

SH Property (the “*Remaining Properties*”). The Remaining Properties are more particularly described on Exhibit A-2 attached hereto and incorporated herein by reference

NOW THEREFORE, in consideration of the finding of fact above and of the promises and other good and valuable consideration recited herein, the receipt and sufficiency of which are hereby acknowledged, the undersigned signatories to this Third Amendment hereby covenant and agree as follows:

A. Section II—Definitions is amended by adding or amending and restating the following definitions:

“London Avenue Park” means that certain 4.8 acres, more or less, parcel previously conveyed to the Town for use as the London Avenue park,

“Owner”: means SHM Port Royal, LLC.

“Park Sites” means the London Avenue Park and the PV4/5 Park.

“PV4/5 Park” means that certain 1.0 acres, more or less, parcel or parcels to be conveyed to the Town for use as the PV4/5 park.

“PUD Ordinance” means the planned unit development for SC SPA Port of Port Royal Tract, originally approved by the Town on November 9, 2011, with an effective date of July 1, 2012, as amended on August 9, 2017 and July 14, 2021. The Planned Unit Development applies to the Remaining Properties.

“Rental Units” means Build to Rent Units (as defined and described in the Third PUD Amendment), and Dwelling, Multi-Family units (as defined and described in the Third PUD Amendment), Dwelling, Single-Family Attached units (as defined and described in the Third PUD Amendment), and Dwelling, Single-Family Detached units (as defined and described in the Third PUD Amendment) that are not occupied by homeowners or offered for sale to individual homebuyers. Rental Units shall not include multi-level apartments or condominium developments, which are not permitted under the Third PUD Amendment. Rental Units also does not include Short-Term Rentals.

“Short-Term Rental” has the meaning ascribed thereto in the STR Ordinance.

“SH Property” means those properties within SC SPA Port of Port Royal Tract, plus those properties acquired by SH from the Town, as shown on Exhibit A-1 hereto.

“STR Ordinance” means Ordinance No. 2024-19 of Town Council dated December 11, 2024, as may be amended from time to time.

“Third PUD Amendment” means the planned unit development for the SC SPA Port of Port Royal Tract, as limited to the SH Property, with an effective date of June 11, 2025, a copy

of which is attached hereto as Exhibit E. The Third PUD Amendment amends and restates the PUD Ordinance in its entirety.

“Zoning Regulations” means the zoning requirements as detailed in the Third PUD Amendment, as included in the attachments thereto, all of which is attached as Exhibit E hereto.

B. Section III—Term is hereby amended and restated in its entirety as follows:

The term of this Third Amendment shall commence on the Effective Date of this Third Amendment and terminate five (5) years thereafter. Notwithstanding the foregoing, nothing shall prevent the Town and the Owner, upon mutual agreement, from renewing or extending the Term of this Agreement for such period as is appropriate and consistent with the Act. Notwithstanding the foregoing, the term of the Existing Development Agreement respecting the Remaining Properties shall not be extended by the terms of this Third Amendment, which is only applicable to the SH Property.

C. Section VI – Schedule for Project Development. The first sentence of this section shall be amended and restated as follows:

The schedule for Project development is set forth in amended Exhibit D, as such exhibit is amended and restated by this Third Amendment, and incorporated by reference.

D. Section VII—Density. Subsection A of this section entitled “Residential Density is amended and restated as follows:

Residential Density. Up to a maximum of 575 residential units; provided, however, that Rental Units shall be limited, in total, to 15 percent of the total residential units. Multi-level apartments or condominium developments are not permitted. Separately, Short-Term Rentals shall be controlled by the terms of the STR Ordinance and the Third PUD Amendment.

E. Section IX – Infrastructure and Services. The first sentence of this Section is amended and restated as follows:

Although the nature of the Project prohibits the Owner from providing exact completion dates, the general phases of construction and development are set forth in Exhibit D, as amended by this Third Amendment and incorporated by reference. Notwithstanding the forgoing, SH shall provide a reasonably comprehensive Master Plan, as required by the Third PUD Amendment, of the marina in either Port Village or Marina Village, including timelines for development, within six months of the Effective Date of this Third Amendment.

- F. Section IX – Infrastructure and Services, Subsection (A). “Roads” is amended to reflect that Residual Road Properties (as identified in Ordinance 2025-9), constituting the Affected Properties (as such term is defined in the Existing Development Agreement) have been conveyed to SH.
- G. Section X – Conveyances and Contributions, Subsection (C), “Other Authorities”, shall be amended to clarify that any reference to the TIF means the current TIF that expires in 2032, but additionally includes any amendment or other extension to the TIF, including the authority for TIF bonds, that may occur subsequent to this Third Amendment.
- H. Section X – Conveyances and Contributions, Subsection (E), “Civic Space Open Space/Seafood—Fuel Facilities”, shall be amended to delete paragraphs 2 (Fuel Facilities); 3 (Dock Facility), 4 (Seafood Facility), 5 (Future and Further Actions for the Dock Facility and Seafood Facility), and 6 (First Refusal).
- I. Section X – Conveyances and Contributions, Subsection (F). “Park Site” is amended and restated in its entirety, as follows:

The Owner has already conveyed the London Avenue Park to the Town. Within 60 days of a written request from the Town, the Owner shall convey the remaining PV4/5 Park, as established in **Exhibit “B”**, to the Town.

With the exception of the Park Sites conveyed or to be conveyed to the Town, the Owner will at all times reserve to itself, its successors and assigns, easements for access and infrastructure purposes (roads, walkways, paths, utility easements and rights of way necessary for the Development). As to the Park Sites, the Town shall consider reservations by, or grants to, the Owner of such easements as may be necessary or desirable for the Development of the Property, which reservations or grants shall not be unreasonably withheld or objected to by the Town, provided such do not materially interfere with the use of the Park Sites conveyed to the Town.

The PV4/5 Park shall be conveyed to the Town by way of limited warranty deed(s). The Developer or Owner, as applicable, shall convey insurable title to the Town for the consideration of one dollar (\$1.00), free and clear of encumbrances, with the exception of those permitted encumbrances mutually agreed upon by the parties. All expenses of transfer, including but not limited to surveys, title insurance and recording costs, shall be the responsibility of the Developer.

From the TIF Commitment, an amount not exceeding \$750,000 shall be allocated to the construction of the Park Sites (the “**Park Funds**”), with the sum of up to \$375,000 being allocated to the London Avenue Park, with such improvements undertaken by the Town or its assigns, which may include the Owner, and the sum of up to \$375,000 being allocated to the PV4/5 Park, with such improvements being undertaken by the Developer or its assigns, which may include the Town. Upon completion of the parks, as

may be determined in the sole discretion of the Town, any remaining Park Funds may be allocated to other publicly owned infrastructure described herein as permitted by the RDP.

In event the event the PV4/5 Park is not timely conveyed to the Town under the terms hereof, the Town shall be allowed to revoke outstanding permits applicable to the Owner's Property and/or refuse to process any permit, development or subdivision application for the Property until such time as arrangements satisfactory to the Town have been made to assure the completion of construction and consummation of the transfers.

- J. Section X—Conveyances and Contributions, Subsection (G), “Pedestrian Promenade” is amended to reflect that the deadline for completion of the Pedestrian Promenade is extended to December 31, 2030, and is further amended to provide that the location of the Pedestrian Promenade may be moved upon mutual agreement of Owner and Town.
- K. Section X—Conveyances and Contributions, Section (“H”), “Existing Dry Stack Facility” is deleted in its entirety.
- L. Section X—Conveyances and Contributions, Section (“J”), “Park Swap” is deleted in its entirety.
- M. Exhibits. Exhibits B, C, D and E to the Existing Development Agreement are amended and replaced by the amended Exhibits attached to this Third Amendment. In addition to the foregoing amendments, Exhibits A-1 and A-2 shall be added to this Third Amendment.
- N. Except as amended, modified, or revised by the terms of this Third Amendment, which shall only apply to the SH Property, the Existing Development Agreement, is reaffirmed in its entirety.
- O. If any provision of this Third Amendment is deemed to be unlawful or unenforceable, such shall not affect those provisions that can be given lawful force and effect.
- P. This Third Amendment shall be construed in accordance with the laws of the State of South Carolina.

[SEPARATE SIGNATURE PAGES ATTACHED]

EXHIBIT A-1

DESCRIPTION OF SH PROPERTIES

From Book 3607 at Page 2615:

That certain property in Beaufort County, Town of Port Royal, State of South Carolina, as shown on the certain Plat entitled: "Plat of 51.60 Acres of Highland at South Carolina State Ports Authority, Port Royal Terminal," prepared by Thomas & Hutton Engineering Co. dated December 20, 2006, and recorded in Plat Book 0122 at Pages 0032-0035 on October 17, 2007, Beaufort County Register of Deeds Office, consisting of approximately 51.60 Acres of highland and 265.91 Acres of marsh. Parcels designated on said Plat as: SP 21-1, SP 21-3, SP 21-4, SP 21-5, SP 21-6, SP 21-10, SP 21-11, SP 21-12, SP 21-13, SP 21-14, SP 21-15, SP 21-16, SP 21-17, SP 21-18, SP 21-19, SP 21-20, MARSH-I, MARSH-2, MARSH-3, and MARSH-4, as more particularly shown and delineated by reference to said plat.

LESS AND EXCEPTING Parcel SP 21-2, that certain piece, parcel or lot of land situate, lying and being in the Town of Port Royal, County of Beaufort, Sate of South Carolina, being shown and designated as PARCEL "A" on that plat prepared for David W. Harden and Elisabeth S. Harden by David E. Gasque, R.L.S., dated June 2, 2000, which was recorded August 28, 2000, in Plat Book 75 at Page 165 in the Office of the Register of Deeds of Beaufort County, SC. The said PARCEL "A" contains 0.09 acres, more or less.

ALSO

From Book 3607 at Page 2615:

That certain piece, parcel or lot of land, in Beaufort County, Town of Port Royal, State of South Carolina, designated as "OUT PARCEL #1 HOOD DOWLING 6,969 SQ.FT. 0.16 Acre," more or less, on Plat entitled: "Plat of 51.60 Acres of Highland at South Carolina State Ports Authority, Port Royal Terminal," prepared by Thomas & Hutton Engineering Co. dated December 20, 2006, and recorded in Plat Book 0122 at Pages 0032-0035 on October 17, 2007, Beaufort County Register of Deeds Office, as more particularly shown and delineated by reference to said plat.

ALSO

From Book 3629 at Page 159:

That certain piece, parcel or tract of land situate, lying and being in the Town of Port Royal, Beaufort County, South Carolina, containing 0.161 acres, more or less, and being more particularly shown and described a "0.161 Acres, Town of Port Royal, AOC Plat 3D; "Portion of Port Royal, S.C." Dated Oct. 21, 1953 & Nov. 13, 1953" on that certain plat prepared by R. D. Trogdon, Jr., R.L.S., recorded in Plat Book 42 at Page 192 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.

For avoidance of doubt, the above properties include:

- (a) That property conveyed to Special K Holdings, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3634 at Page 270 in the Office of the Register of Deeds for Beaufort County, South Carolina (2.78 acres Fee Real Property, 1.31 acres Fee Submerged Property), as re-recorded in Book 3644 at Page 1845 to correct a plat reference error.
- (b) That property conveyed to Progeny Corporation by deed from Grey Ghost Properties, LLC recorded in Book 3664 at Page 481 in the Office of the Register of Deeds for Beaufort County, South Carolina (1.80 acres Fee Real Property).

SAVE AND EXCEPTING from the aforementioned properties:

- (a) That property conveyed to 11th Street Investments, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3632 at Page 40 in the Office of the Register of Deeds for Beaufort County, South Carolina (1.09 acres Fee Real Property, 0.04 Fee Submerged Property);
- (b) That property conveyed to Triple B Restaurant Holdings, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3806 at Page 1628 in the Office of the Register of Deeds for Beaufort County, South Carolina (0.59 acres Fee Real Property);
- (c) That property conveyed to Port Royal Waterfront, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3807 at Page 428 in the Office of the Register of Deeds for Beaufort County, South Carolina (0.45 acres Fee Real Property, 0.10 acres Fee Submerged Property).

These being a portion of the same properties conveyed to Grey Ghost Properties, LLC by (a) deed from South Carolina Department of Administration, Division of General Services, recorded in Book 3607 at Page 2615 in the Office of the Register of Deeds for Beaufort County, South Carolina; and (b), deed from Town of Port Royal recorded in Book 3629 at Page 159 in the Office of the Register of Deeds for Beaufort County, South Carolina.

ALSO

ALL THOSE AT CERTAIN PIECES, PARCELS OR LOTS OF LAND situate lying and being in the Town of Port Royal, County of Beaufort, State of South Carolina, consisting of five (5) Lots and an area comprising 9,511.78 sq. ft., 0.01 acres, such lots and area comprising 0.223 acres (+/-) in the aggregate and more particularly described as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5 and New Area to be Added to Lot 1 on that certain plat entitled "BOUNDARY AND LOT LINE REVISION OF LOT 1-LOT 5 AND ALLEY WAY PORTION OF LOTS 11 -14, BLOCK 53 PREPARED FOR SAFE HARBOR MARINAS AND THE TOWN OF PORT ROYAL BEAUFORT COUNTY – SOUTH CAROLINA", by Gasque and Associates, Inc., David E. Gasque, R.L.S., dated April 10, 2025 and recorded in Plat Book ___ at Page ___ in the Office of the Register of Deeds for Beaufort County (the "2025 Gasque Plat").

TMS Nos. R113-010-000-0326-0000, R113-010-000-0327-0000, R113-010-000-0328-0000, R110-010-000-0329-0000, R110-010-000-0330-0000 and Portion of R110-010-000-177B 0000

Lots 1, 2, 3, 4 and 5 being a portion of the properties conveyed to the within Grantor by Limited Warranty Deed of CBC National Bank (f/k/a Lowcountry National Bank) dated March 30, 2011 and recorded in the Register of Deeds Office for Beaufort County on March 31, 2011 in Book 3048 at Pages 0668-0674, and re-recorded on April 18, 2011 in Book 3052 at Pages 1345-1351, and the New Area to be Added to Lot 1 being a portion of property conveyed to the within Grantor by deed of Beaufort County dated July 29, 1994 and recorded in the Register of Deeds Office on November 18, 1994 in Book 743 at Page 2355.

AND ALSO, a non-exclusive easement for access, ingress and egress and underground utility installation over that area shown as "16' Alley Way Book 57 PG 54", such area being a portion of Tax Parcel R110-010-000-177B and R110-010-000-0324-0000.

ALSO

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND situate lying and being in the Town of Port Royal, County of Beaufort, State of South Carolina, consisting of:

1. 0.18 ACRES, MORE OR LESS, Road End, London Avenue, as shown on Sheet 2 of a plat prepared by David Gasque, RLS, dated November 9, 2021, and recorded in the Office of the Register of Deeds for Beaufort County in Plat Book 158 at Page 71;
2. 0.12 ACRES, MORE OR LESS, Road End, Paris Avenue, as shown on Sheet 3 of a plat prepared by David Gasque, RLS, dated November 9, 2021 and recorded in the Office of the Register of Deeds for Beaufort County in Plat Book 158 at Page 71;
3. 0.19 ACRES, MORE OR LESS, Road End, Columbia Avenue, as shown on Sheet 4 of a plat prepared by David Gasque, RLS, dated November 9, 2021 and recorded in the Office of the Register of Deeds for Beaufort County in Plat Book 158 at Page 71; and
4. All right, title or interest in and to the properties lying to the west of the easternmost boundary line of Affected Properties (as defined in the Development Agreement), running from the Affected Properties' intersection with Ribaut Road along the marshes of Battery Creek to the western terminus of the Affected Properties near Sands Beach Road, all as shown and depicted on that certain plat entitled "LOT LINE RECONFIGURATION LOT CONSOLIDATION" by David Youmans, RLS, dated December 27, 2017, and recorded in the Register of Deeds Office for Beaufort County in Plat Book 148 at Pages 66-70 (the "Youmans Plat"); such areas belonging to Grantee herein being depicted as solid shaded areas on the Youmans Plat, and including those lined areas shown on the Youmans Plat as street ends at London and Paris Avenues, South 6th Street, and other streets westward of the boundary line of Owner's property all as shown on the Youmans Plat.

EXHIBIT A-2

DESCRIPTION OF REMAINING PROPERTIES

That property conveyed to 11th Street Investments, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3632 at Page 40 in the Office of the Register of Deeds for Beaufort County, South Carolina (1.09 acres Fee Real Property, 0.04 Fee Submerged Property) TMS R113 010 000 0366 0000;

That property conveyed to Triple B Restaurant Holdings, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3806 at Page 1628 in the Office of the Register of Deeds for Beaufort County, South Carolina (0.59 acres Fee Real Property) TMS R113 010 000 0375 0000; and

That property conveyed to Port Royal Waterfront, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3807 at Page 428 in the Office of the Register of Deeds for Beaufort County, South Carolina (0.45 acres Fee Real Property, 0.10 acres Fee Submerged Property). TMS R113 010 000 0373 0000 and R113 010 000 037 0000

EXHIBIT B

UPDATED REGULATING PLAN

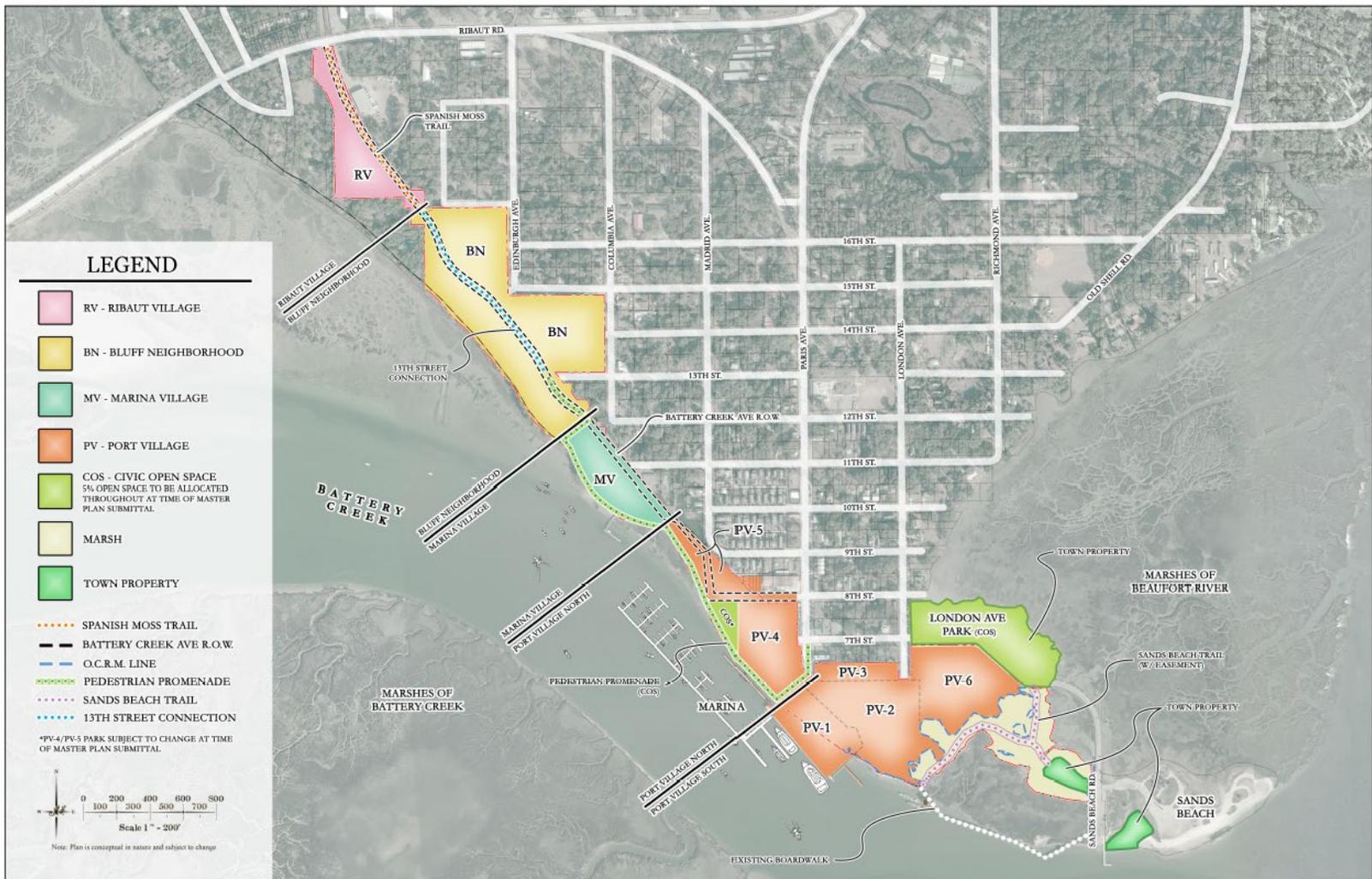


EXHIBIT C

[RESERVED]

EXHIBIT D

UPDATED SCHEDULE OF ANTICIPATED DEVELOPMENT

The Project's initial build-out program spans 3 to 5 years. The rate and timing of development within the Project and surrounding areas will be significantly influenced by the health of both the national and local economies, as well as the demand for various types of housing and commercial uses in the region. Acknowledging the challenge of accurately forecasting the timing of development and the demand for residential, commercial, and retail products, the Owner has provided the following estimates based on information considered reasonable at this time.

Years 2025 - 2028: Construction of infrastructure will continue. Work on the Marina docks and upland areas associated with the Marina (Port Village) will commence in phases. Various mixed-use land parcels and buildings in Marina Village are expected to be available for sale by the middle to latter part of 2026, extending into 2027. The Park Sites and Pedestrian Promenade system will be initiated and designed to accommodate and link future phases of development. The Dry Stack Facility will expand in response to demand during this period.

The Bluff Neighborhood and Ribault Village areas will be listed for sale to qualified developers. Development is anticipated once such sales are consummated.

