

Attachment 1

Sec. 3.14, Certificate of Construction Compliance

Purpose: Amendments are proposed to: 1) distinguish between Temporary and Final Certificates of Construction Compliance for both residential and commercial uses (which includes multi-family residential); and, 2) for Temporary Certificates, require that a site or phase be at least 75% complete relative to the monetary value of the improvements.

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.~~

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~~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.

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Outdoor Sales and Related Conditional Use Standards

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

Purpose: To provide a straightforward definition that does not distinguish between temporary and permanent outdoor sales, and to indicate that limited outdoor sales that are independent of a Retail Business are permitted in accordance with the UDO and Town Code, as applicable.

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.~~

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 the size of sales area, location, and hours for accessory sales. Limited outdoor sales that are not accessory would also be permitted subject to approval and any possible conditions required by the UDO Administrator.

- ~~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.~~

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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.

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Sec. 5.11 Parking

Sec. 5.11.1. Intent

No changes.

Sec. 5.11.2. Parking Space Calculations

Purpose: The amendment is intended to alert the reader that Old Town Bluffton Historic District has its own parking standards and provides a cross-reference to that sub-section (5.15.7). Sub-sections 5.11.4 (Design Standards for Parking Areas and Parking Lots) and 5.11.6 (Bicycle Parking) of this section, however, are applicable to Old Town.

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

Purpose: 1) To remove the provision that allows parking spaces in public lots within 500 feet of a property to be counted towards the off-street parking requirement as there are no public lots outside of Old Town; and, 2) to remove the provision that allows the UDO Administrator to reduce the amount of required parking by 20% (which can be requested as a variance); 3) to remove the cap on the number of maximum parking spaces; and 4) to reduce the required parking for accessory dwelling units from two spaces to one space.

~~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:

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| Table 5.11.3.C Parking Spaces | |
|----------------------------------|---|
| Use | Maximum Parking Minimum Parking Spaces |
| 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 <u>s</u> per 1000 sf of the showroom and 2 spaces per the service bay |

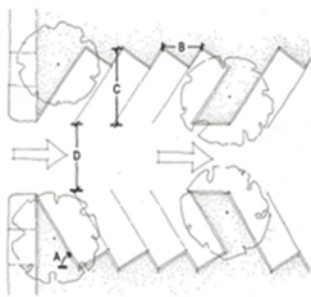
Sec. 5.11.4. Standards: Design Standards for Parking Areas and Parking Lots

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. The removal of reverse angled parking is also proposed as it is not typical for private lots and may confuse drivers.

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.~~

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| 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. 5.11.5. Off-Street Loading Requirements

No changes.

Sec. 5.11.6. Standards: Bicycle Parking

No changes.

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Article 7, Nonconformities

Purpose: As amendments to only two sections are proposed (Sec. 7.2.2 and Sec. 7.9), the entirety of Article 7 is not provided. The amended sections follow.

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

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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Sec. 9.2, 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 several ways, such as blood, marriage, and adoption but may also exist by how individuals within a home function together (thus, a proposed term for and definition of Single Household Unit).

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 family functions—the shared responsibilities, activities and interactions that are the basis for a 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.

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Sec. 9.4, Description of Uses of Land and Buildings

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 eliminate the requirement that attached units, such as duplexes and triplexes, 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 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.