

ORDINANCE NO. 2023 – _____

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. 3.2 (GENERAL APPLICATION APPROVAL PROCESS), SEC. 3.14 (CERTIFICATE OF CONSTRUCTION COMPLIANCE), SEC. 3.17 (CERTIFICATE OF APPROPRIATENESS - HIGHWAY CORRIDOR OVERLAY), SEC. 3.18 (CERTIFICATE OF APPROPRIATENESS - HISTORIC DISTRICT), SEC. 3.19 (SITE FEATURE – HISTORIC DISTRICT PERMIT) AND SEC. 3.25 (DESIGNATION OF CONTRIBUTING RESOURCES); ARTICLE 4 - ZONING DISTRICTS, SEC. 4.4 (CONDITIONAL USE STANDARDS); ARTICLE 5 - DESIGN STANDARDS, SEC. 5.8 (LOT AND BUILDING STANDARDS), SEC. 5.11 (PARKING), SEC. 5.13 (SIGNS) AND SEC. 5.15 (OLD TOWN BLUFFTON HISTORIC DISTRICT); ARTICLE 7 – NONCONFORMITIES; ARTICLE 9 – DEFINITIONS AND INTERPRETATIONS, SEC. 9.2 (DEFINED TERMS), SEC. 9.3 (INTERPRETATION OF DIMENSIONAL STANDARDS), AND SEC. 9.4 (DESCRIPTION OF USES OF LAND AND BUILDINGS)

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 2023-24 (“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, the Town of Bluffton Town Council desires to amend the Unified Development Ordinance, Article 3 – Application Process, Sec. 3.2 (General Application Approval Process), Sec. 3.14 (Certificate of Construction Compliance), Sec. 3.17 (Certificate of Appropriateness-Highway Corridor Overlay), Sec. 3.18 (Certificate of Appropriateness-Historic District), Sec. 3.19 (Site Feature-Historic District Permit) and Sec. 3.25 (Designation of Contributing Resources); Article 4 – Zoning Districts, Sec. 4.4 (Conditional Use Standards); Article 5 – Design Standards, Sec. 5.8 (Lot and Building Standards), Sec. 5.11 (Parking), Sec. 5.13 (Signs) and Sec. 5.15 (Old Town Bluffton Historic District); Article 7 - Nonconformities; Article 9 – Definitions and Interpretations, Sec. 9.2 (Defined Terms), Sec. 9.3 (Interpretation of Dimensional Standards), and, Sec. 9.4 (Description of Uses of Land and Buildings) to improve processes and development standards.

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. AMENDMENT. The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina by adopting and incorporating certain amendments to Chapter 23 – Unified Development Ordinance, including amendments to the following sections: Article 3 – Application Process, Sec. 3.2 (General Application Approval Process), Sec. 3.14 (Certificate of Construction Compliance), Sec. 3.17 (Certificate of Appropriateness-Highway Corridor Overlay), Sec. 3.18 (Certificate of Appropriateness-Historic District), Sec. 3.19 (Site Feature-Historic District Permit) and Sec. 3.25 (Designation of Contributing Resources); Article 4 – Zoning Districts, Sec. 4.4 (Conditional Use Standards); Article 5 – Design Standards, Sec. 5.8 (Lot and Building Standards), Sec. 5.11 (Parking), Sec. 5.13 (Signs) and Sec. 5.15 (Old Town Bluffton Historic District); Article 7 - Nonconformities; Article 9 – Definitions and Interpretations, Sec. 9.2 (Defined Terms), Sec. 9.3 (Interpretation of Dimensional Standards), and, Sec. 9.4 (Description of Uses of Land and Buildings) as shown on Exhibit A attached hereto and fully incorporated herein by reference.

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 _____, 2023.

This Ordinance was read and passed at first reading on **July 11, 2023**.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on **August 8, 2023**.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on **August 8, 2023**.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

EXHIBIT A

Sec. 3.2, General Application Approval Process

Sec. 3.2.3, Public Hearing Notice

Specific applications are subject to public hearing notice requirements as set forth in this Section. Upon acceptance of an application that requires a public hearing, the UDO Administrator shall fix a reasonable date and time for the public hearing. Notice of public hearing requirements are as follows:

- A. **Timing of Public Hearing Notice Requirements.** Public notice as set forth in this Section shall be provided not less than the following number of calendar days prior to the public hearing:

Application Type	Newspaper Posting	Posting of Property	Certified Mailing to Surrounding Property Owners
Comprehensive Plan Amendment ¹	30	-	-
Zoning Map Amendment ¹	15	15	15
UDO Text Amendment ¹	15	-	-
Special Exception ²	15	15	15
Variance ²	15	15	15
Planned Unit Development (PUD) – Concept Plan ¹	15	-	-
Street Renaming ³	15	-	15
Certificate of Appropriateness – Historic District Demolition ⁴	15	15	-
Designation or Delisting of a Contributing Resource ⁴	15	15	-

¹ A Public Hearing shall be held by both Planning Commission and Town Council.

² A Public Hearing shall be held by the Board of Zoning Appeals.

³ A Public Hearing shall be held by the Planning Commission.

⁴ A Public Hearing shall be held by the Historic Preservation Commission.

- B. **Newspaper Posting.** When required, the UDO Administrator shall cause notice of the public hearing to be published in a newspaper of general circulation in the Town not less than the number of days prior to the public hearing as specified in the preceding table. Notices shall also be ~~electronically published on the Town of Bluffton website, posted at Town Hall, and~~ distributed ~~either in hardcopy or electronically~~ to any person, agency, or organization registered to receive such notifications.

- B. **Posting of Property.** When required, the UDO Administrator shall cause a conspicuous notice of public hearing sign to be posted not less than the number of days prior to the public hearing as specified in the preceding table on or adjacent to the subject property, with at least one such notice being visible from each public thoroughfare that abuts the property. If the subject property does not abut a public thoroughfare, such sign shall be posted on the public thoroughfare from

which the subject property is accessed. All signs shall be removed by the Town within 30 days of conducting the public hearing.

- D. **Certified Mailing to Surrounding Property Owners.** To help assure surrounding property owners are provided adequate public notice of a public hearing on an application, surrounding property owners shall be notified as follows:

~~1.~~ The Applicant shall send notice of the public hearing by certified US mail not less than the number of days prior to the public hearing as specified in the preceding table to all owners of real property within 250 feet of the subject property. The UDO Administrator shall provide the applicant with the names and addresses of the surrounding property who are to ~~received~~ mailed notice, and shall provide the applicant with a sample public hearing notification letter. The Applicant shall submit the original Certified Mailing receipts for the mailed notices to the UDO Administrator not less than seven ~~(7)~~ days prior to the public hearing.

- E. **Public Notice Compliance.** Failure to comply with the public notice requirements shall result in the removal of an application from the public hearing meeting agenda. Any rescheduled public hearing on an application shall be subject to subsequent compliance with all public notice requirements.

Sec. 3.2.4, Public Notice for All Applications

Specific applications are subject to public notice requirements as set forth in this Section.

- A. Public Notice Requirement. *[No changes]*
- B. Exceptions. The public notice requirements of Section 3.2.4.A. are not required for the following applications:
1. Any application for which a Public Hearing Notice is required pursuant to Section 3.2.3 of this Ordinance;
 2. A minor amendment to a previously approved PUD Master Plan pursuant to Section 3.9.6.A;
 3. A minor amendment to a previously approved Development Plan pursuant to Section 3.10.6.A;
 4. A minor amendment to a previously approved Subdivision Plan or a minor amendment to a Subdivision Plan associated with an active Development Plan pursuant to Section 3.11.6.A.;
 5. An application for an Exempt Plat Stamp pursuant to Section 3.12;
 6. An application for a Development Surety Application pursuant to Section 3.13;
 7. An application for Certificate of Construction Compliance pursuant to Section 3.14;
 8. An application for Street Naming pursuant to Section 3.15;

- ~~8.~~ 9. An application for an amendment to a previously approved Certificate of Appropriateness – Highway Corridor Overlay (HCO) provided that the UDO Administrator determines that the proposed revision complies with the standards of this Ordinance and does not substantially alter the basic design approved by the Planning Commission pursuant to Section 3.17.5.B; and,
9. ~~10.~~ An application for an amendment to a previously approved Certificate of Appropriateness – Historic District (HD) provided that the UDO Administrator determines that the proposed revision complies with the standards of this Ordinance and does not substantially alter the basic design approved by the Historic Preservation Commission pursuant to Section 3.18.6.B.

Sec. 3.14, Certificate of Construction Compliance

3.14.1 Intent

This Section is intended to provide procedures and standards for the review of Certificate of Construction Compliance Applications. ~~Review of Certificate of Construction Compliance Applications will help ensure that all site improvements required by the development plan have been made.~~ The Certificate of Construction Compliance process ensures that all site improvements, including landscaping, comply with the approved Final Development Plan and are completed.

