

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
38 Planned Development (PD) conditions of approval, the Property Owner

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

- 10 2. **Height Overlay District.** No buildings, structures, or manned equipment
11 may be constructed or permitted on the Property which exceeds 65 feet in
12 height unless 1) the building or structure is clearly shown on an SUP
13 Application and is subsequently approved and 2) the Property Owner at
14 its own expense agrees in a Developmental Agreement with City to
15 provide at a minimum all funds necessary for the City of St. Marys to
16 purchase firefighting equipment and provide the City Fire Department
17 personnel training in the use of the equipment and firefighting methods
18 sufficient for the City Fire Department to combat fires in the building
19 contemplated considering the size and contents of the contemplated
20 building. The equipment and training shall be those identified by City and
21 the equipment shall be and remain the property of City. The Property
22 Owner's obligations may be placed in a development agreement between
23 the owner and City. The height chart contained in the PD text is
24 superseded by these conditions and should be overwritten with "See
25 Special Conditions".
- 26 3. **Maritime Heritage District.** The Property shall not be considered a part of
27 the Maritime Heritage District (MHD) and the provisions of Sec. 110-78. -
28 Maritime Heritage District (MHD) shall not apply thereto.
- 29 4. **Water and Sewer Services.** Any water or sewer lines and improvements
30 necessary or desirable but not extant at the time of this rezoning serving
31 the Property shall be constructed in conformity with City design
32 standards by the owner of the Property at owner's sole expense. Once
33 completed, the improvements shall be dedicated to City at no expense to
34 the City.

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

1 with the owner of the Property setting conditions, pretreatment required
2 and rates for such effluent. Use of the on-site wells for industrial purposes
3 is regulated by GA EPD.

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

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

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

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

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

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

3 b. All information required in subsections (c) and (d) of Section 110-
4 68 of the Zoning Ordinance shall be submitted to the planning
5 commission and subsequently forwarded to the city council with
6 the 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 foot buffer around the designated
21 Conservation Area (CA) a portion of which must be a planted buffer as set
22 forth herein. There shall be a 300 foot buffer from all storage, processing
23 and portage of hazardous material, as identified on the Final Plot Plan,
24 and adjacent to 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 is opaque from ground level to a minimum of
32 six feet from ground level. The plantings shall be not less than six feet high
33 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 lighted sign within 50 feet thereof with only
22 the words "Welcome to Historic St. Marys" placed thereon in lettering of
23 sufficient size to be viewed from Osborne Street. A site plan for the
24 fountain and sign shall be submitted to City for approval within 60 days of
25 any approval of this Planned Development District and the fountain and
26 sign shall be completed within 6 months of the approval of the site plan.
27 Property Owner shall complete removal of concrete and asphalt debris and
28 clean up the 18 acre mixed use area so as to make it aesthetically pleasing
29 within 6 months of the time the Planned Development District rezoning is
30 approved. The 18 acre site is bounded on the west by Osborne Street, on
31 the east by the North River, on the south by Meeting Street and on the
32 north by Gallop Street.

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

- 35 a. **Section 2 Marine Facilities listing of allowed uses is amended to**
36 **replace the first listed allowed use with the following: "Shipping**
37 **facilities for shallow draft barges and vessels"**

- 1 **b. Section 2 Marine Facilities listing of allowed uses is amended to**
2 **replace the tenth listed allowed use with the following: “Bunker**
3 **(Fuel) storage facilities limited to 100,000 gallons”**
- 4 **c. Section 3 Neighborhood Commercial listing of permitted uses is**
5 **amended to add the following provisions:**
- 6 **i. (3) No Drive Thru facilities permitted**
- 7 **ii. (4) No Single-family dwellings permitted**
- 8 **iii. (5) All non-specified commercial uses shall be special**
9 **permitted uses (SUP)**
- 10 **11. Utilities. A 10’ Public Utility Easement to City is required on all interior**
11 **lot lines, and adjacent to all exterior boundary lines.**
- 12 **12. Timing of Development. The provisions of Section 110-185 (b)(7)(f) shall**
13 **not apply to this rezoning of the Property. City shall not take action to**
14 **rezone property to original zoning as described therein.**
- 15 **13. Materials.**
- 16 **a. Total Prohibition. The handling, storage, production or transit**
17 **through the property of coal or coal ash, wood chips, wood logs,**
18 **medical waste, hazardous waste (as defined in the U.S. Resource**
19 **Conservation and Recovery Act and regulations enacted pursuant**
20 **thereto) not produced on site, bulk petroleum or other fuels**
21 **(except for above- ground storage of the amount permitted in**
22 **Special Condition 10 (b)) including, without limitation, Liquid**
23 **Natural Gas, medical waste (disposable equipment, instruments,**
24 **utensils, human tissue, laboratory waste, blood specimens, or**
25 **other substances that could carry pathogenic organisms),**
26 **radioactive waste, municipal solid waste(as defined in O.C.G.A. 12-**
27 **8-22) garbage not generated on site or waste material are**
28 **prohibited on the Property. The temporary storage prior to off-site**
29 **disposal of garbage and waste material generated on site is**
30 **allowed.**
- 31 **b. Manufacturing. The handling, storage, production or transit**
32 **through the Property of the following materials: construction or**
33 **demolition waste, rigid plastic bottles, rigid plastic containers,**
34 **retreadable casings, radioactive materials, scrap tires, used tires,**
35 **yard trimmings, all as defined in O.C.G.A. § 12-8-22, concrete and**
36 **other aggregates, wood pellets, sawdust, scrap metal or other**

1 recyclables and radioactive materials are prohibited except in
2 connection with manufacturing or processing on site and
3 shipment of materials manufactured or processed on site,
4 provided, however, that all such materials shall be stored within
5 completely enclosed buildings while on site. All raw materials
6 shall be kept in enclosed buildings while on the Property except
7 when being handled.

