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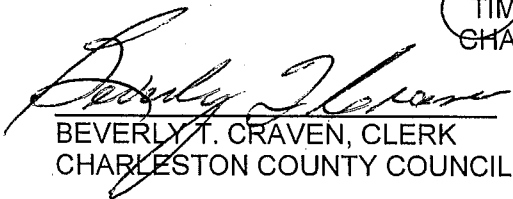
**Legare Creek Plantation
Planned Development (PD-89)**

Case 3174-C

The following items, when combined with the Development Guidelines, will govern the zoning requirements for the Legare Creek Plantation Planned Development, designated as PD-89.

1. Land uses permitted with the Planned Development are as follows:
 - (A) 28 single-family residential lots
 - (B) 90.43 acres of open space (54%)
 - (C) Overall density is one unit per six acres
 - (D) Minimum lot width is 200'
 - (E) Maximum building coverage is 40%
2. Setback, buffer, and landscaping requirements are determined in the Development Guidelines.
3. If the granting of permits by other governmental agencies requires changes to the Development Guidelines, an amendment to this Planned Development will be required.
4. Utilities and Services will be provided in accordance with the Development Guidelines.
5. The Charleston County Zoning and Land Development Regulations will apply to all areas of this Planned Development not covered by the Development Guidelines.
6. This agreement will become effective immediately after Third Reading by Charleston County Council.


TIMOTHY E. SCOTT, CHAIRMAN
CHARLESTON COUNTY COUNCIL


BEVERLY T. CRAVEN, CLERK
CHARLESTON COUNTY COUNCIL


DATE ADOPTED

LEGARE CREEK PLANTATION
PLANNED DEVELOPMENT APPLICATION

January 28, 2003

LEGARE CREEK PLANTATION

Planned Development Application

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EDISTO OPEN LAND TRUST
ST. PAUL'S FIRE DISTRICT
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
(Dock Master Plan)

LEGARE CREEK PLANTATION

Planned Development Application

I. PROJECT SUMMARY

It is the intention of the Owners of Legare Creek Plantation to develop an environmentally sensitive community on Edisto Island which will include community amenities that may include a swimming pool, docks, boat ramp, boat storage, oyster shed and tennis court. Only 28 home sites are planned for the approximately 168-/+ acres of Legare Creek Plantation, leaving an abundance of open space that will remain untouched forest and fields well into the foreseeable future. The Master Plan has shaded areas depicting areas where homes may be constructed on each lot. There will be 28 home sites, lots 1 through 28. Lots 29, 30 and 31 are major open area spaces. A conservation easement will be placed on these tracts prohibiting construction of any dwellings. This Planned Unit Development proposal is designed to allow the land planners flexibility in determining the size of the homesites, which allows their proper integration into the existing natural features of the site.

The Property

The site is located on Edisto Island, Charleston County, South Carolina and spans between West Bank Creek and North Edisto River. The site is comprised of approximately 110 acres of open land, with the balance being in trees.

Development Concept

The 28 homesites and the necessary roads and utilities will require approximately 77.95 acres. The remaining 90.43 acres will be open space, community area and will be developed incorporating their "nature friendly" concepts. Also within the Legare Creek area, we will create several ponds to store the necessary water for landscape irrigation and wastewater run off. The ponds will contain ground water recharged by onsite wells. The water levels in the ponds will be maintained through underground piping. Other on site ponds may be created in later phases of the project to facilitate drainage and will also be piped into this system and likewise maintained.

The homesites will be developed in multiple phases. Phase One begins with those homesites located close to the West Bank Creek. Later phases will be spread around the balance of the property.

The property has just over 2.3 miles of Critical Area along North Edisto River and its tributaries. A 100' setback will be created along the Critical Area, leaving it largely

undisturbed and protecting the frontage. Within this setback where the existing treeline is sparse, native trees from elsewhere on the site may be added to continue the undisturbed natural look. Access to the property from Clark Road will be controlled and restricted to the homeowners, club members and their guests. All other lot lines will also have setbacks of various depths. Internal setback areas will include native grasses; vegetation and trees and will be created in various areas around the site between the community area, the homesites and the roads.

A Storm-water Master Plan for the storm drainage system and storm water management has been included under separate cover. The site drainage for the development has (will be) designed to meet all applicable County or State storm-water regulations.