3.14.2 Applicability

The regulations set forth in this Section shall apply to any development which is subject to a Development Plan approval pursuant to the provisions of this Article.

3.14.3 Application Review Criteria

The UDO Administrator shall consider the following criteria in assessing an application for Certificate of Construction Compliance:

- A. Compliance with all applicable provisions of this Ordinance, including Subdivision and/or Development Plan approval requirements, as applicable;
- B. Compliance with all requirements of the approved Final Development Plan; ~~and~~
- C. ~~The approved development must be able to function alone with all required infrastructure including, but not limited to, access drives, parking, drainage facilities, utilities, and required landscaping/tree planting.~~ The approved site or phase must be able to function on its own with all required infrastructure, including but not limited to vehicular and pedestrian facilities, stormwater facilities, utilities, and landscaping; and,
- D. The application complies with applicable requirements in the Applications Manual.

3.14.4 Effect and Expiration of Approvals

~~Following issuance of a Certificate of Construction Compliance, the Applicant may apply for a Building Permit. A Building Permit shall not be issued for any residential structure, nor shall a Certificate of Occupancy be issued for any commercial structure by the Town of Bluffton until a Certificate of Construction Compliance has been issued for the site or phase thereof in which the building is located.~~

~~A. A Temporary Certificate of Construction Compliance may be issued and valid for a maximum of one year if the following conditions are met:~~

- ~~1. Development is substantially complete and the site is in a safe, accessible, and useable condition as determined by the UDO Administrator;~~
- ~~2. Upon providing financial guarantees in accordance with this Article assuring completion of all requirements of the approved Development Plan; and~~
- ~~3. The application must comply with applicable requirements in the Applications Manual.~~

A. Temporary Certificate of Construction Compliance.

1. If improvements and landscaping have not been completed as described herein, an application for a Temporary Certificate of Construction Compliance may be approved by the UDO Administrator for a maximum of one year from date of issuance when the following conditions are met:

- a. Unless otherwise provided in an approved and valid development agreement, the site or phase shall be seventy-five (75%) percent complete as referenced to the monetary value of the improvements, including landscaping. The existing construction cost estimate must be current to within twelve (12) months of the approved construction cost estimate. If the time period is exceeded, the construction cost estimate shall be updated and approved by the UDO Administrator.
- b. The site or phase shall be in safe, accessible, and useable condition as determined by the UDO Administrator.
- c. The Applicant shall provide financial guarantees in accordance with this Article and assure completion of all requirements of the approved Final Development Plan; and,
- d. The application must comply with applicable requirements in the Applications Manual.

2. If a Temporary Certificate of Construction Compliance is approved by the UDO Administrator, an application for a Building Permit can be made. Before a Certificate of Occupancy can be issued, a Final Certificate of Construction Compliance must be approved.

B. Final Certificate of Construction Compliance. When the required improvements, including landscaping, have been completed and a Final Certificate of Construction Compliance approved for the site or phase where the building is located, a Certificate of Occupancy can be issued.

Sec. 3.17 Certificate of Appropriateness – Highway Corridor Overlay (HCO)

3.17.3 Application Review Criteria

The Planning Commission shall consider the following criteria in assessing an application for Certificate of Appropriateness HCO:

- A. The application must be in conformance with the applicable landscaping, lighting, and architectural provisions provided in Article 5, Design Standards;
- B. The application must be in conformance with the approved Development Agreement, ~~PUD~~ Concept Plan, ~~PUD~~ Master Plan, Final Development Plan, Subdivision Plan, ~~or~~ and any other agreements or plans, ~~that are~~ as applicable; and
- C. The application must comply with applicable requirements in the Applications Manual.

3.18 Certificate of Appropriateness – Historic District (HD)

3.18.1 Intent

~~This Section is intended to provide procedures and standards to facilitate the review of Certificate of Appropriateness Applications within the Old Town Bluffton Historic District (HD) designated zoning districts. Review of Certificate of Appropriateness Applications HD shall consider the following objectives:~~

- ~~A. Maintenance of the educational, cultural and general welfare of the public through the preservation, protection and enhancement of Historic Resources and Old Town Bluffton Historic District;~~
- ~~B. Maintenance of Contributing Resources as visible reminders of the history and cultural heritage of the Town of Bluffton as well as the Lowcountry region in accordance with the standards set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and~~
- ~~C. Ensure that proposed activities foster the development of quality and innovative designs that respect and complement the eclectic character of the Old Town Bluffton Historic District.~~

This Section provides procedures and criteria to facilitate the review of Certificates of Appropriateness – Historic District (HD) applications within Old Town Bluffton Historic District (HD) zoning districts. The COFA-HD ensures that the historic, cultural, and general welfare of Old Town Bluffton Historic District is protected and preserved and that infill development that respects and complements the eclectic character of the district is fostered.

3.18.2 Applicability

~~3.18.2 Applicability Except for the removal or replacement of an existing manufactured home, no structure located within a HD designated zoning district or constructed 50 or more years ago within the limits of the Town, may be erected, renovated, demolished, relocated or removed, in whole or in~~

~~part, nor may the exterior architectural character of such structure be altered until a Certificate of Appropriateness HD has been issued for the project. The Historic Preservation Commission shall review applications for a Certificate of Appropriateness HD for any activity which:~~

- ~~A. Increases the area of the structure or building footprint;~~
- ~~B. Results in the cutting away of any exterior wall, partition, or portion thereof;~~
- ~~C. The removal or cutting of any structural beam or load-bearing support or the removal or change of any required means of egress;~~
- ~~D. Changes in fenestration location;~~
- ~~E. Requires a development plan or demolition permit;~~
- ~~F. Results in the alteration of the exterior architectural character; and,~~
- ~~G. Is not otherwise able to be reviewed through a Site Feature Permit~~ HD.3.18.3 Application Review Criteria Any application for a Public Project located in the Old Town Bluffton Historic District shall be reviewed “for comment only” by the Historic Preservation Commission (HPC) using the criteria in Section 3.18 Certificate of Appropriateness — Historic District (HD). The UDO Administrator will maintain approval authority and may consider the comments of the HPC. The application shall not require a Certificate of Appropriateness HD to proceed.

- A. The Historic Preservation Commission shall review applications for a Certificate of Appropriateness-HD for new construction, alterations, relocation or demolition of structures and other activities as may be described herein and that are not otherwise able to be reviewed through a Site Feature-Historic District Permit.

Except for the replacement or demolition of an existing manufactured home, no structure located within Old Town Bluffton Historic District can be constructed, altered, relocated, or demolished, in whole or in part, without an approved Certificate of Appropriateness-HD.

- B. Any application for a Public Project located in Old Town Bluffton Historic District shall be reviewed “for comment only” by the Historic Preservation Commission using the criteria in this Section. The UDO Administrator will maintain approval authority and may consider the comments of the Historic Preservation Commission. The application shall not require a Certificate of Appropriateness-HD to proceed.

3.18.3 Application Review Criteria Review Criteria for New Construction and Alterations

The Historic Preservation Commission shall consider the following criteria in assessing an application for Certificate of Appropriateness HD:

- ~~A. Consistency with the Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;~~
- ~~B. Consistency with the principles set forth in the Old Town Bluffton Master Plan;~~
- ~~C. The application must be in conformance with applicable provisions provided in Article 5, Design Standards;~~

~~D. The nature and character of the surrounding area and consistency of the resource with the scale, form and building proportions of the surrounding neighborhood;~~

~~E. Preservation of the existing building's historic character and architecture;~~

~~F. The historic, architectural, and aesthetic features of the resource including the extent to which its alteration or removal would be detrimental to the public interest;~~

~~G. For an application to demolish, either in whole or in part, any Contributing Structure, the Historic Preservation Commission shall consider: 1. The existing and historical ownership and use and reason for requesting demolition; and 2. Information that establishes clear and convincing evidence that: a. The demolition of the structure is necessary to alleviate a threat to public health or public safety; and b. No other reasonable alternatives to demolition exist; and c. The denial of the application, as a result of the regulations and standards of this Section, deprive the Applicant of reasonable economic use of or return on the property;~~

~~H. The application must comply with applicable requirements in the Applications Manual.~~

To maintain the unique and historic character of Old Town Bluffton Historic District, new construction and alterations shall be consistent with the standards, criteria and guidelines developed for the district. The Historic Preservation Commission shall consider the following criteria in its consideration of an application for a Certificate of Appropriateness-HD for new construction and alterations:

1. Consistency with applicable principles set forth in the *Old Town Bluffton Master Plan* and *Town of Bluffton Comprehensive Plan*;
2. Conformance with the approved Final Development Plan, Subdivision Plan, and any other agreements or plans that are applicable;
3. Conformance with applicable provisions in Article 5, Design Standards;
4. Demonstration of a compatible visual relationship between new construction or alterations and existing buildings, streetscapes and open spaces. A compatible visual relationship must be generally of a similar structural mass, scale, height, proportion, directional expression of the principal elevation and rhythm of spacing, as applicable;
5. Compliance with applicable requirements in the Applications Manual.

