under Section 106-7(2)(a).

VII. EFFECT OF FUTURE LAWS.

Owners and Developers are relying upon this agreement, and will proceed to undertake development activities in accordance with the terms and conditions contained herein, which activities require the expenditure of substantial monies. Beaufort County understands and acknowledges this presumption and Owners and Developer's reliance on this premise. The intent of the parties to this Agreement is that Owners' and Developers' reliance and substantial change in position based upon the terms and conditions contained herein shall create a vested right to construct and operate the development referenced herein pursuant to such terms and conditions. Owner and Developers shall have vested rights to undertake Development of any or all of the Property in accordance with the Zoning Regulations (as defined herein and modified hereby, and as may be modified in the future pursuant to the terms hereof), and this Development Agreement, for the entirety of the Term. Future enactments of, or changes or amendments to County ordinances, including zoning or development standards ordinances, which conflict with the Zoning Regulations and the terms of this Agreement, shall apply to the Property only with the approval of the Owners if permitted pursuant to the Act and this Agreement.

The parties specifically acknowledge that this Agreement shall not prohibit the application of any present or future building, housing, electrical, plumbing, gas or other standard

codes, of any tax or fee of general application throughout the County or any fee that is equally applied to the applicable payees (unless specifically addressed within this Agreement, (i.e., see Section IX), or of any law or ordinance of general application throughout the County found by the County Council to be necessary to protect the health, safety and welfare of the citizens of County. Notwithstanding the foregoing, the County may apply subsequently enacted laws to the Property only in accordance with the Act. The parties acknowledge that this agreement is subject to the provisions of Section 6-31-80 of the Code of Laws of South Carolina.

VIII. INFRASTRUCTURE AND SERVICES

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

A. Roads/Facilities. All new roads within the boundaries of the Property and required improvements to existing public roads at their intersections with the new roads shall be constructed by the Owners and/or Developers.

1. Private Roads. Private Roads constructed within the Property may be constructed by the Owners and/or Developers, and shall be maintained by them and/or an Owner's Association, or dedicated to appropriate entities. The County will not be responsible for the construction or maintenance of any private roads within the Property, and the Owners and/or Developers and/or Owner's Association will continue the maintenance thereof.

(a) Express Dedication. Notwithstanding the generality of the foregoing, in the event that a road and its drainage within the Property is constructed to the standards contained in the ZDSO or specific requirements of the County contained within this agreement, and is acceptable as a public road, the County may consider a request to take ownership and assume responsibility for the maintenance of same upon the request of the person or entity which has ownership of the road. Such consideration by the County regarding roadways and drainage in no way binds the County to actually accept the road or drainage.

(b) No Implied Dedication. The recording of a final plat or plan subdividing a portion of the Real Property shall not constitute an offer to deed or dedicate any or all streets and rights of way shown thereon to the County.

B. Public Roads. All public roads adjacent to and outside the Property that serve the Property are under the jurisdiction of the State of South Carolina or Beaufort County regarding access, construction, improvements and maintenance. Owners acknowledge that they

must comply with all applicable state statutes, and rules and regulations of the South Carolina Department of Transportation, or its successor, and those of the County. Future public roads may serve the Property. The County shall not be responsible for construction, improvements or maintenance of the public roads which now or hereafter serve the Property, except as set forth herein, unless it otherwise agrees.

C. **Potable Water.** Potable water will be provided to the Property by the Beaufort Jasper Water and Sewer Authority (BJWSA) on the same basis as is provided to other residents and businesses within the County. The County shall not be responsible for any construction, treatment, maintenance or costs associated with water service to the property, unless it otherwise agrees.

D. **Sewage Treatment and Disposal.** Sewage treatment and disposal will be provided by the Beaufort Jasper Water and Sewer Authority on the same basis as is provided to other residents and businesses within the County. The County will not be responsible for any treatment, maintenance or costs associated with sewage treatment or capacity fees within the Property, except as set forth herein, unless it otherwise agrees.

E. **Drainage System.** All Storm water runoff and drainage system improvements within the Property will be designed in accordance with the Zoning Regulations and Section V hereof, and best efforts shall be made to coordinate such systems with the County Master Drainage Program. All Storm water runoff and drainage system improvements will be constructed by Owner or Developers and maintained by Owner, Developers and/or Owners Association (s), unless such are dedicated to a public entity which accepts maintenance and/or installation responsibilities. Beaufort County will not be responsible for any construction or maintenance costs associated with the drainage system within the Property, unless it specifically agrees to such. In conjunction with the storm water requirements as committed to by Owner above, notwithstanding Section V hereof, Developer and any Secondary Developers shall adhere to any and all future ordinances or regulations of the County (or portions thereof) governing detention, filtration, and treatment of storm water for any undeveloped areas of the Property, provided those ordinances and regulations apply County-wide, and are consistent with sound engineering practices. It is specifically agreed however, that any such future ordinances of the County that directly or indirectly affect the setback, buffer or open space requirements permitted pursuant to the Zoning Regulations will not be applicable to the Owner, Developer and any Secondary Developer within the Property without the Owner's, Developer's or any Secondary Developer's express written consent thereto, and any such future ordinances shall apply only to new phases, developed after the passage of such new laws, and not to previous phases of development.

F. **Solid Waste Collection.** The County shall provide solid waste collection to the Property on the same basis as is provided to other residents and businesses within the unincorporated areas of the County; it is acknowledged that the County presently does not provide such services, either residential or commercial.

G. **Utility Easements.** Property Owner shall furnish necessary easements for water, sewer, gas, electricity, telephone, cable television, and other utilities when the Property Owner determines that same are required. Adequate easements for utilities shall be reserved by Property Owner in the conveyances of Lots and Development Parcels. All utilities shall be installed underground, except those portions of the system which must necessarily be above ground (i.e., transformers, switch gears, connection pedestals).

H. **Police Protection.** The County shall provide police protection services to the Property on the same basis as is provided to other residents and businesses within the unincorporated areas of the County. Owner acknowledges the jurisdiction of the Beaufort County Sheriff's Department on the Property.

I. **Recycling Services.** The County shall provide recycling services to the Property on the same basis as is provided to the residents and businesses of the unincorporated areas of the County, should it elect to provide such services in the future; it is acknowledged that the County presently does not provide such services, residential or commercial.

J. **Emergency Medical Services.** Such services are now provided by Beaufort County, and the County shall provide emergency medical services to the Property on the same basis as it may provide to other residents and businesses.

K. **Fire Services.** Fire services are provided by the Lady's Island--St. Helena Fire District, which shall provide fire protection services to the Property on the same basis as is provided to other residents and businesses within the District.

L. **Library Services.** Such services are now provided by Beaufort County.

M. **School Services.** Such services are now provided by the Beaufort County School District.

IX. **FEES AND RELATED AGREEMENTS**

A. **County Impact Fees.** Nothing herein shall be construed as relieving the Owner, its successors and assigns, from payment of any such fees or charges as may be assessed

or collected by entities other than the County. The impact fees which are payable to Beaufort County under County Ordinance 1999- _____ and 2004- ____ to support infrastructure provided by Beaufort County, such as, but not limited to, fire, parks, library, and roads, shall not be affected by this Agreement. County Impact Fees adopted by ordinance in the future may or may not be applied to the Property in whole or in part, at the discretion of County Council.

B. Other Charges or Fees. The Owners, their successors and assigns, shall be subject to the payment of any and all present or future fees enacted by the County that are of general County-wide application and that relate to processing applications, development permits, building permits, review of plans, or inspections or other matters, other than development impact fees. Owner agrees that should the State authorize a real estate transfer fee in the future, and the County elects to collect such, this Development Agreement shall not affect the ability of the County to collect same.

C. Special Districts. Nothing in this Agreement shall be construed to prevent the establishment by the County of a special source revenue district, Municipal Improvement District, multi-county business park, tax increment financing, or other special district on the Property in accordance with applicable provisions of the Code of Laws of South Carolina, 1976, as amended.

D. School Capital Construction Fee.

The laws of the State of South Carolina do not permit the imposition of impact fees for the effect and impact that development has or will have upon the public school systems servicing the Property. Owner agrees to pay to Beaufort County the sum of \$6,000 per residential dwelling unit which is 2400 square feet or greater, and a prorated sum of \$2.50 per square foot for all residential units less than 2400 square feet (heated interior)(Standard Fee). All commercial development shall pay a fee of \$2.50 per square foot of interior heated space to Beaufort County. These sums shall be payable at the time that a lot or residential unit or commercial building is initially transferred to an end user from a Developer or Secondary Developer.

These fees shall not be applicable to transfers to service providers or Property Owner Association(s) or governmental related entities. These fees shall not apply to the first 196 residential units, based upon the allowable density attributable to the adjacent Community Preservation (CP) zoning for Ladys Island at 2 units per acre, unless all residential units in the Ladys Island CP District are subject to such a fee; however, these first 196 units shall pay a Reduced Fee, such Reduced Fee being the maximum per unit school impact fee under Ordinances 95/26 and 95/39, in effect at the time of the approval of the PUD, increased by the cumulative Consumer Price Index for All Urban Areas (CPI-U), with the initial CPI increase calculated for year 1998 forward. This calculation can be made by using the U.S. Government Inflation calculator found at http://www.bls.gov/data/inflation_calculator.htm. The maximum fee

under Ordinances 95/26 and 95/39 was \$1,000.00; the Inflation Calculator calculates that figure has inflated to \$1,349.47. Standard Fees will be assessable against all units in excess of the exempt 196 units paying the Reduced Fee, these units being the additional units over the density rate of 2 units per acre of the adjacent CP lands. The Reduced Fee is justified by the fact that there is in actuality no additional density being granted to the Greenheath PUD under the ZDSO, as density of Greenheath was actually less than that allowed under the zoning and development standards in effect at the time the Greenheath PUD was created. The Reduced Fee is further justified based upon the fact that at the time of the approval of the Greenheath PUD, these were the fees expected to be collected and were incorporated into the business plan of the Owner for the property.

At the end of five years from the date of this Development Agreement, if this Development Agreement is extended beyond the initial 5 year period, the amount of the Standard School Capital Construction Fee shall be increased by the sum of the increase in the Consumer Price Index for All Urban Areas (CPI-U), and annually thereafter, on each succeeding anniversary, as such increase is measured against the immediately preceding year.

The adjustment from the \$6,000 base fee for smaller residential units as set forth above is justified by the following factors specific to this Development Agreement and the Greenheath development area:

1. The parties recognize that smaller units, located near commercial / business areas of an integrated mixed use village need to be kept as affordable as possible to facilitate workforce housing and help attract desirable economic development within the commercial area.
2. Specific design concepts of Greenheath, as a walkable mixed use community adjacent to schools, should lower service costs, including school transportation and equipment costs.

Notwithstanding the above, should the State of South Carolina adopt legislation which allows local governments to impose Development Impact Fees for Schools, and should Beaufort County adopt such a School Impact Fee Ordinance, the fees provided for hereunder shall be adjusted, to the extent necessary, so that School Capital Construction Fees hereunder do not increase or decrease, when combined with any future adopted Development Impact Fees for schools. In other words, the total of School Capital Construction Fees established hereunder, and any future adopted School Impact Fees, shall not exceed the total of School Capital Construction Fees hereunder, and the time of payment shall not change. Furthermore, should Beaufort County approve any PUD or Development Agreement in the future which imposes lesser School Capital Construction Fees than are imposed upon the Property hereunder, after due allowance for potential differences in circumstance such as land

contributions or other forms of contribution or compensation, then the School Capital Construction Fees hereunder shall be automatically reduced to the amounts being charged under such future approved PUD or Development Agreement, after appropriate adjustments for such differing circumstances as mentioned above, as may be equitably and reasonably determined by Beaufort County Council.

