

**EXHIBIT B**

**DEVELOPMENT CONDITIONS  
ANDELL MIXED-USE PROJECT**

# ANDELL MIXED-USE PROJECT: DEVELOPMENT CONDITIONS

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## GENERAL CONDITIONS

### 1. DEFINITIONS

FOR PURPOSES OF THESE DEVELOPMENT CONDITIONS, THE FOLLOWING TERMS SHALL BE DEFINED AS FOLLOWS, UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING:

- A) **CONCEPT PLAN**. THE CONCEPT PLAN FOR THE ANDELL MIXED-USE PROJECT, PREPARED PURSUANT TO THE REQUIREMENTS OF SECTION 7.4(C) OF THE DSO AND ATTACHED AS EXHIBIT C TO ORDINANCE NO. 2023-\_\_\_\_, WHICH WAS ADOPTED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND ON \_\_\_\_\_, 2023.
- B) **DEVELOPER**. BOHICKET CREEK INVESTORS, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY. FOR PURPOSES OF THESE DEVELOPMENT CONDITIONS, THE TERM “DEVELOPER” SHALL INCLUDE SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- C) **DSO**. THE DEVELOPMENT STANDARDS ORDINANCE FOR THE TOWN OF SEABROOK ISLAND.
- D) **MU DISTRICT**. THE MIXED-USE DEVELOPMENT DISTRICT, AS FURTHER DEFINED IN ARTICLE 7 OF THE DSO.
- E) **SITE**. THE ANDELL MIXED-USE PROJECT, AS FULLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A TO ORDINANCE NO. 2023-\_\_\_\_, WHICH WAS ADOPTED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND ON \_\_\_\_\_, 2023.
- F) **SCDHEC**. THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.
- G) **SCDOT**. THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- H) **SIUC**. THE SEABROOK ISLAND UTILITY COMMISSION.
- I) **SJWC**. THE ST. JOHN’S WATER COMPANY, INC.
- J) **TOWN**. THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA.

### 2. PURPOSE OF DISTRICT

THE PURPOSE OF THE MU DISTRICT IS TO OFFER A TOOL THAT PERMITS A COMBINATION OF USES WITHIN A COHESIVE, INTEGRATED DEVELOPMENT WHICH IS IN SCALE WITH THE CHARACTER OF THE DISTRICT AND SURROUNDING AREAS. BY ENCOURAGING FLEXIBILITY, THE MU DISTRICT SEEKS TO PROMOTE THE MOST APPROPRIATE USE OF LAND BY IMPROVING THE DESIGN, CHARACTER AND QUALITY OF NEW DEVELOPMENT. THE MU DISTRICT IS INTENDED TO BE USED IN CONNECTION WITH DEVELOPMENTS WHERE THE TOWN HAS DETERMINED THAT THE QUALITY OF A PROPOSED NEW DEVELOPMENT WILL BE ENHANCED BY FLEXIBILITY IN THE PLANNING PROCESS.

### **3. PLATTING REQUIREMENTS**

SUBDIVISION OF THE SITE SHALL BE IN ACCORDANCE WITH THE PLATTING PROCEDURES AND DESIGN REQUIREMENTS OF ARTICLES 15 AND 16 OF THE DSO, UNLESS EXPRESSLY MODIFIED HEREIN.

### **4. BONDING AND PERFORMANCE GUARANTEES**

BONDING REQUIREMENTS AND PERFORMANCE GUARANTEES, WHERE APPLICABLE, SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11.3(A)(10), 15.3(D)(2)(D), 16.3(B)(2), 16.3(B)(3)(D) AND 18.4(B)(3) OF THE DSO.

## **PROJECT CONDITIONS**

### **1. GENERAL PROVISIONS**

EACH PROPOSAL FOR DEVELOPMENT UNDER THE MU DISTRICT IS ANTICIPATED TO BE UNIQUE. EXCEPT AS MODIFIED BY THESE DEVELOPMENT CONDITIONS, DEVELOPMENT OF THE SITE SHALL BE SUBJECT TO ALL OF THE APPLICABLE STANDARDS, PROCEDURES AND REGULATIONS SET FORTH IN THE DSO.

THE DEVELOPMENT DEPICTED ON THE CONCEPT PLAN IS INTENDED TO REFLECT THE GENERAL ARRANGEMENT OF PROPOSED USES AND STRUCTURES ON THE SITE, BUT THE FINAL CONFIGURATION, PLACEMENT AND SIZE OF INDIVIDUAL BUILDINGS AND OTHER SITE ELEMENTS MAY BE ALTERED OR MODIFIED, WITHIN THE LIMITS OF THE DSO AND THESE DEVELOPMENT CONDITIONS, DURING THE DESIGN, PERMITTING AND CONSTRUCTION PHASES. THE FINAL ALIGNMENT OF ANY PUBLIC OR PRIVATE STREETS, THE LOCATIONS OF DRIVEWAYS AND OPEN SPACE AREAS AND THE LAYOUT, WIDTH AND DIMENSIONS OF INDIVIDUAL LOTS, IF APPLICABLE, MAY BE MODIFIED TO ACCOMMODATE FINAL BUILDING LAYOUTS, PROVIDED SUCH MODIFICATIONS ARE NOT INCONSISTENT WITH THE PROVISIONS OF THE DSO AND THESE DEVELOPMENT CONDITIONS.

THESE DEVELOPMENT CONDITIONS, TOGETHER WITH THE GENERAL PROJECT LAYOUT DEPICTED ON THE CONCEPT PLAN, SHALL BE FOLLOWED IN CONNECTION WITH DEVELOPMENT TAKING PLACE ON THE SITE; PROVIDED, HOWEVER, WHERE ANY CONFLICT EXISTS BETWEEN THESE

DEVELOPMENT CONDITIONS, THE CONCEPT PLAN AND THE REQUIREMENTS OF THE DSO, THE MORE RESTRICTIVE PROVISION SHALL APPLY.