In addition to 1-5 above and as applicable, the Historic Preservation Commission shall consider the following criteria for a Contributing Resource:

6. Compliance with the *U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures*;
7. Demonstration that historic architectural features will be preserved to maintain the resource as a Contributing Resource to the Old Town Bluffton Historic District. Additions shall not destroy any features that characterize the Contributing Resource. New work shall be differentiated and shall be compatible with the size, scale, material and character of the property and surroundings.
8. Demonstration that any new additions will be undertaken in such a manner that the essential form and integrity of the structure would be unimpaired if such additions were to be removed in the future; and,
9. In the case of a Contributing Resource approved for relocation, the relocated structure should be sited as close to the original site as possible, in a setting similar to its historic placement including

lot coverage, building orientation and setback from the street. The new foundation should match the original foundation in height, design, and materials.

3.18.4 Demolition of a Contributing Structure Review Criteria for Relocation of Structures

~~A. In addition to the Application Review Criteria set forth in Section 3.18.3, in reviewing and recommending action on, or approving, approving with conditions, or denying, applications that include the demolition of any Contributing Structure, either in whole or in part, the Historic Preservation Commission may find that the preservation and protection of the Contributing Structure and the public interest will best be served by postponing the demolition 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 and then, as appropriate, make such recommendations to Town Council and the Applicant. Such consideration by the Historic Preservation Commission shall, at a minimum, include the following:~~

- ~~1. 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); or,~~
- ~~2. If other alternatives for preservation cannot be identified and the preservation of a given structure is clearly in the interest of the general welfare of the community and of certain historic and architectural significance, investigation of the potential use of the power of eminent domain by the Town to acquire the property.~~

~~B. If after the postponement period has expired and an alternative for preservation has not been recommended, action regarding the application shall be taken in accordance with this Section at the next regularly scheduled Historic Preservation Commission meeting.~~

A. Review Criteria for Relocation

1. Non-contributing Structures

The relocation of non-contributing structures into or within Old Town Bluffton Historic District shall be reviewed as new construction and the criteria in Sec. 3.18.3. shall be applied.

2. Contributing Structures

The relocation of any structure that is a Contributing Resource is detrimental to the integrity of Old Town Bluffton Historic District and, where applicable, the Bluffton National Register Historic District, as significance of the resource is embodied in location, context, and setting, as well as the resource itself. Relocation of a Contributing Resource may destroy the relationship between the resource and its surroundings, associations with historic events and persons, historic features (such as landscaping, foundation, chimneys), and known or potential archaeological resources. Relocation may also create a false sense of historic development. For these reasons, relocation 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 should not be permitted except in extraordinary circumstances. The below items shall be provided by the Applicant and reviewed by the

Historic Preservation Commission in its consideration of an application for a Certificate of Appropriateness-HD for relocation of a Contributing Resource:

- a. The construction date, history of ownership, development, use(s), any other pertinent history of the Contributing Resource, and the reason for the relocation;
- b. An explanation of all on-site alternatives that were explored and why they are not feasible;
- c. Evidence that one or more extraordinary circumstances exists to support relocation;
- d. Information regarding the proposed relocation site and its proximity to the original location and how the relocation site will approximate the historic character and development of the original location; and,
- e. A report prepared by a State of South Carolina registered professional structural engineer with demonstrated experience in historic preservation as to the structural soundness of the Contributing Resource and its ability to be relocated intact without irreparable harm, supported by findings. If the report finds that intact relocation is not possible, findings shall also be provided for relocation by partial or complete disassembly of the Contributing Resource for reassembly in another location without irreparable loss of Historic Integrity.

B. Review Process for Relocation

1. A proposed relocation shall be reviewed as new construction applying the applicable criteria in Section 3.18.3.
2. If the Historic Preservation Commission approves relocation of a Contributing Resource, the approval shall be conditional until an approved Certificate of Appropriateness-HD for the receiving site is obtained. When applicable, an approved Final Development Plan for the receiving site must also be obtained before the Contributing Resource can be relocated.
3. The process for relocation and documentation of a Contributing Resource shall comply with relocation guidelines approved by Town Council.

3.18.5 Effect and Expiration of Approvals Review Criteria for Demolition

A. Approval:

- ~~1. Following approval of an application for a Certificate of Appropriateness HD the Applicant may apply for a building permit or any other plan approval, if applicable. In the event such additional approvals are not applicable or necessary, the Applicant may commence the activity(ies) as authorized by the approved application.~~
- ~~2. Following approval of an application for a Certificate of Appropriateness HD that includes the demolition, either in whole or in part, of any Contributing Structure and prior to the commencement of any demolition activities, the Applicant shall document the structure according to the documentation standards of the Historic American Building Survey and the Historic American Engineering Record for archival purposes and submit such recording to the UDO Administrator for review and approval.~~

~~B. Expiration. Approval of a Certificate of Appropriateness HD shall expire two years from the date of its issue unless an appreciable amount of improvement or development commences and proceeds to completion in a timely and customary manner in accordance with the Certificate of Appropriateness HD.~~

A. Review Criteria for Demolition

1. 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:

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

2. Contributing Structures

The demolition of any structure that is 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, should not be permitted except in extraordinary circumstances and when all preservation alternatives have been exhausted. The below items shall be provided by the Applicant and reviewed by the Historic Preservation Commission in its consideration of an application for a Certificate of Appropriateness-HD for demolition of a Contributing Resource, 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. The applicant should provide, at a minimum, the following information:
 - (1) Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control;
 - (2) Financial resources of the owner and/or parties in interest.

- (3) Cost of repairs;
- (4) Assessed value of land and improvements;
- (5) Real estate taxes for the previous two years;
- (6) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;
- (7) Annual debt service, if any, for previous two (2) years received;
- (8) Any listing of the property for sale or rent, price asked, and offers received, if any;
- (9) In addition, for an income-producing property, the following information from the previous two years: the annual gross income from the property, itemized operating and maintenance expenses, and annual cash flow; and
- (10) The timeline and circumstances under which the applicant learned of the condition of the Contributing Structure which gave rise to the applicant's decision to request approval to demolish it.
- 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.

B. 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:

- 1. 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,
- 2. 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.

C. Review Process for Demolition

- 1. The proposed demolition shall be reviewed applying the applicable criteria in Section 3.18.5.A.
- 2. In granting a Certificate of Appropriateness-HD for demolition, the Historic Preservation Commission may impose such reasonable and additional conditions, which may include disassembly of historic building components for re-use.
- 3. The process for demolishing a Contributing Resource, including documentation to be provided, shall comply with demolition guidelines approved by Town Council.

3.18.6 Amendments to Approvals Effect and Expiration of Approvals

3.18.6 Amendments to Approvals

~~A. An Applicant who has been granted a Certificate of Appropriateness HD shall notify the UDO Administrator of any proposed amendments to approved plans.~~

~~B. Changes may be approved by the UDO Administrator if the proposed revision complies with the standards of this Ordinance and does not substantially alter the basic design approved by the Historic Preservation Commission. C. If the UDO Administrator determines that the requested modification to the approved plans substantially deviates from the basic design approved by the Historic Preservation Commission in accordance with the Certificate of Appropriateness HD, a new, separate application shall be submitted.~~

Approval of a Certificate of Appropriateness-HD shall expire two years from the date of approval unless an appreciable amount of improvement or development commences, as determined by the UDO Administrator, and proceeds to completion in a timely and customary manner in accordance with the Certificate of Appropriateness HD.

3.18.7 Amendments to Approvals

A. An Applicant who has been granted a Certificate of Appropriateness HD shall notify the UDO Administrator of any proposed amendments to approved plans.

B. Changes may be approved by the UDO Administrator if the proposed revision complies with the standards of this Ordinance and does not substantially alter the approval by the Historic Preservation Commission.

C. If the UDO Administrator determines that the requested modification to the approved plans substantially deviates from the approval by the Historic Preservation Commission in accordance with the Certificate of Appropriateness HD, a new application shall be submitted.

3.19 Site Feature – Historic District (HD) Permit

3.19.2 Site Feature – Historic District Permit, 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. *[No change.]*
5. *[No change.]*

Sec. 3.25 Designation of Contributing Resources

3.25 Designation and Delisting of Contributing Resources

3.25.1 Intent

This Section is intended to provide procedures and criteria to facilitate designation and delisting of Contributing Resources within Old Town Bluffton Historic District.