The property is owned by West Bank Plantation, LLC and Henrietta S. Sanders, LLC. The Owners are committed to following the existing density guidelines established by Charleston County's Comprehensive Plan. The development plan calls for 28 single family detached homesites of varying sizes, the utilities to service them and the amenities listed above. This application seeks the design flexibility to size the lots differently (some larger) than currently allowed under the existing regulations. All lots except two (2) exceed the minimum required for lot sizes. Two (2) lots are 1 acre (lots 27 and 28) which is the minimum.

LEGARE CREEK PLANTATION

Planned Development Application

B. MASTER PLAN

This is the Master Plan for the development of Legare Creek Plantation. It consists of one drawing depicting lot lay out. The Drawing is a plan of the proposed homesites and amenities on the site.

LEGARE CREEK PLANTATION

Planned Development Application

II. LAND USE AND MASTER PLAN

A. LAND USE

Each unit of land or improvements within the Property shall designate one or more of the following land use classes to which the parcel is restricted. Once the Land Plan has been approved by Charleston County, it shall not be changed without County Council approval.

The Land Use Plan for Legare Creek Plantation consists of six categories:

1. Residential
2. Open Space
3. Buffers and/or Setbacks
4. Accessory Uses
5. Utility & Storage Area
6. Amenities

1. Residential

The Residential area of the site is clearly defined on the following Master Plan. It consists of the proposed homesites ranging in size from one acre to multi-acre tracts, with a minimum lot width of 200 feet – except for lots on cul-de-sacs or curbs with less than 100' radius; their minimum width is 25' at the right of way, and they must reach the 200' minimum width within 2/3rds of their depth. Four of the lots are accessed by 20' or greater easement. Each lot will be designated for single family detached home ONLY with a maximum of one dwelling unit per lot and support buildings and guesthouse. Mobile Homes or other temporary dwelling units will not be allowed. Each home must be pre-approved by the Legare Creek Architectural Review Board "*herein after referred to as ARB*" prior to obtaining permits from Charleston County and commencing construction. A copy of the ARB approval letter must accompany applications to Charleston County.

2. Open Space

According to the Charleston County development regulations that currently govern the site, the open space will contain the following items planned for the Community.

- The open space and its related practice facilities that will encompass approximately 90.14 acres.

- There are existing ponds on the property; however, additional ponds necessary to provide irrigation storage and drainage control will be created. All ponds will be ditched to control water levels.
- Open Space (not including the above) will be largely left in its current state. The Owners/Developers of the Community may elect to create hiking trails, agriculture areas and other recreational areas provided that they meet Charleston County development standards at the time. The developer will impose a conservation easement on the three (3) large open tracts (tracts 29, 30 & 31). The conservation easement will prohibit the construction of any dwellings there on and will prohibit further subdivision of the tracts.
- The open space will be made available for property owners use.

3. Buffers and/or Setbacks

The Buffers and/or Setbacks planned for the Community are located on the Master Plan. There is a 100-foot buffer and/or setback that borders the entire length of the site along the Critical Area. This buffer and/or setback is being provided to maintain the natural beauty of this scenic vista. Within the buffer and/or setback, wherever the existing treeline is sparse, native trees and/or vegetation may be added to maintain the current look. The ARB will have limited authority in compliance with the Charleston County Zoning & Land Development Regulations to allow the property owner to protect vista views.

4. Accessory Uses

Accessory Use areas include the land necessary for the clubhouse, caretaker cottage, sales office, boat storage, entry gates, gatehouses and maintenance building. It also includes the acreage so designated on the Master Plan. Within the Accessory Use areas, the Owners may elect to create, but not be limited to, trails, clay and trap shooting (which will not be located near residential areas), and any other use allowed by Charleston County development standards at the time development is determined. All accessory uses may be subject to Charleston County site review process prior to construction.

5. Utility & Storage Areas

Uses allocated within the Utility & Storage Area include, but are not limited to, storage area for residents to park boats, trailers and any other large vehicles that are not allowed to remain at their homesite. Utility areas will have a 25' opaque buffer surrounding them.

