

ORDINANCE NO. 2026 – _____

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING THE TOWN OF BLUFFTON'S MUNICIPAL CODE OF ORDINANCES, CHAPTER 23, UNIFIED DEVELOPMENT ORDINANCE; ARTICLE 3, APPLICATION PROCESS – SEC. 3.18 (CERTIFICATE OF APPROPRIATENESS-HISTORIC DISTRICT) AND SEC 3.19 (SITE FEATURE-HISTORIC DISTRICT PERMIT) AS IT RELATES TO DEMOLITION OF NON-CONTRIBUTING STRUCTURES IN OLD TOWN BLUFFTON HISTORIC DISTRICT

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town of Bluffton's Town Code and Ordinances provide guidance and requirements for development within the Town of Bluffton through regulations set forth to protect and promote the health, safety, and welfare of the Town's citizens, as espoused through the provisions of the Town of Bluffton Comprehensive Plan and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Title 6, Chapter 29 of the Code of Laws for South Carolina; and

WHEREAS, the Town of Bluffton Town Council adopted the aforementioned standards, which are known as the Unified Development Ordinance, Chapter 23 of the Code of Ordinances for the Town of Bluffton, South Carolina on October 11, 2011 through Ordinance 2011-15; and

WHEREAS, the Unified Development Ordinance unifies the subdivision, land use, development/design regulations, as well as the Old Town Bluffton Historic District Code into a single set of integrated, updated, and streamlined standards; and

WHEREAS, the Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest changes as deemed appropriate; and,

WHEREAS, the Strategic Plan for Fiscal Year 2025-26 ("Strategic Plan") serves as a road map for activities and initiatives to implement the Town's Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals, which includes amendments to the Unified Development Ordinance to support these goals; and

WHEREAS, revisions to certain sections of the UDO is necessary from time to time to advance the Strategic Plan; and

ATTACHMENT 1

WHEREAS, the Town of Bluffton Town Council held a workshop on February 10, 2026 to discuss the proposed amendments; and

WHEREAS, the Historic Preservation Commission held a meeting on June 3, 2026 to discuss the proposed amendments; and

WHEREAS, the Planning Commission held a public hearing on June 24, 2026 to review and recommend the amendments Exhibit A to Town Council; and in

WHEREAS, the Town of Bluffton Town Council desires to amend the Unified Development Ordinance to adopt the amendments listed below in Section 1, Amendments.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton, Chapter 23, Unified Development Ordinance as follows:

SECTION 1. AMENDMENTS. The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina by adopting and incorporating amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance as provided in Exhibit A;

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this _____ day of _____, 2026.

This Ordinance was read and passed at first reading on this _____ day of _____, 2026.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on this _____ day of _____, 2026.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

ATTACHMENT 1

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on this _____ day of _____, 2026.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

EXHIBIT A

3.18 Certificate of Appropriateness – Historic District (HD)

3.18.5 Demolition

A. Non-contributing Structures

~~The below items shall be provided by the Applicant and reviewed by the Historic Preservation Commission in its consideration of a request for demolition of any structure, in whole or in part, in Old Town Bluffton Historic District that is not designated as a Contributing Resource:~~

- ~~1. The construction date, history of ownership, development, use(s), and the reason for the demolition request; and,~~
- ~~2. Compliance with all applicable requirements in the Applications Manual.~~

See Sec. 3.19, Site Feature-Historic District (HD) Permit.

B. Contributing Resources

The demolition of a Contributing Resource, either in whole or in part, is detrimental to the integrity and status of Old Town Bluffton Historic District and, where applicable, the Bluffton National Register Historic District, as significance of these districts is embodied by their contributing resources. Demolition of a Contributing Resource that is individually listed in the National Register of Historic Places, contributes to the Bluffton National Register Historic District, or that was designated as contributing to the Old Town Bluffton Historic District on or after June 19, 2007, shall not be permitted except in extraordinary circumstances and when all preservation alternatives have been exhausted.