3.25.2 Applicability

Applications to designate or delist a Contributing Resources to or from the Old Town Bluffton Historic District may be initiated by the property owner, UDO Administrator, Historic Preservation Commission or Town Council. ~~When the applicant is not the property owner, written consent of the property owner is required at time of application.~~

3.25.3 Application Review Criteria to Designate a Contributing Resource or Resource of Exceptional Importance

A. Except as provided elsewhere in this Section, any Contributing Resource ~~resource~~ that is at least 50 years old and retains integrity of location, design, setting, materials, workmanship, feeling, and association may be considered for a Contributing Resource designation by Town Council ~~upon a recommendation of the Historic Preservation Commission~~. At least one of the following criteria must be present:

1. The resource is associated with events that have made a significant contribution to the broad patterns of our history;
2. The resource is associated with the lives of persons significant in our past;
3. The resource embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction; or
4. The resource has yielded, or is likely to yield, information important in prehistory or history.

B. Resources of Exceptional Importance

Any resource that is less than 50 years old may be designated as a Contributing Resource by Town Council, ~~upon a recommendation of the Historic Preservation Commission~~, if the resource is of 'exceptional importance.' In consideration of the designation, ~~the Historic Preservation Commission~~ ~~and~~ Town Council shall consider the following:

1. Significance of the resource in history, architecture, archeology, engineering, or culture when evaluated within the historic context of the Town, State or Nation;

2. Integrity of location, design, setting, materials, workmanship, feeling and association of the resource, as applicable; and,
3. Compliance with Criterion G, as provided in the *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, as amended.

C. The application must comply with applicable requirements in the Applications Manual.

3.25.4 ~~Effect of Approval~~ Application Review Criteria to Delist a Contributing Resource

~~Upon designation, Town Council shall amend the 'Contributing Resources' map to include the approved Contributing Resource.~~

Any Contributing Resource that has ceased to meet the criteria for designation because any qualities which caused it to be originally designated have been lost or destroyed, or the designation criteria in Sec. 3.25.3.A. no longer applies, may be considered for delisting by Town Council. The application must comply with applicable requirements in the Applications Manual.

3.25.5 Effect of Approval

Upon designation or delisting, Town Council shall amend the 'Contributing Resources' map to include the approved Contributing Resource or remove the delisted Contributing Resource, as applicable.

Sec. 4.4 Conditional Use Standards

4.4.2.A.1. Conditional Use Standards, Commercial Services, Outdoor Sales

- ~~1. The following merchandise can be sold:

 - a. Agricultural goods,
 - b. Seafood, or
 - c. Seasonal Sales, such as Christmas trees or pumpkins.~~
 - ~~2. Sales displays shall be arranged to leave at least five (5) feet of clear walkway for pedestrian circulation and shall not adversely impact vehicular access or circulation or unreasonably reducing parking.~~
 - ~~3. Displays shall only be permitted during daylight hours.~~
 - ~~4. Lighting of merchandise, signage, or any other elements of the outdoor sales area shall not be permitted.~~
 - ~~5. No permanent improvements shall be made for the sole purpose of outdoor sales.~~
 - ~~6. Tents shall not be used in the Old Town Bluffton Historic District.~~
 - ~~7. All merchandise and sales displays shall be located on private property.~~
1. Except as otherwise provided in this UDO and the Town Code, all Outdoor Sales must be conducted in conjunction with the primary Retail Business being conducted on the premises and must comply with the following regulations:
 - a. The merchandise displayed outside shall be of the same type that are lawfully displayed and sold inside the business on the premises;

- b. The aggregate Outdoor Sales area shall not exceed 25 percent of the heated footprint of the business in which the primary Retail Business is being conducted;
 - c. Items displayed in front of a building in which the primary Retail Business is being conducted shall not project more than ten feet from the front façade of the building and shall be displayed only during the hours that the Retail Business is open for business. The display or storage of liquified petroleum gas (propane) cylinders of not more than 43.5 pounds capacity, which await sale, are exempt from the hours of display limitation;
 - d. No item shall be displayed in a manner that causes a safety hazard; obstructs any ingress or egress to any building; interferes with , or impedes the flow of pedestrian or vehicular traffic; is unsightly or creates any other condition that is detrimental to the appearance of the premises or any surrounding property; or any other manner that is detrimental to the public health, safety or welfare or causes and public nuisance;
 - e. No item, or any portion thereof, shall be displayed on any public property, as defined in Chapter 13 of the Town Code, unless the display is in accordance with a Town-sanctioned short-term special event or other organized activity;
 - f. Lighting of the display or sales area, including signage, is not permitted;
 - g. All architectural and developmental requirements of this Ordinance and the Town Code, including but not limited to required vegetative buffers, parking standards, and impact fees;
 - h. Seasonal sales of holiday-related items, such as Christmas trees, pumpkins, and similar items may be conducted for a period not to exceed 45 calendar days; and,
 - i. Tents shall not be used in the Old Town Bluffton Historic District without a Special Event Permit.
2. The Conditional Use Standards set forth in Section 4.4.2.A.1. shall apply to the below use except that displays may remain in place during non-business hours:
- a. Plant nurseries that primarily engage in the non-bulk retail sales of trees, shrubs, or plants, to the general public, and may include the accessory sale of garden or landscape accessories, such as mulch, fertilizer, soil, tools, pavers, landscape timbers, and other similar garden or landscape materials as permitted by Table 4.3 of this Ordinance.
3. Certain time-limited Outdoor Sales, as indicated below and as provided by this Ordinance and the Town Code, may be conducted independent of a Retail Business. The UDO Administrator may provide conditional approval to ensure compliance with applicable provisions in Sec. 4.4.2.A.1.
- a. Sales of holiday-related items, such as Christmas trees, pumpkins, and similar items conducted for a period not to exceed 45 calendar days;
 - b. Seasonal sales of fresh agricultural and/or seafood products directly to the consumer. If located within a structure, the structure shall be temporary and open-air; and,
 - c. Sales related to a short-term special event or other Town-permitted organized activity, such as festivals, carnivals, farmers’ markets, and celebrations and commemorations.

Sec. 5.8 Lot and Building Standards

Sec. 5.8.3 Standards

The existing or proposed use in combination with the lot width shall determine the lot type and applicable standards. Lot types shall only be permitted in those Districts listed. The maximum allowed density is based on the dimensional characteristics of the lot type in combination with other site characteristics that may limit the amount of land able to accommodate density. These other site characteristics include, but

are not limited to, lot configuration, right-of-way, easements, protected natural resources, open space, and topography.

Table 5.8.3.A Lot Types by District																		
	Estate House Lot	Large House Lot	Medium House Lot	Small House Lot	Duplex House Lot	Small Townhouse Lot ¹	Large Townhouse Lot ²	Live/Work Lot	Small Multi-family Lot	Medium Multi-family Lot	Large Multi-family Lot	Small Mixed-use Lot	Medium Mixed-use Lot	Large Mixed-use Lot	Small Commercial Lot	Large Commercial Lot	Industrial Lot	Civic Lot
PR																		•
AG	•																	•
RMU	•	•	•									•			•			•
RG	•	•	•	•	•	•	•											•
NC		•	•	•	•	•	•	♦	•	•		•	•		•			•
GM				•	•	•	•	♦		•	•	•	•	•	•	•		•
LI ¹		•					•			•	♦		•	♦	•	♦	•	•

Table 5.8.3.B Lot Standards							
Lot Type	Permitted In Districts	Lot Width/Building Width (if specified)	Building Setbacks ²			Lot Coverage (max)	Height (min/ max in stories ⁵
			Front ³	Rear ⁴	Side ^{3, 4}		
Estate House Lot	AG RMU RG	90 ft. min, no max	30 ft. min	40 ft. min.	15 ft. min	50%	1-3
Large House Lot	RMU RG NC LI	70 ft. min, 89 ft. max	12 ft. min 40 ft. max	30 ft. min.	10 ft. min	60%	1-3
Medium House Lot	RMU RG NC	50 ft. min., 69 ft. max	12 ft. min 30 ft. max	30 ft. min.	8 ft. min	60%	1-3
Small House Lot ⁶	RG NC GM	40 ft. min., 49 ft. max	10 ft. min 24 ft. max	25 ft. min.	5 ft. min	65%	1-3
Duplex House Lot	RG NC GM	25 ft. min., 39 ft. max	10 ft. min 24 ft. max	20 ft. min.	0 ft. min. 5 ft. min. total	65%	1-3
Small Townhouse Lot ¹	RG NC GM	16 ft. min., 23 ft. max	0 ft. min 12 ft. max	10 ft. min.	0 ft. min.	80%	1-3