X. COMPLIANCE REVIEWS.

Pursuant to the requirements of § 6-31-90, the Owners, or their designee(s), shall meet with the County Administrator, or his designee, at least once per year during the Term, to review Development completed in the prior year and the Development anticipated to be commenced or completed in the ensuing year. The Owner shall initiate such review. The Owners, or their designee(s), shall be required to provide such information as may reasonably be requested, to include but not be limited to, acreage and/or square footage of building footprints or floor area ratios sold in the prior year, acreage and/or square footage of building footprints or floor area ratio under contract, the number of certificates of occupancy issued in the prior year, and the number anticipated to be issued in the ensuing year, Development Rights transferred in the prior year, and anticipated to be transferred in the ensuing year.

XI. DEFAULTS.

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

A default of the Owner shall not constitute a default by a Developer, and a default by a Developer shall not constitute a default by the Owner. Neither shall a default by one Owner or Developer constitute a default as to the Owner or other Developers collectively.

XII. MODIFICATION OF AGREEMENT.

This Development Agreement may be modified or amended only by the written agreement of the County and the Owners. 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.

If an amendment affects less than all the persons and entities comprising the Property Owners, then only the County and those affected persons or entities need to sign such written amendment. Because this Agreement constitutes the unified development plan for the Property, minor modifications to a site plan or to development provisions may be made by County staff without a public hearing or amendment to applicable ordinances. The County Zoning and Development Administrator, after consultation with the Planning Director, may make administrative variances to numerical standards of the Zoning Regulations of up to 10% without requiring a formal variance application to be brought before the Zoning Board of Appeals. 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. Wherever said consent or approval is required, the same shall not be unreasonably withheld.

The Development Plan is not intended to be a rigid, exact site plan for future development. The location of roads, buildings, and other elements may vary somewhat at the time of permit applications when more specific designs are available, as long as the maximum intensities set herein in the Master Plan attached as Exhibit B and the general concept of commercial and residential development is respected.

XIII. 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.

The County at:

Beaufort County
Post Office Drawer 1228
Beaufort, SC 29901-1228
Attention: County Administrator

And to the Owner at:

Gleason Place, L.P.
c/o Mr. Fred Trask
P.O. Box 1256
Beaufort, SC 29901

With Copy To:

David L. Tedder, Esquire
Attorney at Law
Post Office Box 1282
Beaufort, SC 29901-1282

XIV. GENERAL:

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

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

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

Greenheath Sept 8, 2008

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

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

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

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

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

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

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

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

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

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

Greenheath Sept 8, 2008

Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the parties. In the event of a provision being held invalid, void, or unenforceable, the parties shall use the procedure set forth in Section XV, "Subsequent Laws", to take such steps as may be necessary to achieve the purposes and intent of this Agreement.

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

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

No Third Party Beneficiaries. The provisions of this Agreement may be enforced only by the County, the Owner and Developers (including their successors and/or assigns). No other persons shall have any rights hereunder.

XV. STATEMENT OF REQUIRED PROVISIONS

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

1. **Legal Description of Property and Legal and Equitable Owner.** The legal description of the Property is set forth in Exhibit A, attached hereto and having TMP Numbers R200 010 000 0022, and consisting of 98.35 acres, more or less. The present legal owner of the Property is as follows: Gleason Place, L.P.

2. **Duration of Agreement.** The duration of this Agreement is as set forth in Section III above, 5 years from the date of recording. Nothing in this Agreement shall be interpreted to preclude the Parties from extending the term of this Agreement by mutual agreement or from entering into subsequent development agreements, as provided by statute.

3. **Permitted Uses, Densities, Building Heights and Intensities.** A complete listing and description of permitted uses, building intensities and heights, as well as other development related standards, are contained in the Greenheath Master Plan attached hereto as Exhibit B, and as shown on the Development Plan attached thereto as Exhibit A-2.

4. **Required Public Facilities.** The utility services available to the Property are described generally above regarding electrical service, telephone and solid waste disposal. Beaufort-Jasper Water and Sewer Authority will provide water and sewer to the Property. The mandatory procedures of the Zoning Regulations and this Agreement, will ensure availability of roads and utilities to serve the residents on a timely basis. The County will provide, or cause to be provided, police, fire and sanitation services, as well as development application services to the Property on the same basis as is provided the unincorporated areas of the County.

5. **Provisions to Protect Environmentally Sensitive Areas/ Dedication of Land.** All relevant State and Federal laws will be fully complied with, in addition to the provisions set forth in this Agreement. Where required by state or federal law, protective buffers for wetlands have been created.

6. **Local Development Permits.** The Development is set forth in the Master Plan with its Exhibits, attached hereto as Exhibit B, and must comply with the Zoning Regulations. Specific permits must be obtained prior to commencing Development, consistent with the standards set forth in the Zoning Regulations. Building permits must be obtained under County Ordinances for any vertical construction, and appropriate permits have been or must be obtained from the State of South Carolina (OCRM) and the Army Corps of Engineers, when applicable, prior to any impact wetlands. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Owners, their successors and assigns, of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.

7. **Comprehensive Plan and Development Agreement.** The Development permitted and proposed under the Zoning Regulations, is consistent with the Comprehensive Plan and with current land use regulations of the County of Beaufort.

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

9. **Historical Structures.** No specific terms relating to historical structures are pertinent to this Development Agreement. Any historic structures and issues will be addressed

through the permitting process of the Zoning Regulations at the time of development and no exception from any existing standard is hereby granted.

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

SIGNATURES AND ACKNOWLEDGMENTS BEGIN ON FOLLOWING PAGE

WITNESSES:

Gleason Place, L.P.

By: Frederick G. Trask, President of Wiseblood, Inc., General Partner of Gleason Place, L.P.

Attest: _____
Its: Secretary of Wiseblood, Inc.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this ____ day of _____, 2008, before me, the undersigned Notary Public of the State and County aforesaid,, personally appeared Frederick G. Trask, President, and _____, Secretary, on behalf of Wiseblood, Inc., General Partner of Gleason Place, L.P., 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:

SIGNATURES AND ACKNOWLEDGMENTS CONTINUE ON FOLLOWING PAGE

WITNESSES:

BEAUFORT COUNTY

By: Wm. Weston J. Newton, County Council
Chairman

Attest:
Suzanne M. Rainey, Clerk to Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this _____ day of _____, 2008, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared Wm. Weston J. Newton, Beaufort County Council Chairman, and Suzanne M. Rainey, Clerk to Council, 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: _____

EXHIBIT A

Property Description

ALL that certain piece, parcel or tract of land, situate, lying and being on Lady's Island, Beaufort County, South Carolina, containing 97.80 acres, more or less, being known as "Greenheath Subdivision," and being more particularly shown and described as Parcel "A" on a plat prepared by David E. Gasque, R.L.S., recorded in Plat Book 77 at Page 165 in the Office of the Register of Deeds for Beaufort County, South Carolina. For a more complete description as to metes, courses, distances and bounds of said property, reference may be had to the aforementioned plat of record.

TMP 200-010-000-0022-0000

EXHIBIT B

GREENHEATH MASTER PLAN WITH EXHIBITS

(Omitted this printing)

EXHIBIT C

The Zoning Regulations hereunder shall be composed of the Development Agreement, the PUD Approved Master Plan for Greenheath (Exhibit B) and by the now current Zoning and Development Standards Ordinance (ZDSO) of Beaufort County, through Supplement _____, which ZDSO is hereby attached as this Exhibit C to complete Zoning Regulations.

(Note: A certified copy of the ZDSO on CD, Read Only may be substituted for the printed version; an initialed copy of the CD will be kept on file at the Clerk to Council's Office, the Planning Department, and with the Owner)

Exhibit D

DEVELOPMENT SCHEDULE

First Five Years: 50% of residential units, being 155 units

Second Five Years: Remaining 50% of units, being 156 units
25,000 s.f. of commercial

Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Chairman announced a public hearing would be held on Monday, November 23, 2009, beginning at 6:00 p.m. in Council Chambers of the Administration Buildings, 100 Ribaut Road, Beaufort.

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO EXTEND THE 2010 SUNSET DATE FOR GREENHEATH PLANNED UNIT DEVELOPMENT, INVOLVING 97.80 ACRES ON LADY'S ISLAND, FOR AN ADDITIONAL TEN YEARS WITH CONDITIONS

The Chairman passed the gavel to the Vice Chairman in order to make a motion.

Mr. Newton stated at the October 26, 2009 meeting, Council looked at the extension and expansion of Greenheath Planned Unit Development as well as approval of the Development Agreement; the latter gave a discount to the property owner/developer of the school capital construction fees, that we, as Council, have adopted, the municipalities have adopted, and the Board of Education has blessed. At that time, there were a number of Council members concerned that the exception was eroding the rule in terms of the policy. As a matter of fairness, it was voted down. In voting it down, Mr. Newton made the commitment to list the matter for reconsideration. Today, Mr. Newton will move for reconsideration of the second reading denial as well as move to amend the Development Agreement to eliminate the discount of the school capital construction fees, so that the full policy, as expressed by Council, will be reflective in that Development Agreement at second reading. ~~The third action would be to table the item until Council— in concert with municipalities and the Board of Education— has the opportunity to review the policy to determine whether we are committed to the \$6,000 unit per policy, whether we believe it should be changed and whether we believe it should be broken into different pieces/parts such as with road impact fees and park impact fees in different parts of the County. In the end, we will have addressed the policy as a whole, rather than create an exception as well as set up the opportunity for there to be challenges, discussions of fairness and unequal treatment in the way Council handles its policy.~~

Motion to reconsider second reading denial of October 26, 2009.

It was moved by Mr. Newton, seconded by Mr. McBride, that Council reconsider second reading denial of October 26, 2009, of the Development Agreement by and between Gleason Place, L.P., a South Carolina Limited Partnership and the governmental authority of Beaufort County, South Carolina. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

It was moved by Mr. Newton, seconded by Mr. Baer, that Council approve on second reading a Development Agreement by and between Gleason Place, L.P., a South Carolina Limited Partnership and the governmental authority of Beaufort County, South Carolina, and, further

amend the Development Agreement to eliminate the discount on school capital construction fees. The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

It was moved by Mr. Newton, seconded by Mr. Flewelling, that Council table consideration of third and final readings of: (i) a Development Agreement by and between Gleason Place, L.P., a South Carolina Limited Partnership and the governmental authority of Beaufort County, South Carolina, and (ii) an Ordinance of the County of Beaufort South Carolina, to extend the 2010 sunset date for Greenheath Planned Unit Development, involving 97.80 acres on Lady’s Island, for an addition ten years with conditions, until the Natural Resources Committee has the opportunity to review, in concert with the School District, our stated policy of establishing the school capital construction fees of \$6,000 for each requested residential unit and \$2.50 per square foot for commercial development (Resolution 2007-18). The vote was: FOR – Mr. Baer, Mr. Caporale, Mr. Dawson, Mr. Flewelling, Mr. Glaze, Mr. McBride, Mr. Newton, Mr. Rodman, Mr. Sommerville, Mr. Stewart and Ms. Von Harten. The motion passed.

The Vice Chairman returned the gavel to the Chairman in order to continue the meeting.

PUBLIC HEARINGS

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO EXTEND THE 2010 SUNSET DATE FOR GREENHEATH PLANNED UNIT DEVELOPMENT, INVOLVING 97.80 ACRES ON LADY’S ISLAND, FOR AN ADDITIONAL TEN YEARS WITH CONDITIONS

The Chairman opened a public hearing at 6:14 p.m. for the purpose of receiving information from the public regarding an ordinance of the County of Beaufort South Carolina, to extend the 2010 sunset date for Greenheath Planned Unit Development, involving 97.80 acres on Lady’s Island, for an addition ten years with conditions. After calling once for public comment, the Chairman recognized Mr. Tedder, legal counsel for the Greenheath Planned Unit Development, who thanked Council for the actions that it took earlier in today’s meeting. He looks forward to the opportunity to globally discuss school capital construction fees. Also, the Chairman did not mention including the municipalities in discussions in the motion made.

After calling twice more for public comment and receiving none, the Chairman declared the hearing closed at 6:15 p.m. He noted an addition public hearing will be held when this item comes before Council for consideration of third and final reading.