As much as 50% of various land uses should be developed during this period. The Park Sites, Pedestrian Promenade, and additional Open Space will be completed and conveyed to the Town. Estimated population: 550

Years 2028 - 2030: This period should serve as the close-out phase, during which much of the Property will be available and major infrastructure will be complete. Estimated population: 1,000

EXHIBIT E

AMENDED AND RESTATED PLANNED UNIT DEVELOPMENT

Council

Kevin Phillips
Mayor

Mary Beth Heyward
Mayor Pro Tempore

Jerry Ashmore
Jorge Guerrero
Darryl Owens



Van Willis
Town Manager

Jeffrey Meyers
Chief of Police

Jeffrey S. Coppinger
Operations

Noah Krepps
Planning

ORDINANCE 2025 - 7

AN ORDINANCE TO AMEND AND RESTATE THE PLANNED UNIT DEVELOPMENT FOR THE PORT OF PORT ROYAL TRACT ORIGINALLY ENACTED BY ORDINANCE 2011-17, AS AMENDED BY ORDINANCE 2017-20 AND ORDINANCE 2021-25, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Port of Port Royal Tract generally located along Battery Creek and consisting of approximately 51.60 acres of highland and 265.91 acres of tidal marshes, (collectively, "**Properties**"), have been zoned as a planned unit development under Ordinance 2011-17 dated November 9, 2011 (effective as of July 1, 2012) enacted by the Town Council of the Town of Port Royal (the "**Council**"), as the governing body of the Town of Port Royal, South Carolina (the "**Town**"), as subsequently amended by Ordinance 2017-20 dated August 9, 2017 and Ordinance 2021-25 dated July 14, 2021 (collectively, the "**Original PUD**").

WHEREAS, the Properties were also made subject to and received the benefits of that certain Development Agreement between the Town and the South Carolina State Ports Authority dated February 14, 2013 (as recorded in Book 3217 at page 631), as amended by a First Amendment to Development Agreement between the Town and Grey Ghost Properties, LLC date August 9, 2017 (as recorded in Book 3608 at Page 1), as amended by a Second Amendment to Development Agreement between the Town and SH Marinas, LLC, a Delaware limited liability company ("**SH**")¹ dated July 14, 2001 (Book 4043 at Page 1813) (collectively, the "**Existing Development Agreement**").

WHEREAS, prior hereto, the Town and SH entered into that certain "Settlement Agreement" dated February 12, 2025, as amended on April 10, 2025 (together, the "**Agreement**") in order to resolve ongoing litigation and other disputes between the Town and SH.

WHEREAS, certain settlement conditions in the Agreement contemplate further amendments to the Original PUD and the Existing Development Agreement (as contemplated by that certain Third Amendment to Development Agreement (the "**Third DA Amendment**") between the Town

¹ The SH Property (as defined herein) was acquired by SH with title to being held in the name of SHM Port Royal, LLC, an affiliated company with, and assignee of, SH.

and SH, as contemplated for contemporaneous approval with this ordinance and applicable to the SH Property (as defined below).

WHEREAS, Grey Ghost Properties, LLC conveyed a portion of the Properties to SH on November 10, 2021 (the “*Existing SH Property*”) and further, the Town authorized the conveyance of certain swapped property under the terms of that certain Ordinance No. 2025-9 enacted by the Council on June 11, 2025 (the “*Swap Property*”) and together with the Existing SH Property, the “*SH Property*”). The SH Property is particularly described in Exhibit A-2 to the Third Amendment (as defined below).

WHEREAS, as contemplated by the Agreement, SH has requested that the Town consider a third amendment to the Original PUD, the terms of which amend and restate the Original PUD in its entirety with respect to SH and the SH Property (the “*Third Amendment*”).

WHEREAS, the Town’s planning commission (the “*Planning Commission*”) reviewed the Third Amendment and following a duly noticed public hearing held on May 27, 2025, the Planning Commission considered the Third Amendment and made a recommendation to the Council to approve the Third Amendment.

WHEREAS, the Council finds it in the best interest of the citizens and the Town to amend and restate the Original PUD with respect to SH; however, the Original PUD shall remain in effect with respect to all of the Properties other than the SH Property (the “*Remaining Properties*”), as shown and described in Exhibit A-3 to the Third Amendment. By and through such amendment and restatement, the Third Amendment, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference, updates the regulating plan, adds new properties to the Original PUD, amends and clarifies the use table, usage restrictions and other provisions of the Original PUD.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Port Royal, South Carolina, as follows:

Section 1. Recitals. Each finding or statement of fact set forth in the recitals hereto has been carefully examined and has been found to be in all respects true and correct.

Section 2. Approval of Third Amendment. The Council has reviewed the Third Amendment and all of the provisions, terms, and conditions thereof. The Council acknowledges that the Third Amendment accomplishes the Town’s zoning expectations for the development of the SH Property. The Third Amendment, a copy of which is attached to this Ordinance as Exhibit A and fully incorporated herein by reference, is approved and shall hereafter apply to the Properties. The Third Amendment shall hereafter serve as the zoning requirements for allowed uses; lot sizes; height, setback, and coverage requirements; and open space and street and block systems for the SH Property.

Section 3. Remaining Properties. The Remaining Properties, as shown and described on Exhibit A-3 to the Third Amendment, shall not be subject to the Third Amendment and shall continue to be governed and controlled by the Original PUD.

Ordinance 2025-7

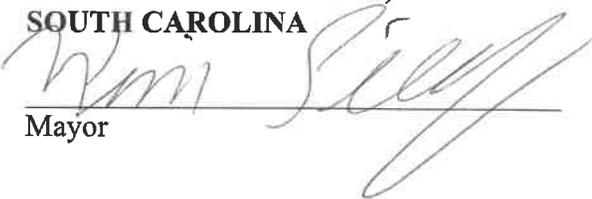
Section 4. Effective Date. This Ordinance shall become effective upon its enactment by Council. The Third Amendment shall become effective upon the due execution and delivery thereof.

Section 5. Conflicts. All ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

Section 6. Severability. If any one or more of the provisions of this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions, and shall in no way affect the validity of the other provisions of this Ordinance.

DONE, RATIFIED, AND ENACTED THIS 11th day of June 2025.

**TOWN OF PORT ROYAL,
SOUTH CAROLINA**



Mayor

Attest:



Clerk, Town of Port Royal, South Carolina

Public Hearing:	May 27, 2025
Planning Commission:	May 27, 2025
First Reading:	June 4, 2025
Final Reading:	June 11, 2025

Ordinance 2025-7

EXHIBIT A

COPY OF THIRD AMENDMENT

**THIRD AMENDMENT TO PLANNED UNIT DEVELOPMENT
AND REGULATING PLAN FOR PORT OF PORT ROYAL
TRACT, THE TERMS OF WHICH AMEND AND RESTATE
THE PLANNED UNIT DEVELOPMENT
AND REGULATING PLAN**

for

SH Property

Port Royal, South Carolina

June 11, 2025

Original PUD:	November 9, 2011
First Amendment:	August 9, 2017
Second Amendment:	July 14, 2021

**PLANNED UNIT DEVELOPMENT
SH PROPERTY**

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ARTICLE 1.0 Introduction and Background

Sec. 1.1 Description of Property

The Port or Port Royal Tract (the “Port Royal Tract”) totals approximately 317 acres and is located at the end of Paris Avenue and bordered by Battery Creek to the south, the “Sands” to the East, Ribaut Road (HWY 802) to the north and west, and the South Carolina Rail Road Easement to the north and east with tracts of property beyond the easement as seen in Exhibit A.

Grey Ghost Properties, LLC conveyed a portion of the Port Royal Tract to SH Marinas, LLC, a Delaware limited liability company (“SHM”)¹ on November 10, 2021 (the “Existing SH Property”) and further, the Town of Port Royal (the “Town”) authorized the conveyance of certain swapped property under the terms of that certain Ordinance 2025-9 enacted by the Town Council on June 11, 2025 (the “Swap Property” and together with the Existing SH Property, the “SH Property”). The SH Property is particularly described on Exhibit A-2 attached hereto, as shown on the collective boundary surveys for the SH Property attached hereto as Exhibit C-2. Portions of the Port Royal Tract not constituting the SH Property (the “Remaining Port Royal Tract”) are not otherwise subject to this PUD and shall remain covered and governed by the Original PUD. The Remaining Port Royal Tract is described on Exhibit A-3 attached hereto.

The Port Royal Tract is also subject to that certain Development Agreement by and between SHM Port Royal, LLC and the Town originally dated February 14, 2013, as amended on August 9, 2017, July 14, 2021, (the “Existing Development Agreement”). The Existing Development Agreement was amended June 11, 2025 by that Third Amendment to Development Agreement, and like this PUD, the third amendment shall only be applicable to the SH Property.

Sec. 1.2 Principles of the PUD

Redevelopment of the Port of Port Royal property represents an opportunity to redefine a major connection to the water within the Town of Port Royal and Beaufort County. The Planned Unit Development (PUD) designation will allow for development that introduces design principles from traditional neighborhood design practice, the State of South Carolina State Ports Authority *Redevelopment Study* by Wood+Partners Inc. dated September 2006, the Town of Port Royal’s *A New Vision for the Port* study by Design Collective, Inc. dated July 2004, and the Traditional Town Overlay District within the Town of Port Royal Code of Ordinances, the Waterborne Industrial Design Standards (as attached hereto as Exhibit J and amended by Section 3.6.4 hereof),. These documents defined a vision for preserving and extending the Town’s traditional character into the Port site through promoting a mix of land uses and residential types to support a variety of choices in lifestyles and needs of the citizens of the Town.

The purpose of this PUD, which amends and restates the Original PUD, is to provide a process to evaluate and allow for the redevelopment opportunity within the Town. The governing documents of the PUD in order of precedence shall be the Development Agreement, the PUD text (this text), the Regulating Plan (Exhibit E) and the Town’s Code of Ordinances at the time of adoption of the Original PUD. The standards and procedures of this PUD are intended to promote flexibility in design and allow planned diversification,

¹ A portion of the Port Royal Tract was acquired by SH with title to being held in the name of SHM Port Royal, LLC, an affiliated company with, and assignee of, SH.

while at the same time providing the Town with limitations and regulations deemed necessary to protect the health, safety and welfare of its citizens.

Terms using initial capitals herein and not otherwise defined in the text of this PUD shall have the meanings ascribed thereto in Section 6.2 hereof.

Sec. 1.3 Environmental Assessment & Protection

As part of the redevelopment study of the Port Royal Tract, a phase I Environmental Site Assessment (ESA) was undertaken. The letter (Exhibit D) and subsequent report dated April 27, 2005, from S&ME listed recognized environmental conditions. Based on the conclusions from the Phase I ESA, a preliminary Phase II ESA was conducted and is attached as Exhibit D-1. From the results of the preliminary Phase II ESA, SDHEC, as predecessor to the Department of Environmental Services (“DES”) requested a follow-up Phase II ESA be conducted. The Phase II ESA, a copy of which is attached as Exhibit D-2, determined that no further assessments were deemed necessary. As part of the 2017 amendments to the Original PUD, a subsequent Phase I ESA was performed by SM&E. A copy of the 2017 ESA is attached as Exhibit D-3.

The Port Royal Tract includes approximately 266 acres of critical area wetlands abutting Battery Creek. The wetlands boundary has been surveyed and submitted to the U.S. Army Corps of Engineers for certification and is included as Exhibit C.

Sec. 1.4 Water and Sewer Service

Water and sewer will be provided by Beaufort Jasper Water and Sewer Authority (BJWSA); a willingness to serve letter is attached as Exhibit B. Planning for the water and sewer systems will commence at the time of the Development Agreement and PUD approval by the Town of Port Royal.

Sec. 1.5 Utility Services

Electrical power and gas will be provided by Dominion Energy, successor in interest to South Carolina Electric and Gas. See Exhibit B.

Sec. 1.6 Storm Water Management

Development within the PUD shall conform to all of the current and future storm water management provisions of the Town, and all applicable state and federal requirements.

Sec. 1.7 Transportation Network

The vehicular access point locations shown on the Regulating Plan (Exhibit E) are preliminary and may be adjusted prior to final development tract master plan(s) approval. Planning, design and construction of these accesses, as well as roadways and transportation elements, shall be in accordance with SCDOT standards, Town Ordinances, and PUD standards. Typical road sections shall be submitted for review prior to final tract Master Plan(s) approval.

Notwithstanding other provisions of this document and subject to approval by the Town, roadway design standards may be modified to reduce environmental impacts and increase tree preservation provided safety concerns are not compromised. Preservation of street vistas to the waterfront is encouraged wherever possible. Within the road right-of-way and/or easements, sidewalks and connections to the waterfront shall be required to provide many opportunities to connect to the public waterfront. Roadway widths and right-

of-way widths narrower than allowed by Town Code may occur to achieve traditional neighborhood design principles and shall be submitted to the PRDRS (as defined below) for review and approval.

Sec. 1.8 Deeded Open Spaces and Access

Unless otherwise required by the terms hereof, all public walkways (including the Pedestrian Promenade), access, sidewalks, roads and parks shall be conveyed to the Town at the time of substantial completion of each element.

Sec. 1.9 Restricted Access Communities

The Master Developer and/or its successors in title shall not be allowed to create restricted access communities within the SH Property.

ARTICLE 2.0 General Provisions

Sec. 2.1 Unified Control

SHM is the current owner of the SH Property and will be the developer of the marina. SHM will convey the residential portions of SH Property to a developer/builder, who will develop the conveyed portions of the SH Property. All subsequent owners or purchasers of any SH Property shall be subject to and controlled by the provisions of this PUD.

Sec. 2.2 Phasing

Each phase of the development shall be so planned and related to the previous development, surrounding property, and availability of public facilities and services so that a failure to proceed with subsequent phases of the development will have no adverse impact on the completed phase(s) or surrounding properties.

Sec. 2.3 Variances to the Approved Regulating Plan

Because the general development standards of the PUD are contained in the approved Regulating Plan, and because the Regulating Plan normally takes into account those matters that might otherwise be the subject of variance review by the Zoning Board of Adjustment and Appeals (ZBA), modifications (major changes) to the approved general development standards, with the exception of non-substantial modifications (minor changes) as identified in Sec. 2.5.2, shall not be allowed. Such variances, or major changes, shall follow the procedures set forth in Chapter 22 Article IX of the Town 's Zoning Ordinances, a copy of which is attached hereto as Exhibit F.

Sec. 2.4 Administration

Interpretation of the standards of the PUD shall be the responsibility of the Town. Town shall engage the services of qualified design professionals, including, but not limited to, an architect, and an engineer, for the purpose of reviewing plans for compliance with the standards of the PUD. These design professionals along with the Town's planner and building codes staff will comprise the Port Redevelopment Design Review Staff (the "PRDRS"). Appeals to decisions of PRDRS will go to the Town's Design Review Board.

Sec. 2.5 Modifications to Approved Regulating Plan

Whenever an application is made to modify the Regulating Plan, the modification shall be classified as either a substantial or non-substantial modification. See also Section XV, *Modification of Agreement*, of the Development Agreement.

2.5.1 Substantial Modification (Major Changes). Substantial modifications require approval of the Town Council, as the governing body of the Town. Notification of such modification shall follow the notification procedure in Section 22-203 of the Town's Zoning Ordinances. The Planning Commission shall make a recommendation to the Town Council.

The following criteria shall be used to identify a substantial modification:

- a. A change that would alter an approved land use classification except when there is a reduction in density, intensity, or a conversion as allowed within this PUD.
- b. A change which would include a use not previously permitted.
- c. A change that would require an amendment to the PUD conditions approved by the Town Council.
- d. A change to the phasing, if enact, that would propose a land use in advance of the development it was designed to support.
- e. Zoning District Boundaries (as otherwise shown on Exhibit C) provided that the allowed base densities and conversions are not exceeded.

2.5.2 Non-substantial Modification (Minor Changes). Non-substantial amendments to district and community development standards approved for the PUD may be allowed. Specified staff is authorized to approve the following modifications:

- a. Location of roadways, access points, and civic open space, including the Pedestrian Promenade, provided there is no reduction in public access. Responsible Staff: PRDRS.
- b. Conversion of Land-Uses as outlined below and density exchange between zoning districts provided that density within the district is not exceeded. Responsible Staff: PRDRS.

Sec. 2.6 General Provisions

2.6.1 Introduction. Within the PUD, five zoning districts have been established. Each district corresponds to a land use classification which has been assigned to various tracts within the approved Regulating Plan (Exhibit E). Each zoning district has designated land uses and development standards (Article 3.0), which are based on the intended character of each district. In addition to those land uses and standards, development shall comply with general community development requirements and standards in Article 5.0. Refer to Table 1.0 for Zoning Districts.

2.6.2 Master Plans. Once the PUD has been approved by the Port Royal Town Council, a developer of a tract or tracts within the PUD shall be required to submit a Master Plan for approval by the Planning Staff prior to submission of a subdivision plat or a site development plan. Subsequent subdivision of land and site development plans will be reviewed by applicable departments, commissions, and agencies in accordance with the Subdivision Regulations attached hereto as Exhibit H.

Master Plan submittal for the Tract(s) shall contain the following:

- a. Zoning district classification.
- b. Total tract acreage.
- c. Number of proposed residential dwelling units and gross upland density, if applicable.

- d. Plan illustrating single family detached lots and building footprints for attached residential, multifamily residential and non-residential land-uses.
- e. Proposed non-residential square footages and land uses.
- f. Buffers and setbacks. Curb cut locations on primary roads, internal road systems (if applicable), and connectivity to adjacent tracts (if applicable).
- g. Sidewalks, boardwalks and pathways, and public access easements, including widths.
- h. Phasing for the development of the tract.
- i. Any development condition(s) that may be part of a development order and/or design directives.
- j. Open space, including identification of passive and active recreational areas, pedestrian access ways, easements, storm water drainage ponds and wetland areas.
- k. A concept Master Plan for storm water, water and sewer, site lighting and landscape areas shall also be submitted. A traffic study for the tract shall be required, if requested by the PRDRS.
- m. A disclosure of the applicant's conversion rights assigned by the Master Developer.

Sec. 2.7 Enforcement

See Chapter 22 Article VII of the Town's Zoning Ordinance (a copy of which is attached hereto as Exhibit F) in the event that there are discrepancies.

ARTICLE 3.0 Zoning Districts

Sec. 3.1 Establishment of Districts

The following zoning districts are hereby established. Each district corresponds to land use classifications and encompass specified tracts of land as shown on the Regulating Plan, as attached hereto as Exhibit E. Each district has designated and allowed land uses (Sec. 3.4) and development standards (Sec. 3.6), which are based upon the character of each development area.

Table 1.0 Zoning Districts

Zoning District Names	Zoning District	Land Use Classification	Tracts Encompassed
Ribaut Village	RV	Residential Mixed Use Village	RV
Bluff Neighborhood	BN	Residential Mixed Use	BN
Marina Village	MV	Marina Mixed Use Village	MV
Port Village	PV	Mixed Use Village	PV-1 through PV-6
Civic Open Space	COS	Civic Open Space	COS

Sec. 3.2 Measurement of Standards

All measurements in this section shall be computed as follows.

3.2.1 Area

Area shall be measured in gross square feet and/or acres.

3.2.2 Setbacks and Yards

All setbacks and yards shall be measured from the property line, unless otherwise identified herein, and are development setbacks.

3.2.3 Density

Density shall be measured in gross upland acres minus critical area wetlands. Upland and fresh water wetland areas (if applicable) shall be included in the gross upland acre density calculations.

3.2.4 Non-Residential Land Uses

The areas of non-residential land uses shall be calculated as the gross floor area of the first floor.

Sec. 3.3 Permitted Land Uses

Land uses permitted within each zoning district are described in Table 2.0. – “Table of Permitted Uses”, which is attached as Exhibit K hereto. A use permitted as a matter of right is identified with the symbol “●”. Where there is no symbol or a usage is not otherwise identified, described or defined in the table, the use is not permitted. If a use has development conditions, the section where the conditions are located is also provided within the table. Definitions related to the Table of Land Uses are generally located in Article 6.0.

Sec. 3.4 Dry Stack Facility

If the use of the existing Dry Stack Facility building is ever abandoned, then such use shall no longer be permitted and cannot be re-established in said building. For purposes of this subsection, “abandoned” shall mean the failure to operate the Dry Stack Facility for a period of three consecutive months or for a period of six months over a period of twelve (12) consecutive months, provided, however, that if such non-use is due to damage as a result of a fire, natural disaster, or other unforeseen and unpreventable accident or occurrence, reconstruction and re-establishment of this use will be allowed, provided reconstruction begins within the latter of a twelve month period after the damage is suffered, or four months after any insurance claims regarding payment for the casualty loss or settled. Neither shall this “abandonment” provision be triggered by any closure necessary to accommodate normal maintenance or construction time.

Further, to the extent Table 2.0 (Exhibit K) of the PUD characterizes dry stack storage as “Boat Storage”, said chart is amended to allow the Dry Stack Facility in the area in which it is located. Future Dry Stack Facilities shall be allowed in the PV1 and PV2 districts. Additionally, future Dry Stack Facilities shall only be permitted in the PV6 district south of Sands Beach Road if located behind buildings or within the interior of a block, and boat storage facilities are allowed in PV3 as surface storage only.

Sec. 3.5 Master Development Summary

A. Overall Redevelopment Plan

Total Acreage:	317.51 Ac of Upland Area and marsh area 51.60 Ac of Upland Area 265.91 Ac of marsh area
Total Dwelling Units:	575 units
Total Dedicated Civic Open Space:	+/- 5.8 AC
Pedestrian Promenade	+/- 1.35 AC
Additional Open Space at 5%:	To be determined at time of planning area Master Plan submittal, and inclusive of areas reserved for the Pedestrian Promenade
Total Non-Residential Land Use:	There shall be no square foot limitation; site design requirements will dictate the allowable square footage on each particular site.

