

1 **EXHIBIT H**

2 **SPECIAL CONDITIONS**

3 **The following Special Conditions are made a part of the Port of St. Marys**  
4 **Industrial & Logistics Center Planned Development District Text, J-25467.0001**  
5 **(hereafter “PD Text”) and included therein as Exhibit H. These conditions apply**  
6 **to all property depicted in that Text and all exhibits thereto which are**  
7 **incorporated herein by reference as modified by these Special Conditions**  
8 **(hereafter “Property” or “the Property”). In the event of any conflict between**  
9 **these Special Conditions and any portion of the Port of St. Marys Industrial &**  
10 **Logistics Center Planned Development District Text, J-25467.0001 or the City of**  
11 **St. Marys, Georgia Zoning Ordinance (hereafter “Zoning Ordinance”), these**  
12 **Special Conditions shall govern. These Special Conditions are conditions of the**  
13 **Port of St. Marys Industrial & Logistics Center Planned Development District.**  
14 **Before any building permits for improvements on the Property may be applied for**  
15 **or issued, there must be a Plot Plan prepared in accordance with § 110-68(c) of**  
16 **the St. Marys Zoning Ordinance. Any Special Use Permit (also known as a Special**  
17 **Permit Use) (hereafter “SUP”) issued for a use to be conducted upon property**  
18 **entirely within the territory of the Port of St. Marys Industrial & Logistics Center**  
19 **Planned Development District as defined in the Port of St. Marys Industrial &**  
20 **Logistics Center Planned Development District Text which is owned by Old Weed**  
21 **& Ready Plantation, LLC as shown on Exhibit B to the PD Text– Boundary Survey**  
22 **dated October 26, 2015 (Parcel A, Parcel B, Parcel C, and Parcel D) (hereafter “the**  
23 **Property”) shall continue to be valid so long as the use for which it was issued**  
24 **shall be continuously conducted without interruption and shall not be limited to**  
25 **an annual duration as set forth in the Zoning Ordinance Section 110-145 (5). The**  
26 **SUP shall be transferrable or assignable to any future owner.**

27 **Any SUP requested by Property Owner in the future shall be first considered by**  
28 **the St. Marys Planning Commission which shall make its recommendation**  
29 **thereon to the St. Marys City Council which shall make the final decision.**

- 30 **1. Development Plan. Prior to any development, a Plot Plan for Planned**  
31 **Development, as described in 110-68(c), shall be submitted to the**  
32 **Community Development Department, for review and approval by the**  
33 **Planning Commission, that addresses all Special Conditions set forth**  
34 **herein, the applicable portion of the Zoning Ordinance, Subdivision**  
35 **Regulations and any development agreement. Without the submittal and**  
36 **approval of a Plot Plan, all development not shown thereon will not be**  
37 **approved nor any building permits issued therefor. In addition to the PD**  
38 **conditions of approval, the Property Owner (as used herein, that term**

1 shall mean any owner, developer, user or person or entity holding a  
2 leasehold interest or other interest entitling them to possess the Property  
3 or any portion thereof and any subsequent transferee of such person)  
4 shall comply with all St. Marys, ordinances. The Property Owner has  
5 acknowledged that the site must adhere to a Brownfield Corrective Action  
6 Plan, administered by the Georgia Environmental Protection Division and  
7 will cooperate with all parties to achieve the Plan as it now exists or as it  
8 may be amended from time to time.

9 **2. Height Overlay District.** No buildings, structures, or manned equipment  
10 may be constructed or permitted on the Property which exceeds 65 feet in  
11 height unless 1) the building or structure is clearly shown on an SUP  
12 Application and is subsequently approved and 2) the Property Owner at  
13 its own expense agrees in a Developmental Agreement with City to  
14 provide at a minimum all funds necessary for the City of St. Marys to  
15 purchase firefighting equipment and provide the City Fire Department  
16 personnel training in the use of the equipment and firefighting methods  
17 sufficient for the City Fire Department to combat fires in the building  
18 contemplated considering the size and contents of the contemplated  
19 building. The equipment and training shall be those identified by City and  
20 the equipment shall be and remain the property of City. The Property  
21 Owner's obligations may be placed in a development agreement between  
22 the owner and City. The height chart contained in the PD text is  
23 superseded by these conditions and should be overwritten with "See  
24 Special Conditions".

25 **3. Maritime Heritage District.** The Property shall not be considered a part of  
26 the Maritime Heritage District (MHD) and the provisions of Sec. 110-78. -  
27 Maritime Heritage District (MHD) shall not apply thereto.

28 **4. Water and Sewer Services.** Any water or sewer lines and improvements  
29 necessary or desirable but not extant at the time of this rezoning serving  
30 the Property shall be constructed in conformity with City design  
31 standards by the owner of the Property at owner's sole expense. Once  
32 completed, the improvements shall be dedicated to City at no expense to  
33 the City.