The Chairman stated school capital construction fees were adopted by County Council in discussion with the Board of Education. The Board of Education and Council went out to convince the municipalities that they should adopt the fees as well. It makes sense to include the municipalities in the discussions.



UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION
BEAUFORT SOUTH CAROLINA 29904-5001

11000
CP&L
August 31, 2010

Mr. Anthony J. Criscitiello
Planning Division Head
Beaufort County Council
Planning Division
100 Ribaut Road, Room 260
Post Office Drawer 1228
Beaufort, S.C. 29901-1228

RE: Traditional Neighborhood Development Ordinance

Dear Mr. Criscitiello,

At the May 24, 2010 Beaufort County Council meeting, we expressed concern regarding the new Traditional Neighborhood Development (TND) proposed ordinance. This was due to concerns regarding the possible impact on Airport Overlay District (AOD) ordinance.

Subsequent review and discussions with your staff have reassured us that the TND ordinance will not negatively impact the existing AOD and the AOD overlays any underlining zoning. Marine Corps Air Station Beaufort supports the TND proposed ordinance as it promotes smart and sustainable development, discourages sprawl and keeps the integrity of the AOD intact.

If you have any questions, please contact me at (843) 228-7558 or Mr. Russell Byrd at (843) 228-7119.

Sincerely,

A. G. Howard

A. G. HOWARD
Community Planning & Liaison
Officer
By direction of the
Commanding Officer

Copy to:
Beaufort County Council (Honorable Paul Sommerville)

ARTICLE XI. COMMUNITY USE AND NONRESIDENTIAL DESIGN

DIVISION 1. GENERALLY

Sec. 106-2346. Purpose.

(a) This article addresses the ~~design~~ standards to be applied to Traditional Neighborhood Developments, Planned and Multi-Family Communities, Manufactured Home Communities, and nonresidential developments, and Planned Unit Developments. It also provides regulations to ensure the quality of development and prevent monotony. These ~~community~~ development options require special design controls if they are to be successful. In traditional communities and neighborhoods around the nation, as well as in the county, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.

(b) All nonexempt development occurring along or requiring access from the following county highways: U.S. 278, S.C. 170, S.C. 46, S-163, Bluffton Parkway, Buckwalter Parkway, U.S. 21, U.S. 17, S.C. 802, S.C. 280, S.C. 21, and S.C. 116, shall require approval from the appropriate corridor review board, before consideration by the DRT. Refer to subdivision VI of division 2 of article II of this chapter and division 5 of article III of this chapter for additional guidelines and procedures for these reviews.

Secs. 106-2347--106-2375. Reserved.

DIVISION 2. ~~COMMUNITY USE DESIGN AND STANDARDS~~ TRADITIONAL NEIGHBORHOOD DEVELOPMENTS

[Note: Division 2 is replaced in its entirety]

Sec. 106-2376. Purpose

The purpose of the Traditional Neighborhood Development option is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. These can range from moderate infill or redevelopment projects located in already-developed areas and relying on adjacent land uses, to larger new towns complete within their own village centers and hundreds of acres of mixed housing types. Buildings within these communities can vary as well, from neighborhoods consisting primarily of single-family attached and detached dwellings, to mixed use centers, complete with integrated retail, civic, office and residential uses, including live-work units, and housing units located on top of shops.

The various uses are connected and unified by a network of streets providing a pedestrian and bicycle-friendly environment. Within this street network on-street parking is provided as a traffic-calming and pedestrian-safety device, while street trees and sidewalks create a pleasant and safe walking environment. The pedestrian-oriented nature of the district is reinforced by human-scaled buildings that relate to the street, provide safe pedestrian access, and create a distinct district identity. In addition, the master planned nature of this district allows building

setbacks to be reduced from conventional standards as part of a carefully programmed and cohesive design.

This district also supports the preservation of environmentally and historically sensitive or significant sites and the incorporation of a variety of open space, civic space, and recreational amenities into new development. Traditional neighborhood developments require specific design controls if they are to be successful. In traditional neighborhoods around the nation, as well as in the county, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail.

Sec. 106-2377. Definitions

(a) *Bungalow Court*. Bungalow courts consist of between 6 and 10 single story or 1-½ story differentiated semi-detached units grouped around a shared pedestrian courtyard. The courtyard must be entered from the street through some form of gateway and be of sufficient size to create a hierarchical transition from the public street to the semi-private courtyard, and then to the individual bungalow.

(b) *Community Garden*. Green spaces that are communally cultivated and tended for the purpose of providing produce, a gardening experience, and/or education to residents of the surrounding community. A community garden may be divided into individual plots or tended in a communal fashion.

(c) *Green Finger*. Reserve areas along a natural feature such as a stream, vegetation, or topographic feature that extend into developed residential and commercial areas of the traditional neighborhood development.

(d) *Live/Work Unit*. An attached building type with a small home business on the ground floor that is owned and operated by the resident of the residential unit above.

(e) *Pedestrian Shed*. The pedestrian shed is the area that is within a 5 minute walk of an activity center such as a park, civic building or commercial center. A five minute walk or ¼ mile represents the distance most people are willing to walk to get to the center.

(f) *Town Cottage*. A Town Cottage is an urban detached single-family dwelling on a small lot that is potentially shared by one or more ancillary buildings. Because of the urban condition, there are no minimum front or side setbacks. Garages and/or surface parking shall be provided in the rear yard or ground level and accessed from an alley if possible. Town Cottages are only permitted in the Neighborhood Center.

(g) *Workforce Housing Units*. A workforce housing unit is any housing unit that is affordable to individuals and families with an income ranging from 65% to 120% of Beaufort County's median income as produced annually by the US Department of Housing and Urban Development (HUD). In order to be affordable, the annual cost of all housing expenses including, but not limited to, mortgage payments, rent, property tax, mortgage insurance, housing insurance (including flood insurance), essential utilities (gas and electric), regime fees, and property owners association fees cannot exceed 35% of the gross annual income of the occupant.

Sec. 106-2378. General Requirements

(a) *Minimum Site Area.* Traditional Neighborhood Developments that are zoned Suburban must have a minimum site area of 40 acres, while those that are zoned Urban must have a minimum site area of 20 acres.

(b) *Location Requirements.* Traditional Neighborhood Developments shall meet at least one of the following locational standards:

- (1) The site must have direct access to an existing arterial or major collector roadway.
- (2) The site must be within ¼ mile of public park or school.

(c) *Mix of Neighborhood Zones.* Traditional Neighborhood Developments are required to have a minimum of two of the following three Neighborhood Zones – Neighborhood Center, Neighborhood General, and Neighborhood Edge.

(d) *Pedestrian Shed.* Where environmental conditions, site size and shape permits, all structures should be situated within ¼ miles of an activity center such as a park, civic building or commercial center.

(e) *Mix of Land Uses and Lot Sizes.* There shall be a variety of housing types in the overall development: single-family detached of various sizes; single-family attached; and multifamily dwellings. While multifamily is permitted, the majority of multifamily units are expected to occur in mixed-use structures or in multifamily housing structures designed to appear to be large, single-family structures.

(f) Diversity of Housing Choices. Traditional Neighborhood Developments are required to provide a diversity of housing options and prices to encourage a mix of incomes among its residents.

(1) Workforce Housing Units. A minimum of 10% of the dwelling units in a Traditional Neighborhood Development shall be workforce housing units in accordance with Section 106-2382.

(2) Accessory Dwelling Units. Accessory dwelling units are permitted in accordance with Section 106-1188 with the exception that there are no restrictions on the percentage of principle dwelling units that can have accessory dwelling units.

(g) *Interconnected Street Network.* Where environmental conditions, site size and shape permits, the site should be developed using an interconnected network of streets with public access that form appropriate size blocks that are no longer than 600' between any two intersections.

(h) *Public Access to All Streets.* All streets shall have no gates or any other fixture that prevents general public access to the streets.

- (4) Agricultural uses, community farms and community gardens are permitted within the Neighborhood Reserve with the following restrictions.
- a. Habitable structures, bed and breakfasts, other commercial structures and parking areas that are part of a community farmstead are not permitted within the neighborhood reserve. Community farmsteads shall be situated so that these structures are located in an adjoining Neighborhood Edge or Neighborhood General zone.
 - b. Agricultural structures such as barns, coops, storage sheds, and education facilities are permitted within the neighborhood reserve.
- (5) Uses and development standards within the neighborhood reserve shall meet the requirements of Article VII, Division 4.

Table 106-2379: Lot and Building Standards for Neighborhood Zones

Development Type	Lot Area	Lot Width	Street Yard	Side Yard	Building Spacing	Rear Yard	Maximum Height*	Maximum Side Load Garage Setback	Minimum Garage Rear Setback	Minimum Garage Side Setback	Range in % in Width along frontage	Minimum Front Porch Depth	Minimum Front Porch % of Façade	Minimum First Floor Height above Grade
NEIGHBORHOOD CENTER														
Single Family														
Town Cottage	864	18	0/8 maximum	0	0	5	45		5		50%	8	20%	29 inches
Bungalow Court House	1500	30	6/24 maximum	3	6	5	45		5		50%-80%	8	30%	29 inches
Single Family Attached														
Townhouse	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	29 inches
Multi-Family														
Duplex	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Multiplex	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Apartment	4800	48	0/8 maximum	3	6	5	45		5		50%-80%	8/3 for balconies	30%	29 inches
Commercial														
Live-Work	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
Shopfront	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
Institutional/Civic			0/8 maximum	0	0	5	45				50%			0

*Height is measured from grade to average height of the highest roof surface

Table 106-2379: Lot and Building Standards for Neighborhood Zones (continued)

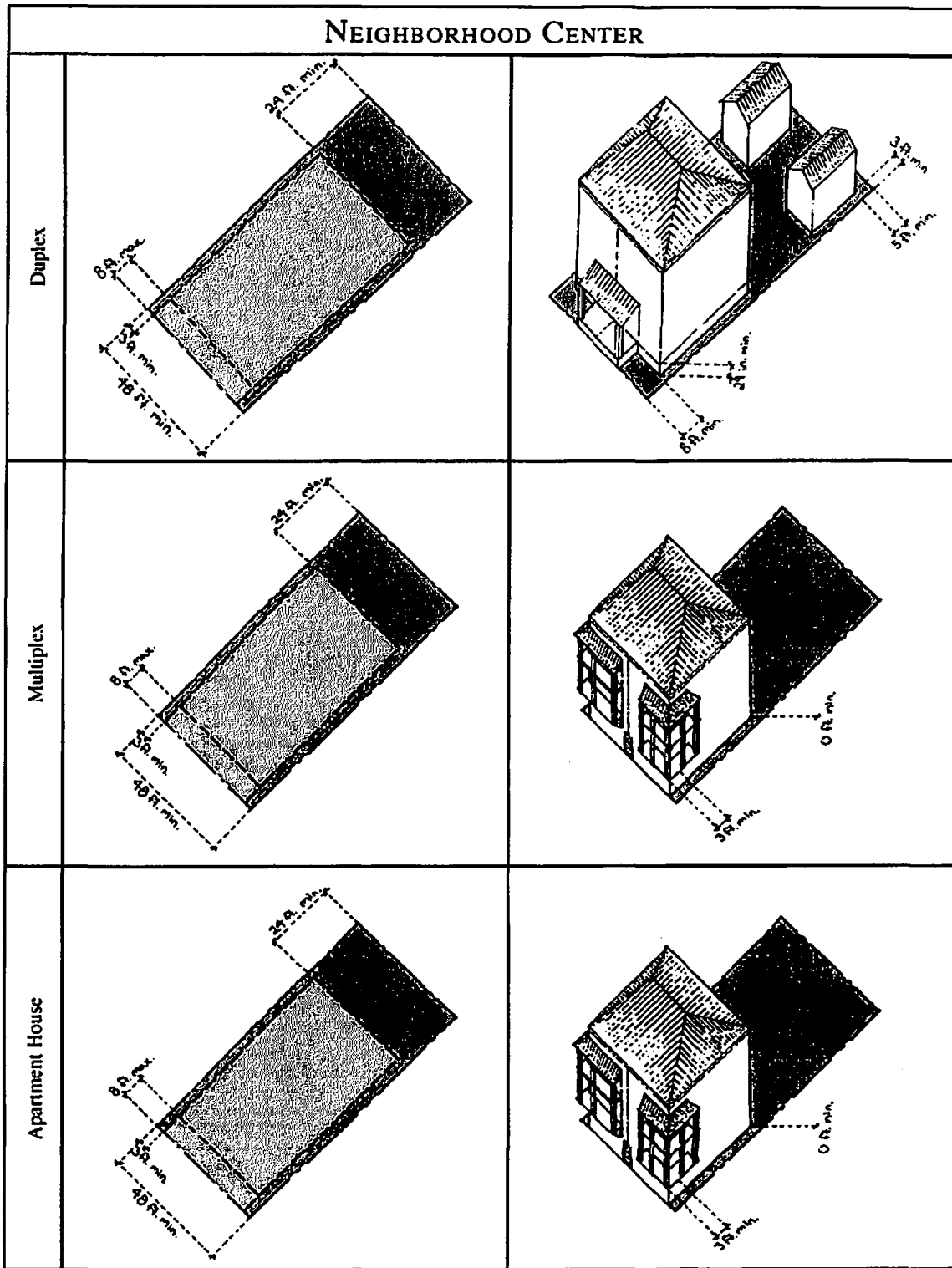
Development Type	Lot Area	Lot Width	Street Yard	Side Yard	Building Spacing	Rear Yard	Maximum Height*	Maximum Side Load Garage Setback	Minimum Garage Rear Setback	Minimum Garage Side Setback	Range in % in Width along frontage	Minimum Front Porch Depth	Minimum Front Porch % of Façade	Minimum First Floor Height above Grade
NEIGHBORHOOD GENERAL														
Single Family														
Single Family Detached	4800	48	6/24 maximum	3/shall total 12	6	24	45		5		50%-80%	8	30%	29 inches
Bungalow Court House	1500	30	6/24 maximum	3	6	5	45		5		50%-80%	8	30%	29 inches
Multi-Family														
Duplex	4800	48	6/24 maximum	3/shall total 12	6	24	45		5		50%-80%	8	30%	29 inches
Commercial														
Institutional/Civic			6/24 maximum	3			45							29 inches
Live-Work	864	18	0/8 maximum	0	0	5	45		5		50%	8/3 for balconies	20%	0
NEIGHBORHOOD EDGE														
Single Family														
Single Family Detached	6000	60	18	12		24	45	24	5	3	40%	8	40%	36 inches
Commercial														
Institutional/Civic			18	12			45				40%			