1. Dwelling Units:

Single Family Detached, Single Family Attached and Multifamily	575 Dwelling Units
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Rental Units (Build to Rent Units, Multi-Family Units, and Single Family Attached Units) are limited, in the aggregate, to a maximum of 15% of the total residential units in the residential areas (as limited to RV, BN, PV). Multi-level apartments and condominiums are expressly prohibited in the residential areas (as limited to RV, BN, PV).

Short-Term Rentals are not encompassed within the definition of Rental Units, but rather shall be governed, controlled and regulated by the STR Ordinance, a copy of which is attached hereto as Exhibit L. For purposes of this PUD, the SH Property, which is inclusive of all property shown on Exhibit C-2 hereof, shall be considered a new and separate District, as such term is defined in the STR Ordinance, and any and all Short-Term Rentals within such District shall be exclusively governed, controlled and regulated by the STR Ordinance, as may be amended from time to time in the discretion of the Town Council.

2. Non-Residential Land Uses:

Commercial, Retail, Office,
Hotel, Motel, Inn and
Water Suites

No square footage limit; site
design will restrict size

3. Marina:

Boat Slips (*with 5% boat slips to be
publicly available e.g., day docking*)
Large vessel portage dock adjacent to hotel
Existing Pier

+/-300 Slip Marina
+/-600 Linear Feet
+/-600 Existing Linear Feet

4. Parks and Open Space:

PV-4/PV-5 Civic Open Space
London Avenue Civic Open Space
Pedestrian Promenade
Plus additional Open Spaces at 5% of remaining
Upland Area

+/-1.0 AC
+/- 4.8 AC
+/- 1.35 AC

To be determined at time of
planning area Master Plan
submittal, and inclusive of
areas reserved for the
Pedestrian Promenade

B. Ribaut Village

Total Upland Acreage: +/- 4.8 AC

1. Land Use:

See Table 2.0 – Table of Permitted Uses (Exhibit K) for permitted land uses.

2. Parks and Open Space:

Additional Open Spaces at 5% (inclusive of
Pedestrian Promenade) for remaining Upland Area: +/- 0.24 AC

C. Bluff Neighborhood

Total Upland Acreage: +/- 15.50 Ac

1. Land Use:
See Table 2.0 – Table of Permitted Uses (Exhibit K) for permitted land uses.
2. Parks and Open Space:
Additional Open Spaces at 5% (inclusive of Pedestrian Promenade) for remaining Upland Area: +/- 0.78 AC

D. Marina Village

Total Upland Acreage: +/- 6.63 AC

1. Land Use:
See Table 2.0 – Table of Permitted Uses (Exhibit K) for permitted land uses.
2. Parks and Open Space:
Additional Open Spaces at 5% (inclusive of Pedestrian Promenade) for remaining Upland Area: +/- 0.33 AC

E. Port Village

Total Upland Acreage: +/- 25.64 AC

1. Land Use:
See Table 2.0 – Table of Permitted Uses (Exhibit K) for permitted land uses.
2. Parks and Open Space:
London Avenue Civic Open Space +/- 4.8 AC
PV4/PV5 Civic Open Space: +/- 1.0 AC

Table 3.0 Zoning Districts

Zoning District	Type of Development Character
RV	Residential Mixed-Use Village
BN	Residential Mixed Use
MV	Marina Mixed Use Village
PV	Mixed Use Village
COS	Civic Open Space

Plus Additional Open Spaces at 5% (inclusive of Pedestrian Promenade) for remaining Upland Area: +/- 0.99 AC

Sec. 3.6 District Development Standards

The type of development and associated standards required within each district are as follows:

3.6.1 Ribaut Village (RV) Development Standards:

- a. Building Heights: A variety of building heights can occur within a block and the height limits shall be as follows:

1. Two (2) story height limit (2 ½ stories with dormers), not to exceed 48 ft. for single family detached and single family attached.
 3. Four (4) story height limit (4 ½ stories with dormers), not to exceed 58 ft. for Hotel.
 4. Hotels or other significant buildings may exceed height limits if no taller than 4 ½ stories and if approved by PRDRS. All other applicable definitions and standards under Chapter 15 Article II of the Town's Zoning Ordinance shall apply unless otherwise stated within the PUD.
- b.** All other applicable development standards per the Town of Port Royal's Traditional Town Overlay District, Chapter 15.5 Article II, a copy of which is attached hereto as Exhibit G, shall apply.

3.6.2 Bluff Neighborhood (BN) Development Standards:

- a.** Building Heights: (see definition)
A variety of building heights can occur within a block and height limits shall be as follows:
1. Two (2) story limit (2 ½ stories with dormers), not to exceed 38 ft. for single family detached and single family attached.
 2. Four (4) story height limit (4 ½ stories with dormers), not to exceed 50 ft. for large home. All other applicable definitions and standards under Chapter 15.5 Article II of the Town's Code of Ordinances (a copy of which is attached hereto as Exhibit G) shall apply unless otherwise stated within the PUD.
- b.** Lot Standards: Required development standards shall be determined by the type of dwelling unit and or building type proposed. Refer to Chapter 15.5 Article II of the Town's Code of Ordinances (Exhibit G).
- c.** All other applicable development standards per the Town Traditional Town Overlay District, Chapter 15.5 Article II (Exhibit G) shall apply.

3.6.3 Marina Village (MV) Development Standards:

- a.** Building Heights: (see definition)
1. Two (2) story height limit (2 ½ stories with dormers), not to exceed 38 ft. for restaurant, commercial and manufacturing buildings, not including dry stack storage.
 2. Two (2) to three (3) story height limit (3 ½ stories with dormers) not to exceed 48 ft. measured from grade, for multi-use buildings and dry stack storage.
- b.** All other applicable development standards per the Town of Port Royal's Traditional Town Overlay District, Chapter 15.5 Article II (Exhibit G) shall apply.

3.6.4 Port Village (PV) 1, 2, and 3 Development Standards

All of the Waterborne Industrial Design Standards (attached hereto as Exhibit J), as revised and modified following exceptions, shall apply within PV1, 2 and 3 areas of the Port Royal Tract:

- i. **Building Heights:** Maximum allowable building height shall be 48 ft. for marine-oriented uses including but not limited to boat storage (indoor/outdoor); boat rentals and sales; assembly and discharge of docks and piles; fuel sales and storage; marine equipment manufacturing and repair; and storage units and containers. Architectural appurtenances may extend beyond the 48 ft. height limit with approval by the PRDRS.
- ii. **Lot Size:** Multi-building development on an individual lot may be permitted with no maximum lot size, so long as buildings are configured to define street edges and development entry points.
- iii. **Structure Placement:** In siting a structure, respect to the existing street grid and town fabric shall be maintained, however the layout of any new streets or vehicular access ways may be determined on a case-by-case basis to address the particular needs of the Developer.
- iv. **Parking:** There shall be no parking between a building and the street it fronts, except on-street parallel or angled parking.
- v. **Storage Containers (Conex):** Storage containers or Conex boxes (not exceeding 8 in total for the entire development) shall be permitted in specific areas included on a Master Plan as approved by the PRDRS and shall not be visible, including necessary screening, from any residential district, public right-of-way, or other publicly accessible area.
- vi. Any temporary restroom facilities existing on the date of this PUD, to the extent such facilities are compliant with all required public health and sanitary regulations, shall be permitted to serve construction activities, outdoor events, or other temporary uses for a period of not exceeding twenty-four months. After such period, and absent written extension of this temporary use, any future restroom facilities shall be connected to public utility services and otherwise conform to the standards applicable to the Waterborne Industrial Design Standards.

3.6.5 Port Village (PV) 4, 5, and 6 Development Standards:

- a. **Building Heights:** (see definition)
A variety of building heights can occur within a block and the height limits shall be as follows:
 - 1. Two (2) story height limit (2 ½ stories with dormers), not to exceed 38 ft. for single family detached, single family attached and any Rental Units.
 - 2. Four (4) story height limit (4 ½ stories with dormers), not to exceed 62 ft. for Hotel.
 - 3. Hotels may exceed height limits if no taller than five stories (four stories of rooms over one ground floor of service/retail uses). All other applicable definitions and standards under Chapter 15.5 Article II of the Town's Zoning Ordinance (Exhibit G) shall apply unless otherwise stated within the PUD.
- b. **Lot Standards:** Required development standards shall be determined by the type of dwelling unit or building type proposed unless otherwise stated within the PUD. Refer to Chapter 15.5 Article II of the Town's Zoning Ordinances (Exhibit G).
- c. **Hotel/Motel:** Hotel shall include but not be limited to commercial housing, and Hotel/Motel.

Hotel Development Standards:	
Lot Widths	Negotiated
Build-to Line locations	Negotiated
Side Setback	Negotiated
Building Frontage	Negotiated
Building Coverage	75 Percent Maximum
Maximum Height	4 Story (4 ½ stories with dormers) not to exceed 58 feet

1. Appurtenances may extend beyond the prescribed height limit with prior PRDRS approval.
 2. Hotel buildings shall be sited in locations of particular geometric importance, such as anchoring a major civic open space at the existing pier, or termination of Paris Avenue.
- d. All other applicable development standards per the Town of Port Royal's Traditional Town Overlay District, Chapter 15.5, Article II (Exhibit G) shall apply.

3.6.6 Commercial and Residential Conversions: Master Developer and Developer shall have the right to (i) convert commercial density into residential density and exceed the base density of units (as set forth in section 3.5) as described below. and (ii) convert residential density into commercial density and exceed the base density of square feet as set forth in section 3.5 plus any residential density allowed below.

The conversion factor shall be an acre for acre exchange. For each acre converted from commercial land to residential land, eight and two tenths (8.2) residential units per upland acre will be assigned to each acre or pro-rated portion thereof being converted, and five thousand (5,000) square feet or pro-rated portion thereof of commercial square feet will be deducted from the maximum commercial square footage permitted under section 3.5. For each acre converted from residential to commercial use, five thousand (5,000) additional square feet of commercial will be assigned to each acre or pro-rated portion thereof being converted and eight and two tenths (8.2) residential units will be deducted from the maximum residential density permitted under section 3.5.

All converted uses are subject to the uses outlined in Table 2.0., attached as Exhibit K and any other limitations, standards and regulations contained herein.

ARTICLE 4.0 Use Regulations

The following use standards shall apply to all permitted uses, as set forth in the district regulations of Article 3.0.

Sec. 4.1 Wireless Communication Towers and Facilities

All Wireless Communications Towers and Facilities shall comply with Section 22-148 of the Town's Zoning Ordinance. In addition, the following criteria shall also apply:

- a. All Wireless Communications Towers and Facilities, including ground equipment, shall be of stealth design.
- b. All Wireless Communications Towers and Facilities shall be incorporated into the architecture of building containing a use or uses other than equipment supporting the telecommunications facility.

Sec. 4.2 Accessory Dwelling

Accessory dwellings shall be limited to one for each principal Single Family Detached dwelling. An accessory dwelling shall not be included in the density calculation.

Sec. 4.3 Marina

4.3.1 Criteria for Creation of a Marina:

The following criteria shall apply to the creation of a marina in any district.

a. General Standards

- i. A new marina facility may be constructed with up to 300 slips and may generally be placed in Battery Creek from 11th street to 6 ½ street; provided however, it shall not impede navigation to the existing dock at 11th street in front of Dockside Restaurant and will comply with existing USACE and OCRM Permit Conditions. Within the marina, the developer will maintain 5% of the total boat slips as publicly available at a location to be determined at his sole discretion. The existing pier #601 (600 LF) may remain and an additional 600 LF of large boat dockage may be added as allowed by the regulations set forth by the applicable governing agencies. All necessary reviews and permits shall be the responsibility of the marina and/or dock developer.
- ii. Parking requirements for the Marina shall be one (1) space per five (5) slips which shall be a part of an overall shared parking plan much of which could be placed as either on street perpendicular or parallel parking.
- iii. Marina and associated uses could be located in either the Port Village or the Marina Village and could include full service marina operations, fuel sales, a marina store, and other associated marina support facilities and activities, as permitted pursuant to the Table 2.0, Table of Permitted Uses (Exhibit K).

ARTICLE 5.0 Community General Development Requirements

Sec. 5.1 General

The standards in this section are intended to apply to all development, except as expressly set forth below. These standards supplement those found elsewhere in the Town's Code of Ordinances. Where there is a conflict in regulations, the standards of this PUD shall apply.

Sec. 5.2 Subdivision Plats, Site Plans, Architecture and Street Section Review.

5.2.1 Subdivision Plats. All subdivision of land shall comply with the Town's Code of Ordinances, a copy of which is attached hereto as Exhibit H. No subdivision of a tract shall be allowed until a Master Plan for such tract has been approved by PRDRS and applicable departments and agencies.

5.2.2 Site Development Plans. A Master Plan for a tract shall have been approved by the Town staff and/or applicable departments and agencies prior to submittal of a general site development plan.

5.2.3 Architecture Review. Building elevations and massing are subject to approval by PRDRS.

5.2.4 Street Sections: Street sections for each street within the PUD shall be submitted for review and approval by PRDRS.

5.2.5 Garages in the Bluff Neighborhood. In the Bluff Neighborhood, on properties oriented to the water, garages and car ports shall not be required to be located at the rear of the residence.

Sec. 5.3 Open Space

The PUD shall not have less than five (5) percent additional Open Space in addition to the Civic Open Spaces. Such additional Open Space shall be based on net Upland Area minus Civic Open Spaces.

5.3.1 Ribaut Village Standards

Open space shall be provided as follows:

- a. A total of 5% of net Upland Area.

5.3.2 Bluff Neighborhood Standards

Open space shall be provided as follows:

- a. A total of 5% of net Upland Area.
- b. A public connection from 13th Street to Ribaut Road along Battery Creek Avenue (See Regulating Plan attached as Exhibit E)
- b. Fishing Piers and Community Docks, up to two, are allowed within this district, and shall require the appropriate review and approvals of the applicable governing

agencies prior to construction.

- d. *Pools and Clubhouses.* Community pools and clubhouses, and structures customarily appurtenant to such uses, as anticipated development amenities, are considered private Community Recreation Facilities under this PUD; to the extent constructed; such facilities shall not be considered Civic Open Space or community open space under this PUD.

5.3.3 Marina Village Standards

Open space shall be provided as follows:

- a. A total of 5% of net Upland Area.
- b. A deeded waterfront portion of the Pedestrian Promenade shall be extended from the Bluff Neighborhood to the Port Village along and paralleling Battery Creek. If there is a conflict between any future dry stack storage/marina facility and the Pedestrian Promenade, the developer shall be responsible for adequate resolution of conflicts between pedestrians and marina functions.
- c. *Pools and Clubhouses.* Community pools and clubhouses, and structures customarily appurtenant to such uses, as anticipated development amenities, are considered private Community Recreation facilities under this PUD; to the extent constructed; such facilities shall not be considered Civic Open Space or community open space under this PUD.

5.3.4 Port Village Standards

Open Space shall be provided as follows:

- a. A total of 5% of net Upland Area.
- b. A deeded waterfront portion of the Pedestrian Promenade shall extend from the Marina Village to PV-1 and connect to Paris Avenue in such a manner as finally determined by mutual agreement of the Town and the Master Developer.

Sec. 5.4 Streetscapes, Landscaping and Tree Preservation

5.4.1 General Requirements. Streetscapes shall include the planting of trees and Shrubs at entries, intersections and focal points. Within the Right-of-Way, minimum 5' wide sidewalks on both sides of the street shall be provided with a minimum 6' wide tree lawn in Residential areas. Within residential districts, street trees shall have an average spacing of 50 feet on center on both sides of the road and within the tree lawn area. Lanes and alleys shall be exempt from this requirement. All required canopy trees (hardwoods) shall be a minimum of 10 feet tall with a minimum 2½" caliper. Where possible, drought resistant plant materials are encouraged.

5.4.2 Port Village Guidelines.

- a. Street trees shall average 50' on center along both sides of all roads within the Port

Village. Lanes and alleys may be considered for exemption with prior PRDRS approval.

- b. Landscaping plans for open spaces and parks shall be submitted to and approved by PRDRS.

5.4.3 General Landscape Guidelines. There shall be a conscious intent to preserve existing trees where practical. Concept landscape plans submitted for review shall include the size, species and location of all new plantings, existing trees to be saved, and all grasses and mulched areas. All commercial landscapes and neighborhood entries are to be irrigated and landscaped for approval by PRDRS. Landscape designs are to address three main concerns: (1) they must be complementary to the architectural style of the building or entry, (2) they must screen all service, utility and equipment areas and, (3) they must provide shade for and screening of parking areas. Plant material is encouraged to be native to the region.

Sec. 5.5 Service Areas and Loading Docks.

5.5.1 Location. Refuse areas, storage, loading and truck parking shall be located so as to minimize visibility from streets, sidewalks and leisure trails. Loading docks shall be limited to commercial parcels and village parcels. Location and aesthetic treatment shall require PRDRS approval.

5.5.2 Screening. All exterior trash receptacles shall be screened from public view on three sides and on the fourth side by a gate that screens the receptacles from view. The enclosure and gate should be made of materials compatible to that of the primary structure.

5.5.3 Loading Docks. Loading docks and truck parking shall be screened from public view using building mass, screen walls and/or landscaping.

Sec. 5.6 Utilities and Utility Screening

5.6.1 Location. The following utilities shall be located underground to the extent possible: potable water supply, distribution systems and backflow preventers; wastewater collection, treatment, and disposal; irrigation, power, cable television, telephone, broadband multi-use transmission; and other utility services. Temporary overhead power lines shall be allowed during construction.

Sec. 5.7 Streets and Traffic Impact

5.7.1 Road and Street Design Standards. All roads and streets shall be public and constructed to all applicable standards except where otherwise modified herein.

- a. **Modifications.** A modification to Town standards not identified herein shall require the approval of the Town Engineer and/or PRDRS.
- b. **Road and Street Pattern.** All streets shall be in a grid or broken grid pattern and alleys shall be encouraged.
- c. **Cross Sections.** Typical street sections are included in Exhibit I. In addition, any

of the streets section permitted in the T4 or T5 transect of the Town's Zoning Ordinance in effect as of June 11, 2025, may be utilized.

5.7.2 Vehicular Access Points. Vehicular access points on primary roads shall be determined at the time of planning area Master Plan submittal for individual tracts. The following criteria shall apply:

- a. Access points shall be planned to minimize the number of intersections while providing adequate ingress and egress.
- b. Access points shall be planned so that centerlines align with the access point on the opposite side of the road where possible, to form a four-way perpendicular intersection

Sec. 5.8 Sidewalks and Pedestrian Leisure Trails

5.8.1 General Requirements. All tracts within the PUD shall be linked by a system of pedestrian sidewalks. The use of pervious paving is encouraged where appropriate.

a. Residential Standards.

- i. Residential neighborhoods shall be required to have sidewalks (5' min. width) along both sides of all streets with a minimum 6 foot wide tree lawn between the sidewalk and back of curb. The sidewalk system shall link to the community open space system, public waterfront and adjacent streets and sidewalks.

b. Mixed Use Village Standards.

- i. Entry plazas will be along the entire front of all buildings. Entry plazas shall consist of both paving and landscape.
- ii. All buildings in Mixed Use Villages shall meet the following criteria:
 - a. Sidewalk widths shall be as follows: 10' wide (minimum and including tree openings in approved locations) along the storefronts of retail shops and restaurants; 5' wide for pedestrian connections from shops/restaurants to parking areas; and 5' wide sidewalks adjacent to streets, with 6 foot tree planting areas.
 - b. Whenever sidewalks cross drives, a highly visible crosswalk is required. The crosswalk shall utilize materials that provide strong contrasts with the vehicular surface and may be set apart by concrete in asphalt, pavers, or other approved materials.
 - c. Sidewalks or sidewalk connections shall tie to the community wide open space, public waterfront easement and adjacent streets and sidewalks.

c. Cross Sections of Pedestrian Promenade.

Typical cross sections of the Pedestrian Promenade are shown on Exhibit I.

Sec. 5.9 Parking

5.9.1 General Standards. All parking shall comply with Sec 15.5-30 of the Traditional Town Overlay District (Exhibit G) unless otherwise identified herein.

5.9.2 Location. In non-residential areas, no parking area or structure shall be allowed within a required buffer or setback.

5.9.3 Parking Spaces Required by Type of Development

a. Table 4.0 Residential

Type of Dwelling Unit	No. of Off-street Spaces Required per Type of Dwelling Unit
Single family detached and attached	2.0
Accessory Dwelling	1.0

b. Table 4.1 Villages

- i. The requirements of the Town of Port Royal’s Code of Ordinances shall apply with the following exceptions:

Type of Dwelling Unit	No. of Off-street Spaces Required Per Type of Dwelling Unit
Single family attached and detached	2.0
Accessory Dwelling	1.0

- ii. For non-residential uses there shall be no more than 3 spaces per 1000 square feet and no less than 1 space per 1000 square feet
- iii. A 5% reduction in the total number of required parking spaces may be allowed with approval by the PRDRS when a building is used or occupied by two or more uses which typically do not experience peak parking demands at the same time.
- iv. A reduction greater than 5% requires shared parking analysis based on the guidelines of Shared Parking, Second Edition, Mary S. Smith, Urban Land Institute, 2005 and must receive approval by PRDRS.
- v. Parking lots shall be located behind buildings or within the interior of a block whenever possible. Parking under residential condominium buildings within the Ribaut Village (RV) Bluff Neighborhood (BN) and the Port Village (PV) is allowed. Parking under multi-use buildings behind non-residential street frontage is allowed within the Port Village (PV).
- vi. Parking island dimensions shall be in accordance with the Section 15.5-30

(Exhibit G).

- vii. Parking areas located along primary routes of travel shall be screened from adjacent roads and sidewalks.
- viii. On-street parking will be provided where possible in accordance with the Town of Port Royal Code of Ordinances and may be used to supplement off-street parking requirements with approval by the PRDRS.

