

PLANNING COMMISSION

STAFF REPORT

Growth Management Department



MEETING DATE:	April 26, 2023
PROJECT:	Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance (UDO), Article 3 – Application Process, Sec. 3.14, Certificate of Construction Compliance; Article 4 – Zoning Districts, Sec. 4.4.2.A., Conditional Use Standards, Outdoor Sales; Article 5 – Design Standards, Parking; Article 7 - Nonconformities; Article 9 – Definitions and Interpretation, Sec. 9.2 Defined Terms, Family & Single Household Unit; and, Sec. 9.4.1, Description of Residential Uses (Accessory Dwelling Units and Single-Family Attached Dwelling) and Sec. 9.4.3, Description of Commercial Services (Outdoor Sales).
PROJECT MANAGER:	Charlotte Moore, AICP Principal Planner

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 that the Planning Commission recommend approval to Town Council of certain text amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance as follows:

Article 3 – Application Process, Sec. 3.14, Certificate of Construction Compliance;
Article 4 – Zoning Districts, Sec. 4.4.2.A., Conditional Use Standards, Outdoor Sales; Article 5 – Design Standards, Sec. 5.11, Parking; Article 7 - Nonconformities;
Article 9 – Definitions and Interpretation, Sec. 9.2 Defined Terms, Family & Single Household Unit; and, Sec. 9.4.1, Description of Residential Uses (Accessory Dwelling Units and Single-Family Attached Dwelling) and Sec. 9.4.3, Description of Commercial Services (Outdoor Sales).

BACKGROUND: From time to time, amendments to the UDO are necessary to address insufficient procedural processes and standards. The attached proposed amendments relate to both processes and standards, and are highlighted below:

- **Certificate of Construction Compliance:** A Certificate of Construction Compliance is required to ensure that site improvements, including landscaping, are completed and comply with the approved Final Development Plan. Amendments are proposed to 1) distinguish between temporary and final certificates for residential and commercial (which includes multi-family residential); and, 2) require that a site or phase be at least 75% completed relative to the monetary value of the improvements for temporary certificates, and that the site or phase be in a safe and accessible condition.
- **Outdoor Sales (Definition and Conditions):** Amendments include: 1) Refining the definition; 2) expansion of the types of merchandise that can be sold temporarily when not associated with a Retail Business (presently limited to agricultural goods, seafood and seasonal goods, such as Christmas trees); 3) improving conditions related to display, including location, time, and area size; 4) acknowledging plant nurseries as a type of outdoor sales use; and, 5) distinguishing temporary and seasonal sales, and allowing the UDO Administrator to determine appropriate use conditions.
- **Parking:** 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); and, 8) correction of typos.
- **Nonconformities:** Amendments include: 1) Removal of the requirement that the UDO Administrator make determinations that illegal nonconformities are illegal as the UDO already states they such nonconformities are subject to removal and termination; and, 2) removal of conflicting text with regards to certain site improvements that may become nonconforming because of right-of-way dedication or acquisition.
- **Family and Single Household Definitions:** Amendments include: 1) an update of the “Family” definition to expand the current definition to comply with changes in law, including a process to recognize non-blood or other legally recognized familial structures; and, 2) a new definition – Single Household Unit – to support the definition of “Family” by identifying the shared

responsibilities, activities and interactions that are the basis for a single household unit, which may be recognized as a family.

- **Residential Use Descriptions:** Primary amendments include: 1) an update to the definition of “Accessory Dwelling Unit” or ADU to indicate the elements/facilities required within the unit, and that the ADU can be detached or attached to a principal dwelling unit; and, 2) a revision to “Single-Family Attached Dwelling” to indicate that attached units within the same building do not have to be on separate lots of record and must have primary ground floor access.

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 proposed 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 proposed amendments have no relationship to this criterion.

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

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

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. Planning Commission Public Hearing and Recommendation	April 26, 2023	✓
Step 2. Town Council – 1st Reading	June 13, 2023	×
Step 3. Town Council Meeting – Final Reading and Public Hearing	July 11, 2023	×

PLANNING COMMISSION ACTIONS: As granted by the powers and duties set forth in Sec. 2.2.6.C.4 of the UDO, the Planning Commission 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.

STAFF RECOMMENDATION: Growth Management staff recommends the Planning Commission recommend approval of the proposed Text Amendments as submitted.

ATTACHMENTS:

1. Proposed UDO Amendments