*Height is measured from grade to average height of the highest roof surface

Figure 106-2379(a): Neighborhood Center Lot and Building Standards

NEIGHBORHOOD CENTER	
Town Cottage	
Bungalow Court House	
Attached Townhouse Commercial Shopfront • Commercial Live-Work	

Figure 106-2379(a): Neighborhood Center Lot and Building Standards (continued)



- c. Structures such as, but not limited to, observation towers shall be allowed to reach an accessible height of 60 feet if all of the following conditions are met:
 - 1. Structure is constructed on other than residential lot.
 - 2. Structure with a footprint of 250 square feet or less.
 - 3. Structure that is uninhabitable.
 - 4. Structure meets conditions for construction stated by Beaufort County building codes and local fire officials.
- d. Church steeples and other architectural features shall be allowed to reach a height of 100 feet from finished grade.

(3) *Accessory Structures.*

- a. Accessory structures shall have a maximum of 625 habitable square feet.
- b. Maximum building height shall be 22', measured from grade to eave.
- c. Home occupational uses are permitted within an accessory structure if the activity is that of the property owner and the property owner is in residence in the primary dwelling. Accessory units cannot be rented to businesses.
- d. Only one habitable accessory structure with a kitchen permitted per residential lot.
- e. Accessory Dwelling Units shall follow the standards set forth in Sec. 106-1188.

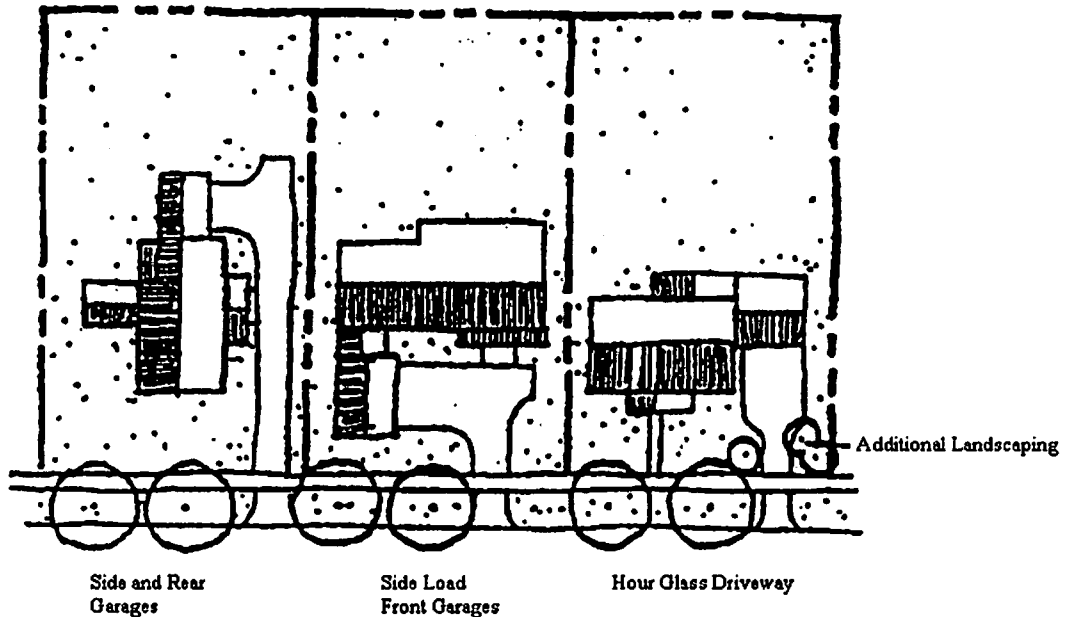
(4) *Garages.* Front loaded garages are permitted on lots with widths of 50' or greater, and the following shall be used to reduce the impact of drives and garages (figure 106-2378(b)):

- a. Garages shall be recessed from the primary building façade a minimum of 20' with a drive of no more than ten feet in width providing access and may include pervious medians.
- b. Side load front garages shall be used on at least 40 percent of lots where the garage is not to the rear of the lot.

(5) *Live Work Units.*

- a. Uses within the live work units are limited to those uses that are permitted in the Neighborhood Zone in which the unit is located.
- b. In the Neighborhood Center Zone, where there is a mix of residential and non-residential uses in a live-work Unit, residential uses are limited to the second, third and fourth floors.
- c. In the Neighborhood General Zone, non-residential uses are limited to the first floor.

Figure 106-2379(e) VEHICULAR GARAGE ACCESS



(6) *Parking.*

- a. Parking shall be 2 per principal dwelling unit; 1 per apartment unit; and 1 per every 400 square feet of commercial use.
- b. Required parking shall include on street parking along the frontage.
- c. Required parking in the Neighborhood Center shall include mid-block parking, on street parking, and private parking as long as the parking spaces are within 700' of the intended use.

(7) *Lot and Building Standards Applicable to All Neighborhood Zones.* Housing types used in traditional neighborhood developments are contained in table 106-2379. Housing types and lot configurations are illustrated in figures 106-2379(a), 106-2379(b), and 106-2379(c).

Sec. 106-2380. Civic Open Space

Each Neighborhood Zone shall assign at least 5% of its area to appropriate types of civic open spaces. Civic open space shall be counted as part of the minimum open space required by table 106-1526. Formal activity areas are encouraged to be built into open spaces. These include fountains, formal gardens and sitting areas, gazebos or similar facilities. These should serve the residents and provide a sense of identity to the various open spaces. The concept plan and preliminary plan shall provide increasing detail on the types of structures to be provided. Six

types of civic open spaces – parks, boulevards, greens, squares, plazas, playgrounds – are permitted and shall conform to the following standards:

- (1) *Parks.* Park areas shall be designed to provide a range of unstructured recreational opportunities for the development's residents. A park may be independent of surrounding building frontages. Its landscape shall consist of paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be ½ acres. Golf courses may be counted toward park space; however, fairways must be deleted from reserve area calculations.
- (2) *Boulevards.* A divided street with a reserve area in the center is considered a boulevard. In order to qualify as civic open space, the median shall be at least 20 feet wide feet, with a minimum area of 5,000 square feet. Such areas shall be designed to permit passive or active recreational use by the community where appropriate.
- (3) *Greens.* Greens are smaller reserve areas available for unstructured recreation. A green may be spatially defined by landscaping or building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be ½ acre and the maximum shall be 8 acres.
- (4) *Squares.* Squares are a reserve area available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be ¼ acre and the maximum shall be 5 acres.
- (5) *Plazas.* Plazas are a reserve area available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of hardscaping. Trees are optional but encouraged. Plazas should be located at the intersection of important streets. The minimum size shall be ¼ acre and the maximum shall be 2 acres.
- (6) *Playgrounds.* Playgrounds are a reserve area designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.

Sec. 106-2381. Traditional Neighborhood Thoroughfare Standards

(a) *General Standards.*

- (1) Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to lots and Community Reserve Areas.
- (2) Thoroughfares shall generally consist of vehicular lanes and public frontages.

- (3) Thoroughfares shall be designed in context with the urban form and desired design speed of the Neighborhood Zones through which they pass. The public frontages of thoroughfares that pass from one Neighborhood Zone to another shall be adjusted accordingly or, alternatively, the Neighborhood Zone may follow the alignment of the thoroughfare to the depth of one lot, retaining a single public frontage throughout its trajectory.
- (4) Within the most rural zones (Neighborhood Edge), pedestrian comfort shall be secondary consideration of the thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle. Within the more urban Neighborhood Zones (Neighborhood General and Neighborhood Center), pedestrian comfort shall be a primary consideration of the thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- (5) The thoroughfare network shall be designed to define blocks not exceeding the sizes set forth in this chapter. The perimeter shall be measured as the sum of lot frontage lines. Block perimeter at the edge of the development parcel shall be subject to approval by the DRT.
- (6) All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval by the DRT to accommodate specific site conditions only.
- (7) No more than 20 % of lots within any neighborhood zone shall front a passage or a shared pedestrian courtyard (bungalow court).
- (8) Curbless thoroughfares that do not have on-street parallel parking shall have a minimum asphalt width of 18' with 1' of stabilized shoulder on each side to meet emergency access standards. This standard also applies to curbless one-way thoroughfares with on-street parallel parking on one side.

(b) *Vehicular Lanes.* Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in Table 106-2381.

(c) *Thoroughfare Landscaping Standards.* The following landscaping standards apply to street trees, lawns, and other landscaping within the rights-of-way of thoroughfares within the traditional neighborhood development. Landscaping shall meet the requirements prescribed in Table 106-2381. Tree spacing may be adjusted by the DRT to accommodate specific site conditions.

(1) *Neighborhood Edge.*

- a. Landscaping shall include trees of various species, naturalistically clustered, as well as understory.
- b. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance. Lawns should be minimal.