1. The Historic Preservation Commission shall consider the following in its consideration of an application for a Certificate of Appropriateness-HD for demolition, either in whole or in part:
 - a. The construction date, history of ownership, development, use(s), and other pertinent history of the Contributing Resource, and the reason for the request;
 - b. A report prepared by a State of South Carolina registered professional structural engineer with demonstrated experience in historic preservation detailing the structural soundness of the Contributing Resource supported by findings, including clear and convincing evidence that demolition is necessary, in whole or in part, to alleviate a threat to public health or public safety;
 - c. Evidence that demolition is required to avoid exceptional practical difficulty or undue hardship upon the owner of the property and that no other reasonable alternatives to demolition exist, including but not limited to relocation. If exceptional practical difficulty or undue hardship is claimed, evidence shall be provided to demonstrate that the applicant did not have the opportunity to discover the nature of the difficulty or undue hardship and that application of the standards would deprive the applicant of reasonable use and economic return on the property.
 - d. Consistency with applicable principles set forth in the Old Town Bluffton Master Plan and Town of Bluffton Comprehensive Plan; and,

e. Compliance with all applicable requirements in the Applications Manual.

2. **Delay of Decision Regarding Demolition**

In considering the criteria for demolition, the Historic Preservation Commission may find that the preservation and protection of the Contributing Resource and the public interest will best be served by postponing a decision for a designated period not to exceed 180 days. During the period of postponement, the Historic Preservation Commission shall consider what alternatives to demolition may exist. Consideration by the Historic Preservation Commission shall include:

- a. Alternatives for preservation of the structure, either in whole or in part, including consultation with civic groups, interested private citizens, and other boards or agencies (both public and private); and,
- b. If other alternatives for preservation cannot be identified, including relocation, and the preservation of the Contributing Resource is clearly in the interest of the general welfare of the community, investigation of the potential of the Town to acquire the property.

3. **Effect of Approval**

- a. In granting a Certificate of Appropriateness-HD for demolition, the Historic Preservation Commission may impose such reasonable and additional conditions, which may include deconstruction of historic building components for re-use.
- b. The process for demolishing a Contributing Resource, including documentation to be provided, shall comply with demolition guidelines approved by Town Council.

3.19 Site Feature – Historic District (HD) Permit

3.19.2 Applicability

- A. Permit Required. A Site Feature - Historic District (HD) Permit is required for the following:
1. Sign, to include new signs, modifications to existing signs, or replacement of existing signs. Certain signs, as indicated in Sec. 5.13.3, are exempt from the Site-Feature-Historic District (HD) Permit requirement.
 2. Modifications or improvements to site elements such as changes to parking lots, sidewalks, landscaping, and lighting;
 3. Garden Structures and Sheds; as specified in Sec. 5.15.5;
 4. Maintenance or repair of any features of an existing structure or building that do not alter such features or change the design, architectural character, or outward appearance, as determined by the UDO Administrator. Any replacement material shall be like-for-like, or an equivalent material that is approved by the UDO Administrator; and
 5. Minor, non-structural exterior modifications to existing structures and buildings that do not alter the architectural character. Examples of such work include, but are not limited to, the addition of screens or balustrades to an existing porch, the addition of a deck without a roof, and accessibility improvements for compliance with the Americans with Disabilities Act. To preserve the outward appearance of a building or structure, such work is discouraged on the principal façade.

6. Demolition of a non-contributing structure.

3.19.3 Application Review Criteria

As applicable, the following shall be considered in reviewing an application for a Site Feature - Historic District (HD) Permit:

- A. Conformance with applicable provisions provided in *Article 5, Design Standards*;
- B. For signs, conformance with the following applicable provisions:
 - 1. Sec. 5.12, Lighting;
 - 2. Sec. 5.15.6.Q., Signs; and,
 - 3. Sec. 7.10, Nonconforming Signs;
- C. For ~~historic structures~~ Contributing Resources, in addition to the above and as applicable, conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- D. For demolition of non-contributing structures, the construction date, history of ownership and uses (if known), and property survey (if available). ~~Compliance with applicable requirements in the Applications Manual.~~
- E. Compliance with applicable requirements in the Applications Manual.

3.19.4 Effect and Expiration of Approvals

- A. **Approval.** The issuance of a Site Feature – Historic District (HD) Permit shall authorize the Applicant to either install, modify, replace, or ~~replace~~ demolish the site feature as specified by the permit. When a Building Permit is required to install, modify, or replace a site feature, an approved Site Feature – Historic District (HD) Permit shall be provided at time of Building Permit application.