## **2. PERMITTED AND CONDITIONAL USES**

USES ALLOWED ON THE SITE SHALL BE LIMITED TO THE FOLLOWING:

### **A) NON-RESIDENTIAL USES:**

- i) **PERMITTED USES:** ALL NON-RESIDENTIAL USES, INCLUDING ACCESSORY USES AND STRUCTURES, WHICH ARE LISTED AS A “PERMITTED USE (P)” WITHIN TABLE 7.2 (SCHEDULE OF USES: MIXED-USE DISTRICT) OF THE DSO, SHALL BE ALLOWED ON THE SITE, SUBJECT TO ANY LIMITATIONS AND CONDITIONS FURTHER IMPOSED BY THESE DEVELOPMENT CONDITIONS. IT IS UNDERSTOOD AND ACKNOWLEDGED BY BOTH THE TOWN AND DEVELOPER THAT THE FOLLOWING USES SHALL BE EXPRESSLY ALLOWED:
  - a) BOAT DOCKS, LANDINGS AND LAUNCHES
  - b) FITNESS CLUBS AND HEALTH SPAS
  - c) GREENWAYS, BOARDWALKS AND NON-MOTORIZED TRAILS/PATHWAYS
  - d) HOTELS (SINGLE BUILDING OR COLLECTION OF BUILDINGS)
  - e) INDOOR RECREATION FACILITIES, INCLUDING CLUB BUILDINGS, EVENT AND MEETING FACILITIES AND GYMNASIUMS
  - f) OFFICES (GENERAL AND PROFESSIONAL)
  - g) OPEN AIR RECREATION, INCLUDING BOAT RAMPS, DOCKS (INCLUDING CRAB DOCKS), PIERS AND SWIMMING POOLS
  - h) OPEN SPACE PRESERVES
  - i) RESTAURANTS (NOT INCLUDING DRIVE-THROUGH FACILITIES)
- ii) **CONDITIONAL USES:** ALL NON-RESIDENTIAL USES, INCLUDING ACCESSORY USES AND STRUCTURES, WHICH ARE LISTED AS A “CONDITIONAL USE (C)” WITHIN TABLE 7.2 (SCHEDULE OF USES: MIXED-USE DISTRICT) OF THE DSO, SHALL BE ALLOWED ON THE SITE, SUBJECT TO THE SPECIFIC CONDITIONS REFERENCED THEREIN AND SUBJECT TO ANY LIMITATIONS AND CONDITIONS FURTHER IMPOSED BY THESE DEVELOPMENT CONDITIONS. IT IS UNDERSTOOD AND ACKNOWLEDGED BY BOTH THE TOWN AND DEVELOPER THAT THE FOLLOWING USES SHALL BE EXPRESSLY ALLOWED:

- a) ESTABLISHMENTS SERVING ALCOHOLIC BEVERAGES
- b) MARINA FACILITIES
- c) OUTDOOR SEATING AT EATING/DRINKING ESTABLISHMENTS

iii) **SIMILAR USES:** ANY REQUEST TO ESTABLISH A USE WHICH IS NOT SPECIFICALLY ADDRESSED IN ANY ZONING DISTRICT WITHIN THE DSO SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR FOR REVIEW BASED ON THE STANDARDS SET FORTH IN SECTION 12.6(G) OF THE DSO. IF THE ZONING ADMINISTRATOR DETERMINES THAT THE PROPOSED USE MOST CLOSELY APPROXIMATES ONE OF THE ALLOWABLE USES SPECIFIED IN PARAGRAPHS i) OR ii) ABOVE, THE ZONING ADMINISTRATOR MAY ALLOW THE PROPOSED USE AS A "SIMILAR USE" ON THE SITE. ANY USE SO DESIGNATED SHALL BE SUBJECT TO THE SAME CONDITIONS AND REQUIREMENTS APPLICABLE TO THE USE WHICH THE ZONING ADMINISTRATOR HAS DETERMINED IT MOST CLOSELY RESEMBLES.

### 3. DENSITY

- A) THE TOTAL AREA OCCUPIED BY NON-RESIDENTIAL USES SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE TOTAL SITE AREA.
- B) THE TOTAL NUMBER OF HOTEL UNITS ALLOWED ON THE SITE SHALL NOT EXCEED 10, REGARDLESS OF WHETHER THE UNITS ARE LOCATED WITHIN A SINGLE BUILDING OR A COLLECTION OF BUILDINGS.

### 4. STREETS, DRIVEWAYS AND SIDEWALKS

- A) STREETS AND/OR DRIVEWAYS WILL BE INSTALLED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPT PLAN. WHERE PROVIDED, INTERNAL STREETS SHALL CONFORM WITH THE STANDARDS SET FORTH IN ARTICLE 16 OF THE DSO. DRIVEWAYS SHALL CONFORM WITH THE STANDARDS SET FORTH IN SECTION 2.4(B) OF THE DSO.
- B) SIDEWALKS (AT LEAST 5 FEET IN WIDTH) SHALL BE INSTALLED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPT PLAN. ADDITIONAL SIDEWALKS MAY BE INSTALLED AT THE DEVELOPER'S DISCRETION.
- C) A SIDEWALK (AT LEAST 5 FEET IN WIDTH) SHALL BE INSTALLED ALONG THE BETSY KERRISON PARKWAY ROAD FRONTAGE. WHERE PROVIDED, THE SIDEWALK SHALL CONNECT TO EXISTING SIDEWALKS ON ADJACENT PROPERTIES; OTHERWISE, THE SIDEWALK SHALL BE STUBBED OUT TO EACH NEIGHBORING PROPERTY LINE. THE SIDEWALK ALONG BETSY KERRISON PARKWAY MAY BE INSTALLED WITHIN THE EXISTING ROAD RIGHT-OF-WAY (SUBJECT TO SCDOT APPROVAL) OR ON THE SITE IN A LOCATION ADJACENT TO THE ROAD RIGHT-OF-WAY. IF INSTALLED ON THE SITE, THE DEVELOPER MAY GRANT TO THE TOWN AN EASEMENT OF SUFFICIENT WIDTH AND DIMENSIONS TO ALLOW FOR PUBLIC USE AND MAINTENANCE OF THE SIDEWALK.

- D) ADJUSTMENTS TO THE FINAL LOCATIONS OF INTERNAL STREET/DRIVEWAY ALIGNMENTS AND SIDEWALKS MAY OCCUR AT THE DISCRETION OF THE DEVELOPER, AS REQUIRED TO MEET STATE AND/OR LOCAL AGENCY STANDARDS, AS A RESULT OF FURTHER SITE INVESTIGATION, OR AS A RESULT OF FUTURE DEVELOPMENT. PROVIDED THE PROPOSED ADJUSTMENTS SATISFY ALL OTHER CONDITIONS OF THESE DEVELOPMENT CONDITIONS AND ANY APPLICABLE PROVISIONS OF THE DSO, SUCH ADJUSTMENTS MAY BE APPROVED BY THE ZONING ADMINISTRATOR AS A MINOR MODIFICATION TO THE CONCEPT PLAN.