Table 106-2381: Thoroughfare Standards

Thoroughfare Type	Neighborhood Zones	Design Speed	Right of Way Width	Pavement Width (from face of curb)	Traffic Flow / Lane Width	No. of Parking Lanes	Curb Type	Curb Radius	Planter Width	Planter Type	Sidewalks	Sidewalk Width
Commercial Street A	Center	20-25 MPH	68'	36'	Two-way / 10'	2	Raised Vertical	10' max	5'	Individual Tree Wells	Both Sides	16'
Commercial Street B	Center	20-25 MPH	60'	36'	Two-way / 10'	2	Raised Vertical	10' max	5'	Individual Tree Wells	Both Sides	12'
Commercial Drive	Center	20 MPH	40' (each way)	18'	One-way / 10'	1	Raised Vertical / Swale	10' max at curb / 25' max at swale	5' at curb	Individual Tree Well	One side	12'
Street	Center	20 MPH	50'	28'	Two-way / 10'	1	Raised Vertical	10' max	5'	Individual Tree Well or Continuous	Both sides	5'-11'
Residential Street A	Center and General	20 MPH	50'	26'	Two-way / 9'	1	Raised Vertical	15' max	7'	Continuous	Both sides	5'
Residential Street B	General	20 MPH	40'	18'	Two-way / 9'	0	Swale	15' max	6'	Continuous	Both sides	5'
Urban Drive	Center and General	20 MPH	48'	26'	Two-way / 9'	1	Raised Vertical / Swale	15' max at curb / 25' max at swale	5' at curb	Individual Tree Grate	One side	12'
Residential Drive	Center, General, Edge	20 MPH	40'	18'	One-way / 10'	1	Raised Vertical / Swale	15' max at curb / 25' max at swale	7' at curb	Continuous	One Side	5'
Residential Road A	General and Edge	20-25 MPH	50'	18'	Two-way / 9'	0	Swale	25' max	11' both sides	Continuous	One Side	5'
Residential Road B	Edge	20-25 MPH	40'	18'	Two-way / 9'	0	Swale	25' max	6'-16' both	Continuous	Walking Path Optional	5'-8'
Rear Alley	Center, General, and Edge	NA	24'	12' pervious material	One-Way Yield / 12'	0	Swale	15' max	NA	NA	NA	NA
Pedestrian Passage	Center, General, and Edge	NA	12'	varies	NA	NA	NA	NA	3' minimum	Continuous	NA	Varies

(2) *Neighborhood General.* Landscaping shall include trees planted in a regularly-spaced allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one story.

(3) *Neighborhood Center.*

- a. Landscaping shall include trees planted in a regularly-spaced, allee pattern of single species with shade canopies of a height that, at maturity, clears at least one story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.
- b. Streets with a right-of-way width of 40 feet or less shall be exempt from the tree requirement.

Sec. 106-2382. Workforce Housing

A minimum of 10% of the dwelling units in a Traditional Neighborhood Development shall be workforce housing units. The location of workforce housing units shall be shown on the conceptual plan. A workforce housing agreement shall be submitted with the conceptual plan that delineates how the TND will meet all of the requirements provided in Section 106-2382.

(a) *Location of Workforce Units.* Except as provided in Section 106-2382(g) workforce housing units shall be built on the site of the Traditional Neighborhood Development.

(b) *Timing of Development.* The workforce housing agreement shall include a phasing plan which provides for the timely development of the workforce housing units as the TND is built out. The phasing plan shall provide for development of the workforce housing units concurrently with the market rate units.

(c) *Unit Size.* Workforce housing units shall accommodate diverse family sizes by including a mix of studio, one, two and three-bedroom units as determined by the Development Review Team.

(d) *Exterior Appearance.* Workforce housing units shall be visually compatible with the market rate units. External building materials and finishes shall be the same type and quality for workforce housing units as for market rate units.

(e) *Affordability Agreement.* Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the County that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the workforce housing units shall be recorded with the County Register of Deeds. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. Workforce housing units that are provided under this section shall remain as workforce housing for a minimum of 5 years from the date of initial owner occupancy for ownership workforce housing units.

(f) *Occupancy Requirement.*

(1) *Rental Units.* Any person who occupies a rental Workforce Unit shall occupy that Unit as his or her principal residence.

(2) For-Sale Units. During the period of affordability the owner who purchases a for-sale workforce housing unit shall occupy that unit as his or her principal residence.

(g) Provision of Workforce Housing Units Off-Site. If it is not feasible to develop workforce housing units within the TND, an applicant may develop, construct or otherwise provide workforce units equivalent to those required in this section off-site. All requirements of this ordinance that apply to on-site provision of workforce units, shall apply to provision of off-site workforce units. In addition, the location of the off-site units to be provided shall be approved by the Development Review Team as an integral element of the review and approval process. Off-site units may be located in a neighboring municipality.

(h) Fees-in-Lieu-of Workforce Housing Unit Provision. An applicant may opt to contribute to an established local housing trust fund to be used for the development of workforce housing in lieu of constructing and offering workforce units within the locus of the proposed development or off-site. The fee will be calculated as the amount required to provide the workforce housing unit discount necessary to make the unit workforce (e.g. median sale price of market rate unit minus maximum sale price of a three-bedroom workforce dwelling unit). Fees in lieu of unit payments shall be made according to the schedule set forth in Section 106-2382(b).

(i) Restrictions on Resale. Each workforce unit created in accordance with this ordinance shall have limitations governing its resale. The purpose of these limitations is to preserve the affordability of the unit and to ensure its continued availability for workforce income households. The resale controls shall be established through a restriction on the property and shall be in force for a period of five (5) years. Sales beyond the initial sale to a qualified workforce income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 106-2382(e). For example, if a unit appraised for \$100,000 is sold for \$75,000 as a result of this ordinance, it has sold for 75 percent of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500--75 percent of the appraised value of \$150,000.

DIVISION 3. LOT AND BUILDING STANDARDS FOR PLANNED, ~~COMMUNITY~~ USE AND MULTIFAMILY HOUSING DEVELOPMENTS

Sec. 106-2406. Scope.

Housing types used in planned ~~and community developments~~ or multifamily housing are contained in table 106-2406. Housing types and lot configurations are illustrated in figure 106-2406. The requirements for a mix of dwelling units are contained in table 106-2408. The following explanations describe the columns for table 106-2406; see sections 106-13 through 106-18 for the full and complete definitions of these terms.

TABLE 106-2406. LOT AND BUILDING STANDARDS FOR PLANNED, ~~COMMUNITY~~

AND MULTIFAMILY HOUSING DEVELOPMENTS

Sec. 106-2408. Dwelling unit mix requirements.

All planned ~~and community~~ developments shall meet the mix requirements (table 106-2408) regarding the number of different dwelling unit types that must be provided. The mix provides a variety of housing types to meet all residents' needs. If the development is to be phased, each phase shall contain a share of the largest unit types generally proportional to the percentage of the total dwelling units. Where more unit types are provided than required, the developer may determine the percentage of those types to be provided.

TABLE 106-2408. DWELLING UNIT MIX REQUIREMENTS FOR PLANNED ~~AND~~
~~COMMUNITY~~ DEVELOPMENTS

ARTICLE V. USE REGULATIONS

DIVISION 1. GENERALLY

Sec. 106-1097. Uses generally.

(a) All land uses or structures shall be permitted in zoning districts only as indicated in this division. All uses are subject to ZDA or DRT approval except placement of a single-family house on a single lot, which is subject to all applicable county building codes. Prohibited uses in any district shall not be permitted. The following symbols are used in table 106-1098:

(1) "Y" indicates a permitted use, where the use is permitted as a matter of right subject to all performance standards.

(2) "N" indicates a prohibited use.

(3) "L" indicates a use whose permission is limited, depending on locational, design, or other criteria of division 2 of this article being met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

~~(4) "LC" designates a limited use that is permitted only in one of the residential community use options, meeting all other criteria of division 2 of this article and community design standards in division 2 of article XI of this chapter.~~

(4) "TND" designates a limited use that is permitted only in the Traditional Neighborhood Development option, meeting all other criteria of division 2 of this article and the standards in division 2 of article XI of this chapter.

(5) "S" indicates a use permitted only if a special use permit is approved by the zoning board of appeals per subdivision IV of division 3 of article III of this chapter. The use must conform to the locational, design, or other conditions of division 2 of this article. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built.

(b) Military (M) district permissions are not included since regulation of these lands is not under the jurisdiction of the county.

Sec. 106-1098. Use table.

According to generalized land uses, table 106-1098 lists the type of use permission in each district, as well as definitions for each use listed. References for additional limited and special use standards are also contained in this table and are detailed in division 2 of this article. Should a use not be identified in sections 106-13 through 106-18 or table 106-1098, refer to division 4 of article III of this chapter pertaining to administrative interpretations. See articles V, VI and VII of this chapter for additional standards.

TABLE 106-1098. GENERAL USE TABLE
[Note: Only those Land Use Categories with Proposed Changes are Shown]

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
AGRICULTURAL USES													
Agriculture	N	L	N	N	N	N	N	Y	Y	Y	S	106-1156	Crop (see below: Clearcutting, #3) and animal production, plant nurseries, tree farms. (NAICS 111, 112)
Forestry	L	L	L	L	L	L	L	L	L	L	S	106-1157	Perpetual management, harvesting and enhancement of forest resources for ultimate sale or use of wood products, requiring replanting, and subject to S.C. Forestry Commission BMPs. (NAICS 113)
Clearcutting	L	L	L	L	L	L	L	L	L	L	S	106-1158	1. Management, harvesting and use of forest or woodland (NAICS 113) for sale or use of wood products, without replanting or regeneration of the tree crop. 2. Clearing, grubbing or other destruction and cutting of ground cover, grading or otherwise moving the topsoil, or burning of the vegetative cover of more than 10,000 sq. ft. of land. Landscaping improvements to private residential properties shall not be considered clearcutting, and shall not require a development permit. 3. Cultivation of any land as an agricultural use, and gardens of less than 10,000 sq. ft. shall not be considered clearcutting, and shall be a permitted use.
Farmstead	N TND	L	N	N	N	N	N	Y	Y	Y	S	106-1159	Residential-agricultural unit in which the land is used for agriculture and residential purposes by the owner/operator of the agricultural operation.
Farmworker housing	N	N	N	N	N	N	N	L	N	N	N	106-1159(a)	Housing located on farmsteads for temporary occupancy during seasonal farming activity. Farmworker housing is exempt from permit requirements. This type of housing may be provided at one unit per 50 acres for the first 100 acres, and one unit per each 100 acres after that.
Commercial stables	N TND	S	N	S	N	S	N	L	Y	Y	N	106-1160	Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar purpose.
Agricultural support services	N	N	Y	Y	N	Y	N	L	Y	Y	N	106-1161	Farm supply services, equipment dealers, grain storage, veterinary uses for agricultural animals and seasonal packing sheds, pet care services. (NAICS 1151, 1152, 49313, 4225, 54194, 812910)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
RESIDENTIAL USES													
Single-family detached	Y	Y	N	N	N	N	N	Y	Y	Y	Y	N.A.	Detached dwelling unit intended for only one family. Includes any one-family dwelling unit which complies with the county building code.
Single-family cluster	N	Y	N	N	N	N	N	Y	N	N	Y	N.A.	Two or more single-family detached residential uses in a subdivision, or on an individual lot that include, as part of the subdivision or lot design, significant common open space.
Family compound	N	N	N	N	N	N	N	Y	Y	Y	N	article IX	Form of traditional rural development which provides affordable housing for family members allowing additional family dwelling units on, and/or subdivisions of, a single lot owned by the same family for at least 50 years.
Planned	L	L	N	L	N	N	N	L	N	N	N	106-1186, articles VI and XI	A development that consists of two or more of the following housing types: single-family, single-family lot line, village houses, patio houses, atrium houses, townhouses of several types, duplexes, multiplexes and apartments. Such developments shall be planned as a unit.
Multifamily	L	L	N	L	N	N	N	N	N	N	N	106-1187, articles VI and XI	This use permits duplexes, multiplexes and apartments only.
Commercial apartment	Y	LG <u>TND</u>	Y	Y	N	N	N	LG <u>N</u>	N	N	N	N.A.	One to four dwelling units located above or to the rear of a nonresidential structure on the same lot.
Community—small scale	N	N	N	N	N	N	N	Y	N	N	N		The details of this use are found in articles VI and XI. A form of planned development that is of such scale, extent and design that it creates a community with a mix of residential and nonresidential land uses and a clear sense of identity. Design potential includes small, medium, and large communities depending on the applicable zoning district.
Community—medium scale	Y	N	N	N	N	N	N	Y	N	N	N		
Community—large scale	Y	Y	N	N	N	N	N	N	N	N	N		
<u>Traditional Neighborhood Development</u>	L	L	N	N	N	N	N	N	N	N	N	<u>Article XI</u>	