Sec. 5.10 Lighting

5.10.1 Lighting by Type of Development.

Street lights, including posts and fixtures, can vary to work aesthetically with the neighborhood theme and signage program, but shall require approval from the PRDRS. Full cut-off fixtures shall be required.

Sec. 5.11 Signage

Refer to Division 5.9 Signs of the Port Royal Development Code for requirements by sign type.

Sec. 5.12 Trees

The current version of Chapter 20 – “Trees” of the Town’s Code of Ordinances, as most recently amended by Ordinance No. 2018-14 dated October 10, 2018, shall be applicable to all new development areas of this PUD, with the exception of the Bluff Neighborhood, which shall remain subject to the Zoning Regulations in effect under the Original PUD.

ARTICLE 6.0 Definitions.

Sec. 6.1 General

Where this section specifies a defined term that includes the phrase, “any similar use,” such interpretation shall be made by the Zoning Administrator. The definitions herein pertain only to the PUD. Definitions included within the Town’s Zoning Ordinance but not other defined or included herein shall also apply.

Sec. 6.2 Defined Terms

1. **Accessory Dwelling:** A building that is subordinate to and attached or detached from the principal dwelling. The accessory dwelling shall be no more than 30% of the principal dwelling unit gross square feet or 900 gross square feet, whichever is less. Manufactured/mobile housing units, shipping containers, and recreational vehicles are not accessory dwellings.
2. **Accessory Structure:** A detached building or structure which is subordinate to the principal building/facility on a lot and used for a purpose customarily incidental to the principal use, including but not limited to garages, greenhouses, swimming pools, tennis courts, cable satellite antenna or other non-commercial radio transmitting/receiving antenna. Manufactured/mobile housing units, shipping containers, and recreational vehicles are not accessory structures.
3. **Accessory Use:** An incidental and subordinate use that is customarily associated with the principal use of the lot or building located on the same lot as the principal use.
4. **Amusement or Recreation Activities (carried on wholly in a building):** Establishments offering amusement or recreational activities for families or groups such as roller skating, video arcades and the like. No amusement or recreation activities shall be permitted outside of the building.
5. **Animal Hospital, Veterinary Clinic, Grooming (no boarding):** A veterinary clinic ran by a licensed veterinarian. No animal boarding shall be allowed.
6. **Antique Shop:** Establishments offering the sale of antiques. All products for sale must be located within the principle building.
7. **Artist Studio/Gallery:** Means a facility used by one or more artists or artisans for the creation, display, and limited sale of original works of art or handcrafted items. This may include, but is not limited to, painting, sculpture, photography, ceramics, textiles, woodworking, metalwork, jewelry, or mixed media.
8. **Assisted Living Unit (Care Home):** A rest home, nursing home, convalescent home, boarding home for the aged or similar use established to render domiciliary care for chronic or convalescent patients, but not including facilities for the care of patients with mental illness or alcohol or drug addiction.
9. **Auto Parking Lot or Garage (no gas, hourly or daily):** A secured area or structure used for the commercial operation of long or short term auto parking and/or storage.
10. **Banks:** Establishments associated with banking both walk in and/or drive up and office

space for use by business and/or professional services, consultants, agents, and the like.

11. **Bed and Breakfast:** a residential-style lodging facility that provides temporary overnight accommodations and morning meals to paying guests in a private, owner-occupied or manager-occupied dwelling.
12. **Bicycle Shop and/or Sporting Goods:** Establishments associated with the sale and repair of bicycles and sporting goods. All bicycle or sporting goods display and repair must be carried on wholly in a building.
13. **Block:** A division or parcel of land entirely surrounded by rights of ways, natural features or dedicated open space.
14. **Boat Rentals and Sales:** A commercial use involving the retail sale, leasing, or short-term rental of motorized or non-motorized watercraft, including but not limited to boats, jet skis, kayaks, canoes, paddleboards, and similar vessel. The term does not include the sale of marine parts/accessories separate from a marine dealership or marine services separate from a marine dealership.
15. **Boat Repair and Garage:** A facility used for the maintenance, servicing, and repair of watercraft, including but not limited to boats, jet skis, and other marine vessel. All repair activities shall occur within enclosed structures unless specifically approved, and shall be conducted in compliance with applicable noise, environmental, and water quality regulations. Boat Repair and Garage does not include boat manufacturing or large-scale salvage or dismantling operations unless separately authorized.
16. **Boat Storage (Indoor/Outdoor):** Means the use of land, buildings, or structures for the temporary or long-term parking, docking, or storage of boats or other watercraft, whether motorized or non-motorized.
17. **Book and/or Stationary Store:** Establishments associated with the sale and/or rental of new and used books, stationary and other sundry products. Associated uses within the store may include coffee bars.
18. **Building Height:** Building height shall be measured using the average grade of the site. The height of a building shall be measured to:
 - a. The average height level between the eaves and ridge line of a gable, shed, hip or gambrel roof;
 - b. The highest point of a mansard roof; or
 - c. The highest point of the coping of a flat roof.
19. **Build to Rent Units:** Single family attached and detached dwelling unit structures that are under one ownership, not offered for sale to individual homebuyers, and are leased to individuals.
20. **Ceramic Studio and/or Shop:** Establishments offering training, lessons, and sales of ceramic ornaments for painting and firing.
21. **Child Care Center:** A building and an outdoor area designed or altered and used for the care and instruction of two or more children (excluding members of the family occupying

the premises) for any part of any day and operated on a regular basis

22. **Civic Open Space:** An area that provides public gathering space and includes open space (plazas, parks) for social activity.
23. **Clothing Stores and Dry Goods:** Establishments offering the sale of clothing, dry goods and accessories.
24. **Churches and Places of Worship:** A building used for the primary purpose of religious worship.
25. **Club or Lodge:** An incorporated or unincorporated association of civic, social, cultural, religious, literary, political, and recreational or like activities, but not including shooting clubs operated for the benefit of their members and not open to the general public.
26. **Community Recreation:** Any premise (private or public) where the principle use is the provision of outdoor recreation such as athletic facilities, sports, and games.
27. **Convenience Store:** Establishment associated with the sale of convenience goods such as soft drinks, beer, water, chips, candy, gum and the like.
28. **Craft Shops:** Establishment associated with the sale and/or instruction of crafts and hobbies such as sewing, stamping, model building and the like.
29. **Cruise Ship:** Cruise Ship shall mean a deep sea worthy vessel with overnight accommodations for more than one hundred – fifty (150) passengers. Cruise Ships do not include tour boats, water taxis, car ferries, or marine cargo vessels.
30. **Docks, Piles and Freight Handling:** Loading, unloading, and limited staging of precast/manufactured marine docking facilities.
31. **Dwelling:** One or more rooms designed as a unit, including a kitchen, bathroom and sleeping area, to provide complete housekeeping facilities for one family.
32. **Dwelling, Above Commercial:** A single-family dwelling that is located above a commercial property and contains its own separate entry.
33. **Dwelling, Detached:** A dwelling which does not share party or lot-line walls with any adjacent building.
34. **Dwelling, Multi-Family:** A building with multiple dwelling units. Units may have either private or shared access. Units may be arranged back to back or side to side. Apartment complexes and condominiums are not permitted.
35. **Dwelling, Single Family Attached:** A building containing attached dwellings, each of which are located on a fee simple lot and have their own private entrance.
36. **Dwelling, Single Family Detached:** A stand-alone building containing only one dwelling unit.

37. **Dry Stack Facility:** A Boat Storage facility for storing boats out of water. This is principally a land operation, where boats are dry stored or stacked until such time as they are transferred to the water for use.
38. **Eleemosynary or Philanthropic Institutions:** A not-for-profit organization that provides a variety of services to its members or the community but does not provide sleeping accommodations or daily meals. Institutions included under this definition are those which promote the safety, health, and general welfare of the community.
39. **Electric Vehicle Charging Station:** Means designated areas or facilities equipped with electrical infrastructure and equipment for the charging of electric vehicles (EVs). This includes Level 1, Level 2, and DC fast-charging stations, as defined by applicable electrical codes or transportation standards. Electric Vehicle Charging Stations must be accessory to the principal use of the property.
40. **Electronic Sales and Service Stores:** Establishments offering the sale and or service of electronic equipment and devices.
41. **Florist Shops:** Establishments offering the sale and delivery of ornamental flowers, wreaths, plants and garden ornaments.
42. **Food Stores and Drug Stores:** Grocery stores offering the sale of general groceries, bakery goods, delicatessen goods, floral goods, photo shops and the like. Drug store may be within the food store or separate. Drug stores/pharmacy are a building or part of a building used or intended to be used for the specific purpose of preparing, compounding and dispensing medicines, medications and personal hygienic needs. The drug store shall be allowed to have drive up facilities.
43. **Fuel Sales and Storage:** Means commercial retail sale and on-site storage of motor fuels, including gasoline, diesel, propane, or other vehicle or equipment fuels, for use in automobiles, trucks, boats, or other motorized vehicles.
44. **Funeral Homes:** Establishments offering assistance and sales of materials associated with funerals excluding crematories.
45. **Golf Cart Rental/Sales:** A retail store in which golf carts are displayed, sold, and rented from an indoor showroom. Limited outdoor display is permitted. Accessory uses may include repair shops and the sales of parts and accessories incidental to the business. The term does not include the sale of auto parts/accessories separate from a vehicle dealership or vehicle services separate from a vehicle dealership.
46. **Grocery, Confectionary, Bakery, Pastry Shop and Similar Neighborhood Facilities:** Neighborhood scale, boutique style shops offering the sale of specialty groceries, confections, bakery goods, and the like.
47. **Hobby and Toy Stores:** Establishments offering the sale of hobby, craft, toys, and games. The establishments may offer craft and or hobby related classes.
48. **Home Furnishing and/or Hardware Stores:** Establishments offering the sale of new or used furniture, hardware goods, power tools and interior home improvement materials.

49. **Home Based Business:** means a business, profession, occupation, or trade that is conducted by a entirely within a Dwelling or an allowed accessory structure located on the same lot, and that is clearly incidental and subordinate to the residential use of the property. A Home-Based Business may include, but is not limited to, office-based work, professional services, arts and crafts production, tutoring, or limited home-based sales.
50. **Hospital & Care Homes:** Any institution receiving inpatients or a public institution receiving outpatients and authorized under state law to render medical, surgical or obstetrical care.
51. **Hotel, Motel:** A lodging establishment consisting of one or more attached or detached buildings containing more than 15 bedrooms or suites to transient guests. No extended stay facilities will be allowed. Ancillary (accessory use) uses may include restaurants, newsstands, gift shops, snack bars or lounges catering primarily to guests, meeting or conference facilities within or adjacent to the primary building but designed to cater primarily to guests of the facility, and service facilities.
52. **Inn:** This designation is for establishments providing for an Inn with short term occupancy, including but not limited to, hotels, motels, bed and breakfast inns, inns and apartment accommodations up to 15 rooms. Ancillary (accessory use) uses may include restaurants, newsstands, gift shops, snack bars or lounges catering primarily to guests, meeting or conference facilities within or adjacent to the primary building, but designed to cater primarily to guests of the facility, and service facilities. Additional accessory uses may include campgrounds and recreation and vacation camps, parking lots, swimming pools, tennis courts, playgrounds, laundry rooms and the like designed to serve guests of the establishment.
53. **Interior Decorating Business:** Professional consulting firm associated with the design and sales of home, office, club and the like interior decorating.
54. **Jewelry Stores:** Establishments associated with the sale and or service of new and used jewelry and other fine gifts.
55. **Laundromats/Dry Cleaning:** Establishments offering the use of on premise washing and drying machines. Ancillary uses may include the sale of laundry goods, beverages and other convenience items associated with the permitted use.
56. **Leather Goods and Luggage Stores:** Establishments offering for sale of luggage and or leather good items such as belts, purses and baggage, and other clothing items.
57. **Limited Use Retail Shop:** Establishments offering limited use retail items such as specialty products which are not produced or manufactured on the premises and are limited to or associated with a single product line of merchandise directed to a specific consumer market. Includes pet stores, specialty food stores, bicycle shops, personal micro and/or mini-computer sales or similar uses does not include the sale, service or repair of motorized vehicles, including automotive parts, repair or service stores, tire shops, gasoline sales, package stores or similar uses nor any outdoor display or storage of materials, supplies or products.
58. **Marina:** A dock or basin (public and or private) providing secure moorings for pleasure

boats and may offer supply, repair, and other facilities.

59. **Marine Equipment Manufacturing:** Marine equipment manufacturing encompasses the production, repair, and maintenance of components, and equipment for commercial, recreational, local maritime and law enforcement/regulatory use. Term does not encompass manufacturing of docks for offsite usage.
60. **Marine and Fishing Supply Store:** Establishments offering the sale of marine and fishing related items. Service can be allowed if within the building the establishment occupies. Live Bait may be allowed with required permits and regulations followed.
61. **Master Developer:** SHM Port, LLC or a successor or assignee thereof.
62. **Mixed Use Residential:** A building designed to accommodate a mix of conforming residential and nonresidential uses consisting of retail sales, personal services or offices.
63. **Model Homes/Sales Center:** This designation allows for the model homes and office/administrative facilities (including temporary trailer facilities) that shall be considered an accessory use associated with the primary sales of onsite residential lots and homes within the Port Royal PUD. The facility(s) may be permanent in nature with the model homes being sold as single family residences in the future or the facility(s) may relocate from time to time during the period of development to meet the needs of development phasing.
64. **Music Stores:** Establishments offering for sale music new or used and other related items. Associated uses within the store may include coffee bars and cafes.
65. **Museums and Libraries:** an institution (public and or private) devoted to the procurement, care, study and display of objects. Associated uses may occur such as coffee bars and gift shops within the square footage of the establishment.
66. **Neighborhood Commercial Use Retail and Service:** Means small-scale commercial establishments that provide goods and services primarily to residents of the PUD or surrounding areas. These uses are intended to reduce the need for vehicular travel and support walkability and convenience.
67. **Newsstand:** Establishments offering newspapers and periodicals for sale.
68. **Office, General:** A facility containing offices for business, government, professional or financial services.
69. **Office, Medical:** A medical facility in which a doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medial provider treats or counsels patients.
70. **Office, Professional:** Offices of recognized professions, including accountants, architects, dentists, doctors, engineers, lawyers, or other related occupations that are in the same structure.
71. **Open Space:** Areas in addition to the Civic Open Space that is preserved for recreational, aesthetic, landscaping, environmental or community use, including greenways, sidewalks,

parks, wetland buffers, landscape areas, pier and storm drainage areas. Such area shall not be occupied by buildings, streets or parking areas. Open Space is inclusive of the area utilized for the Pedestrian Promenade.

- 72. Original PUD:** The original planned unit development under Ordinance 2011-17 dated November 9, 2011, as subsequently amended by Ordinance 2017-20 dated August 9, 2017, and Ordinance 2021-25 dated July 14, 2021. The Original PUD has been amended and restated in its entirety under the terms hereof with respect to the SH Property, but the Original PUD is still in full force and effect with respect to the Remaining Port Royal Tract.
- 73. Pedestrian Promenade:** A public walkway, boardwalk or open space designed primarily for foot traffic, where vehicles are restricted or prohibited. The Pedestrian Promenade is meant to encourage walking, socializing, and leisurely activities throughout the PUD. The Promenade shall consist of series of connected pathways, boardwalks, trails and other public access facilities, and includes portions of the Spanish Moss Trail. The Pedestrian Promenade does not include sidewalks or completion of the walking trails through Town-owned property as delineated on the Regulating Plan.
- 74. Photography Stores and Photographic Studios:** Establishments offering the professional services of photography sessions and or developing and sales of photographic equipment.
- 75. Post Office:** Office established by United States Postal Service.
- 76. Public Parking:** Parking either on street or off street provided for the public.
- 77. Public Schools:** Education facilities provided by local government for use by the general public.
- 78. PUD:** This Third Amendment to the Original PUD, the terms of which amend and restate the entirety of the Original PUD with respect to the SH Property.
- 79. Public Use:** Buildings, structures and uses of land operated by a government unit or government agency, including but not restricted to Public Schools, fire stations, recreation sites and facilities and public utilities.
- 80. Public Utilities (subject to proof of need):** As used in this chapter, a public utility shall only be defined to include pipelines, power transmission lines, telephone and telegraph lines, railroad tracks but not a railroad yard, and such related public utility structure or station necessary for the installation and maintenance of utility services.
- 81. Rental Units:** Build to Rent units; Dwelling, Multi-family units. Dwelling, Single-Family Attached units and Dwelling, Single-Family Detached units that are not occupied for use by homeowners or offered for sale to individual homebuyers. Rental Units does not include Short-Term Rentals.
- 82. Recreational Vehicle and Boat Storage (subject to screening requirements):** Areas or structures used for long term storage of recreational vehicles or boats. Security fencing with opaque landscape screening is required.

83. **Restaurants (alcohol service allowed):** An establishment in which customers purchase meals and/or beverages.
84. **Salon and Health Spa:** An establishment, which can provide hairdressing, facials, manicures and other related items as allowed within town and state regulations.
85. **Seafood Processing:** means the handling, preparation, and treatment of fish, shellfish, and other marine organisms for human or animal consumption for commercial resale.
86. **School and Institution:** Means a facility or campus used for educational purposes, including the instruction of students at any grade level, from primary through post-secondary education, and may include related institutional uses. Term may include Public Schools.
87. **Short and Long-Term Dockage:** Berthing of vessels at docks for a fee, for a period of up to 3 months for short term dockage and up to renewable 12 month terms for long term dockage.
88. **Short-Term Rental:** has the meaning given to such term in Ordinance No. 2024-19 of Town Council dated December 11, 2024, as may be amended from time to time (the "**STR Ordinance**"), a current copy of which is attached hereto as Exhibit L.
89. **Shrub:** A woody and fibrous perennial plant of small stature having multiple permanent stems and displaying an upright growth habit.
90. **Solar Power Generation:** Items including solar panels, lines, pumps, batteries, and mounting brackets used for the collection of solar energy in connection with a building. Solar energy equipment must be accessory to the principal use of the property.
91. **Spanish Moss Trail:** A recreational greenway trail located in Beaufort County, South Carolina, designed primarily for walking, running, biking, and other non-motorized activities. A portion of the Spanish Moss Trail traverses the northern-most portion of the PUD as shown in the Regulating Plan, and overlaps portions of the Pedestrian Promenade. Other portions of the Pedestrian Promenade may be determined to also constitute the Spanish Moss Trail.
92. **Storage Units and Containers (Marine Use):** An enclosed space that can be rented for a short-term to store marine-related equipment.
93. **Tailor Shop:** Establishment offering the alteration, repair and custom making of clothing.
94. **Temporary Use:** Means a use or activity conducted for a limited duration on a site within the PUD, where such use is permitted only for a specified period and is subject to the conditions outlined in the PUD.
95. **Theater (other than Drive-in):** An establishment for dramatic performances or for showing motion pictures.
96. **Tract:** means a contiguous area of land under single or unified ownership or control, designated for development within the PUD. A Tract may consist of one or more parcels

or lots, provided they are adjoining and planned for development as a cohesive unit under a single development plan.

97. **Travel Agency:** An establishment engaged in selling and arranging transportation, accommodations, tours, and trips for travelers.
98. **Tours or Ferries:** Means commercial watercraft used to provide scheduled passenger services for recreational, educational, or transportation purposes, typically operating within a designated waterway or between fixed points. This includes boats that are primarily used for: guided tours, ferry services or water shuttles or other transportation.
99. **Upland Area:** the dry, buildable portions of a Tract. To be considered Upland Area, such land shall be located within an area that is above areas delineated as wetlands, water bodies and floodplains.
100. **Village:** An area that allows retail sites, personal services, office use, public use, and residential uses. Uniform site development standards shall be applied throughout the village.
101. **Water Suite:** Overnight floating accommodations located on the water that are operated and managed by a single-owner. Water suites do not include short-term rentals or liveaboards.
102. **Wireless Communication Towers and Facilities:** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless services, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment.

[EXHIBITS TO FOLLOW]

THE FOLLOWING EXHIBITS HAVE NOT BEEN CHANGED AND CAN BE FOUND AS FOLLOWS:

Exhibit A: Port Royal Vicinity Map; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit B: Letters of Intent to Serve; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit C: Boundary Survey; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit C-1: Topography and FEMA Survey recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit D: Phase I and Letter from S&ME; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit D-1: Preliminary Phase II; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit D-2: Follow-up Phase II; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit D-3: July 17 Phase 1; recorded as part of the First Amendment to Development Agreement Recorded at Book 3608, Pages 1 through 66.

Exhibit F: Chapter 22 Town of Port Royal Code of Ordinances, Supplement 15; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit G: Chapter 15.5 Article II Town of Port Royal Code of Ordinances, Supplement 15; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

Exhibit H: Chapter 17.5 Town of Port Royal Code of Ordinances. Supplement 15; recorded as part of the Development Agreement Recorded at Book 3217, Pages 631 through 1534.

[REVISED/REPLACED/NEW EXHIBITS TO FOLLOW]

Exhibit A-2

Description of SH Properties

From Book 3607 at Page 2615:

That certain property in Beaufort County, Town of Port Royal, State of South Carolina, as shown on the certain Plat entitled: "Plat of 51.60 Acres of Highland at South Carolina State Ports Authority, Port Royal Terminal," prepared by Thomas & Hutton Engineering Co. dated December 20, 2006, and recorded in Plat Book 0122 at Pages 0032-0035 on October 17, 2007, Beaufort County Register of Deeds Office, consisting of approximately 51.60 Acres of highland and 265.91 Acres of marsh. Parcels designated on said Plat as: SP 21-1, SP 21-3, SP 21-4, SP 21-5, SP 21-6, SP 21-10, SP 21-11, SP 21-12, SP 21-13, SP 21-14, SP 21-15, SP 21-16, SP 21-17, SP 21-18, SP 21-19, SP 21-20, MARSH-1, MARSH-2, MARSH-3, and MARSH-4, as more particularly shown and delineated by reference to said plat.

