

## MISCELLANEOUS AMENDMENTS

### Sec. 4.4.2.F. Conditional Use Standards, Commercial Services, Low Speed Recreational Vehicle Sales

*Purpose: To correct formatting.*

F. Low Speed Recreational Vehicles ~~Sales~~

### Sec. 5.9.3.B. Transportation Network and Design, Standards

*Purpose: For CS-50-22, remove the number "2"*

~~4~~25 MPH

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

*Purpose: The Town uses Zoning District instead of Transect Zones*

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

*Purpose: In 2021 the UDO was amended to limit building square footage in the NC-HD District to 8,000 square feet (footprint limited to 3,500 square feet. Height must be 2-3 stories)*

#### ~~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.~~

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

*Purpose: To insert the word “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**

*Purpose: To correct the reference to the road designation.*

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

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

*Purpose: To add a provision to clarify when a basement is considered a 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:

1-5 [No Change.]

## DEFINED TERMS & DESCRIPTION OF LAND USES AND BUILDINGS

### Sec. 9.2 Basement

*Purpose: To provide clarity as to the building space that constitutes a basement, as well as a measurement to determine when basement space is a building story.*

**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.

### Sec. 9.2 Raised Basement

*Purpose: Proposed to be eliminated to avoid redundancy with the term “basement,” which already exists and is proposed to be revised.*

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

### Sec. 9.2 Building

*Purpose: To remove the sentence that indicates that areas within a building separated by a firewall will be treated as separate buildings. The reason for this requirement is unclear. Additionally, it is suggested that the definition be revised to indicate that a building is a structure with a roof that is intended for shelter or occupancy.*

**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.

### Sec. 9.2 Building, Principal

*Purpose: To include that garden structures and sheds are accessory buildings.*

**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.

## Sec. 9.2 Buffers

*Purpose: To allow for more flexibility and to emphasize the preferred vegetative state.*

**Buffers:** ~~A piece of land of specific width, permanently set aside by the owner and his assignees, and planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy and help filter stormwater runoff. Landscaping may be used in combination with structures (walls, fences, screens, etc.), which serve to minimize or eliminate conflicts between contiguous uses of land.~~ Land area, of specific width, that serves as a transition zone by means of existing or proposed trees, vegetation, fencing, walls, landforms, or a combination thereof, between two or more land uses, buildings, lots or parcels of land, service areas, or adjacent rights-of-way to eliminate or minimize possible negative impacts and to filter stormwater runoff.

## Sec. 9.2 Conditional Use

*Purpose: The term “transect zone” is not used in the UDO and is proposed to be replaced with “base zoning district.” Additionally, minor reformatting is proposed.*

Conditional Uses: Any use ~~Uses~~ permitted within the ~~underlying transect zone~~ base zoning district subject to ~~the provided~~ conditions as set forth in Article 4, Zoning Districts.

## Sec. 9.2 Easement

*Purpose: To clarify the difference between rights-of-way and easements.*

Easement: ~~An interest in land of another that entitles the holder to a specified limited use.~~ A legal grant of one or more property right(s) by a property owner to a portion of land to an individual or other entity for specified purposes.

## Sec. 9.2 Right-of-Way

*Purpose: Overly broad definitions for both right-of-way and easements are proposed to be corrected to address issues that have arisen.*

**Right-of-Way:** ~~A parcel of land to be used as a street, alley, crosswalk, drainage, or for other public purposes.~~ The area of public or private land dedicated for the accommodation of one or more public or private activities or uses, such as but not limited to pedestrian, bicycle and vehicular facilities, and infrastructure for water, sewer, electricity, gas, cable, and fiber optics. In no case shall an Easement be considered a right-of-way.