Table 5.8.3.B Lot Standards							
Lot Type	Permitted In Districts	Lot Width/Building Width (if specified)	Building Setbacks ²			Lot Coverage (max)	Height (min/ max in stories ⁵
			Front ³	Rear ⁴	Side ^{3, 4}		
Large Townhouse Lot ¹	RG NC GM LI	24 ft. min., 40 ft. max	0 ft. min 20 ft. max	10 ft. min.	0 ft. min.	70%	2-3
Small Multi-family Lot	NC GM	60 ft. min., 79 ft. max	10 ft. min 20 ft. max	10 ft. min.	6 ft. min.	80%	1-2
Medium Multi-family Lot	NC GM <u>LI</u>	80 ft. min., 119 ft. max	10 ft. min 25 ft. max	20 ft. min.	10 ft. min.	75%	2-3
Large Multi-family Lot	GM <u>LI</u>	120 ft. min., 600 ft. max, provided that no building may exceed 200 ft. in width	10 ft. min 24 ft. max	30 ft. min.	15 ft. min.	70%	2-4
Small Mixed-Use Lot	RMU NC GM	22 ft. min., 79 ft. maximum, provided that no building may exceed 79 ft. in width	10 ft. min 24 ft. max	10 ft. min.	0 ft. min. 6 ft. min. total	80%	1-2
Medium Mixed-Use Lot	NC GM <u>LI</u>	80 ft. minimum, 119 ft. maximum, provided that no building may exceed 119 ft. in width	10 ft. min. 24 ft. max.	10 ft. min.	0 ft. min. 10 ft. min. total	75%	2-3
Large Mixed-use Lot	GM <u>LI</u>	120 ft. minimum, no maximum, provided that no building may exceed 200 ft. in width	10 ft. min. 24 ft. max.	10 30 ft. min.	0 ft. min. 15 ft. min. total	70%	2-4
Small Commercial Lot	RMU NC GM LI	16 ft. min., 199 ft. max	10 ft. min	20 ft. min	5 ft. min	80%	1-2
Large Commercial Lot	GM <u>LI</u>	200 ft. min., no max	10 ft. min	30 ft. min	10 ft. min	75%	1- 54
Industrial Lot	LI	150 ft. min, no max	30 ft. min	30 ft. min	20 ft. min	60%	1-3
Civic Lot	All Non-HD Districts	50 ft. min., no max	10 ft. min	10 ft. min	10 ft. min.	80%	1- 54

Notes:

1 No more than 6 townhouses are permitted in a grouping. Groupings must be separated by a minimum of 10 feet.

2 Where a buffer is required the required setback shall be measured from the buffer line.

3 When a residential use includes a driveway accessed from a street, the driveway shall be at least 22 feet in length as measured from the property line. Covered parking accessed by a driveway, including garages and carports, shall set back at least 22 feet from the property line.

4 Detached accessory structures must be set back a minimum of 3 feet from the property line.

5 See Sec. 9.3.E.

6 Vehicular access is permitted only in the rear lot.

Sec. 5.11 Parking

Sec. 5.11.1. Intent

No changes.

Sec. 5.11.2. Parking Space Calculations

These provisions shall apply to all development and redevelopment in the Town of Bluffton except as otherwise provided for in Old Town Bluffton Historic District, Sec. 5.15.7.

Sec. 5.11.3. Parking Space Calculations

~~A. Parking calculations may include public parking that is within 500 feet of the property.~~

~~A.-B.~~ Shared parking may allow for a reduction of up to 40 percent based upon the compatibility of uses that have different parking demands and are able to share parking lots/ spaces throughout the day (except for Restaurant Uses). The Applicant shall provide a parking study to justify the number of spaces for shared parking. The Applicant shall provide a shared parking easement that must be approved by the UDO Administrator and be recorded with Beaufort County to allow the shared parking arrangement between property owners/ tenants.

~~B. If an Applicant would like to reduce the number of parking spaces beyond 20 percent or increase the number of parking spaces beyond the maximum in the table below, the Applicant shall provide a parking study for the UDO Administrator's review.~~

~~B.~~ Unless otherwise noted, the following ~~parking space calculations define~~ are the ~~maximum~~ minimum amount of parking ~~spaces allowed~~ required for specific uses:

Table 5.11.3.C Parking Spaces	
Use	Maximum Parking <u>Minimum Parking Spaces</u>
Residential	2 spaces per dwelling unit, <u>1 space per accessory dwelling unit</u> minimum
Lodging	1 space per bedroom for rent plus 2 spaces per 1000 sf of ancillary office use
Office	4 spaces per 1000 sf
Health / Human Care	3.5 spaces per 1000 sf

Commercial Services	4 spaces per 1000 sf
Civic / Institutional	1 space per 1000 sf
Education	1 space per 3 students plus 1 space per instructor
Agricultural / Conservation	1 space per 500 sf of commercial use plus 1 space per employee
Industrial	1 space per each employee at max shift plus 1 space for each company vehicle
Recreation / Entertainment	Number of spaces shown to be necessary and reasonable by data submitted by the Applicant and as approved by the UDO Administrator
Motor Vehicle Sales and Service	4 spaces per 1000 sf of the showroom and 2 spaces per the service bay

Sec. 5.11.4. Standards: Design Standards for Parking Areas and Parking Lots

A. The following dimensional requirements for parking spaces shall be applicable to all parking areas and parking lots other than single-family detached residential parking on the lots:

1. Diagonal/angled and perpendicular parking spaces and parking space sizes shall conform to the following table of minimum values. ~~Angled parking may be reverse angle as well.~~

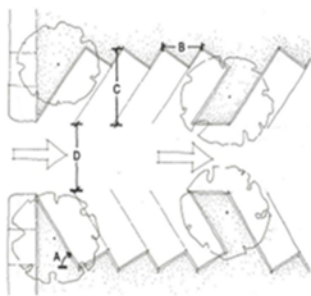


Table 5.11.4.A.1 Parking Space Design Standards				
A. Parking Angle (degrees)	B. Curb Length (feet)	C. Stall Depth (feet)	D. Aisle Width	
			One-Way	Two-Way
30°	18'	16'	12'	20'
45°	12'	18'	14'	20'
60°	10'	19'	18'	22'
90°	9'	18'	20'	22' min – 24' max

~~2. Up to 25% of all Parking Areas may be designated for compact cars and/or golf carts. For any non-residential use that requires at least 25 parking spaces, up to 10% of the parking spaces may be designated for compact car parking. Compact parking spaces shall be grouped, where possible, and designated by signage or pavement marking. Compact parking space dimensions shall be no less than nine (9) feet wide and 15 feet in length. Golf cart parking spaces shall not count towards required parking spaces. If golf cart parking spaces are provided, parking space dimensions shall not be less than six (6) feet wide by 12 feet in length.~~

3. Parallel parking spaces shall be 8-10 feet in width and 18-26 feet in length.

4. Wheel stops shall be provided in all parking facilities without curbing. The vehicle side of the wheel stop shall be no more than 18 inches from the end of the parking space.

5. Each parking bay shall be separated from other parking bays by a median. All medians shall be at least 12 feet wide.

6. Not more than eight (8) continuous parking spaces shall be allowed in a row of parking without separation by a landscape island. Each landscape island shall be at least 10 feet in width.

7. A landscape island of at least 12 feet in width shall be provided at the ends of each parking bay.

Sec. 5.13 Signs

5.13.3 Exempt Signs

The following signs are exempt from the permit requirements of this UDO, and do not count toward the maximum sign area limitation for a site, provided that they conform to the requirements of this UDO. Exempt signs shall not be located within the public right-of-way without an approved encroachment permit.

Note: A-D and F-K, no changes are proposed.

E. Flags.

1. Flags that do not display a commercial message shall be erected and located in accordance with the following standards:

a. Number Per Lot: For PR, AG, RG and RMU zones and for any Historic District (HD) zones, no more than two (2) flags. For NC, GMU and LI zones, no more than three (3) flags.

b. Location: Flags shall be attached to a stand-alone flagpole not located within a required setback or on a flagpole attached to a building.

Flagpoles attached to a building shall not be roof mounted or mounted to extend over the roof line or parapet.

c. Area and Height (Maximum): 32 square feet per flag with a stand-alone flagpole height of no more than 30 feet.

5.13.4 Prohibited Signs

Unless otherwise and specifically permitted elsewhere in this UDO, the following sign types are prohibited.

Note: A and C-S, no changes are proposed.

B. Balloons, Inflatable Signs, Flutter/Feather Signs, Streamers, Pennants and Other Attention-Getting Devices. Balloons, inflatable signs, flutter/feather signs, streamers, pennants and other attention-getting devices designed to move, that direct, promote, or that are otherwise designed to attract attention.

5.13.7 Temporary Signs

Purpose: To indicate that certain temporary signs (Real Property for Sale/Rental/Lease, Construction/Project and Campaign) do not require a Sign Permit. The permit exemption for these signs was inadvertently omitted when Sec. 5.13, Signs was previously update.

A. General

[No changes.]

B. Special Events Signs

[No changes.]

C. Portable Signs

[No changes.]