LESS AND EXCEPTING Parcel SP 21-2, that certain piece, parcel or lot of land situate, lying and being in the Town of Port Royal, County of Beaufort, State of South Carolina, being shown and designated as PARCEL "A" on that plat prepared for David W. Harden and Elisabeth S. Harden by David E. Gasque, R.L.S., dated June 2, 2000, which was recorded August 28, 2000, in Plat Book 75 at Page 165 in the Office of the Register of Deeds of Beaufort County, SC. The said PARCEL "A" contains 0.09 acres, more or less.

ALSO

From Book 3607 at Page 2615:

That certain piece, parcel or lot of land, in Beaufort County, Town of Port Royal, State of South Carolina, designated as "OUT PARCEL #1 HOOD DOWLING 6,969 SQ.FT. 0.16 Acre," more or less, on Plat entitled: "Plat of 51.60 Acres of Highland at South Carolina State Ports Authority, Port Royal Terminal," prepared by Thomas & Hutton Engineering Co. dated December 20, 2006, and recorded in Plat Book 0122 at Pages 0032-0035 on October 17, 2007, Beaufort County Register of Deeds Office, as more particularly shown and delineated by reference to said plat.

ALSO

From Book 3629 at Page 159:

That certain piece, parcel or tract of land situate, lying and being in the Town of Port Royal, Beaufort County, South Carolina, containing 0.161 acres, more or less, and being more particularly shown and described as "0.161 Acres, Town of Port Royal, AOC Plat 3D; "Portion of Port Royal, S.C." Dated Oct. 21, 1953 & Nov. 13, 1953" on that certain plat prepared by R. D. Trogdon, Jr., R.L.S., recorded in Plat Book 42 at Page 192 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.

For avoidance of doubt, the above properties include:

- (a) That property conveyed to Special K Holdings, LLC by deed from Grey Ghost Properties,

LLC recorded in Book 3634 at Page 270 in the Office of the Register of Deeds for Beaufort County, South Carolina (2.78 acres Fee Real Property, 1.31 acres Fee Submerged Property), as re-recorded in Book 3644 at Page 1845 to correct a plat reference error.

(b) That property conveyed to Progeny Corporation by deed from Grey Ghost Properties, LLC recorded in Book 3664 at Page 481 in the Office of the Register of Deeds for Beaufort County, South Carolina (1.80 acres Fee Real Property).

SAVE AND EXCEPTING from the aforementioned properties:

(a) That property conveyed to 11th Street Investments, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3632 at Page 40 in the Office of the Register of Deeds for Beaufort County, South Carolina (1.09 acres Fee Real Property, 0.04 Fee Submerged Property);

(b) That property conveyed to Triple B Restaurant Holdings, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3806 at Page 1628 in the Office of the Register of Deeds for Beaufort County, South Carolina (0.59 acres Fee Real Property);

(c) That property conveyed to Port Royal Waterfront, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3807 at Page 428 in the Office of the Register of Deeds for Beaufort County, South Carolina (0.45 acres Fee Real Property, 0.10 acres Fee Submerged Property).

These being a portion of the same properties conveyed to Grey Ghost Properties, LLC by (a) deed from South Carolina Department of Administration, Division of General Services, recorded in Book 3607 at Page 2615 in the Office of the Register of Deeds for Beaufort County, South Carolina; and (b), deed from Town of Port Royal recorded in Book 3629 at Page 159 in the Office of the Register of Deeds for Beaufort County, South Carolina.

ALSO

ALL THOSE AT CERTAIN PIECES, PARCELS OR LOTS OF LAND situate lying and being in the Town of Port Royal, County of Beaufort, State of South Carolina, consisting of five (5) Lots and an area comprising 9,511.78 sq. ft., 0.01 acres, such lots and area comprising 0.223 acres (+/-) in the aggregate and more particularly described as Lot 1 , Lot 2, Lot 3, Lot 4, Lot 5 and New Area to be Added to Lot 1 on that certain plat entitled "BOUNDARY SURVEY AND LOT LINE REVISIONS, LOT 1-LOT 5, PORTION OF LOTS 10 -14 , BLOCK 53 PREPARED FOR SAFE HARBOR MARINAS AND THE TOWN OF PORT ROYAL", by Gasque and Associates, Inc., David E. Gasque, R.L.S., dated April 10, 2025 and recorded in Plat Book ___ at Page ___ in the Office of the Register of Deeds for Beaufort County (the "2025 Gasque Plat").

TMS Nos. R113-010-000-0326-0000, R113-010-000-0327-0000, R113-010-000-0328-0000, R110-010-000-0329-0000, R110-010-000-0330-0000 and Portion of R110-010-000-177B 0000

Lots 1, 2, 3, 4 and 5 being a portion of the properties conveyed to the within Grantor by Limited Warranty Deed of CBC National Bank (f/k/a Lowcountry National Bank) dated March 30, 2011 and recorded in the Register of Deeds Office for Beaufort County on March 31, 2011 in Book 3048 at Pages 0668-0674, and re-recorded on April 18, 2011 in Book 3052 at Pages 1345-1351, and the New Area to be Added to Lot 1 being a portion of property conveyed to the within Grantor by deed of Beaufort County dated July 29, 1994 and recorded in the Register of Deeds Office on November 18, 1994 in Book 743 at Page 2355.

AND ALSO, a non-exclusive easement for access, ingress and egress and underground utility installation over that area shown as "16' Alley Way Book 57 PG 54", such area being a portion of Tax Parcel 110-010-000-177B.

ALSO

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND situate lying and being in the Town of Port Royal, County of Beaufort, State of South Carolina, consisting of:

1. 0.18 ACRES, MORE OR LESS, Road End, London Avenue, as shown on Sheet 2 of a plat prepared by David Gasque, RLS, dated November 9, 2021, and recorded in the Office of the Register of Deeds for Beaufort County in Plat Book 158 at Page 71;
2. 0.12 ACRES, MORE OR LESS, Road End, Paris Avenue, as shown on Sheet 3 of a plat prepared by David Gasque, RLS, dated November 9, 2021 and recorded in the Office of the Register of Deeds for Beaufort County in Plat Book 158 at Page 71;
3. 0.19 ACRES, MORE OR LESS, Road End, Columbia Avenue, as shown on Sheet 4 of a plat prepared by David Gasque, RLS, dated November 9, 2021 and recorded in the Office of the Register of Deeds for Beaufort County in Plat Book 158 at Page 71; and
4. All right, title or interest in and to the properties lying to the west of the easternmost boundary line of Affected Properties (as defined in the Development Agreement), running from the Affected Properties' intersection with Ribaut Road along the marshes of Battery Creek to the western terminus of the Affected Properties near Sands Beach Road, all as shown and depicted on that certain plat entitled "LOT LINE RECONFIGURATION LOT CONSOLIDATION" by David Youmans, RLS, dated December 27, 2017, and recorded in the Register of Deeds Office for Beaufort County in Plat Book 148 at Pages 66-70 (the "Youmans Plat"); such areas belonging to Grantee herein being depicted as solid shaded areas on the Youmans Plat, and including those lined areas shown on the Youmans Plat as street ends at London and Paris Avenues, South 6th Street, and other streets westward of the boundary line of Owner's property all as shown on the Youmans Plat.

Exhibit A-3

Description of Remaining Properties (Still Subject to Original PUD)

That property conveyed to 11th Street Investments, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3632 at Page 40 in the Office of the Register of Deeds for Beaufort County, South Carolina (1.09 acres Fee Real Property, 0.04 Fee Submerged Property) TMS R113 010 000 0366 0000;

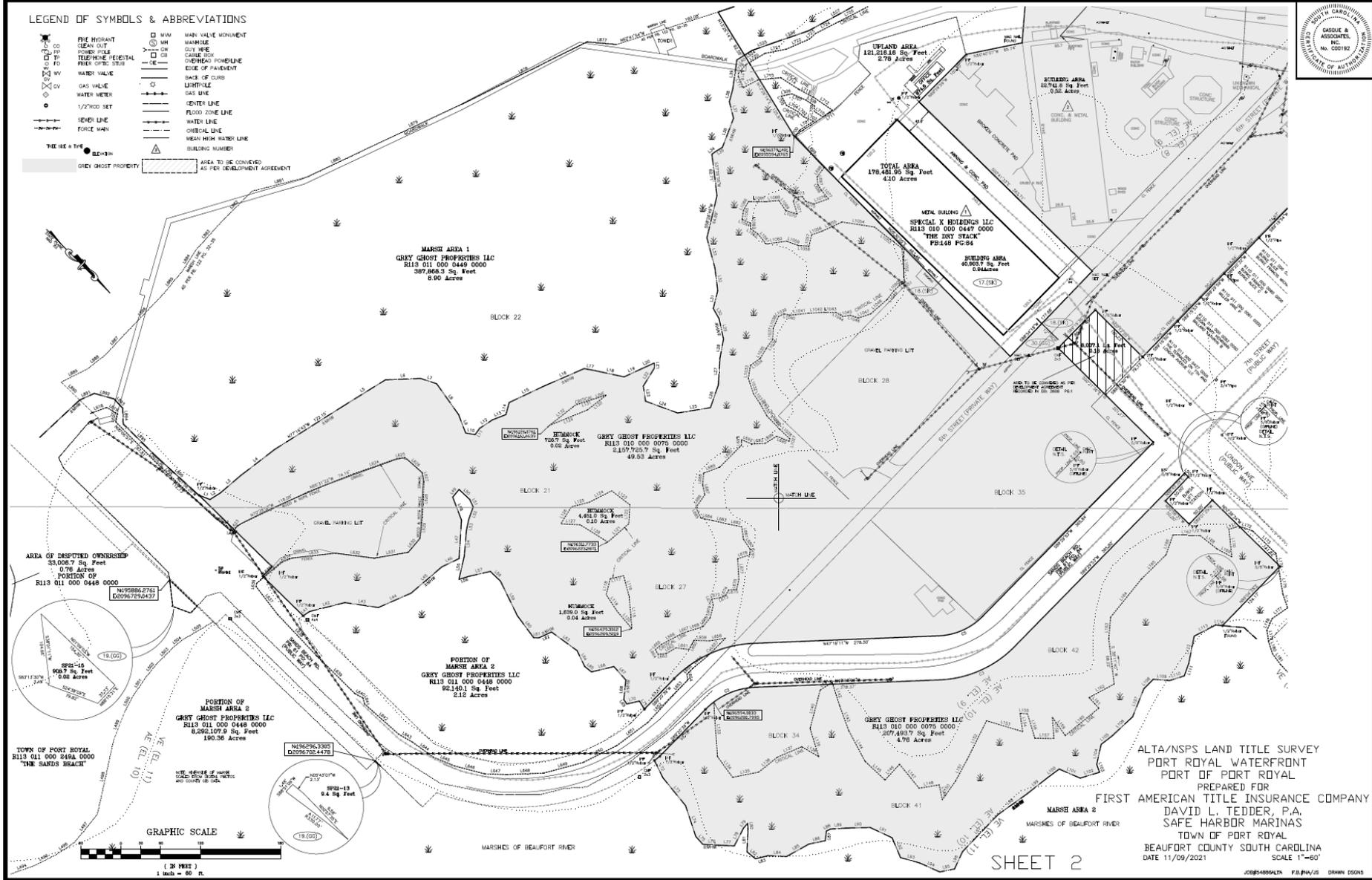
That property conveyed to Triple B Restaurant Holdings, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3806 at Page 1628 in the Office of the Register of Deeds for Beaufort County, South Carolina (0.59 acres Fee Real Property) TMS R113 010 000 0375 0000; and

That property conveyed to Port Royal Waterfront, LLC by deed from Grey Ghost Properties, LLC recorded in Book 3807 at Page 428 in the Office of the Register of Deeds for Beaufort County, South Carolina (0.45 acres Fee Real Property, 0.10 acres Fee Submerged Property). TMS R113 010 000 0373 0000 and R113 010 000 037 0000



LEGEND OF SYMBOLS & ABBREVIATIONS

- | | | | |
|--|---------------------|--|--|
| | FIRE HYDRANT | | MAIN VALVE MONUMENT |
| | CLEAN OUT | | MANHOLE |
| | POWER POLE | | GAS METER |
| | TELEPHONE PEDESTAL | | CABLE BOX |
| | METER OF SEWER | | OVERHEAD POWER LINE |
| | WATER VALVE | | EDGE OF PAVEMENT |
| | GAS VALVE | | BACK OF CURVE |
| | WATER METER | | UTILITY POLE |
| | 1/2\"/> | | CENTER LINE |
| | FENDER LINE | | FLOOD ZONE LINE |
| | FORCE MAIN | | WATER LINE |
| | | | CRITICAL LINE |
| | | | MEAN HIGH WATER LINE |
| | BUILDING NUMBER | | AREA TO BE CONVEYED |
| | GREY GHOST PROPERTY | | AREA TO BE CONVEYED AS PER DEVELOPMENT AGREEMENT |



ALTA/NPS/LAND TITLE SURVEY
 PORT ROYAL WATERFRONT
 PORT OF PORT ROYAL
 PREPARED FOR
 FIRST AMERICAN TITLE INSURANCE COMPANY
 DAVID L. TEDDER, P.A.
 SAFE HARBOR MARINAS
 TOWN OF PORT ROYAL
 BEAUFORT COUNTY SOUTH CAROLINA
 DATE 11/09/2021
 SCALE 1"=60'

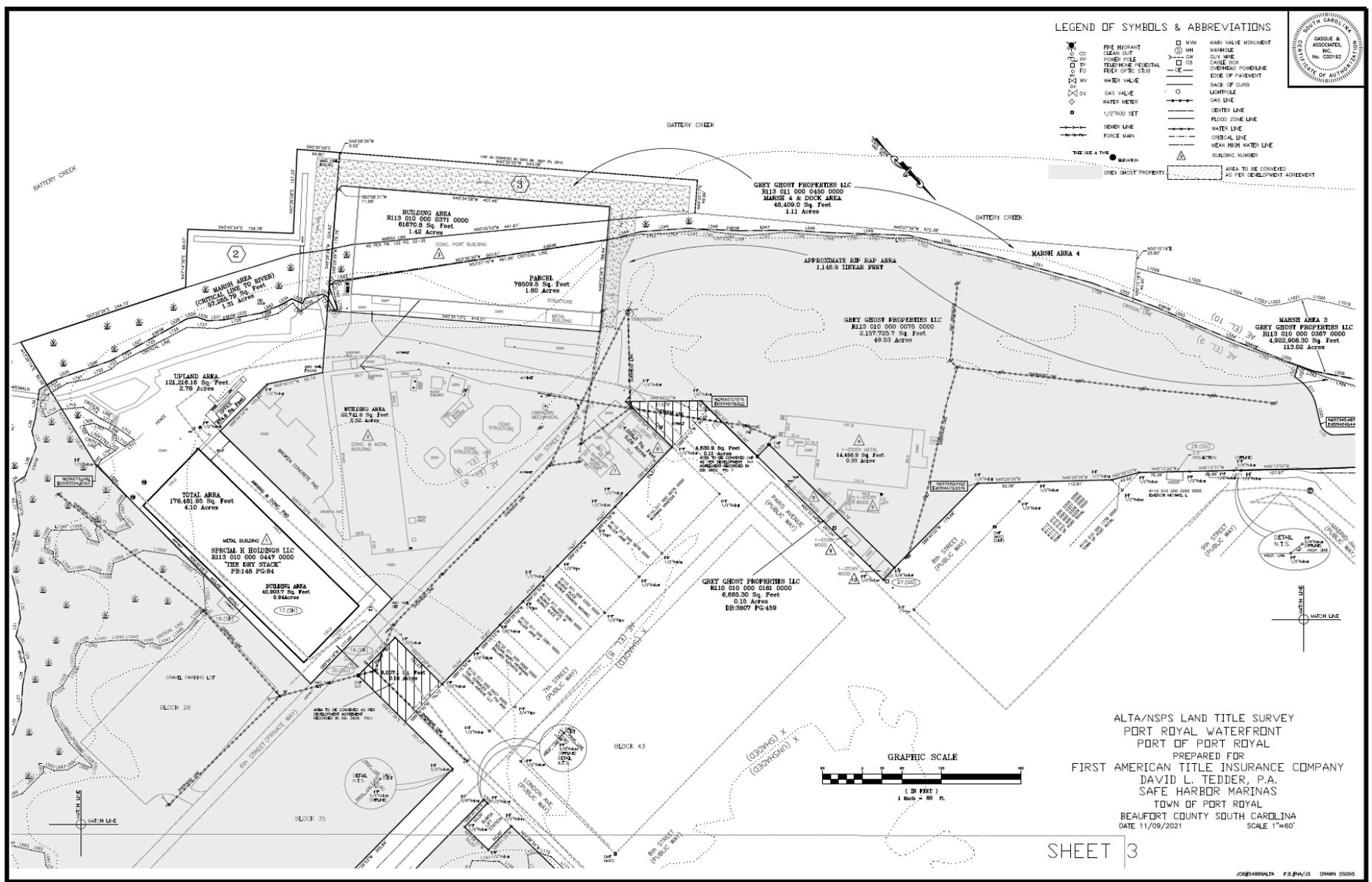
SHEET 2

JOB#5489ALTA F.B.P.A./25 DRAWN DSONS

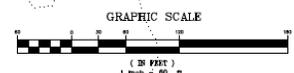


LEGEND OF SYMBOLS & ABBREVIATIONS

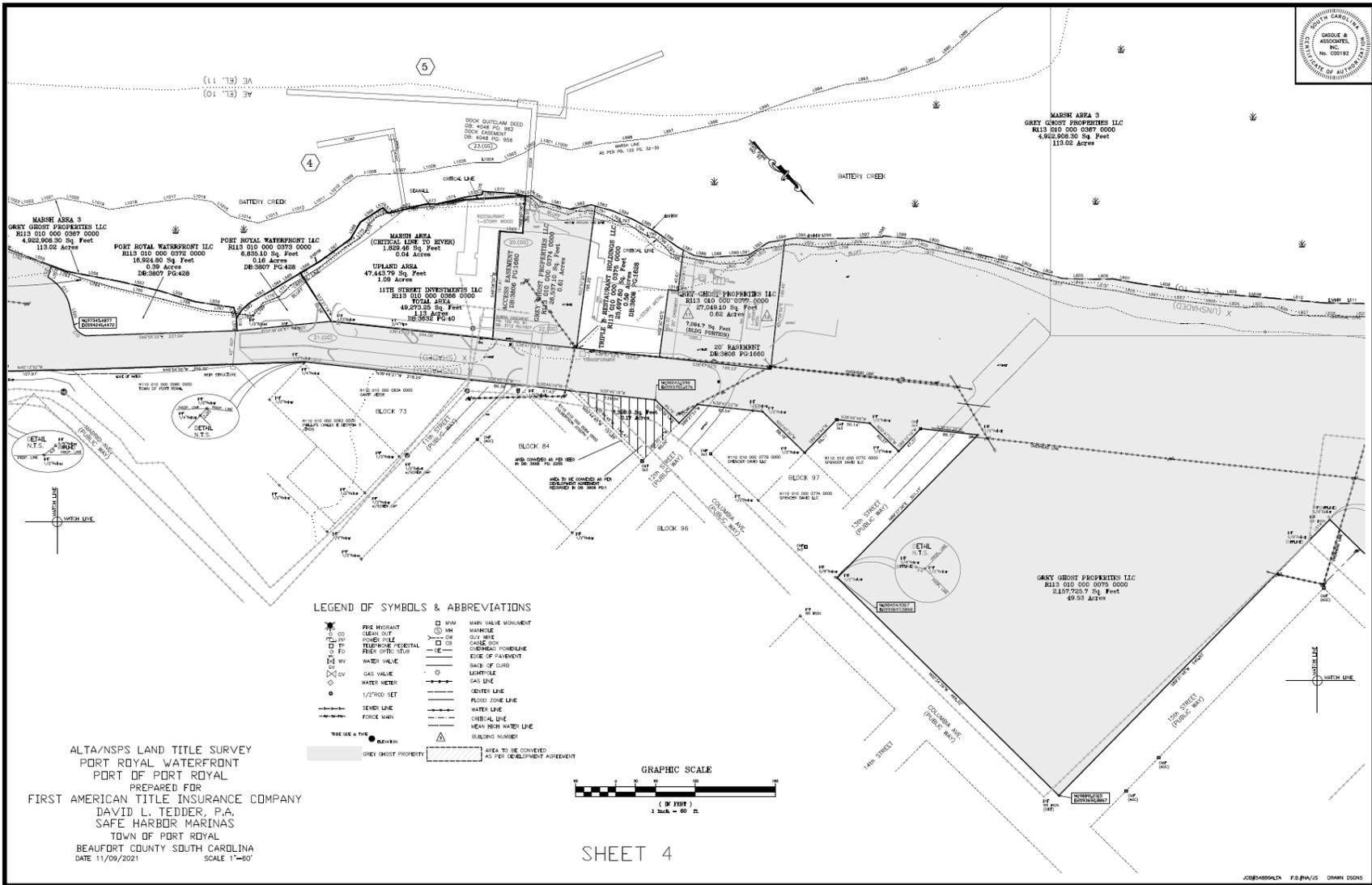
- | | | | |
|---|--------------------|---|---|
| ⊗ | FIRE HYDRANT | ⊗ | MANHOLE |
| ⊙ | CLEAN OUT | ⊗ | GUY WIRE |
| ⊕ | POWER POLE | ⊗ | CABLE TIE |
| ⊖ | TELEPHONE/PEDESTAL | ⊗ | OVERHEAD POWERLINE |
| ⊗ | FIRE OFFC. SIGN | ⊗ | EDGE OF PAVEMENT |
| ⊗ | WATER VALVE | ⊗ | EDGE OF CURB |
| ⊗ | GAS VALVE | ⊗ | LIGHTPOLE |
| ⊗ | WATER METER | ⊗ | GAS LINE |
| ⊗ | 1/2"X600 SET | ⊗ | SEWER LINE |
| ⊗ | SEWER LINE | ⊗ | FLOOD ZONE LINE |
| ⊗ | FORCE MAIN | ⊗ | WATER LINE |
| ⊗ | | ⊗ | CRITICAL LINE |
| ⊗ | | ⊗ | MEAN HIGH WATER LINE |
| ⊗ | | ⊗ | BUILDING NUMBER |
| ⊗ | | ⊗ | AREA TO BE COVERED AS PER DEVELOPMENT AGREEMENT |