## **5. VEHICULAR ACCESS AND ROAD IMPROVEMENTS**

- A) THE SITE SHALL BE SERVED BY TWO POINTS OF INGRESS/EGRESS. THE MAIN ACCESS POINT SHALL BE PROVIDED FROM BETSY KERRISON PARKWAY (S-20), AN SCDOT RIGHT-OF-WAY WHICH IS SUBJECT TO THE STATE AGENCY'S ENCROACHMENT PERMIT REVIEW AND APPROVAL PROCESS. THE SECOND ACCESS POINT SHALL BE PROVIDED FROM BOHICKET MARINA VIA AN INTER-PARCEL CONNECTION TO ANDELL BLUFF BOULEVARD, A PRIVATE RIGHT-OF-WAY. BOTH ENTRANCES MAY BE PLACED IN THE GENERAL LOCATIONS SHOWN ON THE CONCEPT PLAN, SUBJECT TO THE GRANTING OF ANY NECESSARY ENCROACHMENT PERMITS FROM STATE AND/OR LOCAL AGENCIES. ADJUSTMENTS TO THE FINAL LOCATIONS OF INGRESS/EGRESS POINTS MAY OCCUR AT THE DISCRETION OF THE DEVELOPER, AS REQUIRED TO MEET STATE AND/OR LOCAL AGENCY STANDARDS, AS A RESULT OF FURTHER SITE INVESTIGATION, OR AS A RESULT OF FUTURE DEVELOPMENT. PROVIDED THE ADJUSTMENTS SATISFY ALL OTHER CONDITIONS OF THESE DEVELOPMENT CONDITIONS AND ANY APPLICABLE PROVISIONS OF THE DSO, SUCH ADJUSTMENTS MAY BE APPROVED BY THE ZONING ADMINISTRATOR AS A MINOR MODIFICATION TO THE CONCEPT PLAN.
- B) SUBJECT TO APPROVAL BY SCDOT, TEMPORARY CONSTRUCTION ACCESS TO AND FROM THE SITE SHALL BE VIA BETSY KERRISON PARKWAY.

## **6. LANDSCAPING, BUFFERING & TREE PRESERVATION**

LANDSCAPING, BUFFERING AND TREE PRESERVATION SHALL BE PROVIDED IN ACCORDANCE WITH ARTICLE 11 OF THE DSO.

NOTWITHSTANDING THE FOREGOING, THE FOLLOWING BUFFER REQUIREMENTS SHALL APPLY:

- A) A BUFFER SHALL BE PROVIDED ON THE SITE ALONG THE SHARED PROPERTY LINE WITH CHARLESTON COUNTY TAX MAP NUMBER 204-00-021 (ZONED AGR AGRICULTURAL IN UNINCORPORATED CHARLESTON COUNTY). THIS BUFFER SHALL MEET THE MINIMUM BUFFER ZONE SPECIFICATIONS FOR A "ZONE A" BUFFER, AS PROVIDED IN TABLE 11-3A (BUFFER ZONE SPECIFICATIONS) OF THE DSO.
- B) A STREETSCAPE BUFFER SHALL BE PROVIDED ALONG THE BETSY KERRISON PARKWAY RIGHT-OF-WAY. THIS BUFFER SHALL MEET THE MINIMUM BUFFER ZONE SPECIFICATIONS PROVIDED BELOW:

- i) STREETScape BUFFER SPECIFICATIONS:
  - a) MINIMUM DEPTH: 75 FEET
  - b) CANOPY TREES (PER 100 LINEAR FEET): 9
  - c) ORNAMENTAL AND/OR EVERGREEN TREES (PER 100 LINEAR FEET): 12
  - d) SHRUBS (PER 100 LINEAR FEET): 60
  
- ii) ONLY THE FOLLOWING TYPES OF STRUCTURES AND APPURTENANCES MAY BE PERMITTED TO ENCROACH INTO THE REQUIRED STREETScape BUFFER, PROVIDED THEY DO NOT DIMINISH THE INTENT OF THE BUFFER:
  - a) SIDEWALKS AND NON-MOTORIZED TRAILS/PATHWAYS, INCLUSIVE OF BENCHES AND SIMILAR PEDESTRIAN-ORIENTED AMENITIES;
  - b) PERMITTED SIGNS;
  - c) FENCES AND WALLS (UP TO THE REQUIRED FRONT YARD SETBACK LINE);
  - d) IRRIGATION;
  - e) SITE LIGHTING;
  - f) UTILITIES;
  - g) A DRIVEWAY PROVIDING TEMPORARY CONSTRUCTION ACCESS TO AND FROM THE SITE VIA BETSY KERRISON PARKWAY; AND
  - h) A PERMANENT PRIVATE RIGHT-OF-WAY, INCLUSIVE OF CURB AND GUTTER, PROVIDING ACCESS TO AND FROM THE SITE VIA BETSY KERRISON PARKWAY, PROVIDED THE AREA OF ENCROACHMENT SHALL BE ROUGHLY PERPENDICULAR TO THE BETSY KERRISON ROAD RIGHT-OF-WAY.
  
- C) WHERE TREES AND VEGETATION EXIST WITHIN THE REQUIRED BUFFER AREAS, THE EXISTING TREES AND VEGETATION MAY COUNT TOWARD MEETING THE BUFFER REQUIREMENTS AND SHALL BE SUPPLEMENTED, AS NEEDED, TO FULLY COMPLY WITH THE REQUIREMENTS SPECIFIED HEREIN.

## **7. OPEN SPACE**

OPEN SPACE SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 7.3(D) OF THE DSO. DEDICATED OPEN SPACE MAY INCLUDE LANDSCAPING, ACTIVE AND PASSIVE RECREATION AREAS,

PEDESTRIAN AND MULTI-USE PATHS, UTILITIES AND ASSOCIATED INFRASTRUCTURE AND UTILITY EASEMENTS, SUBJECT TO THE PROVISIONS SET FORTH BELOW:

- A) A MINIMUM OF 20% OF THE SITE'S GROSS LAND AREA SHALL BE SET ASIDE AS DEDICATED OPEN SPACE.
  - i. STREETS, DRIVEWAYS, SIDEWALKS, PARKING LOTS AND OTHER IMPERVIOUS SURFACES SHALL BE EXCLUDED FROM THE CALCULATION OF REQUIRED OPEN SPACE.
  - ii. LANDS OCCUPIED BY BIKE PATHS, TENNIS COURTS, OR SIMILAR RECREATIONAL AMENITIES MAY BE COUNTED AS DEDICATED OPEN SPACE; PROVIDED, SUCH IMPERVIOUS SURFACES SHALL NOT CONSTITUTE MORE THAN 10% OF THE TOTAL REQUIRED OPEN SPACE.
  - iii. UP TO 50% OF THE DEDICATED OPEN SPACE REQUIREMENT MAY BE SATISFIED WITH LAND COVERED BY WATER OR BY STORMWATER DETENTION OR RETENTION BASINS IF THE ZONING ADMINISTRATOR DETERMINES THAT THE WATER BODY OR BASIN CONSTITUTES AN AMENITY THAT CONTRIBUTES TO THE CHARACTER OF THE MIXED-USE DEVELOPMENT AND OFFERS AN ACTIVE OR PASSIVE LEISURE EXPERIENCE.
  - iv. AT LEAST 50% OF THE DEDICATED OPEN SPACE SHALL BE USABLE FOR ACTIVE AND/OR PASSIVE RECREATION INCLUDING, BUT NOT LIMITED TO, WALKING, BIKING, PLAYFIELDS, PICNICKING, PLAYGROUNDS, RELAXATION, BOATING AND/OR WATER SPORTS.
- B) THE LAND SET ASIDE FOR DEDICATED OPEN SPACE SHALL NOT BE INCLUDED ON ANY LOT DESIGNATED FOR DEVELOPMENT.
- C) THE REQUIRED OPEN SPACE LAND SHALL BE PERMANENTLY RESERVED FOR OPEN SPACE PURPOSES AND SHALL BE CONVEYED USING ONE OR MORE OF THE OPTIONS PROVIDED IN SECTION 7.3(D)(2) OF THE DSO.
- D) ANY OPEN SPACE LAND WHICH IS INTENDED TO BE DEDICATED TO THE TOWN SHALL MEET THE REQUIREMENTS PROVIDED IN SECTION 7.3(D)(3) OF THE DSO AND MUST BE ACCEPTED BY VOTE OF TOWN COUNCIL PRIOR TO DEDICATION.

## **8. PARKING AND LOADING**

- A) PARKING AND LOADING REQUIREMENTS FOR ALL PERMITTED AND CONDITIONAL USES ON THE SITE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 12 OF THE DSO.
- B) SUBJECT TO THE SHARED/COMMON PARKING PROVISIONS OF SECTIONS 12.2(C) OF THE DSO AND THE MAXIMUM PARKING REQUIREMENTS SPECIFIED IN SECTION 12.3(F) OF THE



DSO, SHARED PARKING MAY BE PROVIDED ON THE SITE IN CONJUNCTION WITH THE NEIGHBORING BOHICKET MARINA SITE.

**9. SIGNAGE**

ALL SIGNS CONSTRUCTED OR INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF ARTICLE 13 OF THE DSO.

**10. BUILDING HEIGHTS**

THE MAXIMUM BUILDING HEIGHT FOR ALL BUILDINGS CONSTRUCTED ON THE SITE SHALL BE 36 FEET ABOVE THE DESIGN FLOOD ELEVATION, PROVIDED:

- A) COMMERCIAL BUILDINGS MAY INCREASE THE MAXIMUM ALLOWABLE HEIGHT BY ONE (1) ADDITIONAL FOOT FOR EACH THREE (3) FEET OF ADDITIONAL FRONT YARD SETBACK PROVIDED, WITH A MAXIMUM BUILDING HEIGHT OF 40 FEET ABOVE THE REQUIRED DESIGN FLOOD ELEVATION;
- B) ENCLOSED BOAT STORAGE FACILITIES MAY BE CONSTRUCTED TO A MAXIMUM BUILDING HEIGHT OF 40 FEET ABOVE THE DESIGN FLOOD ELEVATION; AND
- C) UNENCLOSED BOAT STORAGE SHALL NOT EXCEED THE HEIGHT OF ANY ENCLOSED BOAT STORAGE BUILDING AND SHALL BE MEASURED TO THE TOP OF THE HIGHEST BOAT.

THE MAXIMUM BUILDING HEIGHT SPECIFIED HEREIN SHALL NOT APPLY TO STRUCTURES WHICH ARE EXPRESSLY EXEMPTED PURSUANT TO SECTION 2.5(C) OF THE DSO.

**11. CONSTRUCTION SCHEDULE AND PHASING**

THIS DEVELOPMENT MAY BE CONSTRUCTED IN PHASES AT THE DEVELOPER'S DISCRETION.

**12. SETBACKS**

- A) PERIMETER SETBACKS. THE FOLLOWING SETBACK REQUIREMENTS SHALL APPLY TO THE PERIMETER OF THE SITE:
  - i) MINIMUM FRONT YARD SETBACK (FROM BETSY KERRISON PARKWAY ROAD RIGHT-OF-WAY):
    - a) BUILDINGS AND OTHER STRUCTURES (EXCLUDING FENCES AND WALLS): 75 FEET
    - b) PARKING: 50 FEET
    - c) FENCES AND WALLS: 20 FEET

ii) MINIMUM SIDE YARD SETBACK: 20 FEET

iii) MINIMUM REAR YARD SETBACK: 40 FEET

B) GENERAL NOTES:

i) ALL SETBACKS SHALL BE MEASURED FROM THE PROPERTY LINES, PROVIDED:

a) IF A CRITICAL AREA IS PRESENT ON THE PROPERTY, THE REQUIRED SETBACK SHALL BE THE GREATER OF THE MINIMUM SETBACK PROVIDED IN PARAGRAPH (A) ABOVE OR THE CRITICAL AREA SETBACK PROVIDED IN SECTION 10.5(A) OF THE DSO.

b) IF A WATERBODY IS PRESENT ON THE PROPERTY, THE REQUIRED SETBACK SHALL BE THE GREATER OF THE MINIMUM SETBACK PROVIDED IN PARAGRAPH (A) ABOVE OR THE WATERBODY SETBACK PROVIDED IN SECTION 10.5(A) OF THE DSO.

c) IN INSTANCES WHERE A BUFFER IS REQUIRED PURSUANT TO SECTION 6 OF THESE DEVELOPMENT CONDITIONS, THE REQUIRED SETBACK SHALL BE THE GREATER OF THE MINIMUM SETBACK PROVIDED IN PARAGRAPH (A) ABOVE OR THE WIDTH OF THE REQUIRED BUFFER.

