

EXHIBIT H

SPECIAL CONDITIONS

The following Special Conditions are made a part of the Port of St. Marys Industrial & Logistics Center Planned Development District Text, J-25467.0001 (hereafter “PD Text”) and included therein as Exhibit H. In the event of any conflict between these Special Conditions and any portion of the Port of St. Marys Industrial & Logistics Center Planned Development District Text, J-25467.0001 or the City of St. Marys, Georgia Zoning Ordinance (hereafter “Zoning Ordinance”), these Special Conditions shall govern.

- 1. Special Use Permits.** Any Special Use Permit (also known as a Special Permit Use) (hereafter “SUP”) issued for a use to be conducted upon property entirely within the territory of the Port of St. Marys Industrial & Logistics Center Planned Development District as defined in the Port of St. Marys Industrial & Logistics Center Planned Development District Text which is owned by Old Weed & Ready Plantation, LLC as shown on Exhibit B to the PD Text– Boundary Survey dated October 26, 2015 (Parcel A, Parcel B, Parcel C, and Parcel D) (hereafter “the Property”) shall continue to be valid so long as the use for which it was issued shall be continuously conducted without interruption and shall not be limited to an annual duration as set forth in the Zoning Ordinance Section 110-145 (5). The SUP shall be transferrable or assignable to any future owner.
- 2. Development Plan.** Prior to any development, a Plot Plan for Planned Development, as described in 110-68(c), shall be submitted to the Community Development Department, for review and approval by the Planning Commission, that addresses all Special Conditions set forth herein, the applicable portion of the Zoning Ordinance, Subdivision Regulations and any development agreement. Without the submittal and approval of a Plot Plan, all subsequent development not shown thereon will not be approved nor any building permits issued therefor. Prior to any development, a Final Plot Plan (Development Plan), as described in 110-68(c), shall be submitted to the Community Development Department, for review and approval by the Planning Commission, that addresses all applicable conditions. Without the submittal and approval of a Final Plot Plan, all subsequent development, including building permits, will not be issued or approved. In addition to the PD conditions of approval, the developers shall comply with all St. Marys ordinances. The Developer has acknowledged that the site must adhere to a Brownfield Corrective Action Plan, administered by the Georgia Environmental Protection Division and will cooperate with all parties to achieve the Plan as it now exists or as it may be amended from time to time.

- 3. Height Overlay District.** No buildings may be constructed or permitted on the Property which exceed 65 feet in height unless 1) the building is clearly shown on the Plot Plan and is subsequently approved and 2) the property owner at its own expense provides all funds necessary for the City of St. Marys (SM) to purchase firefighting equipment and provide the SM Fire Department personnel training in the use of the equipment and firefighting methods sufficient for the SM Fire Department to combat fires in the building contemplated considering the size and contents of the contemplated building. The equipment and training shall be those identified by SM and the equipment shall be and remain the property of SM. The property owner's obligations may be placed in a development agreement between the owner and SM.
- 4. Maritime Heritage District.** The Property shall not be considered a part of the Maritime Heritage District (MHD) and the provisions of Sec. 110-78. - Maritime Heritage District (MHD) shall not apply thereto.
- 5. Water and Sewer Services.** Any water or sewer lines and improvements necessary or desirable but not extant at the time of this rezoning serving the Property shall be constructed in conformity with SM design standards by the owner of the Property at owner's sole expense. Once completed, the improvements shall be dedicated to SM at no expense to the city. The City of St. Marys Water System shall be utilized for all domestic service on the site. The City of St. Marys Point Peter Wastewater Treatment Facility shall receive all industrial and domestic wastewater from the site pursuant to a contract to be negotiated prior to development. Use of the on-site wells for industrial purposes is regulated by Georgia EPD.
- 6. Storage.** There shall be no storage of refuse not generated on site, coal ash, or any particulate matter that may escape or emit noxious odors to surrounding areas, including trash to steam processing. Rail cars or containers shall only be stored (defined as remaining in place for more than 48 hours) processed (loaded or unloaded) or repaired in the areas designated on the Plot Plan.
- 7. Streets and Roads.** All transportation facilities will be to City standards and a traffic study for required improvement should be a condition of approval. Proposed Port of St. Marys Industrial & Logistics Center Planned Development District (PDD) Section II shall meet minimum design standards for Streets, Lanes, Alleys, Right of Ways, Lots, Blocks, Utility Easements, easement locations and open space. Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street

