

BLUFFTON TOWN COUNCIL AND PLANNING COMMISSION JOINT WORKSHOP MINUTES

January 17, 2023

Mayor Pro Tem Larry Toomer called the meeting to order at 5 P.M. Council members present were Bridgette Frazier, Dan Wood and Fred Hamilton. Sulka was absent. Planning Commission members present were Amanda Denmark, Charlie Wetmore, Kathleen Duncan, Rich Delcore, Lydia DePauw, and Jim Flynn. Town Manager Stephen Steese, Assistant Town Manager for Planning and Projects Heather Colin, Chief of Police Joe Babkiewicz, Planning Director Kevin Icard, and Town Clerk Kimberly Gammon were also present.

The pledge and invocation were given by Councilman Hamilton.

Adoption of the Agenda:

Wood made a motion to approve the agenda as presented. Hamilton seconded. The motion carried unanimously.

Public Comment - Pertaining only to agenda items

There were no public comments.

Workshop Items:

Joint Workshop with Town Council and Planning Commission Regarding Potential Amendments to Chapter 23, Unified Development Ordinance

Icard stated that the purpose of this workshop is to ensure that the Town's regulatory framework for development and redevelopment aligns with both the Town's Strategic Plan and Comprehensive Plan, it is necessary to conduct periodic assessments of the Unified Development Ordinance. Amendments can be necessary because of changes in laws and technology, and they can be the result of new and reconsidered plans, as well as responses to development issues.

Icard reviewed several miscellaneous amendments that are related to outdated terminology and typos such as basement, building, buffer, conditional use, easement, right-of-way, stucco, artisan workshop, and pet store in addition to the revision of definitions for residential uses and family terms such as Residential uses, dwelling unit, accessory dwelling, single-family detached dwelling, single-family attached dwelling, family, and single household unit.

Legal Nonconformities, which is defined as "When a use, structure, lot dimension, or other site improvement was lawfully established previously but does not conform to current Town standards." The word "previously" means prior to adoption of or a change to the zoning ordinance. Staff has proposed an amendment that would remove the requirement that forces the UDO Administrator to determine if a nonconformity is illegal and if its continuance would have an impact on public health, safety, and welfare. The rationale for the change is that there is no compelling reason legally for the UDO Administrator to make such a determination and that it could cause difficulties when the Town attempts to abate or remove any illegal nonconformity.

In regard to Procedures, there is currently not a section included for public notices and appeals – that section has been added on. As you recall, a requirement was recently added that adjacent property owners must be notified when development is taking place near them. With the current way that the

Code is written, the notice is to be provided within 15 days of the application. Issues have been noted that with this procedure, the 15 day notice does not coincide with the date that the project goes before Planning Commission. The proposed amendment is that a certified letter be required 15 days before the project will go before Planning Commission.

Appeals will be an addition to the code, as there is currently not a section that includes them.

Additional proposed changes include a portion of Article 5 – Parking. Staff is suggesting to eliminate public parking within 500 feet of the use being counted towards the current parking requirement; reduce the percentage of required parking that is presently allowed for compact cars from 25% to 10% and to provide parking space dimensions; eliminate golf cart parking from counting towards required parking spaces and providing parking space dimensions; and require electric vehicle (EV) charging stations for certain uses (such as a large commercial center).

Outdoor Sales were addressed. The reason for the proposed amendments are that the UDO requirements are too restrictive. Outdoor sales are permitted as Conditional Use in nine (9) zoning districts but are limited to agricultural goods, seafood and seasonal sales. Limitation causes most businesses with outdoor sales to be in violation.

Accessory Structures have several updates needed regarding various building types in the historic district. Such changes include definitions for Garden Structure, Shed, and Accessory Structures. In addition, the minimum size range if a Carriage House/Accessory Use from 200 square feet to 121 square feet to distinguish the required review type: Site Feature Permit or Certificate of Appropriateness.

Accessory Sales were addressed. Amendments would allow any business to have accessory outdoor sales of items that are of a similar type sold indoors with limitation as to size of sales area, location, hours of display and that comply other UDO requirements, such as parking and buffers.

Principal and Temporary Sales were addressed. Some outdoor uses, such as plant nurseries and seasonal sales, are principal and temporary uses – less stringent standards than businesses with accessory outdoor sales proposed.

Icard stated that there are some edits that need to be made in Preservation. Removal of reference to and standards for Large Footprint buildings, which are permitted only the Neighborhood Core District.

Delisting a Resource establishes a formal process by which the Contributing Resource status may be removed. Historic Preservation Commission has made the following recommendation to Town Council to use : 1.) no longer meets the criteria for designation because the qualities that caused it to be originally designated have been lost or destroyed, or 2.) the criteria to designate a Contributing Resources no longer applies.

Relocation of a Resource: Work is underway to develop relocation standards for Contributing Resource, which could vary by resource status. The preferred manner in which relocation should occur is 1.) Structure is fully intact; 2.) Structure is partially disassembled; or 3.) Structure is fully disassembled for reassembly in a new location.

Disassembly would require detailed drawings, photographs, plan outlining process for disassembly and reassembly to include how materials will be stored, protected, and moved.

Demolition should be a “last resort” after all efforts have been made to rehabilitate or relocate a Contributing Resource. Deconstruction may be preferable for some resources.

There will be an additional workshop and follow-up on these and potentially additional items at a later date.

Wood made a motion to adjourn. Hamilton seconded.

Larry Toomer, Mayor Pro Tem

Kimberly Gammon, Town Clerk