ALTA/NSPS LAND TITLE SURVEY
 PORT ROYAL WATERFRONT
 PORT OF PORT ROYAL
 PREPARED FOR
 FIRST AMERICAN TITLE INSURANCE COMPANY
 DAVID L. TEDDER, P.A.
 SAFE HARBOR MARINAS
 TOWN OF PORT ROYAL
 BEAUFORT COUNTY SOUTH CAROLINA
 DATE 11/09/2021 SCALE 1"=60'



SHEET 3



MARSH AREA 3
 GREY CREST PROPERTIES LLC
 RL13 010 000 0387 0000
 4,852,908.30 Sq. Feet
 113.02 Acres

PORT ROYAL WATERFRONT LLC
 RL13 010 000 0379 0000
 16,954.80 Sq. Feet
 0.39 Acres
 DB:3807 PG-428

PORT ROYAL WATERFRONT LLC
 RL13 010 000 0379 0000
 6,830.10 Sq. Feet
 0.16 Acres
 DB:3807 PG-428

MARSH AREA
 (CEMETERY LINE TO RIVER)
 1,628.48 Sq. Feet
 0.04 Acres

UPLAND AREA
 47,443.79 Sq. Feet
 1.09 Acres

11TH STREET INVESTMENTS LLC
 RL13 010 000 0388 0100
 TOTAL AREA
 48,973.28 Sq. Feet
 1.12 Acres
 DB:3802 PG-40

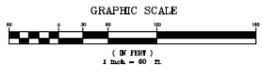
GREY CREST PROPERTIES LLC
 RL13 010 000 0397 0000
 27,049.10 Sq. Feet
 0.62 Acres

207 RESIDENT
 DB:3808 PG-406

GREY CREST PROPERTIES LLC
 RL13 010 000 0376 0000
 2,107,725.7 Sq. Feet
 48.33 Acres

LEGEND OF SYMBOLS & ABBREVIATIONS

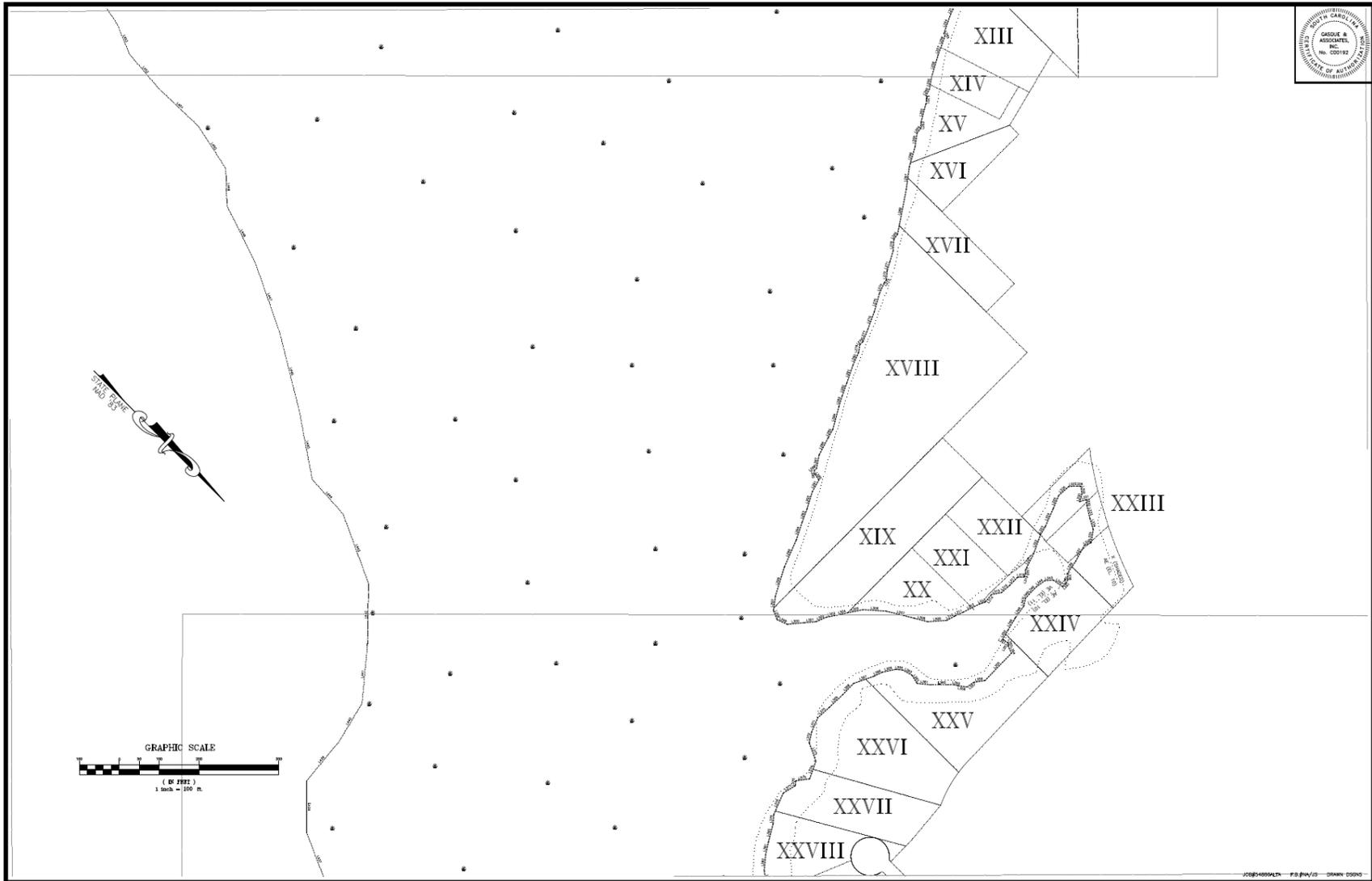
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	CLEAN OUT		MANHOLE
	POWER POLE		SEWER LINE
	TELEPHONE PEDIESTAL		CHUTE RUN
	RISK UTILITY		OVERHEAD POWERLINE
	WATER VALVE		EDGE OF PAVEMENT
	GAS VALVE		BACK OF CURB
	WATER METER		LIGHTPOLE
	1/2" ROAD SET		GAS LINE
	SEWER LINE		SEWER LINE
	FORCE MAIN		FLOOD ZONE LINE
	WATER LINE		WATER LINE
	CHEMICAL LINE		CHEMICAL LINE
	MEAN HIGH WATER LINE		MEAN HIGH WATER LINE
	BUILDING NUMBER		AREA TO BE CONVEYED AS PER DEVELOPMENT AGREEMENT
	GREY CREST PROPERTY		



ALTA/NSPS LAND TITLE SURVEY
 PORT ROYAL WATERFRONT
 PORT OF PORT ROYAL
 PREPARED FOR
 FIRST AMERICAN TITLE INSURANCE COMPANY
 DAVID L. TEDDER, P.A.
 SAFE HARBOR MARINAS
 TOWN OF PORT ROYAL
 BEAUFORT COUNTY SOUTH CAROLINA
 DATE 11/09/2021 SCALE 1"=60'

SHEET 4

JOSEPH A. SALDA P.E. P.A. 030192 DRAWN DESIGNED



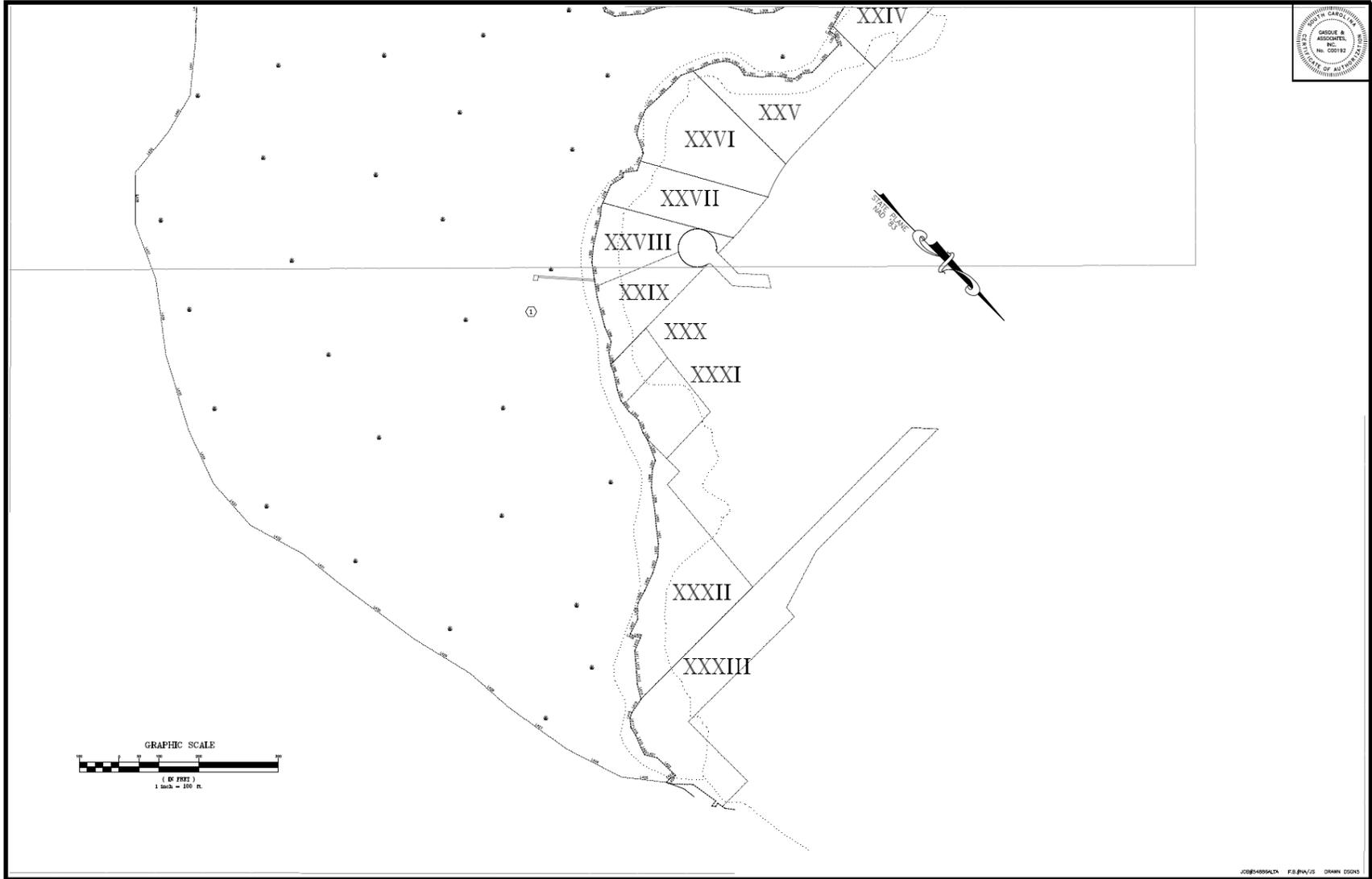
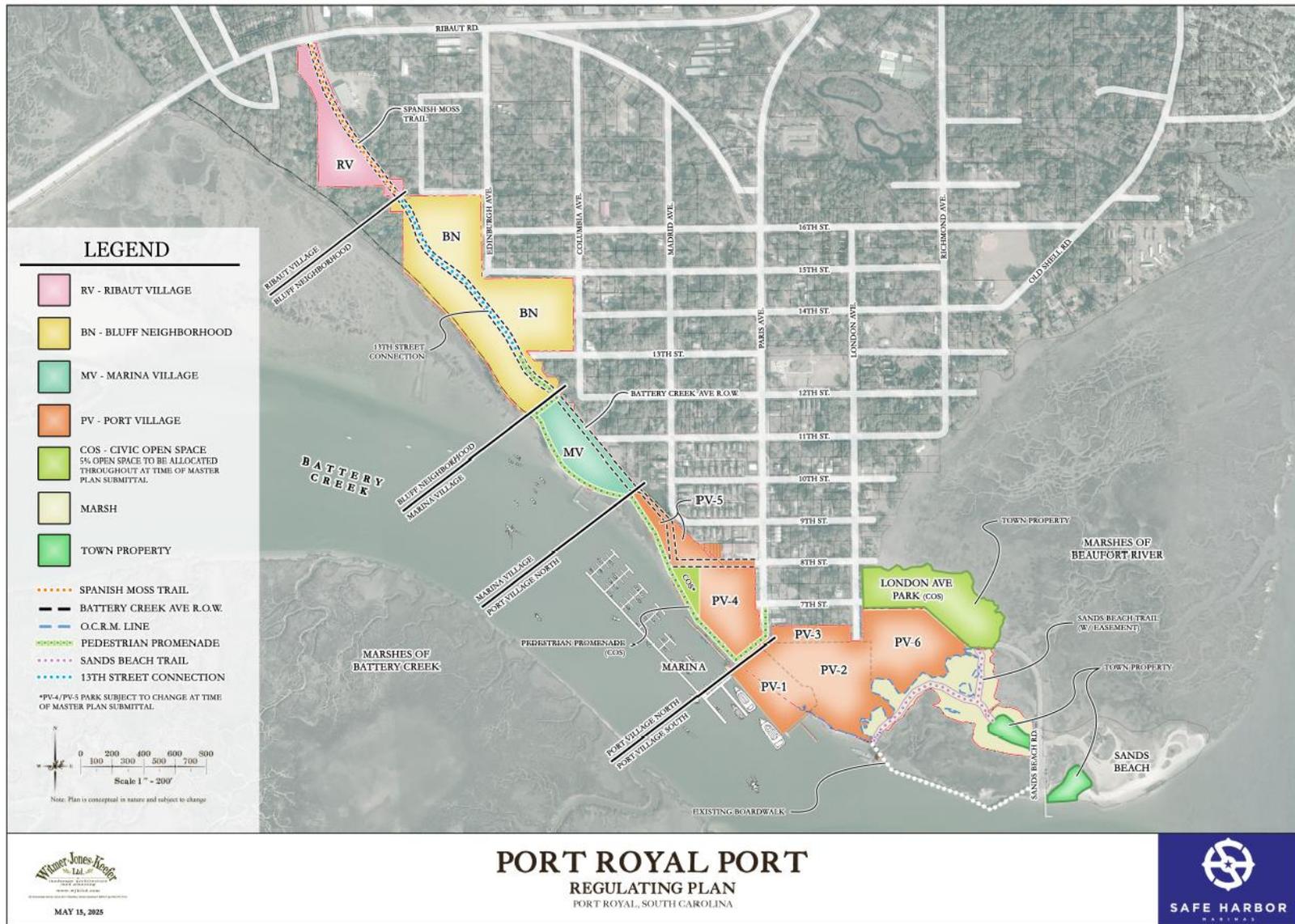


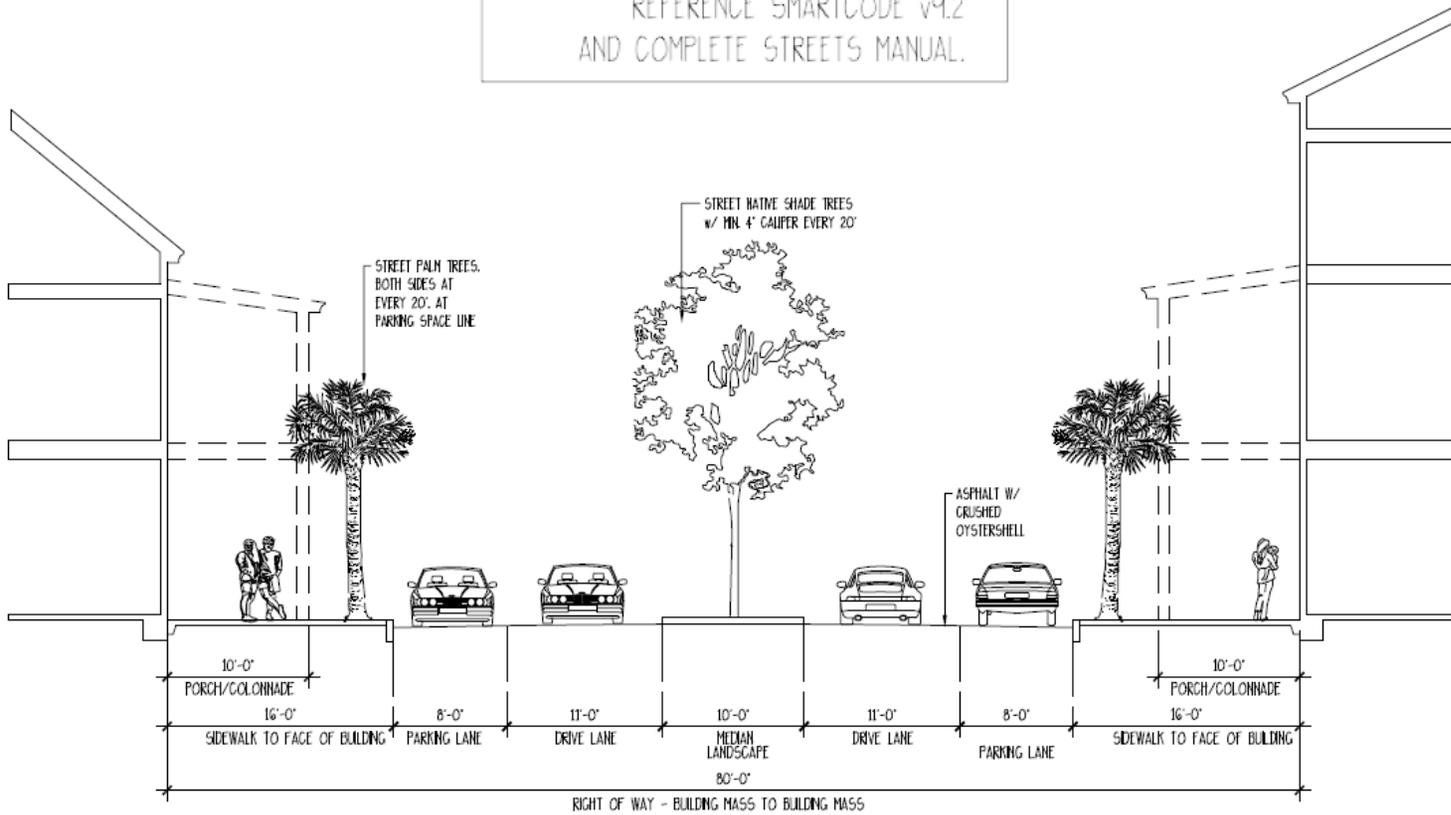


Exhibit E Regulating Plan



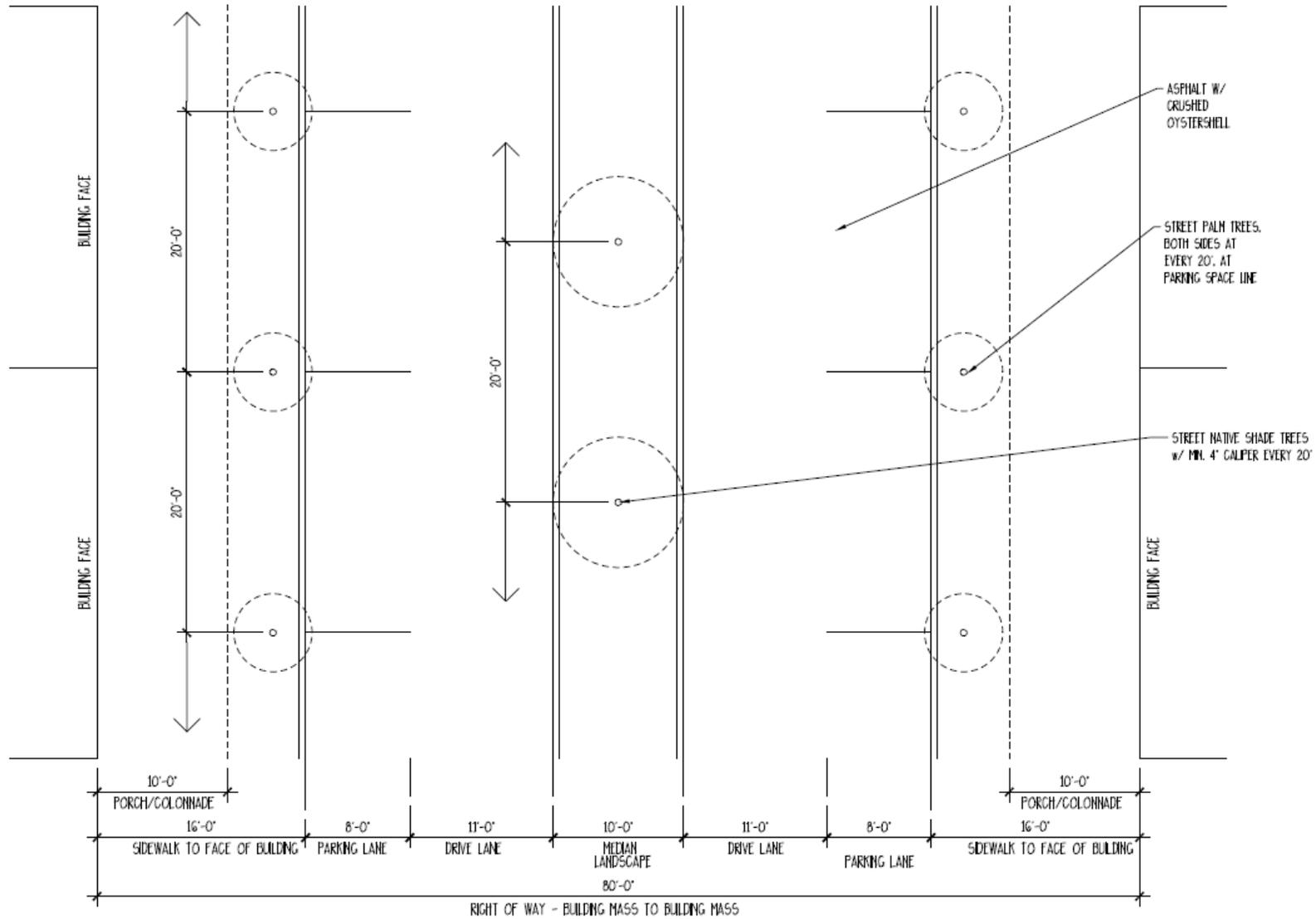
**Exhibit I
Street and Pedestrian Promenade Sections**

NOTE: SECTION IS TYPICAL ILLUSTRATIVE
EXAMPLE. FOR ADDITIONAL EXAMPLES,
REFERENCE SMARTCODE v9.2
AND COMPLETE STREETS MANUAL.