## Sec. 9.2 Stucco (New Term)

*Purpose: Requested by the Historic Preservation Commission to avoid ambiguity in absence of an undefined term.*

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

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**Sec. 9.4.2.M. Description of Uses of Land and Buildings, Agriculture/Conservation Uses, Pet Store**

*Purpose: To include a definition and to clarify that Pet Stores would fall under the Agricultural/Conservation use designation rather than a Commercial designation in Sec. 9.4 (Description of Uses of Land and Buildings).*

**Pet Store:** An establishment primarily engaged in the retail sale of domestic pets and pet supplies. On-site grooming and veterinary services are permitted as accessory uses, but day care and boarding services are not permitted.

**Sec. 9.4.9.A. Description of Uses of Land and Buildings, Industrial Uses, Artisan Workshop**

*Purpose: To clarify the scope of artisanal activities.*

**Artisan Workshop:** Space used for painting, sculpting, drawing, or other artistic purpose in order to create artwork that will be sold to the public. An establishment primarily engaged in the limited production of goods made primarily by hand such as jewelry, pottery, ceramics, candles, soap, as well as other arts and crafts products. The sale of goods produced is permitted as an accessory use.

## DEFINED TERMS (Family & Household)

### Sec. 9.2 Family

*Purpose: The term “family” is proposed to be updated to address changes in the law and to protect the Town from claims of discrimination. The term “family” has been included in zoning ordinances as a means to regulate the number of people living within a single dwelling unit. A family may exist through various ways, such as blood, marriage, and adoption. While a family is considered a household, other households may not include a family by definition, but members may participate in and be responsible for household functions similarly to a family. Therefore, it is suggested that the “Family” definition be eliminated and reference “Household” to be more inclusive. The term “household” already exists, which appears to be similar how “family” is typically defined.*

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.

### Sec. 9.2 Single Household Unit (New Term)

*Purpose: Supports the definition of “Family” by indicating the shared responsibilities, activities and interactions that are the basis for a 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.

#### Sec. 9.4.1 Residential Uses

#### Sec. 9.4.1 Residential Uses

*Purpose: 1) To clarify a confusing introductory sentence to the Residential section; 2) To not limit accessory dwelling units to only detached units; and, 3) To not require that attached units, such as duplexes and triplexes, be required to be on individual lots of record.*

~~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 a separate entrance, kitchen, sleeping area, and bathroom facilities, which is an attached or detached extension to an existing Dwelling 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.
- 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, and where 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.

## 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 ~~nonconforming uses, structures, sites, and signs nonconformities~~ 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

*Purpose: The present text initially identifies the possible legal nonconformities (buildings, structures, parking lot and "other site improvements") that may be improved or expanded with UDO Administrator approval instead of a variance (when applicable), but then restricts the nonconformities to front yard setbacks, parking lot setbacks and "greenbelts," which is too limiting.*

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]



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**PROCEDURES, INCLUDING PUBLIC NOTICE**

**Sec. 2.2.4.D. Boards and Commissions Officers, Meetings and Quorums**

*Purpose: To show “Notice of Meeting” in boldface type.*

**Notice of Meeting.** Public notice of meetings shall be given in accordance with South Carolina Freedom of Information Act requirements.

**Sec. 3.2.2.A. Common Application Review Procedures**

*Purpose: To correct spelling and punctuation.*

- A. Pre-Application Meeting. A pre-application meeting with the UDO Administrator is required prior to submission of specific applications. The purpose of this meeting is to provide **and** opportunity for the Applicant and UDO Administrator to discuss the basic scope, nature, and intent of the proposed project and to allow the UDO Administrator to provide guidance in the formative stages of the project. Additionally, the submittal requirements and the procedures and standards applicable to an anticipated application shall be determined. At this meeting the Applicant may obtain the application, associated Ordinance provisions, and draft meeting schedule.