6. Amenities

The Amenity Center location is designated on the Master Plan. The area so designated is approximately 7.06 acres. Within the Amenity Center areas, there may be a swimming pool, one tennis court, storage and a small building housing toilets,

oyster house, docks and boat ramp. The swimming pool area will be fenced in accordance with County standards and guidelines. The tennis court will have fencing, designed to facilitate play, that will not exceed 12' in height. The tennis court is not currently scheduled to be lighted but may be lighted in the future. Lighting, if added, will meet Charleston County regulations and the lighting requirement hereinafter.

7. **Project Land Use Calculations** (see Master Plan for details)

<u>Developed Area</u> , includes Residential, Roadways, Clubhouse, Maintenance Area, Amenity Center, etc.	77.95 acres	46 %
<u>Open Space</u>	90.43 acres	54 %

LEGARE CREEK PLANTATION

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III. GENERAL GUIDELINES

Except as noted below, all rules and regulations regarding property development within Charleston County will apply.

Each home and/or building within the Community will be carefully located so that each will have a reasonable view and privacy. Consideration will be given to each site regarding the topography, the protection of existing trees and/or other aesthetic or environmental conditions. Siting of the amenity center and common buildings will be by the Owner/Developer.

1. SETBACK CRITERIA

The Legare Creek ARB will approve location of each homesite in advance. The ARB will have the flexibility to vary the roadside and side setback limits on a case-by-case basis to accommodate homesite location among the existing trees onsite and/or to provide or protect the views to and from the critical areas and ponds. They shall not have the authority to vary the creek side or marsh side (backside) of that designated on the plan (100'). The maximum lot coverage, which includes all manmade structures, patios, decks, pools, tennis courts, walkways, driveways, etc., is 30% of the surface square footage of the lot (ARB may require less coverage). Certain site plan situations, especially regarding trees, may also require site plan review by the County. All front, side and rear yard building line set backs will be enforced throughout the ARB. These are to be considered MINIMUM general setbacks.

Minimum setback from Property lines	Roadside 50'	Side 50'	Critical Area 100'
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- All decks, patios, porches and entertainment structures will comply with these setback criteria. Such structures can seek site location variance approval from the ARB.

Installation and maintenance of all landscape buffers shall be the sole responsibility of the individual lot owner. Planting said buffers shall be completed prior to issuance of the Certificate of Occupancy for each lot as construction is completed.

- Critical Area lot setbacks shall be shown on all new subdivision plats for recording.

Accessory structures will be allowed if authorized by this document and prior approval granted by the ARB.

2. DWELLING SIZE

It is the intention of this guideline to assure that all dwellings shall be of quality materials, workmanship, and size. There is no minimum or maximum of heated floor space for dwellings. ARB shall approve all dwelling and structures to be constructed on each lot. Guest and/or servants quarters may be constructed above detached garages in accordance with County requirements. Accessory buildings such as detached garages, private tennis courts or swimming pools, or related structures must be pre-approved by ARB prior to obtaining County Building and Zoning Permits. If allowed by this document and approved by the ARB, these accessory buildings cannot be sold independent of the property or other structures on the property, and cannot be leased or rented either long or short term. A copy of the ARB approval letter shall accompany all submittals to Charleston County.

3. YARD STRUCTURE RELATIONSHIP

The ARB shall be empowered with the authority to require lot owners to provide landscape and development plans for each lot. The ARB will further have the authority to require the lot owner to add vegetation in order to beautify the lots and to prevent the structures from being to stark or offensive. The ARB shall set standards for the entire community with guidelines for each lot owner.

4. SERVICE YARDS

All service yard contents, such as electric and gas meters, heat pump and air conditioning equipment, clothes lines, water pumps, fuel tanks, and unsightly objects and equipment on the property, must be placed or stored in side or back yards and be screened-in with landscaping to conceal them from the view from the street or adjacent property. The exact location of these and similar items and the landscaping plan must be included in each homesite's Site Plan which is presented for ARB approval in the pre-construction phase. Garbage receptacles must be enclosed inside the garage.

"Window unit" air conditioners are not allowed anywhere within the Community. Television and radio antennas are not permitted on roofs, but must be installed in attics. Satellite dish locations must be approved by the ARB prior to installation.