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Group home	Y	Y	N	N	N	N	N	Y	Y	Y	N	N.A.	A building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be self-operating and controlled by the residents in a family living environment, as opposed to an institutional environment, whereby operations are mainly controlled by a professional staff. If the unit would otherwise qualify as other types of dwelling units defined in this chapter, such as apartment or attached housing, then the use shall be treated as such.
													Not included are co-ops, nursing homes, other institutional residential and boardinghouse types of operations since these are institutional or commercial lodging uses.
Manufactured home community	L	L	N	N	N	N	N	L	N	N	N	106-2409	A parcel of land planned and improved for the placement of three or more manufactured homes for use as residential dwellings where home sites within the development are leased to individuals who retain customary leasehold rights. Subdivision of land as a single-family detached, single-family cluster, family compound, planned community or small single-family affordable land use and intended for fee-simple sale of lots for manufactured homes does not constitute it being defined under this use. For purposes of this definition, a manufactured home is a residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards (FMHCSS). This does not include recreational vehicles, travel trailers or motorized homes licensed for travel on highways, nor manufactured housing units designed and built to meet applicable requirements of the South Carolina Modular Buildings Construction Act.
Small single-family, affordable	L	L	N	L	N	N	N	N	N	N	N	106-2104	An affordable residential unit especially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. Three types of housing are provided: (i) single-family detached one story, (ii) single-family detached two story, and (iii) single story attached. The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Accessory dwelling unit	L	L	N	N	N	N	N	L	L	L	N	106-2106	A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.
INSTITUTIONAL USES													
Assembly and worship, large	L	L	Y	L	N	N	N	L	N	L	N	106-1246	Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Assembly and worship, small	Y	Y	Y	Y	N	N	N	L	L	L	N	106-1247	Museums, aquariums, cultural or arts centers, historic sites and churches with no schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 sq. ft. of floor area. In the rural district, there shall be no minimum lot size for this use when less than 15,000 sq. ft. of floor area, and/or when no school is involved. (NAICS 6111, 8131, 8134) This use includes all cemeteries. (NAICS 81222) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)
Colleges and professional schools	S	S	N	S	L	N	N	S	N	N	N	106-1248	Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Schools, neighborhood (elementary and middle school)	L	L	N	L	N	N	N	S	N	S	N	106-1248	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes nursery schools, kindergarten, elementary schools, middle schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include charm schools, dancing schools, music schools or similar limited schools.
Schools, community (high schools)	L	L	N	L	N	N	N	S	N	S	N	106-1248	Institutions of learning or instruction primarily catering to minors, whether public or private, which are licensed by either the county or the state. The definition includes senior high schools or any special institution of learning under the jurisdiction of the state department of education catering to those age groups. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.
Institutional residential	L	Y	Y	Y	N	N	N	S	N	N	N	106-1249	1. Convents or monasteries.
													2. Skilled nursing facility. Twenty-four hour care to ill persons in a controlled setting providing daily and medical care. Residents often have limited or no mobility. Requires licensing.
													3. Assisted living facility. Residential care facility catering to the frail elderly who require assistance with daily activities. Requires licensing.
													4. Independent living facility. Facility catering to more mobile, healthy senior adults. Individual living units may contain kitchens, while common dining is available. Planned recreation, housekeeping, transportation, etc. may also be provided. Does not require licensing.
													5. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are generally under the care or control of staff. All sheltered care, group care, and group homes, (total occupancy >8) shall be considered institutional residential use. These residents would be members of an institution, have institutional care, or would be treated by staff in an institutional setting rather than living independently. (NAICS 623, 62422, 62423)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition	
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
														6. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care. Assisted living facilities shall also be included. (NAICS 623311, 6239, 624229)
														7. Dormitories, fraternities, or sororities.
														8. Schools with live-in facilities on site, other than universities, colleges or preparatory schools. (NAICS 61111)
														9. Emergency shelters and residential substance abuse facilities. (NAICS 62322)
Day care, commercial (Day care, family, see home uses)	L	L	L	Y	L	Y	L	L	Y	L	N	106-1250		All day care facilities not classified as "Day care, Family" and including more than eight children. (NAICS 62441)
Protective care	N	N	N	N	N	N	N	S	N	N	N	106-1251		Housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes jails, prisons, work release, other similar facilities, and psychiatric hospitals. (NAICS 92214, 6222)
Local utilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	L	106-1252		Utility substations or transmission and local distribution facilities, including telephone, and all government-owned utilities. Not included are generation facilities, storage of combustibles, regional facilities, and landfills or mining operations. (NAICS 221122, 22121)
Public services	Y	Y	Y	Y	Y	Y	Y	L	Y	Y	N	106-1255		These uses include emergency service, buildings, or garages (e.g., ambulance, fire, police, rescue, and public works) or other garages or areas where vehicles are stored and dispatched. (NAICS 62191, 92212, 92216, see office uses, below)
Government office	L	L	Y	Y	Y	Y	L	LG N	N	S	N	106-1253		County, state, or federal office buildings or other facilities that are primarily devoted to public office uses or services. (NAICS 921, 92211, 92213, 923)
Recreational institutional	Y	L	Y	Y	N	N	N	S	S	S	N	106-1254		Nonprofit organizations chartered to provide community-based recreational services.
COMMERCIAL USES														
Adult uses (not indoor gambling)	N	N	N	N	N	L	N	N	N	N	N	106-1281		1. Adult bookstore. Establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, or an establishment with an area or section devoted to the sale or display of such material.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition	
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC			
														2. Adult entertainment establishment. Enclosed building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, for observation by patrons therein. This includes bars, restaurants, movie theaters, theaters, peep shows, strip halls, special cabarets, physical culture establishments, photographic studios, or any other normally permitted use where specified sexual activities are displayed, or where specified anatomical areas are exposed to customers. (NAICS 71399, 72241)
														3. Massage parlors. Establishments offering massage, manipulation, rubbing, vibration, stroking or tapping of the human body with the hand or an instrument, staffed by one or more persons who do not belong to any nationally recognized massage therapy association, or by persons who are not graduates of any recognized training school in massage therapy.
Bed and breakfast	S	S	N	N	N	N	N	S	N	N	N	106-1282		This is any place of lodging in which there are no more than eight guestrooms, or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public, and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests, and that the owner resides therein as his principal place of residence. (NAICS 721191)
Body branding, body piercing and tattoo facilities	N	N	N	N	N	L	N	N	N	N	N	106-1283		An establishment whose principal business, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decorations (3) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. This definition for the purpose of this code does not include ear piercing.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial lodging (hotel and motel)	Y	N	Y	Y	L	Y	N	LG N	N	N	N	106-1284	Hotels, motels, boardinghouses and roominghouses, or a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities. (NAICS 7211, 7213)
Commercial retail, neighborhood	L	LG TND	Y	L	N	Y	N	LG N	N	L	N	106-1285	The maximum size of any neighborhood commercial retail use shall be 10,000 sq. ft. These uses are retail uses that primarily serve their immediate neighborhoods, and include the following types:
													1. Hardware stores
													2. Grocery store with general merchandise for resale, with limited uses allowable in CS and CP districts up to 40,000 sq. ft., exclusive of 10,000 sq. ft. of ancillary uses
													3. Food and beverage stores
													4. Boutiques, gift shops, antique shops, liquor stores, bookstores and drugstores
													5. Garden centers
													6. Vehicular service uses, as listed elsewhere in this table.
Commercial retail, traditional shop	N	N	N	N	N	N	N	L	L	L	N	106-1286	This use reflects existing small, traditional, community-oriented necessity stores found in rural areas that sell mainly grocery items and household supplies, but not gasoline. Since these are neighborhood oriented, their maximum size is 1,500 sq. ft. Certain limitations to this use are intended to preserve the character of the communities that they serve.
Commercial retail, regional	N	N	Y	N	N	L	N	N	N	L	N	106-1287	These uses include all retail uses in neighborhood commercial, but which exceed the service character and scale of neighborhood commercial, above. Any retail use having exterior sales or storage shall be considered regional commercial, even if its scale does not require that. In addition to the types of retail uses listed in neighborhood commercial above, the following uses shall be permitted:
													1. All miscellaneous retail not included in neighborhood commercial, above
													2. Clothing and accessory stores
													3. Furniture stores
													4. Paint, glass, wallpaper specialty stores
													5. Greenhouses (retail only and with garden supplies)
													6. Repair shops and related services
													7. Vehicular sales, rental and service uses, listed elsewhere in this table
													8. Hospitals and medical facilities

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Conference center	Y	N	Y	Y	Y	Y	N	LG N	N	N	N	N.A.	One or more buildings owned by a business entity in which there are no more than ten guestrooms, or suites of rooms, available for temporary occupancy for varying lengths of time, by employees, customers, and other persons whose presence in the building coincides with a particular meeting occurring at the venue. (NAICS 72111 part)
Drive-through restaurant	LG TND	LG TND	Y	L	N	L	N	N	N	N	N	106-1288	Drive-in and drive-through restaurants that provide service to customers while in their vehicles. This use may include inside service to customers, as well.
Office	L	L	Y	Y	L	Y	L	LG N	N	L	N	106-1289	Building or buildings wherein operations are predominantly administrative, professional or clerical, and includes the following:
													1. Finance, banks, trusts, savings and lending (NAICS 521, 522, 525)
													2. Security, commodity brokers and investment services (NAICS 523)
													3. Insurance carriers, agents, brokers, and services (NAICS 524)
													4. Real estate services (NAICS 531)
													5. Professional and technical services (NAICS 5411--5419)
													6. Business services (NAICS 55, 5611--5616, 5619, 8139)
													7. Health services (NAICS 621)
													8. Social services (NAICS 624) (except care facilities)
													9. Educational services, such as business schools (NAICS 6114), technological, and trade schools (excluding public and private schools defined as institutional) (NAICS 6115)
													10. Civic and social organizations (NAICS 8132--8134)
													11. Agricultural support and services (offices only) (NAICS 115)
													12. Governmental offices (NAICS 92 excluding public service)
													13. Parking lots (NAICS 81293)
													14. Contractor's office without exterior storage (NAICS 233)
Restaurant	L	LG TND	Y	Y	L	Y	N	LG N	N	L	N	106-1290	Establishment that serves food and beverages to persons seated within the building. Outside terrace or sidewalk seating is permitted subject to all other required codes. Bars, taverns, saloons and nightclubs are permitted subject to applicable state liquor licensing requirements and standards. (NAICS 722110)