ii) IN INSTANCES WHERE A CONDITIONAL USE REQUIRES A LARGER SETBACK THAN THOSE PROVIDED IN PARAGRAPH (A) ABOVE, THE MORE RESTRICTIVE SETBACK REQUIREMENT SHALL APPLY.

iii) THE FOLLOWING TYPES OF STRUCTURES AND ARCHITECTURAL FEATURES MAY ENCROACH INTO THE REQUIRED SETBACKS:

a) ACCESSORY STRUCTURES: AS PROVIDED IN SECTION 2.2(A) OF THE DSO

b) ACCESSIBLE RAMPS: LEAST ENCROACHMENT NECESSARY TO PROVIDE REASONABLE ACCOMMODATION PURSUANT TO THE FEDERAL FAIR HOUSING ACT (FHA) AND AMERICANS WITH DISABILITIES ACT (ADA)

c) DRIVEWAYS: AS PROVIDED IN SECTION 2.4(B) OF THE DSO

d) FENCES AND WALLS: AS PROVIDED IN SECTION 2.5(B) OF THE DSO

e) SIGNS: AS PROVIDED IN ARTICLE 13 OF THE DSO

**13. PUBLIC UTILITY SERVICES (WATER AND SEWER)**

PUBLIC UTILITY SERVICES WILL BE PROVIDED TO THE SITE BY SIUC (SEWER) AND SJWC (WATER), SUBJECT TO THE FOLLOWING CONDITIONS:

- A) IN ORDER TO SERVE FUTURE DEVELOPMENT ON THE SITE, THE DEVELOPER SHALL CONSTRUCT, OR CAUSE TO BE CONSTRUCTED, AT DEVELOPER'S COST, ALL NECESSARY WATER AND SEWER INFRASTRUCTURE TO, FROM AND WITHIN THE SITE;
- B) CONSTRUCTION OF ALL WATER AND SEWER INFRASTRUCTURE TO, FROM AND WITHIN THE SITE SHALL COMPLY WITH ALL APPLICABLE STANDARDS, SPECIFICATIONS AND PROCEDURES IMPOSED BY SIUC, SJWC, SCDHEC AND ANY OTHER LOCAL, STATE OR FEDERAL AGENCY HAVING JURISDICTION OVER THE SITE;
- C) IF THE DEVELOPER INTENDS TO CONNECT FUTURE SEWER INFRASTRUCTURE WITHIN THE SITE TO SIUC'S EXISTING SEWER COLLECTION SYSTEMS VIA A SEWER MAIN LOCATED ON PRIVATE PROPERTY FOR WHICH AN ACCESS EASEMENT IS NOT PROVIDED, THE DEVELOPER SHALL CONVEY, OR CAUSE TO BE CONVEYED, TO SIUC ANY NECESSARY EASEMENT(S) OF SUFFICIENT SIZE AND DIMENSION TO ALLOW SIUC TO ACCESS AND MAINTAIN THE SEWER MAIN(S) TO WHICH THE DEVELOPER INTENDS TO CONNECT. SUCH CONVEYANCE(S) SHALL BE MADE PRIOR TO FINAL APPROVAL OF ANY SITE-SPECIFIC DEVELOPMENT PLAN;
- D) ACCORDING TO GENERALLY ACCEPTED INDUSTRY STANDARDS, THE MIXTURE OF USES AND DENSITIES SHOWN ON THE CONCEPT PLAN ARE ANTICIPATED TO GENERATE, UPON CONSTRUCTION, A TOTAL DEMAND OF UP TO 4540 EQUIVALENT RESIDENTIAL UNITS (ERU) ON THE SIUC'S SEWER SYSTEM. ANY CHANGES TO THE MIXTURE OF USES AND DENSITIES WHICH, ACCORDING TO GENERALLY ACCEPTED INDUSTRY STANDARDS, WILL RESULT IN THE GENERATION OF MORE THAN 4540 ERU WILL BE CONSIDERED A MAJOR AMENDMENT TO THESE DEVELOPMENT CONDITIONS AND SHALL BE SUBJECT TO THE AMENDMENT PROVISIONS CONTAINED WITHIN SECTION 20(B) (AMENDMENTS; MAJOR);
- E) A "WILLINGNESS AND CAPABILITY LETTER" MUST BE RECEIVED FROM SIUC PRIOR TO CONSTRUCTION OF ANY SEWER COLLECTION AND TRANSMISSION FACILITIES ON THE SITE
- F) PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS BY THE TOWN, THE DEVELOPER SHALL BE RESPONSIBLE FOR PAYING ALL APPLICABLE FEES IMPOSED BY SIUC AND SJWC, INCLUDING, BUT NOT LIMITED TO, CONNECTION, IMPACT, METER AND/OR TAP FEES.

#### **14. BINDING EFFECT OF REZONING DOCUMENTS AND VESTED RIGHTS**

- A) THE PROVISIONS OF THESE DEVELOPMENT CONDITIONS SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE DEVELOPER AND SUBSEQUENT OWNERS OF THE SITE AND TO THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS, UNLESS AMENDED PURSUANT TO SECTION 7.4(E) OF THE DSO, OR UNTIL SUCH TIME AS THE SITE IS REZONED TO ANOTHER ZONING DISTRICT PURSUANT TO THE PROVISIONS OF ARTICLE 19 OF THE DSO.