5. OTHER BUILDINGS AND VEHICLES

No recreational vehicle (RV), trailer of any kind, motorcycle, tent, modular unit or any other similar structure shall be placed on the property or left on the property overnight without the prior approval of the Developer or the POA or unless properly screened from view.

6. TREE AND BUSH REMOVAL

No trees of any kind above 8" in diameter at breast height (DBH) above the ground level may be removed by any property owners, their successors and assigns, anywhere within the property, without prior permission from the ARB. Grand trees (24" or larger diameter) shall not be removed from the property, lot or road rights-of-way unless a tree removal variance from Charleston County is prior attained. A tree location plan showing all critical trees adjacent to a proposed structure will be required by the ARB before clearing of a lot commences. Certain lots, because of the existing trees, may require site plan review by Charleston County.

7. BUILDING HEIGHT

No home shall be constructed on the property which has a height exceeding that required in the Charleston County Zoning & Land Development Regulations.

8. SUBDIVISION OF PROPERTY

No lot within the Community shall be subdivided, provided however a lot owner may subdivide his lot/lots by adding same to the adjacent lot/lots. Once the lot has been subdivided and added to the adjacent lot/lots, it can never be further subdivided or made an independent lot.

9. PRIVATE COMMUNITY

The Developer has elected to create a private community with controlled access. By becoming a private community, the developer will have the right, but not the obligation, to appoint a private security company for control and enforcement. Access control through the gates at Clark Road will be an electronic gate for the residents, and their guest.

Selected specimen trees will remain within the road right-of-way. The roads, buffers and drainage system will be privately maintained by the Developer until the ongoing maintenance is assumed by the Property Owners Association.

10. PROPERTY OWNER'S ASSOCIATION (POA)

A three member Property Owner's Association Board of Directors will be created for the Community. The POA will be managed by the Developer (or his designated representative) collecting all fees and handling POA responsibilities until such time that 100 percent of lots within the Community are sold. Whenever 100% of the original lots have been sold, the POA membership shall elect the members to the POA Board, assume its duties and obligations, and manage the POA affairs.

The POA will be responsible for maintaining and funding streets, landscaping, open areas, walking areas and/or trails, roadways, buffers, ponds, the overall site drainage

system and any other common area. A system for security and/or access control to the development will be provided initially by the Developer; to eventually be owned, operated and maintained by the POA.

11. UTILITIES

Each lot will have individual wells and septic systems. Power will be provided by SCE&G and phone service by Bell South. The St. Paul's Fire District will provide fire protection. Garbage to be picked up by a private carrier or POA.

12. SIGNS

A sign identifying the project may be placed in one location along Clark Road. This sign or signs will be placed within the limits of the property, inside the buffer, and will not be obstructive to traffic traveling along either road. The maximum size of the sign will be 32 square feet. The sign or signs will be attractively landscaped and may be discretely illuminated. The overall height from the ground to the top of the sign will not be higher than 8.5 feet. A temporary "Development For Sale" sign (no larger than 32 sq. ft.) is allowed. Sign location and lighting is subject to the site plan review process of Charleston County.

13. LIGHTING PLAN

It is the policy of the community that no artificial light shall illuminate the marshes or adjacent properties in the subdivision. To meet this intent, building and electrical plans for construction of a single-family or multifamily dwelling, commercial or other structures, including electrical plans associated with parking lots, docks, or other outdoor lighting, if such lighting can be seen from the marshes or adjacent properties, shall be in compliance with the following:

- A. Floodlights and wall-mounted light fixtures shall be fitted with hoods so that no light illuminates the marshes or adjacent properties in the subdivision.
- B. Low profile luminaries shall be used in parking lots, docks, walkways and such lighting shall be positioned so that no light illuminates the marshes or adjacent properties in the subdivision.
- C. Lights on balconies shall be shielded so that they will not illuminate the marshes or adjacent properties in the subdivision.
- D. Window treatments in windows facing the marshes or adjacent properties above the first floor of multi-story structures are encouraged so that interior lights do not illuminate the marshes or adjacent properties in the subdivision. The use of black-out draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the lights illuminate the marshes or adjacent properties in the subdivision.
- E. Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the marshes or adjacent properties.

- F. All outside lights except security lights must be on motion detectors which automatically cut on and off, or on a time set so that lights burn in intervals of ten minutes or less.
- G. Security lighting shall not illuminate an area wider than one hundred (100) feet in diameter, nor be directed so as to illuminate the marshes or adjacent properties in the subdivision.