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Services	L	L	Y	Y	N	L	N	L N	N	L	N	106-1291	<p>A wide variety of personal and commercial services including the following:</p> <ol style="list-style-type: none"> 1. Educational services (NAICS 611 except 611512, 61162) 2. Social assistance (NAICS 624) 3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals, and specialty hospitals, except alcoholism, drug, rehabilitation. 4. Kennel service and domestic veterinary clinics (NAICS 11521) 5. Postal service buildings, except regional distribution centers, couriers and messengers (NAICS 491, 492) 6. Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114) 7. Health and exercise clubs; dance studios (NAICS 71394) 8. Parking lots (NAICS 81293) 9. Funeral homes (NAICS 81221) 10. Laundry services (NAICS 8123) 11. Personal services (NAICS 8121, 8129, except body branding, body piercing and tattoo facilities.) 12. Transit and ground passenger transportation (NAICS 485). (This use is excluded from the rural districts.) <p>NOTE: Drive-through facilities are not permitted as part of this use.</p>
Mixed use	Y	L TND	Y	Y	N	N	N	N	N	N	N	106-1293	<ol style="list-style-type: none"> 1. A building containing two or more use categories with five or more residential dwelling units comprising a minimum of 25 percent of the total floor area. 2. A building or group of buildings arranged around a pedestrian precinct, containing four or more different uses including: commercial retail, commercial lodging, office, service, residential, institutional, or exhibition center. Residential use shall be one of the required uses.
RECREATION AND AMUSEMENT USES													
Campground	N	N	N	N	N	N	N	L	N	N	S	106-1321	Form of commercial lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience more rustic setting and natural environments. Campgrounds rent pads or spaces to the guests.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Commercial amusement, indoor	LG TND	LG TND	L	L	N	N	N	LG N	N	N	N	106-1322	Includes but is not limited to: bowling alleys, indoor sports arenas, movie theaters, performing arts companies, indoor skating rinks (ice or roller), amusement game machine complex, pool halls, and shooting arcades. (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part)
Commercial amusement, indoor gambling	N	N	S	N	N	S	N	N	N	N	N	106-1323	The use of coin-operated gambling devices and includes video poker parlors, and secondary uses, as described by state law. (NAICS 7132 part, 71329)
Commercial amusement, indoor casino gambling	N	N	N	N	N	N	N	N	N	N	N	106-1323	Casino gambling for land-based or as a port of call for an ocean-going vessel.
Commercial amusement, outdoor	N	N	L	S	N	L	N	S	N	N	N	106-1324	Includes but is not limited to: fairgrounds, outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, water slides, batting cages, shooting ranges, zoos, and botanical gardens. (NAICS 512132, 71311, 71212, 71213, 71219)
Indoor recreation	Y	Y	Y	Y	L	L	L	LG N	N	N	N	106-1325	Recreational uses including community recreation centers, gymnasiums, indoor swimming pools, tennis, racquetball, or handball courts. (NAICS 71394) Specifically excluded are health and exercise clubs, and uses listed as service uses, above.
Outdoor recreation	Y	Y	Y	Y	Y	Y	Y	Y	N	N	S	106-1326	1. Active recreational activities and supporting services including but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); game preserves and shooting, trapping and fishing clubs (NAICS 71391, 71393, 71394); marinas. 2. Passive recreational uses including but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. 3. Picnic areas, garden plots, and beaches.

Land Use	Priority Areas							Rural Areas				Additional Standards (See Section)	Use Definition
	U	S	CR	CS	RD	LI	IP	R	RR	RB	RC		
Resort	L	L	N	N	N	N	N	L	N	N	N	106-1327	Lodging that serves as a destination point for visitors, located and designed with some combination of recreational uses or natural areas, such as marinas, beaches or pools, tennis, golf, equestrian, other special recreation opportunities, and/or a variety of restaurants and shops to serve the guests. Buildings and structures in the resort shall complement the scenic and natural qualities of the location and area where it is situated.
Ecotourism	N	N	N	N	N	N	N	L	L	L	S	106-1328	Organized, educational and mainly outdoor recreation with or without lodging, which invites participants to learn about and promote ecological preservation, conservation and sustainability. This use shall include at least two of the following characteristics:
													1. Located near or within a wilderness setting, park or protected area;
													2. Interpretive educational program with or without guides;
													3. Outdoor activities; or
													4. Cultural experiences.
Golf course	L	L	L	L	N	N	N	L	N	N	N	106-1329	Regulation and par 3 golf courses and associated amenities having nine or more holes. A driving range may be an ancillary use to the operation. (NAICS 71391)
Miniature golf course	L	L	L	L	N	N	N	N	N	N	N	106-1330	Putting courses installed on artificial surfaces, practice facilities that are driving ranges, or which have several practice holes or putting areas. (NAICS 71399)
Recreational equipment rental	L	L	L	L	N	N	N	N	N	L	N	106-1331	Establishments primarily engaged in renting recreational equipment, such as bicycles, canoes, motorcycles, skis, sailboats, beach chairs, and beach umbrellas (NAICS 532292)
Use Permission													
Y = Permitted use													
L = Limited use													
S = Special use													
N = Prohibited use													
LC = Permitted use only in residential community use option - TND = Permitted use only in traditional neighborhood development,													
Community preservation district - Please refer to the CP area standards in appendix E to this chapter.													

ARTICLE VI. OPEN SPACE AND DENSITY, LOT AND BUILDING INTENSITY, BUFFERYARDS AND LANDSCAPING, EXTERIOR STORAGE AND ILLUMINATION

TABLE 106-1526. OPEN SPACE AND DENSITY STANDARDS

Zoning District and Development Type	Density			Floor Area Ratio		Sewer	ARDR Req.	Min. Site Area
	Min. OSR or LSR	Max. Gross	Max. Net	Max. Gross	Max. Net			
Resource Conservation (RC)								
Single-family	0.50	0.09	0.18	N.A.	N.A.	OS	N	10 ac.
Single-family cluster	0.85	0.10	0.80	N.A.	N.A.	OS	N	50 ac.
Other permitted uses	0.95	N.A.	N.A.	0.02	0.34	OS	N	50 ac.
Rural (R)								
Farmstead	0.00	0.02	0.02	N.A.	N.A.	OS	N	50 ac.
Single-family subdivision	0.40	0.34	1.06	N.A.	N.A.	OS	N	6 ac.
Single-family cluster	0.70	0.40	1.58	N.A.	N.A.	OS	N	10 ac.
Planned	0.75	0.45	2.20	N.A.	N.A.	CS	N	20 ac.
Community, small	0.80	0.51	2.59	N.A.	N.A.	CS	N	200 ac.
Community, medium	0.80	0.57	3.13	N.A.	N.A.	CS	N	800 ac.
Manufactured home community	0.40	1.00	1.66	N.A.	N.A.	CS	N	10 ac. Max. 30 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	OS	N	*
Rural Residential (RR)								
Single-family	0.20	1.2	2.0	N.A.	N.A.	OS	N	0.5 ac.
Other permitted uses	0.20	1.2	2.0	0.25	0.25	OS	N	0.5 ac.
Rural Business (RB)								
Single-family	0.20	1.2	2.0	N.A.	N.A.	OS	N	0.5 ac.
Commercial uses	0.50	N.A.	N.A.	0.10	0.29	OS	N	1.0 ac.
Other uses	0.50	N.A.	N.A.	0.10	0.29	OS	N	2.0 ac.
Rural - River Quality (RQ) Overlay (pending recommendations)								
Farmstead	0.00	0.02	0.0	N.A.	N.A.	OS	N	50 ac.
Single-family	0.50	0.30	1.06	N.A.	N.A.	OS	N	3 ac.
Single-family cluster	0.75	0.40	2.20	N.A.	N.A.	CS	N	10 ac.
Planned	0.80	0.45	2.59	N.A.	N.A.	CS	N	30 ac.
Community, small	0.85	0.51	4.10	N.A.	N.A.	CS	N	200 ac.
Community, medium	0.85	0.57	4.80	N.A.	N.A.	CS	N	800 ac.
Other permitted uses	0.85	N.A.	N.A.	0.07	0.46	CS	N	10 ac.
Community Preservation (CP) Standards, see Appendix E								
Suburban (S) Priority								
Single-family	0.20	2.00	3.00	N.A.	N.A.	P	Y	21,780 sf
Single-family cluster	0.35	2.60	3.60	N.A.	N.A.	P	Y	5 ac.
Planned	0.40	2.60	4.00	N.A.	N.A.	P	Y	5 ac.
<u>Traditional Neighborhood Development</u>	0.35	3.00	4.50	N.A.	N.A.	P	Y	40 ac.
Community, large	0.45	3.00	4.50	N.A.	N.A.	P	Y	200 ac.
Multifamily	0.40	5.0	10.0	N.A.	N.A.	P	Y	5 ac.
Manufactured home community	0.40	4.00	7.00	N.A.	N.A.	P	Y	2 ac. Max. 20 ac.
Institutional residential	0.00	7.1 rms.	17.7 rms.	N.A.	N.A.	P	N	5 ac.
Other permitted uses	0.60	N.A.	N.A.	0.18	0.46	P	N	2 ac.
Suburban - River Quality (S-RQ) (pending recommendations)								
Single-family	0.30	1.34	2.18	N.A.	N.A.	P	Y	32,670 sf
Single-family cluster	0.45	1.54	2.86	N.A.	N.A.	P	Y	2 ac.
Planned	0.50	2.01	4.50	N.A.	N.A.	P	Y	25 ac.
Community, large	0.55	2.51	7.00	N.A.	N.A.	P	Y	200 ac.
Manufactured home community	0.70	2.00	6.66	N.A.	N.A.	P	Y	10 ac.
Institutional residential	0.60	8 rms.	20.0	N.A.	N.A.	P	N	2 ac.
Other permitted uses	0.60	N.A.	N.A.	0.18	0.46	P	N	3 ac.
Urban (U)								
Single-family	0.12	2.60	2.93	N.A.	N.A.	P	Y	32,670 sf
Single-family cluster	0.40	3.50	6.00	N.A.	N.A.	P	Y	2 ac.
Planned	0.20	3.50	6.00	N.A.	N.A.	P	Y	5 ac.
<u>Traditional Neighborhood Development</u>	0.20	4.50	6.10	N.A.	N.A.	P	Y	20 ac.

Zoning District and Development Type	Min. OSR or LSR	Density		Floor Area Ratio		Sewer	ARDR Req'd.	Min. Site Area
		Max. Gross	Max. Net	Max. Gross	Max. Net			
Community, small	0.20	4.50	6.10	N.A.	N.A.	P	Y	20 ac.
Zoning District and Development Type	Min. OSR or LSR	Max. Gross	Max. Net	Max. Gross	Max. Net	Sewer	ARDR Req'd.	Min. Site Area
Community, medium	0.20	4.50	6.10	N.A.	N.A.	P	Y	100 ac.
Community, large	0.20	5.20	7.40	N.A.	N.A.	P	Y	200 ac.
Manufactured home community	0.40	4.00	7.00	N.A.	N.A.	P	Y	2 ac. Max. 20 ac.
Multifamily	0.25	15.00	24.00	N.A.	N.A.	P	Y	2--15 ac.
Institutional residential	0.40	12.00	20.00	N.A.	N.A.	P	N	4 ac.
Other permitted uses	0.40	N.A.	N.A.	0.28	0.46	P	N	4 ac.
Urban - River Quality (U-RQ) (pending recommendations)								
Single-family	0.20	2.60	3.66	N.A.	N.A.	P	Y	21,780 sf
Planned	0.30	3.00	5.68	N.A.	N.A.	P	Y	10 ac.
Community, medium	0.30	4.95	8.00	N.A.	N.A.	P	Y	200 ac.
Community, large	0.30	5.72	8.50	N.A.	N.A.	P	Y	500 ac.
Multifamily	0.30	17.34	24.00	N.A.	N.A.	P	Y	2 ac.
Institutional residential	0.50	13.5	27	N.A.	N.A.	P	N	4 ac.
Other permitted uses	0.50	N.A.	N.A.	0.23	0.46	P	N	4 ac.
Commercial Suburban (CS)								
Planned	0.45	2.28	4.50	N.A.	N.A.	P	Y	1--10 ac.
Multifamily	0.50	8.30	18.73	N.A.	N.A.	P	Y	1--5 ac.
Offices	0.50	N.A.	N.A.	0.26	0.53	P	N	0.5 ac.
Retail	0.45	N.A.	N.A.	0.18	0.34	P	N	1 ac.
Other commercial uses	0.50	N.A.	N.A.	0.18	0.37	P	N	1 ac.
Other permitted uses	0.50	N.A.	N.A.	0.23	0.46	P	N	2 ac.
Commercial Regional (CR)								
Offices	0.35	N.A.	N.A.	0.50	0.82	P	N	0.5 ac.
Retail	0.20	N.A.	N.A.	0.31	0.39	P	N	1 ac.
Other commercial uses	0.20	N.A.	N.A.	0.37	0.47	P	N	1 ac.
Mixed uses	0.20	N.A.	N.A.	1.00	1.40	P	N	2 ac.
Other permitted uses	0.25	N.A.	N.A.	0.39	0.53	P	N	1 ac.
Research & Development (RD)								
Offices, commercial lodging	0.35	N.A.	N.A.	0.34	0.54	P	N	10 ac.
Industrial	0.30	N.A.	N.A.	0.40	0.57	P	N	10 ac.
Restaurants	0.25	N.A.	N.A.	0.14	0.20	P	N	10 ac.
Other permitted uses	0.30	N.A.	N.A.	0.26	0.38	P	N	10 ac.
Light Industry (LI)								
Offices, commercial lodging	0.20	N.A.	N.A.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	N.A.	N.A.	0.16	0.20	P	N	10 ac.
Industrial	0.15	N.A.	N.A.	0.48	0.57	P	N	10 ac.
Other permitted uses	0.20	N.A.	N.A.	0.30	0.38	P	N	20 ac.
Industrial Park (IP)								
Offices, commercial lodging	0.20	N.A.	N.A.	0.37	0.47	P	N	10 ac.
Restaurants	0.15	N.A.	N.A.	0.16	0.20	P	N	10 ac.
Industrial	0.15	N.A.	N.A.	0.48	0.57	P	N	10 ac.
Other permitted uses	0.20	N.A.	N.A.	0.30	0.38	P	N	20 ac.