34 City water system shall be utilized as the source for all non-industrial use.  
35 The City of St. Marys Point Peter Wastewater Treatment Facility shall  
36 receive all industrial and non-industrial wastewater from this site. All  
37 industrial wastewater shall only be treated by City pursuant to contract  
38 with the owner of the Property setting conditions, pretreatment required

1 and rates for such effluent. Use of the on-site wells for industrial purposes  
2 is regulated by GA EPD.

3 **5. Storage.** There shall be no storage of refuse not generated on site, and  
4 there shall be no coal ash, or any particulate matter stored on site that  
5 may escape or emit noxious odors to surrounding areas, including trash  
6 to steam processing. Rail cars or containers shall only be stored (defined  
7 as remaining in place for more than 96 hours), processed (loaded or  
8 unloaded) or repaired in the areas designated on the Plot Plan.

9 **6. Streets and Roads.** All transportation facilities will be to City standards  
10 and a traffic study for required improvement shall be a condition of  
11 approval for any streets or roads. Proposed Port of St. Marys Industrial &  
12 Logistics Center Planned Development District (PDD) Section II shall meet  
13 minimum design standards for Streets, Lanes, Alleys, Right of Ways,  
14 Lots, Blocks, Utility Easements, easement locations and open space.  
15 Overall site design should be harmonious in terms of landscaping,  
16 enclosure of principal and accessory uses, sizes and street patterns, and  
17 use relationships. Access to the Property by truck traffic shall be limited  
18 to Finley Street and St. Patrick Street, while keeping all storage yards  
19 interior and well-protected from surrounding uses through buffering and  
20 screening subject to approval by the city. Access to portions of the  
21 Property abutting Meeting Street shall be limited where possible to  
22 minimize the impact to surrounding commercial and residential areas. All  
23 transportation facilities will be built and maintained to City standards and  
24 the city in its discretion may require a traffic study as a condition to  
25 approval of any permit. All roads shall be privately maintained unless and  
26 until dedicated to and accepted by the City. Prior to Development, the  
27 Property Owner shall provide a ten-foot wide non-motorized public  
28 access easement to the Camden County PSA or City, at City's option, for  
29 use by citizens of St. Marys for a multi-use path along the western  
30 boundary of the site.

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

34 **8. Amendments to Existing Planned Development Districts.**

35 a. Any request pertaining to amending a PD District shall be  
36 considered an amendment to the Zoning Ordinance and shall be

1 processed in accordance with the regulations set forth in the City of  
2 St. Marys, Georgia Zoning Ordinance, Article VII, Amendments.

3 b. All information required in subsections (c) and (d) of Section 110-68  
4 of the Zoning Ordinance shall be submitted to the planning  
5 commission and subsequently forwarded to the city council with the  
6 recommendations of the planning commission.

7 c. If the amendment is approved by the city council, all information  
8 pertaining to the proposal, presented or agreed to by the applicant  
9 shall be deemed conditions of approval. All permits granted in the  
10 PD District shall be in conformance with those conditions.

11 d. Before approval of an amended Planned Development District, the  
12 city council may require a contract with safeguards satisfactory to  
13 the city attorney guaranteeing completion of the development  
14 according to the criteria listed herein. Such guarantee may include  
15 the submission of a performance bond or letter of credit in an  
16 amount set by the city council.

17 9. **Buffers and Open Areas.** Setbacks, buffers and open areas shall be  
18 established as herein provided, and any required wetlands and salt marsh  
19 jurisdictional setbacks shall also apply according to law throughout the  
20 Property. There shall be a 200' buffer around the designated Conservation  
21 Area (CA) a portion of which must be a planted buffer as set forth herein.  
22 There shall be a 300 foot buffer from all storage, processing and portage  
23 of hazardous material, as identified on the Final Plot Plan, and adjacent to  
24 residential property lines.

25 All boundaries adjacent to other properties not part of the PD zone shall be  
26 separated by a continuous planted 30 foot buffer sufficient to block all  
27 views from ground level at the property line of the I-P portions of the  
28 property from view from adjacent properties and roads (except at two entry  
29 gates). Such buffer strip shall be composed of healthy plants which  
30 possess growth characteristics of such a nature as to produce a dense,  
31 compact planting screen that are opaque from ground level to a minimum  
32 of six feet from ground level. The plantings shall be not less than six feet  
33 high at planting and shall contain sufficient plants which have a growth  
34 potential height of 30 feet and can block views continuously up to that  
35 height in the locations required herein. Landscaped earthen berms 10 feet  
36 high with plantings of a minimum of six feet high with growth potential of at  
37 least 20 feet can be substituted for the buffers required herein. Property

