

TOWN COUNCIL

STAFF REPORT

Growth Management Department



MEETING DATE:	April 9, 2024
PROJECT:	Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, including Article 3 – Application Process, Sec. 3.13 (Development Surety and Stormwater Surety), Sec. 3.14 (Certificate of Construction Compliance), Sec. 3.18 (Certificate of Appropriateness-Historic District); Sec. 3.19 (Site Feature Permit-Historic District); and, Sec. 3.25 (Designation of Contributing Resources); Article 4 – Zoning Districts, Table 4.3 (Uses by District); Article 5 – Design Standards, Sec. 5.10 (Stormwater); 5.11 (Parking); and, Sec. 5.15 (Old Town Bluffton Historic District); and, Article 9 – Definitions and Interpretations, Sec. 9.2 (Defined Terms) – Public Hearing and Final Reading
PROJECT MANAGER:	Kevin Icard, AICP Director of Growth Management

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

REQUEST: The UDO Administrator requests Town Council approval of Certain Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, including:

Article 3 – Application Process, Sec. 3.13 (Development Surety and Stormwater Surety), Sec. 3.14 (Certificate of Construction Compliance), Sec. 3.18 (Certificate of Appropriateness-Historic District); Sec. 3.19 (Site Feature Permit-Historic District); and, Sec. 3.25 (Designation of Contributing Resources); Article 4 – Zoning Districts, Table 4.3 (Uses by District); Article 5 – Design Standards, Sec. 5.10 (Stormwater); 5.11 (Parking); and, Sec. 5.15 (Old Town Bluffton Historic District); and, Article 9 – Definitions and Interpretations, Sec. 9.2 (Defined Terms).

HISTORY: Most of the proposed amendments were previously discussed by the Historic Preservation Commission (HPC) on March 1, 2023 (as applicable), recommended for approval by the Planning Commission on April 26, 2023 with a couple of modifications, approved by Town Council on first reading (July 11, 2023), and subsequently withdrawn by Town Council at the public hearing/final reading held on September 12, 2023.

Given lengthy discussion regarding some of the Old Town Bluffton Historic District preservation and parking-related amendments at the public hearing, it was determined that further discussion at a joint Town Council-Planning Commission meeting in January, 2024 might be in order. This resulted in the amendments being withdrawn rather than continued. With additional information since the public hearing, as well as a joint Town Council-Planning Commission meeting held last year to discuss these same amendments, it was determined that another joint meeting would be unnecessary. Since the September Town Council meeting, Town Staff made some minor reformatting changes to Sec. 5.15, Old Town Bluffton Historic District.

On January 3, 2024, the HPC discussed the proposed historic preservation-related amendments. Per the UDO, HPC is not charged with providing a recommendation to the Planning Commission regarding text amendments; however, HPC desires to be made aware of applicable amendments and to provide comments. The HPC did not recommend any changes to the preservation amendments as proposed.

At its January 24, 2024 meeting, the Planning Commission recommended approval of the staff recommendation with the following changes: 1) a revision to a proposed Middle Housing Type comparison characteristic; and, 2) a reduction of the width of vehicular garage openings in Old Town Bluffton Historic District from 12 feet to 10 feet when there are two vehicular openings, and 12 feet when there is one such opening. Town Council did not support the second change—reduction of the garage opening width—at its first reading of the proposed ordinance.

Since September 2023 other UDO amendments have been proposed by Town Staff related to parking, land use, and stormwater. For parking, revisions to certain angle parking dimensions to improve parking safety are proposed, and the storefront manufacturing use in the Neighborhood General-Historic District is proposed as a conditional use. These items were recommended for approval at the January 24, 2024 Planning Commission meeting.

On February 28, 2024, the Planning Commission reviewed amendments related to stormwater regulations and certificates of construction compliance. These amendments were approved as proposed by Town Staff. An overview of the amendments is provided in the next section of this report, and the amendments are shown in Attachment 2.

BACKGROUND: From time to time, amendments to the UDO are necessary to address insufficient procedural processes and standards that are lacking or that may allow development that is inconsistent with the Town's vision. The proposed amendments are highlighted below and are provided in Attachment 2:

- **Certificate of Appropriateness – Historic District (Previous):** A COFA-HD is required for certain activities within Old Town Bluffton Historic District. The proposed amendments to this section identify those activities with more specificity than presently exists, as well as the review processes and criteria to be applied to each activity. Activities include New Construction, Alterations, Relocation and Demolition of a structure. For the latter three, procedures and criteria are provided for both contributing and non-contributing structures (i.e., whether the structure contributes historically to the district or not). These amendments will streamline the COFA-HD review process and will be supplemented by guidelines for relocation and demolition, which will be presented to Town Council for adoption by resolution. The guidelines will include supplemental information, such as building documentation to be provided to the Town before relocation and demolition occurs, and how salvaged historic components are to be identified and stored.
- **Designation of Contributing Resources (Previous):** The UDO includes a formal process for listing a structure, object or site as a contributing resource to the Old Town Bluffton Historic District. However, it does not include a process for removing the designation. Reasons for the removal may relate to an absence of those elements that were applied at the time of designation, or the desire of a property owner.
- **Accessory Structures (Carriage House Building Type, Sheds and Garden Structures) (Previous):** Presently, the UDO is silent regarding accessory structures that are between 121 square feet and 249 square feet. Any accessory structure less than 121 square feet is a “garden structure,” and any accessory structure greater than 249 square feet is a “carriage house” building type (which could be a stand-alone accessory dwelling, garage or combination thereof). The proposed amendments would close this gap, including providing related and necessary definitions. Amendments to the Carriage House building type are also proposed to update its characteristics. Related UDO sections to be amended include: 3.19 (Site Feature Historic District Permit); 5.15.5 (Old Town Bluffton Historic District, General Standards, various sub-sections); and 9.2 (Defined Terms).
- **Miscellaneous Standards (Previous):** Amendments are proposed to revise front build-to zones for certain building types on the Neighborhood Center-HD and Neighborhood Core-HD districts, to add or update definitions, and correct typos.

- **Parking (Previous and New):** Amendments include: 1) a cross-reference to parking requirements in Old Town Bluffton Historic District; 2) removal of the allowance to apply parking at a public facility located within 500 feet of a property towards the required parking calculation; 3) a change of parking space requirements from maximum to minimum requirements (Table 5.11.3.c); 4) elimination of the ability to the UDO Administrator to reduce minimum parking requirements as a variance process is available; 5) a reduction of the percentage of parking spaces that may be identified as compact from 25% of all spaces to 10% of all spaces when at least 25 parking spaces are provided (and providing for dimensional requirements); 6) elimination of the ability to apply golf cart parking spaces towards the required parking calculation (and providing for dimensional requirements); 7) a requirement for accessory dwelling units to provide one parking space (presently, requirement is two spaces per dwelling unit); 8) Parking space dimensions would be revised for some angled parking to avoid vehicular encroachment into drive aisles and parallel parking dimensions would be slightly increased to accommodate larger vehicles and, 9) correction of typos.
- **Development and Stormwater Surety (New):** The proposed amendment provides more specificity regarding when a Stormwater Surety will be accepted (when the Final Development Plan and/or a Stormwater Permit is approved).
- **Certificate of Construction Compliance (New):** This UDO section (3.14) was amended in 2023. However, implementation revealed the need to allow building permits to be issued for commercial development, including multi-family residential, when less than 75% of the required improvements, including landscaping, have been installed. As presently required, a Temporary Certificate of Construction Compliance may be issued when the 75% threshold is achieved for all development types; however, problems such as timing and financing make it difficult for commercial developers to comply. The proposed change would allow commercial developers to obtain a building permit but would require a Final Certificate of Construction Compliance before a Certificate of Occupancy could be issued for a completed building.
- **Stormwater (New):** The stormwater amendments would make a distinction between development and redevelopment as it relates to the size of land disturbance, which triggers stormwater improvements and grading plan requirements.
- **Storefront Manufacturing (New):** The proposed amendment would allow the Storefront Manufacturing use in the Neighborhood General – Historic District zone as a conditional use. This use primarily functions as a commercial store but may have some related manufacturing, assembly and packaging of items that is not discernible from the exterior.

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

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

Finding. The preservation-related proposed amendments support the Comprehensive Plan goal to “[p]reserve the Town’s historic and cultural resources,” as well as to review and update the Stormwater Ordinance as needed. The other amendments have no relationship to this criterion.

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

Finding. The preservation-related amendments will help to better retain the Town’s traditional pattern of development and its older structures, which supports a more sustainable and authentic environment, and which aligns with best practices for historic preservation.

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

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

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

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

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

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

NEXT STEPS:

UDO Text Amendment Procedure	Date	Complete
Step 1. Historic Preservation Commission Discussion	2023: March 1 2024: January 3	✓
Step 2. Planning Commission Public Hearing and Recommendation	2023: March 22, April 26, May 24, June 28 2024: January 24, February 28	✓
Step 3. Town Council – 1st Reading	2023: July 11 2024: March 12	✓
Step 4. Town Council Meeting – Final Reading and Public Hearing	2023: September 12 2024: April 9	✓

TOWN COUNCIL ACTIONS: As granted by the powers and duties set forth in Sec. 2.2.6.C.4 of the UDO, Town Council has the authority to take the following actions with respect to this application:

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

ATTACHMENTS:

1. Presentation
2. Proposed Ordinance and Amendments
3. Suggested Motion