8 c. **Special Use Permit.** The handling, storage, or transit through the
9 property of the following materials: explosives, blasting agents,
10 detonators, all as defined in 18 U.S.C.A. § 841 on the Property are
11 prohibited. Production of those items is only allowed pursuant to
12 an SUP issued by City Council with any conditions the Council
13 may choose to impose.

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

17
18 **15. Brownfield Program.** The Property Owner shall not seek to remove the
19 Property from the Georgia Environmental Protection's Division's (EPD)
20 Brownfield Program other than by complying with the remediation
21 requirements thereof and the owner shall cooperate with the EPD and all
22 parties to achieve the Plan as it now exists or as it may be amended from
23 time to time.

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25
26 **16. Storage containers.** Storage containers, such as gas or oil barrels or
27 conex boxes which are located or stored on the property should be
28 screened so they cannot be seen by a person standing on the ground at
29 the perimeter of the Property.

30
31 **17. Rookery.** Owner of Property (not including owner at the time this rezoning
32 application was made) shall make best efforts to obtain appropriate
33 permitting for and to provide at no expense to City at least four
34 observation blinds for viewing of the rookery without disturbing the
35 rookery together with access and parking for the public use thereof, all to
36 be shown and located on a site plan submitted to City for approval prior
37 to any development of the Property. Owner of Property shall preserve the
38 Conservation Area as a natural area and area suitable for use as a
39 rookery for wood storks perpetually.
40

- 1 **18. Wetlands.** All wetlands and salt marshes on Property shall be used,
2 protected and maintained as part of all development plans in accordance
3 with state and federal laws, regulations and permitting requirements.
- 4 **19. Barge Limit.** No barges or other vessels may be moored in the North
5 River.
6
- 7 **20. Dredging.** Property Owner shall not request any dredging of the North
8 River except to maintain current depth in strict compliance with Federal
9 and State regulations.
10
- 11 **21. Fossil Fuel Exploration.** No off-shore fossil fuel exploration
12 staging/support facilities shall be allowed on the Property unless as an
13 SUP.
14
- 15 **22. Odors.** No industrial use that may produce injurious or noxious noise,
16 vibration, smoke, gas, fumes, odor, dust, fire hazard or other conditions
17 objectionable to an ordinary, reasonable person as a result of its
18 operation shall be allowed unless permitted by an SUP granted by City
19 Council. Such uses shall be located a minimum of 200 feet from adjoining
20 property lines and must be in conformance with all applicable rules and
21 regulations administered by the Environmental Protection Division of the
22 Georgia Department of Natural Resources.
23
- 24 **23. Naval Vessels.** Property Owner shall coordinate routes and shipping
25 volumes for vessels entering or leaving the Property and shall develop a
26 de-confliction procedure with the U. S. Navy and Coast Guard and
27 conform thereto. The transit of naval assets in and out of the Intracoastal
28 Waterway shall not be interfered with by vessels entering or leaving the
29 Property.
30
- 31 **24. Traffic.** The Property Owner will coordinate with the City of St. Marys and
32 the Georgia Department of Transportation (GDOT) regarding traffic and
33 site access and to that end will, at no expense to City, provide a detailed
34 traffic study acceptable to GDOT.
- 35 **25. Noise.** All present or future Property Owners or occupiers of any portion
36 of the Property shall strictly comply with all St. Marys Ordinances
37 including, without limitation, the noise ordinance Section 46-69.
38
- 39 **26. Process.** The Port of St. Marys Industrial & Logistics Center Planned
40 Development District (hereinafter referred to as “District” or “the

1 District”) and each of the exhibits attached thereto (Exhibits A through H)
2 as altered by these Special Conditions are incorporated into this rezoning
3 planned development ordinance and made a part hereof. The applicants
4 and any successors in interest in the developments of the District shall
5 comply with and be bound by the Planned Development District text and
6 each of the aforesaid exhibits. The District shall be rezoned to those
7 zoning classifications as shown on exhibit A and only those uses
8 authorized by the District plan in the respective zoning classifications as
9 identified in SECTION II B. Allowed Land Uses shall be permitted, except
10 as amended by these conditions. Prior to any development or
11 improvement including any building or structure on any property or
12 portion of the Property within the District, a Plot Plan or Site Plan (those
13 terms being used interchangeably in this Exhibit H and the entire PD Text
14 and Exhibits) of any area to be improved at such time must be filed with
15 the City requesting approval as provided in Sec. 110-68(c) of the Zoning
16 Ordinance of the City of St. Marys. No building permit or other
17 development permit required under the ordinances of St. Marys shall
18 issue nor shall any application therefor be accepted until the Plot Plan is
19 approved by the City Planning Commission under the provisions of the
20 Zoning Ordinance.

21
22 **27. Independent Port.** No portion of the Property shall be used as a laydown
23 yard or storage area for another port or as an accessory or subsidiary
24 operation to any other port. Normal, non-preferential, not regularly
25 recurring trade with any port is not prohibited hereby.
26