**Sec. 3.2.2.A. Public Hearing Notice, Timing of Public Hearing Notice Requirements**

*Purpose: To include a notification requirement for appeals to the Historic Preservation Commission, Planning Commission or Board of Zoning Appeals and to correct transposed words.*

Application Type	Newspaper Posting	<del>Property</del> <b>Posting of Posting Property</b>	Certified Mailing to Surrounding Property Owners
Comprehensive Plan Amendment <sup>1</sup>	30	--	--
Zoning Map Amendment <sup><u>1.5</u></sup>	15	15	15
UDO Text Amendment <sup><u>1.5</u></sup>	15	--	--
Special Exception <sup>2</sup>	15	15	15
Variance <sup>2</sup>	15	15	15
Planned Unit Development (PUD) Concept Plan <sup><u>1.5</u></sup>	15	--	--
Street Renaming <sup>3</sup>	15	--	15
Certificate of Appropriateness – Historic District Demolition <sup>4</sup>	15	15	--
Designation of Contributing Resource <sup>4</sup>	15	15	--
<b>Appeal to BZA, HPC or PC<sup>6</sup></b>	<b><u>15</u></b>	<b><u>15</u></b>	<b><u>--</u></b>

<sup>1</sup> A Public Hearing shall be held by both Planning Commission and Town Council.

<sup>2</sup> A Public Hearing shall be held by Board of Zoning Appeals.

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<sup>3</sup>A Public Hearing shall be held by Planning Commission.

<sup>4</sup>A Public Hearing shall be held by the Historic Preservation Commission.

<sup>5</sup>A Public Hearing shall be held by Planning Commission or Town Council.

<sup>6</sup>A Public Hearing shall not be required.

**Sec. 3.2.3.D.1. Public Hearing Notice, Certified Mailing to Surrounding Property Owners**

*Purpose: To indicate that "owners" means property owners, and to correct spelling.*

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 property 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 receive 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 days prior to the public hearing.

**Sec. 3.2.4.A. Public Notice for All Applications**

*Purpose: Public notice is intended to provide the public with advance notice of a hearing or meeting at least 15 days prior. As presently written, it is required within 15 days of submission instead of the hearing or meeting. This timeline does not account for the time needed to process the application or that applications are sometimes deferred to later dates after submission.*

- A. Except for those applications set forth in Section 3.2.4.B, all applications submitted to the UDO Administrator pursuant to this Ordinance shall require proof of the following public notice be provided to the UDO Administrator ~~within fifteen (15) days of the UDO Administrator's acceptance of a completed application:~~ at least fifteen (15) days prior to the meeting or hearing:

**Sec. 3.20.2 Public Notice for All Applications**

*Purpose: To better distinguish between the requirements of the development plan application, a qualifier is suggested.*

This Section applies to an activity involving the construction, reconstruction, alteration, demolition, and change in the use of or occupancy of any land, building, or other structure -for which a Development Plan is not required pursuant to Section 3.10 of this Ordinance.

## PARKING-RELATED AMENDMENTS

### Sec. 5.11.3. Parking Space Calculations

*Purpose: Because Town-owned public parking lots are limited in Old Town Bluffton, and because existing spaces are too limited to support required parking for new development , required parking calculations should not include parking spaces in Town-owned lots. Businesses and other uses are already able to count on-street spaces that are in front of or adjacent to the use.*

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

### Sec. 5.11.4.A.2. Parking, Design Standards for Parking Areas and Parking Lots

*Purpose: To reduce the amount of designated parking permitted for compact cars from 25% to 10%, and to eliminate golf carts from counting towards required parking. These changes are proposed as the present standards do not satisfactorily provide sufficient off-street parking for cars.*

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.

2. ~~Up to 25% of all Parking Areas may be designated for compact cars and/or golf carts. For any 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 eight (8) feet wide and 18 feet in length. Golf cart parking spaces shall not count towards required parking spaces. If golf cart parking spaces are provided, parking dimensions shall be six to seven (6-7) feet wide by 12-13 feet in length.~~

3. – 7. [No changes]

## Outdoor Sales

### 9.4.3.G., Description of Uses of Land and Buildings, Commercial Services, Outdoor Sales

*Purpose: To limit outdoor sales to a Retail Business only, and not for all Commercial businesses.*