Depends on specific use. Refer to special/limited use standards in article V, division 2 (sections 106-1126--106-1425.) (Ord. No. 99-12, § 1 (div. 04.100), 4-26-1999; Ord. No. 2001-29, 12-10-2001; Ord. No. 2002-14, 4-22-2002; Ord. No. 2005/40, 11-28-2005; Ord. No. 2008/8, 2-25-2008)

TABLE 106-1556. LOT AND BUILDING* STANDARDS

Zoning District and Development Type	Minimum					Maximum
	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Resource Conservation (RC)						
Single-family	5 ac.	300	50	50	100	35
Single-family cluster	1 ac.	150	50	18	75	35
Other permitted uses	10 ac.	400	100	50	100	35
Rural (R)						
Farmstead	50 ac.	600	50	50	50	50
Single-family	1 ac.	150	50	18	50	35
Single-family cluster	21,780 sq. ft.	100	35	12	50	35
Planned	See table 106-2406					
Community, small	See table 106-2406					
Community, medium	See table 106-2406					
Manufactured home community	See section 106-2409					
Other permitted uses	**	400	100	50	100	35
Rural Residential (RR)						
Single-family	21,780 sq. ft.	100	35	12	50	35
Other permitted uses	21,780 sq. ft.	100	50	18	50	35
Rural Business (RB)						
Single-family	21,780 sq. ft.	100	35	12	50	35
Commercial uses	0.5 ac.	100	25	7/20	20	35
Other permitted uses	2 ac.	200	25	7/20	30	35
Rural - River Quality (RQ) Overlay (pending recommendations)						
Farmstead	50 ac.	600	50	50	50	50
Single-family	1 ac.	150	50	18	75	35
Single-family cluster	14,520 sq. ft.	85	35	10	40	35
Planned	See table 106-2406					
Community, small	See table 106-2406					
Community, medium	See table 106-2406					
Other permitted uses	10 ac.	400	100	30	100	40
Community Preservation (CP) Standards, see Appendix E						
Suburban (S) Priority						
Single-family	10,780 sq. ft.	70	35	12	50	35
Single-family cluster	8,000 sq. ft.	50	30	10	40	35
Planned	See table 106-2406					
Community, Large Traditional Neighborhood Development	See table 106-2406-106-2379					
Multifamily	See table 106-2406					
Manufactured home community	See table 106-2409					
Institutional residential	5 ac.	300	75	40	75	32
Other permitted uses	2 ac.	280	100	40	100	32
Suburban - River Quality (S-RQ) (pending recommendations)						
Single-family	14,520 sq. ft.	85	35	10	40	35
Single-family cluster	10,780 sq. ft.	80	35	6/15	35	35
Planned	See table 106-2406					
Community, large	See table 106-2406					
Manufactured home community	See section 106-2409					
Institutional residential	5 ac.	300	75	40	75	32
Other permitted uses	3 ac.	200	40	15	25	40
Urban (U)						
Single-family	8,000 sq. ft.	50	35	6/15	35	35
Single-family cluster	5,000 sq. ft.	50	50	6/15	35	35
Planned	See table 106-2406					

Zoning District and Development Type	Minimum					Maximum
	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Community, Small Traditional Neighborhood Development	See table 106-2406-106-2379					
Community, medium	See table 106-2406					
Community, large	See table 106-2406					
Manufactured home community	See section 106-2409					
Multifamily	See table 106-2406					
Institutional residential	4 ac.	300	50	25	50	35
Other permitted uses	4 ac.	300	50	25	50	35
Urban - River Quality (U-RQ) (pending recommendations)						
Single-family	8,500 sq. ft.	75	25	12	30	35
Planned	See table 106-2406					
Community, medium	See table 106-2406					
Community, large	See table 106-2406					
Multifamily						
Institutional residential	4 ac.	300	50	25	50	35
Other permitted uses	4 ac.	300	50	25	50	35
Commercial Suburban (CS)						
Planned	See table 106-2406					
Multifamily	See table 106-2406					
Offices	0.5 ac.	100	25	None	20	35
Retail	1 ac.	150	25	None	20	35
Other commercial uses	1 ac.	150	25	None	20	35
Other permitted uses	2 ac.	200	25	None	20	35
Commercial Regional (CR)						
Offices	0.5 ac.	150	25	20	20	40
Retail	21,780 sq. ft.	150	25	20	20	40
Other commercial uses	21,780 sq. ft.	150	25	20	20	35
Mixed uses	2 ac.	200	25	20	20	40
Other permitted uses	1 ac.	150	25	20	20	35
Zoning District and Development Type	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Zoning District and Development Type	Lot Area (ac./sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Height (feet)***
Research & Development (RD)						
Offices, commercial lodging	1 ac.	150	40	20	20	55
Industrial	1 ac.	150	40	20	20	120*
Restaurants	1 ac.	150	40	20	20	30
Other permitted uses	1 ac.	150	40	20	20	40
Light Industry (LI)						
Offices, commercial lodging	20,000 sq. ft.	100	40	20	20	55
Restaurants	20,000 sq. ft.	100	40	20	20	30
Industrial	20,000 sq. ft.	100	40	20	20	60
Other permitted uses	20,000 sq. ft.	100	40	20	20	40
Industrial Park (IP)						
Offices, commercial lodging	20,000 sq. ft.	100	40	20	20	55
Restaurants	20,000 sq. ft.	100	40	20	20	30
Industrial	20,000 sq. ft.	100	40	20	20	120*
Other permitted uses	20,000 sq. ft.	100	40	20	20	40
* Buildings must be in conformance with Standard Building Code and National Fire Safety Standards.						
**Depends on specific use. Refer to special/limited use standards in article V, division 2 (sections 106-1126 through 106-1425.)						
***All structures that are 150 feet or higher must be in conformance with subsection 106-1363(a)(4).						

TABLE 106-1617. BUFFERYARD AND TREE

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per:			Street Tree Spacing Per Feet of ROW	Bufferyard Width (ft.) Adjoining Streets			Bufferyard Width (ft.) Adjoining District*													
	Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Resource Conservation (RC)																					
Single-family	--	8	--	50	N.A.	N.A.	50	--	100	--	--	--	--	--	--	--	--	--	--	--	--
Single-family cluster	2/du	8	1/10							--											
Other permitted uses	5/ac.	8	1/10	40	N.A.	N.A.	50	--	100	--	--	--	--	--	--	--	--	--	--	--	--
Rural (R)																					
Farmstead	--	--	--	50	--	--	--	--	100	--	--	--	--	--	--	--	--	--	--	--	--
Single-family	--	--	--		50	50	--	--	100	--	25	25	--	--	--	25	25	25	25	25	50
Single-family cluster	2/du	5	1/10		100	100	50	--	100	--	25	25	25	25	25	25	25	25	25	25	50
Planned	1/du	5	1/10					--	100	50	50	50	50	50	50	50	50	50	50	50	100
Community, small	1/du	5	1/10		250	250	50	--	400	250	300	250	200	300	300	300	300	300	300	300	300
Community, medium	1/du	5	1/10					--	400	250	300	250	200	300	300	300	300	300	300	300	300
Man. home comm.	See § 106- 2409	1/10		100	100	50	--	100		50	50	50	50	50	50	50	50	50	50	50	100
Other permitted uses	5/ac	4	1/10		100	100	50	--	100	50	50	50	50	50	50	50	50	50	50	50	100
Rural Residential (RR)																					
Single-family	--	0	--	50	50	50	50	--	100	--	--	--	--	--	--	--	--	--	--	--	50
Other permitted uses	3/ac	4	1/10		100	100	50	--	100	25	--	25	--	--	25	--	--	--	--	--	50
Rural Business (RB)																					
Single-family	--	--	--	N.A.	50	50	--	--	100	--	25	25	--	--	--	25	25	25	25	25	50
Commercial uses	6/ac.	8	1/10	50	50	50	20	100	150	10	50	50	--	--	25	--	--	--	--	--	--
Other permitted uses	6/ac.	8	1/10	50	50	50	20	100	150	10	50	50	--	--	25	--	--	--	--	--	--
Suburban (S)																					
Single-family	2/du	5	None	50	50	50	--	--	--	--	25	--	--	--	--	--	--	--	--	--	50
Single-family cluster	1/du	5	1/10		100	50	25				50	25			25		25		25	25	
Planned	1/du	5	1/10		100	50	50			--		100	50		50						
Traditional Neighborhood Development																					
Community, large	1/du	5	1/10		400	400	50			--			400		400			400	400	400	400
Multifamily	25/ac	5	1/10		100	100	50			--								50	100	100	50
Man. home comm.	See § 106- 2409	1/10		100	100	50				--								50	100	100	50
Institutional residential	6/ac	8	1/10		100	100	50			--		50		50				50	50	50	50
Other permitted uses	6/ac	8	1/10		100	100	50			--											
Urban (U)																					
Single-family	1/du	5	1/10	50	50	50	--	--	100	--	--	100	--	--	--	--	--	--	--	--	50
Single-family cluster										--	--	50			--	--	--	--	--	--	
Planned										--	25		100	25	25	--	--	--	25	25	100
Traditional Neighborhood Development																					
Community, medium					400	75	--			--	25		25	25	25	25	25	--	50	50	
Community, large										--											
Man. home comm.	See § 106- 2409			75	50	25				--											

Zoning District & Development Type	Number of Landscaping Canopy or Existing Trees Per:			Street Tree Spacing Per Feet of ROW	Bufferyard Width (ft.) Adjoining Streets			Bufferyard Width (ft.) Adjoining District*													
	Lot	Acre Open Space	Parking Spaces		Arterial	Collector	Local	RC	RQ	RB	RR	R	S	U	CP	CS	CR	RD	LI	IP	M
Multifamily	25/ac	5								--	50			50	50	25	25	--			
Institutional residential	6/ac				50						--	25		25	25	--	--	--			
Other permitted uses											--	50									50
Community Preservation (CP) Standards See Appendix E																					
Commercial Suburban (CS) District																					
Planned	1/du	8	1/10	50	50	50	20	--	150	--											
Multifamily	3/du									--			--	25	100	--					
Offices	6/ac									--											
Retail										--											
Other commercial										--											
Other permitted uses										--											
Commercial Regional (CR)																					
Offices/commercial lodging	8/ac	6	1/10	50	50	50	50	--	200	--	100	100	100	50	100	30	--	30	--	25	--
Retail										--											
Other commercial uses										--											
Other permitted uses										--											
Research and Development (RD)																					
Offices/commercial lodging/research	10/ac	10	1/10	40	100	100	50	--	300	--	100	100	100	50	100	--	50	50	--	--	--
Industrial										--											
Restaurants										--											
Other permitted uses										--											
Light Industry (LI)																					
Offices/commercial lodging	4/ac	4	1/10	50	50	50	25	--	300	--	100	100	100	50	100	50	25	50	--	--	--
Restaurants										--											
Industrial										--											
Other permitted uses										--											
Industrial Park (IP)																					
Offices/commercial lodging	4/ac	4	1/10	50	50	50	25	--	300	--	100	100	100	100	100	50	25	50	--	--	--
Restaurants										--											
Industrial										--											
Other permitted uses										--											