1 Owner shall be responsible to nurture, maintain and replace any plantings  
2 in any buffer.

3 The entranceways to the industrial portion of the Property, the pond at  
4 Osborne and Meeting Streets, and a 200 foot wide buffer along those  
5 portions of Osborne and Meeting Streets which abut any portion of the  
6 Property shall be landscaped with grass and various plantings to make  
7 these areas aesthetically pleasing. A planting plan and details of any  
8 proposed earthen berm or other buffering improvements shall be shown on  
9 a site plan containing the other improvements proposed at that time  
10 submitted to City for approval prior to any development of the Property and  
11 constructed at the same time as the improvements on the site plan. The  
12 said site plan to contain a waiver of Property Owner's rights under the  
13 Georgia's "Development Impact Fee Act" as it reads now or as it may be  
14 amended, as it may apply. It is understood that any proposed landscaping  
15 or berm or any other proposed improvements which would lie within  
16 jurisdictional wetlands are subject to approval by the appropriate federal  
17 and state agencies. The buffer, plantings and other improvements in the  
18 area of a buffer must be continuously maintained in good and attractive  
19 order by Property Owner.

20 Developer/Property Owner/Users shall install a fountain on the existing  
21 pond within this buffer and a sign within 50 feet thereof with only the words  
22 "Welcome to Historic St. Marys" placed thereon in lettering of sufficient  
23 size to be viewed from Osborne Street. A site plan for the fountain and sign  
24 shall be submitted to City for approval within 60 days of any approval of  
25 this Planned Development District and the fountain and sign shall be  
26 completed within 6 months of the approval of the site plan.

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

- 29 a. Section 2 Marine Facilities listing of allowed uses is amended to  
30 replace the first listed allowed use with the following: "Shipping  
31 facilities for shallow draft barges and vessels"
- 32 b. Section 2 Marine Facilities listing of allowed uses is amended to  
33 replace the tenth listed allowed use with the following: "Bunker  
34 (Fuel) storage facilities limited to 100,000 gallons"
- 35 c. Section 3 Neighborhood Commercial listing of permitted uses is  
36 amended to add the following provisions:

- 1                   i. **(3) No Drive Thru facilities permitted**
- 2                   ii. **(4) No Single-family dwellings permitted**
- 3                   iii. **(5) All non-specified commercial uses shall be special**
- 4                         **permitted uses (SUP)**

5 **11. Utilities. A 10' Public Utility Easement to City is required on all interior**  
6 **lot lines, and adjacent to all exterior boundary lines.**

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

10 **13. Materials.**

- 11       a. **Total Prohibition. The handling, storage, production or transit**  
12 **through the property of coal or coal ash, wood chips, medical waste,**  
13 **hazardous waste (as defined in the U.S. Resource Conservation and**  
14 **Recovery Act and regulations enacted pursuant thereto) not**  
15 **produced on site, bulk petroleum or other fuels (except for above-**  
16 **ground storage of the amount permitted in Special Condition 11 (b))**  
17 **including, without limitation, Liquid Natural Gas, medical waste**  
18 **(disposable equipment, instruments, utensils, human tissue,**  
19 **laboratory waste, blood specimens, or other substances that could**  
20 **carry pathogenic organisms), radioactive waste, municipal solid**  
21 **waste (as defined in O.C.G.A. 12-8-22) garbage not generated on site**  
22 **or waste material are prohibited on the Property. The temporary**  
23 **storage prior to off-site disposal of garbage and waste material**  
24 **generated on site are allowed.**
- 25       b. **Manufacturing. The handling, storage, production or transit through**  
26 **the Property of the following materials: construction or demolition**  
27 **waste, rigid plastic bottles, rigid plastic containers, retreadable**  
28 **casings, radioactive materials, scrap tires, used tires, yard**  
29 **trimmings, concrete and other aggregates all as defined in O.C.G.A.**  
30 **§ 12-8-22, sawdust, scrap metal or other recyclables and radioactive**  
31 **materials are prohibited except in connection with manufacturing or**  
32 **processing on site and shipment of materials manufactured or**  
33 **processed on site, provided, however, that all such materials shall**  
34 **be stored within completely enclosed buildings while on site.**
- 35       c. **Special Use Permit. The handling, storage, or transit through the**  
36 **property of the following materials: explosives, blasting agents,**  
37 **detonators, all as defined in 18 U.S.C.A. § 841 on the Property are**

1 prohibited. Production of those items is only allowed pursuant to an  
2 SUP issued by City Council with any conditions the Council may  
3 choose to impose.  
4

5 **14. Lighting.** All lighting on the property must be shielded so the source of  
6 the light is not visible off the Property. Normal street lighting is excepted  
7 from this provision.  
8