- B) NOTWITHSTANDING THE PROVISIONS SPECIFIED IN PARAGRAPH (A) ABOVE, A VESTED RIGHT TO DEVELOP THE SITE IN ACCORDANCE WITH THE CONCEPT PLAN ATTACHED AS EXHIBIT C AND THIS ORDINANCE SHALL ARISE UPON THE ADOPTION OF THIS ORDINANCE. VESTED RIGHTS SHALL ALSO ARISE UPON THE ADOPTION OF ANY SUBSEQUENT SITE-SPECIFIC DEVELOPMENT PLAN(S) BY THE REVIEWING AUTHORITY AUTHORIZED TO APPROVE THE SITE-SPECIFIC DEVELOPMENT PLAN AND PAYMENT TO THE TOWN OF ALL APPLICABLE FEES.
- C) GENERAL PROVISIONS RELATING TO VESTED RIGHTS.
- i) VESTED RIGHTS AUTHORIZED IN PARAGRAPH (B) SHALL EXPIRE TWO (2) YEARS AFTER THE DATE OF ITS COMMENCEMENT, UNLESS EXTENDED PURSUANT TO PARAGRAPH ii) BELOW.
  - ii) NO SOONER THAN THREE (3) MONTHS, AND NO LATER THAN 45 DAYS, PRIOR TO THE EXPIRATION OF THE TWO-YEAR VESTED RIGHT PERIOD, THE DEVELOPER MAY APPLY TO THE ZONING ADMINISTRATOR FOR AN ANNUAL EXTENSION OF THE VESTED RIGHT. THE ZONING ADMINISTRATOR MUST APPROVE THE VESTED RIGHT EXTENSION, UNLESS AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS HAS BEEN ADOPTED THAT PROHIBITS APPROVAL. NO MORE THAN FIVE (5) ANNUAL EXTENSIONS OF THE VESTED RIGHT MAY BE APPROVED.
  - iii) A VESTED SITE-SPECIFIC DEVELOPMENT PLAN MAY BE AMENDED IF THE AMENDMENT CONFORMS TO, OR DOES NOT CAUSE GREATER NONCONFORMITY WITH, THE THEN CURRENT PROVISIONS OF THE DSO, THE TOWN CODE, OR OTHER APPLICABLE REGULATIONS, INCLUDING THESE DEVELOPMENT CONDITIONS. APPROVAL OR CONDITIONAL APPROVAL OF AN AMENDMENT DOES NOT RESET OR RESTART THE EXPIRATION PERIOD OF A VESTED RIGHT.
  - iv) DURING THE VESTING PERIOD, CHANGES TO THE SITE'S ZONING DISTRICT DESIGNATION, OR CHANGES TO LAND USE REGULATIONS AFFECTING THE SITE, DO NOT OPERATE TO AFFECT, PREVENT OR DELAY DEVELOPMENT OF THE SITE UNDER THE VESTED SITE-SPECIFIC DEVELOPMENT PLAN WITHOUT CONSENT OF THE DEVELOPER; PROVIDED:
    - a) THE VESTED SITE-SPECIFIC DEVELOPMENT PLAN SHALL BE SUBJECT TO LATER ENACTED FEDERAL, STATE OR LOCAL LAWS ADOPTED TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING, BUT NOT LIMITED TO, BUILDING, FIRE, PLUMBING, ELECTRICAL AND MECHANICAL CODES, AND NONCONFORMING STRUCTURE AND USE REGULATIONS WHICH DO NOT PROVIDE FOR THE GRANDFATHERING OF THE VESTED RIGHT; AND
    - b) THE VESTED SITE-SPECIFIC DEVELOPMENT PLAN SHALL BE SUBJECT TO LATER ENACTED OVERLAY ZONING THAT IMPOSES SITE-PLAN RELATED REQUIREMENTS BUT DOES NOT AFFECT ALLOWABLE USE TYPES,

BUILDING HEIGHT (AS IT AFFECTS DENSITY OR INTENSITY OF USES), OR DENSITY OR INTENSITY OF USES.

**15. RESTRICTIVE COVENANTS**

ANY RESTRICTIVE COVENANTS FOR THE SITE SHALL BE IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE DSO. ANY RESTRICTIVE COVENANTS SHALL BE RECORDED IN THE REGISTER OF DEEDS OFFICE FOR CHARLESTON COUNTY.

**16. DEVELOPMENT IMPACT FEES**

FUTURE DEVELOPMENT OF THE SITE SHALL BE SUBJECT TO ALL CURRENT AND FUTURE DEVELOPMENT IMPACT FEES IMPOSED BY THE TOWN, PROVIDED SUCH FEES ARE APPLIED CONSISTENTLY AND IN THE SAME MANNER TO ALL SIMILARLY SITUATED PROPERTY WITHIN THE TOWN LIMITS. FOR THE PURPOSE OF THIS AGREEMENT, THE TERM "DEVELOPMENT IMPACT FEES" SHALL INCLUDE, BUT NOT BE LIMITED TO, THE MEANING ASCRIBED IN THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT, SECTIONS 6-1-910, ET SEQ., OF THE SC CODE OF LAWS.

**17. ARCHITECTURAL REQUIREMENTS & BUILDING MATERIALS**

- A) THE PRIMARY EXTERIOR BUILDING MATERIALS FOR ANY STRUCTURES WHICH ARE CONSTRUCTED ON THE SITE SHALL INCLUDE A COMBINATION OF ANY ONE OR MORE OF THE FOLLOWING: BRICK, STONE, FIBER CEMENT SIDING, STUCCO AND SIMILAR HIGH-QUALITY MATERIALS DEEMED APPROPRIATE BY THE REVIEWING AUTHORITY. VINYL SIDING SHALL NOT BE PERMITTED AS A PRIMARY BUILDING MATERIAL.
- B) FREESTANDING WALLS, INCLUDING RETAINING WALLS, WHICH ARE CONSTRUCTED ON THE SITE SHALL BE MADE OF STUCCO, CYPRESS, PRESSURE-TREATED WOOD, WOOD COMPOSITE, BRICK OR STONE, OR SIMILAR MATERIALS DEEMED APPROPRIATE BY THE REVIEWING AUTHORITY.
- C) FENCES WHICH ARE CONSTRUCTED ON THE SITE SHALL BE MADE OF STUCCO, CYPRESS, PRESSURE-TREATED WOOD, WOOD COMPOSITE, IRON, POWDER COATED ALUMINUM, OR SIMILAR MATERIALS DEEMED APPROPRIATE BY THE REVIEWING AUTHORITY.

**18. PERMITTED MODIFICATIONS FROM DEVELOPMENT STANDARDS ORDINANCE**

THE FOLLOWING MODIFICATIONS FROM THE STANDARDS AND REQUIREMENTS SET FORTH IN THE DEVELOPMENT STANDARDS ORDINANCE ARE EXPRESSLY AUTHORIZED AND PERMITTED, PER THIS ORDINANCE AND AS DEPICTED IN THE CONCEPT PLAN ATTACHED AS EXHIBIT C. THESE MODIFICATIONS ARE LIMITED TO THE FEATURES, INCLUDING SUBSTANTIALLY SIMILAR FEATURES OTHERWISE ALLOWED BY THE DSO AND AS DETERMINED BY THE ZONING ADMINISTRATOR, DEPICTED ON THE CONCEPT PLAN AND SPECIFICALLY DESCRIBED BELOW.

ENCROACHMENTS BEYOND THE CRITICAL LINE ARE OUTSIDE THE JURISDICTION OF SEABROOK ISLAND AND FALL UNDER THE PURVIEW OF SCDHEC – OCRM. SAID ENCROACHMENTS SHALL BE REVIEWED AND APPROVED WITHIN THOSE GOVERNING BODIES.

