

PLANNING COMMISSION

STAFF REPORT

Growth Management Department



MEETING DATE:	February 28, 2024
PROJECT:	Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, Article 3 – Application Process, Sec. 3.13 (Development Surety and Stormwater Surety), Sec. 3.14 (Certificate of Construction Compliance); and, Article 5 – Design Standards, Sec. 5.10 (Stormwater)
PROJECT MANAGER:	Charlotte Moore, AICP Principal Planner

INTRODUCTION: As set forth in Section 3.5.2 of the Unified Development Ordinance (UDO), “an application for a UDO Text Amendment may be initiated by a Town of Bluffton property owner, Town Council, Planning Commission, or the UDO Administrator when public necessity, convenience, State or Federal law, general welfare, new research, or published recommendations on zoning and land development justifies such action.”

REQUEST: The UDO Administrator requests that the Planning Commission recommend approval to Town Council of certain text amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, Article 3 – Application Process, Sec. 3.13 (Development Surety and Stormwater Surety), Sec. 3.14 (Certificate of Construction Compliance); and, Article 5 – Design Standards, Sec. 5.10 (Stormwater).

BACKGROUND: From time to time, amendments to the UDO are necessary to address insufficient procedural processes and standards. The proposed amendments are highlighted below and are provided as attachments. “Housekeeping” items, such as correction of punctuation, inclusion of missing words, reformatting are also included.

- **Sec. 3.13, Development Surety and Stormwater Surety:** The amendment would separate the Stormwater Surety acceptance process from the Development Surety process and identify the timing of acceptance (i.e., either when the Final Development Plan is approved or when the Stormwater Permit involves the satisfactory installation of stormwater infrastructure, facilities or practices).

- **Sec. 3.14, Certificate of Construction Compliance:** This section was amended in 2023. However, implementation revealed the need to distinguish between residential and commercial development, which includes multi-family residential. The amendment would revise and distinguish the Final Certificate of Construction Compliance (CCC) process for residential and commercial development. For a commercial building, the applicant could apply for and receive a building permit without a Final CCC, but a Certificate of Occupancy would be withheld if a Final CCC has not been issued for the site or phase in which the building is located.
- **Sec. 5.10, Stormwater:** The amendments to this section would change the applicability of stormwater requirements by distinguishing development and redevelopment. Presently, development and redevelopment that creates, adds or replaces 5,000 or more square feet of impervious surface, or that involves any land disturbing activity of one or more acres, must comply with Sec. 5.10. The proposed amendments would apply to *any* development of 5,000 or more square feet. For redevelopment, Sec. 5.10 would apply when 2,000 or more square feet of impervious surface would be created. Additionally, a grading plan would continue to be required for any land disturbance of 5,000 or more square feet or that would cause existing impervious surface to meet or exceed 5,000 square feet.

REVIEW CRITERIA & ANALYSIS: When assessing an application for UDO Text Amendments, Town Council is required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

1. **Section 3.5.3.A.** Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Plan, recent development trends and the general character of the area.

Finding. The proposed amendments are consistent with Comprehensive Plan policies for stormwater management.

2. **Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

Finding. The proposed amendments support best-planning practices for stormwater management.

3. **Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

Finding. The proposed amendments support the general welfare of the Town and its residents.

4. **Section 3.5.3.D.** Impact of the proposed amendment on the provision of public services.

Finding. The proposed amendments have no relationship to this criterion.

5. **Section 3.5.3.E.** The application must comply with applicable requirements in the Applications Manual.

Finding. The application complies with all applicable requirements of the Applications Manual.

NEXT STEPS:

UDO Text Amendment Procedure	Date	Complete
Step 1. Planning Commission Public Hearing and Recommendation	February 28, 2024	✓
Step 2. Town Council – 1st Reading	March 12, 2024	✗
Step 3. Town Council Meeting – Final Reading and Public Hearing	April 9, 2024	✗

PLANNING COMMISSION ACTIONS: As granted by the powers and duties set forth in Sec. 2.2.6.C.4 of the UDO, the Planning Commission has the authority to take the following actions with respect to this application:

1. Approval of the application as submitted;
2. Approval of the application with amendments; or
3. Denial of the application as submitted by the Applicant.

STAFF RECOMMENDATION: Growth Management staff recommends the Planning Commission recommend approval of the proposed Text Amendments as submitted.

ATTACHMENTS:

1. Proposed Amendments