patterns, and use relationships. Access to the Property by truck traffic shall be limited to Finley Street and St. Patrick Street, while keeping all storage yards interior and well-protected from surrounding uses through buffering and screening. Access to portions of the Property abutting Meeting Street shall be limited where possible to limit the impact to surrounding commercial and residential areas. All transportation facilities will be built and maintained to City standards and a traffic study for required improvement should be a condition of approval. All roads shall be privately maintained until dedicated to and accepted by the City of St. Marys.

8. Parking. Parking standards for the City should be amended to provide parking requirements for each new facility at time of plot plan and special use permitting.

9. Amendments to Existing Planned Development Districts.

- a. Any request pertaining to amending a PD District shall be considered an amendment to the Zoning Ordinance and shall be processed in accordance with the regulations set forth in article VII, amendments.
- b. All information required in subsections (c) and (d) of this section shall be submitted to the planning commission and subsequently forwarded to the city council with the recommendations of the planning commission.
- c. If the amendment is approved by the city council, all information pertaining to the proposal, presented or agreed to by the applicant shall be deemed conditions of approval. All permits granted in the PD District shall be in conformance with those conditions.
- d. Before approval of an amended Planned Development District, the city council may require a contract with safeguards satisfactory to the city attorney guaranteeing completion of the development according to the criteria listed herein. Such guarantee may include the submission of a performance bond or letter of credit in an amount set by the city council.

10. Buffers and Open Areas. Setbacks, buffers and open areas shall meet the minimum requirement established herein provided, however, that any required wetlands and salt marsh jurisdictional setbacks shall also apply according to law throughout the Property. There shall be a 200' buffer around the designated Conservation Area (CA) a portion of which must be a planted buffer as set forth herein. There shall be a 300 foot buffer from all storage, processing and portage of hazardous material facilities, as identified on the Final Plot Plan, and adjacent to residential property lines. All boundaries adjacent to other properties not part of the PD zone shall be separated by a continuous planted **30 foot** buffer sufficient to block all views from ground level at the property line of the I-P

portions of the property from view from adjacent properties and roads (except at two entry gates). Such buffer strip shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact planting screen that are opaque from ground level to a minimum of six feet from ground level. The plantings shall be not less than six feet high at planting and shall contain sufficient plants which have a growth potential height of 30 feet and can block views continuously up to that height in the locations required herein. Landscaped earthen berms 10 feet high can be substituted for the buffers required herein. Property owner shall be responsible to nurture, maintain and replace any plantings in any buffer. The applicant shall provide a ten-foot wide non-motorized public access easement benefitting the citizens of St. Marys for a multi-use path along the western boundary of the site, adjacent to Point Peter Road.

11. Changes to Definitions. The following changes are made to Section 2, E Definitions of Land Use Terms and Density Terms:

- a. Section 2 Marine Facilities listing of allowed uses is amended to replace the first listed allowed use with the following: "Shipping facilities for shallow draft barges and vessels"
- b. Section 2 Marine Facilities listing of allowed uses is amended to replace the tenth listed allowed use with the following: "Bunker (Fuel) storage facilities limited to 100,000 gallons"
- c. Section 3 Neighborhood Commercial listing of permitted uses is amended to add the following provisions:
 - i. (3) No Drive Thru facilities permitted
 - ii. (4) No Single-family dwellings permitted
 - iii. (5) All non-specified commercial uses shall be special permitted uses (SUP)

12. Utilities. A 10' Public Utility Easement to SM is required on all interior lot lines, and adjacent to all exterior boundary lines.

13. Timing of Development. The provisions of Section 110-185 (b)(7)(f) shall not apply to this rezoning of the Property. SM shall not take action to rezone property to original zoning as described therein.