- A) **PROJECT ENTRY LOCATION** – THE PROPOSED PROJECT ENTRY FOR THE SITE IS ALIGNED WITH THE ESTABLISHED KIAWAH ISLAND TOWN HALL SITE ENTRY AND THEREFORE REQUIRES ENCROACHMENTS WITHIN THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE FOR PAVED TURN LANES/ROADWAYS/SIDEWALKS AND THE ERECTION OF A RETAINING WALL ADJACENT TO THE CRITICAL LINE. TO CLARIFY, NO IMPROVEMENTS WILL CROSS THE CRITICAL LINE, BUT THE PROPOSED TURN LANES/ROADWAYS/SIDEWALKS AND RETAINING WALL WILL ENCROACH 25 FEET INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.
- i) A MODIFICATION IS GRANTED FROM SECTION 10.5(A)(1) AND SECTION 10.5(A)(2) OF THE DEVELOPMENT STANDARDS ORDINANCE ATTACHED AS EXHIBIT D TO PERMIT THE PROPOSED TURN LANES/ROADWAYS//SIDEWALKS AND RETAINING WALL ADJACENT TO THE CRITICAL LINE TO ENCROACH INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.
  - ii) THE ESTIMATED AREA OF ENCROACHMENT IS 2,070 SF +/- . PLEASE REFER TO EXHIBITS E AND F.
- B) **CRABBING DOCK/MARSH WALKING TRAIL** – IN THE SPIRIT AND INTENT OF THE OPPORTUNITIES FOR ENHANCED SEABROOK ISLAND PUBLIC EXPERIENCES, THE DEVELOPMENT IS ANTICIPATED TO INCLUDE A CRABBING DOCK AND WALKING TRAIL ALONG THE MARSHES OF KIAWAH RIVER AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C. THE PROPOSED CRABBING DOCK AND WALKING TRAIL ALONG THE MARSHES OF KIAWAH RIVER WILL, IN CERTAIN INSTANCES, ENCROACH UP TO AND INCLUDING 25 FEET INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.
- i) A MODIFICATION IS GRANTED FROM SECTION 10.5(A)(1) AND SECTION 10.5(A)(2) OF THE DEVELOPMENT STANDARDS ORDINANCE ATTACHED AS EXHIBIT D TO PERMIT THE PROPOSED CRABBING DOCK AND WALKING TRAIL ALONG THE MARSHES OF KIAWAH RIVER TO ENCROACH INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.
  - ii) THE ESTIMATED AREA OF ENCROACHMENT IS 5,775 SF +/- . PLEASE REFER TO EXHIBITS E AND F.
  - iii) ENCROACHMENTS BEYOND THE CRITICAL LINE ARE OUTSIDE THE JURISDICTION OF SEABROOK ISLAND AND FALL UNDER THE PURVIEW OF SCDHEC – OCRM. SAID ENCROACHMENTS SHALL BE REVIEWED AND APPROVED WITHIN THOSE GOVERNING BODIES.
- C) **REAR OUTDOOR SEATING FOR EATING/DRINKING ESTABLISHMENTS** – IN THE SPIRIT AND INTENT OF THE OPPORTUNITIES FOR ENHANCED SEABROOK ISLAND PUBLIC EXPERIENCES, THE DEVELOPMENT IS ANTICIPATED TO INCLUDE STRUCTURED OUTDOOR SEATING AND

PATRON AREAS FOR THE PROPOSED EATING/DRINKING ESTABLISHMENTS LOCATED AT THE POOL HOUSE, YACHT CLUB, AND THE BOAT HOUSE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C. TO CLARIFY, NO IMPROVEMENTS WILL CROSS THE CRITICAL LINE, BUT THE PROPOSED OUTDOOR SEATING AND PATRON AREAS WILL, IN CERTAIN INSTANCES, ENCROACH UP TO 10 FEET INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AND 25 FEET INTO THE 40 FOOT REAR BUILDING SETBACK AREA AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.

- i) THE CONDITIONAL USE OF AN OUTDOOR SEATING AND PATRON AREAS FOR THE PROPOSED EATING/DRINKING ESTABLISHMENTS FOR THE DEVELOPMENT IS PERMITTED IN ACCORDANCE WITH SECTION 9.4(K)(2) OF THE DEVELOPMENT STANDARDS ORDINANCE ATTACHED AS EXHIBIT D.
- ii) A MODIFICATION IS GRANTED FROM SECTION 7.3(C)(1) OF THE DEVELOPMENT STANDARDS ORDINANCE ATTACHED AS EXHIBIT D TO PERMIT THE PROPOSED OUTDOOR SEATING AND PATRON AREAS FOR THE PROPOSED EATING/DRINKING ESTABLISHMENTS FOR THE DEVELOPMENT TO ENCROACH INTO THE 40 FOOT REAR BUILDING SETBACK AREA AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.
- iii) A MODIFICATION IS GRANTED FROM SECTION 10.5(A)(1), SECTION 10.5(A)(2) AND SECTION 10.5(B)(1) OF THE DEVELOPMENT STANDARDS ORDINANCE ATTACHED AS EXHIBIT D TO PERMIT THE PROPOSED OUTDOOR SEATING AND PATRON AREAS FOR THE PROPOSED EATING/DRINKING ESTABLISHMENTS FOR THE DEVELOPMENT TO ENCROACH INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.
- iv) THE ESTIMATED ENCROACHMENTS FOR THE REAR OUTDOOR SEATING FOR EATING/DRINKING ESTABLISHMENTS ARE AS FOLLOWS:

**a) POOL HOUSE**

- 1. THE ESTIMATED AREA OF ENCROACHMENT FOR THE REAR BUILDING SETBACK IS 494 SF +/-.
- 2. THE ESTIMATED AREA OF ENCROACHMENT FOR THE CRITICAL LINE SETBACK IS 396 SF +/-.

**b) YACHT CLUB**

- 1. THE ESTIMATED AREA OF ENCROACHMENT FOR THE REAR BUILDING SETBACK IS 1,717 SF +/-.
- 2. THE ESTIMATED AREA OF ENCROACHMENT FOR THE CRITICAL LINE SETBACK IS 404 SF +/-.

**c) BOAT HOUSE**

1. THE ESTIMATED AREA OF ENCROACHMENT FOR THE REAR BUILDING SETBACK IS 579 SF +/-.
2. THE ESTIMATED AREA OF ENCROACHMENT FOR THE CRITICAL LINE SETBACK IS 104 SF +/-.

d) PLEASE REFER TO EXHIBITS E AND F.