SAMPLE AVENUE SECTION

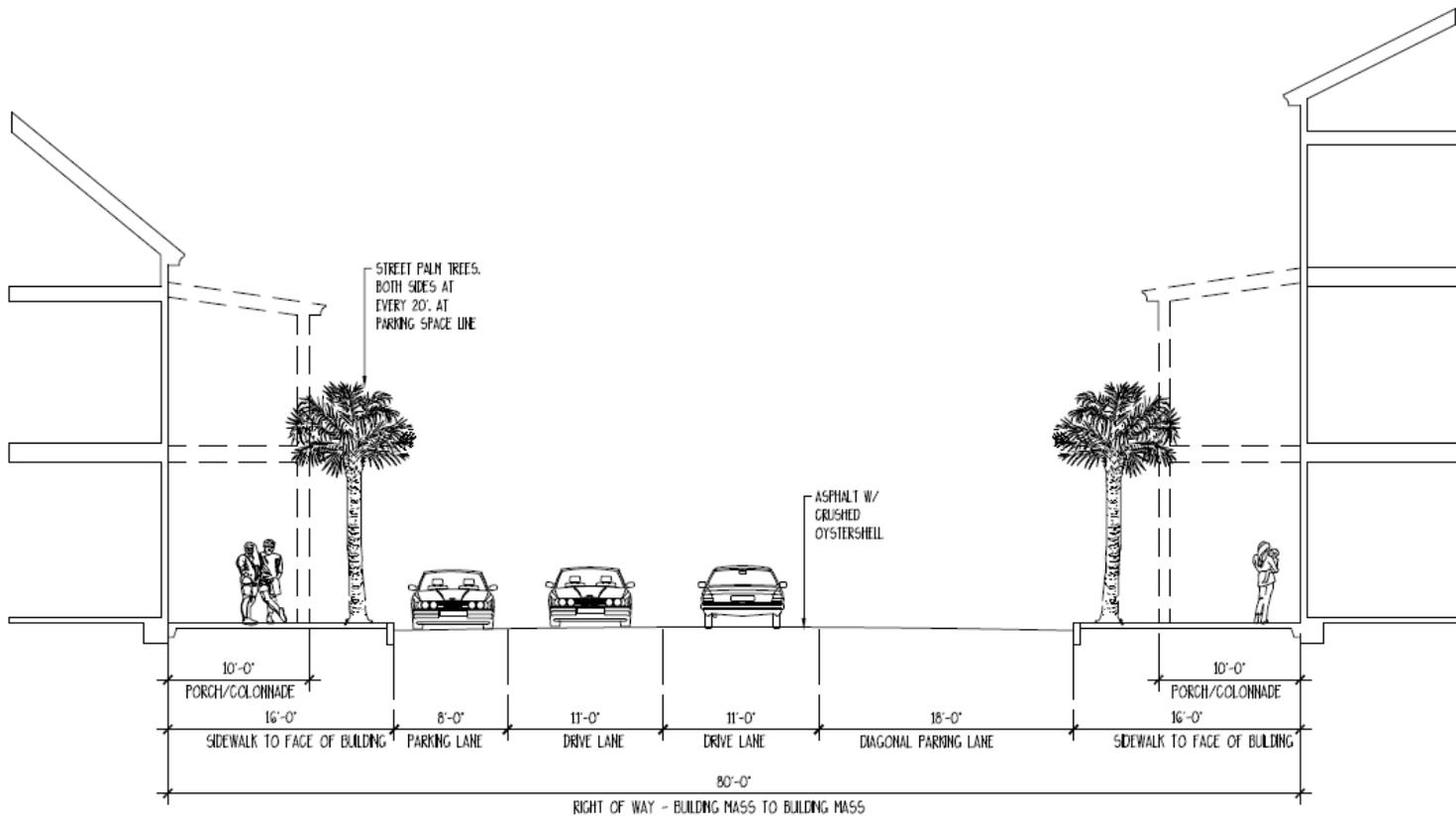
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SAMPLE AVENUE PLAN

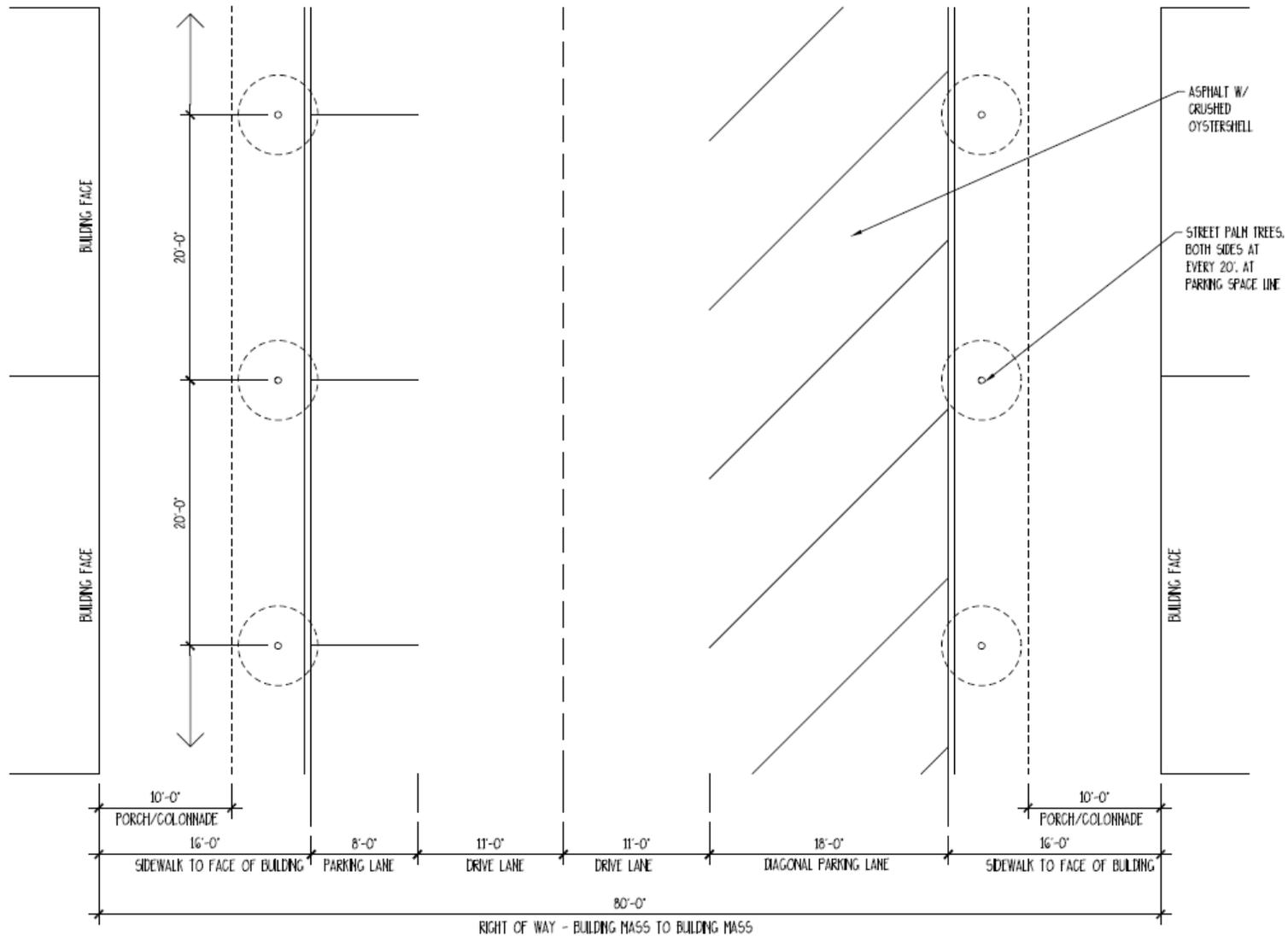
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NOTE: SECTION IS TYPICAL ILLUSTRATIVE
 EXAMPLE. FOR ADDITIONAL EXAMPLES,
 REFERENCE SMARTCODE v9.2
 AND COMPLETE STREETS MANUAL.



SAMPLE AVENUE SECTION

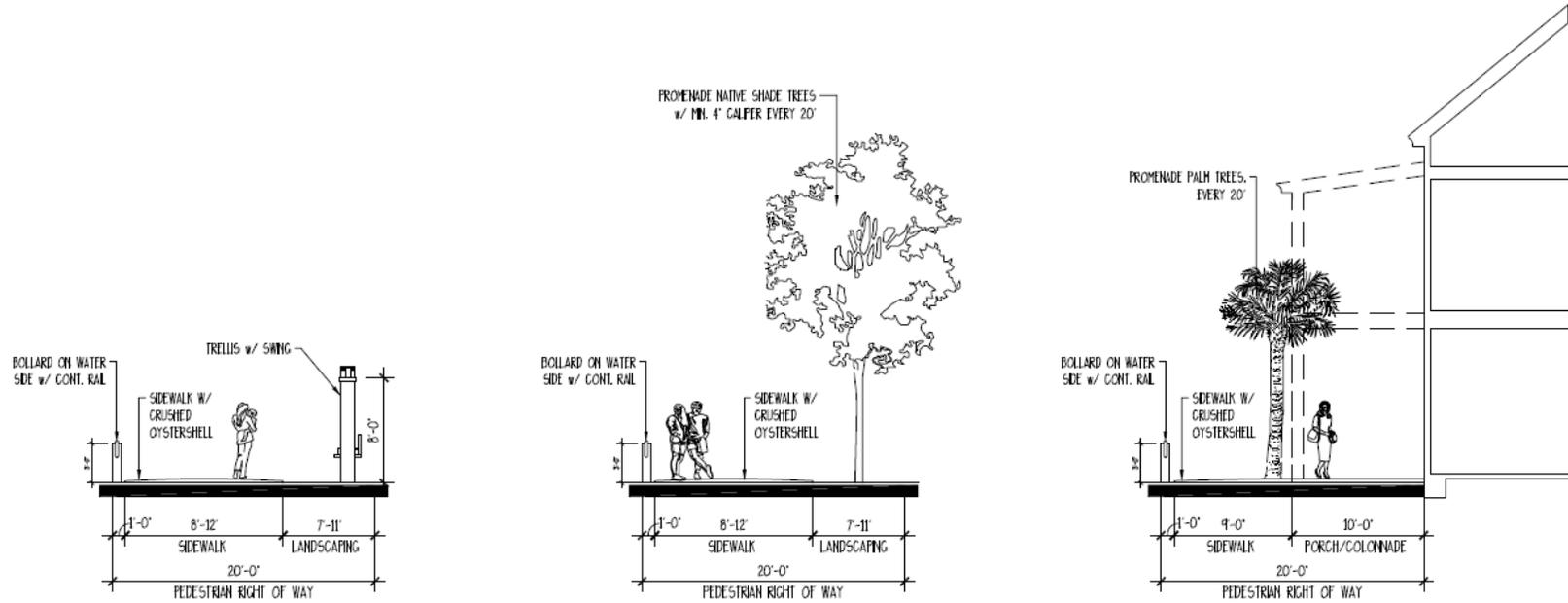
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SAMPLE AVENUE PLAN

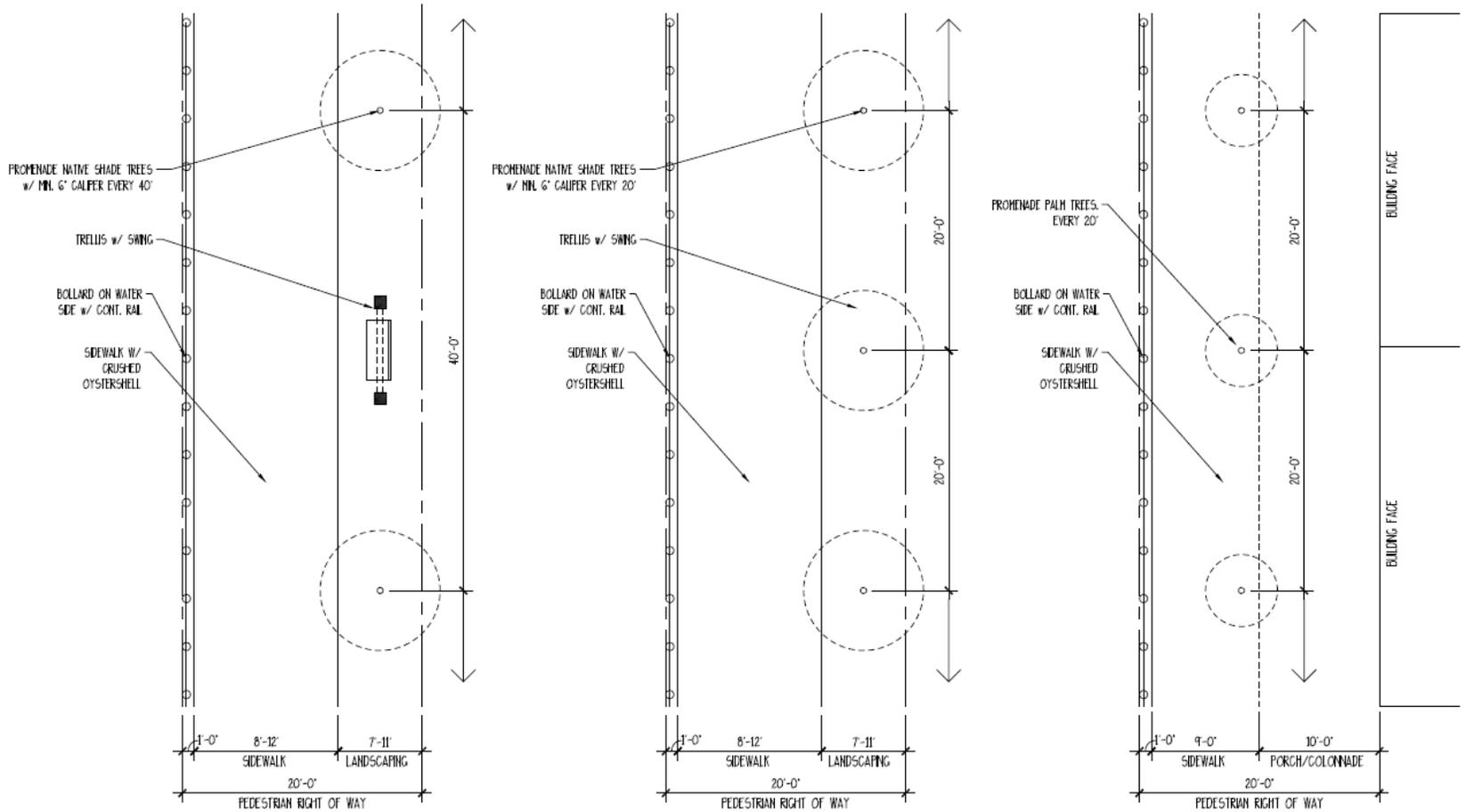
SCALE: NOT TO SCALE

ALLOWABLE PEDESTRIAN SURFACES:
 ASPHALT w/ OYSTER FINISH
 CONCRETE w/ OYSTER FINISH
 CONCRETE w/ BRICK EDGING
 WOOD DECKING BEYOND O.G.R.M.



PEDESTRIAN PROMENADE (TYPICAL)

SCALE: NOT TO SCALE



PEDESTRIAN PROMENADE (TYPICAL)

SCALE: NOT TO SCALE

Exhibit J Waterborne Industrial Design Standards

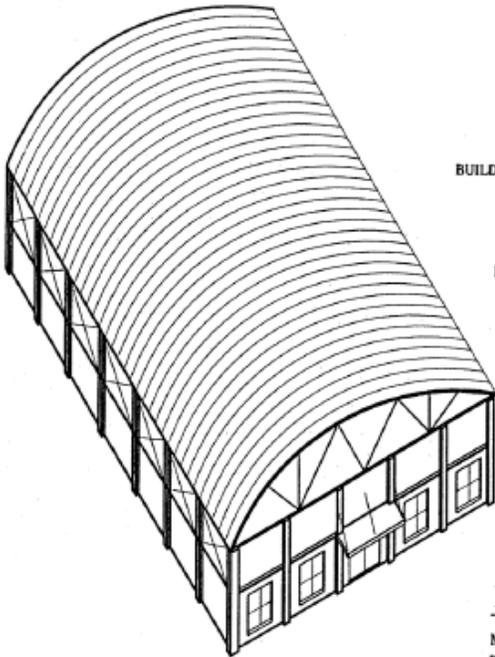
Sec. 22-80. - WI waterborne industrial district.

- (a) *Intent of district.* Properties in the town abutting the waterfront are of unique importance because of the role of the waterfront in the history of the town, and due to such properties providing opportunities for visual, vehicular and pedestrian access to Port Royal Sound. It is imperative that improvements on properties abutting the waterfront be undertaken in a manner and at a scale that is complimentary and in keeping with the scale of development in historic Port Royal and that is respectful to the waterfront environs. It is the intent of this district to promote the public health, safety and welfare by prescribing development standards for properties subject to the waterborne industrial district so as to assure that the development of and improvements to such properties are undertaken in a manner that is sensitive and is respectful to their location and to historic Port Royal.
- (b) *Land to which this district applies.* This district shall apply to all lands in the town that abut the waterfront and that are depicted on the official zoning map as being in the waterborne industrial district. The waterborne industrial district shall be considered an overlay district to existing zoning districts. Uses permitted within the underlying zoning district shall be permitted in the waterborne industrial district, provided they are designed in accordance with the requirements of the waterborne industrial district.
- (c) *Administration.* Interpretation of these standards shall be the responsibility of the town's supervising planning team as put forth in chapter 15.5 of the Code of Ordinance of the Town of Port Royal (Overlay Districts), article II, section 15.5-28. The supervising planning team shall review all improvements to properties within the district to assure that such improvements comply with the requirements of subsection (d) hereof.
- (d) *Development standards.* The following development standards shall apply to all properties in the waterborne industrial district.
- (1) *Structure placement/design.* All buildings shall have a functional entrance at the front elevation. The front elevation is that parallel to the most dominant street upon which the structure abuts. Long unarticulated facades are prohibited. Bays shall be vertical to proportion. Roofs, if not hidden by parapet walls on all sides, must have a minimum pitch of 4:12, and a minimum overhang of twelve (12) inches. Applicants may propose alternative roofs for consideration by the waterborne industrial district review board.
- Architectural styles must be compatible with the architectural styles that identify the unique character of the town and conform to general standards of architectural quality. The same level of architectural integrity must be applied to all elevations of a structure. Illustrations of such are attached, and applicants are invited to consult the Field Guide to American Architecture by Carole Rifkind, and Built in the U.S.A., American Buildings From Airports to Zoos.
- In siting a structure, respect to the existing street grid and town fabric shall be maintained.
- (2) *Lot size.* A one hundred thousand (100,000) square foot maximum lot size.

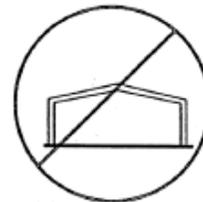
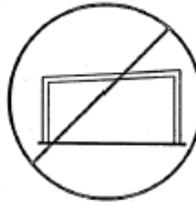
- (3) *Front setback.* Zero to ten (10) feet for a primary structure.
- (4) *Side setback.* To be determined on a case by case basis to address the particular needs of the applicant.
- (5) *Structure frontage.* Fifty (50) percent to one hundred (100) percent of lot frontage.
- (6) *Height.* Fifty-two (52) feet above grade, provided however, that appurtenances such as heating and air conditioning and elevator shafts may extend beyond the fifty-two-foot height.
- (7) *Buffers.* A minimum three-foot landscape buffer shall be provided for any fence over four (4) feet, or a two-foot landscaping buffer must be provided for every one (1) of fence height above four (4) feet. The buffer between the property line and the fence must be landscaped and maintained to achieve fifty (50) percent screening within eighteen (18) months of installation. Alternative fencing may be proposed by an applicant, subject to the approval of the waterborne industrial review board.
- (e) The waterborne industrial district is not intended to interfere with or violate any provisions of federal/state law pertaining to port security. To the extent development standards contained in the waterborne industrial district are inconsistent with the requirements of federal/state law, federal/state law preempts these development standards.