**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.

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

*Purpose: To remove the limitation that outdoor sales are limited to agricultural goods, seafood and seasonal sales. As proposed, outdoor sales would be permitted as accessory to any Retail business, provided that the goods sold outdoors are similar in nature to goods sold indoors. New conditions are proposed to regulate size of sales area, location, and hours for accessory sales. Outdoor sales that are not accessory would have specific conditions depending on the items sold.*

- ~~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 provide in Section 4.4.2.A.2 of this UDO, 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 building on the premises;
  - b. The aggregate Outdoor Sales area shall not exceed 25 percent of the heated footprint of the building in which the primary Retail Business is being conducted;

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- c. Items shall not project more than 10 feet from the front façade of the building in which the primary Retail Business is being conducted;
  - d. Items displayed in front of the building in which the primary Retail Business is being conducted shall be displayed only during the hours that the Retail Business is open for business.
  - e. Lighting of merchandise, signage, or any other element of the Outdoor Sales area shall not be permitted;
  - f. Tents shall not be used in the Old Town Bluffton Historic District;
  - g. 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 short-term special event or other Town-permitted organized activity;
  - h. No item shall be displayed in a manner that causes a safety hazard; obstructs the entrance 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 and,
  - i. All architectural and developmental requirements of this Ordinance and the Town Code, including but not necessarily limited to required vegetative buffers, parking standards, and impact fees.
2. The Conditional Use Standards set forth in Section 4.4.2.A.1.a. through 4.4.2.A.1.f. above shall not apply to the following:
- a. Retail Business, including but not limited to a nursery that primarily engages in the retail sales of trees, shrubs or plants in small quantities, not in bulk, to the general public, and may include the accessory sale of garden or landscape accessories, such as mulch, fertilizer, stepping stones, soil, tools, landscape timbers, and other similar garden or landscape materials as permitted by Table 4.3 of this Ordinance.
  - b. A Retail Business that engages in the seasonal sale of holiday-related items, such as Christmas trees, pumpkins, and similar items conducted for a period not to exceed 45 calendar days;
  - c. A Retail Business operating outdoors in a short-term special event or other Town-permitted organized activity, including but not necessarily limited to festivals, carnivals, flea markets, farmers' markets, special celebrations, or other temporary activities; and,
  - d. A Retail Business engaging in the seasonal offering for sale of fresh agricultural products and/or seafood directly to the consumer in an open-air structure or stand, such as a roadside produce stand; and,
  - e. The sale or storage of liquified petroleum gas (propane) cyclinders of not more than 43.5 pounds propane capacity, which awaiting sale to the consumer by a Retail Business.

## DESIGNATING AND DELISTING CONTRIBUTING RESOURCES

*Purpose: To provide a formal process to remove the “contributing” status of resources that contribute to the Old Town Bluffton Historic District. Typically, “delisting” has been through approval of demolition of a Contributing Resource; however, there may be instances when the owner seeks to retain the structure but remove the designation.*

### 3.25 Designation and Delisting of Contributing Resources

*Purpose: To provide a process to remove the ‘Contributing Resource’ designation from a building so designated. These amendments also propose to remove the requirement for written consent of a property owner to designate or delist a contributing resource; written permission of the property owner will be on the application.*

#### 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.

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B. Resources of Exceptional Importance

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 the 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 upon a recommendation of the Historic Preservation Commission. 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.

## GARDEN STRUCTURES, SHEDS & ACCESSORY STRUCTURES

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

*Purpose: As a definition for “Garden Structure” is proposed, retention of this section would be redundant.*

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. 9.2 Structure, Accessory

*Purpose: This would be a new term. As there are numerous references to “Accessory Structure” throughout the Unified Development Ordinance, a definition will clarify what is meant by “accessory.” The definition for “Structure” already exists in the UDO.*

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.