D) **REAR BOARDWALK** – IN THE SPIRIT AND INTENT OF THE OPPORTUNITIES FOR ENHANCED SEABROOK ISLAND PUBLIC EXPERIENCES, THE DEVELOPMENT IS ANTICIPATED TO INCLUDE A WATERFRONT BOARDWALK AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C. TO CLARIFY, NO IMPROVEMENTS WILL CROSS THE CRITICAL LINE, BUT PROPOSED BOARDWALK WILL ENCROACH 25 FEET INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE ALONG THE EXISTING SEAWALL AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.

i) A MODIFICATION IS GRANTED FROM SECTION 7.3(C) OF THE DEVELOPMENT STANDARDS ORDINANCE ATTACHED AS EXHIBIT D TO PERMIT THE PROPOSED BOARDWALK TO ENCROACH INTO THE 40 FOOT REAR BUILDING SETBACK AREA AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.

ii) A MODIFICATION IS GRANTED FROM SECTION 10.5(A)(1) AND SECTION 10.5(A)(2) OF THE DEVELOPMENT STANDARDS ORDINANCE ATTACHED AS EXHIBIT D TO PERMIT THE PROPOSED BOARDWALK TO ENCROACH INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.

iii) THE ESTIMATED AREA OF ENCROACHMENT IS 7,070 SF +/- . PLEASE REFER TO EXHIBITS E AND F.

E) **DOCK/PATHWAY/GANGWAY** – THE DEVELOPMENT IS ANTICIPATED TO INCLUDE A DOCK AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C. THE PROPOSED DOCK, INCLUDING THE PATHWAY AND GANGWAY TO THE DOCK, WILL ENCROACH 25 FEET INTO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.

i) A MODIFICATION IS GRANTED FROM SECTION 10.5(A)(1) AND SECTION 10.5(A)(2) OF THE DEVELOPMENT STANDARDS ORDINANCE ATTACHED AS EXHIBIT D TO PERMIT ACCESS TO THE PROPOSED DOCK, INCLUDING THE PATHWAY AND GANGWAY TO THE DOCK, ADJACENT TO THE 25 FOOT SETBACK AREA FOR THE CRITICAL LINE AS DEPICTED ON THE CONCEPT PLAN ATTACHED AS EXHIBIT C.

ii) THE ESTIMATED AREA OF ENCROACHMENT IS 0 SF +/- . PLEASE REFER TO EXHIBITS E AND F.

iii) ENCROACHMENTS BEYOND THE CRITICAL LINE ARE OUTSIDE THE JURISDICTION OF SEABROOK ISLAND AND FALL UNDER THE PURVIEW OF SCDHE-OCRM. SAID ENCROACHMENTS SHALL BE REVIEWED AND APPROVED WITHIN THOSE GOVERNING BODIES.



## **19. ENVIRONMENTAL PERFORMANCE STANDARDS**

DEVELOPMENT OF THE SITE SHALL COMPLY WITH ALL APPLICABLE ENVIRONMENTAL PERFORMANCE STANDARDS SET FORTH IN ARTICLE 10 OF THE DSO.

## **20. VARIANCES**

THE DEVELOPER MAY APPLY FOR RELIEF FROM THIS ORDINANCE AND THE DSO BY WAY OF A VARIANCE APPLICATION. NO VARIANCES SHALL BE NECESSARY WITH RESPECT TO THE PERMITTED MODIFICATIONS SET FORTH IN PARAGRAPH 18 OR OTHER PROVISIONS OF THIS ORDINANCE. VARIANCE APPLICATIONS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE TOWN'S BOARD OF ZONING APPEALS, PURSUANT TO THE PROCEDURES AND REVIEW CRITERIA SET FORTH IN SECTION 20.3 OF THE DSO.

## **21. AMENDMENTS**

AMENDMENTS TO THESE DEVELOPMENT CONDITIONS, THE CONCEPT PLAN AND/OR ANY FINAL OR SITE-SPECIFIC DEVELOPMENT PLAN SHALL BE SUBJECT TO THE FOLLOWING REVIEW PROCEDURES:

- A) **MINOR AMENDMENTS.** PROVIDED THE PROPOSED AMENDMENTS COMPLY WITH ALL OTHER APPLICABLE PROVISIONS OF THE DSO AND THESE DEVELOPMENT CONDITIONS, THE ZONING ADMINISTRATOR SHALL HAVE THE AUTHORITY TO APPROVE:
- i) CHANGES WHICH RESULT IN A DECREASE IN APPROVED NON-RESIDENTIAL BUILDING DENSITY OR BUILDING SIZE;
  - ii) CHANGES IN LAND USE DESIGNATIONS WITHIN THE SITE FROM ONE ALLOWABLE NON-RESIDENTIAL USE TO ANOTHER ALLOWABLE NON-RESIDENTIAL USE, OR FROM AN ALLOWABLE NON-RESIDENTIAL USES TO DEDICATED OPEN SPACE;
  - iii) CHANGES IN INFRASTRUCTURE FEATURES INCLUDING:
    - a) LOCATIONS OF SITE INGRESS/EGRESS;
    - b) LOCATIONS OF INTERNAL STREETS AND DRIVEWAYS;
    - c) LOCATIONS OF WATER AND SEWER INFRASTRUCTURE;
    - d) LOCATIONS AND DIMENSIONS OF STORM DRAINAGE INFRASTRUCTURE;
    - e) LOCATIONS AND DIMENSIONS OF BOARDWALKS, DOCKS, OPEN SPACE AMENITIES, TRAILS/PATHWAYS AND SIDEWALKS;

- iv) MOVEMENT OF BUILDINGS, INCLUDING ACCESSORY STRUCTURES, WITHIN THE SAME GENERAL VICINITY AS SHOWN ON THE CONCEPT PLAN;
- v) INTERNAL REARRANGEMENT OF PARKING LOTS, PROVIDED THE REQUIRED NUMBER OF PARKING SPACES IS NOT REDUCED; AND
- vi) ALL OTHER MINOR CHANGES EXPRESSLY AUTHORIZED BY THESE DEVELOPMENT CONDITIONS.

B) **MAJOR AMENDMENTS.** ALL OTHER CHANGES SHALL BE CONSIDERED AS A NEW APPLICATION AND PROCESSED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 7.4(C) AND (D) OF THE DSO.