D. ~~Real Property Sale, Rental and Lease Signs:~~ **Temporary Signs Allowed Without a Sign Permit**

1. **Real Property Sale, Rental and Lease Signs:**

1. **a.** Individual Single-family Lots and Residential Units:

a. i. Number (Maximum): One (1) sign per street frontage.

b. ii. Dimensions (Maximum): 10 square feet of sign area. Freestanding signs shall not exceed five(5) feet in height.

2. **b.** Areas Other than Single-family Lots and Residential Units:

a. i. Number (Maximum): One (1) sign per street frontage.

b. ii. Dimensions (Maximum): 64 square feet of sign area, with no sign face larger than 32 square feet. Freestanding signs shall not exceed eight (8) feet in height.

3. **c.** Real Property signs shall be removed within seven (7) days of the sale, rental or lease.

~~E.~~ **2.** Construction and Project Signs:

1. **a. Number (Maximum):** No limitation.

2. **b. Dimensions (Maximum):** 32 square feet of sign area. Freestanding signs shall not exceed eight (8) feet in height.

3. **c. Time Period:** Construction and project signs shall not be erected prior to issuance of a development plan approval and shall be removed upon or prior to issuance of the final Certificate of Occupancy.

~~F.~~ **3.** Campaign Signs:

1. **a. Number (Maximum):** No limitation.

2. **b. Dimensions (Maximum):** 6 square feet of sign area. Freestanding signs shall not exceed five (5) feet in height.

3. **c. Time Period:** Campaign signs shall not be erected earlier than 60 days prior to the election or referendum to which they apply and shall be removed within with seven (7) days after the election

or referendum. Signs for candidates in a runoff election may be maintained until the final election to which the signs apply.

Article 7, Nonconformities

Sec. 7.2.2. Illegal Nonconformities

Purpose: To remove the requirement that the UDO Administrator make determinations that nonconformities are illegal and that their continuance will have an adverse impact on public health, safety and welfare. There are no compelling reasons legally to include these requirements, and their inclusion may create obstacles to removing or abating nonconformities.

Illegal nonconformities are those nonconformities that were not properly permitted or legally established at the time of establishment and do not comply with applicable zoning and land development regulations.

~~Illegal nonconformities are hereby declared to be illegal.~~ Illegal nonconformities are subject to removal and termination by the Town in accordance with Article 8 of this Ordinance. ~~upon a determination of such illegality by the UDO Administrator, and a determination by the UDO Administrator that the continuance of an illegal nonconformity will have a material adverse impact on the public health, safety, or welfare.~~

Illegal nonconformities ~~nonconforming uses, structures, sites, and signs~~ shall not be changed, enlarged, expanded, or extended, unless such action is in full conformance with the provisions of this Ordinance.

Sec. 7.9 Non-conforming Sites Resulting from Right-of-Way Dedication or Acquisition

Buildings, structures, ~~and~~ parking lots and other site improvements which lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance ~~regarding front yard setback, parking lot setback, or greenbelt~~ as a result of required additional road right-of-way dedication to or acquisition by the Town, Beaufort County, or the State of South Carolina may be improved or expanded without obtaining a variance from the Board of Zoning Appeals upon a determination by the UDO Administrator that such improvement or expansion is reasonable. In making such a determination, the UDO Administrator shall consider the all of the facts and circumstances regarding the proposed improvement or expansion, including, but not limited to the following:

A.-C. *[No changes]*

Sec. 5.15 Miscellaneous Old Town Bluffton Historic District

Sec. 5.15.5.A. Neighborhood Core Historic District, Building Type Requirements, Front Build-to Zone

Neighborhood Core Building Type Requirements	Front Build-to Zone
Main Street Building	0' – 10' <u>10' – 20'</u>
Commercial Cottage	5' – 15' <u>10' – 15'</u>



Live-Work Sideyard	0' – 5'	<u>10' – 15'</u>
Duplex	5' – 15'	<u>10' – 15'</u>
Triplex	5' – 15'	<u>10' – 15'</u>
Mansion Apartment House	5' – 15'	<u>10' – 25'</u>
Civic Building	5' – 25'	<u>10' – 25'</u>
Additional Building Type	0' – 25'	<u>10' – 25'</u>

Sec. 5.15.5.B. Neighborhood Center Historic District, Building Type Requirements, Front Build-to Zone

Neighborhood Center Building Type Requirements	Front Build-to Zone
Main Street Building	10' – 25'
Commercial Cottage	5' – 20' <u>10' – 20'</u>
Live-Work Sideyard	0' – 5' <u>5' – 10'</u>
Duplex	5' – 15' <u>10' – 15'</u>
Triplex	5' – 15' <u>10' – 15'</u>
Mansion Apartment House	5' – 15' <u>10' – 25'</u>
Cottage	5' – 15' <u>10' – 15'</u>
Village House	5' – 15' <u>10' – 15'</u>
Sideyard House	5' – 10' <u>10' – 15'</u>
Vernacular House	10' – 20'
Civic Building	5' – 25' <u>10' – 25'</u>
Additional Building Type	10' – 25'

5.15.5.A-E. General Standards

[Editor's Note: Example graphic provided to show where change is proposed in Secs. A-E. See below for proposed amendments.]

A. Neighborhood Core Historic District (NC-HD)						
		 <p>The red lines indicate the locations of required setback buildings (Main Street Building, Commercial Cottage, or Live-Work Sideyard). In addition to setback buildings, civic structures are allowed within these areas.</p> <p>NC-HD Regulating Plan</p>				
Neighborhood Core Building Type Requirements:	Front Build-to Zone	Lot Width	Setback Requirement	Rear Setback (from rear lot line)	Side Setback (from side property line)	Height (in feet)
Main Street Building	0' - 10'	50' - 100'	70% - 90%	25'	5'	2-3
Commercial Cottage	5' - 15'	50' - 75'	40% - 70%	25'	8'	1-1.5
Live-Work Sideyard	0' - 5'	50' - 65'	50% - 75%	25'	5'	2-2.5
Duplex	5' - 15'	55' - 70'	N/A	25'	5'	2-3
Triplex	5' - 15'	70' - 100'	N/A	25'	5'	2-3
Mansion Apartment House	5' - 15'	60' - 80'	N/A	25'	5'	2-2.5
Civic Building	5' - 25'	N/A	N/A	N/A	5'	2.5
Carriage House				5'	5'	1-2
<p>One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure see 5.15.8.F for a full description of this type.</p>						
Additional Building Types	Front Build-to Zone	Lot Width	Setback Requirement	Rear Setback (from rear lot line)	Side Setback (from side property line)	Height (in feet)
As approved by the UDO Administrator or Board of Commissioners with approval authority in accordance with Article 2 of the Ordinance, additional building types may be allowed in the Neighborhood Core-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:	0' - 25'	50' - 100'	to be determined by UDO Admin.	25'	5'	2 - 3

5.15.5.A. Neighborhood Core Historic District

Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq.ft. Carriage Houses must be located behind the primary structure see 5.15.8.F. for a full description of this type. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.B. Neighborhood Center Historic District

Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq.ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F. for a full description of this type. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.C. Neighborhood General Historic District

Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq.ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F. for a full description of this type. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.D. Neighborhood Conservation Historic District

Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq.ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F. for a full description of this type. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.E. Riverfront Edge Historic District

Carriage House	Two carriage houses may be built per primary structure and may have a maximum footprint of 800 sq.ft. each. They must be placed between the primary structure and the street. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.C. Neighborhood General Historic District (NG-HD)

- ~~1. The Neighborhood General HD zoning district shall be primarily residential in nature. All commercial or mixed-use development within this zoning district must maintain a predominantly residential character.~~
- ~~2. A waiver of the mandatory residential component may be granted by the UDO Administrator for commercial properties with direct frontage on SC Highway 46 or Bruin Road. While these commercial properties may have retail shopfronts or have awning/marquees or colonnades/ arcades and be at grade, in accordance with this Ordinance, they must still maintain residential scale.~~

Within the NG-HD district, building form and scale shall be primarily residential to maintain the predominantly residential character of this district. The UDO Administrator may waive the mandatory residential component for properties with frontage on SC Highway 46 and Bruin Road; buildings on these properties may be constructed at grade with retail shopfronts, awnings, marquees, colonnades, or arcades in accordance with this UDO but must be residential in scale.

Sec. 5.15.5.E. General Standards, Riverfront Edge Historic District

In the Riverfront Edge Transect Zone- HD district, the river shall be the focus of each lot abutting it and therefore acts as the “front” of the lot.