WATERBORNE INDUSTRIAL

Building Placement

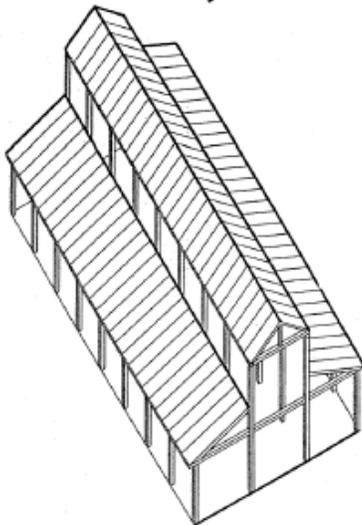


ORIENTATION	ALL BUILDINGS SHALL HAVE A FUNCTIONAL ENTRANCE AT THE FRONT ELEVATION. FRONT ELEVATION MUST ADDRESS THE MOST DOMINANT STREET.
MAXIMUM LOT SIZE	RESPECT OF EXISTING STREET GRID AND TOWN FABRIC MUST BE MAINTAINED. 100,000 SQUARE FEET (MUST CONFORM TO TOWN GRID)
BUILD TO LINE LOCATIONS	0' TO 10'-0"
SIDE SETBACK	WILL BE DETERMINED ON A CASE BY CASE SITUATION TO BEST ASSIST THE PARTICULAR INDUSTRY WITH THEIR NEEDS AND CONCERNS.
BUILDING FRONTAGE	50% TO 100% OF LOT FRONTAGE



Height

MAXIMUM HEIGHT	52'-0" ABOVE GRADE
PROPORTION	LONG UNARTICULATED FACADES ARE NOT ALLOWED. BAYS SHOULD BE VERTICAL IN PROPORTION.



Notes

1. APPURTENANCES MAY EXTEND BEYOND THE HEIGHT LIMITS.
2. A MINIMUM 3'-0" LANDSCAPING BUFFER SHALL BE PROVIDED FOR A FENCE OVER 4'-0", OR A 2'-0" LANDSCAPING BUFFER MUST BE PROVIDED FOR EVERY 1'-0" OF FENCE HEIGHT ABOVE 4'-0". THE BUFFER BETWEEN THE PROPERTY LINE AND FENCE MUST BE LANDSCAPED AND MAINTAINED TO ACHIEVE SOF SCREENING WITHIN 18 MONTHS. ANY ALTERNATIVE FENCING WILL BE REVIEWED CASE BY CASE BY THE SPT.
3. THE ROOF MUST HAVE A MINIMUM PITCH OF 4-12 WITH A MINIMUM OVERHANG OF 12". ALTERNATIVE ROOF FORMS ON A CASE BY CASE BASIS.
4. ARCHITECTURAL STYLES SHOULD BE COMPATIBLE WITH THE ARCHITECTURAL STYLES THAT EXEMPLIFY THE UNIQUE CHARACTER OF THE PORT ROYAL TOWN FABRIC AND CONFORM TO GENERAL STANDARDS OF ARCHITECTURAL QUALITY. THIS SAME LEVEL OF ARCHITECTURAL INTEGRITY SHALL BE APPLIED TO ALL FOUR ELEVATIONS OF THE BUILDING.
5. FOR FURTHER ILLUSTRATIONS AND ARCHEOTYPES, REFERENCE CAN BE MADE TO THE FOLLOWING RESOURCES
A FIELD GUIDE TO AMERICAN ARCHITECTURE BY CAROLE RIFKIND.
BUILT IN THE U.S.A: AMERICAN BUILDINGS FROM AIRPORTS TO ZOOS.
BY NO AUTHOR NOTED.

Waterborne Industrial

(Ord. No. 03-12, § 2, 10-8-03)

Exhibit K

Table 2.0 - Table of Permitted Uses

Table 2.0 Permitted Land Use Matrix

Key: Ribaut Village = RV; Bluff Neighborhood Residential Tract = BN; Marina Mixed Use Village = MV; Port Hotel Mixed Use Village = PV1 through PV6; Civic Open Space = COS; * = Permitted land use within district.

Land Use	Planning Districts										Use Standards	
	RV	BN	MV	PV1	PV2	PV3	PV4	PV5	PV6	COS		
Accessory Dwelling	*	*	*	*	*	*	*	*	*	*		4.2
Accessory Structure	*	*	*	*	*	*	*	*	*	*	*	
Accessory Use	*	*	*	*	*	*	*	*	*	*	*	
Amusement or Recreation Activities - Carried on Wholly in a Bldg.	*		*	*	*	*	*	*	*	*		
Animal Hospital, Veterinary Clinic, Grooming (No Boarding)	*		*	*	*	*	*	*	*	*		
Antique Shops	*	*	*	*	*	*	*	*	*	*		
Artist Studio and/or Gallery	*	*	*	*	*	*	*	*	*	*		
Assisted Living (Care Home)	*				*	*	*	*	*	*		
Auto Parking Lot or Garage (No Gas, Hourly & Daily)	*		*	*	*	*	*	*	*	*		
Auto Parking Lot or Garage (Gas, Hourly & Daily)	*		*	*	*	*	*	*	*	*		
Banks	*		*	*	*	*	*	*	*	*		
Bicycle Shop & Sporting Goods	*	*	*	*	*	*	*	*	*	*		
Bed and Breakfast	*	*	*	*	*	*	*	*	*	*		
Book and/or Stationery Store	*	*	*	*	*	*	*	*	*	*		
Boat Rentals and Sales	*		*	*	*	*	*	*	*	*		
Boat Repair and Garage	*	*	*	*	*	*	*	*	*	*		
Boat Storage (Indoor/Outdoor)	*		*	*	*	*	*	*	*	*		
Ceramic Studio and/or Shop	*		*	*	*	*	*	*	*	*		
Child Care Center	*		*	*	*	*	*	*	*	*		
Clothing Stores and Dry Goods	*		*	*	*	*	*	*	*	*		
Churches and Places of Worship	*		*	*	*	*	*	*	*	*		
Club or Lodge	*	*	*	*	*	*	*	*	*	*		
Commercial Vessel Dockage	*		*	*	*	*	*	*	*	*		
Community Recreation	*	*	*	*	*	*	*	*	*	*	*	
Convenience Store	*	*	*	*	*	*	*	*	*	*	*	
Craft Shops	*	*	*	*	*	*	*	*	*	*	*	
Cruise Ship	*		*	*	*	*	*	*	*	*		
Docks, Piles and Freight Handling (pre-fabricated assembly and discharge)	*		*	*	*	*	*	*	*	*	*	
Dwelling, Multi-Family	*	*	*	*	*	*	*	*	*	*	*	
Dwelling, Single Family Detached (excludes mobile homes)	*	*	*	*	*	*	*	*	*	*	*	
Dwelling, Single Family Attached	*	*	*	*	*	*	*	*	*	*	*	
Elderly or Philanthropic Institutions	*		*	*	*	*	*	*	*	*	*	
Electric Vehicle Charging Stations	*	*	*	*	*	*	*	*	*	*	*	
Electronic Sales and Service	*	*	*	*	*	*	*	*	*	*	*	
Florist Shops	*	*	*	*	*	*	*	*	*	*	*	
Food Stores & Drug Stores	*	*	*	*	*	*	*	*	*	*	*	
Fuel Sales and Storage	*		*	*	*	*	*	*	*	*	*	
Funeral Homes	*		*	*	*	*	*	*	*	*	*	
Golf Cart Rental / Sales	*		*	*	*	*	*	*	*	*	*	
Grocery, Bakery, Pastry Shop, Coffee Shop, & Similar Neighborhood Facilities	*	*	*	*	*	*	*	*	*	*	*	
Hobby and Toy stores	*	*	*	*	*	*	*	*	*	*	*	
Home Furnishing and/or Hardware Stores	*	*	*	*	*	*	*	*	*	*	*	
Home-based Business	*	*	*	*	*	*	*	*	*	*	*	
Hospital & Care Homes	*		*	*	*	*	*	*	*	*	*	
Hotel, Motel	*		*	*	*	*	*	*	*	*	*	3.5.4 c.
Inn (up to 15 Rooms)	*	*	*	*	*	*	*	*	*	*	*	
Interior Decorating Business	*	*	*	*	*	*	*	*	*	*	*	
Jewelry Stores	*	*	*	*	*	*	*	*	*	*	*	
Laundromats / Dry Cleaning	*	*	*	*	*	*	*	*	*	*	*	
Leather Goods and Luggage Shops	*	*	*	*	*	*	*	*	*	*	*	
Limited Use Retail Shop	*	*	*	*	*	*	*	*	*	*	*	
Model Homes/Sales Center	*	*	*	*	*	*	*	*	*	*	*	
Marina	*		*	*	*	*	*	*	*	*	*	Sec. 22-80
Marine Equipment Manufacturing and Repair	*		*	*	*	*	*	*	*	*	*	
Marine Store and Fishing Supply Store	*		*	*	*	*	*	*	*	*	*	
Music Store	*		*	*	*	*	*	*	*	*	*	
Museum and Library	*	*	*	*	*	*	*	*	*	*	*	Limited 3.5.5 a.
Neighborhood Commercial Use Retail & Service	*	*	*	*	*	*	*	*	*	*	*	
Newsstand	*	*	*	*	*	*	*	*	*	*	*	
Office General	*	*	*	*	*	*	*	*	*	*	*	
Office Medical	*	*	*	*	*	*	*	*	*	*	*	
Office Professional	*	*	*	*	*	*	*	*	*	*	*	
Photography Stores and Studios	*	*	*	*	*	*	*	*	*	*	*	
Post Office	*	*	*	*	*	*	*	*	*	*	*	
Public Use	*	*	*	*	*	*	*	*	*	*	*	
Public Utilities	*	*	*	*	*	*	*	*	*	*	*	
Public Parking	*	*	*	*	*	*	*	*	*	*	*	
Residential Rentals (Workforce Housing)	*	*	*	*	*	*	*	*	*	*	*	
Recreation Vehicle and Boat Storage	*		*	*	*	*	*	*	*	*	*	3.5.2
Restaurants (Alcohol Service Allowed)	*	*	*	*	*	*	*	*	*	*	*	3.5.2
Salon and Health Spa	*	*	*	*	*	*	*	*	*	*	*	
Seafood Processing	*		*	*	*	*	*	*	*	*	*	
Short and Long-Term Dockage	*		*	*	*	*	*	*	*	*	*	
Solar Power Generation (roof-mounted panels)	*	*	*	*	*	*	*	*	*	*	*	
Storage Units and Containers (Marine Use)	*		*	*	*	*	*	*	*	*	*	
Tailor Shop	*	*	*	*	*	*	*	*	*	*	*	
Temporary Uses	*	*	*	*	*	*	*	*	*	*	*	
Theater (other than Drive-In)	*		*	*	*	*	*	*	*	*	*	
Travel Agency	*	*	*	*	*	*	*	*	*	*	*	
Tour Boat or Ferry	*		*	*	*	*	*	*	*	*	*	
Water Suites	*		*	*	*	*	*	*	*	*	*	
Wireless Communication Towers and Facilities	*		*	*	*	*	*	*	*	*	*	4.1

Ordinance No. 2024-19 governing Short-Term Rentals

Council

Kevin Phillips
Mayor

Mary Beth Heyward
Mayor Pro Tempore

Jerry Ashmore
Jorge Guerrero
Darryl Owens



Van Willis
Town Manager

Jeffrey Meyers
Chief of Police

Jeffrey S. Coppinger
Operations

Noah Krepps
Planning

ORDINANCE 2024-19

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE V, "SHORT-TERM RENTALS," OF THE CODE OF ORDINANCES OF THE TOWN OF PORT ROYAL, SOUTH CAROLINA

WHEREAS, the Town of Port Royal is empowered to regulate land use to ensure orderly growth and harmony among neighboring uses; and

WHEREAS, the proliferation of short-term rentals has raised concerns regarding community integrity, neighborhood character, and the overall quality of life for residents; and

WHEREAS, it is essential to create a regulatory framework that balances the rights of property owners with the interests of the community; and

WHEREAS, the Town Council believes that a revised approach to short-term rentals is necessary to address the challenges posed by these rentals while promoting responsible hosting and preserving the unique character of Port Royal; and

WHEREAS, the Town Council finds that establishing clear guidelines and regulations for short-term rentals will enhance public safety, and protect residential neighborhoods;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Port Royal, South Carolina, duly assembled and with authority of same that Chapter 12, Article V, "Short-term Rentals," be amended as follows:

Sec. 12-61. -Purpose.

It is the purpose of this section to protect the public health, safety, and general welfare of individuals and the community at large; to ensure that neighborhoods are not adversely affected or disrupted by short-term rentals.

Sec. 12 -62. -Definitions.

Accessory Dwelling Unit (ADU) means an accessory building on the same parcel as a residence, containing all living spaces required to qualify as a residence that is used as a Short-Term Rental.

Business License means a business license issued pursuant to Chapter 12, Article II of the Town's Code of Ordinances.

District shall mean any one of the following (all as shown on the Port Royal Short-Term Rental Map which is adopted as a part of this ordinance):

- (1) South of Ribaut Road, West of Paris Avenue excluding the Port PUD;
- (2) South of Ribaut Road, East of Paris Avenue to Old Shell Road and the 16th Street Extension;
- (3) South of Ribaut Road, East of Old Shell Road and the 16th Street Extension to Pinckney Boulevard;
- (4) North of the Ribaut Road; and
- (5) West of the Bell/Parris Island Bridge

Legacy Rights means the homeowner's ability to convey one-time their Short-Term Rental Status to a new owner (See Sec. 12-65, K). This applies to any Business License holder for a Short-Term Rental upon adoption of Ordinance 2024-19.

Legal Residence means a residential property, including any Accessory Dwelling Units, where the owner of record physically resides at the subject property and is eligible for, and has obtained, a property tax assessment ratio of 4% for the subject property.

Short-Term Rental means a transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of ~~less than thirty (30) days~~ fewer than 29 days. Short-Term Rental for the purpose of this regulation are those accommodations classified within the North American Industry Classification System (NAICS) as 72119 Other Traveler Accommodation. Further the activity is classified as *7011 Hotels and Motels (except hotels, motels, and bed and breakfast inns under the 1987 United States Standard Industrial Classification (SIC)).

Sec. 12-63. -License required.

~~Any property owner engaged in the activity of short-term rental within the limits of the town will obtain an occupational license as provided for by article II, occupational license, of this chapter.~~

(a) No Short-Term Rental may be operated within the Town without having been issued a Business License. The types of Short-Term Rentals for which a Business License may be issued are as follows:

- (1) Rental of an entire residential dwelling; and
- (2) Rental of an accessory dwelling; and
- (3) Rental of a portion of a residential dwelling.

The operation of a Short-Term Rental without first obtaining a Business License.

(b) A safety inspection shall be conducted before the Business License for the Short-Term Rental unit is issued. The Short-Term Rental shall comply with all Business License, revenue collection, zoning and land development regulations, and health laws of the Town of Port Royal, Beaufort County, and the State of South Carolina.

(c) Short-Term Rentals may only be located in those zoning districts in which they are classified as a permitted use pursuant to the Port Royal Code.

Sec. 12-64. ~~Accommodation fee required.~~ [Reserved]

~~Any property owner engaged in the activity of short-term rental within the limits of the town will collect and remit to the town the local accommodations tax as provided for in chapter 18, article III, Local Accommodations Tax. Additionally, a unique number will be assigned to each rental unit by the town. This number must be used in any marketing platform (online or otherwise).~~

Sec. 12-65. Short-Term Rental regulating procedure.

~~To ensure that neighborhoods are not disrupted by renters, the town shall notify the owner of a residential rental unit of all instances in which nuisance behavior of the rental guest, or the conduct of his agent or property manager, results in a conviction for a code violation. Points for such convictions shall be assigned to the property owner according to the following schedule. Only convictions in the town municipal court will trigger the assignment of points.~~

	First Offense	Second Offense	Subsequent Offenses	
Noise Violation	2	4	8	
Improper Parking	2	4	8	
Disorderly conduct at the subject property	2	4	8	
Unsanitary Conditions	2	4	8	

~~The business license administrator shall maintain in each short-term rental business license file a record of all code violation convictions occurring at a short-term rental property. When a property owner has accumulated sixteen (16) (or more) points for a particular property within a period of twelve (12) consecutive months, or twenty-four (24) points within a period of twenty-four (24) consecutive months, the town shall suspend the short-term rental permit for the subject property for a period of twelve (12) consecutive months subject to the right of appeal set forth in section 12-66. Further, the town shall not issue a new short-term rental permit during the period of suspension. However, twenty-four (24) months after the date of conviction, the town shall expunge all points associated therewith, and outstanding points relating to the subject property, if any, shall be recalculated to indicate the reduction.~~

(a) No Business License for a Short-Term Rental may be issued within any District if the issuance of such Business License would cause total number of Short-Term Rentals within such District to exceed 6% of the total number of residential dwellings within such District. This subsection shall not apply to Accessory Dwelling Units within or on the same parcel as a Legal Residence, and Accessory Dwelling Units within or on the same parcel as a Legal Residence shall not count towards the total number of Short-Term Rentals within a District for the purpose of calculating whether the 6% threshold has been met.

(b) Parking shall be provided on-site, with the preferred location to the side or rear of the Short-Term Rental, if feasible. On-site parking shall be delineated with an improved surface such as pavement, gravel, or another surface approved by the Town Manager. On-street or off-premises parking may be used when the Short-Term Rental is located on a thoroughfare with on-street parking.

(c) The applicant shall provide a draft of the rental agreement that will be used for the Short-Term Rental. The agreement shall specify the following:

- (1) The minimum stay;
- (2) The maximum number of guests, shall be based on the number of beds in Short-Term Rental. For the Short-Term Rentals consisting of the entire residential dwelling (not an ADU), the maximum number of adult guests is two per bedroom, plus 2. For Accessory Dwelling Units, the maximum number of adults guests is limited to 4 plus 2, regardless of the number of available bedrooms;
- (3) The number of parking spaces provided on-site for the Short-Term Rental;
- (4) That the Town's noise ordinance applies between 10:00 PM and 7:00 AM;
- (5) Prohibit large gatherings of 25 individuals or more;
- (6) Pets, if permitted, may not be left outside unattended. Pets and owners must comply with the Town of Port Royal and Beaufort County animal control ordinances;

(d) All advertisements, listings with booking services, marketing materials, and any other online websites and listing or booking platform or services shall include the Business License number. The holder of a Business License for a Short-Term Rental bears the ultimate responsibility for paying Accommodation Taxes to the Town as required by law. When utilizing platforms like Airbnb, VRBO, Evolve, etc., it is the sole responsibility of the holder of the Business License for the Short-Term Rental to obtain and provide to the Town a detailed report from the platform. This report must outline the exact dollar amounts collected and remitted to each entity (State, County, and Municipality) on behalf of the Business License holder. If such a report is not provided, the Business License holder is responsible for making all the monthly payments of Accommodation Taxes directly to the Town of Port Royal.

(e) The applicant shall provide up-to-date contact information, including name, address of legal residence, and telephone number. The applicant shall identify a local property manager, and provide up-to-date contact information for such property manager, if the owner of the Short-Term Rental does not occupy the premises and resides more than 100 miles away from the Short-Term Rental. The property manager must be able to appear on the premises of the Short-Term Rental to respond to a complaint within 3 hours of being notified;

(f) No on-site advertising signs shall be permitted;

(g) Rental rules, including garbage and recycling schedules, and noise and pet ordinance information shall be displayed in the Short-Term Rental in a conspicuous location;

(h) For Short-Term Rentals located in a neighborhood or multifamily structures with a property owners' association, the applicant shall provide an HOA Compliance Form to the Business License Administrator. Short-Term Rental operators are responsible for complying with property owners' association requirements;

(i) Applicants shall pay all applicable Business License fees.

(j) The Town shall notify any property owner found to be operating a Short-Term Rental without a Business License in violation of this Article. If the property owner chooses not to submit a Short-Term Rental application within 60 days of being notified by the Town of violating the ordinance, a Short-Term Rental application shall not be approved for two years;

(k) A purchaser of a Short-Term Rental with Legacy Rights may apply for a Business License upon the sale of the property, provided the purchaser applies for a Business License within six months of the sale thereof and otherwise complies with the requirements of this Article. For the sake of clarity, it is the intent of the Town Council that the purchaser of a Short-Term Rental with Legacy Rights may apply for a Business License in accordance with this subsection regardless of whether the Short-Term Rental is located in a District in which Short-Term Rentals are permitted pursuant to this Article, or whether the number of Short-Term Rentals in the District in which such Short-Term Rental is located exceeds the threshold established pursuant to Section 12-65(a) of this Article.

(l) A Short-Term Rental shall be considered inactive if the owner has not submitted Accommodation Taxes to the Town when due for a period of 12 consecutive months. Short-Term Rentals that are not a Legal Residence must rent as a Short-Term Rental for a minimum of 30 days during any year for Business License purposes, otherwise the Business License will be deactivated. Short-Term Rentals that have been deactivated shall not be renewed.

Sec. 12-66. -Appeals to town council.

The provisions of Chapter 12, Article II of the Town's Code of Ordinances regarding the denial or revocation of Business Licenses, including all appellate rights in connection therewith, shall apply to the denial or revocation of Business Licenses for lack of compliance with the provisions of this Article.

~~(a) A person aggrieved by the town's decision to revoke, suspend or deny a short-term rental permit may appeal the decision to the town council. The appeal must be filed in writing within thirty~~

~~(30) calendar days after the revocation, suspension or denial, and it shall set forth a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension or denial pending a decision on the appeal by the town council.~~

~~(b)The town council shall consider the appeal in an open hearing at a regular or special meeting within thirty (30) calendar days after receipt of a request unless otherwise agreed to, in writing, by the town and the aggrieved party. The town council shall prescribe the rules of evidence and testimony and the procedures applicable to the conduct of the hearing. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be electronically recorded and transcribed at the expense of the party so requesting. The town council shall render a decision by a majority vote of members present. The decision shall be in writing based upon findings of fact and the application of relevant standards. The decision shall be served upon all parties or their designated representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.~~

~~(c)No person shall be subject to prosecution for doing business without a license and/or a permit until the expiration of ten (10) calendar days after notice of denial or revocation which is not appealed, or until after final judgment of a circuit court upholding denial or revocation.~~

This ordinance shall become effective immediately upon adoption by Council.

REQUESTED:



Milton E. Willis
Town Manager

APPROVED:



Kevin Phillips
Mayor

ATTEST:



Lisa Graham
Town Clerk

Introduced: November 13, 2024

Final Reading 12/11/24