14. PHASING

The development of the 28 potential homesites at the Community is programmed to take several years. The current plan is for the Developer to create these homesites as market demand dictates, but generally in three distinct phases. Each phase will include several "releases" of various numbers and sizes of lots based upon demand. As each release begins to reach sell out, another release will be offered until that phase is completed, and development of the next phase of lots, roads and amenities would begin.

15. FENCES AND WALLS

Fences and/or walls are discouraged. The only exceptions to this rule are those fences mandated by County regulations (i.e. swimming pool enclosures), opaque buffering for utility and storage area and those deemed necessary by the ARB. If a private swimming pool and/or tennis court (with or without enclosure) is planned, the facility must be located in the rear section of the property and is subject to the setback limits. All pumps and filters will be enclosed or screened from view of the street and/or neighboring lots. Private swimming facilities and/or private tennis courts must be pre-approved by the ARB. Buried electronic pet control fences are acceptable, if pre-approved by the ARB.

16. STREETS

Because Legare Creek Plantation is a private community, all streets will be privately built and maintained. The streets will be provided by the Developer, and will be eventually owned, operated and maintained by the POA.

LEGARE CREEK PLANTATION
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RIGHTS RESERVED BY THE DEVELOPER

1. Rights and Reservations

Items not covered by these development guidelines shall revert back, where appropriate, to Charleston County Zoning Ordinances.

2. Modification and Revision of the Concept Research of Master Plans

The Developer, reserves the right (with Charleston County approval) to modify the concept plans or Master Plans with respect to any parcel, lot or areas within the property which has not by recorded declaration been dedicated as common properties or already conveyed to a property owner. The right of the Owners to modify the concept research plan shall not include the right to do any act inconsistent with any approvals or restrictions associated with the property.

3. Easements

Easements for ingress and egress, for installation and maintenance of utilities and for drainage easements, are reserved and shall be shown on all recorded plats and will be dedicated to the POA or the County as required by Charleston County. No dwelling house, garage, out building, fence or other structure of any kind shall be built, erected or maintained upon any such easements. Said easements shall at all times be open and accessible to public and quasi-public utility corporations and other persons erecting, constructing or servicing such utilities, and to the Developer, its successors and assigns, all of whom shall have the right of ingress and egress, and the right and privilege of doing whatever may be necessary in, under and upon said locations for the carrying out of any of the purposes for which said easements, reservations and rights-of-ways are reserved, or may hereafter be reserved. Drainage flow shall not be constricted or diverted from any drainage or utility easements as shown on the recorded subdivision plat.

4. Easements in Open Space and Common Properties

The Developer reserves the right to make access trails, paths or boardwalks through open space and common properties for the purpose of permitting recreation, health and fitness exercise, observation and study of wildlife, hiking and horseback riding; to erect small signs through the open spaces designating points of interest and attraction; and to take such other steps as are reasonable

necessary and proper to further the community use and enjoyment of the open spaces. Nothing in this section shall be construed as placing an affirmative obligation on the Developer to provide or construct any such improvement.

5. Architectural Review Board (ARB)

To provide for a unified and coherent plan and style of development that will maintain property and aesthetic values, all property owners, their agents, successors or assigns shall submit a detailed plan of all improvements of structures of any kind to be placed on any lots to the ARB. Prior to the start of any construction or the breaking of ground for any improvement or structure of any kind, the property owners, their agents, successors and assigns must receive approval of the plan from the ARB. Initially, the Developer will designate the members and manage all affairs of the ARB. When all lots within the Community have been sold, all members of the ARB will be elected by the POA.

6. Public Utilities

Substations or utilities will not require conditional use permits, and must obtain Site Plan approval by the Charleston County Planning Department and the ARB.

7. Buffers

The Buffers along roads shall meet or exceed the requirements of the Charleston County Zoning & Land Development Regulations regarding buffer widths and landscape requirements. Any future amendments to the Legare Creek Plantation Master Plan and any of its undeveloped parcels (if required) shall be required to comply with the regulations in effect at the time. Berms used as part of landscaping shall meet Minimum County requirements.

PD site plan