Sec. 5.15.5.F.11. Old Town Bluffton Historic District, General Standards, Large Footprint Buildings

~~11. Large Footprint Buildings~~

- ~~a. Large footprint buildings can only be located in the Neighborhood Core Historic District Zoning District.~~
- ~~b. Buildings may be one story in height, but shall be at least 24 feet in height. This may be accomplished with Liner Buildings or higher ceiling heights and/ or parapets.~~
- ~~c. To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, Large Footprint Buildings must reinforce the character of the Old Town Bluffton Historic District and shall therefore front the buildings to the sidewalks, providing windows and doors at frequent intervals. Operable doorways should occur on an average of every 50 feet for the whole length of the street frontage.~~
- ~~d. Building footprints shall not be larger than a single block. Floor area of buildings shall not cantilever over public rights-of-way.~~
- ~~e. Loading docks, service areas and trash disposal facilities shall not face streets, parks, squares, waterways, or significant pedestrian spaces.~~

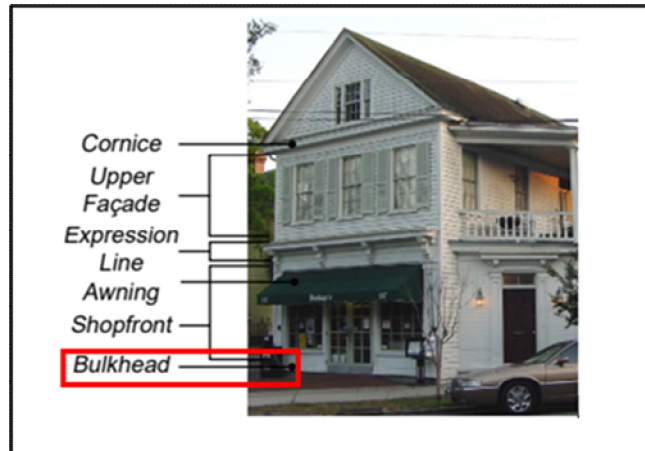
Sec. 5.15.6.E.8.b., Chimneys, Roof Appurtenances, and Roof Penetrations

Format issue—move standard “b” to correct location (appears under “Chimneys Precedent Imagery”)

Sec. 5.15.6.E.8.d., Chimneys, Roof Appurtenances, and Roof Penetrations

- d. In keeping with masonry building technology, metal spark arrestors, exposed metal flues, ~~or~~ and pre-fabricated chimney caps are ~~not~~ permitted only when concealed within a masonry architectural feature and screened from a street.

Sec. 5.15.6.G. OTBHD, Architectural Standards, Building Walls



Sec. 5.15.6.N.7.a. OTBHD, Architectural Standards, General Standards, Corners and Water Tables, Water Table Trim

- a. Drip boards shall be a minimum 5/4 stock with a bevel (any exposed flashing must be copper or match color of water table trim);

Table 5.15.6.Q.4.a. OTBHD, Architectural Standards, Signs

S.R. SC 46 / Bruin Road Square Footage & Height (Maximum)

5.15.8.A. thru M. Building Types "Note"

Change the word "Notes" to "Characteristics" for building types "A" (Main Street Building) thru "M" (River House). This includes: 1) "A" (Main Street Building); 2) "B" (Commercial Cottage); 3) "C" Live-Work Sideyard; 4) "D" Duplex/Triplex; 5) "E" (Mansion Apartment House); 6) "F" Carriage House; 7) "G" Bungalow Court; 8) "H" (Cottage); 9) "I" (Village House); 10) "J" (Sideyard House); 11) "K" Vernacular House; 12) "L" (Center Hall House); and, 13) "M" (River House).

Sec. 5.15.5 Old Town Bluffton Historic District, General Standards

B. Neighborhood Center Historic District (NCE-HD)

Neighborhood Center-HD Building Type Requirements		Front Build-to Zone	Lot Width	Frontage Requirements	Rear Setback (from rear property line)	Side Setback (from side property line)	Height (in stories)
Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F for a full description of this type.				5'	5'	1-2
Main Street Building		10'-25'	50'-80'	75%-90%	25'	8'	2-2.5
Commercial Cottage		5'-20'	50'-60'	50%-70%	25'	8'	1-1.5
Live-Work Sideyard		0'-5'	50'-60'	40%-75%	25'	5' 8'	1.5-2.5
Duplex		10'-20'	55'-70'	N/A	25'	8'	1.5-2.5
Triplex			70'-100'				
Mansion Apartment House		10'-20'	60'-80'	N/A	25'	10'	2-2.5
Cottage		5'-15'	50'-60'	N/A	25'	5' 8'	1-1.5
Medium House		5'-15'	50'-60'	N/A	25'	8'	1-2
Village House		5'-15'	50'-60'	N/A	25'	5' 8'	2-2.5
Sideyard House		5'-10'	50'-65'	N/A	25'	8'	2-2.5
Vernacular House		10'-20'	60'-80'	N/A	25'	10'	1.5
Civic Building		5'-25'	N/A	N/A	N/A	5' 8'	2
Additional Building Types							
As approved by the UDO Admin. or Board/Comm. with approval authority in accordance with Article 2 of this Ordinance, additional building types may be allowed in the Neighborhood Conservation-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:		10'-25'	50'-100'	To be determined by UDO Admin	25'	8'	1-2.5

C. Neighborhood General Historic District (NG-HD)

[Note: No change to photos or text above chart.]

Neighborhood General Building Type Requirements		Front Build-to Zone	Lot Width	Frontage Requirements	Rear Setback (from rear property line)	Side Setback (from side property line)	Height (in stories)
Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F for a full description of this type.				5'	5'	1-2
Live-Work Sideyard		10'-20'	50'-100'	N/A	25'	10'	1-2.5
Commercial Cottage		10'-20'	50'-100'	N/A	25'	10'	1-1.5
Bungalow Court		10'-20' for foremost bungalow	60'-100'	N/A	25'	15'	1-1.5
Cottage		10'-20'	50'-60'	N/A	25'	10'	1-1.5
Medium House		<u>10'-20'</u>	<u>50'-60'</u>	<u>N/A</u>	<u>25'</u>	<u>10'</u>	<u>1-2</u>
Village House		10'- 15 20'	50'-65'	N/A	30'	15'	2-2.5
Vernacular House		10'-20'	60'-100'	N/A	30'	15'	1.5
Center Hall House		15'-25'	70'-100'	N/A	30'	15'	2-2.5
Civic Building		15'-35'	N/A	N/A	N/A	10'	2
Additional Building Types							
As approved by the UDO Admin. or Board/Comm. with approval authority in accordance with Article 2 of this Ordinance, additional building types may be allowed in the Neighborhood Conservation-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:		10'-35'	50'-100'	N/A	30'	10'	1-2.5

D. Neighborhood Conservation Historic District (NCV-HD)

Neighborhood Conservation Building Type Requirements		Front Build-to Zone	Lot Width	Frontage Requirements	Rear Setback (from rear property line)	Side Setback (from side property line)	Height (in stories)
Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F for a full description of this type.				5'	5'	1-2
Cottage		10'-20'	50'-60'	N/A	30'	10'	1-1.5
Medium House		10'-20'	50'-70'	N/A	30'	10'	1-2
Village House		10'-20'	50'-70'	N/A	30'	10'	2-2.5
Vernacular House		15'-25'	60'-100'	N/A	30'	10'	1.5
Center Hall House		20'-35'	80'-100'	N/A	30'	15'	2-2.5
Civic Building		15'-40'	N/A	N/A	N/A	10'	1.5
Additional Building Types							
As approved by the UDO Admin. or Board/Comm. with approval authority in accordance with Article 2 of this Ordinance, additional building types may be allowed in the Neighborhood Conservation-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:		10'-35'	50'-100'	N/A	30'	10'	1-2.5

Sec. 5.15.5.F.7. OTBHD, General Standards, Garden Structures

- ~~7. **Garden Structures.** Garden structures are small accessory buildings which may contain storage space, trash receptacles, or other garden uses. Structures such as sheds, fences, pergolas, and gazebos are considered to be garden structures. Garden structures shall not be greater than 120 square feet in footprint, shall not exceed 1 story in height, and must comply with the architectural standards.~~

Sec. 5.15.6 Old Town Bluffton Historic District, Architectural Standards



Sec. 5.15.6.E.4. Cupolas/Small Footprint Towers

- a. ~~Plan Area Footprint:~~ =20' x 20' Maximum ~~Footprint~~
- b. Height: = Cupolas and towers may extend a maximum of 15 feet above the ~~Zoning District height limit;~~ roof ridge but shall not be taller than 50 feet above the adjacent grade level.

Sec. 5.15.8, Building Types

5.15.8.F. Building Types, Carriage House

Note: The sections proposed to be amended are highlighted on the next page with a red box. The proposed text is shown in the following page.

F. Carriage House		
General: Accessory Structure.		CORE ●
Size Range: 200– 1,200 sq. ft. (per unit).		CENTER ●
Maximum Footprint (not including porches): 800 sq. ft.		GENERAL ●
Height: 1 – 2 stories.		CONSERVE ●
Notes: Must be an accessory structure.		RIVER EDGE ●
Only one permitted per lot, unless otherwise noted.		
May be used as a garage, living unit or home business (or combination).		
May function as a small-scale shop, studio or workshop.		
Garages are limited to 2 cars, with maximum garage door widths of 12' each.		
Must be of same general character as primary structure.		
Must be placed behind the primary structure and towards the back of the lot		
Carriage House Precedent Imagery		
		
*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.		

