

TOWN COUNCIL

STAFF REPORT

Growth Management Department



MEETING DATE:	October 8, 2024
PROJECT:	Consideration and Direction of Amendments to the Town of Bluffton Code of Ordinances: a. SOLOCO Stormwater Design Manual b. Chapter 6 Businesses and Business Regulations i. Article III – Soliciting and Mobile Vending ii. Article V – Short-Term Rental Units
PROJECT MANAGER:	Kevin Icard, AICP Director of Growth Management

REQUEST: To provide direction on the following items.

1. Amendments to various sections of the Southern Lowcountry (SoLoCo) Stormwater Design Manual.
2. Chapter 6 Businesses and Business Regulations.
 - a. Amendments to the Mobile Vending Ordinance; and
 - b. Amendments to the Short-Term Rental Ordinance.

BACKGROUND:

1. ***SoLoCo Stormwater Design Manual Amendments*** – The Southern Lowcountry Regional Board (SoLoCo) prioritized the need for a uniform set of stormwater standards and design guidelines to meet the goal of protecting the region’s sensitive environment, residents’ quality of life, and future economic development opportunities.

SoLoCo municipalities along with Center for Watershed Protection and McCormick Taylor received local stakeholder input from the project’s outset and garnered feedback from the professional design community during statewide, regional, and national presentations. The resulting [Southern Lowcountry Stormwater Design Manual](#), adopted by Bluffton Town Council in September of 2021, accomplished the following:

- a. Regional collaboration for consistent, effective management of stormwater at the watershed scale;
- b. Allows for “Special Watershed Protection Area” designations and requirements;
- c. Establishes post-construction criteria for volume control (quantity and quality) and design standards;
- d. Provides enforcement for current design through life of the development; and
- e. Incorporating green infrastructure/low impact development, protecting existing natural areas and incorporating open space in new development and providing water quality and quantity credit for thirteen (13) Best Management Practices (BMPs).

In April of 2024, Town Council unanimously voted to adopt [Unified Development Ordinance “UDO” Amendments to the Stormwater regulations](#), outlined in Chapter 5.10 of the UDO. These UDO

Amendments changed the stormwater applicability criteria unit of measure from impervious surface to land disturbance to align with Beaufort County standards and created a distinction between Development and Redevelopment with regard to area of land disturbance. These UDO Amendments were made in anticipation of changes to the Stormwater Design Manual.

Staff are proposing the following amendments to the Manual to align with UDO language and Beaufort County stormwater standards.

- a. Provide clarifications on implementation of stormwater practices,
 - b. Enhance enforcement capabilities for post-construction maintenance of pre-MS4 communities, and
 - c. Promote the use of Better Site Design principles through credits towards meeting stormwater retention volume requirements.
 - d. Multiple housekeeping edits that do not change regulatory requirements.
2. **Chapter 6, Article III, Mobile Vending Ordinance Amendments** – Update permit year to coincide with business license year and text updates.
- a. In 2017, the Town of Bluffton adopted mobile vending requirements in Chapter 6 – Businesses and Business Regulations, Article III – Soliciting and Mobile Vending. In 2021, amended its Business License Ordinance as required by the State of South Carolina per Act 176 that became effective January 1, 2022. One item of the Act was requiring all business licenses have an annual license beginning on May 1st of each year. [Soliciting and Mobile Vending Ordinance](#)
 - i. Sec. 6-78 – Approvals, fees, and taxes (a) *“All approvals for mobile vending units will be issued annually based on the calendar year.”* The business license year from May 1st to April 30th has created confusion for business owners and added verifications for compliance for staff.
 - b. The South Carolina Department of Health and Environmental Control (DHEC) transitioned its retail food program and milk and dairy lab to the South Carolina Department of Agriculture on July 1, 2024.
 - c. Delinquent permit fees currently not in Article.
3. **Chapter 6, Article V, Short Term Rental Ordinance Amendments** – Similarly, the standardization of business licenses in 2020, the current [Short Term Rental Ordinance](#) is on a calendar year cycle.
- a. The business license year from May 1st to April 30th has created confusion for business owners and added verifications for compliance for staff.
 - b. Delinquent permit fees currently not in Article.

CONSIDERATIONS: Items for Town Council consideration include, but are not limited to the following:

1. **SoLoCo Stormwater Design Manual Amendments** - Below is a list of items for your consideration, should you choose to move forward with amending the Manual.
 - a. Consider providing clarifications on implementation of stormwater practices?
 - b. Consider enhanced enforcement capabilities for post-construction maintenance of pre-MS4 communities?

- c. Consider promoting the use of Better Site Design principles through credits towards meeting stormwater retention volume requirements?
- d. Miscellaneous edits that do not change the regulatory requirements?

If so, Staff will move forward with amendments to the Southern Lowcountry Stormwater Design Manual. The design manual was adopted as a Resolution. Below is a tentative timeline:

- a. Town Council Workshop – October 8, 2024
- b. Watershed Action Plan Advisory Committee (WAPAC) Recommendation – October 24, 2024
- c. Town Council Adoption by Resolution – December 10, 2024

2. **Mobile Vending Ordinance Amendments** – Below is a list of items for your consideration, should you choose to move forward.

- a. Consideration of coinciding the mobile vending permit year to align with the business license year of 05/01-04/30.
- b. Consideration of updating Department of Health and Environmental Control to SC Department of Agriculture.
- c. Consideration of school functions deemed as “public” locations requiring written property permission.
- d. Consideration of removing current verbiage under Sec 6-83 – Fire Safety to: An annual fire and life safety inspection shall be completed and approved prior to the issuance of a business license. All mobile vending shall be in compliance with the South Carolina Fire Code and all applicable rules and regulations.
- e. Consideration of adding a violations and penalties section.

If so, Staff will move forward with amendments to the Mobile Vending Ordinance. Below is a tentative timeline:

- a. Town Council Workshop – October 8, 2024
- b. Town Council 1st Reading – November 12, 2024
- c. Town Council 2nd Reading – December 10, 2024

3. **Short Term Rental Ordinance Amendments** – Below are two items that staff has for your consideration, should you choose to move forward.

- a. Consideration of coinciding the short-term rental permit year to align with the business license year of 05/01-04/30.
- b. Consideration of adding a violations and penalties section.

If so, Staff will move forward with amendments to the Short-Term Rental Ordinance. Below is a tentative timeline:

- a. Town Council Workshop – October 8, 2024
- b. Town Council 1st Reading – November 12, 2024
- c. Town Council 2nd Reading – December 10, 2024

ATTACHMENTS:

1. Workshop Presentation
2. SOLOCO Edits Redline
3. Chapter 6 Article III & V Edits Redline