9 **15. Brownfield Program.** The Property Owner shall not seek to remove the  
10 Property from the Georgia Environmental Protection's Division's (EPD)  
11 Brownfield Program other than by complying with the remediation  
12 requirements thereof and the owner shall cooperate with the EPD and all  
13 parties to achieve the Plan as it now exists or as it may be amended from  
14 time to time.  
15

16 **16. Storage containers.** Storage containers, such as gas or oil barrels or  
17 conex boxes which are located or stored on the property should be  
18 screened so they cannot be seen by a person standing on the ground at  
19 the perimeter of the Property.  
20

21 **17. Rookery.** Owner of Property (not including owner at the time this rezoning  
22 application was made) shall make best efforts to obtain appropriate  
23 permitting for and to provide at no expense to City at least four  
24 observation blinds for viewing of the rookery without disturbing the  
25 rookery together with access and parking for the public use thereof all to  
26 be shown and located on a site plan submitted to City for approval prior  
27 to any development of the Property. Owner of Property shall preserve the  
28 Conservation Area as a natural area and area suitable for use as a  
29 rookery for wood storks perpetually.  
30

31 **18. Wetlands.** All wetlands and salt marshes on Property shall be used,  
32 protected and maintained as part of all development plans in accordance  
33 with state and federal laws, regulations and permitting requirements.  
34

35 **19. Barge Limit.** No barges or other vessels may be moored in the North  
36 River.  
37

38 **20. Dredging.** Property Owner shall not request any dredging or deepening of  
39 the North River except to maintain current depth in strict compliance with  
40 Federal and State regulations.

1 **21. Fossil Fuel Exploration. No off-shore fossil fuel exploration**  
2 **staging/support facilities shall be allowed on the Property unless as an**  
3 **SUP.**

4 **22. Odors. No industrial use that may produce injurious or noxious noise,**  
5 **vibration, smoke, gas, fumes, odor, dust, fire hazard or other conditions**  
6 **objectionable to an ordinary, reasonable person as a result of its**  
7 **operation shall be allowed unless permitted by an SUP granted by City**  
8 **Council. Such uses shall be located a minimum of 200 feet from adjoining**  
9 **property lines and must be in conformance with all applicable rules and**  
10 **regulations administered by the Environmental Protection Division of the**  
11 **Georgia Department of Natural Resources.**

12 **23. Naval Vessels. Property Owner shall coordinate routes and shipping**  
13 **volumes for vessels entering or leaving the Property and shall develop a**  
14 **de-confliction procedure with the U. S. Navy and Coast Guard and**  
15 **conform thereto. The transit of naval assets in and out of the Intracoastal**  
16 **Waterway shall not be interfered with by vessels entering or leaving the**  
17 **Property.**

18  
19 **24. Traffic. The Property Owner will coordinate with the City of St. Marys and**  
20 **the Georgia Department of Transportation (GDOT) regarding traffic and**  
21 **site access and to that end will, at no expense to City provide a detailed**  
22 **traffic study acceptable to GDOT.**

23  
24 **25. Noise. All present or future Property Owners or occupiers of any portion**  
25 **of the Property shall strictly comply with all St. Marys Ordinances**  
26 **including, without limitation, the noise ordinance Section 46-69.**

27  
28 **26. Process. The Port of St. Marys Industrial & Logistics Center Planned**  
29 **Development District (hereinafter referred to as “District” or “the**  
30 **District”) and each of the exhibits attached thereto (Exhibits A through H)**  
31 **as altered by these Special Conditions are incorporated into this rezoning**  
32 **planned development ordinance and made a part hereof. The applicants**  
33 **and any successors in interest in the developments of the District shall**  
34 **comply with and be bound by the Planned Development District text and**  
35 **each of the aforesaid exhibits. The District shall be rezoned to those**  
36 **zoning classifications as shown on exhibit A and only those uses**  
37 **authorized by the District plan in the respective zoning classifications as**  
38 **identified in SECTION II B. Allowed Land Uses shall be permitted, except**  
39 **as amended by these conditions. Prior to any development or**

1 improvement including any building or structure on any property or  
2 portion of the Property within the District, a Plot Plan or Site Plan (those  
3 terms being used interchangeably in this Exhibit H and the entire PD Text  
4 and Exhibits) of any area to be improved at such time must be filed with  
5 the City requesting approval as provided in Sec. 110-68(c) of the Zoning  
6 Ordinance of the City of St. Marys. No building permit or other  
7 development permit required under the ordinances of St. Marys shall  
8 issue nor shall any application therefor be accepted until the Plot Plan is  
9 approved by the City Planning Commission under the provisions of the  
10 Zoning Ordinance.

11  
12 **27. Independent Port.** No portion of the Property shall be used as a laydown  
13 yard or storage area for another port or as an accessory or subsidiary  
14 operation to any other port. Normal, non-preferential, not regularly  
15 recurring trade with any port is not prohibited hereby.  
16  
17  
18