F. Carriage House
General: Accessory Structure
Size Range: 200-121 – 1,200 sq.ft. (per unit)
Maximum Footprint (not including porches): 800 sq.ft.
Height: 1-2 stories
<p>Notes: Characteristics: Must <u>May</u> be <u>a detached or</u> an <u>attached</u> accessory structure. <u>An attached structure must be clearly incidental to and distinct from the principal building form.</u></p> <p>Only one permitted per lot, unless otherwise noted <u>except within the RV-HD district where two may be allowed for lots of at least one acre.</u></p> <p>May be used as a garage, living unit or home business (or combination).</p> <p>May function as a small-scale shop, studio or workshop. <u>May be used as a garage, dwelling unit, small-scale shop, studio, workshop (or combination thereof) as permitted by Sec. 4.3.</u></p> <p>Garages are limited to 2 cars, with maximum garage door widths of 12' each. Garages limited to two openings not exceeding 12ft in width each. One additional opening not exceeding 6ft in width may be allowed provided the building footprint is not exceeded.</p> <p>Must be of the same general character as primary structure.</p> <p>Must be placed behind the primary structure and towards the back of the lot. <u>For lots with a Contributing Resource, the UDO Administrator may consider an alternate location.</u></p>

Sec. 5.15.8 Old Town Bluffton Historic District, Building Types

I. Medium House Type		
<u>General: Detached Single Family Residence</u>		<u>CORE</u>
<u>Size Range: 1,300 – 3,000 sq. ft.</u>		<u>CENTER</u>
<u>Maximum Footprint: (not including porches)</u> <u>1,300 sq. ft.</u>		•
<u>Height: 1-2 stories</u>		<u>GENERAL</u>
<u>Characteristics:</u> <u>Larger than a Cottage, smaller than a Village House</u>		•
<u>The street elevation must have a front porch that is at least 50% of the façade.</u>		<u>CONSERVE</u>
		•

<p><u>Narrower at street</u></p> <p><u>May have dormers</u></p>		<p><u>RIVER EDGE</u></p>
<p><u>Medium House Precedent Imagery</u></p> <div>    </div> <p><u>*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples and shall not imply that every element in the photograph is permitted.</u></p>		

Note: The addition of the Medium House Building Type would be most appropriately located between the Cottage and Village House Building Types. This addition will cause all building types to be re-lettered as follows, without any changes to the associated text, drawings and photos:

- ~~J.~~ J. Village House
- ~~K.~~ K. Sideyard House
- ~~L.~~ L. Vernacular House
- ~~M.~~ M. Center Hall House
- ~~N.~~ N. River House
- ~~O.~~ O. Civic Building
- ~~P.~~ P. Church Building
- ~~Q.~~ Q. Manufactured Homes

Sec. 9.2, Defined Terms

Basement

Basement: ~~That portion of a building having its floor sub grade (below ground level) on all sides. That~~ portion of a floor of a building which is one-half or more below the average grade of the ground level adjoining the building shall constitute a basement; provided, however, that if the height from the average grade level to the lowest portion of the floor beam joists are greater than three (3) feet, such basement shall be considered a story.

Building

Building: ~~Any structure used or intended for supporting or sheltering any use or occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building. Any~~ structure with a roof supported by columns or walls and used or intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Family

Family: One to no more than five (5) persons who are related by blood, marriage or adoption and living together as a single household unit ~~in and occupying a single dwelling unit shall be presumed to constitute a family for the purposes of this Ordinance. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group. There shall be a rebuttable presumption that no family exists if there are more than five (5) persons and any are unrelated by blood, law, adoption, marriage, domestic partnership, or are under a judicial order for foster care living together in the same dwelling unit. This presumption may be rebutted by demonstrating the existence of a Single Household Unit to the UDO Administrator as part of an application for a Written Interpretation pursuant to this Ordinance. Such demonstration may include a lease agreement, utility bills, and affidavits from the occupants. Any appeal of the UDO Administrator's decision shall be made to the Board of Zoning Appeals in the same manner as any other Written Interpretation.~~

Garden Structure

Structure, Garden: Any unenclosed and unroofed Accessory Structure, including but not limited to fences, walls, pergolas, decks and patios. Garden structures shall comply with all applicable architectural standards of this Ordinance.

Historic Integrity

Historic Integrity: The ability of a property to convey its historical associations or attributes through seven aspects that include location, setting, design, materials, workmanship, feeling and association. The National Register Bulletin "How to Apply the National Register Criteria for Evaluation" produced by the National Park Service shall serve as the reference document for interpretation of these aspects.

Principal Building

Building, Principal: The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, Garden Structures, Sheds, garages, and other buildings containing clearly accessory uses shall not be considered principal buildings.

Raised Basement

~~**Raised Basement:** A ground story that has the appearance of a raised foundation and is used primarily as a garage or storage area.~~

Shed

~~**Shed:** A one-story detached and roofed Accessory Structure that is less than 120 square feet and that is clearly incidental and compatible with the Principal Building or Use located on the same lot. Such structures shall not be use as a Dwelling Unit or for an independent commercial enterprise. No more than three (3) sheds are permitted per lot.~~

Single Household Unit

~~**Single Household Unit:** One person or two or more individuals living together sharing an entire dwelling until together with household responsibilities and activities that may include: (1) sharing expenses for food, rent, utilities or other household items; (2) sharing household chores; (3) eating meals together; (4) participating in recreation activities together; and (5) having close social, economic, and psychological commitments to each other.~~

Structure, Accessory

~~**Structure, Accessory:** A Structure that is clearly incidental and compatible with the Principal Building or Use located on the same lot, including carriage houses, Sheds and Garden Structures. Accessory Structures shall comply with applicable architectural standards of this Ordinance.~~

Stucco

~~**Stucco:** A coarse plaster composed of Portland or masonry cement, sand and hydrated lime, mixed with water and applied to form a hard covering.~~

Sec. 9.3, Interpretation of Dimensional Standards

Sec. 9.3.E. Interpretation of Dimensional Standards, Story

E. Story: Where building height is expressed as a “stor(ies),” the interpretation in this section shall apply, unless otherwise required by this Ordinance. Please see Figure 9-1, Building Height. “Story” shall be interpreted as follows:

Sec. 9.4 Description of Uses of Land and Buildings

Sec. 9.4.1 Residential Uses

~~The residential use category is for buildings or portions of buildings are used for a dwelling unit. The residential use category is buildings, structures, or areas, the combination of qualities and features of which are commonly associated with and primarily used for the purpose of residential dwelling.~~ Certain types of residential uses within this category may have building types that have more than one dwelling unit per building. Certain types of residential uses may be more refined within specific zoning districts, where lot or building type standards may produce different typologies.

- A. Accessory Dwelling Unit/~~Dependency Unit: A second dwelling unit in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. A separate, complete Dwelling Unit with an exterior entrance, kitchen, sleeping area, and bathroom facilities, which is an attached or detached extension to an existing Dwelling Unit. -~~
- B. Dwelling, Multi-family: A building containing multiple dwelling units, including residential condominiums and apartments.
- C. Dwelling, Single-Family Detached: A one family detached dwelling designed for or occupied by one family.
- D. Dwelling, Single-Family Attached: ~~Two or more dwelling units attached by a common wall or roof, but wherein each unit is located on a separate lot of record. A single Building containing two or more dwelling units that are attached by a common wall or roof, have primary ground floor access to the outside, including but not limited to townhomes, duplexes, triplexes, regardless of whether each unit is located on a separate lot of record.~~
- E. Dwelling Unit: A single unit providing complete independent living facilities for one Family or Household including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- F. Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and all systems, appliances, accessories, and furnishings sold with the home, including, among other things, the plumbing, heating, air conditioning and electrical systems, as defined in S.C. Code 40-29-20(9).
- G. Residential: A building or portion of a building arranged or designed to provide permanent living quarters for a household. The terms “residence” and “dwelling” shall be used interchangeably.

9.4.3.G., Commercial Services, Outdoor Sales

Outdoor Sales: ~~The temporary sale of goods that are not located within an enclosed building. The display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted Commercial use that does not meet the limitations of Limited or Seasonal Outdoor Sales, and which may require areas to be designed and dedicated for display when part of the permanent operations of an~~

~~interior retail business. This also includes uses where the primary business is generated by merchandise displayed permanently outside. The outdoor display and/or sale of goods conducted by a Retail Business, and which may require areas to be designed and dedicated for display as part of the operations of an interior Retail Business, regardless of whether the primary business is generated by merchandise displayed permanently inside. Certain Outdoor Sales may be conducted independent of a Retail Business as provided by this Ordinance and the Town Code, as applicable.~~