### Sec. 9.2 Garden Structure

*Purpose: This would be a new term to provide a catch-all term for unenclosed structures within Old Town Bluffton Historic District.*

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

### Sec. 9.2 Shed

*Purpose: For the purpose of identifying the applicable review process in Old Town Bluffton Historic District, the term “Shed” is proposed to distinguish buildings 120 square feet or less from larger accessory buildings. Sheds would be reviewed through the Site Feature Permit – Historic District process; larger buildings would be reviewed through the Certificate of Appropriateness – Historic District process.*

Shed: A one-story detached Accessory Structure that is less than 120 square feet. Such structures shall not be used as a dwelling unit, or for commercial purposes with the exception of storage associated with the principal building. No more than three (3) sheds are permitted per lot.



**Related Sections to be Amended to Support the Above Amendments**

**3.19.2 Applicability**

*Purpose: To include the addition of Sheds.*

A. Permit Required. A Site Feature - Historic District (HD) Permit is required for the following:

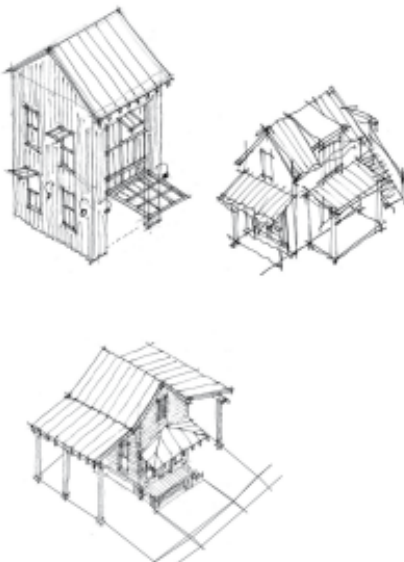

1. Sign, to include new signs, modifications to existing signs, or replacement of existing signs. Certain signs, as indicated in Sec. 5.13.3, are exempt from the Site-Feature-Historic District (HD) Permit requirement.
2. Modifications or improvements to site elements such as changes to parking lots, sidewalks, landscaping, and lighting;
3. Garden Structures and Sheds; as specified in Sec. 5.15.5;

**5.15.8.F. Building Types, Carriage House**

*Purpose: Multiple changes are proposed for the Carriage House building type, which small accessory structures that do not include dwelling units. The proposed amendments include: 1) Revising the minimum size range from 200 square feet to 121 square feet, the square footage at which a building permit is required; 2) Changing the word “Notes” to “Characteristics”; 3) Clarifying how a Carriage House building type can be used and cross-referencing the use table; 4) Changing the word “cars” to “vehicles” to include other forms of transportation that may be housed in a garage other than cars (e.g., boats) and to indicate that garage doors are limited to no more than two, and that an additional bay door not exceeding six feet in width (for golf carts and other equipment) may be provided; and, 5) Requiring that Carriage Houses attached to the Principal Dwelling must be clearly incidental to and distinct from the main building form.*

- Size Range: 200-121 – 1,200 sq.ft. (per unit)
- Notes:-Characteristics:
- ~~May be used as a garage, living unit or home business (or combination).~~
- ~~May function as a small-scale shop, studio or workshop.~~
- May be used as a garage, dwelling unit, small-scale shop, studio, workshop (or combination thereof) as permitted by Sec. 4.3.
- Garages are limited to 2 cars, with maximum garage door widths of 12’ each. Garages limited to 2 bay doors not exceeding 12 ft in width. One additional bay door not exceeding 6 ft in width may be provided.

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F. Carriage House		
<b>General:</b> Accessory Structure.		<b>CORE</b> ●
<b>Size Range:</b> 200 – 1,200 sq. ft. (per unit).		<b>CENTER</b> ●
<b>Maximum Footprint</b> (not including porches): 800 sq. ft.		<b>GENERAL</b> ●
<b>Height:</b> 1 – 2 stories.		<b>CONSERVE</b> ●
<b>Notes:</b>		<b>RIVER EDGE</b> ●
Must be an accessory structure. 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		
<i>Carriage House Precedent Imagery</i>		
		
*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.		